

STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of: :

YAKOV BASMANOV A/K/A JON BASMANOV :
AND BBY MANAGEMENT CORP. AND 1726 :
DAVIDSON LLC AND 300 ASSOCIATES LLC, :

Petitioners, :

DOCKET NO. PR 10-394

To Review Under Section 101 of the Labor Law: :
An Order To Comply With Article 6 of the Labor Law :
And An Under Article 19 of the Labor Law, both :
dated January 26, 2011 :

RESOLUTION OF DECISION

- and - :

YAKOV J. BASMANOV AND JHON BASMANOV :
(T/A AC APARTMENT), :

Petitioners, :

To Review Under Section 101 of the Labor Law: :
An Order To Comply With Article 6 of the Labor Law :
And An Under Article 19 of the Labor Law, both :
dated June 16, 2010 :

against - :

THE COMMISSIONER OF LABOR, :

Respondent. :

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APPEARANCES

Yakov Basmnaov A/K/A Jon Basmanov, *pro se*, and David Sanasky, for Petitioners.

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 December 21, 2010, for Orders to Comply issued against Yakov J. Basmanov and Jhon Basmanov (T/A AC Apartment) on June 16, 2010; and
2. The petition did not follow the Rules; and
3. By letter dated January 14, 2011, the petitioner was requested to file an amended petition that included, *inter alia*, the identity, phone number and address of each petitioner, the specific facts alleged to show the Commissioner of Labor's (Commissioner) Orders were unreasonable or invalid, and a copy of the Orders; and
4. On January 26, 2011, the Commissioner issued two Orders to Comply with Articles 6 and 19 of the Labor Law against Yakov Basmanov A/K/A Jon Basmanov and BBY Management Corp. and 1276 Davidson LLC and 300 Associates LLC; and
5. On March 24, 2011, the Industrial Board of Appeals (Board) received a Petition for Review of the January 26, 2011 Orders. Attached to the petition were the June 16, 2010 and January 26, 2011 Orders, but the petition did not comply with Rule 66.3 (e), which requires that the petition "state clearly and concisely the grounds on which the matter to be reviewed is alleged to be invalid or unreasonable, omitting conclusions of fact or law;" and
6. By letter dated March 4, 2011, the petitioners were requested to file an amended petition for the Orders dated June 16th, and an original and three copies of a separate amended petition for the January 26th Orders. Petitioners were informed that if the amended petitions were not received by the Board or before May 4, 2011, the appeals may be dismissed without notice;" and
7. On April 4, 2011, the Board received an amended petition that failed to state the reasons that the order(s) were invalid or unreasonable. The petitioners were requested to file an amended petition attaching a complete copy of the orders to be reviewed and to provide the reasons the petitioners claimed that the order(s) were unreasonable or invalid. The petitioners were informed that a failure to file the amended petition before May 12, 2011, could result in a dismissal of the petitioners' appeal; and

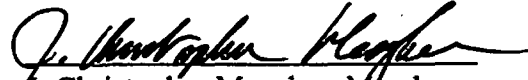
8. As of the date of this Resolution of Decision, the petitioners have failed to file an amended petition for either the June 16, 2010 or for the January 26, 2010 Orders; and
9. The Board finds that the petitioners have had ample opportunity to comply with the Board's instructions, and the proceeding should be dismissed in accordance with the Rules.

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, Chairperson

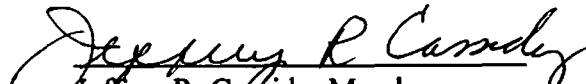


J. Christopher Meagher, Member



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
March 29, 2012.