



The City of New York
BUSINESS INTEGRITY COMMISSION
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**DECISION OF THE BUSINESS INTEGRITY COMMISSION DENYING THE
REGISTRATION RENEWAL APPLICATION OF ROCCO'S LANDSCAPING
AND CONCRETE SERVICE LLC TO OPERATE AS A TRADE WASTE
BUSINESS**

Introduction

On or about March 19, 2024, Rocco's Landscaping and Concrete Service LLC ("Rocco's" or the "Applicant") applied to the New York City Business Integrity Commission to renew 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 "2024 Renewal Application").¹ Local Law 42 of 1996 authorizes the Commission to review and make determinations on such exemption applications. *See* Title 16-A, New York City Administrative Code § 16-505(a).

After a review of a trade waste registration renewal application, if the Commission grants the renewal of the exemption from the Commission's trade waste licensing requirements, the applicant will be issued a registration renewal. *See id.* at § 16-505(a)-(b). The Commission's review of an initial exemption application or an application to renew such an exemption 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 July 25, 2025, the Commission's staff issued and served on the Applicant an 8-page Notice to the Applicant of the Grounds to Deny the Registration Renewal Application of Rocco's Landscaping and Concrete Service LLC to Operate as a Trade Waste Business (the "Notice"). The Applicant was given 10 business days to

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

respond, until August 8, 2025. *See* 17 RCNY § 2-08(a). The Applicant did not respond to the Notice. The Commission has completed its review of the 2024 Renewal Application, having considered the Notice. Based on the record before it, the Commission now denies Rocco's Landscaping and Concrete Service LLC's application because the Applicant lacks good character, honesty and integrity based on the following independently sufficient grounds:

- A. The Applicant Violated the Rules of the Business Integrity Commission and Has Been Found Liable in an Administrative Action That Bears a Direct Relationship to the Fitness of the Applicant to Conduct a Trade Waste Business;**
- B. The Applicant Has Failed to Pay a Fine That is Directly Related to the Applicant's Business For Which Judgment Has Been Entered by a Court or Administrative Tribunal of Competent Jurisdiction; and**
- C. The Applicant Has Failed to Provide Information and/or Documentation Required by the Commission.**

Statutory Background and 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 assured 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," also known as construction and demolition debris, must apply to the Commission for an exemption from the licensing requirement. *Id.* If, upon review of an application, the Commission grants an exemption from the licensing requirement, it issues the applicant a class 2 registration. *Id.* at § 16-505(a)-(b). Before issuing such registration, the Commission must evaluate the "good character, honesty and integrity of the applicant." *Id.* at § 16-508(b); *see also id.* at § 16-504(a). 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

On or about May 23, 2008, the Applicant applied to the Commission for a trade waste registration. *See Rocco’s Registration Application*. Effective September 1, 2009, the Commission granted the Applicant a trade waste registration. *See Rocco’s Registration Order* dated August 31, 2009. The Applicant subsequently filed six registration renewal applications and the Commission granted each of those registration renewal applications. *See Registration Renewal Applications; Registration Renewal Orders*. On or about March 24, 2024, the Applicant filed the 2024 Renewal Application, which is considered herein.

On August 29, 2024, the Commission issued Notice of Violation, Violation Number TWC-229827, charging the Applicant with: (1) failing to maintain daily vehicle inspection reports in violation of Title 17 of the Rules of the City of New York (“RCNY”) §7-03(f); (2) failing to notify the Commission within 10 days of a material change in information provided to the Commission, in violation of 17 RCNY §2-05(b)(1)(vii); and (3) failing to maintain a certified vehicle inspection report in a vehicle, in violation of 17 RCNY §7-03(e). *See Notice of Violation, Violation Number TWC-229827*. On March 18, 2025- the date of the scheduled hearing- the Applicant failed to appear at the hearing and failed to contest the charges. As a result, the Applicant was found guilty upon default. *See April 8, 2025 Default Decision* by Hearing Officer Andrea Pfeiffer (the “Default Decision”). Hearing Officer Pfeiffer ordered the Applicant to pay a total fine of Thirty Thousand (\$30,000) Dollars. *See TWC-229827 Default Decision*.

Beginning on or about February 27, 2025, the Commission staff demanded, among other things, that the Applicant provide information and/or documentation regarding the Department of Motor Vehicles registrations for several vehicles used by the Applicant. *See February 27, 2025 Email* from Commission staff to the Applicant. On or about March 10, 2025, a member of the Commission’s staff emailed the Applicant to remind the Applicant about the outstanding demand for information and/or documentation. *See March 10, 2025 Email* from Commission staff to the Applicant. Although the Applicant responded and provided the Commission with information and/or documentation responsive to some of the Commission’s demands, the Applicant did not provide information and/or

documentation regarding the two vehicles with expired Department of Motor Vehicles Registrations.

On or about June 10, 2025, a member of the Commission's staff contacted the Applicant by email and provided the Applicant with a copy of the Default Decision. In addition, the Applicant was warned that the "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" is a ground upon which the Business Integrity Commission ("BIC") may deny your Registration Renewal Application. *See* Title 16-A of the New York City Administrative Code §16-509(a)(x)." As of the date of this Notice, the Applicant still has not resolved this administrative violation.

In addition to warning the Applicant about the possible ramifications for ignoring the abovementioned Default Decision, the Commission staff's June 10, 2025 email renewed several prior demands for documentation and/or information regarding vehicles with expired Department of Motor Vehicles registrations:

... , on or about February 27, 2025 and on or about March 7, 2024, a member of BIC's staff contacted you about two vehicles with expired Department of Motor Vehicles ("DMV") registrations. The vehicles with expired DMV registrations are VIN# 1GCGV24K2HF397632 and VIN# 2FDJF37Z6CCA46417. Although the BIC staff member demanded proof that both vehicles have valid DMV registrations, you failed to provide this information. Please be advised that failure to knowingly provide information and/or documentation required by BIC is a ground upon which BIC may deny your Registration Renewal Application. *See* Title 16-A of the New York City Administrative Code §16-509(b).

Again, despite this warning, the Applicant failed to provide the Commission with information and/or documentation regarding the DMV registration status of these vehicles.

Basis for Denial

- 1. The Applicant Violated the Rules of the Business Integrity Commission and Has Been Found Liable in an Administrative Action That Bears a Direct Relationship to the Fitness of the Applicant to Conduct a Trade Waste Business.**

The commission may refuse to issue a license or registration to an applicant "after a finding of liability in an administrative action that bears a direct relationship to the fitness of the applicant to conduct the business." *See* Admin. Code §16-509(a)(iv); *see also* §16-509(c)(ii); *see also* §16-513(a)(i).

The Applicant violated the rules of the Business Integrity Commission and disregarded the consequences. Hearing Officer Pfeiffer found the Applicant liable in an administrative action that bears direct relationship with the Applicant's ability to conduct business in compliance with Local Law 42 in the New York City trade waste industry. The Notice of Violation resulted in total fines and penalties of Thirty Thousand (\$30,000) Dollars, which the Applicant has failed to pay and has failed to address. For this independently sufficient ground, this Renewal Application is denied.

2. The Applicant Has Failed to Pay Fines That Are Directly Related to the Applicant's Business For Which Judgment Has Been Entered by a Court or Administrative Tribunal of Competent Jurisdiction.

The commission may refuse to issue a license or registration to an applicant "upon the failure of the applicant to pay any tax, fine, penalty, fee related to the applicant's business...for which judgment has been entered by a[n] ... administrative tribunal of competent jurisdiction..." *See* Admin. Code §16-509(a)(x); *see also* §16-509(c)(ii); *see also* §16-513(a)(iv).

The Applicant has failed to pay the fines ordered by the Office of Administrative Trials and Hearings. The Commission staff has warned the Applicant of the consequences for failing to address these fines. The failure of the Applicant to pay fines that are directly related to the Applicant's business for which judgment has been entered establish this Applicant's lack of good character, honesty and integrity. For this independently sufficient reason, this Renewal Application is denied.

3. The Applicant Has Failed to Provide Information and/or Documentation Required by the Commission.

The commission may refuse to issue a license or registration to an applicant "who has knowingly failed to provide the information and/or documentation required by the Commission..." *See* Admin. Code §16-509(b).

The Applicant has failed to provide the Commission with information and/or documentation regarding the Department of Motor Vehicles registrations for two vehicles. The failure to provide information and/or documentation required by the Commission, despite repeated attempts by the Commission staff to acquire this information and/or documentation establish that the Applicant lacks good character, honesty and integrity. For this independently sufficient reason, this Renewal Application is denied.

Conclusion

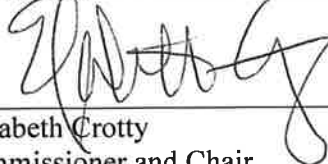
The Commission is vested with broad discretion to refuse to issue a license or registration to any applicant that it determines to lack good character, honesty and integrity. The record as detailed above demonstrates that the Applicant falls short of that standard. The Applicant has made it abundantly clear that it is unable or unwilling to comply with the Commission's authority. The Applicant failed to attend a hearing to contest

administrative violations, was found liable for committing those administrative violations and was ordered to pay a Thirty Thousand (\$30,000) Dollar fine. The Applicant also failed to provide the Commission with required information and/or documentation. The Applicant's noncompliance establishes its lack of honesty, integrity and good character. Accordingly, based on the three independently sufficient grounds detailed above, the Commission denies Rocco's Landscaping and Concrete Service LLC's Registration Renewal Application.

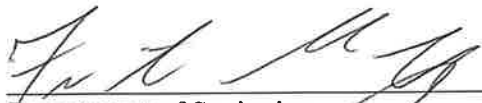
This registration denial is effective immediately. Rocco's Landscaping and Concrete Service LLC may not operate as a trade waste business in the City of New York.

Dated: October 28, 2025
New York, NY

THE NEW YORK CITY
BUSINESS INTEGRITY COMMISSION



Elizabeth Crotty
Commissioner and Chair



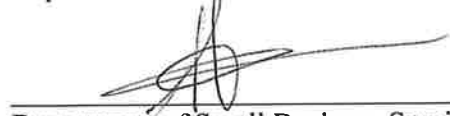
Department of Sanitation



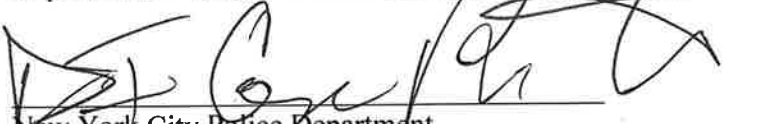
Department of Investigation



Department of Consumer and Worker Protection



Department of Small Business Services



New York City Police Department