

STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of: :

COLVILLE IVOR BASCOM AND NORTH BRONX :
ACTIVITIES CENTER, INC., :

Petitioners, :

DOCKET NO. PR 11-138

To Review Under Section 101 of the Labor Law: :
An Order to Comply With Article 6 and an Order :
Under Article 19 of the Labor Law, both dated March :
7, 2011, :

RESOLUTION OF DECISION

- against - :

THE COMMISSIONER OF LABOR, :

Respondent. :
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APPEARANCES

Colville Ivor Bascom, petitioner *pro se* and for petitioner North Bronx Activities Center, Inc.

Pico Ben-Amotz, Acting Counsel, NYS Department of Labor (Benjamin T. Garry of counsel),
for respondent.

WHEREAS:

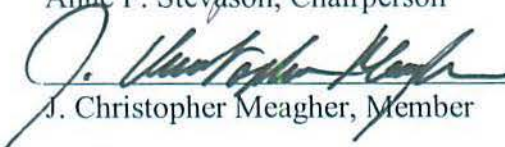
1. The above proceeding was commenced on May 6, 2011, when Petitioners Colville Ivor Bascom and North Bronx Activities Center, Inc. filed a petition for review, pursuant to Labor Law § 101 and Part 66 of the Industrial Board of Appeals' Rules of Procedure and Practice (12 NYCRR Part 66) challenging Orders to Comply No. 11-00218 issued against them on March 7, 2011; and
2. Respondent Commissioner of Labor (Commissioner) filed an Answer on July 27, 2011; and
3. Upon notice by the Board to the parties issued on March 4, 2013, a hearing was set for June 19, 2013; and

4. The hearing was adjourned on June 19, 2013, to allow the parties to exchange certain information and to engage in settlement discussions and a case management telephone conference was set for August 5, 2013; and
5. At the case management conference it was agreed by the parties and determined that the wage claims of the Order to Comply have been paid and that upon further investigation by the Commissioner the following adjustments to the orders should be made; and
6. Therefore, the Board finds that (1) the wage claims have been paid and the interest on those claims is adjusted to \$126.64 from \$205.18 and the liquidated damages on the wage claims is adjusted to \$270.00 from \$515.00; and (2) the civil penalty on the wage claims is reduced to \$540.00 from \$1,660.00. Furthermore, the civil penalty for failing to keep and/or furnish true and accurate payroll records is reduced to \$250.00 from \$500.00. Therefore, the total amount due on the orders is \$1,186.64.

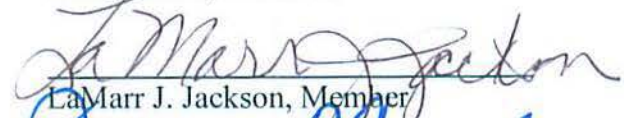
NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

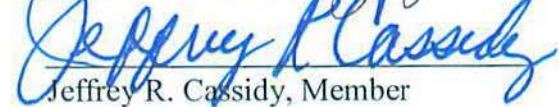
1. The Wage Order is modified as indicated.
2. The Penalty Order is modified as indicated.
3. The Petition for review be, and the same hereby is, otherwise denied.


 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
 October 2, 2013.