STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

In the Matter of the Petition of:

PIE CRAFT LLC,

Petitioner,

To Review Under Section 101 of the Labor Law:
An Order to Comply with Articles 6 and 19 of the Labor Law, dated January 3, 2020,

- against -

THE COMMISSIONER OF LABOR,

Respondent.

DOCKET NO. PR 20-043

RESOLUTION OF DECISION

APPEARANCES

Lazzaro Law Firm, P.C., Brooklyn, (Roger Greenberg, Esq. of counsel), for petitioner.

Jill Archambault, Acting General Counsel, NYS Department of Labor, Albany (Kevin E. Jones of counsel), for respondent.

WHEREAS:

The above proceeding was commenced on February 27, 2020, when petitioner filed a petition for review pursuant to Labor Law § 101 and the Industrial Board of Appeals 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 by the respondent, Commissioner of Labor against petitioner. The order under review is also issued against Thomas Corning, Shawn Zimberg, Christopher Dolan, Piecraft Island Park Inc, and Piecraft Licensing and Management LLC T/A Pie Craft Pizza Bar.¹ Petitioner asserted that it should be removed from respondent’s order because it was not an owner of or a related party to the business address identified in the order, was not in operation during the period covered by the order and was not an inter-related enterprise with the other alleged named employers contained in the order.

On March 11, 2020, the Board served the petition on respondent Commissioner of Labor, who filed an answer to the petition on June 9, 2020. On December 22, 2020, the Board received a letter from respondent requesting permission to withdraw the order as to Pie Craft LLC. The Board

¹ A separate petition has been filed on behalf of Thomas Corning, Shawn Zimberg, Christopher Dolan, Piecraft Island Park Inc., Piecraft LLC and Piecraft Licensing and Management LLC T/A Pie Craft Pizza Bar under Board Docket No. PR 20-045.
Deems this letter a motion seeking leave to amend the order to remove petitioner Pie Craft LLC from 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 respondent's letter motion requesting permission to amend the order to remove petitioner Pie Craft LLC from the order. Thus, the Board grants the petition and revokes the order only as to Pie Craft LLC.

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

1. Respondent's motion for leave to amend the Order to Comply dated January 3, 2020 to remove Pie Craft LLC from the order is granted; and,

2. The petition of Pie Craft LLC is granted.

Dated and signed by the Members of the Industrial Board of Appeals on February 24, 2021.

Molly Doherty, Chairperson
New York, New York

Michael A. Arcuri, Member
Utica, New York

Gloribelle J. Perez, Member
New York, New York

Patricia Kakalec, Member
Brooklyn, New York

Najah Farley, Member
Brooklyn, New York