

STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of:	:
	:
CATALANO CONTRACTING, INC.,	:
	:
Petitioner,	:
	:
	: DOCKET NO. PR 08-041
To Review Under Section 101 of the Labor Law:	:
An Order to Comply with Article 6 of the Labor Law,	: <u>RESOLUTION OF DECISION</u>
dated February 1, 2008,	:
	:
- against -	:
	:
THE COMMISSIONER OF LABOR,	:
	:
Respondent.	:
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APPEARANCES

Zdarsky, Sawicki & Agostinelli, LLP, Joseph E. Zdarsky of counsel, for Petitioner.

Maria L. Colavito, Counsel to the New York State Department of Labor, Benjamin T. Garry of counsel, for Respondent Commissioner of Labor.

WHEREAS:

1. Pursuant to Labor Law Section 101 and Part 66 of the Board's Rules of Procedure and Practice, on March 31, 2008, Petitioner commenced the above proceeding by filing a petition for review of an Order that Respondent issued on February 1, 2008 against Petitioner; and
2. Respondent Commissioner of Labor filed an answer to the petition on May 23, 2008; and
3. The parties participated in a pre-hearing telephone conference held on behalf of the Board; and
4. Upon notice to the parties, a hearing was held on June 6, 2009 in Buffalo, New York; and

5. At the hearing, the parties entered into a Stipulation of Settlement (Settlement) on the record; and
6. The parties' Settlement provides, in part, that the Petitioner withdraws the petition; and
7. The Board's Rules of Procedure and Practice (Rules) 65.15 provide the "[a]t any stage of a proceeding, a party may withdraw his petition . . . subject to the approval of the Board; and
8. The Board approves the Petitioner's withdrawal of the petition, finds that further review of the Order here is unnecessary, and that the proceeding should be discontinued.

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

The above proceeding be, and the same hereby is, discontinued in accordance with the Board's Rules.



Anne P. Stevason, Chairman



J. Christopher Meagher, Member



Mark G. Pearce, Member



Jean Grumet, Member



LaMarr J. Jackson, Member

Dated and signed in the Office
of the Industrial Board of Appeals
at New York, New York, on
August 27, 2009.