

FRANCESCO BILOTTA AND RAP PIZZA, INC.

Docket No. PR 09-070

STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

-----X
In the Matter of the Petition of:

FRANCESCO BILOTTA AND RAP PIZZA, INC.,

Petitioners,

To Review Under Section 101 of the Labor Law:
An Order to Comply with Article 19, an Order to
Comply with Article 6, and an Order to Comply with
Articles 5, 6, 7, and 19 of the Labor Law, all dated
February 5, 2009,

DOCKET NO. PR 09-070

RESOLUTION OF DECISION

- against -

THE COMMISSIONER OF LABOR,

Respondent.
-----X

APPEARANCES

Lall & Associates, P.C., George E. Victori of Counsel, for Petitioners.

Maria L. Colavito, Counsel, NYS Department of Labor, Larissa C. Wasyl 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 or before April 6, 2009, Petitioners commenced the above proceeding by filing a petition for review of three Orders to Comply (Orders) that Respondent Commissioner of Labor (Commissioner) issued on February 5, 2009 against Petitioners; and
2. The Commissioner filed an answer to the petition on May 14, 2009; and
3. The parties participated in a pre-hearing telephone conference held on behalf of the Board; and
4. On March 11, 2010, the parties filed a fully executed Stipulation of Settlement with the Board; and

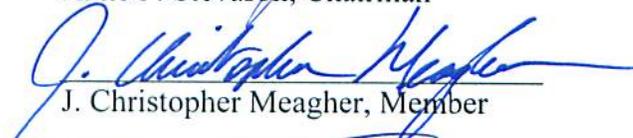
5. The parties' Settlement provides, in part, that the Petitioners withdraw the petition; and
6. Rule 65.15 provides that "[a]t any stage of a proceeding, a party may withdraw his Petition . . . subject to the approval of the Board;" and
7. The Board approves the Petitioners' withdrawal of the petition, 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.



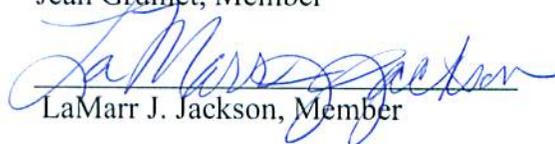
Anne P. Stevason, Chairman



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.