

STATE OF NEW YORK  
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of: :  
 :  
VK REAL ESTATE HOLDINGS, LLC T/A VK :  
HOLDING CORPORATION, :  
 :  
 :  
Petitioner, : DOCKET NO. PR 18-084  
 :  
 :  
To Review Under Section 101 of the Labor Law: : RESOLUTION OF DECISION  
An Order to Comply with Articles 6 and 19 of the Labor :  
Law, dated December 4, 2018, :  
 :  
 :  
- against - :  
 :  
 :  
THE COMMISSIONER OF LABOR, :  
 :  
 :  
Respondent. :  
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**APPEARANCES**

*Irina Kessler*, for petitioner pro se.

*Pico P. Ben-Amotz*, General Counsel, NYS Department of Labor, Albany (*Kevin E. Jones* of counsel), for respondent.

**WHEREAS:**

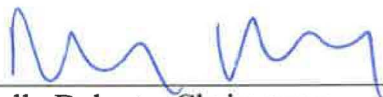
The above proceeding was commenced on December 12, 2018, when petitioner VK Real Estate Holdings, LLC T/A VK Holdings Corporation (hereinafter "VK Real Estate") filed a petition for review pursuant to Labor Law § 101 and Part 66 of the Rules of Procedure and Practice (Board Rules) (12 NYCRR) Part 66 challenging an Order to Comply with Articles 6 and 19 of the Labor Law, (hereinafter "order") issued against them by the respondent, Commissioner of Labor. The petition alleges that petitioner has never had an employee, has never employed the claimant listed in respondent's order, never conducted business from the addresses listed in respondent's order, and does not know the other individual upon which respondent's order was served. As such, VK Real Estate requested to be removed from respondent's order. VK Real Estate is the sole petitioner in this case and is the only party named on the order.

On December 19, 2018, the Board served the petition on respondent Commissioner of Labor, who filed her answer on January 17, 2019. On March 19, 2019, the Board received a letter from respondent seeking leave to amend the order to comply to remove petitioner's name. Respondent asserted that, based on "further review of the case file, the Department has concluded that Petitioner was not an Employer as defined in Section 651.6 of the New York State Labor Law." The Board has deemed respondent's letter to be a motion seeking leave to amend the order.

After review of the petition and correspondence, and after full consideration of the Board's Rules of Procedure and Practice, the Board grants the motion and the order is amended to remove petitioner VK Real Estate. Thus, the Board grants the petition and, as VK Real Estate is the only named party on the order, revokes the order.

**NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:**

1. Effective as of the date of this Resolution of Decision, the Board approves respondent's motion to amend the Order to Comply with Articles 6 and 19 of the Labor Law dated December 4, 2018, to remove VK Real Estate; and
2. The petition of VK Real Estate is granted and the Order to Comply is revoked.

  
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Molly Doherty, Chairperson

  
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J. Christopher Meagher, Member

  
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Michael A. Arcuri, Member

  
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Gloribelle Perez, Member

Dated and signed by the Members  
of the Industrial Board of Appeals  
in New York, New York,  
on May 29, 2019.