

NYC - Business Integrity Commission Meeting  
January 19, 2021

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THE CITY OF NEW YORK  
BUSINESS INTEGRITY COMMISSION  
COMMISSION MEETING  
PUBLIC MEETING

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January 19, 2019  
11:12 a.m.  
Held Remotely  
via Teleconference

Julia M. Speros  
Court Reporter

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A P P E A R A N C E S:

Business Integrity Commission  
David Feldman, Deputy Commissioner, General  
Counsel

Business Integrity Commission  
Commissioner: Noah Genel

Department of Sanitation  
Commissioner: Edward Grayson

Department of Investigation  
Commissioner: Margaret Garnett

Department of Consumer and Worker Protection:  
Commissioner: Lorelei Salas

Small Business Services  
Delegate: Andrew Schwartz, Deputy Commissioner,  
representing Commissioner Jonnel Doris

New York City Police Department:  
Delegate: John Dusanenko, Captain, representing  
Commissioner Dermot Shea

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PROCEEDINGS

MR. FELDMAN: Good morning. We are on the record. Today is January 19, 2021. 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 telephone conference pursuant to Executive Order number 202.1 issued by Governor Andrew Cuomo permitting the attendance of public meetings telephonically under Article 7 of the Public Officers Law.

This is a public meeting, which was duly noticed for today's date at 11 o'clock a.m., along with the dial-in information for the phone conference.

This meeting is being audio 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.

1 I am joined by the following  
2 Commission members:

3 Noah Genel, Commissioner and Chair  
4 of the Business Integrity Commission.  
5 Department of Sanitation Commissioner,  
6 Edward Grayson, Department of  
7 Investigation Commissioner, Margaret  
8 Garnett, Department of Consumer and  
9 Worker Protection Commissioner, Lorelei  
10 Salas, Deputy Commissioner for Legal and  
11 Regulatory Affairs, Andrew Schwartz of  
12 the Department of Small Business  
13 Services representing SBS Commissioner  
14 Jonnel Doris, and Captain John Dusanenko  
15 of the New York City Police Department  
16 representing Police Commissioner Dermot  
17 Shea. Thank you all for being here  
18 today.

19 Today, the Commission will consider  
20 two applications, which the Commission's  
21 staff have recommended be denied. One,  
22 Abarrotes and Mexican Flavors Corp., and  
23 two, Emerald Carting Services Corp.

24 Abarrotes and Mexican Flavors Corp.  
25 submitted an application for a

1 registration to operate as a wholesale  
2 food business in a public wholesale  
3 market, and Emerald Carting Services  
4 Corp. submitted a renewal application  
5 for an exemption from the licensing  
6 requirements to operate as a trade waste  
7 business.

8 The applicants were each served with  
9 a notice of the grounds to recommend the  
10 denial of their applications. The  
11 applicants were advised that they had 10  
12 business days to submit a sworn written  
13 response to the Commission.

14 The Commission did not receive a  
15 response from Abarrotes and Mexican  
16 Flavors Corp. and received a response  
17 from Emerald Carting Services Corp. on  
18 December 14, 2020.

19 The Commission carefully considered  
20 the applicant's response.

21 On January 14, 2021 we emailed the  
22 Commission members the recommended  
23 denial decisions regarding the  
24 applications at issue. There have been  
25 no material changes made to the

1 recommended denial decisions since then.

2 The Commission will now consider the  
3 recommended denials.

4 For each application, the Commission  
5 members will vote as to whether or not to  
6 adopt the staff's recommendation to deny  
7 the application. A vote of "yes" is a  
8 vote to adopt the staff's denial  
9 recommendation. A vote of "no" is a  
10 vote not to adopt the recommendation.

11 The first recommendation is for  
12 Abarrotes and Mexican Flavors Corp. The  
13 staff attorney in charge of this matter  
14 is Executive Agency Counsel Kieran  
15 Linehan.

16 The Commission's staff has  
17 recommended denial of this application  
18 based on the follow three grounds as  
19 fully set forth in the staff's  
20 recommendation:

21 One, the applicant failed to provide  
22 truthful information in connection with  
23 the instant application.

24 Two, the applicant and the  
25 applicant's predecessor company have

1 repeatedly engaged in unregistered  
2 activity.

3 And, three, the applicant and the  
4 applicant's predecessor company have  
5 failed to pay fines directly related to  
6 the applicant's business for which  
7 judgment has been entered.

8 Before we move onto voting on this  
9 denial decision, I ask that everyone  
10 state their name prior to speaking so  
11 that the record can clearly attribute  
12 each vote or any questions or comments  
13 to the correct speaker.

14 At this time, I ask that all of the  
15 Commissioners and Designees un-mute  
16 their phones by pressing \*6 to  
17 participate in the voting process.

18 Do any of the Commissioners or  
19 Designees have any questions or comments  
20 regarding this application?

21 (No response.)

22 MR. FELDMAN: Is there a motion from  
23 the Commissioners or Designees to adopt  
24 the staff's recommendation?

25 MS. SALAS: So moved, Lorelei Salas.

1 MR. FELDMAN: Thank you. And is  
2 there a second?

3 MS. GARNETT: Second, Margaret  
4 Garnett.

5 MR. FELDMAN: Thank you,  
6 Commissioner Garnett.

7 I will be calling on each  
8 Commissioner and Designee to collect the  
9 votes.

10 Commissioner Genel?

11 MR. GENEL: Yes.

12 MR. FELDMAN: Commissioner Grayson?

13 MR. GRAYSON: Yes.

14 MR. FELDMAN: Commissioner Garnett?

15 MS. GARNETT: Yes.

16 MR. FELDMAN: Commissioner Salas?

17 MS. SALAS: Yes.

18 MR. FELDMAN: Deputy Commissioner  
19 Schwartz?

20 MR. SCHWARTZ: Yes.

21 MR. FELDMAN: Captain Dusanenko?

22 MR. DUSANENKO: Yes.

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

25 The next application to consider is



1 Emerald Carting Services Corp. The  
2 staff attorney in charge of this matter  
3 is Associate Commissioner of Legal  
4 Affairs, David Mandell.

5 The Commission staff has recommended  
6 denial of this renewal application based  
7 on the following three grounds as fully  
8 set forth in the staff's recommendation:

9 One, the Commission previously found  
10 that the applicant's alter ego company,  
11 Rose Demolition and Carting Inc., lacked  
12 good character, honesty and integrity,  
13 and denied its renewal application.

14 Two, the applicant failed to provide  
15 truthful information to the Commission.

16 And, three, the applicant has failed  
17 to demonstrate eligibility for a trade  
18 waste license.

19 Again, I ask that everyone state  
20 their name prior to speaking and un-mute  
21 their phone by pressing \*6.

22 Do any of the Commissioners or  
23 Designees have any questions or comments  
24 regarding this application?

25 (No response.)

1 MR. FELDMAN: Is there a motion from  
2 the Commissioners or Designees to adopt  
3 the staff's recommendation?

4 MS. SALAS: So moved, Lorelei Salas.

5 MR. FELDMAN: Thank you,  
6 Commissioner Salas.

7 Is there a second?

8 MR. SCHWARTZ: Second, Andrew  
9 Schwartz.

10 MR. FELDMAN: Thank you, Deputy  
11 Commissioner Schwartz.

12 Once again, I will be calling on  
13 each Commissioner and Designee to  
14 collect votes.

15 Commissioner Genel?

16 MR. GENEL: Yes.

17 MR. FELDMAN: Commissioner Grayson?

18 MR. GRAYSON: Yes.

19 MR. FELDMAN: Commissioner Garnett?

20 MS. GARNETT: Yes.

21 MR. FELDMAN: Commissioner Salas?

22 MS. SALAS: Yes.

23 MR. FELDMAN: Deputy Commissioner  
24 Schwartz?

25 MR. SCHWARTZ: Yes.

1 MR. FELDMAN: Captain Dusanenko?

2 MR. DUSANENKO: Yes.

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

5 That concludes the matters before  
6 the Commission. The denial decisions  
7 will note each Commissioner and  
8 Designee's vote today.

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

13 Thank you also to any members of the  
14 public who attended this telephone  
15 meeting today.

16 We are off the record at 11:10 a.m.

17 (Time noted: 11:10 a.m.)

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CERTIFICATION

I, JULIA M. SPEROS, a Notary Public for and within the State of New York, do hereby certify:

That the witness whose testimony as herein set forth, was duly sworn by me; and that the within transcript is a true record of the testimony given by said witness.

I further certify that I am not related to any of the parties to this action by blood or 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 19th day of January, 2021.

  
\_\_\_\_\_  
Julia M. Speros

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