



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

DECISION OF THE BUSINESS INTEGRITY COMMISSION TO DENY THE RENEWAL APPLICATION OF METRO DEMOLITION CONTRACTING CORP. FOR A REGISTRATION TO OPERATE AS A TRADE WASTE BUSINESS

Metro Demolition Contracting Corp. (“Metro” or the “Applicant”) has applied to the New York City Business Integrity Commission (the “Commission”) for renewal of a registration to operate as a trade waste business pursuant to Local Law 42 of 1996. See Title 16-A of the New York City Administrative Code (“Admin. Code”), §16-505(a). Local Law 42, which created the Commission to regulate the trade waste removal industry in New York City, was enacted to address pervasive organized crime and other corruption in the commercial carting industry, to protect businesses using private carting services, and to increase competition in the industry and thereby reduce prices.

Metro applied to the Commission for renewal of a registration enabling it to operate as 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.” See Admin. Code § 16-505(a). Local Law 42 authorizes the Commission to review and determine such applications for registration. See id. If, upon review and investigation of the application, the Commission grants the applicant a registration, the applicant becomes “exempt” from the licensing requirement applicable to businesses that remove other types of waste. See id.

In determining whether to grant a renewal of 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 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); compare 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/registration renewal application on the ground that this Applicant lacks good character, honesty and integrity for the following independently sufficient reasons:

- A. The Applicant failed to demonstrate eligibility for the registration it seeks.
 - 1. The Applicant failed to pay taxes and other obligations for which judgments have been entered.
 - 2. The Applicant failed to pay administrative fines that are directly related to the trade waste industry.
- B. The Applicant failed to provide information and/or documentation to the Commission in connection with the application.

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. 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 (the “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).

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. DISCUSSION

Metro was granted a trade waste registration on or about December 1, 2004. See Metro Registration Order. Carlo Bordone V ("Carlo") and his father, Vincent Bordone ("Vincent"), were listed on Metro's application as the principals and owners of Metro. See Metro Registration Application at 10. On December 7, 2004, Carlo signed the Registration Order as the vice president of Metro. See Registration Order at 6. Metro's registration expired on November 30, 2006. See id. On December 1, 2006, Metro filed a

Renewal Application for License or Registration as a Trade Waste Business with the Commission ("Metro Renewal Application"). See Metro Renewal Application. The Metro Renewal Application, which Vincent certified as true, states that Vincent is the only principal and only employee of the company.¹ See Metro Renewal Application at 5, 9.

The Commission's staff has conducted an investigation of the Applicant and its principals. On February 22, 2007, the staff issued an 11-page recommendation that Metro's registration renewal application be denied. The recommendation was delivered by hand to the Applicant on February 26, 2007. Metro did not submit a response to the staff's recommendation. The Commission has carefully considered the staff's recommendation and for the independently sufficient reasons set forth below, the Commission finds that Metro lacks good character, honesty, and integrity, and denies its registration renewal application.

III. Grounds for Denial

A. The Applicant failed to demonstrate eligibility for the registration it seeks.

1. The Applicant failed to pay taxes and other obligations for which judgments have been entered.

"[T]he failure to pay any tax, fine, penalty or fee related to the applicant's business for which ... judgment has been entered by a court or administrative tribunal of competent jurisdiction" reflects adversely on an applicant's integrity. See Admin. Code §16-509(a)(x).

Judgments have been docketed against the Applicant by the Internal Revenue Service.² According to a judgment and lien search conducted by the Commission, the Applicant owes the following unsatisfied judgments to the Internal Revenue Service:

¹ However, a July 2, 2004 letter signed by Vincent Bordone states that,

"As of Thursday, July 1, 2004, Vincent Bordone is no longer a decision maker of Metro Demolition Contracting Corp. The following are now decision makers on behalf of Metro Demolition Contracting Corporation:

1. Carlo Bordone
2. John Bordone
3. Maurizio Bordone

Banking and accounting will be done through Maurizio and Marisa Bordone." See July 2, 2004 letter from Vincent Bordone.

Thus, the Applicant provided the Commission with conflicting information regarding who is and who is not a principal of the company.

² The Applicant also violated the terms of its Registration Order by failing to "timely file all tax returns and timely pay all taxes due and owing in any jurisdiction. See Registration Order at 4.

| <u>Amount</u> | <u>Docket No.</u> | <u>Date Filed</u> |
|--|-------------------|-------------------|
| \$289,901 | 2004000748487 | 12/03/04 |
| \$289,901 (unemployment contributions) | 200411121142251 | 11/12/04 |
| \$197,622 | 2005000175589 | 3/25/05 |
| \$332,474 | 2006000479465 | 8/24/06 |

Besides owing the federal government at least \$1,109,898, the Applicant has failed to pay another debt related to its business. For example, the Mason Tenders District Council of Greater New York and the Trustees of various Benefit Funds of the District Council sued Metro under the Employee Retirement Income Security Act and the Labor-Management Relations Act to recover unpaid fringe benefit contributions, tier violation contributions, unremitted dues "check offs," as well as PAC contributions owed to the Funds and the District Council. Metro resolved the case by entering into a consent judgment which was "so ordered" by the Court on October 2, 2005, and which obligated Metro to pay the liquidated amount of \$732,631.15 to the plaintiffs. See Judgment on Consent. The Applicant has neither paid nor satisfied this judgment. See Judgment and Lien printout.

Again, the Applicant's refusal to satisfy numerous debts that have been reduced to judgment is a sufficient independent ground for denial of its registration renewal application. The Applicant did not dispute this point. For this independently sufficient ground, this application is denied.

2. The Applicant failed to pay administrative fines that are directly related to the trade waste industry.

On or about March 30, 2006, Metro was charged administratively with: (1) failing to notify the Commission of material changes in its application, in violation of 17 RCNY §1-01 and §2-05(b);³ (2) permitting license plates issued by the Commission to be transferred to vehicles of other companies, in violation of 17 RCNY §7-03(a); and (3) transferring or assigning a trade waste registration to Circle Interior Demolition Inc. and World Class Demolition Corp. (both unlicensed and unregistered), in violation of 16-A, Admin. Code, §16-505(c). See DCA Notice of Hearing, #TW-1393. On June 8, 2006, a hearing was held at the DCA before Administrative Law Judge ("ALJ") Lee Fawkes. Metro did not appear at the hearing. See Default Decision and Order of DCA ALJ Lee Fawkes. Then, on June 29, 2006, by Default Decision and Order, ALJ Fawkes found Metro guilty of six violations of 17 RCNY §1-01 and §2-05(b), seven violations of 17 RCNY §7-03(a), one violation of §16-505(c) of the Administrative Code, and one violation of 6 RCNY §1-14 (for failing to appear at a duly noticed hearing), and ordered Metro to pay a total fine of \$140,500. See id. As of the date of this recommendation, and despite a written warning from the Commission by Directive dated July 17, 2006, Metro has failed to address this fine. See infra.

³ By failing to "notify the Commission of material changes in the information set forth in its Application and other submitted materials," the Applicant also violated the terms of the Registration Order it agreed to. See Registration Order at 4.

The failure to pay a fine or penalty relating to the applicant's business for which judgment has been entered by a court or administrative tribunal of competent jurisdiction is evidence that the Applicant lacks business integrity and has failed to demonstrate eligibility for a registration. The Applicant did not dispute this point. For this independently sufficient ground, this application is denied.

B. The Applicant knowingly failed to provide information and/or documentation to the Commission in connection with the application.

"The commission may refuse to issue a license or registration to an applicant for such license or an applicant for registration who has knowingly failed to provide the information and/or documentation required by the commission pursuant to this chapter or any rules promulgated pursuant hereto." See Admin. Code §16-509(b). By failing to respond to the Commission's requests for information and or documentation, the Applicant has "knowingly failed to provide the information" required by the Commission and has failed to "cooperate fully with the Commission, including providing requested information on a timely basis," if at all.

1. The Applicant failed to provide documentation to the Commission in connection with the application.

On June 12, 2006, the Commission sent a letter to Metro that requested either proof that several judgments filed against Metro by the federal government had been paid and satisfied or copies of agreed upon payment plans. See June 12, 2006 letter from the Commission to Metro. The Commission also requested that Metro provide the Commission with a signed and notarized affidavit to advise the Commission if there had been any changes in the ownership composition of Metro, or the addition or deletion of any principal of Metro. The letter requested that Metro provide the information and documentation to the Commission by the due date of June 23, 2006. See id. As of the date of this Decision, the Applicant has failed to respond to the Commission's request for information and documentation.

On December 15, 2006, the Commission sent a second letter to Metro and a letter to Vincent (at his home address), both via certified mail, return receipt requested. See December 15, 2006 letter from the Commission to Metro and Vincent. This letter requested the same information that the Commission previously requested on June 12, 2006. See id. The letter requested the information and documentation by the due date of December 28, 2006. See December 15, 2006 letter from the Commission to Metro and Vincent Bordone. Although the letter was delivered (evidenced by the return receipt that was signed and returned to the Commission), as of the date of this Decision, the Applicant has failed to respond to the Commission's second request for information and documentation. See United States Postal Service Return Receipt (PS Form 3811).

By failing to respond to the Commission's repeated requests, the Applicant has "knowingly failed to provide the information" required by the Commission. The Applicant did not dispute this point. For this independently sufficient ground, Metro's registration renewal application is denied.

2. The Applicant failed to provide information to the Commission by submitting a renewal application that contained false and misleading information.

The Applicant failed to provide the Commission with information by submitting a renewal application that contained false and misleading information in response to several questions. For instance, Question 7 of the Metro Renewal Application asks:

Have you or any of your principals been charged with any civil or administrative violations by any agency?

The Applicant falsely answered, "No." See Renewal Application at 3. The Applicant's answer to Question 7 fails to provide required information and is false and misleading because on or about March 30, 2006 the Commission issued Notice of Hearing Number TW-1393 against Metro, which charged Metro with: (1) failing to notify the Commission of material changes in its application, in violation of 17 RCNY §1-01 and §2-05(b); (2) permitting license plates issued by the Commission to be transferred to other vehicles, in violation of 17 RCNY §7-03(a); and (3) with transferring or assigning a trade waste registration to Circle Interior Demolition Inc. and World Class Demolition Corp. (neither of which is authorized to operate in New York City), in violation of 16-A Admin. Code §16-505(c). See DCA Notice of Hearing, #TW-1393. The Applicant was found guilty of these charges on June 29, 2006. See supra.

In addition, the Applicant's answer to Question 7 of its Renewal Application is false because on or about March 28, 2006, the National Labor Relations Board charged the Applicant with violating Section 8(a)(1), (3), and (5) of the National Labor Relations Act. See Case Nos. 29-CA-27317, 29-CA-27375, 29-CA-27472.

The Applicant also submitted false and misleading information on its Renewal Application when it answered Question 9. Question 9 of the Renewal Application asks:

Have you or your principals timely filed all tax returns and timely paid all taxes due and owing in all jurisdictions?

The Applicant falsely answered, "Yes." See Renewal Application at 3. The Applicant's answer to Question 9 fails to provide required information and is false and misleading because Metro owes the federal government at least \$1,109,898 in taxes. See supra.

The failure of the Applicant to provide truthful information to the Commission and the willful submission of false and misleading information to the Commission constitute an additional independent basis for the conclusion that the Applicant lacks good character, honesty and integrity. See Admin. Code §16-509(b). The Applicant did not dispute this point. For this independently sufficient ground, this application is denied.

3. The Applicant failed to respond to a Commission Directive.

On or about July 17, 2006, the Commission issued a Commission Directive to the Applicant. See July 17, 2006 Commission Directive. The Commission Directive further advised the Applicant of the DCA Default Decision and Order and directed the Applicant “to pay the fine of \$140,500...by the close of business on July 26, 2006.” The Directive further advised, “If payment is not received by that date, the matter will be referred to the Commission’s Legal Division for action, including, but not limited, to suspension or revocation...” See id. As of the date of this recommendation, the Applicant has failed to respond to the Commission’s Directive. By failing to respond to the Commission’s Directive, the Applicant has knowingly failed to provide information to the Commission. The Applicant did not dispute this point. For this independently sufficient reason, this application is denied.

IV. CONCLUSION

The Commission is vested with broad discretion to refuse to issue an exemption/registration to any applicant that it determines lacks good character, honesty and integrity. The evidence recounted above demonstrates convincingly that Metro falls far short of that standard.

It is of grave concern to the Commission that the Applicant has failed to provide information and/or documentation to the Commission in connection to its application and has failed to pay taxes, administrative fines, and other obligations for which judgments have been entered. For the independently sufficient reasons discussed above, the Commission hereby denies Metro’s exemption/registration renewal application.

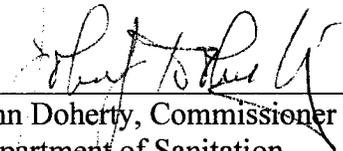
This exemption/registration renewal denial decision is effective immediately. Metro shall not service any customers, or otherwise operate as a trade waste removal business in the City of New York.

Dated: May 8, 2007

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



Anthony DePinto, General Counsel (designee)
Department of Small Business Services



Brian O'Neill, Inspector (designee)
New York City Police Department