



THE CITY OF NEW YORK
BUSINESS INTEGRITY COMMISSION
100 CHURCH STREET, 20TH FLOOR
NEW YORK, NEW YORK 10007

DECISION OF THE BUSINESS INTEGRITY COMMISSION DENYING THE APPLICATION OF ALL PRO CONTRACTING, LLC FOR A REGISTRATION TO OPERATE AS A TRADE WASTE BUSINESS

On October 6, 2005, All Pro Contracting, LLC (the "Applicant" or "All Pro") submitted an application to the New York City Business Integrity Commission ("Commission"), formerly named the New York City Trade Waste Commission, pursuant to Local Law 42 of 1996, for exemption from licensing requirements for the removal of construction and demolition debris. See Title 16-A of the New York City Administrative Code ("Admin. Code"), §16-505(a). The principals of the Applicant, a construction and waste hauling company, are Michael D'Aloia and Anthony Medina.

All Pro has applied to the Commission for an exemption from licensing requirements and for a registration enabling it to operate a trade waste business "solely engaged in the removal of waste materials resulting from building demolition, construction, alteration or excavation" – a type of waste commonly known as construction and demolition debris, or "C & D." Admin. Code §16-505(a). Local Law 42 authorizes the Commission to review and determine such applications for exemptions. See id. If, upon review and investigation of the exemption application, the Commission grants the Applicant an exemption from the licensing requirements applicable to businesses that remove other types of waste, the Applicant will be issued a registration. See id.

In determining whether to grant a registration to operate a construction and demolition debris removal business, the Commission considers the same types of factors that are pertinent to the Commission's determination whether to issue a license to a business seeking to remove other types of waste. See, e.g., Admin Code §16-504(a) (empowering Commission to issue and establish standards for issuance, suspension, and revocation of licenses and registrations); compare Title 17, Rules of the City of New York ("RCNY") §§1-06 & 2-02 (specifying information required to be submitted by license applicant) with 17 RCNY §§1-06 & 2-03(b) (specifying information required to be submitted by registration applicant); see also Admin. Code §16-513(a)(i) (authorizing suspension or revocation of license or registration for violation of Local Law 42 or any

rule promulgated pursuant thereto). Central to the Commission's investigation and determination of a registration application is whether the applicant has business integrity. See 17 RCNY §1-09 (prohibiting numerous types of conduct reflecting lack of business integrity, including violations of law, knowing association with organized crime figures, false or misleading statements to the Commission, and deceptive trade practices); Admin. Code §16-509(a) (authorizing Commission to refuse to issue licenses to applicants lacking "good character, honesty and integrity").

Based upon the record as to the Applicant, the Commission denies its exemption application and refuses to issue the Applicant a registration on the ground that this Applicant lacks good character, honesty and integrity for the following independently sufficient reasons:

- A. The Applicant has failed to demonstrate eligibility for a trade waste exemption from licensing and a trade waste registration.
 - 1. The Applicant's President and Treasurer, Michael D'Aloia, has committed numerous crimes.
 - 2. The Applicant's President and Treasurer, Michael D'Aloia, is a convicted racketeer.
 - 3. The Applicant's President and Treasurer, Michael D'Aloia, knowingly associated with associates or members of organized crime.
- B. The Applicant knowingly failed to provide information and provided false information to the Commission.

I. BACKGROUND

A. The New York City Carting Industry

Virtually all of the more than 200,000 commercial business establishments in New York City contract with private carting companies to remove and dispose of their refuse. Historically, those services have been provided by several hundred companies. For the past four decades, and until only a few years ago, the private carting industry in the City was operated as an organized crime-controlled cartel engaging in a pervasive pattern of racketeering and anticompetitive practices. The United States Court of Appeals for the Second Circuit has described that cartel as "a 'black hole' in New York City's economic life." Sanitation & Recycling Industry, Inc. v. City of New York, 107 F.3d 985, 989 (2d Cir. 1997) ("SRI").

Extensive testimonial and documentary evidence adduced during lengthy City Council hearings addressing the corruption that historically has plagued this industry revealed the nature of the cartel: an entrenched anti-competitive conspiracy carried out through customer-allocation agreements among carters, who sold to one another the

exclusive right to service customers, and enforced by organized crime-connected racketeers, who mediated disputes among carters. See generally Peter Reuter, Racketeering in Legitimate Industries: A Study in the Economics of Intimidation (RAND Corp. 1987). After hearing the evidence, the City Council made numerous factual findings concerning organized crime's longstanding and corrupting influence over the City's carting industry and its effects, including the anticompetitive cartel, exorbitant carting rates, and rampant customer overcharging. More generally, the Council found "that unscrupulous businesses in the industry have taken advantage of the absence of an effective regulatory scheme to engage in fraudulent conduct." Local Law 42 §1.

The City Council's findings of extensive corruption in the commercial carting industry have been validated by the successful prosecution of many of the leading figures and companies in the industry. In 1995 and 1996, the Manhattan District Attorney obtained racketeering indictments against more than sixty individuals and firms connected to the City's waste removal industry, including powerful mob figures such as Genovese organized crime family capo Alphonse Malangone and Gambino soldier Joseph Francolino. Simply put, the industry's entire modus operandi, the cartel, was indicted as a criminal enterprise. Since then, all of the defendants have either pleaded or been found guilty of felonies; many have been sentenced to lengthy prison terms, and many millions of dollars in fines and forfeitures have been imposed.

The Commission's regulatory and law-enforcement investigations have confirmed that organized crime has long infiltrated the construction and demolition debris removal sector of the carting industry as well as the garbage hauling sector that was the focus of the Manhattan District Attorney's prosecution. In light of the close nexus between the C & D sector of the carting industry and the construction industry, mob influence in the former should come as no surprise. The construction industry in New York City has been corrupted by organized crime for decades. See, e.g., James B. Jacobs, Gotham Unbound: How New York City Was Liberated from the Grip of Organized Crime 96-115 (1999) (detailing La Cosa Nostra's influence and criminal activity in the concrete, masonry, drywall, carpentry, painting, trucking, and other sectors of the City's construction industry).

Moreover, the C & D sector of the carting industry has been a subject of significant federal prosecutions over the past decade. In 1990, Anthony Vulpis, an associate of both the Gambino and the Genovese organized crime families, Angelo Paccione, and six waste hauling companies owned or controlled by them were convicted of multiple counts of racketeering and mail fraud in connection with their operation of a massive illegal landfill on Staten Island. See United States v. Paccione, 949 F.2d 1183, 1186-88 (2d Cir. 1991), cert. denied, 505 U.S. 1220 (1992). Many C & D haulers dumped their loads at this illegal landfill, which accumulated 550,000 cubic yards of refuse over a mere four-month period in 1988. During that period, "the City experienced a sharp decline in the tonnage of construction waste deposited" at its Fresh Kills landfill, as well as "a concomitant decline in revenue" from the fees that would have been charged for dumping at a legal landfill. 949 F.2d at 1188. The trial judge described this scheme as "one of the largest and most serious frauds involving environmental crimes ever

prosecuted in the United States.” United States v. Paccione, 751 F. Supp. 368, 371 (S.D.N.Y. 1990).

Another illegal waste disposal scheme also prominently featured haulers of construction and demolition debris. This scheme involved certain “cover” programs instituted by the City of New York at Fresh Kills, under which the City obtained materials needed to cover the garbage and other waste dumped at the landfill. Under the “free cover” program, transfer stations and carting companies could dispose of “clean fill” (i.e., soil uncontaminated by debris) at Fresh Kills free of charge. Under the “paid cover” program, the City contracted with and paid carting companies to bring clean fill to Fresh Kills. Numerous transfer stations and carters, however, abetted by corrupt City sanitation workers, dumped non-qualifying materials (including C & D) at Fresh Kills under the guise of clean fill. This was done by “cocktailing” the refuse: Refuse was placed beneath, and hidden by, a layer of dirt on top of a truckload. When the trucks arrived at Fresh Kills, they appeared to contain nothing but clean fill, which could be dumped free of charge.

In 1994, twenty-eight individuals, including numerous owners of transfer stations and carting and trucking companies, were indicted in connection with this scheme, which deprived the City of approximately \$10 million in disposal fees. The indictments charged that from January 1988 through April 1992, the defendants participated in a racketeering conspiracy and engaged in bribery and mail fraud in connection with the operation of the City’s “cover” programs. The various hauling companies, from Brooklyn, Queens, and Staten Island, were charged with paying hundreds of thousands of dollars in bribes to Department of Sanitation employees to allow them to dump non-qualifying materials at Fresh Kills without paying the City’s tipping fees. See United States v. Cafra, et al., No. 94 Cr. 380 (S.D.N.Y.); United States v. Barbieri, et al., No. 94 Cr. 518 (S.D.N.Y.); see also United States v. Caccio, et al., Nos. 94 Cr. 357,358, 359, 367 (four felony informations). Twenty-seven defendants pleaded guilty in 1994 and 1995, and the remaining defendant was found guilty in 1996 after trial.

In sum, the need to root organized crime and other forms of corruption out of the City’s waste removal industry applies with equal force to the garbage hauling and the C & D sectors of the industry. Local Law 42 recognizes this fact in requiring C & D haulers to obtain registrations from the Commission in order to operate in the City. See Attonito v. Maldonado, 3 A.D.3d 415, 771 N.Y.S.2d 97 (1st Dept. 2004).

B. Local Law 42

Upon the enactment of Local Law 42, the Commission assumed regulatory authority from the Department of Consumer Affairs (“DCA”) for the licensing and registration of businesses that remove, collect, or dispose of trade waste. See Admin. Code §16-503. “Trade waste” is broadly defined and specifically includes “construction and demolition debris.” Id. §16-501(f)(1). The carting industry quickly challenged the new law, but the courts have consistently upheld Local Law 42 against repeated facial and as-applied constitutional challenges by New York City carters. See, e.g., Sanitation

& Recycling Industry, Inc. v. City of New York, 928 F. Supp. 407 (S.D.N.Y. 1996), aff'd, 107 F.3d 985 (2d Cir. 1997); Universal Sanitation Corp. v. Trade Waste Comm'n, No. 96 Civ. 6581 (S.D.N.Y. Oct. 16, 1996); Vigliotti Bros. Carting Co. v. Trade Waste Comm'n, No. 115993/96 (Sup. Ct. N.Y. Cty. Dec. 4, 1996); Fava v. City of New York, No. CV-97-0179 (E.D.N.Y. May 12, 1997); Imperial Sanitation Corp. v. City of New York, No. 97 CV 682 (E.D.N.Y. June 23, 1997); PJC Sanitation Services, Inc. v. City of New York, No. 97-CV-364 (E.D.N.Y. July 7, 1997). The United States Court of Appeals has definitively ruled that an applicant for a trade waste removal license under Local Law 42 has no entitlement to and no property interest in a license, and the Commission is vested with broad discretion to grant or deny a license application. SRI, 107 F.3d at 995; see also Daxor Corp. v. New York Dep't of Health, 90 N.Y.2d 89, 98-100, 681 N.E.2d 356, 659 N.Y.S.2d 189 (1997); Attonito, 3 A.D.3d 415.

Local Law 42 specifically permits the Commission to refuse to issue a registration to an applicant “who has knowingly failed to provide the information and/or documentation required by the commission pursuant to [Title 16 of the Administrative Code or any rules promulgated thereto]” or “who has otherwise failed to demonstrate eligibility for such license.” Admin. Code §16-509(b). Applicants who knowingly fail to provide information required by the Commission (whether they fail to provide the information altogether or they provide false and misleading information) fall under the first prong. In Attonito v. Maldonado, 3 A.D.3d 415 (1st Dept. 2004); *leave denied*, 2 N.Y.3d 705 (2004), the Appellate Division affirmed the authority of the Commission to “review” exemption applications, to fully investigate any matter within its jurisdiction and to deny such applications in those cases “where the applicant fails to provide the necessary information, or knowingly provides false information.” It further affirmed the authority of the Commission to investigate the accuracy of the information provided in an application. Id.

Applicants who fail to demonstrate good character, honesty and integrity using the criteria by which license applicants are judged fall under the second prong of §16-509(b). While the Appellate Division in Attonito did not directly address the second prong, by affirming the Commission’s authority to investigate matters within the trade waste industry, it necessarily follows that the Commission need not ignore the results of its investigation that bear on an applicant’s good character, honesty and integrity. Accordingly, the Commission evaluates whether applicants meet the fitness standard using the same criteria upon which license applicants may be denied, including:

1. failure by such applicant to provide truthful information in connection with the application;
2. a pending indictment or criminal action against such applicant for a crime which under this subdivision would provide a basis for the refusal of such license, or a pending civil or administrative action to which such applicant is a party and which directly relates to the fitness to conduct the business or perform the work for which the license is sought, in which cases the commission may defer consideration of an application until a decision has

been reached by the court or administrative tribunal before which such action is pending;

3. conviction of such applicant for a crime which, considering the factors set forth in section seven hundred fifty-three of the correction law, would provide a basis under such law for the refusal of such license;
4. a finding of liability in a civil or administrative action that bears a direct relationship to the fitness of the applicant to conduct the business for which the license is sought;
5. commission of a racketeering activity or knowing association with a person who has been convicted of a racketeering activity, including but not limited to the offenses listed in subdivision one of section nineteen hundred sixty-one of the Racketeer Influenced and Corrupt Organizations statute (18 U.S.C. § 1961 et seq.) or of an offense listed in subdivision one of section 460.10 of the penal law, as such statutes may be amended from time to time, or the equivalent offense under the laws of any other jurisdiction;
6. association with any member or associate of an organized crime group as identified by a federal, state or city law enforcement or investigative agency when the applicant knew or should have known of the organized crime associations of such person;
7. having been a principal in a predecessor trade waste business as such term is defined in subdivision a of section 16-508 of this chapter where the commission would be authorized to deny a license to such predecessor business pursuant to this subdivision;
8. current membership in a trade association where such membership would be prohibited to a licensee pursuant to subdivision j of section 16-520 of this chapter unless the commission has determined, pursuant to such subdivision, that such association does not operate in a manner inconsistent with the purposes of this chapter;
9. the holding of a position in a trade association where membership or the holding of such position would be prohibited to a licensee pursuant to subdivision j of section 16-520 of this chapter;
10. failure to pay any tax, fine, penalty, or fee related to the applicant's business for which liability has been admitted by the person liable therefor, or for which judgment has been entered by a court or administrative tribunal of competent jurisdiction.

Admin. Code § 16-509(a)(i)-(x). While the presence of one of the above factors in the record of a registration applicant would not necessarily require a denial as a matter of

law, the Commission may consider such evidence as a factor in determining overall eligibility.

II. THE APPLICANT

On October 6, 2005, the Applicant filed an application for exemption from licensing requirements for removal of construction and demolition debris (the "Registration Application"). The principals of the Applicant are Michael D'Aloia and Anthony Medina. See Registration Application at 7. The Applicant's 51% owner and President, Michael D'Aloia ("D'Aloia"), has an extensive criminal history. D'Aloia was arrested for and indicted on numerous charges in New Jersey in the 1990s under three separate indictments. D'Aloia pled guilty on March 9, 2000 to various crimes related to these three indictments, and was sentenced for each guilty plea on July 5, 2000. The Applicant did not disclose any of these convictions in the Registration Application. See infra at 11-12.

On August 11, 1997, D'Aloia was indicted along with eleven other defendants in a twenty-six count indictment by the Superior Court of New Jersey. See Indictment, Superior Court of New Jersey, Docket Number 97-08-00027-S ("Racketeering Indictment"). D'Aloia was indicted with members and associates of the Lucchese organized crime family for charges including conspiracy to commit murder, aggravated assault, terroristic threats, illegal gambling, and extortion. See id. In furtherance of the racketeering enterprise, D'Aloia was charged with racketeering, criminal usury, and promoting gambling. Id.

The Racketeering Indictment charged that between approximately October 1, 1994 and July 27, 1995, the defendants, affiliates of the Lucchese organized crime family, engaged in a pattern of racketeering activities. Id. at 3-11. D'Aloia, as a member of the criminal enterprise, "conduct[ed] and participate[d] in illegal gambling and loansharking activities and share[d] in the profits from those illegal activities." See Racketeering Indictment at 11. Specifically, D'Aloia was charged in count one with racketeering conspiracy in the second degree in that he operated an illegal lottery scheme. Id. at 18. In furtherance of the conspiracy, on June 1, 1995, D'Aloia discussed with other defendants and undercover investigators the illegal lottery scheme and how much money the criminal enterprise earned. See id. Further, on or about June 27, 1995, D'Aloia met with the same individuals; at that time, a co-defendant advised the others "that the 'new rule' regarding informants was: 'We don't go after rats (meaning law enforcement informants) anymore. We go after their families.'" Id. at 19.

D'Aloia was charged in count two with racketeering in the first degree in that between approximately October 1, 1994 and July 27, 1995, he engaged in the promotion of gambling and loansharking. Id. at 24. D'Aloia was also charged with three counts of criminal usury in the second degree in that between approximately November 1, 1994 and July 27, 1995, he and his co-defendants loaned money or agreed to loan money at interest rates "in excess of 50%" annually. Id. at 29. On various occasions, these loans were made or were agreed to be made to fictitious individuals created by undercover

investigators. See id. Finally, D'Aloia was charged with promoting gambling in the third degree. Id. at 41. Between approximately January 1, 1995 and July 27, 1995, D'Aloia accepted or received money or other property pursuant to an agreement with organized crime members or associates Louis "Dukey" Demary ("Demary"), Robert "Bucky" Caravaggio ("Caravaggio"), and a third co-defendant, and participated in the proceeds of the illegal gambling scheme. Id.

On August 11, 1997, D'Aloia was also indicted on two counts of distribution of a controlled dangerous substance in the third degree in that on June 6, 1995 and July 26, 1995, D'Aloia distributed marijuana. See Indictment, Superior Court of New Jersey, Docket Number 97-08-00029-S ("Ind., Docket No. 97-08-00029-S") He was also charged with one count of possession of a controlled dangerous substance in the third degree in that on July 27, 1995, D'Aloia possessed cocaine. See Ind., Docket No. 97-08-00029-S.

On October 23, 1998, D'Aloia was indicted for second degree aggravated assault, fourth degree unlawful possession of weapon(s), and third degree possession of weapon(s) unlawful purpose. These charges stemmed from an incident on August 14, 1997, whereby D'Aloia caused or attempted to cause serious bodily injury to an individual with a metal pipe. See Indictment, Superior Court of New Jersey, Docket Number 4245-10-98 ("Ind., Docket No. 4245-10-98").

On March 9, 2000, D'Aloia pled guilty to charges under all three indictments. With respect to the Racketeering Indictment, D'Aloia pled guilty to promoting gambling in the third degree. See Judgment of Conviction, Docket No. 97-8-00027-S ("Racketeering Judgment"). Under the other two indictments, D'Aloia pled guilty to assault in the second degree and distribution of a dangerous controlled substance in the third degree. See Judgments of Conviction, Docket Nos. 98-10-4245, 97-08-00029-S.

On July 5, 2000, D'Aloia was sentenced. For his conviction of promoting gambling, D'Aloia was sentenced to 364 days imprisonment, three years probation, and was ordered to pay a \$25,000 fine. See Racketeering Judgment. For the assault conviction, D'Aloia was sentenced to three years probation and was ordered to pay a \$500 fine. See Judgment of Conviction, Docket No. 98-10-4245. For D'Aloia's plea of guilty to distribution of a dangerous controlled substance in the third degree, he received a sentence of three years probation and was ordered to pay a \$15,000 fine. See Judgment of Conviction, Docket No. 97-08-00029-S. All three sentences were ordered to run concurrently with each other.

The staff has conducted a background investigation of the Applicant and its principals. On July 27, 2006, the staff issued a ten-page recommendation that All Pro's application be denied. The Applicant was personally served with the recommendation on July 27, 2006, and had ten business days to submit a response pursuant to Section 2-08(a) of Title 17 of the Rules of the City of New York. On August 9, 2006, the Commission received the Applicant's response to the staff's recommendation, which consisted of a two-page unsworn letter from the Applicant's attorney. The Commission has carefully

considered the staff's recommendation and the Applicant's response. For the reasons set forth below, the Commission finds that the Applicant lacks good character, honesty, and integrity and has failed to demonstrate eligibility for a registration. Therefore, the Commission denies All Pro's application.

III. GROUNDS FOR DENIAL

A. The Applicant has failed to demonstrate eligibility for a trade waste exemption from licensing and a trade waste registration.

1. The Applicant's President and Treasurer, Michael D'Aloia, has committed numerous crimes.

The Commission is expressly authorized to consider the commission of crimes by the Applicant or any of its principals which, in light of the factors set forth in section 753 of the Correction Law, would provide a basis under that statute for refusing to issue a license. See Admin. Code §16-509(a)(iii); see also id. §16-501(a). Those factors are:

- (a) The public policy of this state, as expressed in [the Correction Law], to encourage the licensure . . . of persons previously convicted of one or more criminal offenses.
- (b) The specific duties and responsibilities necessarily related to the license . . . sought.
- (c) The bearing, if any, the criminal offense or offenses for which the person was previously convicted will have on his fitness or ability to perform one or more such duties and responsibilities.
- (d) The time which has elapsed since the occurrence of the criminal offense or offenses.
- (e) The age of the person at the time of occurrence of the criminal offense or offenses.
- (f) The seriousness of the offense or offenses.
- (g) Any information produced by the person, or produced on his behalf, in regard to his rehabilitation and good conduct.
- (h) The legitimate interest of the public agency . . . in protecting property, and the safety and welfare of specific individuals or the general public.

N.Y. Correct. Law §753 (1).

D'Aloia was convicted of promoting gambling, assault, and distribution of a dangerous controlled substance in three separate cases.¹ His convictions, all in 2000, overwhelmingly meet the above standard. First, all the crimes occurred in the mid and late 1990s when D'Aloia was in his thirties, and thus can not be ascribed to "youthful indiscretion." See N.Y. Correct. Law §753(1)(b), (c), (d), and (e). Additionally, each crime was serious, subjecting D'Aloia to a period of incarceration or probation. In fact, D'Aloia received a sentence of approximately one year imprisonment, as well as a period of three years' probation. Further, D'Aloia's criminal conduct, committing numerous serious crimes over a recent period of just a few years, demonstrates a pattern of behavior – a consistent disregard for the law and placing his own interests above those of society. Finally, D'Aloia's conviction for promoting gambling is directly related to his integrity and fitness to participate in honest business dealings.

The crimes committed by D'Aloia are antithetical to the very purpose of Local Law 42, which is to root out organized crime and other corruption from the trade waste industry. Further, the racketeering conviction goes to the crux of the Applicant's honesty, integrity and character. Simply stated, D'Aloia's convictions for promoting gambling, distribution of a dangerous controlled substance and assault compel the conclusion that both D'Aloia and the Applicant lack good character, honesty, and integrity and have failed to demonstrate eligibility for a registration. Based on this independent ground, this application is denied.

2. The Applicant's President and Treasurer, Michael D'Aloia, is a convicted racketeer.

The Commission may deny a license application based on the "commission of a racketeering activity..." See Admin. Code §16-509(a)(v).² As demonstrated above, D'Aloia participated with members and associates of organized crime in several racketeering schemes and pled guilty to a crime related to those schemes. D'Aloia's commission of the above racketeering activities is evidence of his lack of good character, honesty and integrity and mandates the conclusion that the Applicant has failed to demonstrate eligibility for a registration. Consequently, All Pro's application is denied on this independently sufficient ground as well.

¹ In its response, through its attorney, the Applicant argues that D'Aloia was convicted solely of promoting gambling. This unsworn and unsupported contention is belied by the Judgments of Conviction cited above. See Racketeering Judgment, Judgment of Conviction, Docket No. 98-10-4245, Judgment of Conviction, Docket No. 97-08-00029-S.

² In its response, the Applicant states that although the initial charges brought against D'Aloia involved racketeering, D'Aloia did not plead guilty to racketeering. This statement is simply inaccurate. Title 18, United States Code, Section 1961(1) defines "racketeering activity" to include any act involving gambling, a crime of which D'Aloia was convicted. Section 16-509(a)(v) of the Administrative Code provides that the Commission may deny an application based on the commission of a racketeering activity. That section specifically states that racketeering activities include, but are not limited to, those delineated in Title 18, United States Code, Section 1961(1).

3. The Applicant's President and Treasurer, Michael D'Aloia, knowingly associated with members or associates of organized crime.

The Commission may deny the license application of a business whose principals have associated with "any member or associate of an organized crime group as identified by a federal, state or city law enforcement or investigative agency...." See Admin. Code §16-509(a)(vi). D'Aloia knowingly associated with members or associates of organized crime and participated with members and associates of organized crime in several racketeering schemes.

D'Aloia's co-defendants in the Racketeering Indictment include numerous members or associates of the Lucchese organized crime family. See Racketeering Indictment. Specifically, Demary and Caravaggio have been publicly identified by law enforcement as members or associates of the Lucchese organized crime family. See Racketeering Indictment at 3-11, 25-28. See also "Plea Deal Ends Case Against Reputed Lucchese Associates," The Associated Press, March 10, 2000; Guy Sterling, "Dozen Men Indicted as Mob Operatives," The Star Ledger, August 13, 1997; Robin Uris, "12 Alleged Mobsters Indicted," The Record (Bergen County, NJ), August 13, 1997. As such, they, along with D'Aloia and others, engaged in a pattern of racketeering activities. See Racketeering Indictment.

D'Aloia had a lengthy ongoing relationship with Demary and Caravaggio. See Racketeering Indictment. From approximately October 1, 1994 through July 27, 1995, D'Aloia conducted and participated in illegal loansharking and gambling activities with Demary and Caravaggio. See Racketeering Indictment at 3-11, 25-28. D'Aloia's knowing association with known members or associates of the Lucchese crime family is precisely the type of association that Local Law 42 seeks to eliminate. In its response, the Applicant does not refute this point, but merely argues, through its attorney, that D'Aloia did not plead guilty "to being a part of any crime family." Admin. Code §16-509(a)(vi) permits the Commission to consider an applicant's "association with any member or associate of an organized crime group..." in refusing to issue a license to an applicant. See Admin. Code §16-509(a)(vi). A plea of guilty acknowledging such association is not required. D'Aloia's knowing associations with members or associates of an organized crime family is evidence that the Applicant lacks business integrity, has failed to demonstrate eligibility for a registration, and is an additional independent basis to deny All Pro's application.

Based on these knowing organized crime associations, the Applicant's registration application is denied on this independent ground.

B. The Applicant knowingly failed to provide information and provided false information to the Commission.

The Commission may refuse to issue a registration to an applicant who has failed "to provide truthful information in connection with the application." See Admin. Code

§16-509(b); Attonito, 3 A.D.3d 415. The Applicant submitted false information in its Registration Application.

On October 6, 2005, the Applicant filed a Registration Application with the Commission. In the application, both principals, Michael D'Aloia and Anthony Medina, certified that the information contained therein "is full, complete and truthful." See Registration Application at 19. Additionally, the certifications state that "any material false statement or omission made in connection with this application is sufficient cause for denial" of the application. See id.

Page 4 of the Registration Application asks "Has the applicant business, or any past or current principal of the applicant business, been convicted of any misdemeanor or felony in any jurisdiction during the past ten (10) years?" The Applicant responded "no."

In fact, however, within the preceding five years, D'Aloia was convicted of various crimes, in three separate indictments. See supra at 6-8. Therefore, the information submitted by the Applicant in its Registration Application is false. In its response, the Applicant does not refute this point, leaving this ground uncontested. Based on the Applicant's failure to provide truthful information to the Commission, its Registration Application is denied on this independently sufficient ground.³

³ As a result of providing false information to the Commission that D'Aloia certified as true, D'Aloia was arrested on May 24, 2006, for Offering a False Instrument for Filing in the Second Degree, a class E felony. See New York State Unified Court System, WebCrims Case Information System printout ("WebCrims Printout"); May 24, 2006 District Attorney New York County Press Release. That case is currently pending. See WebCrims Printout.

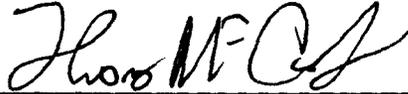
IV. CONCLUSION

For the reasons discussed above, the Commission denies the registration application of All Pro Contracting, LLC.

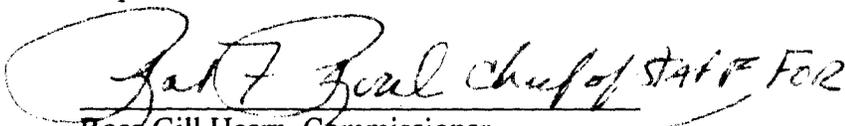
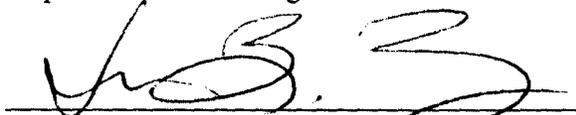
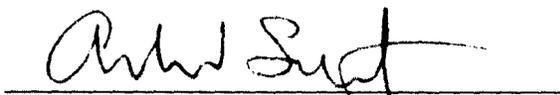
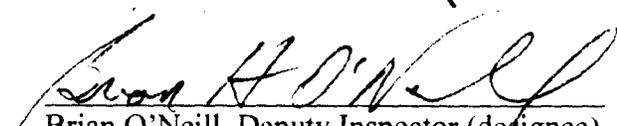
This decision is effective immediately.

Dated: October 24, 2006

THE BUSINESS INTEGRITY COMMISSION



Thomas McCormack
Chair


John Doherty, Commissioner
Department of Sanitation
Rose Gill Hearn, Commissioner
Department of Investigation
Jonathan Mintz, Commissioner
Department of Consumer Affairs
Andrew Schwartz, First Deputy Commissioner (designee)
Department of Small Business Services
Brian O'Neill, Deputy Inspector (designee)
New York City Police Department