

In Re Commission Meeting NYC - Business Integrity  
Commission March 14, 2023

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COMMISSION MEETING  
BUSINESS INTEGRITY COMMISSION  
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March 14, 2023  
11:02 a.m.

COMMISSION MEETING  
Via Microsoft Teams Videoconference

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APPEARANCES:

- Elizabeth Crotty
- Jocelyn Strauber
- Vilda Vera Meyuga
- Robert Orlin
- Leemor Rozen
- Kevin Kim
- Matthew Hyland

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COMMISSIONER FELDMAN: Good morning. We are on the record. Today is Tuesday, March 14, 2023. The time is 11:02 a.m.

Welcome to today's meeting of the New York City Business Integrity Commission.

We are conducting this meeting via Microsoft Teams. This is a public meeting, which was duly noticed for today's date at 11 o'clock a.m., along with the Microsoft Teams information and dial-in information for the meeting.

This meeting is being recorded and the recording and meeting minutes will be posted on BIC's website in a timely manner following the conclusion of this meeting.

I am David Feldman, Deputy Commissioner of Legal Affairs and general counsel for the Commission. I am joined by the following Commission

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members:

Elizabeth Crotty, Commissioner and Chair of the Business Integrity Commission. Department of Investigation Commissioner Jocelyn Strauber. Department of Consumer and Worker Protection, Deputy Chief of Staff Griselle Baret, representing DCWP, Commissioner Vilda Vera Meyuga. Department of Sanitation, Deputy Commissioner Robert Orlin. Representing DSNY Commissioner, Jessica Tish, Department of Small Business Services, Deputy General Counsel Leemor Rozen. Representing SBS Commissioner Kevin Kim. And the Inspector Matthew Hyland of the New York City Police Department representing Police Commissioner Keechant Sewell. Thank you for being here today.

Today the Commission will consider three matters. The first matter is a resolution to hold

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meetings by remote means during a local state of emergency proclaimed by the mayor.

The second matter is a proposed rule concerning petitions for rulemaking.

The third matter is a set of proposed rules concerning adjudicating trade waste violations in the Hearings Division of the Office of Administrative Trials and Hearings, or OATH.

The resolution that the Commission will consider states that it is a resolution of the New York City Business Integrity Commission to hold entirely remote meetings during a state disaster emergency declared by the governor or a local state of emergency proclaimed by the mayor in accordance with the requirements established by the State of New York in Section 2 of Part WW of Chapter 56 of the Laws of 2022. The resolution

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goes on to state as follows:

WHEREAS, Chapter 56 of the Laws of 2022, amended Section 103 of the New York Open Meetings Law, or OML, by adding a new Section 103-a that includes provisions regarding public bodies such as the New York City Business Integrity Commission holding remote meetings; and

WHEREAS, Paragraph 3 of section 2 of Part WW of Chapter 56, codified at OML Section 103-a(3), empowers the Commission to meet entirely remotely, and without regard to the OML in-person meeting requirement, if during a state disaster emergency declared by the Governor or a local state of emergency proclaimed by the Mayor, the Commission determines that the circumstances necessitating the emergency declaration affect or impair its ability to hold in-person meetings; and

WHEREAS, a local state of

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emergency has been proclaimed by New York City Mayor Adams pursuant to section 24 of the Executive Law, first declared in Emergency Executive Order 98, dated March 12, 2020, and extended most recently by Emergency Executive Order No. 339, dated February 19, 2023, to address the threat and impact of COVID-19 in the City of New York; and

WHEREAS, Executive Order No. 339 states that the Order was "given because of the propensity of the virus to spread person-to-person," among other reasons; and

WHEREAS, the New York City Business Integrity Commission hereby determines, in accordance with OML Section 103-a(3), that the circumstances necessitating the emergency declaration would affect or impair the ability of the Commission to hold in-person meetings;

It is hereby resolved that the

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New York City Business Integrity Commission, consistent with the authority granted in Section 103-a of the OML, determines that the circumstance necessitating the emergency declaration by the mayor would affect or impair the ability of the Commission to hold in-person meetings and therefore Commission meetings shall continue to be held by remote means and the in-person participation requirement of the OML shall not apply.

Do any of the Commissioners or designees have any questions or comments regarding the proposed resolution?

(No response.)

The Commission will now vote as to whether to adopt this resolution. If the Commission votes yes, the resolution will be adopted. If the Commission votes no, the resolution will not be

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adopted.

Is there a motion from the  
Commissioners to adopt the  
resolution?

COMMISSIONER STRAUBER: Move to  
adopt.

COMMISSIONER FELDMAN: Thank  
you, Commissioner Strauber.

Is there a second?

COMMISSIONER ORLIN: Second.

COMMISSIONER FELDMAN: Thank  
you. Was that Inspector Hyland?

COMMISSIONER ORLIN: No. That  
was Bob Orlin.

COMMISSIONER FELDMAN: Thank  
you, deputy Commissioner Orlin.

I will be calling on each  
Commissioner and designees to collect  
votes.

Commissioner Crotty?

COMMISSIONER CROTTY: Yes.

COMMISSIONER FELDMAN:

Commissioner Strauber?

COMMISSIONER STRAUBER: Yes.

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COMMISSIONER FELDMAN: Deputy  
Chief of Staff Baret?

COMMISSIONER BARET: Yes.

COMMISSIONER FELDMAN: Deputy  
Commissioner Orlin?

COMMISSIONER ORLIN: Yes.

COMMISSIONER FELDMAN: Deputy  
General Counsel Rozen?

ATTORNEY ROZEN: Yes.

COMMISSIONER FELDMAN: Inspector  
Hyland?

INSPECTOR HYLAND: Yes.

COMMISSIONER FELDMAN: Let the  
record reflect that the vote is  
unanimous.

The resolution will note each  
Commissioner and designee's vote  
today.

The Commission will now consider  
the first proposed rule. The proposed  
rule is to implement Section 1043G of  
the New York City Charter, which  
permits any person to petition a City  
Agency to consider the adoption of any

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rule and also requires each agency to have rules creating a procedure for such petitions. The proposed rule sets forth procedures that petitioners must follow in petitioning the Commission to consider a new rule.

The proposed rule also sets forth the procedure the Commission must follow in considering and responding to petitions.

On February 22, 2023, the Commission held a public hearing on the proposed rule. The Commission did not receive any comments on the rule.

Do any of the Commissioners have any questions or comments regarding the proposed rule?

COMMISSIONER CROTTY: No.

COMMISSIONER FELDMAN: The Commission will now vote as to whether to adopt the proposed rule. A vote of yes is a vote to adopt the rule. A vote of no is a vote not to adopt the rule. If the Commission votes yes to

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adopt the rule, the final rule will be published and will go into effect 30 days after publication.

Is there a motion from the Commissioners adopt the proposed rule?

COMMISSIONER STRAUBER: Move to adopt.

COMMISSIONER FELDMAN: Thank you, Commissioner Strauber.

Is there a second?

INSPECTOR HYLAND: Matt Hyland, second.

COMMISSIONER FELDMAN: Thank you, Deputy Commissioner Orlin (sic).

I will be calling on each Commissioner and designees to collect votes.

Commissioner Crotty?

COMMISSIONER CROTTY: Yes.

COMMISSIONER FELDMAN:

Commissioner Strauber?

COMMISSIONER STRAUBER: Yes.

COMMISSIONER FELDMAN: Deputy Chief of Staff Baret?

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COMMISSIONER BARET: Yes.

COMMISSIONER FELDMAN: Deputy  
Commissioner Orlin?

COMMISSIONER ORLIN: Yes.

COMMISSIONER FELDMAN: Deputy  
General Counsel Rozen?

ATTORNEY ROZEN: Yes.

COMMISSIONER FELDMAN: Inspector  
Hyland?

INSPECTOR HYLAND: Yes.

COMMISSIONER FELDMAN: Let the  
record reflect that the vote is  
unanimous.

The next set of proposed rules  
and amendments would enable the  
Business Integrity Commission to  
adjudicate trade waste violations in  
OATH's Hearing's Division. These  
proposed rules also add a trade waste  
penalty schedule to Title 17 of the  
Rules of the City New York specifying  
penalties for violations of BIC's  
trade waste rules and related laws.

Finally, the rule amendments

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also include the addition of new definitions and make conforming changes to other sections of BIC's rules to ensure consistency and clarity.

On February 22, 2023, the Commission held a public hearing on these proposed rules. The commission did not receive any comments on the rules.

Do any of the Commissioners or designees have any questions or comments regarding the proposed rules or amendments?

COMMISSIONER CROTTY: No.

COMMISSIONER FELDMAN: Okay.

The Commission will now vote as to whether to adopt the proposed rules.

A vote of yes is a vote to adopt the rules and amendments. A vote of no is a vote not to adopt the rules and amendments.

If the Commission votes yes to adopt the rules and amendments, the

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final rules will be published and will go into effect 30 days after publication.

Is there a motion from the Commissioners to adopt the proposed rules and amendments?

COMMISSIONER STRAUBER: Move to adopt.

COMMISSIONER FELDMAN: Thank you, Commissioner Strauber.

Is there a second?

COMMISSIONER ORLIN: Second.

COMMISSIONER FELDMAN: Thank you Deputy Commissioner Orlin.

I will be calling on each Commissioner and designees to collect votes.

Commissioner Crotty?

COMMISSIONER CROTTY: Yes.

COMMISSIONER FELDMAN:

Commissioner Strauber?

COMMISSIONER STRAUBER: Yes.

COMMISSIONER FELDMAN: Deputy Chief of Staff Baret?

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COMMISSIONER BARET: Yes.

COMMISSIONER FELDMAN: Deputy  
Commissioner Orlin?

COMMISSIONER ORLIN: Yes.

COMMISSIONER FELDMAN: Deputy  
General Counsel Rozen?

ATTORNEY ROZEN: Yes.

COMMISSIONER FELDMAN: Inspector  
Hyland?

INSPECTOR HYLAND: Yes.

COMMISSIONER FELDMAN: Let the  
record reflect that the vote is  
unanimous.

That concludes the matters  
before the Commission.

Thank you to the Commission  
members for their participation and to  
the members of the Commission staff  
for their hard work on these matters.

Thank you also to any members of  
the public who attended this meeting  
today.

We are off the record at  
11:12 a.m.

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(Time Noted: 11:12 a.m.)



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