



The City of New York
BUSINESS INTEGRITY COMMISSION
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**DECISION OF THE BUSINESS INTEGRITY COMMISSION DENYING THE
REGISTRATION RENEWAL APPLICATION OF LA BELLA VISTA INDUSTRIES,
INC. (BIC #3460) TO OPERATE AS A TRADE WASTE BUSINESS**

I. Introduction

On January 29, 2016, La Bella Vista Industries, Inc. (BIC #3460) (the “Applicant”) applied to the New York City Business Integrity Commission to renew its 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 (“Local Law 42”) authorizes the Commission to review and make determinations on such applications. *See* Title 16-A of the New York City Administrative Code (“Administrative Code” or “Admin. Code”) § 16-505(a).

On April 19, 2017, the Commission’s staff issued and served the Applicant with a Notice to the Applicant of the Grounds to Deny the Registration Renewal Application of La Bella Vista Industries, Inc. (BIC #3460) to Operate as a Trade Waste Business (the “Notice of Denial”). *See* Affidavits of Service, dated April 21, 2017 (personal service and by mail). The Applicant had 10 business days to submit a sworn response. *See* Title 17 Rules of the City of New York (“RCNY”) § 2-08(a). On April 28, 2017, the Applicant submitted a response via letter sworn to by the Applicant’s principal and also signed by the Applicant’s attorney. *See* letter from Joseph Mure, Jr., on behalf of Gennaro Nortetano, dated April 25, 2017 (Nortetano “acknowledge[d]” that the “statements made therein are true”) (the “Response”).

The Commission has completed its review of the Application, having considered the Notice of Denial and the Response. Based on the record in this matter, the Commission denies the Application based on the following two independently sufficient reasons:

- 1. The Applicant’s sole principal was recently convicted of the crime of scheme to defraud in the first degree, a class E felony; and**

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

2. The Applicant's sole principal has recently committed a racketeering activity.

II. 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. International Brotherhood of Teamsters (Adelstein)*, 998 F.2d 120 (2d Cir. 1993); *People v. Ass'n of Trade Waste Removers of Greater New York Inc., et al.*, 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, et al.*, No. 94 Cr. 380 (S.D.N.Y.); *United States v. Barbieri, et al.*, 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. 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 the private carting industry remains free from organized crime and other criminality, and that commercial businesses that use private carters can be ensured of a fair, competitive market.

Pursuant to Local Law 42, a company "solely engaged in the removal of waste materials resulting from building demolition, construction, alteration or excavation," commonly known as construction and demolition debris or "C&D," must apply to the Commission for an exemption from the licensing requirement. *Id.* If, after review of an application, the Commission grants the exemption, it issues the applicant a class 2 registration. *Id.* at § 16-505(a)-(b). In reviewing the application, the Commission must evaluate the "good character, honesty and integrity of the applicant." *Id.* at § 16-509(a). The "applicant" includes the business entity and each principal of the business. *Id.* at § 16-501(a).

The Administrative Code provides the following illustrative list of relevant factors for the Commission to consider in determining whether to grant 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.

Id. at § 509(a)(i)-(x). *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* 16-509(a)(i) (failure to provide truthful information in connection with application as a consideration for denial); *Elite Demolition Contracting Corp. v. The City of New York*, 4 N.Y.S.3d 196, 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). 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 when the applicant or its principals have previously had a license or registration revoked. *Id.* at § 16-509(d).

An applicant for a private trade waste hauling license or registration has no entitlement to and no property interest in such 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, 681 N.E.2d 356, 659 N.Y.S.2d 189 (1997).

III. Statement of Facts

A. Procedural History Relating to the Application.

On or about July 10, 2009, the Applicant applied to the Commission for a registration to operate as a trade waste business that removes solely construction and demolition debris. *See* Application for Exemption From Licensing Requirement for Removal of Construction and Demolition Debris (the “2009 Registration Application”). The 2009 Registration Application disclosed Gennaro Nortetano (“Nortetano”) as the Applicant’s only principal. *See* 2009 Registration Application at p.9. On or about December 7, 2009, the Commission granted the application and issued a class 2 registration to the Applicant. *See* La Bella Vista Industries, Inc. Registration Order (the “Registration Order”). The registration was effective for two years and expired on December 31, 2011. *See id.*

The Applicant subsequently filed its first registration renewal application on or about December 30, 2011, which the Commission granted on January 31, 2012. On or about December 18, 2013, the Applicant filed its second registration renewal application. As was standard practice,

the Applicant was permitted to continue to operate while the Commission reviewed that application. At the end of the two-year renewal period, the Commission had taken no action on the second renewal application. In accordance with Commission policy, the Applicant filed the Application (currently pending) on January 29, 2016. *See file*. In each of the renewal applications, including the instant Application, the Applicant disclosed Nortesano as the sole principal of the company.

B. The Criminal Case Against Principal Gennaro Nortesano.

1. The Investigation and Nortesano Indictment.

On November 10, 2015, the Manhattan District Attorney's Office announced a series of indictments against a total of nine companies and 44 individuals in connection with a multimillion-dollar fraud in the heating oil industry. *See* Manhattan District Attorney's Office Press Release dated November 10, 2015 ("DANY Press Release"). One of the indictments named heating oil delivery companies G&D Petroleum Transportation, Inc. ("G&D Petroleum") and G&D Heating Oil, Inc., *d/b/a* New York Liberty ("G&D Heating Oil"), as defendants, along with Nortesano, his uncle Gabriel Nortesano, and several other individuals. *See People of the State of New York v. Gabriel Nortesano, et al.*, Indictment No. 4327/15, dated October 23, 2015 (the "Indictment"). The Indictment charged Nortesano with one count of enterprise corruption, in violation of Penal Law § 460.20(1)(a) (a class B felony); one count of grand larceny in the fourth degree, in violation of Penal Law § 155.30(1) (a class E felony); two counts of scheme to defraud in the first degree, in violation of Penal Law § 190.65(1)(a) and (b), respectively (both class E felonies); and six counts of falsifying business records in the first degree, in violation of Penal Law § 175.10 (a class E felony). *See* Indictment.

The November 2015 indictments outlined a widespread fraud in the heating oil supply industry in New York City. For years, heating oil supply companies and many of their employees have been stealing heating oil from customers by falsely representing that they were delivering a certain amount of oil when, in fact, they were delivering significantly less. Of course, the customers were charged for the greater amount of oil. This illegal practice is known as "shorting." This fraud has persisted in the heating oil supply industry for at least the past 30 years, despite periodic prosecutions of companies and individuals engaging in shorting. *See, e.g., United States v. Baldari, et al.*, 2:07-CR-00568 (E.D.N.Y) (indictment in 2007 charging two defendants in 17-year-long heating oil delivery fraud netting \$50 million); John T. McQuiston, *L.I. Fuel Company Faces Charges of Shorting Its Oil Clients by 10%*, N.Y. TIMES, May 2, 1985; David Rohde, *2 Companies Said to Cheat City on Fuel*, N.Y. TIMES, July 30, 1998.

There were a number of different methods used to short heating oil customers. The delivery trucks all have meters and other anti-theft devices that are meant to ensure that the amount of oil delivered to the customer is accurately recorded on a receipt, or delivery ticket. Most of the methods of shorting involved manipulating the delivery trucks – either temporarily or more permanently – to illegally permit the drivers to create a false receipt showing that more oil had been delivered than actually was. The heating oil supply truck drivers were necessary participants in the fraud, because they were the ones who manipulated the trucks in order to generate the false receipts. The drivers would then be paid in cash for each gallon of heating oil that they stole.

2. Nortesano's Guilty Plea.

On June 23, 2016, Nortesano pleaded guilty to the class E felony charge of scheme to defraud in the first degree, in violation of Penal Law § 190.65(b), which was Count 5 of the Indictment. *See* transcript of Gennaro Nortesano guilty plea, New York State Supreme Court, New York County, dated June 23, 2016 (“Plea Tr.”), at 2-3. In pleading guilty, Nortesano admitted to the following conduct:

From October 2012 to October 2015 I was employed by G&D Petroleum Transportation, Inc., . . . a heating oil transportation company . . . owned by my uncle Gabriel Nortesano.

During that period . . . I and other drivers for G&D engaged in a scheme to steal heating oil by delivering fewer gallons than customers ordered and were charged for a practice known as shorting.

I stole oil by shorting from commercial buildings, schools, hospitals and other public properties. My criminal actions took place in part in Manhattan.

At the direction of Gabriel Nortesano, I defrauded customers by generating false and inflated delivery tickets that I would use to bill the customer for more gallons than they actually received.

I generated the false tickets by making deliveries with rigged trucks that I manipulated to push air rather than oil through the meter.

In addition to my regular salary, I was paid in cash for the number of gallons I stole for G&D.

Id. at 13-14.² During the time of the fraud, Nortesano was between 28 and 31 years old. *See* 2016 Registration Renewal Application at p.7 (disclosing date of birth).

Thus, by his own admission, Nortesano was an integral part of a family business that cheated heating oil customers into paying for air, rather than oil. He manipulated the trucks to push air through the meter, and manipulated the customers by deceiving them into believing that they were getting – and paying for – more oil than was actually delivered. As a result of his conviction, Nortesano received a split sentence of six months’ imprisonment and five years of probation and \$25,000 in forfeiture. *See* Plea Tr. at 2-3; Certificate of Disposition for *People v. Nortesano*, Ind. No. 4327/15.

² Punctuation as it appears in court transcript.

IV. Basis of Denial

1. The Applicant's sole principal was recently convicted of scheme to defraud in the first degree, a class E felony.

The Commission is authorized to refuse to issue a license or registration (or renew an existing license or registration) to an applicant where the Commission finds that the applicant lacks good character, honesty and integrity based on the conviction of an applicant for a crime which would provide a basis for the refusal of such license or registration. *See* Admin. Code § 16-509(a)(iii). However, to do so, the Commission must abide by the constraints of the Correction Law to ensure that the applicant is not being discriminated against unfairly as a result of the applicant's criminal history. Specifically, the Correction Law prohibits the denial of an application for any license or employment as a result of one or more criminal convictions unless

- (1) there is a direct relationship between one or more of the previous criminal offenses and the specific license or employment sought . . . ; or (2) the issuance or continuation of the license or the granting or continuation of the employment would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public.

Correction Law § 752.

In making a determination regarding an application where the applicant has a prior criminal history, the agency must consider the eight factors enumerated in Correction Law § 753(1). *See Arrocha v. Board of Educ. Of City of New York*, 93 N.Y.2d 361, 365 (1999) (noting that there is evidence that the Board "considered all eight of the factors . . . in reaching its conclusion"); *Gorelik v. New York City Dept. of Bldgs., et al.*, 128 A.D.3d 624, 625 (1st Dept. 2015) (citing *Arrocha*); *Boatman v. New York State Dept. of Educ.*, 72 A.D.2d 1467 (3d Dept. 2010) (public agency must consider the eight factors and any certificate of relief from disabilities or good conduct issued to applicant). The agency must also consider a certificate of relief from disabilities, if one exists, "which shall create a presumption of rehabilitation in regard to the offense or offenses specified therein." *Id.* at § 753(2).

The eight factors enumerated in Correction Law § 753(1) are as follows:

- (a) The public policy of this state, as expressed in this act, to encourage the licensure and employment of persons previously convicted of one or more criminal offenses.
- (b) The specific duties and responsibilities necessarily related to the license or employment 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 or 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 or private employer in protecting property, and the safety and welfare of specific individuals or the general public.

A. The Correction Law factors weigh in favor of denial of the Application.

In June 2016, Nortesano pleaded guilty to the crime of scheme to defraud in the first degree, a class E felony. In doing so, he admitted that, over the course of three years, he stole heating oil that should have been delivered to schools, hospitals and other properties through deceit. *See* Plea Tr. at 14. Specifically, Nortesano generated “false and inflated delivery tickets” that he used to bill customers for more oil than was actually delivered. *Id.* He generated those tickets by making deliveries with “rigged trucks” that he “manipulated” to record an inflated amount of oil purportedly delivered. *Id.* Nortesano was compensated for his fraud in cash. *Id.*

As Nortesano is the sole principal of the Applicant, both he and La Bella Vista are considered to be the Applicant. *See* Admin. Code at § 16-501(a). The Commission may deny the Application because Nortesano’s conviction implicates both exceptions to the rule that an applicant may not be denied a license or registration based on prior convictions. *See* Correction Law § 752. First, there is a direct relationship between the criminal offense of which Nortesano was convicted and the renewal of the Applicant’s trade waste removal registration. *See id.* at § 752(1). As a driver of a heating oil delivery truck, Nortesano defrauded heating oil customers, enriching himself and his superiors at the customers’ expense through false billing. As the sole owner of the Applicant, Nortesano is in a similar position of trust with his customers. But, with respect to his trade waste customers, Nortesano is even more in control of the billing process: he answers to no one else in the company and is in a prime position to direct a false billing fraud against his customers.

Second, for the same reasons as with respect to the first exception, the issuance of the registration renewal would involve an unreasonable risk to property and the welfare of the Applicant’s customers. *See id.* at § 752(2). Nortesano has proven that he is willing to cheat his customers, stealing property (money) from heating oil customers. Renewing the Applicant’s registration would put him in a similar position with respect to the Applicant’s customers, posing an unreasonable risk to their hard-earned money and, therefore, the welfare of those businesses and their employees.

Given that Nortesano's conviction implicates both exceptions to the rule against denying a license or registration based on a prior conviction, the Commission must analyze the eight factors in Correction Law § 753. The Commission recognizes New York State's public policy to encourage the licensure and employment of persons previously convicted of one or more criminal offenses. *See* Correction Law § 753(a). Wherever possible, the Commission approves license or registration applications where a principal has been convicted of a crime. But, the analysis of such applications is highly fact specific. In this case, all of the other factors (with the exception of that relating to information produced by the Applicant on his behalf) weigh heavily in favor of denial of the Application.

As noted above, the specific duties and responsibilities necessarily related to the registration renewal include servicing customers and billing them. *See* Correction Law § 753(1)(b) (the specific duties and responsibilities necessarily related to the license or employment sought). Nortesano has demonstrated that he cannot be trusted to perform those duties honestly. He clearly is willing to defraud customers by billing them for services he did not render, or, at the very least, did not render completely. *Id.* at § 753(1)(c) (bearing offense of conviction will have on fitness to perform duties). The fraud occurred recently, between October 2012 and October 2015. *See id.* at § 753(1)(d) (time that has elapsed since occurrence of crime). *See also Levine v. N.Y.C. Taxi and Limousine Comm'n*, 136 A.D.3d 1037, 1038-39 (finding that petitioner's crimes were "recent" when they occurred at least 10 years prior to the license application). There has been no temporal separation between when he committed the crimes and the Application. In fact, Nortesano was engaging in the scheme to defraud while the Applicant held a Commission-issued registration.

During the time of the scheme to defraud, Nortesano was between the ages of 28 and 31 years old. *See* Correction Law § 753(e) (age of the offender at time of crime). Clearly, he was old enough to know what the law required, how to obey it, and to recognize that the schemes in which he was involved were illegal. Nortesano cannot credibly maintain that the crime occurred long ago or was attributable to youthful indiscretion. And, as noted, scheme to defraud is a class E felony. Thus, it is a serious crime. *See id.* at §§ 753(1)(f) (seriousness of offense).

Lastly, and perhaps most importantly to the consideration of the Application, Nortesano's crimes directly implicate the legitimate interest of the Business Integrity Commission in protecting the safety and welfare of the Applicant's customers and potential future customers, and the trade waste industry as a whole. *See id.* at § 753(1)(h). The Commission was formed to rid the trade waste industry of corruption. Nortesano's crimes were part of a scheme to defraud the heating oil consuming public. He went to great lengths to steal from consumers by manipulating rigged trucks to generate false paperwork, lying to customers about the amount of oil they were receiving to enrich himself. Nortesano's crimes demonstrate that he is unfit to operate a company in the trade waste industry: a renewal of his registration would essentially be giving him a license (or a registration) to steal.

B. The two factors on which the Response relies do not outweigh the others.

In the Response, the Applicant asks the Commission to consider (1) the public policy of New York State to encourage the licensure and employment of persons previously convicted of one or more criminal offenses, Correction Law § 753(1)(a); and (2) any information produced by

the person, or on his behalf, regarding his rehabilitation and good conduct, *id.* at § 753(1)(g). *See* Response at 1-3. Neither the stated public policy nor the information submitted by the Applicant outweigh the other above-detailed considerations.

With respect to New York State's policy to encourage the licensure of individuals with a criminal history, as noted above, the Commission has carefully considered that laudable policy, but finds that the facts in this case outweigh the public policy. Nortevano preyed on customers who had put their trust in him to deliver what he said he delivered. With a renewed trade waste removal registration, he would be in a position to perpetrate a similar billing scheme against his trade waste customers. The Response provides no analysis of the policy to attempt to dissuade the Commission. It merely states in conclusory fashion that "non-renewal of the Applicant's registration would be contrary to . . . this State's public policy . . ." Response at 3. That argument does not persuade the Commission that approval of the Application is appropriate here.

In relation to information provided in regard to the applicant's rehabilitation and good conduct, the Applicant has submitted a copy of the first page of a State of New York Certificate of Relief from Disabilities issued to Nortevano, dated July 26, 2016 (the "Certificate"). *See* Response, Exhibit A. The Applicant argues that denial of the Application would "overlook" the Certificate, which "was specifically issued in connection with the very offense identified throughout the Notice; namely Scheme to Defraud in the First Degree." Response at 2.

Although the Certificate creates a presumption of rehabilitation, "it does not create a prima facie entitlement to the license." *Gorelik*, 128 A.D.3d at 625. The Applicant conspicuously appended only the first page of the Certificate to the Response. As noted on that page, the reverse side of the Certificate provides an "explanation of the law governing this certificate." Response, Exhibit A. The second page of the standard form for Certificates of Relief from Disabilities in New York State sets forth a list of "Rights of Relief from Disabilities." The third enumerated right is as follows:

A conviction of the crime or the offense specified on the face of this certificate shall **NOT** prevent any judicial, administrative, licensing or other body, board or authority from relying upon the conviction specified on the reverse side of this certificate as the basis for the exercise of its discretionary power to suspend, revoke, refuse to issue or renew any license, permit or other authority or privilege.

Form DPCA-53 (04/04) at 2 (emphasis in original). *See also* Correction Law § 701(3). This is the same form used for the Certificate. Thus, the Commission is clearly legally permitted to refuse to issue a registration renewal to the Applicant despite the issuance of the Certificate.

The facts surrounding the conviction, as fully analyzed above, outweigh the presumption of rehabilitation. Notably, the Applicant provides no actual evidence of rehabilitation. It merely presents the Certificate, calling it "material information produced regarding the rehabilitation and good conduct of the Applicant's principal." Response at 3. Therefore, given the totality of circumstances, the Commission finds that the Correction Law factors weigh in favor of denial of the Application.

2. The Applicant's sole principal has recently committed a racketeering activity.

Administrative Code § 16-509(a)(v) permits the Commission to consider an applicant's "commission of a racketeering activity," as defined by Penal Law § 460.10(1) and similar statutes, in refusing to issue a license or registration to an applicant. Scheme to defraud in the first degree is a racketeering activity for the purposes of Administrative Code § 16-509(a)(v). *See* Penal Law § 460.10(1)(a) (listing scheme to defraud). Therefore, Nortesano has been convicted of a racketeering activity, which relates directly to his lack of good character, honesty, and integrity.

The Response does not directly address this ground for denial. At most, the Response may be read as urging the Commission to grant the Application in spite of Nortesano having committed this racketeering activity. However, Nortesano's conviction goes to the heart of the Commission's mandate: to remove corruption from, and to protect the customers in, the trade waste industry. Therefore, based on the fact that the Applicant's sole principal has recently committed a racketeering activity, the Commission denies the Application.

V. Conclusion

The Commission is vested with broad discretion to refuse to issue a license or registration to any applicant it determines lacks good character, honesty and integrity. The record in this matter demonstrates that the Applicant lacks those qualities. Accordingly, the Commission denies the Application for the two independently sufficient reasons set forth herein.

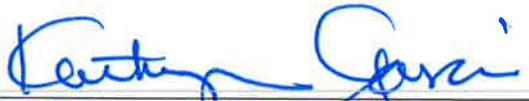
This decision is effective immediately. La Bella Vista Industries, Inc. may not operate as a business engaged in the removal of waste materials resulting from building demolition, construction, alteration or excavation in the City of New York.

Dated: June 27, 2017

THE NEW YORK CITY
BUSINESS INTEGRITY COMMISSION



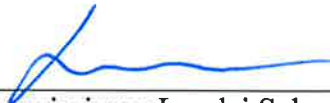
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