

Debarred Employer Details

AGENCY:	WCB
FEIN:	*****4319
WCB Employer Number:	2931028
Employer Name:	ATLANTIC SPORT WOOD FLOORS INC
Employer DBA Name:	--
Address:	607 GATEWAY AVE VLY COTTAGE, NY 10989
Debarment Start Date:	06/24/2017
Debarment End Date:	06/24/2018

Under section 141-b of the Workers' Compensation Law, any person (or entity substantially owned by that person):

- subject to a final assessment of civil fines or penalties,
- subject to a stop-work order, or
- convicted of a misdemeanor for violation of Workers' Compensation laws Section 52 or 131.

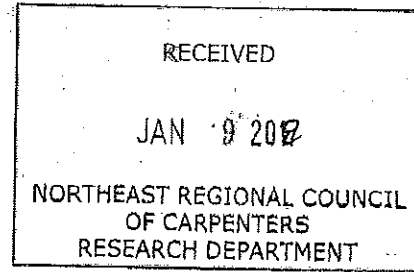
is barred from bidding on, or being awarded, any public work contract or subcontract with the State, any municipal corporation or public body for one year for each WCB violation. The ban is for five years for each felony conviction.

For purposes of Workers' Compensation Law § 141-b (Suspension and debarment), the term 'public work' only applies to projects covered by Article 8 of the Labor Law.

If you have any questions, please contact the Workers' Compensation Board at 866-546-9322.

MARLENE VALDES
Legal Assistant I

New York State Department of Labor
Harriman State Office Campus
Building 12, Room 509, Albany, NY 12240
P: (518) 485-2191 | Fax: (518) 485-1819
www.labor.ny.gov | foil@labor.ny.gov



January 2, 2018

Jamie L. McCarthy
3247 Vickery Rd.
Syracuse, NY 13212

Re: Freedom of Information Law (FOIL) Request / Our File No.: FL-17-1083

Dear Jamie L. McCarthy:

This letter is in response to your request for New York State Department of Labor records dated December 11, 2017, in which you requested:

ORDER AND DETERMINATION for Home & Sport Wood Flooring, Inc. (d.b.a. Atlantic Sport Floors) CASE ID# - PW082015005666 CASE PROCESSED APPROX. 11/14/16

The Department conducted a diligent search based on the information provided and located 12 pages of records which are attached. The Department's fee for photocopies is waived.

Please be advised that access is denied to records that are inter or intra-agency materials which are not statistical or factual tabulations or data, instructions to staff that affect the public, final agency policy or determinations, or external audits pursuant to Public Officers Law § 87(2)(g).

You may submit a written appeal of this decision within 30 days by mail to: Commissioner of Labor, New York State Department of Labor, Harriman State Office Campus, Building 12, Room 500, Albany, NY 12240. You must state a basis for appeal, attach a copy of this letter, and mark the letter and envelope as "FOIL Appeal."

Very truly yours,

Pico Ben-Amotz
Records Access Officer

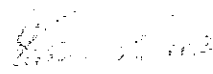
By: 
Marlene Valdes
Legal Assistant I

Exhibit A

STATE OF NEW YORK: DEPARTMENT OF LABOR

X

In the Matter of

HOME & SPORT WOOD FLOORING, INC. dba ATLANTIC
SPORT FLOORS and JOHN LIVELY, as an officer and/or
shareholder of HOME & SPORT WOOD FLOORING, INC.
dba ATLANTIC SPORT FLOORS,

ORDER AND
DETERMINATION

Prime Contractor,

for a determination pursuant to Article 8 of the Labor Law as to
whether prevailing wages and supplements were paid to or
provided for the laborers, workers and mechanics employed on a
public work project for Tarrytown Union Free School District.

Prevailing Wage Case
PRC No. 2015011401
Case ID: PW08 2015005666
Westchester County

X

This is a proceeding pursuant to Article 8 of the New York State Labor Law to determine whether the prevailing rates of wages and supplements required by statute to be paid to or provided for laborers, workers and mechanics employed on a public work project was paid to or provided for Jonatan Santos, an employee of HOME & SPORT WOOD FLOORING, INC. dba ATLANTIC SPORT FLOORS and JOHN LIVELY, as an officer and/or shareholder of HOME & SPORT WOOD FLOORING, INC. dba ATLANTIC SPORT FLOORS, (hereinafter referred to as "ATLANTIC").

Pursuant to my designation, Jerome Tracy acted as Hearing Officer and commenced a hearing on this matter on October 11, 2016. At the hearing, the Department of Labor (hereinafter referred to as "DOL") and ATLANTIC agreed to a Settlement Agreement, which was entered on the record, a copy of which is annexed hereto as Exhibit "A," and made a part hereof.

NOW, on the entire record of this hearing including the attached transcript together with the Settlement Agreement entered into between DOL and ATLANTIC on the record and due deliberation having been had, it is:

Home & Sport Wood Flooring - 10/11/16

NEW YORK STATE
DEPARTMENT OF LABOR

IN THE MATTER OF

HOME & SPORT WOOD FLOORING, INC.
dba ATLANTIC SPORT FLOORS and
JOHN LIVELY, as an officer and/or
shareholder of HOME & SPORT

WOOD FLOORING, INC. dba ATLANTIC
SPORT FLOORS,

Prime Contractor,

For a determination pursuant to
Article 8 of the Labor Law as to
whether prevailing wages and
supplements were paid to or
provided for the laborers,
workers and mechanics employed
on a public work project for
Tarrytown Union Free School District.

DATE: October 11, 2016
LOCATION: State Office Campus
Albany, New York
BEFORE: Jerome Tracy

COPY

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1 Home & Sport Wood Flooring - 10/11/16

2 APPEARANCES:

3 FOR THE DEPARTMENT:

4 Evan Zablow
5 NYS Dept. of Labor
6 State Office Campus
7 Building 12
8 Albany, New York

9 FOR THE DEFENDANT:

10 Sam Coe, Esq.
11 The Law Office of Samuel S. Coe
12 254 South Main St.
13 New City, NY 10956

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1 Home & Sport Wood Flooring - 10/11/16

2 THE HEARING OFFICER: On the record please.

3 THE REPORTER: We're on the record.

4 THE HEARING OFFICER: This is -- this is a
5 hearing in the matter of Home & Sport Wood Flooring, Inc.,
6 doing business as as Atlantic Sport Floors that was
7 brought on by the New York State Department of Labor and
8 the Counsel's office which issued a Notice of Hearing for
9 this matter.

10 Present in Albany is Evan Zablow,
11 representing the Department from the Department Counsel's
12 Office. And present in White Plains New York is Samuel
13 Coe, representing the Respondent in this matter.

14 Without going any further in an
15 introduction my understanding from the parties is that
16 they have been able to reach an agreement and wish to have
17 that memorialized in the record. Is that correct Mr.
18 Zablow?

19 MR. ZABLOW: That's correct, Your Honor.

20 THE HEARING OFFICER: All right. So I will
21 allow you to proceed. You can give the -- the terms and
22 conditions of the agreement you've reached. Mr. Coe, if
23 you have any corrections or additions you want to make you
24 can then do that. And once both parties have agreed that
25 -- that will conclude this hearing for today.

1 Home & Sport Wood Flooring - 10/11/16

2 MR. ZABLOW: Thank you, Your Honor. The
3 Department of Labor and Home & Sport Wood Flooring, Inc.,
4 doing business as Atlantic Sport Floors and John Lively,
5 as an officer and/or shareholder of Home & Sport Floor --
6 Flooring, Inc., doing business as Atlantic Sport Floors,
7 hereinafter Atlantic, have agree to settle the issues in
8 this matter.

9 Pursuant to Sections 227, 228 and 220B2 of
10 the New York State Labor Law, Atlantic agrees that it is
11 entitled to an administrative hearing prior to the
12 issuance of an order and determination by the Commissioner
13 of Labor.

14 As to all the issues set forth in the
15 Notice of Hearing and Designation of Hearing Officer dated
16 June 24, 2016. That Atlantic waives its right to said
17 hearing and judiciary review -- pardon me. Going back,
18 that Atlantic agrees that it is entitled to an
19 administrative hearing prior to the issuance of an order
20 and determination by the Commissioner of Labor as to all
21 the issues set forth in the Notice of Hearing and
22 Designation of Hearing Officer dated June 24, 2016, as a
23 result of the project with Tarrytown Union Free School
24 District.

25 That Atlantic waives it's right to said

1 Home & Sport Wood Flooring - 10/11/16
2 hearing and judiciary review thereof, and consents and
3 agrees that this stipulation shall constitute an order and
4 determination to be filed by the Commissioner of Labor,
5 which shall provide the following:

6 That Atlantic owes wages and
7 supplements to Jonathan Santos in the amount of two
8 thousand one hundred sixty-eight dollars and fifty-four
9 cents, and agrees to pay said wages and supplements. That
10 Atlantic agrees to pay interest to Mr. Santos at the
11 statutory rate of ten percent per annum, in the amount of
12 two hundred sixty-seven dollars and ninety-five cents.
13 That Atlantic agrees to pay a civil penalty in the amount
14 of four hundred eighty seven dollars and thirty cents,
15 said sum constituting a twenty percent civil penalty. The
16 total wages, supplements, interest and civil penalty
17 payable by Atlantic for this case is two thousand nine
18 hundred twenty three dollars and seventy-nine cents.

19 That the failure of Atlantic to pay
20 prevailing wages and to pay or provide prevailing
21 supplements shall constitute a willful violation for the
22 purposes of Subdivision 3B of Section 220-B of the Labor
23 Law. That Atlantic agrees to issue a certified check in
24 the amount of two thousand nine hundred twenty-three
25 dollars and seventy-nine cents, made payable to the

1 Home & Sport Wood Flooring - 10/11/16
2 Commissioner of Labor and return the same to the
3 Department on or before thirty days from today's date to
4 the following address:

5 New York State Department of Labor,
6 attention Evan S. Zablow, Attorney One, Counsel's Office,
7 Building 12, Room 509, Albany, New York, 12240. As a
8 result of this stipulation all issues relating to
9 Atlantic's responsibilities and obligations as outlined in
10 the Notice of Hearing and Designation of Hearing Officer
11 dated June 24, 2016, will have been satisfied.

12 THE HEARING OFFICER: Okay, Mr. Coe is that
13 your understanding of the agreement?

14 MR. COE: It is.

15 THE HEARING OFFICER: And do you have
16 anything to add or modify?

17 MR. COE: I do not.

18 THE HEARING OFFICER: Very well. What will
19 happen is we'll get a copy of this transcript delivered to
20 the Department and Mr. Zablow will include that as a part
21 of the Commissioner's Order when that is issued and copies
22 of those will go out to the parties.

23 MR. ZABLOW: Your Honor, just one addition.
24 Thirty days from today's date is November 9th, 2016.

25 THE HEARING OFFICER: Okay. Anything

1 Home & Sport Wood Flooring - 10/11/16

2 further?

3 MR. COE: No. Thank you, Your Honor.

4 MR. ZABLOW: Does he need to represent that
5 he has authority to settle?

6 THE HEARING OFFICER: He -- he has done
7 that already.

8 MR. ZABLOW: Thank you, Your Honor.

9 THE HEARING OFFICER: He is the attorney
10 for the Respondent.

11 Okay. In the case, thank you very much.

12 And that will conclude my portion of this hearing and
13 we're off the record.

14 (The hearing concluded.)

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1 Home & Sport Wood Flooring - 10/11/16

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3 STATE OF NEW YORK

4 I, Janet Axton, do hereby certify that the foregoing was
5 reported by me, in the cause, at the time and place, as
6 stated in the caption hereto, at Page 1 hereof; that the
7 foregoing typewritten transcription consisting of pages 1
8 through 7, is a true record of all proceedings had at the
9 hearing.

10 IN WITNESS WHEREOF, I have hereunto
11 subscribed my name, this the 25th day of October, 2016.

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Janet Axton, MA

14 Janet Axton, Reporter

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ORDERED that the Settlement Agreement on the hearing record is in all respects accepted and adopted; and it is

DETERMINED that ATLANTIC underpaid prevailing wages and supplements to its worker, Jonatan Santos on a public work project in the amount of \$2,168.54; and it is further

DETERMINED that ATLANTIC owes interest at the rate of ten percent per annum in the amount of \$267.95; and it is further

DETERMINED that ATLANTIC owes a civil penalty in the amount of \$487.30, said sum constituting a twenty percent civil penalty; and it is further

DETERMINED that total wages, supplements, interest, and civil penalties payable by ATLANTIC for this case is \$2,923.79; and it is further

DETERMINED that the failure of ATLANTIC to pay prevailing wages and to pay or provide prevailing supplements on the above named project was a **WILLFUL** violation for purposes of subdivision 3(b) of Section 220-b and subdivision 7-a of Section 220 of the Labor Law;

THIS SPACE INTENTIONALLY LEFT BLANK

THEREFORE, IT IS ORDERED that ATLANTIC remit payment in the amount of \$2,923.79 by certified check made payable to the Commissioner of Labor and return the same on or before November 9, 2016, to the following address: Department of Labor, Attention: Evan S. Zablow, Attorney 1, Counsel's Office, Building 12, Room 509, Albany, New York 12240; and it is further

ORDERED that amounts reflecting the underpayment of wages and supplements plus interest be disbursed to the workers and the remaining amount which reflects the civil penalty assessed be deposited in the State Treasury.

DATED: 11-14-16
Albany, New York



Roberta Reardon
Commissioner of Labor