

STATE OF NEW YORK  
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of: :

MICHAEL SCOTT BREGMAN, :

Petitioner, :

To Review Under Section 101 of the Labor Law: :  
An Order to Comply with Article 6 of the Labor Law, :  
dated November 23, 2018, :

DOCKET NO. PR 19-009

RESOLUTION OF DECISION

- against - :

THE COMMISSIONER OF LABOR, :

Respondent. :  
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**APPEARANCES**

*Klein Zelman Rothermel Jacobs & Schess LLP*, New York (*Jesse Grasty* and *Jane Jacobs* of counsel), for petitioner.

*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 January 18, 2019, when petitioner Michael Scott Bregman (hereinafter "Bregman") filed a petition for review pursuant to Labor Law § 101 and the Rules of Procedure and Practice (Board Rules) (12 NYCRR) Part 66, challenging an Order to Comply with Article 6 of the Labor Law, (hereinafter "order") issued against him and Noel Ashman AKA Noel Natuan Ashman and Mona NYC Inc. T/A Leonora, by the respondent, Commissioner of Labor. The petition alleges that petitioner's involvement in the subject business was limited to assisting with obtaining a liquor license. The petition states that Bregman did not hire any staff, supervise or otherwise control employee schedules or other conditions of employment, determine employee rates of pay, or create or maintain any employment records for the business. The petition further states that Bregman had no access to the premises after September 26, 2014. As such, Bregman requested that he be removed from respondent's order. Bregman is the sole petitioner in this case.

On January 25, 2019, the Board served the petition on respondent Commissioner of Labor, who filed her answer on February 1, 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 Michael Scott Bregman’s name.

The underlying order named another individual and a corporate entity, neither of which has petitioned the Board to review the order pursuant to Labor Law § 101 (1). The underlying order as issued against Noel Ashman AKA Noel Natuan Ashman and Mona NYC Inc. T/A Leonora remains valid unless declared invalid in a proceeding before the Board under Labor Law § 103 (1). Thus, the Board is granting the petition and revoking the order only as to the named individual Michael Scott Bregman.

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

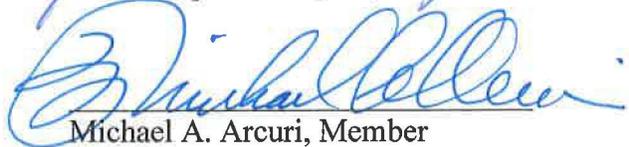
1. Effective as of the date of this Resolution of Decision, the Board approves respondent’s motion to amend the Order to Comply with Article 6 of the Labor Law dated November 23, 2018, to remove Michael Scott Bregman’s name, and
2. The petition of Michael Scott Bregman is granted.



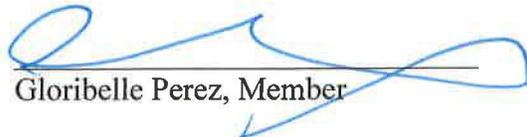
Molly Doherty, Chairperson



J. Christopher Meagher, Member



Michael A. Arcuri, Member



Gloribelle Perez, Member

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