

STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of: :

MICHAEL CIPOLLA and MICHAEL LUTZ (D/B/A :
FIVE STAR ROOFING CONSULTANTS and :
SERVICES), :

Petitioners, :

DOCKET NO. PR 10-287

To Review Under Section 101 of the Labor Law: :
An Order to Comply With Article 6 of the Labor Law, :
and an Order Under Article 19 of the Labor Law, both :
dated June 28, 2010, :

RESOLUTION OF DECISION

- against - :

THE COMMISSIONER OF LABOR, :

Respondent. :
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APPEARANCES

Hodgson Russ LLP, John M. Godwin of Counsel, for the petitioners;

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

WHEREAS:

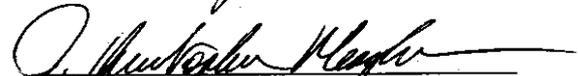
1. The above proceeding was commenced by the filing of a petition for review pursuant to Labor Law § 101 and Part 66 of the Industrial Board of Appeals' Rules of Procedure and Practice (Rules) (12 NYCRR Part 66) on September 1, 2010; and
2. On March 24, 2011, the parties filed a duly executed stipulation of withdrawal of the orders to comply issued against the petitioners; and
3. The stipulation provides that the orders should not have been issued against the petitioners and therefore are withdrawn by the respondent; and
4. The Board approves the withdrawal of the orders.

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

This proceeding be, and the same hereby is, dismissed in accordance with the Board's Rules.



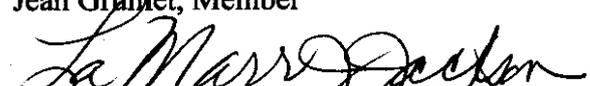
Anne P. Stevason, Chairman



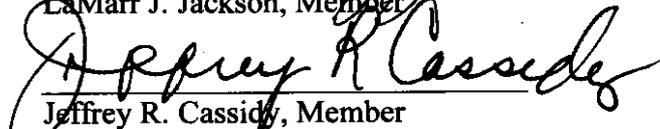
J. Christopher Meagher, Member



Jean Grumet, Member



LaMarr J. Jackson, Member



Jeffrey R. Cassidy, Member

Dated and signed in the Office
of the Industrial Board of Appeals
at New York, New York, on
April 27, 2011.