



New York State
Department of Economic Development
Division of Minority and Women's
Business Development

In the matter of the appeal of

Athletic Fields of America, Inc.

FINAL ORDER 17-48

From a denial of certification as a Women-owned Business Enterprise pursuant to Executive Law Article 15-A.

This order arises from an administrative appeal brought on behalf of Athletic Fields of America, Inc. ("Athletic Fields") pursuant to section 144.4 of title 5 of the New York Codes, Rules and Regulations. Appellant seeks reversal of the decision of the Division of Minority and Women's Business Development (the "Division"), dated June 07, 2016, to deny Athletic Fields certification as a Women-owned Business Enterprise ("WBE").

This appeal was assigned to Administrative Law Judge Molly T. McBride. Ms. Debra Martino submitted a written appeal on behalf of Athletic Fields on August 11, 2016. Mr. Phillip Harmonick, Esq. submitted a response on behalf of the Division on April 19, 2017. The respective submissions of the parties are contained in the appeal record.


The issues on appeal were whether: Ms. Martino contributed money, property, equipment, or expertise to Athletic Fields in proportion to her equity interest therein; and Athletic Files was an independent business enterprise.

On August 09, 2017, the Division received from Administrative Law Judge McBride a Recommended Order that recommended affirmation of the Division's denial of the application to certify Athletic Fields as a WBE on the grounds set forth in the Division's June 07, 2016 letter.

After considering the appeal record, I accept the recommendation of the Administrative Law Judge as it pertains to the facts of this case. Incorporation by reference is hereby made with respect to the findings and conclusions of the Recommended Order.

It is hereby **ORDERED** that the decision to deny certification, dated June 07, 2016, is affirmed. Accordingly, Athletic Fields will not be listed in the Division's directory of certified Minority and Women-owned Business Enterprises.

August 10, 2017



Lourdes Zapata
Executive Director
Division of Minority and Women's
Business Development