



In the Matter of:

**ADMINISTRATOR,
WAGE AND HOUR DIVISION,
U. S. DEPARTMENT OF LABOR,**

PLAINTIFF,

v.

**KEYSTONE FLOOR REFINISHING COMPANY, INC. d/b/a
KEYSTONE FLOOR REFINISHING Co., and
DANIEL LIEZ,**

RESPONDENTS.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

Appearances:

For the Plaintiff:

**Roger W. Wilkinson, Esq., Paul L. Frieden, Esq., Steven J. Mandel, Esq.,
U.S. Department of Labor, Washington, D.C.**

For the Respondents:

Mervin M. Wilf, Esq., Philadelphia, Pennsylvania

ERRATA

On September 23, 2004, the Administrative Review Board issued a Final Decision and Order in this case. The Acting Administrator filed a Motion to Clarify on October 5, 2004, requesting that the Board correct two sentences in the decision. In support of the Motion, the Acting Administrator stated:

On page 6 of the Board's decision, in the second sentence of the first full paragraph, the Board states, "Stipulation (5) states that Keystone employed Martin in commerce or in the production of goods for commerce within the meaning of the FLSA, thus establishing enterprise coverage under

section 212(c). 29 U.S.C.A. § 212(c).” However stipulation (5) establishes “individual” coverage, not enterprise coverage. . . .

On page 6 of the Board’s decision, in the third sentence of the first full paragraph, the Board states, “Stipulation 15 states that President Daniel Liez manages Keystone’s daily operations, makes all employment decisions, and determines corporate policy, thus establishing individual coverage under section 203(d). 29 U.S.C.A. § 203(d).” To avoid any possible misunderstanding . . . the Acting Administrator urges that the sentence be changed to make clear that stipulation number 15 establishes individual employer liability.

We agree that the sentences should be corrected and therefore, **GRANT** the Acting Administrator’s motion. Accordingly, we reissue Final Decision and Order, as corrected in accordance with the Acting Administrator’s motion. In all other respects, the decision remains unchanged.

SO ORDERED.

WAYNE C. BEYER
Administrative Appeals Judge

M. CYNTHIA DOUGLASS
Chief Administrative Appeals Judge