



**The City of New York**  
**BUSINESS INTEGRITY COMMISSION**  
100 Church Street · 20th Floor  
New York · New York 10007

**DECISION OF THE BUSINESS INTEGRITY COMMISSION DENYING THE  
REGISTRATION APPLICATION OF TRAC CONSTRUCTION GROUP INC. TO  
OPERATE AS A TRADE WASTE BUSINESS**

**I. Introduction**

Trac Construction Group Inc. (the “Applicant” or “Trac”) (BIC #505244) applied to the New York City Business Integrity 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”). 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 (“Administrative Code” or “Admin. Code”) § 16-505(a).

On May 5, 2023, the Commission staff issued and served the Applicant with the Notice to the Applicant of the Grounds to Deny the Registration Application of Trac Construction Group Inc. to Operate as a Trade Waste Business (the “Notice”). The Applicant had 10 business days to respond, which period expired on May 24, 2023. *See* Title 17 of the Rules of the City of New York (“RCNY”) § 2-08(a). The Applicant did not submit a response to the Notice. Now, the Commission has completed its review of the Application, having carefully considered the Notice and the Applicant’s lack of response. Based on the record in this matter, the Commission denies Trac’s Application on the following two independently sufficient grounds:

- 1. The Applicant knowingly failed to provide information to the Commission; and**
- 2. The Applicant and its only disclosed principal, Anna Olivieri, provided the Commission with false and misleading information on the Application.**

**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. 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. Co.); *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 to 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.

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. Admin. Code § 16-505(a). If, upon review of an application, the Commission grants an exemption from the licensing requirement, it issues the applicant a Class 2 registration. See Admin. Code §§ 16-505(a)-(b). Before issuing a registration, the Commission must evaluate the "good character, honesty and integrity of the applicant." Admin. Code §§ 16-508(b); 16-504(a). An "applicant" for a license or registration means both the business entity and each principal of the business. See Admin. Code § 16-501(a).

The Administrative Code provides an 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; 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.

Admin. Code §§ 16-509(a)(i)-(xi); 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.” Admin. Code § 16-509(b); *see also* Admin. Code § 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 (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.” Admin. Code §§ 16-509(c); 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. *See* Admin. Code §§ 16-509(d); 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. v. City of New York*, 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 (1997).

### **III. Statement of Facts**

#### *A. The Application*

On or about July 21, 2020, the Applicant applied to the Commission for an exemption from licensing requirements and a registration to operate as a trade waste business that removes construction and demolition debris. *See* Application. The Application disclosed Anna Olivieri (“Olivieri”) as the Applicant’s only principal. *See* Application at 14, Schedule A. On the Application, Olivieri certified that the “information provided in response to each question and in the attachments is full, complete and truthful.” *See* Application at 22, Certification.

#### *B. Refusal to Provide Information and/or Documentation to the Commission*

As part of the Commission’s investigation in connection with the Application, the Commission’s staff attempted to take Olivieri’s sworn testimony. On November 29, 2022, the Commission’s staff informed the Applicant that it wished to take Olivieri’s testimony on Friday, January 20, 2023. *See* letter from the Commission’s staff to the Applicant dated November 29, 2022. The staff’s November 29, 2022, letter advised Olivieri that her “failure to appear for the sworn interview and provide information and/or documentation ... is an adequate ground on which to deny” the Application. *Id.*

Instead of appearing and providing sworn testimony, on January 6, 2023, Olivieri emailed the Commission’s staff stating that she “would like to withdraw our application....” By email to Olivieri dated January 10, 2023, the Commission’s staff asked for Trac’s reason for its request to withdraw. In response, by email dated January 11, 2023, Olivieri stated, “our firm will no longer be doing any construction projects in New York.” On January 11, 2023, the Commission informed Olivieri that it would need to complete its investigation and reiterated the need for Olivieri to

appear for sworn testimony on January 20, 2023. Olivieri did not respond to this email. The Commission's staff followed up by email on January 18, 2023, again asking Olivieri to confirm her appearance at the sworn interview. Again, Olivieri did not respond. *See* email exchange between Olivieri and the Commission's staff, November 29, 2022, through January 18, 2023.

On January 18, 2023, at 1:50 pm, the Commission's staff attempted to contact the Applicant at its disclosed business telephone number that it provided on its Application: [REDACTED]. The Applicant did not answer this call. On January 19, 2023, at 10:50 am, the Commission's staff called the Applicant's disclosed business telephone number again, but an automated message stated that the telephone number was no longer in service. On January 20, 2023, Olivieri failed to appear for the sworn interview.

### *C. The Undisclosed Principals*

The Applicant was required to disclose any current principals and past principals as set forth in the Application. *See* Admin. Code § 16-507(a); Application.

#### *1. Undisclosed Principal: Anthony DellaVecchia*

The Application that Olivieri certified as true stated that Olivieri was the only principal of the Applicant, however, the available evidence establishes that Anthony DellaVecchia ("DellaVecchia"), Olivieri's husband, is an undisclosed principal of the Applicant. *Id.* Moreover, as the husband of majority stockholder Olivieri, Anthony DellaVecchia would be deemed by Local Law 42 to be a principal of the Applicant even if he did not participate in the control of the Applicant. *See* Admin. Code § 16-501(d). Had Olivieri appeared to provide sworn testimony, the Commission's staff would have asked her about, among other things, DellaVecchia's role with the Applicant business. It is likely that DellaVecchia was not disclosed to the Commission because he is an associate of the Lucchese organized crime family. *See infra.*

#### *2. Undisclosed Past Principals: Edward Bocchino and Marc Mario Bocchio*

Additionally, Trac failed to disclose any of its past principals. *See* Application at 16, Schedule B. First, Edward Bocchino was a past principal of Trac. In 2019, Bocchino was identified as a 49% owner of the corporation on Trac's 2019 tax return. *See* Trac's 2019 tax return. Second, Marc Mario Bocchio was a past principal of Trac. In 2019, Bocchio was identified as a 49% owner of Trac on a loan application for Trac. *See* BOC Capital loan application at 2. Had Olivieri appeared to provide sworn testimony, the Commission's staff would have asked her about, among other things, the Applicant's relationship with Edward Bocchino and Marc Mario Bocchio.

### *D. Trac's Organized Crime Group Associations*

The Applicant was also required to disclose its associations with any member or associate of an organized crime group. *See* Admin. Code § 16-507(a); *see also* Application. Trac has associated with DellaVecchia, who has been publicly identified by law enforcement as an associate of the Lucchese organized crime family. Trac has also associated with Frank Paul Adamita and

Emanuel Adamita, who have been publicly identified by law enforcement as associates of the Gambino crime family.

### *1. Anthony DellaVecchia*

In 1996, DellaVecchia was arrested by the Federal Bureau of Investigation, along with over twenty other members and associates of the Lucchese crime family, for his involvement in a multi-state car theft ring. DellaVecchia was convicted in 1997 and sentenced to fourteen months in prison with three years' supervised release. *See* Affidavit of Detective Matthew Cerny, sworn to March 22, 2023, ¶ 5. Specifically, "Anthony DellaVecchia was charged with conspiracy to traffic narcotics and stolen cars by the US attorney's office and convicted in 1997. Illicit proceeds gained from this conspiracy by Anthony DellaVecchia were used to further the criminal enterprise of the Luchese crime family." *Id.* Moreover, as set forth above, DellaVecchia is married to Trac principal Olivieri, and the available evidence establishes that he is a principal of Trac. The Applicant did not disclose its association with DellaVecchia on the Application. Had Olivieri appeared to provide sworn testimony, the Commission's staff would have asked her about, among other things, her knowledge of DellaVecchia's status as an associate of the Lucchese organized crime family.

### *2. Frank Paul Adamita*

In 2006, Frank Adamita was named as a defendant in a federal complaint filed by the United States Attorney's Office for the Eastern District of New York ("E.D.N.Y.") for conspiracy to distribute marijuana. *See Complaint, United States v. Adamita, et al.*, 2:06-mj-01122-WDW (E.D.N.Y. 2006). The complaint identified Frank Adamita as an associate of the Gambino organized crime family. *See id.*, at ¶ 2 and ¶ 4. On April 3, 2008, Frank Adamita pled guilty to one count of conspiracy to distribute and possession with intent to distribute 100 grams or more of marijuana, in violation of 21 U.S.C. §§ 846, 841(a)(1) and 841(b)(1)(B)(vii), for which he was sentenced to 65 months' imprisonment with four years' supervised release. *See* Judgment in a Criminal Case, dated April 4, 2008, at pp. 1-3; *see also* "Reputed Mobster from Staten Island Gets 65 Months for Role in Pot Ring," Staten Island Advance, April 3, 2008.

In 2020, Trac wired Frank Adamita \$45,000. *See* March 3, 2020, Santander Bank transaction record. Moreover, Trac listed Frank Adamita as a personal reference and business contact on its BOC Capital loan application. *See* BOC Capital loan application at 7. The Applicant did not disclose its association with Frank Adamita in response to Question 36(j) of the Application. Had Olivieri appeared to provide sworn testimony, the Commission's staff would have asked her about, among other things, the Applicant's relationship with Frank Paul Adamita and his status as an associate of the Gambino organized crime family.

### *3. Emanuel Adamita*

Finally, the Applicant employed Emanuel Adamita, who is Frank Adamita's brother. *See* Trac employee earnings record. Emanuel Adamita has also been identified as an associate of the Sicilian faction of the Gambino crime family. *See* Affidavit of Detective Matthew Cerny, sworn to March 22, 2023, ¶ 5. Had Olivieri appeared to provide sworn testimony, the Commission's staff

would have asked her about, among other things, the Applicant's relationship with Emanuel Adamita and his status as an associate of the Gambino organized crime family.

#### **IV. Basis for Denial**

##### **A. The Applicant knowingly failed to provide information to the Commission.**

The Commission has the power and duty “[t]o investigate any matter within the jurisdiction conferred by [Local Law 42] and [has] full power to compel the attendance, examine and take testimony under oath of such persons as it may deem necessary in relation to such investigation, and to require the production of books, accounts, papers and other evidence relevant to such investigation.” Admin. Code § 16-504(c). Despite numerous attempts by the Commission's staff, the Applicant refused to produce its principal to provide sworn testimony, culminating in the Applicant's willful failure to provide requested information.

The Commission may refuse to grant a registration if an applicant “has knowingly failed to provide the information and/or documentation required by the commission . . .” Admin. Code. § 16-509(b). The Applicant was advised throughout that the failure to answer the Commission's questions under oath is an adequate ground on which to deny the Application. Yet, Olivieri – the Applicant's sole disclosed principal – refused to provide sworn testimony in connection with the Application. When Olivieri failed to appear for a sworn interview, the Applicant knowingly failed to provide the information and/or documentation required by the Commission. The Applicant has not disputed the Commission's staff's assertions on this point. Accordingly, the Commission denies the Application based on this independently sufficient ground. *See* Admin. Code § 16-509(b).

##### **B. The Applicant and its principal, Anna Olivieri, provided the Commission with false and misleading information.**

All applicants must provide truthful and non-misleading information required by the Commission pursuant to the Commission's rules and regulations. *See* Admin. Code §16-509(b). A knowing failure to do so is a ground for denial of the application. *Id.*

The Applicant provided false and misleading information to the Commission when it stated on its application that Olivieri was the sole principal of Trac. This answer was false: the weight of the available evidence establishes that DellaVecchia is also a principal of the Applicant. Moreover, the Applicant provided false and misleading information with respect to Trac's past principals. The weight of the evidence also establishes that Edward Bocchino and Marc Mario Bocchio were both past principals of the Applicant.

Moreover, the Applicant provided false and misleading information to the Commission when it stated on the Application that its principal – Olivieri – did not knowingly associate in any manner with any member or associate of organized crime. That answer was false: Olivieri knowingly associated with at least three members or associates of organized crime. Most notably, Olivieri clearly had an ongoing business relationship with her husband, DellaVecchia, a known associate of the Lucchese crime family. In addition to doing business with DellaVecchia, Olivieri

had an ongoing business relationship with Frank Adamita and his brother Emanuel Adamita, both known associates of the Gambino crime family.

In sum, the Applicant and Olivieri provided false and misleading information to the Commission and its staff on numerous occasions, through certified answers in the Application.<sup>1</sup> Thus, the Applicant has “failed to provide the information and/or documentation required by the Commission.” *See* Admin. Code § 16-509(b). The Applicant has not disputed the Commission’s staff’s assertions on this point. Accordingly, the Commission denies the Application based on this independently sufficient ground.

## **V. Conclusion**

The Commission is vested with broad discretion to refuse to issue a license or an exemption from the license requirement to any applicant who it determines lacks good character, honesty and integrity. The record herein demonstrates that the Applicant, its disclosed principal, and its undisclosed principal lack those essential qualities. Accordingly, based on the two independently sufficient grounds detailed above, the Commission denies the Application of Trac Construction Group Inc.

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

Dated: June 14, 2023

THE NEW YORK CITY  
BUSINESS INTEGRITY COMMISSION

**Approved at June 14, 2023**  
**Remote Commission Meeting**

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Elizabeth Crotty,  
Commissioner and Chair

**Approved at June 14, 2023**  
**Remote Commission Meeting**

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Gregory Anderson, Deputy Commissioner  
(Designee), Department of Sanitation

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<sup>1</sup> Question 4 of the Application asked the Applicant to list its garage address. Here, the Applicant listed “213 50<sup>th</sup> Street Ste 2, Brooklyn, New York 11220” as its garage address. *See* Application, Question 4. However, no such garage or lot to park vehicles exists at that address. *See* April 19, 2023, BIC Surveillance Report.



**Approved at June 14, 2023  
Remote Commission Meeting**

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Jocelyn E. Strauber, Commissioner  
Department of Investigation

**Approved at June 14, 2023  
Remote Commission Meeting**

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Griselle Baret, Deputy Chief of Staff  
(Designee), Department of Consumer and  
Worker Protection

**Approved at June 14, 2023  
Remote Commission Meeting**

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Leemor Rozen, Deputy General Counsel  
(Designee), Department of Small Business  
Services

**Approved at June 14, 2023  
Remote Commission Meeting**

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Mathew Hyland, Inspector, (Designee)  
New York City Police Department