

SCOTT MIKOLAY AND MIKOLAY JEWELERS INC.

Docket No. PR 09-068

STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of:

SCOTT MIKOLAY AND MIKOLAY JEWELERS,
INC.,

Petitioners,

To Review Under Section 101 of the Labor Law:
An Order to Comply with Article 6, and an Order
under Article 19 of the Labor Law, both dated
March 20, 2009,

- against -

THE COMMISSIONER OF LABOR,

Respondent.
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DOCKET NO. PR 09-068

RESOLUTION OF DECISION

APPEARANCES

Scott Mikolay, *pro se* for Petitioners.

Maria L. Colavito, Counsel, NYS Department of Labor, Benjamin T. Garry of Counsel, for Respondent.

WHEREAS:

1. Pursuant to Labor Law Section 101 and Part 66 of the Board's Rules of Procedure and Practice (Rules), on March 28, 2009, the Petitioners commenced the above proceeding by filing a petition for review of the Orders dated March 20, 2009 that the Respondent Commissioner of Labor (Commissioner) issued against the Petitioners; and
2. The Commissioner filed an answer to the petition on May 7, 2009; and
3. The parties participated in a pre-hearing telephone conference held on behalf of the Board; and
4. On March 16, 2010 the parties filed a fully executed Stipulation of Settlement (Settlement); and

5. The parties' Settlement provides, in part, that the Petitioners withdraw the petition; and
6. Rule 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
7. The Board approves the Petitioners' withdrawal of the petition, finds that further review of the Orders 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.



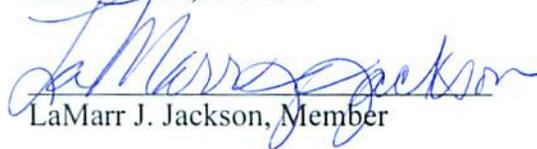
Anne P. Stevason, Chairman



J. Christopher Meagher, Member



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
April 21, 2010.