

NYC - Business Integrity Commission Meeting
October 30, 2020

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New York City

Business Integrity Commission

Public Session

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Telephone Conference

October 30, 2020

10:10 A.M.

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APPEARANCES :

DAVID FELDMAN, Deputy Commissioner for Legal Affairs and Acting General Counsel

NOAH GENEL, Commissioner/ Chair of Business Integrity Commission

EDWARD GRAYSON, Acting Commissioner of Department of Sanitation

MARGARET GARNETT, Commissioner Department of Investigation

ANDREW SCHWARTZ, Deputy Commissioner of Small Business Services

KENNY MINAYA, Chief of Staff and Delegate for the Department of Consumer and Worker Protection

MATTHEW HYLAND, Delegate of New York City Police Department

1
2 MR. FELDMAN: Good morning, we are
3 on the record. Today is October 30,
4 2020, the time is 10:10 a.m. Welcome to
5 today's meeting of the New York City
6 Business Integrity Commission. We are
7 conducting this meeting via telephone
8 conference, pursuant to Executive Order
9 number 202.1, issued by Governor Andrew
10 Cuomo, permitting the attendance of
11 public meetings telephonically, under
12 Article 7 of the Public Officers Law.

13 This is a public meeting which was
14 duly noticed for today's date at 10
15 a.m., along with a dial-in information
16 for the phone conference. This meeting
17 is being audio recorded, and the
18 recording and meeting minutes will be
19 posted on BICs website in a timely
20 manner following the conclusion of this
21 meeting.

22 I am David Feldman, Deputy
23 Commissioner of Legal Affairs and
24 general counsel for the commission. I'm
25 joined by the following commission

1
2 members: Noah Genel, Commissioner and
3 Chair of the Business Integrity
4 Commission; Department of Sanitation
5 acting commissioner, Edward Grayson;
6 Department of Investigation Commissioner
7 Margaret Garnett; Department of Consumer
8 and Worker Protection Chief of Staff,
9 Kenny Minaya; representing DCWP,
10 Commissioner Lorelei Salas; Deputy
11 Commissioner for Legal and Regulatory
12 Affairs, Andrew Schwartz, of the
13 Department of Small Business Services;
14 representing SBS, Commissioner Jonnel
15 Doris; and Inspector Hyland of the New
16 York City Police Department,
17 representing Police Commissioner Dermot
18 Shea. Thank you all for being here
19 today.

20 Today the commission will consider
21 two applications which the commission
22 staff has recommended be denied. One,
23 D.J.C.I Enterprises LLC, and two, Clean
24 Fleet, Corp. D.J.C.I Enterprises LLC
25 and Clean Fleet, Corp. each submitted an

1
2 application for an exemption from the
3 licensing requirement to operate as a
4 trade waste business. The applicants
5 were each served with a notice of the
6 grounds to recommend the denial of their
7 applications. The applicants were
8 advised that they have 10 business days
9 to submit a sworn written response to
10 the commission. The commission did not
11 receive any responses. On October 27,
12 2020, we e-mailed to the commission
13 members the recommended denial decisions
14 regarding the applications at issue.

15 There have been no material changes
16 made to the recommended denial decisions
17 since then. The commission will now
18 consider the recommended denials. For
19 each application, the commission members
20 will vote as to whether or not to adopt
21 the staffs' recommendation to deny the
22 application. A vote of yes, is a vote
23 to adopt the staffs' denial
24 recommendation. A vote of no, is a vote
25 not to adopt the recommendation.

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2 The first recommendation is for
3 D.J.C.I Enterprises LLC. The staff
4 attorney in charge of this matter is
5 Executive Agency Counsel, Spiros
6 Moustakas. The commission staff has
7 recommended denial of this application
8 based on the following three grounds as
9 fully set forth in the staffs'
10 recommendation.

11 One: The applicant and its sole
12 principal were recently convicted of
13 crimes related to illegal dumping of
14 trade waste. Two: The applicant failed
15 to notify the commission of its sole
16 principals' arrest and the criminal
17 convictions. And three: The applicant
18 has engaged in unregistered trade waste
19 removal activity.

20 Before we move on to voting on this
21 denial decision, I ask that everyone
22 state their name prior to speaking, so
23 that the record can clearly attribute
24 each vote or any questions or comments
25 to the correct speaker. At this time, I

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ask that all of the commissioners and designees unmute their phones to participate in the voting process.

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

Is there a motion from the commissioners or designees to adopt the staffs' recommendations?

MS. GARNETT: So moved Margaret Garnett DOI.

MR. FELDMAN: And is there a second?

MR. SCHWARTZ: Second, Andrew Schwartz.

MR. FELDMAN: Thank you. I will be calling on each commissioner and designee to collect votes. Commissioner Genel?

MS. GENEL: Yes.

MR. FELDMAN: Commissioner Grayson?

MR. GRAYSON: Yes.

MR. FELDMAN: Commissioner Garnett?

MS. GARNETT: Yes.

MR. FELDMAN: Chief of Staff Minaya?

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MR. MINAYA: Yes.

MR. FELDMAN: Deputy Commissioner Schwartz?

MR. SCHWARTZ: Yes.

MR. FELDMAN: Inspector Hyland?

MR. HYLAND: Yes.

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

The next application to consider is Clean Fleet Corp., the staff attorney in charge of this matter is executive agency counsel, Kieran Linehan. The commission's staff has recommended denial of this application based on the following two grounds as fully set forth in the staffs' recommendation.

One: The applicant provided false, incomplete and misleading information in its application and its sworn testimony. And two: The applicants undisclosed principal has been convicted of manslaughter. Again, I ask that everyone state their name prior to speaking.

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

Is there a motion from the commissioners or designees to adopt the staffs' recommendation?

MR. SCHWARTZ: So moved Andrew Schwartz.

MR. FELDMAN: And is there a second?

MR. HYLAND: Matt Hyland, second.

MR. FELDMAN: Thank you.

Once again I will be calling on each commissioner and designee to collect votes.

Commissioner Genel?

MS. GENEL: Yes.

MR. FELDMAN: Commissioner Grayson?

MR. GRAYSON: Yes.

MR. FELDMAN: Commissioner Garnett?

MS. GARNETT: Yes.

MR. FELDMAN: Chief of Staff Minaya?

MR. MINAYA: Yes.

MR. FELDMAN: Deputy Commissioner Schwartz?

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MR. SCHWARTZ: Yes.

MR. FELDMAN: Inspector Hyland?

MR. HYLAND: Yes.

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

That concludes the matters before the commission. The denial decisions will note each commissioner and designees' vote today. 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 telephone meeting today.

We are off the record.

(TIME NOTED: 10:18 a.m.)

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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 10/30/2020.

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 30th day of October 2020.


Shechinah Jackson

30th 11:18	article 3:12	clearly 6:23	county 11:6	dialin 3:15
accurate 11:11	ask 6:21 7:2 8:23	collect 7:18 9:14	crimes 6:13	djci 4:23,24 6:3
acting 2:4,7 4:5	attendance 3:10	comments 6:24 7:6 9:3	criminal 6:16	doi 7:12
action 11:14	attended 10:15	commission 1:6 2:6 3:6,24,25 4:4,20,21 5:10,10,12,17,19 6:6,15 10:8,11,13 (18)	cuomo 3:10	doris 4:15
activity 6:19	attorney 6:4 8:11	commission's 8:14	date 3:14	duly 3:14
adopt 5:20,23,25 7:9 9:6 (5)	attribute 6:23	commissioner 2:4,5,7,8,10 3:23 4 :2,5,6,10,11,14,17 7:17,18,21,23 8:3 9:14,16,18,20,24 10:9 (24)	david 2:4 3:22	dumping 6:13
advised 5:8	audio 3:17	commissioners 7:2,5,9 9:2,6 (5)	day 11:18	e 11:2,2
affairs 2:4 3:23 4:12	based 6:8 8:15	concludes 10:7	days 5:8	each 4:25 5:5,19 6:24 7:17 9:13 10:9 (7)
again 8:23 9:13	before 6:20 10:7	conclusion 3:20	dcwp 4:9	edward 2:7 4:5
agency 6:5 8:13	being 3:17 4:18	conducting 3:7	decision 6:21	emailed 5:12
along 3:15	bics 3:19	conference 1:12 3:8,16	decisions 5:13,16 10:8	engaged 6:18
also 10:14	blood 11:14	consider 4:20 5:18 8:10	delegate 2:11,13	enterprises 4:23,24 6:3
am 1:17 3:4,15,22 10:18 11:13,15 (7)	bronx 11:6	consumer 2:12 4:7	denial 5:6,13,16,23 6:7,21 8:15 10:8 (8)	everyone 6:21 8:24
andrew 2:10 3:9 4:12 7:14 9:8 (5)	business 1:6 2:5,10 3:6 4:3,13 5:4,8 (8)	convicted 6:12 8:22	denials 5:18	executive 3:8 6:5 8:12
appearances 2:2	c 11:2,2	convictions 6:17	denied 4:22	exemption 5:2
applicant 6:11,14,17 8:18 (4)	calling 7:17 9:13	corp 4:24,25 8:11	deny 5:21	f 11:2
applicants 5:4,7 8:21	can 6:23	correct 6:25	department 2:7,8,12,13 4:4,6,7,13,16 (9)	failed 6:14
application 5:2,19,22 6:7 7:7 8:10,15,20 9:4 (9)	certify 11:10,13	counsel 2:4 3:24 6:5 8:13 (4)	deputy 2:4,10 3:22 4:10 8:3 9:24 (6)	false 8:18
applications 4:21 5:7,14	chair 2:5 4:3		dermot 4:17	feldman 2:4 3:2,22 7:13,16,21,23,25 8:3,6,8 9:10,12,18, 20,22,24 10:3,5 (19)
are 3:2,6 10:17	changes 5:15		designee 7:18 9:14	first 6:2
arrest 6:16	charge 6:4 8:12		designees 7:3,6,9 9:3,6 (5)	fleet 4:24,25 8:11
	chief 2:11 4:8 7:25 9:22 (4)		designees' 10:10	following 3:20,25
	city 1:4 2:13 3:5 4:16 (4)			
	clean 4:23,25 8:11			

6:8 8:16 (4)	8:19	manner 3:20	name 6:22 8:24	phones 7:3
forth 6:9 8:16	inspector 4:15 8:6 10:3	manslaughter 8:23	new 1:4 2:13 3:5 4:15 11:5,9 (6)	police 2:13 4:16,17
fully 6:9 8:16	integrity 1:6 2:6 3:6 4:3 (4)	margaret 2:8 4:7 7:11	next 8:10	posted 3:19
further 11:13	interested 11:15	marriage 11:15	no 5:15,24 11:15	principal 6:12 8:22
garnett 2:8 4:7 7:11,12,23,24 9:20,21 (8)	investigation 2:9 4:6	material 5:15	noah 2:5 4:2	principals' 6:16
genel 2:5 4:2 7:19,20 9:16,17 (6)	is 3:3,4,13,17 5:22,24 6:2,4 7:8,13 8:9,10,12 9:5,10 10:6 11:10 (17)	matt 9:11	note 10:9	prior 6:22 8:24
general 2:4 3:24	issue 5:14	matter 6:4 8:12 11:16	noted 10:18	process 7:4
good 3:2	issued 3:9	matters 10:7,14	notice 5:5	protection 2:12 4:8
governor 3:9	its 6:11,15 8:20,20 (4)	matthew 2:13	noticed 3:14	provided 8:18
grayson 2:7 4:5 7:21,22 9:18,19 (6)	jackson 11:8	meeting 3:5,7,13,16,18,21 10:16 (7)	notify 6:15	public 1:8 3:11,12,13 10:15 (5)
grounds 5:6 6:8 8:16	joined 3:25	meetings 3:11	now 5:17	pursuant 3:8
hand 11:18	jonnell 4:14	members 4:2 5:13,19 10:11,12,15 (6)	number 3:9	questions 6:24 7:6 9:3
hard 10:13	kenny 2:11 4:9	minaya 2:11 4:9 7:25 8:2 9:22,23 (6)	october 1:15 3:3 5:11 11:18 (4)	r 11:2
has 4:22 6:6,18 8:14,22 (5)	kieran 8:13	minutes 3:18	off 10:17	receive 5:11
here 4:18	law 3:12	misleading 8:19	officers 3:12	recently 6:12
hereby 11:10	legal 2:4 3:23 4:11	morning 3:2	once 9:13	recommend 5:6
hereunto 11:17	let 8:8 10:5	motion 7:8 9:5	one 4:22 6:11 8:18	recommendation 5:21,24,25 6:2,10 8:17 9:7 (7)
hyland 2:13 4:15 8:6,7 9:11,11 10:3,4 (8)	licensing 5:3	moustakas 6:6	operate 5:3	recommendation s 7:10
i'm 3:24	linehan 8:13	move 6:20	order 3:8	recommended 4:22 5:13,16,18 6:7 8:14 (6)
illegal 6:13	llc 4:23,24 6:3	moved 7:11 9:8	outcome 11:16	record 3:3 6:23 8:8 10:5,17 (5)
incomplete 8:19	loirei 4:10	ms 7:11,20,24 9:17,21 (5)	participate 7:4	recorded 3:17
information 3:15	made 5:16	my 11:18	participation 10:12	
			parties 11:14	
			permitting 3:10	
			phone 3:16	

recording 3:18	shorthand 11:8	9:12 10:10,14 (5)	way 11:15
reflect 8:8 10:5	signature 11:20	their 5:6 6:22 7:3 8:24 10:11,13 (6)	website 3:19
regarding 5:14 7:7 9:4	since 5:17	these 10:14	welcome 3:4
regulatory 4:11	small 2:10 4:13	three 6:8,17	whereof 11:17
related 6:13 11:13	so 6:22 7:11 9:8	time 3:4 6:25 10:18	whether 5:20
removal 6:19	sole 6:11,15	timely 3:19	which 3:13 4:21
reporter 11:9	speaker 6:25	today 3:3 4:19,20 10:10,16 (5)	who 10:15
representing 4:9,14,17	speaking 6:22 8:25	today's 3:5,14	will 3:18 4:20 5:17,20 7:16 9:13 10:9 (7)
requirement 5:3	spiros 6:5	trade 5:4 6:14,18	within 11:9,10
response 5:9	ss 11:5	transcript 11:11	witness 11:17
responses 5:11	staff 2:11 4:8,22 6:3,6 7:25 8:11,14 9:22 10:13 (10)	true 11:10	work 10:13
salas 4:10	staffs' 5:21,23 6:9 7:10 8:17 9:7 (6)	two 4:21,23 6:14 8:16,21 (5)	worker 2:12 4:8
sanitation 2:7 4:4	state 6:22 8:24 11:5,9 (4)	unanimous 8:9 10:6	written 5:9
sbs 4:14	statement 11:11	under 3:11	x 1:2,10
schwartz 2:10 7:14,15 8:4,5 9:8,9,25 10:2 (9)	submit 5:9	undisclosed 8:21	yes 5:22 7:20,22,24 8:2,5,7 9:17,19,21,23 10:2,4 (13)
scwartz 4:12	submitted 4:25	unmute 7:3	york 1:4 2:13 3:5 4:16 11:5,9 (6)
second 7:13,14 9:10,11 (4)	sworn 5:9 8:20	unregistered 6:18	1010 1:17 3:4
served 5:5	t 11:2,2	via 3:7	1018 10:18
services 2:10 4:13	taken 11:11	vote 5:20,22,22,24,24 6:24 8:9 10:6,10 (9)	2020 1:15 3:4 5:12 11:18 (4)
session 1:8	telephone 1:12 3:7 10:16	votes 7:18 9:15	2021 3:9
set 6:9 8:16 11:17	telephonically 3:11	voting 6:20 7:4	10302020 11:12
shea 4:18	testimony 8:20	waste 5:4 6:14,18	
shechinah 11:8	thank 4:18 7:16		