



purposes, shall have endorsed thereon or annexed thereto the approval of the industrial board of appeals . . . .

The Applicant seeks approval of a Certificate of Incorporation with the corporate name containing the word “union” and is thus subject to Board approval pursuant to Not-for-Profit Corporation Law § 404 (j).

Labor Law § 104 governs the Board’s review of corporate instruments that are submitted to it for approval in accordance with the requirements of other statutes, including Not-for-Profit Corporation Law § 404 (j). Section 104 states that the Board

shall make such inquiry as it may deem advisable . . . to determine whether or not the purposes of the proposed corporation are in all respects consistent with public policy and the labor law, and whether the corporate name is in all respects consistent with its purposes and activities or tends to be misleading.

Pursuant to Labor Law § 104, we find that although the purposes of the proposed corporation are consistent with public policy, the Application cannot be approved because the proposed corporate name, “Union of Dominican Visual Artists”, may mislead the public to believe that it is an organization of visual artists formed for their mutual betterment, protection and advancement (*see Matter of Tool Owners Union v Roberts*, 190 Misc 577 [Sup Ct New York County 1947] [misleading and confusing name is one of the grounds upon which Board may deny approval of an application before it]). Accordingly, the Application for approval of the proposed Certificate of Incorporation is denied.

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

1. The Certificate of Incorporation is disapproved; and
2. A certified copy of this Resolution be annexed thereto.

WITNESS, the signatures of the Members of the Industrial Board of Appeals and the Seal of the Industrial Board of Appeals of the State of New York, at New York, New York, on the 23<sup>rd</sup> day of January, 2008.



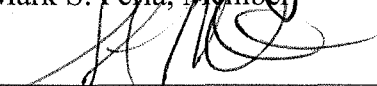
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Anne P. Stevason, Chairman



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Mark S. Perla, Member



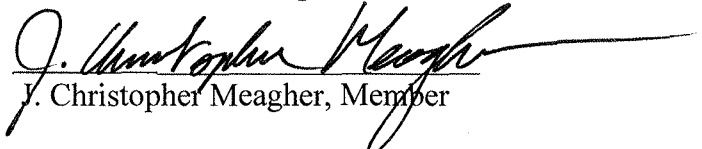
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Gregory A. Monteleone, Member



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Susan Sullivan-Bisceglia, Member



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J. Christopher Meagher, Member

Dated and signed in the Office of the Industrial Board of Appeals, at New York, New York, on January 23, 2008.

Filed in the Office of the Industrial Board of Appeals, at Albany, New York, on January 28, 2008.

DAR