NYC
Business Integrity Commission

DECISION OF THE BUSINESS INTEGRITY COMMISSION DENYING THE REGISTRATION RENEWAL APPLICATION OF ANGELO COMPETIELLO LANDSCAPING TO OPERATE AS A TRADE WASTE BUSINESS

I. INTRODUCTION

Angelo Competiello Landscaping (the "Applicant") (BIC #778) has applied to the New York City Business Integrity Commission ("Commission") for renewal of a registration to operate a trade waste business pursuant to New York City Administrative Code ("Admin. Code") §16-505(a). Specifically, Angelo Competiello Landscaping seeks a renewal of an exemption from licensing requirements and a registration enabling it to operate a trade waste business "to remove, collect or dispose of trade waste that is generated in the course of operation of such person's business." Id.

On November 18, 2013, the staff issued and served the Applicant with a 13-page Notice of the Grounds to Recommend Denial of Angelo Competiello Landscaping's Application (the "Recommendation"). The Applicant was granted ten business days to respond, until December 3, 2013. See Title 17, Rules of the City of New York ("RCNY") §2-08(a). The Applicant did not submit any response. Based upon the record as to the Applicant, the Commission now denies Angelo Competiello Landscaping's registration renewal application for the following independently sufficient reasons:

A. The Applicant Provided False and Misleading Information to the Commission Because Joseph "Joey Caves" Competiello was an Undisclosed Principal and an Employee of the Applicant.

B. The Applicant Has Knowingly Associated with a Soldier in the Colombo Crime Family, Namely the Applicant's Son, Joseph "Joey Caves" Competiello.

C. The Applicant Repeatedly Provided False and Misleading Information to the Commission By Failing to Disclose the Applicant's Knowing Association with Colombo Crime Family Soldier Joseph "Joey Caves" Competiello.

II. BACKGROUND AND STATUTORY FRAMEWORK

Every commercial business establishment in New York City must contract with a private carting company to remove and dispose of the waste it generates. Historically, the private carting industry in the City was operated as a cartel controlled by organized crime. As evidenced by numerous criminal prosecutions, the industry was plagued by pervasive racketeering,

anticompetitive practices and other corruption. See e.g., United States v. International Brotherhood of Teamsters (Adelstein), 998 F.2d 120 (2d Cir. 1993); People v. Ass'n of Trade Waste Removers of Greater New York Inc. et al., Indictment No. 5614/95 (Sup. Ct. N.Y. Cty.); United States v. Mario Gigante et al., No. 96 Cr. 466 (S.D.N.Y.); People v. GNYTW, 701 N.Y.S.2d 12 (1st Dep't 1999).

The Commission is charged with, *inter alia*, combating the pervasive influence of organized crime and preventing its return to the City's private carting industry, including the construction and demolition debris removal industry. Instrumental to this core mission is the licensing scheme set forth in Local Law 42, which created the Commission and granted it the power and duty to license and regulate the trade waste removal industry in New York City. Admin. Code §16-505(a). It is this licensing scheme that continues to be the primary means of ensuring that an industry historically plagued with corruption remains free from organized crime and other criminality, and that commercial businesses that use private carters can be ensured of a fair, competitive market.

Local Law 42 provides that "[i]t shall be unlawful for any person to operate a business for the purpose of the collection of trade waste . . . without having first obtained a license therefor from the [C]ommission." Admin. Code §16-505(a). Before issuing such license, the Commission must evaluate the "good character, honesty and integrity of the applicant." Id. at §16-508(b). The New York City Administrative Code provides an illustrative list of relevant factors for the Commission to consider in making a licensing decision:

1. failure by such applicant to provide truthful information in connection with the application;

2. a pending indictment or criminal action against such applicant for a crime which under this subdivision would provide a basis for the refusal of such license, or a pending civil or administrative action to which such applicant is a party and which directly relates to the fitness to conduct the business or perform the work for which the license is sought, in which cases the commission may defer consideration of an application until a decision has been reached by the court or administrative tribunal before which such action is pending;

3. conviction of such applicant for a crime which, considering the factors set forth in section seven hundred fifty-three of the correction law, would provide a basis under such law for the refusal of such license;

4. a finding of liability in a civil or administrative action that bears a direct relationship to the fitness of the applicant to conduct the business for which the license is sought;

5. commission of a racketeering activity or knowing association with a person who has been convicted of a racketeering activity, including but not limited to the offenses listed in subdivision one of section nineteen hundred sixty-one of the Racketeer Influenced and Corrupt Organizations statute (18 U.S.C. §1961 et seq.) or of an offense listed in subdivision one of section 460.10 of the penal law, as such statutes may be amended from time to time, or the equivalent offense under the laws of any other jurisdiction;

6. association with any member or associate of an organized crime group as identified by a federal, state or city law enforcement or investigative agency when the applicant knew or should have known of the organized crime associations of such person;

7. having been a principal in a predecessor trade waste business as such term is defined in subdivision a of section 16-508 of this chapter where the commission would be authorized to deny a license to such predecessor business pursuant to this subdivision;

8. current membership in a trade association where such membership would be prohibited to a licensee pursuant to subdivision j of section 16-520 of this chapter unless the commission has determined, pursuant to such subdivision, that such association does not operate in a manner inconsistent with the purposes of this chapter;

9. the holding of a position in a trade association where membership or the holding of such position would be prohibited to a licensee pursuant to subdivision j of section 16-520 of this chapter;

10. failure to pay any tax, fine, penalty, or fee related to the applicant's business for which liability has been admitted by the person liable therefor, or for which judgment has been entered by a court or administrative tribunal of competent jurisdiction.

Id. at § 509(a)(i)-(x). Additionally, the Commission may refuse to issue a license or registration to any applicant who has "knowingly failed to provide information or documentation required by the Commission…or who has otherwise failed to demonstrate eligibility for a license." Id. at § 509(b). The Commission may refuse to issue a license or registration to an applicant when such applicant was previously issued a license which was revoked or not renewed, or where the applicant "has been determined to have committed any of the acts which would be a basis for the suspension or revocation of a license." Id. at § 509(c). Finally, the Commission may refuse to issue a license or registration to any applicant where the applicant or its principals have previously had their license or registration revoked. Id. at § 509(d).

An applicant for a trade waste license or registration has no entitlement to and no property interest in a license or registration and the Commission is vested with broad discretion to grant or deny a license or registration application. Sanitation & Recycling Indus., Inc. v. City of New York, 107 F.3d 985, 995 (2d Cir. 1997); see also Daxor Corp. v. New York Dep't of Health, 90 N.Y.2d 89, 98-100, 681 N.E.2d 356, 659 N.Y.S.2d 189 (1997). Admin. Code § 16-116.

III. FACTS

A. Background

On or about August 27, 1996, Angelo Competiello Landscaping applied to the Commission for a class 1 self hauler registration. See Angelo Competiello Landscaping's Application for Class 1 Registration, dated August 27, 1996 ("Application"). The Application disclosed Angelo Competiello as the Applicant's sole principal and sole operator of its vehicle. See Application at 7 and 10. The Applicant responded, "No," to questions on the Application regarding whether the Applicant business or any of its principals had been convicted in the past ten years of or had pending against them any misdemeanor or felony charges in any jurisdiction. At no time did Angelo Competiello Landscaping amend its Application to include any principals or drivers other than Angelo Competiello. Nonetheless, as detailed below, Angelo Competiello admitted under oath at his sworn interview that his son, Joseph "Joey Caves" Competiello, a soldier in the Colombo crime family, was not only a long-time employee of the Applicant, but was also an undisclosed principal. See III. C., *infra*; Angelo Competiello's Sworn Interview ("deposition"), taken on September 20, 2013 and November 12, 2013 (hereinafter "Competiello Deposition Transcript").

On or about April 22, 2002, based upon the Applicant's representations to the Commission, however, the Commission granted the Applicant a registration as a business removing waste generated solely in the course of operation of its business. See Registration Order, dated April 22, 2002. Thereafter, on or about May 23, 2002, Angelo Competiello signed the Registration Order, thereby consenting to its terms and conditions. Id. One of the terms and conditions of the Registration Order included the following: "The Applicant shall not knowingly associate with any member or associate of organized crime or any racketeer in any manner...." Id. at 2. Additionally, the Registration Order stated that "the Applicant shall timely notify the Commission of any material changes in the information set forth in its Application or other submitted materials." Id. at 3.

The Applicant's Original Registration order was effective for two years, and it expired on April 30, 2004. Id. at 2. On or about March 31, 2004, March 17, 2006, April 10, 2008, March 31, 2010, and April 30, 2012, the Applicant filed its first, second, third, fourth and fifth renewal applications, respectively, to renew its registration with the Commission. See Angelo Competiello Landscaping's Renewal Application for License or Registration as a Trade Waste Business, dated March 31, 2004 ("First Renewal Application"); Angelo Competiello Landscaping's Renewal Application for License or Registration as a Trade Waste Business,

dated March 17, 2006 ("Second Renewal Application"); Angelo Competiello Landscaping's Renewal Application for License or Registration as a Trade Waste Business, dated April 10, 2008 ("Third Renewal Application"); Angelo Competiello Landscaping's Renewal Application for a License or Registration as a Trade Waste Business, dated March 31, 2010 ("Fourth Renewal Application"); Angelo Competiello Landscaping's Renewal Application for a License or Registration as a Trade Waste Business, dated April 30, 2012 ("Fifth Renewal Application"). Again, on each of the five renewal applications, the Applicant disclosed Angelo Competiello as its sole principal, employee and driver, even though the Applicant employed Colombo soldier Joseph "Joey Caves" Competiello, an undisclosed principal. Id.

Additionally, each of the five renewal applications specifically asked the Applicant if the Applicant or any of its "principals, employees, affiliates or representatives knowingly associated in any manner with any member or associate of organized crime?" Significantly, the Applicant answered, "No," in response to this question in each of its five renewal applications. Id. Moreover, the Applicant responded, "No," to a question in each of its five renewal applications asking whether the Applicant or any of its "principals, employees, or affiliates" has been "convicted of...or been the subject of" any criminal charges in any jurisdiction. Id. These responses by the Applicant were all false. Furthermore, for the reasons set forth below, the Commission finds that the Applicant intentionally failed to disclose the role that Joseph "Joey Caves" Competiello had in the Applicant's business in order to conceal from the Commission that the Applicant employed an undisclosed principal who was a made member of the Colombo crime family.

B. Joseph "Joey Caves" Competiello

On or about May 29, 2008, Joseph "Joey Caves" Competiello, the Applicant's Principal's son, was charged with participating in a racketeering conspiracy that had racketeering predicate acts that included, among others, robbery and murder. See Superseding Indictment, 08 cr. 240 (BMC); Press Release, U.S. Attorney's Office, E.D.N.Y., Colombo Organized Crime Family Acting Boss, Underboss, and Ten Other Members and Associates Indicted (June 4, 2008), available at http://www.justice.gov/usao/nye/pr/2008/2008jun04.html. That indictment included 11 other defendants, including Thomas "Tommy Shots" Gioeli, who, according to the indictment, was the then acting boss of the Colombo organized crime family. Id. Notably, the indictment also identified Joseph Competiello as a Colombo family soldier. Id. On or about June 4, 2008, Joseph Competiello was arrested with the other defendants pursuant to the indictment. Id.

On or about December 15, 2008, Joseph Competiello pleaded guilty to two murders of mob associates Carmine Gargano and Joseph Miccio in the early to mid 1990s. See John Marzulli, Joseph Competiello's Guilty Plea 'Vanishes' as Hit Man to Testify Against Mob Boss Thomas Gioeli, N.Y. Daily News (April 2, 2012), available at http://www.nydailynews.com/new-york/joseph-competiello-guilty-plea-vanishes-hit-man-testify-mob-boss-thomas-gioeli-article-1.1054205; Trial Transcript, USA v. Thomas Gioeli, et ano, 08 CR 240 (BMC) (April 2-3, 2012) ("Trial Transcript") at 2105-16; 2238-43. Joseph Competiello

also pleaded guilty to participating in three additional murders for the Colombo crime family. See Trial Transcript at 2238-43. Specifically, Competiello pleaded guilty to taking part in the 1995 murder of Colombo family associate Richard Greaves, the 1999 murder of Colombo family underboss William "Wild Bill" Cutolo and, significantly, the 1997 murder of New York City Police Department ("NYPD") Police Officer Ralph Dols.[1] Id.; see also Press Release, U.S. Attorney's Office, E.D.N.Y., Superseding Indictment Unsealed Charging Organized Crime Members for Their Roles in Four 'Cold Case' Murders, Including the 1997 Murder of New York City Police Officer Ralph Dols and the 1999 Murder of Mob Underboss William 'Wild Bill' Cutolo (December 18, 2008), available at http://www.justice.gov/usao/nye/pr/2008/2008dec18.html.

Prior to his guilty plea in December 2008 to, *inter alia*, the five murders, Joseph Competiello began cooperating with federal prosecutors, and he was placed in the government's witness protection program. See John Marzulli and Bill Hutchinson, Corpse Spurs Retrial Bid for Ex-Colombo Crime Boss Alphonse Persico, N.Y. Daily News (October 8, 2008), available at http://www.nydailynews.com/news/crime/corpse-spurs-retrial-bid-ex-colombo-crime-boss-alphonse-persico-article-1.301029. In October 2008, as soon as he began cooperating with the government, Joseph Competiello showed FBI agents to the wooded burial site in a Farmingdale, NY industrial park of several murder victims, including Colombo family acting underboss, William "Wild Bill" Cutolo. Id.; Trial Transcript at 2246.

Beginning on or about April 2, 2012, Joseph Competiello testified for the prosecution in the federal criminal trial against the acting Colombo street boss, Thomas "Tommy Shots" Gioeli, and his co-defendant Colombo soldier Dino "Little Dino" Saracino. See USA v. Thomas Gioeli, et ano, 08 CR 240 (BMC). Competiello testified at the mafia trial in Brooklyn federal court that he was a member of the Colombo organized crime family at the level of "soldier." See Trial Transcript at 2029-31. When asked by prosecutors whom he reported to as a "soldier," Competiello responded, "Tommy," and he identified Tommy as the "Boss" of the Colombo family and in the courtroom as the defendant Tommy Gioeli. Id. Competiello further testified that, following his participation in the 1995 murder of Richie Greaves, the 1997 murder of NYPD Officer Ralph Dols and the 1999 murder of Colombo family underboss William "Wild

[1] Joseph Competiello pleaded guilty to driving one of the vehicles that was used in the 1997 murder of NYPD Officer Dols in front of Dols's Brooklyn home. See Trial Transcript at 2160-73; 2239-43. At the time of his death, Officer Dols was assigned to Police Service Area #1 in Brooklyn, and he was married to the ex-wife of former Colombo family consigliere Joel "Joe Waverly" Cacace. According to federal prosecutors, Cacace ordered the hit of Officer Dols. See Press Release, *supra*, U.S. Attorney's Office, E.D.N.Y. (December 18, 2008). In April 2012, Competiello testified for the prosecution in a federal mafia trial that, although he participated in the murder of Officer Dols, he did not learn that Dols was an NYPD Officer until after the murder had taken place. See Trial Transcript at 2160-73. Joseph Competiello further testified at the mafia trial that Colombo family captain Dino "Big Dino" Calabro and Colombo family soldier Dino "Little Dino" Saracino also participated in the murder of Officer Dols by shooting him multiple times in front of his home. Id. More recently, on or about November 12, 2013, Competiello testified for the government in the federal criminal trial against Cacace for the 1997 murder of Officer Dols. See Mosi Secret, Mobster's Trial Opens in '97 Killing of Officer, N.Y. Times (November 12, 2013), available at http://www.nytimes.com/2013/11/13/nyregion/mobsters-trial-opens-in-97-killing-of-officer.html

Bill" Cutolo, he was rewarded by being inducted as a made member of the Colombo family. Id. at 2194-95.

Additionally, Competiello testified that it was always a goal of his to become an inducted member of the Colombo crime family and that he committed burglary, robbery and murder in furtherance of that goal. Id. at 2194; 2029-2030. Starting as a teenager, and through his early 20s (in the early 1990s), Joseph Competiello was arrested multiple times for assaults, burglaries and automobile thefts. Id. at 2040. Prior to his induction as a made member in the late 1990s to early 2000s, Competiello served as an associate of the Colombo crime family throughout the early to mid 1990s, when he reported to then-soldier Dino "Big Dino" Calabro, who in turn reported to then-captain Tommy Gioeli. Id. at 2044-46. Competiello testified at trial about a multitude of bank robberies, burglaries and assaults that he committed with or at the behest of Gioeli, "Little Dino" Saracino and Colombo family captain turned government witness "Big Dino" Calabro. See Trial Transcript at 2028-2250. Furthermore, Competiello testified that Gioeli, Saracino and/or Calabro participated in all five of the murders in which Competiello participated. Id.

Joseph Competiello's 2008 arrest and conviction related to the five murders was not his first arrest or conviction. In addition to a number of previous arrests, on or about October 29, 1995, and April 11, 1996, Joseph Competiello was arrested on two separate felony assault charges. See New York State Office of Court Administration Criminal History Record Search for Joseph Competiello.[2] On or about December 5, 1996, Joseph Competiello pleaded guilty twice to Assault in the Third Degree, an A Misdemeanor, in satisfaction of the felony assault charges in both cases. Id. As a result of his convictions, in 1997, Joseph Competiello spent approximately six months incarcerated in Rikers Island. Id.; Trial Transcript at 2152-53.

Indeed, from the late 1990s through his arrest in 2008, Joseph "Joey Caves" Competiello's "crew," that is his Colombo crime family crew, appeared at all of the important Competiello family events and celebrations, including baptisms, confirmations and weddings. See Trial Transcript at 2193-2250; Competiello Deposition Transcript. Angelo Competiello was also present at these multiple family gatherings and celebrations. Id. For example, although Angelo Competiello claimed that he did not see his son's crew at his daughter's (Joseph Competiello's sister's) 1999 wedding, see Competiello Deposition Transcript at 250-51, a photograph was taken at the 1999 wedding that shows Joseph "Joey Caves" Competiello, his wife, the bride and groom, "Tommy Shots" Gioeli, "Little Dino" Saracino and "Big Dino" Calabro and their respective wives. See Trial Transcript at 2246-50. The government admitted the photograph into evidence at trial because, by showing the crew members celebrating family occasions, it demonstrated their ongoing criminal and personal relationships. See Government's Sentencing Memorandum, 08 cr. 240 (BMC) (May 6, 2013), at Docket Entry No. 1763 (Arguing that "[p]articularly compelling [in capturing the crew's relationships to one another and their

[2] Those felony assault charges were pending at the time that the Applicant filed its first application for a registration with the Commission in August 1996.

families] is a photograph taken on November 20, 1999, only a few months after Gioeli's crew murdered then-Colombo crime family underboss Cutolo on May 26, 1999.")

Former Colombo family captain "Big Dino" Calabro is the godfather of Joseph Competiello's son, who was born on August 3, 2000, further demonstrating that Joseph Competiello's Colombo family crew was intricately involved in his personal, family life. See Trial Transcript at 2032. Joseph Competiello testified about a photograph that was entered into evidence at trial depicting him, his wife, his cousin Geraldine and Calabro taken at his son's baptism in 2000. Id. The baptism certificate for Joseph Competiello's son, dated November 5, 2000, showing Dino Calabro and Geraldine as the sponsors was also admitted into evidence at the mafia trial. Id. at 2193-94. Another item admitted into evidence at the trial was a list of invitees to Joseph Competiello's daughter's confirmation or communion in his wife's handwriting that lists the following guests: "Tommy" and "Maureen" (referring to Gioeli and his wife), Dino (referring to the Calabro family) and Dino and April (referring to Saracino and his wife). Id. at 2230-35. The evidence, photographs and testimony clearly shows the close relationship that Joseph Competiello and his immediate family had with his Colombo family crew members and their families. Accordingly, the Applicant's Principal Angelo Competiello, who lived on the same block as his son in Farmingdale, NY, and attended many of these important family celebrations over the years, either knew or should have known that his son was in the mafia; and the Applicant did not dispute this knowledge, whether actual or constructive.

C. The Applicant's Failure to Disclose Joseph "Joey Caves" Competiello as a Principal and an Employee

Despite the fact that his son was a soldier in the Colombo crime family, the Applicant concedes that he repeatedly employed Joseph "Joey Caves" Competiello. Angelo Competiello testified at his deposition that for seven months in 2000 his son "ran the business" due to Angelo Competiello's back injury and surgery that year. See Competiello Deposition Transcript at 45-46. During that seven-month period in 2000, his son worked every day, five days a week, doing the landscaping for the Applicant. Id. Angelo Competiello further testified that his son even acquired a few new customers for the Applicant during this time period. Id. at 47-48. Angelo Competiello testified as follows:

Q. Okay. So, when you were out of work for seven months when you first got the surgery in 2000 --
A. Yes.
Q. -- did your son help you out with work then?
A. Yes, yes.
Q. What did he do for you then?
A. He used to drive the truck and go to work.
Q. Every day?
A. Yes.
Q. Okay.
A. Five days a week.

Q. For how long did he work for you while you were injured?
A. Seven months.
Q. So, your son in 2000 was doing the landscaping and gardening for your company; is that correct?
A. Yes.
Q. So, is it fair to say that when you were out of commission because of your injury your son ran the business; is that correct?
A. Yes. Yes.

Id. at 45:25 – 46:25. This seven-month period was not the only time that the Applicant permitted his son to work for the company. From 2001 through 2008, Joseph Competiello worked for the Applicant for two to three days per week during the busiest two to three months of the year, May and June, of each year. Id. at 155.

Notwithstanding this long history of employment by the company, Joseph Competiello's name does not appear on a single submission that the Applicant provided to the Commission. See III.A., *supra*. Angelo Competiello admitted at his deposition and does not dispute that he never disclosed to the Commission that his son ran the company for seven months in 2000 or that his son was an employee of the Applicant from 2000 through approximately 2008. Id. at 143-44. It is undisputed, therefore, based upon Angelo Competiello's own testimony, that his son Joseph Competiello was an undisclosed principal and an undisclosed employee of the Applicant from, at the very least, 2000 through 2008. This failure to disclose an employee, or here a principal[3], is, by itself, a sufficient basis for denial.

D. The Applicant's Knowledge Since the Early 1990s of His Son's Involvement in the Mafia

On September 20, 2013, as part of its investigation into the Applicant, Commission staff conducted a sworn interview of Angelo Competiello. Angelo Competiello testified that, as early as 1991, when his son Joseph Competiello (who was born in 1971) was approximately 20 years old, he believed his son was "hang[ing] out with...bad friend[s]," who were in the mafia. See Competiello Deposition Transcript at 109-11. The reason he believed his son was involved with people who were in the mafia was that his son, from the ages of 16 through 20, was repeatedly getting into trouble and repeatedly getting arrested for stealing cars. Id. Angelo Competiello had to bail his son out of jail for stealing cars at least three to four times during this approximately four-year period. Id.

By 1991, Angelo Competiello had become so concerned that his 20-year-old son was getting into trouble and involved with people in the mafia that he testified he told his son, "Joey, you have to stop." Id. His son, of course, continued to associate with members of the Colombo

[3] Admin. Code § 16-501(d) provides, in relevant part, the following definition of a Principal: "'Principal' shall mean, of a sole proprietorship, the proprietor...and with respect to all business entities, all other persons participating directly or indirectly in the control of such business entity."

crime family, and, at the time, the Applicant testified his son responded, "You don't tell me what to do, I'm old enough." Id. Throughout the remainder of the 1990s, the Applicant had ample reason to believe that his son continued to associate with mafiosi. As detailed above, in 1995 and again in 1996, his son was arrested on felony assault charges for two separate assaults. Joseph Competiello pleaded guilty to misdemeanor assault in both cases and served approximately six months in jail in 1997. Nonetheless, in 2000, despite the Applicant's clear knowledge that his son associated with members of organized crime for almost a decade, the Applicant still chose to have Joseph "Joey Caves" Competiello run the company. The Commission finds that because the Applicant knew since the early 1990s that his son was involved in the mafia, the Applicant intentionally failed to disclose his son's employment with the Applicant to conceal from the Commission the Applicant's ties to organized crime.

E. The Applicant's Failure to Disclose His Knowing Association with Colombo Family Soldier Joseph "Joey Caves" Competiello

As set forth above, in III.D., *supra*, the Applicant testified that, as early as 1991, he believed that his son was associating with members of organized crime. Given his testimony, the Applicant, therefore, provided false statements under oath to the Commission in each of its five renewal applications from 2004 through 2012. As discussed above, in III.A., *supra*, each of the Applicant's five renewal applications specifically asked the Applicant if the Applicant or any of its "principals, employees, affiliates or representatives knowingly associated in any manner with any member or associate of organized crime?" Despite the Applicant's belief, since as early as 1991, that his son, an employee, was involved in the mafia, the Applicant answered, "No," in response to this question in all five of its renewal applications.

Even assuming *arguendo*, however, that the Applicant did not have actual or constructive knowledge in 1991 that his son was associating with members of the mafia (which he did), by 2008, at the very latest, the Applicant certainly knew that his son was a member of the mafia because: (1) in June of 2008, his son was indicted, arrested and arraigned in Brooklyn federal court on racketeering charges as a member of the Colombo crime family; (2) in October 2008, his son began openly and publicly cooperating with the government, including showing federal agents the wooded burial site of the mafia's murder victims; (3) in December 2008, his son pleaded guilty to, among other things, participating in five murders; and (4) ever since his son began cooperating with the federal government in October 2008, he has been incarcerated in its witness security program.

Nonetheless, despite the Applicant's knowledge by, at the very latest, 2008 of his son's membership in the mafia, the Applicant in its Fourth and Fifth Renewal Applications, dated, respectively, March 31, 2010, and April 30, 2012, falsely answered, "No," to the question asking whether any of the Applicant's "principals, employees, affiliates or representatives knowingly associated in any manner with any member or associate of organized crime?" See Fourth Renewal Application; Fifth Renewal Application. The Commission therefore finds that the Applicant knowingly made misrepresentations to the Commission in, the very least, its Fourth

and Fifth Renewal Applications in order to conceal the fact that its undisclosed principal and employee Joseph "Joey Caves" Competiello was a member of the Colombo crime family.

IV. BASIS OF DENIAL

A. The Applicant Provided False and Misleading Information to the Commission Because Joseph "Joey Caves" Competiello was an Undisclosed Principal and Employee of the Applicant.

Applicants must provide truthful and non-misleading information to the Commission. The failure to do so is a ground for denial of the application. See Admin. Code §§ 16-509(a) (i) and (b); Attonito v. Maldonado, 3 A.D.3d 415 (1st Dept. 2004); *leave denied* 2 N.Y.3d 705 (2004); Breeze Carting Corp. v. The City of New York, 52 A.D.3d 424, 860 N.Y.S.2d 103 (1st Dept. 2008). Here, as discussed above, it is undisputed that the Applicant failed to disclose to the Commission that his son Joseph Competiello was a principal and an employee of the Applicant from, at the very least, 2000 through 2008. The Applicant testified at his deposition and did not dispute that his son ran the business for seven months in 2000 and that his son was consistently employed by the Applicant from 2000 through 2008. Nonetheless, the Applicant admitted that he never disclosed to the Commission his son's extensive employment with the company. Standing alone, this is sufficient to deny the Applicant its renewal application.

B. The Applicant Has Knowingly Associated with a Soldier in the Colombo Crime Family, Namely the Applicant's Son, Joseph "Joey Caves" Competiello.

The Commission is expressly authorized to deny the license application of a carting company if its principals have had business dealings with known organized crime figures. See Admin code §16-509(a)(vi); Sanitation & Recycling Indus., Inc., 107 F.3d at 998. The Commission may consider this factor in determining an applicant's eligibility for an exemption from licensing and a trade waste registration. See *supra* at 2-3. Here, as discussed above, even though the Applicant knew or should have known that his son Joseph "Joey Caves" Competiello was a member of the Colombo crime family, the Applicant consistently employed his son over a period of at least eight years. The Applicant did not dispute this point. The Applicant testified that, as early as 1991, he believed his son was involved with members of organized crime. Nonetheless, despite the Applicant's knowledge that his son was involved in organized crime throughout the 1990s, the Applicant still chose to have his son run the business in 2000. The Applicant further testified that his son was consistently employed by the Applicant from 2000 through 2008. The Commission finds that the Applicant intentionally concealed his son's involvement in the business to prevent the Commission from learning about the Applicant's associations with organized crime.

C. The Applicant Repeatedly Provided False and Misleading Information to the Commission By Failing to Disclose the Applicant's Knowing Association with Colombo Family Soldier Joseph "Joey Caves" Competiello.

As discussed above, the Applicant provided false testimony on each of its five renewal applications that it submitted to the Commission every two years from 2004 through 2008; and the Applicant did not dispute that it provided such false testimony. The Applicant responded "No" to the question asking on each renewal application whether the Applicant or any of its "principals, employees, affiliates or representatives knowingly associated in any manner with any member or associate of organized crime?" Despite the Applicant's testimony at his deposition that he believed as early as 1991 that his son was involved with organized crime members, the Applicant failed to provide this information to the Commission in each of its five renewal applications. Even assuming *arguendo* that the Applicant had not formed his belief by the early 1990s that his son was involved with people in the mafia, by 2008, at the very latest, the Applicant knew or should have known that his son was a member of the Colombo crime family. This was due to the public nature of his son's federal indictment, arrest and subsequent cooperation with the government, all occurring in the second half of 2008. At the very least, therefore, the Applicant, in both its Fourth and Fifth Renewal Applications, dated, respectively, March 31, 2010, and April 30, 2012, failed to disclose his association with his son, and the Applicant did not dispute this failure.

NYC
Business Integrity Commission

V. CONCLUSION

The Commission is vested with broad discretion to refuse to issue a license or registration to any applicant that it determines is lacking in good character, honesty and integrity. The record as detailed above demonstrates that the Applicant falls short of that standard. Accordingly, based on the above independently sufficient reasons, the Commission denies Angelo Competiello Landscaping's registration renewal application.

This denial is effective immediately. Angelo Competiello Landscaping may not operate as a trade waste business in the City of New York.

Dated: December 18, 2013

THE BUSINESS INTEGRITY COMMISSION

Shari C. Hyman
Commissioner and Chair

John Doherty, Commissioner
Department of Sanitation

David Friedman, David Friedman, Senior Advisor to the Commissioner on Financial Empowerment Policy (Designee)
Department of Consumer Affairs

John Kantor, Chief of Investigations (Designee)
Department of Investigation

Andrew Schwartz, First Deputy Commissioner (Designee)
Department of Small Business Services

John Denesopolis, Inspector (Designee)
New York City Police Department