

SUPREME COURT OF THE STATE OF NEW YORK, APPELLATE DIVISION,
FOURTH DEPARTMENT

Pena v. New York State Public High School Athletic Ass'n

118 A.D.3d 1456 (4th Dep't 2014) · Decided June 20, 2014

SUMMARY

The Appellate Division reversed a judgment granting a petition to annul the New York State Public High School Athletic Association's denial of an application to extend athletic eligibility. The court held that the Association's determination had a rational basis and was not arbitrary, capricious, or an abuse of discretion because the petitioner had not shown that circumstances beyond his control prevented participation.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Fourth Department
WRITING FOR THE COURT	Scudder, E.J.; Fahey, J.; Carni, J.; Valentino, J.; Whalen, J.
JURISDICTION	New York
DECIDED	June 20, 2014
DISPOSITION	reversed
PROCEDURAL POSTURE	Respondent appealed from a judgment granting an amended petition in a CPLR article 78 proceeding seeking to annul the Association's determination denying an application to extend athletic eligibility.
STANDARD OF REVIEW	A court should not interfere with the internal affairs, proceedings, rules, or orders of a high school athletic association unless its acts are arbitrary, capricious, or an abuse of discretion. The relevant test is whether the determination has a rational basis, a sound basis in reason, and a foundation in fact.
PRECEDENTIAL VALUE	Published appellate decision
PARTIES	New York State Public High School Athletic Association, Inc. v. Pena

TOPICS

- judicial review of agency action
- administrative law
- mootness
- appellate procedure
- standard of review

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the appeal was moot after the petitioner graduated and the school year for which extended eligibility was sought had passed.
2. Whether the Association's denial of the application for extended athletic eligibility was arbitrary, capricious, or an abuse of discretion.

HOLDINGS

1. The appeal was not moot because the issue presented was of public importance, concerned a matter of public interest, and was likely to recur.
2. The Association's determination was rational and was not arbitrary, capricious, or an abuse of discretion.

KEY QUOTATIONS

“[I]t is well settled that ‘[t]he courts should not interfere with the internal affairs, proceedings, rules and orders of a high school athletic association unless there is evidence of acts which are arbitrary, capricious or an abuse of discretion’ . . . Whether the acts are arbitrary and capricious ‘relates to whether . . . the committees’ actions have a sound basis in reason and have a foundation in fact . . . The test is whether there is a rational basis’” (1457)

FACTUAL BACKGROUND

Pena applied for an extension of eligibility for athletic competition under 8 NYCRR 135.4 (c) (7) (ii) (b) (1). The New York State Public High School Athletic Association denied the application because Pena did not provide sufficient evidence that he was prevented from participating in sports by illness, accident, or similar circumstances beyond his control. Although Pena had graduated and the relevant school year had passed, the court addressed the appeal because the issue was likely to recur and involved a matter of public importance.

PROCEDURAL HISTORY

Supreme Court, Onondaga County, granted the amended petition and annulled or effectively set aside the Association's determination. The Appellate Division unanimously reversed on the law and dismissed the amended petition.

DISPOSITION

reversed

REMAND INSTRUCTIONS

None; the amended petition was dismissed.

CASES CITED

- Matter of Gerard v Section III of N.Y. State Pub. High School Athletic Assn., 210 A.D.2d 938 (4th Dep't 1994)
- Pratt v New York Pub. High School Athletic Assn., 133 Misc. 2d 679 (Sup. Ct. 1986)

OPINION

PER CURIAM.

Appeal from a judgment (denominated order and judgment) of the Supreme Court, Onondaga County (James R Murphy, J.), entered March 25, 2013 in a CPLR article 78 proceeding. The judgment granted the amended petition. It is hereby ordered that the judgment so appealed from is unanimously reversed on the law without costs and the amended petition is dismissed. Memorandum: Respondent New York State Public High School Athletic Association, Inc. (Association) appeals from a judgment granting the amended petition seeking to annul the determination denying petitioner's application to extend his eligibility for athletic competition pursuant to 8 NYCRR 135.4 (c) (7) (ii) (b) (1).

We conclude that Supreme Court erred in granting the amended petition. We note at the outset that this appeal is not moot despite the fact that petitioner has graduated and the school year for which he sought extended eligibility has passed, because the issue raised "has public importance, relates to a concern of public interest, and is likely to recur" (Matter of Gerard v Section III of N.Y.

State Pub. High School Athletic Assn., 210 AD2d 938, 939 [1994]). *1457 "[I]t is well settled that '[t]he courts should not interfere with the internal affairs, proceedings, rules and orders of a high school athletic association unless there is evidence of acts which are arbitrary, capricious or an abuse of discretion'... Whether the acts are arbitrary and capricious 'relates to whether... the committees' actions have a sound basis in reason and have a foundation in fact...

The test is whether there is a rational basis' " (id. at 939-940). We agree with the Association that the determination was not arbitrary, capricious, or an abuse of discretion. The record establishes that there is a rational basis for the determination denying petitioner's application for extended eligibility, inasmuch as petitioner failed to proffer sufficient evidence that he was precluded from participating in sports due to "illness, accident, or similar circumstances beyond [his] control" (8 NYCRR 135.4 [c] [7] [ii] [b] [1] [i]; see Pratt v New York Pub.

High School Athletic Assn., 133 Misc 2d 679, 682-684 [1986]). Present—Scudder, EJ., Fahey, Carni, Valentino and Whalen, JJ.