



The City of New York
BUSINESS INTEGRITY COMMISSION
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**DECISION OF THE BUSINESS INTEGRITY COMMISSION DENYING THE CLASS 2
REGISTRATION APPLICATION OF CASBER INDUSTRIES INC.
TO OPERATE AS A TRADE WASTE BUSINESS**

Introduction

On or about February 1, 2023, Casber Industries Inc. (the “Applicant” or “Casper Industries”) applied to the New York City Business Integrity Commission (the “Commission”) for an exemption from licensing requirements and a registration to operate a trade waste business “solely engaged in the removal of waste materials resulting from building demolition, construction, alteration or excavation” (the “Application”).¹ Local Law 42 of 1996 authorizes the Commission to review and make determinations on such applications. *See* Title 16-A, New York City Administrative Code (“Admin. Code”) § 16-505(a).

After a review of a trade waste registration application, if the Commission grants the exemption from the Commission’s trade waste licensing requirements, the applicant will be issued a registration. *See id.* at § 16-505(a)-(b). The Commission’s review of an exemption application focuses on determining whether the applicant possesses business integrity, *i.e.*, good character, honesty and integrity. *See* Title 17, Rules of the City of New York (“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 § 16-504(a) (empowering the Commission to issue and establish standards for issuance, suspension, and revocation of licenses and registrations); Admin. Code § 16-509(a) (authorizing the Commission to refuse to issue licenses or registrations to applicants lacking “good character, honesty and integrity”).

On or about September 30, 2025 the Commission’s staff issued and served on the Applicant a 13 page Notice to the Applicant of the Grounds to Deny the Class 2 Registration Application of Casber Industries Inc. to Operate as a Trade Waste Business (the “Notice”). The Applicant was given ten business days to respond, until October 15, 2025. *See* 17 RCNY §2-08(a). The Applicant did not respond to the Notice. Based upon the record before it, the Commission now denies Casber Industries’ application because the Applicant lacks good character, honesty and integrity based on the following independently sufficient grounds:

¹“Trade waste” or “waste” is defined at Admin. Code § 16-501(f)(1) and includes “construction and demolition debris.”

1. Cesar “Ivan” Bermeo is an undisclosed principal of the Applicant;
2. Cesar “Ivan” Bermeo was convicted of crimes related to illegal dumping of trade waste; and
3. The Applicant failed to pay multiple fines for Commission issued administrative violations for which liability has been admitted.

Background and Statutory Framework

Every commercial business establishment in New York City must contract with a private carting company to remove and dispose of the waste it generates, known as trade waste. Historically, the private carting industry in the City was operated as a cartel controlled by organized crime. As evidenced by numerous criminal prosecutions, the industry was plagued by pervasive racketeering, anticompetitive practices and other corruption. *See, e.g., United States v. Int’l Brotherhood of Teamsters (Adelstein)*, 998 F.2d 120 (2d Cir. 1993); *People v. Ass’n of Trade Waste Removers of Greater New York Inc.*, Indictment No. 5614/95 (Sup. Ct. N.Y. Cty.); *United States v. Mario Gigante*, No. 96 Cr. 466 (S.D.N.Y.); *People v. Ass’n of Trade Waste Removers of Greater New York*, 701 N.Y.S.2d 12 (1st Dep’t 1999). The construction and demolition debris removal sector of the City’s carting industry specifically has also been the subject of significant successful racketeering prosecutions. *See United States v. Paccione*, 949 F.2d 1183, 1186-88 (2d Cir. 1991), *cert. denied*, 505 U.S. 1220 (1992); *United States v. Cafra*, No. 94 Cr. 380 (S.D.N.Y.); *United States v. Barbieri*, No. 94 Cr. 518 (S.D.N.Y.).

The Commission is charged with, among other things, combating the influence of organized crime and preventing its return to the City’s private carting industry, including the construction and demolition debris removal industry. Instrumental to this core mission is the licensing scheme set forth in Local Law 42, which created the Commission and granted it the power and duty to license and regulate the trade waste removal industry in New York City. *See Admin. Code § 16-505(a)*. This regulatory framework continues to be the primary means of ensuring that an industry once overrun by corruption remains free from organized crime and other criminality, and that commercial businesses that use private carters can be ensured of a fair, competitive market.

Local Law 42 provides that “[i]t shall be unlawful for any person to operate a business for the purpose of the collection of trade waste ... without having first obtained a license therefor from the [C]ommission.” *Admin. Code § 16-505(a)*. Before issuing such license, the Commission must evaluate the “good character, honesty and integrity of the applicant.” *Id.* at § 16-508(b). An “applicant” for a license or registration means both the business entity and each principal thereof. *Id.* at § 16-501(a).

The Administrative Code provides an illustrative list of relevant factors for the Commission to consider in making a decision on an application for a license or registration:

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; and

11. failure to comply with any city, state or federal law, rule or regulation relating to traffic safety or the collection, removal, transportation or disposal of trade waste in a safe manner.

Id. at § 16-509(a)(i)-(xi). *See also id.* at § 16-504(a).

The Commission also may refuse to issue a license or registration to any applicant who has “knowingly failed to provide information or documentation required by the Commission . . . or who has otherwise failed to demonstrate eligibility for a license.” *Id.* at § 16-509(b). *See also Elite Demolition Contracting Corp. v. The City of New York*, 125 A.D.3d 576 (1st Dep’t 2015); *Breeze Carting Corp. v. The City of New York*, 52 A.D.3d 424 (1st Dep’t 2008); *Attonito v. Maldonado*, 3 A.D.3d 415 (1st Dep’t) (Commission may deny an application for an exemption “where the applicant fails to provide the necessary information or knowingly provides false information”); leave denied 2 N.Y.3d 705 (N.Y. 2004). *See also* Admin. Code § 16-509(a)(i) (failure to provide truthful information in connection with application as a consideration for denial). In addition, the Commission may refuse to issue a license or registration to an applicant that “has been determined to have committed any of the acts which would be a basis for the suspension or revocation of a license.” *Id.* at § 16-509(c). *See also id.* at § 16-504(a). Finally, the Commission may refuse to issue a license or registration to any applicant where the applicant or its principals have previously had their license or registration revoked. *Id.* at § 16-509(d); *see also id.* at § 16-504(a).

An applicant for a private carting license (including a registration for hauling construction and demolition debris) has no entitlement to and no property interest in a license or registration, and the Commission is vested with broad discretion to grant or deny a license or registration application. *Sanitation & Recycling Indus., Inc.*, 107 F.3d 985, 995 (2d Cir. 1997); *see also Daxor Corp. v. New York Dep’t of Health*, 90 N.Y.2d 89, 98-100 (N.Y. 1997).

Statement of Facts

During the background investigation, the Applicant failed to provide clear information about who is and who is not a principal of Casber Industries Inc., and what role Cesar “Ivan” Bermeo (“Bermeo”) has played and continues to play in the business. The Applicant has either sought to deny or, where they do not deny, to minimize the role of Bermeo. It is therefore necessary at the outset to briefly describe what the weight of available evidence establishes on

these basic and seemingly simple questions. In the course of doing so, it will also become clear that the operations and ownership of the Applicant business are thoroughly intertwined with businesses that are owned and operated by Bermeo.

Cesar “Ivan” Bermeo and Kris Industries Inc.

On December 1, 2017, Kris Industries Inc. (“Kris Industries”) applied to the Commission for a trade waste license. *See* Application of Kris Industries Inc. Bermeo was not disclosed on the Kris Industries Inc. application as a principal of Kris Industries Inc.² *See Id.* On November 26, 2018, Bermeo and Kris Trucking Corp.³ were indicted in the County Court of the State of New York, Suffolk County, and were charged with one count of conspiracy in the fifth degree, in violation of New York Penal Law (“PL”) § 105.05(1) (a class A misdemeanor); five counts of criminal mischief in the second degree, in violation of PL § 145.10 (a class D felony); four counts of endangering public health in the third degree in violation of Environmental Conservation Law (“ECL”) § 71-2712(1) (a class E felony); four counts of endangering public health in the fourth degree in violation of ECL § 71-2711(3) (a class A misdemeanor); four counts of operating a solid waste management facility without a permit in violation of ECL § 2703(2)(b)(i) (a class B misdemeanor); and four counts of operating a solid waste management facility without a permit in violation of ECL § 2703(2)(c)(i) (a class A misdemeanor). *See* Indictment, *People of the State of New York v. Cesar Ivan Bermeo, Kris Trucking Corp., et al.* (“Indictment”).

With respect to the crime of conspiracy in the fifth degree, the Indictment alleged that between January 1, 2018 and July 26, 2018, Bermeo, Kris Trucking Corp., and others “with the intent that conduct constituting the crime of Criminal Mischief in the Second Degree, said crime being a felony, did knowingly and intentionally agree with one or more persons to engage in or cause the performance of such conduct as would constitute the above mentioned felony.” *Id.* at 15. With respect to endangering public health, safety or the environment, the Indictment alleged that between May 7, 2018 and May 11, 2018, at a location in Smithtown, New York, Cesar “Ivan” Bermeo, Kris Trucking Corp. and others “did recklessly engage in conduct which caused the release of a substance acutely hazardous to public health, safety or the environment, to wit: Heptachlor.”⁴ *Id.* at 43. With respect to operating a solid waste management facility without a permit, the Indictment alleged that during the same time period and location, Bermeo, Kris Trucking Corp., and others commenced operation of a new solid waste management facility in Smithtown, New York, “without having obtained a permit from the New York State Department of Environmental Conservation, and thereby caused or attempted to cause the release of more than ten (10) cubic yards of solid waste into the environment.” *Id.* at 44.

According to the indictment, on May 9, 2018, Bermeo received a text message to send fill material to a location in Patchogue, New York. *Id.* at 21. On May 10, 2018, Bermeo arranged for Kris Trucking Corp. trucks to dump loads of fill material mixed with concrete foundation at a

² Lisseth Marca, Bermeo’s girlfriend, is the only principal disclosed in the Kris Industries application.

³ Kris Trucking Corp. was registered with the Commission from February 1, 2016 to January 31, 2018. *See* Kris Trucking Corp. Application. Bermeo disclosed himself as the sole principal of Kris Trucking Corp. on its application for a trade waste registration.

⁴ Merriam-Webster dictionary defines Heptachlor as a cyclodiene chlorinated hydrocarbon pesticide that causes liver disease in animals and is a suspected human carcinogen.

residential property located in Patchogue, New York. *Id.* On May 10, 2018, three Kris Trucking Corp. dump trucks, loaded with waste from a construction site located in Brooklyn, New York, each dumped a load of solid waste at the same residential property.

The indictment further alleged that between May 7, 2018 and May 26, 2018, Cesar “Ivan” Bermeo, Kris Trucking Corp., and others, at a location in Patchogue, New York, recklessly engaged in conduct which caused the release of a substance hazardous to public health, safety or the environment. *Id.* at 44. On May 7, 2018 and May 26, 2018, a codefendant and Cesar “Ivan” Bermeo intentionally caused more than \$1,500 in property damage. *Id.*

On May 17, 2018, a codefendant sent a text message to Cesar “Ivan” Bermeo instructing him to bring 1,000 yards of fill to a location in Southampton, New York. *Id.* at 24. On May 24, 2018, the co-defendant called Bermeo, and they agreed that Bermeo would have Kris Trucking Corp. trucks dump loads of purported fill at the same location. *Id.* at 25. On May 20, 2018 and June 6, 2018, a codefendant and Cesar “Ivan” Bermeo arranged for Kris Trucking Corp. dump trucks to remove waste from a construction site in Long Island City, New York, and to dump that waste at a residential property located in Holtsville, New York. *Id.*

On July 25, 2019, Cesar “Ivan” Bermeo pled guilty in the County Court, Suffolk County, to two counts of endangering public health in the fourth degree in violation of ECL § 71-2711(3), a class A misdemeanor. During his plea allocution, he admitted that he “engage[d] in reckless conduct which caused the release of a substance hazardous to the public health, safety or the environment.” *See People of the State of New York v. Cesar Ivan Bermeo and Kris Trucking Corp.*, Plea Minutes at 13.

Immediately after Bermeo pleaded guilty to his crimes, the court inquired if Bermeo’s attorney had the “authority to take the pleas on [behalf of] Kris Industries.” *Id.* at 15. During the plea, the prosecutor informed the court that Kris Trucking Corp. is also known as “Kris Industries” by stating the following:

“Your Honor, subject to the court’s approval, the people and the defendant have worked out a disposition in this matter. The defendant, Kris Trucking Corp., also known as Kris Industries, was indicted under Indictment 2052D of 2018.” *Id.* at 16.

Kris Trucking Corp., also known as Kris Industries, pled guilty to two counts of criminal mischief in the second degree in violation of PL § 145.10, a class D felony. *See* Kris Industries Certificate of Disposition. Kris Trucking Corp. was sentenced to three years’ probation. *Id.*

After a lengthy background investigation, on March 30, 2020, the Commission denied Kris Industry’s Application for the following four independently sufficient grounds: (1) Bermeo is an undisclosed principal of Kris Industries; (2) Kris Industries and Cesar Bermeo were recently convicted of charges related to the illegal dumping of trade waste; (3) Kris Industries failed to notify the Commission of Bermeo’s arrest and conviction; and (4) Kris Industries’ undisclosed principal, Bermeo, was a principal of a predecessor trade waste business, Kris Trucking, for which the Commission would be authorized to deny a license or registration. *See* Decision of the

Business Integrity Commission to Deny the License Application of Kris Industries Inc. to Operate as a Trade Waste Business.

The Casber Industries Inc. Application

On or about February 1, 2023, the Applicant applied to the Commission for a registration to operate a trade waste business that solely removes construction and demolition debris. *See* Application. The Applicant disclosed Elisa Bermeo as its only principal. *Id* at 14. The Applicant disclosed that its garage address is “130-75 Farmers Blvd. Jamaica, NY 11343.” *Id* at 1. The Applicant disclosed one employee, Elisa Bermeo’s sister, Martha L. Avila (“Martha”). *Id.* at 19. Four vehicle operators were disclosed. *Id.* at 20. Cesar “Ivan” Bermeo’s name does not appear anywhere on the application. *See* Application.

During a June 2, 2023 telephone interview with a member of the Commission’s staff, Elisa Bermeo stated that:

- Cesar “Ivan” Bermeo is her brother;
- Cesar “Ivan” Bermeo educated her about the trade waste industry;
- Cesar “Ivan” Bermeo sold two of his vehicles to the Applicant;
- Cesar “Ivan” Bermeo informed her about a garage address; and
- Cesar “Ivan” Bermeo is a supervisor who has the authority to make business decisions for the Applicant. Cesar “Ivan” Bermeo also serves as a mechanic and a dispatcher for the Applicant.

Elisa Bermeo also stated that she was employed as a “supervisor” for Cesar “Ivan” Bermeo’s company, Kris Industries Inc. until 2021.⁵ *See* Communication Memo at 1.

Six days later, on June 8, 2023, Elisa Bermeo called the Commission staff member back and amended her statements regarding Cesar “Ivan” Bermeo’s role with the Applicant business. Now she stated that her sister Martha, instead of her brother Cesar “Ivan” Bermeo, was more likely to make business decisions for the Applicant business. *Id* at 2.

On July 1, 2025 Elisa Bermeo provided the Commission with sworn testimony. *See* Transcript of Elisa Bermeo (“Transcript”). She testified that her brother’s full name is “Cesar Ivan Bermeo” and that he is known as “Ivan” because “Ivan” is his middle name. *Id.* at 15. She described how she was employed by Kris Industries, where Bermeo was a partner, and how Bermeo now owns a trucking company called Kris Holdings Group Incorporated (“Kris Holdings”). *Id.* at 19-21. She explained that Bermeo helped her begin in the trade waste industry. *Id.* at 24. She indicated that her garage location was first occupied by Kris Industries, then by Casber Industries, and that it is now occupied by Kris Holdings. *Id.* at 43-44.

She stated that Kris Trucking, Kris Industries and Kris Holding derived the name “Kris” from Bermeo’s son who is named “Kris.” *Id.* at 22. When asked whether the Applicant was

⁵ On March 30, 2020 the Commission found that Kris Industries Inc. lacks good character, honesty and integrity, and denied its license application. *See* Kris Industries Denial Decision.

affiliated with Kris Industries she responded: "I don't think that is the word [affiliated] . . . Kris Industries never pay me or something like that." *Id.* at 32. When asked about the Applicant's relationship to Kris Industries Inc. she described it as follows:

A: Kris Industries, they were denied BIC [license] plates. But when I started my business, I try, like, get more involved in everything. Because my brother Ceasar had problems. So, I tried to, you know, like, I negotiated with him to buy his trucks. So, I told him that he has to help me a little bit. Because I knew about the business and everything. But the clients were his clients, not mine.

Id. at 30-31.

She went on to testify that Bermeo acquired customers for the Applicant and negotiated prices on behalf of the Applicant. *Id.* at 47. Nonetheless, she denied that Bermeo is a principal of Casber Industries. *Id.*

The Applicant disclosed four vehicles on its Application. *See* Application at 21. Three of the four vehicles disclosed were either disclosed to the Commission on the Kris Industries application or were affiliated with businesses owned and/or controlled by Bermeo. *See* Application; *see also* Kris Industries Application.

In addition to having vehicles in common, a review of Kris Industries, Kris Trucking and the Applicant's bank records reveal that Casber Industries' fleet of vehicles were financed almost entirely by Kris Industries. From 2022 through 2023 Kris Industries made all of the monthly lease payments for two of the vehicles disclosed by the Applicant. *See* Kris Industries Bank Records. Kris Industries made every monthly lease payment except for two payments for a third vehicle.⁶ *Id.* The only record of Casber Industries making payments of any kind for any of its vehicles was a single payment of \$2,580.91 for one vehicle. *See* Casber Industries Bank Records.

During her sworn interview, Bermeo testified that Casber Industries currently owns one vehicle and used to own one other vehicle. *See* Transcript at 31. According to Bermeo, the other three vehicles used to be owned by Kris Industries and are now owned by Kris Holdings.⁷ *Id.* at 32. When asked how she acquired the vehicles, Bermeo explained that she rented them from Kris Industries by making monthly cash payments of \$5,000. *Id.* at 32-39. She claimed that she expected to buy the trucks through making such payments but ultimately never bought the trucks outright. *Id.* at 40. In addition to owning and paying for vehicles, in 2022 and 2023, Kris Industries paid \$27,410.35 to insure the vehicles disclosed by the Applicant. *See*, Kris Industries Bank Records. During that time period, there are no recorded payments made by the Applicant to insure any of the vehicles disclosed on the Application. *See* Casber Industries Bank Records.

⁶ Kris Trucking made one lease payment on March 8, 2023. Casber Industries made one lease payment for \$2,580.91 on May 25, 2023.

⁷ DMV records reveal that the 2021 Kenworth has been owned by Anne Services Corp since 2020

Garage

The Applicant disclosed that its garage location is 130-75 Farmers Boulevard, Jamaica, New York 11434, the same garage location disclosed by Kris Industries in its application. *See* Application; *See also* Kris Industries Application. On June 2, 2023, a Commission staff member directed the Applicant to provide the Commission with a copy of the lease for the garage location. *See* Commission Email dated June 2, 2023. On June 8, 2023, Bermeo provided the Commission with an unsigned lease. *See* email from Applicant dated June 8, 2023. Although Bermeo testified that she “took care of payments and everything” to lease this garage, Kris Industries bank records establish that from February 16, 2022 to July 27, 2023, Kris Industries made all of the monthly rent payments for this garage. *Id.* at 45; *See also* Kris Industries Bank Records.

Employees

Payroll and bank records for Kris Industries and Casber Industries reveal that the four employees disclosed on the Application were paid almost exclusively by Kris Industries in 2022 and 2023. *See* Kris Industries and Casber Industries Payroll records. In addition, payroll records for Kris Industries reveal that Elisa Bermeo was on both the Kris Industries and Casber Industries payrolls between March 4, 2022 and December 1, 2023.⁸ *See* Kris Industries and Casber Industries payroll records.

Administrative Violations Issued by the Business Integrity Commission

On August 4, 2022, Commission Staff stopped a 2007 Kenworth dump truck transporting trade waste. “Kris Anne Services Corp.” was stenciled on both sides of the 2007 Kenworth.⁹ The driver identified the owner of the company for which he worked as “Ivan.” The vehicle was previously disclosed on the Kris Industries Application. At the time of the vehicle the stop, the 2007 Kenworth was registered to Casber Industries and owned by Anne Services Corp. *See* DMV records for 2007 Kenworth. Commission Staff issued Casber Industries an administrative violation (TWC-224681) for removing, collecting or disposing of trade waste without the proper commission issued registration to operate as a trade waste business. Admin. Code § 16-505(a).

On September 20, 2022, Commission Staff conducted another vehicle stop of the same 2007 Kenworth dump truck. “Kris Anne Services Corp.” was again stenciled to both sides of the vehicle. The vehicle was registered to Casber Industries. *See* DMV records for 2007 Kenworth. At the time of the stop the vehicle was owned by Anne Services Corp. *Id.* Commission staff issued Casber Industries an administrative violation (TWC-224916) for removing, collecting or disposing of trade waste without the proper commission issued registration to operate as a trade waste business. *See* Admin. Code § 16-505(a).

On June 23, 2023 Commission staff conducted a vehicle stop of the 2021 Kenworth dump truck transporting trade waste. “Kris Industries Inc.” was stenciled on the side of the vehicle. The vehicle was registered to Casber Industries. *See* DMV records for 2021 Kenworth. Commission staff issued Casber an administrative violation (TWC-227015) for removing, collecting or

⁸ Three years after the Commission denied the Kris Industries license application in 2020

disposing of trade waste without the proper commission issued registration to operate as a trade waste business. *See* Admin. Code § 16-505(a).

On June 30, 2023, Elisa Bermeo, as the President of Casber Industries, agreed to settle the preceding three administrative violations (*See* Stipulation of Settlement, Master Settlement TWC-227039) for \$4,500. The terms of the agreement included a provision whereby the Applicant had to pay the fine by July 31, 2023. *Id.* The agreement was signed by Elisa Bermeo *Id.* As part of the settlement, the Applicant admitted to all three administrative violations. *Id.* As of October 20, 2025 the Applicant is in breach of the terms of the Stipulation of Settlement by failing to pay the agreed upon fine.

The Applicant did not dispute any of the facts discussed above.

Basis for Denial

1. Cesar “Ivan” Bermeo is an undisclosed principal of the Applicant.

All Applicants must provide truthful and non-misleading information to the Commission. A knowing failure to do so is a ground for denial of the application. *See* Admin. Code § 16-509(b); *Attonito v. Maldonado*, 3 A.D.3d 415 (1st Dept. 2004); *leave denied* 2 N.Y.3d 705 (2004); *Breeze Carting Corp. v. The City of New York*, 52 A.D.3d 424, 860N.Y.S.2d 103 (1st Dept. 2008). The definition of “principal” includes “corporate officers and directors, all stockholders holding ten percent or more of the outstanding shares of the corporation *and all other persons participating directly or indirectly in the control of such business entity.*” *See* Admin. Code § 16-501(d) (italics added). Cesar “Ivan” Bermeo was not, but should have been, disclosed to the Commission as a principal of the Applicant.

Question 15 of the Application directed the Applicant to, “[o]n Schedule A, identify all individuals who are principals of applicant business and provide the information requested.” *See* Application at 4. The Applicant disclosed Elisa Bermeo as the sole principal of Casber Industries. *Id.* at 14. Her brother Bermeo was not disclosed as a principal, driver or employee of Casber Industries.

Bermeo was a principal of Kris Industries, where Elisa Bermeo was recently employed. The evidence establishes that Bermeo is also an undisclosed principal of the Applicant. Bank and payroll records demonstrate that Elisa Bermeo and Casber Industries were both paid by Kris Industries. Kris Industries also paid the Applicant’s employees salaries, garage rent, and motor vehicle insurance in 2022 and 2023.

On August 4, 2022, the driver of one of the Applicant’s trucks told a Commission investigator that he worked for “Ivan” or Bermeo rather than for Elisa Bermeo. Despite attempts to minimize Bermeo’s role, Elisa Bermeo consistently stated in conversation and under oath that Bermeo educated her about the trade waste industry, and that he is a supervisor, dispatcher and mechanic for the Applicant. Bermeo’s direct or indirect control over the operations of the Applicant is illustrated by his significant financial investments in the Applicant business. In addition to investing in the Applicant business, Elisa Bermeo testified that Bermeo helps her

acquire new clients and that he negotiates and fixes prices on Applicant's behalf. She stated that the Applicant's customers are Bermeo's.

The failure of the Applicant to provide truthful and non-misleading information to the Commission about the principals of the Applicant is evidence that the Applicant lacks good character, honesty and integrity. The Applicant did not dispute this point. The Commission denies Casber's Application on this independently sufficient ground.

2. Cesar "Ivan" Bermeo was convicted of crimes related to illegal dumping of trade waste.

In making a determination as to an applicant's good character, honesty and integrity to operate a trade waste business, Administrative Code § 16-509(a)(iii) expressly permits the Commission to consider the conviction of an applicant for a crime which, considering the factors set forth in Correction Law § 753, would provide a basis for the refusal of such license or registration." Those factors are as follows:

- (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.

See N.Y. Correction Law §753(1).

In July 2019, Kris Trucking (also known as Kris Industries), pled guilty to two counts of criminal mischief in the second degree, a class D felony. The plea related to the illegal dumping

of solid waste and contaminants. *See* Kris Industries Certificate of Disposition. Also in July 2019, Bermeo pled guilty to two counts of endangering public health in the fourth degree in violation of ECL § 71-2711(3), a class A misdemeanor.¹⁰ In committing these crimes related to illegal dumping Bermeo and his companies “engage[d] in reckless conduct which caused the release of a substance hazardous to the public health, safety or the environment” in Suffolk County. *See* Indictment.

Despite the State’s public policy to encourage the licensure and employment of people previously convicted of one or more criminal offenses, *see id.* at § 753(1)(a), as demonstrated below, the Correction Law factors weigh in favor of denying the Application.

The charge of criminal mischief in the third degree is a class D felony, punishable by up to seven years in prison. *See* PL §§ 70.00(2)(d), 145.10. The charge of endangering public health in the fourth degree is a class A misdemeanor, punishable by up to one year in jail. *See* ECL § 71-2711(3). *See also* Correction law § 753(1)(f). Bermeo’s dumping related convictions relate directly to his duties and responsibilities as an undisclosed principal in a trade waste business. *See id.* at § 753(1)(b).

The conspiracy occurred between at least January 1, 2018 and July 26, 2018. *See id.* at § 753(1)(d). These crimes are serious, recent enough, and closely related to both the purposes for which [registration] is sought and the duties and responsibilities associated with such a registration, that it should preclude the grant of a trade waste removal registration to the Applicant. *See id.* at § 753(1)(b), (c). Additionally, Bermeo was in his 30s during his participation in the criminal schemes – plainly old enough to know what the law required, how to obey it, and to recognize that the schemes in which he and his codefendants were involved were illegal. *See id.* at § 753(1)(e).

The Commission’s interest in protecting property, and the safety and welfare of the general public is clear. *See id.* at § 753(1)(h). Public confidence in the integrity of the trade waste industry would be undermined if those proven to have ignored the law received licenses or registrations from the Commission. Both Bermeo’s and Kris Industries’ guilty pleas to crimes that directly involve the trade waste industry compel the conclusion that the Applicant lacks good character, honesty, and integrity. The Applicant did not dispute this point. The Commission denies Casber’s Application on this independently sufficient ground.

3. The Applicant has failed to pay fines that are directly related to the Applicants’ businesses for which liability has been admitted by the person liable therefor.

The commission may refuse to issue a license to an applicant “upon the failure of the applicant to pay any tax, fine, penalty, fee related to the applicant’s business for which liability has been admitted for a person liable therefor See Admin. Code §16-509(a)(x).

As discussed above, On June 30, 2023, Bermeo, as the President of Casber Industries, agreed to settle three administrative violations (Stipulation of Settlement, Master Settlement TWC-

¹⁰ The Certificate of Disposition for Kris Industries (Indictment Number 2052D-2018) states that “Kris Industries” was convicted of two counts of Criminal Mischief in the second degree in violation of PL 145.10.

227039) for \$4,500. The terms of the agreement included the Applicant paying a fine by July 31, 2023. As of the date of this denial decision, the Applicant has failed to pay the agreed upon fine. The Applicant did not dispute this point. The Commission denies Casber's Application on this independently sufficient ground.

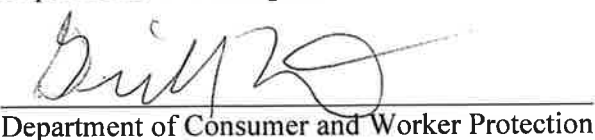
Conclusion

The Commission is vested with broad discretion to refuse to issue a license or refuse to grant exemption from the license requirement and issue a registration in lieu of a license to any applicant who it determines lacks good character, honesty and integrity. The record herein demonstrates that the Applicant and its principals lack good character, honesty and integrity. Accordingly, based on the three independently sufficient grounds detailed above, the Commission denies the registration application of Casber Industries Inc.

This denial decision is effective immediately. Casber Industries Inc. may not operate as a trade waste business in the City of New York.

Dated: October 28, 2025
New York, NY

THE NEW YORK CITY
BUSINESS INTEGRITY COMMISSION


Elizabeth Crotty
Commissioner and Chair
Department of Sanitation
Department of Investigation
Department of Consumer and Worker Protection
Department of Small Business Services
New York City Police Department