

STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

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 In the Matter of the Application of: :
 :
 THE PEDICAB UNION ASSOCIATION : DOCKET NO. CI 11-003
 :
 For Approval of a Corporate Instrument Pursuant to New : RESOLUTION OF DECISION
 York State Labor Law § 104 and New York State Not-for- :
 Profit Corporation Law § 404 (j). :
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WHEREAS:

1. An application having been filed, on January 24, 2011, for approval of a certificate of incorporation for a not-for-profit corporation, in the above entitled matter; and
2. As submitted, the application was not susceptible to approval by the Board and the applicant was so advised by letter dated April 15, 2011, which letter requested that the applicant request a hearing or submit in writing a detailed explanation of why it believed that its articles of incorporation merited approval; and
3. As applicant, by letter dated September 22, 2011, requested a hearing; and
4. As, upon notice to the parties, a hearing was held on January 25, 2012, in New York, New York before J. Christopher Meagher, Board Member and designated hearing officer in this proceeding at which applicant was afforded a full opportunity to submit evidence, make statements to the issues and answer questions; and
5. As the hearing notice advised the applicant to be prepared to show, by competent and reliable evidence, and answer questions from the Board on several issues, including, as described in Board Rule 67.3:

“If the proposed corporation is to function as a labor union or if it is likely to affect the activities of existing labor unions, a sufficient description of the labor-management conditions and relations in the industry in which the proposed corporate organization is to operate; its intended scope of activities; its geographical area; and the impact . . . its operations will or are likely to have on existing labor-management relations in the field in which it seeks to operate; and

6. As applicant, at the hearing, was advised to submit, after the hearing, additional information for the Board’s consideration (including a copy of the home page of the website for an existing pedicab “union,” a copy of an email from a potential insurer of pedicab owners and drivers indicating that the word “union” would have to appear in the applicant’s name to be insured at discounted rates, and a copy of a pedicab lease or rental agreement) , which applicant agreed to submit; and

7. As the Board, having given due consideration to all the papers filed herein, makes the following determinations pursuant to the provisions of Labor Law § 104:
- a. To date, there has been no reply or further written communication from the applicant, including any correspondence providing the requested information; and
 - b. A determination concerning the application requires further submissions by the applicant; and
 - c. The applicant has had sufficient opportunity to comply with requirements of the Board's Rules of Procedure and Practice concerning its application, and the proceeding should be discontinued without prejudice.

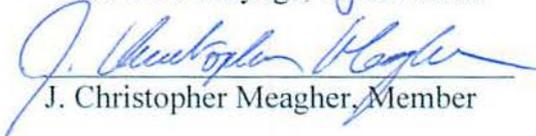
NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

The above proceeding be, and the same hereby is, discontinued without prejudice in accordance with the Board's Rules of Procedure and Practice.

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 Albany, New York, on April 29, 2015.



Vilda Vera Mayuga, Chairwoman



J. Christopher Meagher, Member

LaMarr J. Jackson, Member



Michael A. Arcuri, Member



Frances P. Abriola, Member

Dated and signed in the Office
of the Industrial Board of Appeals
at Albany, New York on
April 29, 2015.

7. As the Board, having given due consideration to all the papers filed herein, makes the following determinations pursuant to the provisions of Labor Law § 104:
- a. To date, there has been no reply or further written communication from the applicant, including any correspondence providing the requested information; and
 - b. A determination concerning the application requires further submissions by the applicant; and
 - c. The applicant has had sufficient opportunity to comply with requirements of the Board's Rules of Procedure and Practice concerning its application, and the proceeding should be discontinued without prejudice.

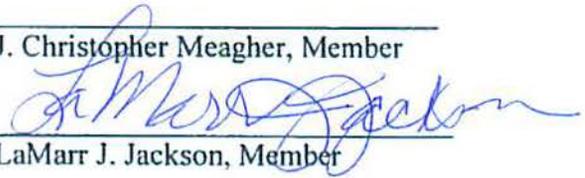
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Vilda Vera Mayuga, Chairwoman

J. Christopher Meagher, Member



LaMarr J. Jackson, Member

Michael A. Arcuri, Member

Frances P. Abriola, Member

Dated and signed by a Member
of the Industrial Board of Appeals
at Buffalo, New York on
April 29, 2015.