

NYC - Business Integrity Commission Meeting
February 25, 2020

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

-----X.

BUSINESS INTEGRITY COMMISSION
FEBRUARY 25, 2020
11:37 A.M.

-----X

100 Church Street,
20th Floor
New York, New York

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A P P E A R A N C E S

Deputy Commissioner of Legal Affairs and General
Counsel for the Commission, David Feldman

Commissioner and Chair of Business Integrity
Commission, Noah Genel

Department of Sanitation Commissioner, Kathryn
Garcia

Department of Investigation Commissioner,
Margaret Garnett

Department of Consumer and Worker Protection
Commissioner, Lorelei Salas

Deputy Commissioner for Legal and Regulatory
Affairs Andrew Schwartz of the Small Business
Services, Representing SBS Commissioner, Gregg
Bishop

Inspector Matthew Hyland of the New York City
Police Department representing Police
Commissioner, Dermot Shea

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. FELDMAN: Good morning. We are on the record. Today is February 25, 2020, the time is 11:37 a.m. We are at 100 Church Street in New York City on the 20th floor.

Welcome to today's New York City Business Integrity Commission. This is a public meeting, which was duly noticed for today's date at this location at 11:30 a.m. We have a court reporter here taking down what is being said, and this meeting is being video taped. The video will be put on BIC's YouTube channel 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'm joined by the Commission members:

Noah Genel, Commissioner and Chair of the Business Integrity Commission.

Department of Sanitation
Commissioner, Kathryn Garcia.

Department of Investigation

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Commissioner, Margaret Garnett.

Department of Consumer and Worker
Protection Commissioner, Lorelei Salas.

Deputy Commissioner for Legal and
Regulatory Affairs Andrew Schwartz of
the Small Business Services,
Representing SBS Commissioner Gregg
Bishop.

And Inspector Matthew Hyland of the
New York City Police Department,
representing Police Commissioner Police,
Commissioner Dermot Shea.

Thank you all for being here today.

Today, the Commission will consider
a proposed final rule relating to heavy
duty trade waste hauling vehicles.
Currently, Local Law 145 of 2013, which
added section 24-163.11 to the
Administrative Code, requires that every
heavy-duty trade waste hauling vehicle
that is owned or operated by an entity
required to be licensed or registered by
the Commission and operating in New York
City, be with an equipped EPA certified

1
2 2007(or later) engine or utilized "Best
3 Available Retrofit Technology," as
4 defined by the New York City Department
5 of Environmental Protection. The
6 proposed final rules require an owner or
7 operator of a heavy trade waste hauling
8 vehicle that has a pre-2007 engine and
9 utilizes "best available retrofit
10 technology" as defined in section
11 24-163.11(b) of the Administrative Code
12 to obtain from the New York City
13 Department of Environmental Protection a
14 decal labeling the vehicle as compliant
15 with Local Law 145 of 2013, and to place
16 the decal on the driver's or passenger's
17 door of the vehicle cab. Additionally,
18 the Commission proposes changes to the
19 penalty section of its rules, and
20 clarifies that BIC will not issue
21 license plates to vehicles that do not
22 comply with the requirements set forth
23 in section 24-163.11.

24 On January 27, 2020, the Commission
25 held a public hearing on the proposed

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

rule. The Commission did not receive any comments on the rule. The rule change is now up for a vote as to whether to adopt it. If the Commission votes "yes" to adopt the rule change, the final rule will be published and will go into effect 30 days after publication.

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

MS. GARNETT: No.

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

MS. GARCIA: Move.

MS. GARNETT: Second.

MR. FELDMAN: How do the members vote, starting with Ms. Garcia.

MS. GARCIA: Aye.

MS. SALAS: Aye.

MS. GARNETT: Aye.

MR. GENEL: Aye.

MR. SCHWARTZ: Aye.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. HYLAND: Aye.

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

Today, the Commission will also consider two applications which the Commission's staff have recommended be denied: 1. Step-Mar Contracting Corp and 2. Salvatore Vicari d/b/a Sal General Contractor.

Step-Mar Contracting Corp and Salvatore Vicari d/b/a Sal General Contractor, each submitted an application to renew an exemption from the licensing requirements to operate as a trade waste business.

The applicants were each served with a Notice of the Grounds to Recommend the Denial of their application. They were advised that they had ten business days to submit a sworn, written response to the Commission. Step-Mar Contracting Corp submitted a response on January 27, 2020, after having been granted an extension of time, and the Commission

1
2 carefully considered the applicant's
3 response. Salvatore Vicari did not
4 submit a response. On February 18,
5 2020, we e-mailed to the Commission
6 members the recommended denial decisions
7 regarding the applicants at issue.
8 There have been no material changes made
9 to recommended denial decisions since
10 then.

11 The Commission will now consider the
12 recommended denials. For each
13 application, the Commission members will
14 vote as to whether or not to adopt the
15 staff's recommendations to deny the
16 application. A vote of "yes" is a vote
17 to adopt the staff's recommendation. A
18 vote of "no" is a vote not to adopt the
19 recommendations.

20 The first recommendation is for
21 Step-Mar Contracting Corp. The staff
22 attorney in charge of this matter is
23 Associate Commissioner of Legal Affairs,
24 David Mandell. The Commission's staff
25 has recommended denial of this

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

application based on the following two grounds, as fully set forth staff in the staff's recommendation:

1. The applicant knowingly failed to provide information to the Commission;

2. The applicant and its principal, Mario Jacovino, provided the Commission with false and misleading information on its applications.

Do any of the commissioners have any questions or comments regarding this application?

(No response given.)

Is there a motion from the Commissioners to adopt the staff's recommendation?

MR. SCHWARTZ: So moved.

MR. FELDMAN: Is there a second?

MS. GARNETT: Second.

How do the other members vote again, starting with Commissioner Garcia?

MS. GARCIA: Aye.

MS. SALAS: Aye.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MS. GARNETT: Aye.

MR. GENEL: Aye.

MR. SCHWARTZ: Aye.

MR. HYLAND: Aye.

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

The next application to consider is Salvatore Vicari d/b/a Sal General Contractor. The staff attorney in charge of this matter is Executive Agency Counsel, Svetlana Iosilevich. The Commission's staff has recommended denials of this application based on the following two grounds, as fully set forth in the staff's recommendation:

1. The applicant has failed to pay taxes, penalties, or fees that are related to the Applicant's business for which judgment by court or administrative tribunal of competent jurisdiction; and.

2. The applicant has knowingly failed to provide information and/or documentation required Commission.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Do any of the Commissioners have any questions or comments regarding this application?

(No response given.)

Is there a motion to adopt the staff's recommendation.

MS. GARNETT: So moved.

MR. FELDMAN: Is there a second?

MS. GARCIA: Second.

MR. FELDMAN: And how do the other members vote?

MS. GARCIA: Aye.

MS. SALAS: Aye.

MS. GARNETT: Aye.

MR. GENEL: Aye.

MR. SCHWARTZ: Aye.

MR. HYLAND: Aye.

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

I ask the members of the Commission to sign the decisions that have been voted on today.

We will now go off the record for a few minutes.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

(Off the record.)

MR. FELDMAN: We are back on the record. We will continue the meeting with a presentation on Commercial Waste Zones by Justin Bland, Director of Commercial Waste Zoning at the Department of Sanitation.

Thank you, Justin, for presenting on this important topic.

(Whereupon, a presentation was held off the record.)

MR. FELDMAN: Thank you to Justin Bland and the Department of the sanitation for that informative presentation.

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

That concludes the matters before the Commission. We are off the record.

(TIME NOTED: 12:02 p.m.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

C E R T I F I C A T E

STATE OF NEW YORK)

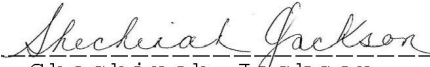
Ss:

COUNTY OF BRONX)

I, Shechinah Jackson, a shorthand reporter within and for the State of New York, do hereby certify that the within is a true and accurate transcript of the statement taken on 02/25/2020.

I further certify that I am not related to any of the parties to this action by blood or by marriage, and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 25th day of February 2020.


Shechinah Jackson

<p>02252020 13:13</p> <p>2007or 5:2</p> <p>20th 3:6</p> <p>2416311b 5:11</p> <p>25th 13:19</p> <p>accurate 13:12</p> <p>action 13:15</p> <p>added 4:19</p> <p>additionally 5:17</p> <p>administrate 4:20</p> <p>administrative 5:11 10:21</p> <p>adopt 6:5,6,15 8:14,17,18 9:17 11:6 (8)</p> <p>advised 7:20</p> <p>affairs 2:3,19 3:18 4:6 8:23 (5)</p> <p>after 6:8 7:24</p> <p>again 9:22</p> <p>agency 10:12</p> <p>also 7:5</p> <p>am 1:11 3:4,11,17 13:14,16 (6)</p> <p>andor 10:24</p> <p>andrew 2:19 4:6</p> <p>applicant 9:5,8 10:17,23 (4)</p> <p>applicant's 8:2</p>	<p>10:19</p> <p>applicants 7:17 8:7</p> <p>application 7:14,19 8:13,16 9:2,14 10:8,14 11:4 (9)</p> <p>applications 7:6 9:11</p> <p>are 3:2,4 10:18 12:3,22 (5)</p> <p>ask 11:21</p> <p>associate 8:23</p> <p>attorney 8:22 10:10</p> <p>available 5:3,9</p> <p>aye 6:21,22,23,24,25 7:2 9:24,25 10:2,3,4,5 11:13,1 4,15,16,17,18 (18)</p> <p>back 12:3</p> <p>based 9:2 10:14</p> <p>before 12:21</p> <p>being 3:12,13 4:14</p> <p>best 5:2,9</p> <p>bic 5:20</p> <p>bic's 3:14</p> <p>bishop 2:21 4:9</p> <p>bland 12:6,14</p> <p>blood 13:15</p>	<p>bronx 13:7</p> <p>business 1:3 2:6,19 3:8,22 4:7 7:16,20 10:19 (9)</p> <p>c 2:2 13:2,2</p> <p>cab 5:17</p> <p>carefully 8:2</p> <p>certified 4:25</p> <p>certify 13:11,14</p> <p>chair 2:6 3:21</p> <p>change 6:4,6</p> <p>changes 5:18 8:8</p> <p>channel 3:15</p> <p>charge 8:22 10:11</p> <p>church 1:7 3:5</p> <p>city 2:24 3:5,7 4:11,25 5:4,12 (7)</p> <p>clarifies 5:20</p> <p>code 4:20 5:11</p> <p>comments 6:3,11 9:13 11:3 (4)</p> <p>commercial 12:5,7</p> <p>commission 1:3 2:4,7 3:8,19,20,22 4:15,24 5:18,24 6:2,5 7:5,22,25 8:5,11,13 9:7,9 10:25 11:21 12:17,22 (25)</p> <p>commission's 7:7 8:24 10:13 12:19 (4)</p>	<p>commissioner 2: 3,6,9,12,16,18,20, 25 3:18,21,24 4:2,4,5,8,12,13 8:23 9:23 (19)</p> <p>commissioners 6:10,15 9:12,17 11:2 (5)</p> <p>competent 10:21</p> <p>compliant 5:14</p> <p>comply 5:22</p> <p>concludes 12:21</p> <p>conclusion 3:16</p> <p>consider 4:15 7:6 8:11 10:8 (4)</p> <p>considered 8:2</p> <p>consumer 2:15 4:3</p> <p>continue 12:4</p> <p>contracting 7:8,11,22 8:21 (4)</p> <p>contractor 7:10,13 10:10</p> <p>corp 7:8,11,23 8:21 (4)</p> <p>counsel 2:4 3:19 10:12</p> <p>county 13:7</p> <p>court 3:11 10:20</p> <p>currently 4:18</p> <p>date 3:10</p> <p>david 2:4 3:17 8:24</p>	<p>day 13:19</p> <p>days 6:8 7:20</p> <p>dba 7:9,12 10:9</p> <p>decal 5:14,16</p> <p>decisions 8:6,9 11:22</p> <p>defined 5:4,10</p> <p>denial 7:19 8:6,9,25 (4)</p> <p>denials 8:12 10:14</p> <p>denied 7:8</p> <p>deny 8:15</p> <p>department 2:9,12,15,24 3:23,25 4:3,11 5:4,13 12:8,14 (12)</p> <p>deputy 2:3,18,23 3:17 4:5,10 (6)</p> <p>dermot 2:25 4:13</p> <p>director 12:6</p> <p>documentation 10:25</p> <p>door 5:17</p> <p>down 3:12</p> <p>driver's 5:16</p> <p>duty 3:9 4:17</p> <p>e 2:2,2 13:2,2 (4)</p> <p>each 7:13,17 8:12</p> <p>effect 6:8</p>
--	---	---	---	--

emailed 8:5	fully 9:3 10:15	hereby 13:11	joined 3:19	10:11 13:17
engine 5:2,8	further 13:14	hereunto 13:18	judgment 10:20	matters 12:20,21
entity 4:22	garcia 2:10 3:24 6:17,20,21 9:23,24 11:10,13 (9)	how 6:19 9:22 11:11	jurisdiction 10:22	matthew 2:23 4:10
environmental 5:5,13	garnett 2:13 4:2 6:13,18,23 9:21 10:2 11:8,15 (9)	hyland 2:23 4:10 7:2 10:5 11:18 (5)	justin 12:6,9,13	meeting 3:9,13,16 12:4 (4)
epa 4:25	genel 2:7 3:21 6:24 10:3 11:16 (5)	i'm 3:19	kathryn 2:9 3:24	members 3:20 6:19 8:6,13 9:22 11:12,21 12:17,19 (9)
equipped 4:25	general 2:3 3:18 7:10,12 10:9 (5)	important 12:10	knowingly 9:5 10:23	minutes 11:25
every 4:20	given 9:15 11:5	information 9:6,10 10:24	labeling 5:14	misleading 9:10
executive 10:11	go 6:8 11:24	informative 12:15	later 5:2	morning 3:2
exemption 7:14	good 3:2	inspector 2:23 4:10	law 4:18 5:15	motion 6:14 9:16 11:6
extension 7:25	granted 7:24	integrity 1:3 2:6 3:8,22 (4)	legal 2:3,18 3:18 4:5 8:23 (5)	move 6:17
f 13:2	gregg 2:20 4:8	interested 13:16	let 7:3 10:6 11:19	moved 9:19 11:8
failed 9:5 10:17,24	grounds 7:18 9:3 10:15	into 6:8	license 5:21	ms 6:13,17,18,20, 21,22,23 9:21,24,25 10:2 11:8,10,13,14,15 (16)
false 9:10	hand 13:19	investigation 2:12 3:25	licensed 4:23	my 13:19
february 1:4 3:3 8:4 13:19 (4)	hard 12:20	iosilevich 10:12	licensing 7:15	n 2:2
fees 10:18	has 5:8 8:25 10:13,17,23 (5)	is 3:3,4,8,12,13 4:22 6:4,14 7:4 8:16,18,20,22 9:16,20 10:7,8,11 11:6,9,20 13:11 (22)	local 4:18 5:15	new 1:8,8 2:23 3:5,7 4:11,24 5:4,12 13:5,10 (11)
feldman 2:4 3:2,17 6:19 7:3 9:20 10:6 11:9,11,19 12:3,13 (12)	hauling 4:17,21 5:7	issue 5:20 8:7	location 3:10	next 10:8
few 11:25	having 7:24	its 5:19 9:8,11	lorelei 2:16 4:4	no 6:13 8:8,18 9:15 11:5 13:16 (6)
final 4:16 5:6 6:7	hearing 5:25	jackson 13:9	made 8:8	noah 2:7 3:21
first 8:20	heavy 4:16 5:7	jacovino 9:9	mandell 8:24	noted 12:23
floor 1:20 3:6	heavyduty 4:21	january 5:24 7:23	manner 3:15	
following 3:15 9:2 10:15	held 5:25 12:11	here 3:12 4:14	margaret 2:13 4:2	
forth 5:22 9:3 10:16			mario 9:9	
			marriage 13:16	
			material 8:8	
			matter 8:22	

notice 7:18	presentation 12:5,11,16	11:19	salvatore 7:9,12 8:3 10:9 (4)	state 13:5,10
noticed 3:9	presenting 12:9	regarding 6:11 8:7 9:13 11:3 (4)	sanitation 2:9 3:23 12:8,15 (4)	statement 13:12
now 6:4 8:11 11:24	principal 9:8	registered 4:23	sbs 2:20 4:8	stepmar 7:8,11,22 8:21 (4)
obtain 5:12	proposed 4:16 5:6,25 6:12,15 (5)	regulatory 2:18 4:6	schwartz 2:19 4:6 6:25 9:19 10:4 11:17 (6)	street 1:7 3:5
off 11:24 12:2,12,22 (4)	proposes 5:18	related 10:19 13:14	second 6:18 9:20,21 11:9,10 (5)	submit 7:21 8:4
operate 7:15	protection 2:15 4:4 5:5,13 (4)	relating 4:16	section 4:19 5:10,19,23 (4)	submitted 7:13,23
operated 4:22	provide 9:6 10:24	renew 7:14	served 7:17	svetlana 10:12
operating 4:24	provided 9:9	reporter 3:11 13:10	services 2:20 4:7	sworn 7:21
operator 5:7	public 3:9 5:25	representing 2:20,24 4:8,12 (4)	set 5:22 9:3 10:15 13:18 (4)	t 13:2,2
other 9:22 11:11	publication 6:9	require 5:6	shea 2:25 4:13	taken 13:12
outcome 13:17	published 6:7	required 4:23 10:25	shechinah 13:9	taking 3:12
owned 4:22	put 3:14	requirements 5:22 7:15	shorthand 13:9	taped 3:13
owner 5:6	questions 6:11 9:13 11:3	requires 4:20	sign 11:22	taxes 10:18
p 2:2,2	r 2:2 13:2	response 7:21,23 8:3,4 9:15 11:5 (6)	signature 13:21	technology 5:3,10
participation 12:18	receive 6:2	retrofit 5:3,9	since 8:9	ten 7:20
parties 13:15	recommend 7:18	rule 4:16 6:2,3,3,6,7,12,16 (8)	small 2:19 4:7	thank 4:14 12:9,13,17 (4)
passenger's 5:16	recommendation 8:17,20 9:4,18 10:16 11:7 (6)	rules 5:6,19	so 9:19 11:8	their 7:19 12:18,20
pay 10:17	recommendation s 8:15,19	s 2:2	ss 13:6	these 12:20
penalties 10:18	recommended 7:7 8:6,9,12,25 10:13 (6)	said 3:12	staff 7:7 8:21,24 9:3 10:10,13 12:19 (7)	time 3:4 7:25 12:23
penalty 5:19	record 3:3 7:3 10:6 11:19,24 12:2,4,12,22 (9)	sal 7:9,12 10:9	staff's 8:15,17 9:4,17 10:16 11:7 (6)	timely 3:15
place 5:15	reflect 7:3 10:6	salas 2:16 4:4 6:22 9:25 11:14 (5)	starting 6:20 9:23	today 3:3 4:14,15 7:5 11:23 (5)
plates 5:21				today's 3:7,10
pm 12:23				topic 12:10
police 2:24,24 4:11,12,12 (5)				
pre2007 5:8				

<p>trade 4:17,21 5:7 7:16 (4)</p> <p>transcript 13:12</p> <p>tribunal 10:21</p> <p>true 13:11</p> <p>two 7:6 9:2 10:15</p> <p>unanimous 7:4 10:7 11:20</p> <p>up 6:4</p> <p>utilized 5:2</p> <p>utilizes 5:9</p> <p>vehicle 4:21 5:8,14,17 (4)</p> <p>vehicles 4:17 5:21</p> <p>vicari 7:9,12 8:3 10:9 (4)</p> <p>video 3:13,14</p> <p>vote 6:4,20 7:4 8:14,16,16,18,18 9:22 10:7 11:12,20 (12)</p> <p>voted 11:23</p> <p>votes 6:6</p> <p>waste 4:17,21 5:7 7:16 12:5,7 (6)</p> <p>way 13:16</p> <p>welcome 3:7</p> <p>what 3:12</p> <p>whereof 13:18</p> <p>whereupon 12:11</p>	<p>whether 6:5 8:14</p> <p>which 3:9 4:18 7:6 10:20 (4)</p> <p>will 3:14 4:15 5:20 6:7,8 7:5 8:11,13 11:24 12:4 (10)</p> <p>within 13:10,11</p> <p>witness 13:18</p> <p>work 12:20</p> <p>worker 2:15 4:3</p> <p>written 7:21</p> <p>x 1:2,6</p> <p>yes 6:6 8:16</p> <p>york 1:8,8 2:23 3:5,7 4:11,24 5:4,12 13:5,10 (11)</p> <p>youtube 3:14</p> <p>zones 12:6</p> <p>zoning 12:7</p> <p>1130 3:11</p> <p>1137 3:4</p> <p>1202 12:23</p> <p>2013 4:18 5:15</p> <p>2020 3:4 5:24 7:24 8:5 13:19 (5)</p> <p>252020 1:4</p> <p>2416311 4:19 5:23</p>			
---	---	--	--	--