

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 The stipulation provides that the orders should not have been issued against the petitioners and therefore are withdrawn by the respondent; and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.

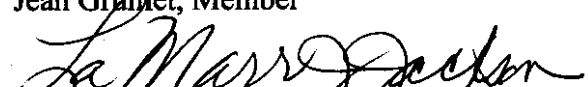
**NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:**

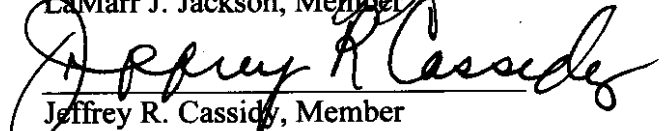
This proceeding be, and the same hereby is, dismissed in accordance with the Board's Rules.

  
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Anne P. Stevason, Chairman

  
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J. Christopher Meagher, Member

  
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Jean Grumet, Member

  
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LaMarr J. Jackson, Member

  
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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.