

BEFORE STATE OF ILLINOIS
ILLINOIS DEPARTMENT OF LABOR
160 N. LASALLE STREET, 13th FLOOR
CHICAGO, IL 60601

IN THE MATTER OF:)	
)	
MICHAEL MABUS, as member of the)	
GLAZIERS, LOCAL 27)	
)	
PETITIONER(S),)	STATE FILE NO. 2019-H-PK08-2245
)	
v.)	
)	
MICHAEL D. KLEINIK, ACTING DIRECTOR OF)	
THE ILLINOIS DEPARTMENT OF LABOR, and)	
THE ILLINOIS DEPARTMENT OF LABOR,)	
)	
RESPONDENTS.)	

ORDER

THIS MATTER COMING on to be heard under the Prevailing Wage Act, 820 ILCS 130/0.01-12 and Notice of Hearing and pre-hearing conference issued there under; and, 56 Illinois Administrative Code 120.130, all parties having been duly advised in the premises issues this order;

FINDINGS:

The Illinois Prevailing Wage Act, 820 ILCS 130/9 provides the:

[D]epartment of Labor, must rule upon the written objection and make such final determination as it believes the evidence warrants, and promptly file a certified copy of its final determination with such public body, and serve a copy by personal service or registered mail on all parties to the proceedings. The final determination by the Department of Labor or a public body shall be rendered within 30 days after the conclusion of the hearing.

Pursuant to 56 Ill. Adm. Code 120.100 and 56 Ill. Adm. Code 120.650 (a) and (b):

a. When the Director is required by law to be the sole, personal acting officer, the ALJ shall, in lieu of decision and order under Section 120.640, make recommendations by way of proposal for decision. The recommendations shall be made upon consideration of the record as a whole or portion of the record as may be supported by competent, material and substantial evidence.

b. The ALJ shall forward a copy of his or her proposed findings of fact, opinions and recommendations to each party of record and each party of record shall be allowed 10 days in which to submit exceptions to the findings, opinions and recommendations of the ALJ and to present a brief in support of those exceptions. In the event no timely or proper exceptions are filed, all objections and exceptions to the ALJ's recommendation shall be deemed waived for all purposes. The Director shall review the record and issue a final Decision and Order.

IT IS HEREBY ORDERED:

1. The caption of this matter is amended as reflected above.
2. By agreement of the parties (attached herein), this matter is dismissed with prejudice.
3. The Act does not provide authority to the Administrative Law Judge to render the final decision under 820 ILCS 130/9. The agreed order provides this matter be *dismissed with prejudice* and has been signed accordingly. The matter is referred to the Director of Labor for Final Decision and Order.

IT IS HEREBY ORDERED:

DATE: February 22, 2019

/s/ Claudia D. Manley

Claudia D. Manley
Chief Administrative Law Judge

Claudia D. Manley
Chief Administrative Law Judge
Illinois Department of Labor
160 N. LaSalle St., Ste. C-1300 Chicago, IL 60601
V: 312-793-1805
DOL.hearings@illinois.gov

STATE OF ILLINOIS- DEPARTMENT OF LABOR
CONCILIATION/MEDIATION DIVISION
160 N. LASALLE ST. STE. C-1300
CHICAGO, IL 60601

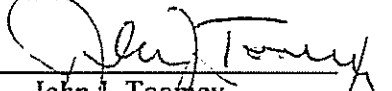
IN THE MATTER OF:)
)
MICHAEL MABUS, as a member of the)
GLAZIERS LOCAL 27)
)
Petitioners,)
)
v.) State File No. 2019-H-PK08-2245
)
JOSEPH BEYER, DIRECTOR OF)
THE ILLINOIS DEPARTMENT OF)
LABOR and the ILLINOIS)
DEPARTMENT OF LABOR,)
)
Respondents.)

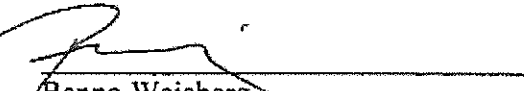
GLAZIERS LOCAL 27
STIPULATION OF DISMISSAL

Petitioner, through his attorney, JOHN J. TOOMEY, ARNOLD AND KADJAN, LLP, and Respondents, through their attorney, BENNO WEISBERG, stipulate and agree to the dismissal of the above captioned case with prejudice as all matters in controversy regarding the Prevailing Rate Determination of the classification of Glazier in Cook, DuPage, Grundy, Kane, Kankakee Lake, Kendall, McHenry and Will Counties, Illinois having been resolved.

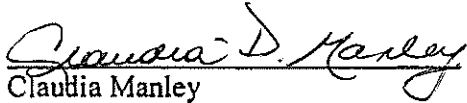
Michael Mabus
Glaziers Local 27
Petitioner

Joseph Beyer, Director, Illinois Department of
Labor, Respondents

By: 
John J. Toomey
Arnold and Kadjan, LLP
35 E. Wacker Drive, Suite 600
Chicago, Illinois 60601

By: 
Benno Weisberg
Illinois Department of Labor
160 N. LaSalle Street, Suite C-1300
Chicago, Illinois 60601

**DISMISSAL IS SO ORDERED AS TO THE RESOLVED COUNTIES ABOVE;
JURISDICTION IS RETAINED AS THE UNRESOLVED COUNTIES AND
CLASSIFICATIONS:**



Claudia Manley
Chief Administrative Law Judge
Illinois Department of Labor

Date: 2-22-19

CERTIFICATE OF SERVICE

Under penalties as provided by law, including pursuant to Section 1-109 of the Code of Civil Procedure, I Claudia Manley, an attorney, affirm, certify or on oath state, that I served notice of the attached Order upon all parties to this case, or their agents appointed to receive service of process, by enclosing a copy of the Order in Case No. 2019-H-PK08-2245 and a copy of the Certificate of Service via email addressed to each party or party's agent at the respective email address shown on the Certificate of Service, having caused each to be served at 160 N. LaSalle St., Ste. C-1300 Chicago, Illinois on the 22nd day of February, 2019 prior to 4:30 p.m. and placed on the Illinois Department of Labor's official website at and placed on the Illinois Department of Labor's official website at www.state.il.us/agency/idol/

Petitioner(s) Attorney:

John Toomey, Esq.
jtoomey100@hotmail.com

Respondent Attorney:

c/o Benno Weisberg
benno.weisberg@illinois.gov

By Messenger:

Michael D. Kleinik
Acting Director of Labor
160 N. LaSalle St., Ste. C-1300
Chicago, IL 60601

/s/ Claudia D. Manley
Claudia D. Manley, Administrative Law Judge
Illinois Department of Labor