

## NOTICE OF PUBLIC HEARING

**Subject:** **Opportunity to comment on the proposed amendment by the Business Integrity Commission of rules relating to employee disclosure.**

**Date / Time:** **January 21, 2014 / 10:00 a.m.**

**Location:** **New York City Business Integrity Commission**  
**100 Church Street, 20<sup>th</sup> Floor, Conference Room 1**  
**New York, New York 10007**

**Contact:** **David Mandell**  
**Deputy General Counsel for Regulatory Enforcement**  
**[dmandell@bic.nyc.gov](mailto:dmandell@bic.nyc.gov)**  
**(212) 676-6296**

### Proposed Rule Amendment

PURSUANT TO section 1043 of the New York City Charter and exercising the authority vested in the Business Integrity Commission by sections 1043(a) and 2101(b)(6) of the New York City Charter, the Business Integrity Commission intends to amend rules relating to investigation fees and employee disclosure. The proposed rule was not included in this agency's most recent regulatory agenda because the need for it was not anticipated at the time the regulatory agenda was adopted.

### Instructions

- **Prior to the hearing, you may submit written comments about the proposed rule amendments to David Mandell by mail or electronically through NYC RULES at [www.nyc.gov.gov/nyrules](http://www.nyc.gov.gov/nyrules). Written comments must be submitted by January 17, 2014.**
- **To request a sign language interpreter or other reasonable accommodation for a disability at the hearing, please contact David Mandell no later than 5 business days prior to the hearing.**
- Written comments and a summary of oral comments received at the hearing will be available for public inspection, within a reasonable time after receipt, on weekdays between the hours of 9:30 a.m. and 4:30 p.m. at the New York City Business Integrity Commission, 100 Church Street, 20<sup>th</sup> Floor, New York, New York 10007.

## **Statement of Basis and Purpose of Proposed Rule**

Under section 2101 of the New York City Charter, the Business Integrity Commission (“BIC”) is authorized to investigate, license and regulate the trade waste industry. To ensure that trade waste businesses operate free from organized crime and corruption, BIC conducts investigations of certain employees and prospective employees of trade waste license applicants and trade waste licensees.

These proposed rule amendments would raise the fees associated with the investigation of employees or agents and prospective employees or agents of an applicant for a trade waste license or a trade waste licensee and who are required to submit fingerprints and disclosure to the Commission. These investigation fees are part of the licensing process, and have not been changed since the Commission’s inception in 1996. The amended fees would satisfy the Commission’s statutory mandate to recoup all costs associated with licensing through imposed fees.

Pursuant to Charter section 1043(d)(4)(iii), the proposed rule amendments are exempt from the requirements of Local Law 46 of 2010 because the rule amendments are solely concerned with the modification of the amount of a fee or fees.

New text is underlined; deleted text is in [ ] brackets.

**Section 1.** Subdivision (a) of section 3-01 of subchapter C of Chapter 1 of Title 17 of the Rules of the City of New York is amended to read as follows:

### **§3-01. Employees and Agents Required to Submit Fingerprints and Disclosure.**

(a) Each person not otherwise a principal as defined in section 1-02 of this chapter who is an employee or agent or prospective employee or agent of an applicant for a license or a licensee and who is in a managerial capacity or in a job category listed in Appendix A to this subchapter, shall: (i) be fingerprinted by a person designated for such purpose by the Commission and pay the fee prescribed by the Division of Criminal Justice Services for the purpose of obtaining criminal history records; and (ii) be photographed by the Commission and provide the disclosure set forth in subparagraphs (b) through (n) of paragraph (ii) of subdivision b of section 16-508 of the Code on the form provided by the Commission and pay the fee of [three hundred fifty (\$350)] six hundred (\$600) dollars for the investigation of such information. Following receipt of such disclosure, the Commission may require such additional information, including without limitation documents and deposition testimony, as the Commission determines is necessary to render determination.

**Section 2.** Subdivision (a) of section 3-02 of subchapter C of Chapter 1 of Title 17 of the Rules of the City of New York is amended to read as follows:

### **§3-02. Investigation of Other Employees or Agents.**

(a) Where the Commission has reasonable cause to believe that an employee or agent or prospective employee or agent of a licensee or an applicant for a license not subject to the provisions of section 3-01 of this subchapter lacks good character, honesty and integrity, the Commission shall notify such employee or agent or prospective employee or agent that he or she shall: (i) be fingerprinted by a person designated for such purpose by the Commission and pay the fee prescribed by the Division of Criminal Justice Services for the purpose of obtaining criminal history records; and (ii) provide the disclosure required in subparagraphs (b) through (n) of paragraph (ii) of subdivision b of section 16-508 of the Code on the form provided by the Commission and pay the fee of [three hundred fifty dollars (\$350)] six hundred (\$600) dollars for the investigation of such information. Following receipt of such disclosure, the Commission may require such additional information related to such disclosure including without limitation documents and deposition testimony, as the Commission determines is necessary to render determination.