



The City of New York
BUSINESS INTEGRITY COMMISSION
100 Church Street · 20th Floor
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**FINAL DETERMINATION OF THE BUSINESSS INTEGRITY COMMISSION
TO REVOKE THE REGISTRATION OF SARV ENTERPRISE CORP.
TO OPERATE AS A TRADE WASTE BUSINESS**

Introduction

The Business Integrity Commission's staff (the "Commission's staff") brought this proceeding against Sarv Enterprise Corp. ("Sarv Enterprise" or "the Registrant"), under Title 16-A of the New York City Administrative Code ("Administrative Code") § 16-513. The Commission's staff alleges that Sarv Enterprise has, by allowing individuals to operate their trade waste vehicles without commercial driver's licenses ("CDL") and by failing to disclose the identity of a number of its drivers as required by law, engaged in a pattern of unsafe operation of its business that creates an imminent danger to life or property. The Commission's staff therefore recommend revocation of Sarv Enterprises' trade waste registration.

On July 7, 2022, Sarv Enterprise Corp. ("Sarv Enterprise" or "Registrant") applied to the New York City Business Integrity Commission (the "Commission" or "BIC") 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 "Instant Application"). Local Law 42 of 1996 ("Local Law 42") 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).

Where a registrant fails to abide by BIC Rules, Local Law 42 authorizes the Commission, after due notice and an opportunity to be heard, to revoke a registration when the Registrant, its principals, employees and/or agents have been deemed to have violated applicable laws and rules. *See* Admin. Code §16-513(a).

BIC recognizes that revocation of a license or registration is an extreme measure, and therefore the agency pursues this remedy where a licensee or registrant has violated applicable laws and rules in a manner that demonstrates flagrant disregard for the law and/or puts individuals or property at risk of harm. Although the Registrant herein has, over a long period and under different guises, engaged in business practices that have violated BIC rules, including its affiliation with the principal of a company whose registration was denied by the Commission, the within proposed revocation is premised on what BIC staff finds to be a pattern and practice of contravening laws intended to ensure the safe operation of its business and the protection of life and property.

Based upon the allegations set forth below, Commission staff conclude that Sarv Enterprise has violated a number of BIC rules related to safety. These allegations are based upon observations of BIC investigators and upon records maintained by the agency.

Statutory Framework

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

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

After a company is registered with the Commission, Local Law 42 provides that after due notice and opportunity to be heard, the Commission may revoke a registration when the registrant and its employees and/or agents:

- (i) have been found to be in violation of this chapter or any rules promulgated pursuant thereto;

- (ii) have been found by a court or administrative tribunal of competent jurisdiction to have violated: (A) any provision of section 16-119 of this code, or any rule promulgated pursuant thereto, relating to illegal dumping, (B) any provision of section 16-120.1 of this code, or any rule promulgated pursuant thereto, relating to the disposal of regulated medical waste and other medical waste or (C) any provision of section 16-117.1 of this code, or any rule promulgated pursuant thereto, relating to the collection, removal, transportation or disposal of waste containing asbestos;
- (iii) has repeatedly failed to obey lawful orders of any person authorized by section 16-517 of this chapter to enforce the provisions hereof;
- (iv) has failed to pay, within the time specified by a court, the department of consumer and worker protection or an administrative tribunal of competent jurisdiction, any fines or civil penalties imposed pursuant to this chapter or the rules promulgated pursuant thereto;
- (v) has been found in persistent or substantial violation of any rule promulgated by the commission pursuant to section 16-306 of this code or by the commissioner of consumer and worker protection pursuant to section 16-306 or former subchapter eighteen of title twenty of this code;
- (vi) has been found in persistent or substantial violation of any city, state, or federal law, rule or regulation regarding the collection, removal, transportation or disposal of trade waste, or any laws prohibiting deceptive, unfair or unconscionable trade practices;
- (vii) whenever, in relation to an investigation conducted pursuant to this chapter, the commission determines, after consideration of the factors set forth in subdivision a of section 16-509 of this code, that the licensee or registrant lacks good character, honesty and integrity;
- (viii) whenever there has been any false statement or any misrepresentation as to a material fact in the application or accompanying papers upon which the issuance of such license or registration was based;
- (ix) whenever the licensee or registrant has failed to notify the commission as required by subdivision b of section 16-507 or subdivision c of section 16-508 of this chapter of any change in the ownership interest of the business or other material change in

the information required on the application for such license or registration, or of the arrest or criminal conviction of such licensee or registrant or any of his or her principals, employees and/or agents of which the licensee had knowledge or should have known;

- (x) whenever the licensee or registrant has been found by the commission or a court or administrative tribunal of competent jurisdiction to be in violation of the provisions of section 24-163.11 of the code, or any rule promulgated pursuant thereto;
- (xi) whenever the licensee or has been found by the commission or a court or administrative tribunal of competent jurisdiction to be in violation of the provisions of section 16-526 of the code, or any rule promulgated pursuant thereto;
- (xii) while engaged in any activity regulated by this chapter or title 16-B, have been found to be in violation of any city, state or federal law, rule or regulation relating to the safety of the general public, including but not limited to traffic safety, or relating to the collection, removal, transportation or disposal of trade waste in a safe manner; or
- (xiii) whenever the licensee or registrant has been found by the commission or a court or administrative tribunal of competent jurisdiction to be in violation of any provision of title 16-B or any rule promulgated pursuant thereto or the terms of any applicable agreement entered into pursuant to section 16-1002, or has failed to pay, within the time specified by a court or an administrative tribunal of competent jurisdiction, any fines or civil penalties imposed pursuant to such title or the rules promulgated pursuant thereto.

Background and Statement of Facts

Summonses and Notices Issued to Sarv Enterprise for Operating a Commercial Motor Vehicle without a Commercial Driver's License

On or about July 27, 2022, Sarv Enterprise applied to the Commission for an exemption from the Commission's trade waste licensing requirement to operate as a trade waste business "solely engaged in the removal of waste materials resulting from building demolition, construction, alteration or excavation." Sarv Enterprise's application was approved, and Sarv Enterprises was registered with the Commission. This registration entitles an applicant to operate in New York City but also requires that it "comply in all respects" with applicable laws and rules of the Commission as found in Local Law 42 of 1996 ("Local Law 42").

On August 19, 2024, at approximately 2:11 p.m., BIC Investigator Carlos Maldonado observed a 2001 Peterbilt roll off truck with New York State license plate number 41463NE, and vehicle identification number 1NPAXUEX41N563837 at the corner of Truxton Street and East 156 Street, Bronx, New York. The vehicle was registered to Sarv Enterprise and was operated by Angel Rojas **Cabrera** (“Cabrera”). Cabrera did not have a CDL on his person at the time of the stop and he admitted that he did not possess a CDL. BIC Investigator Maldonado placed a phone call to the offices of Sarv Enterprise to inquire. An individual who identified himself as an employee on duty acknowledged that Cabrera did not possess a CDL and explained that Cabrera was instructed to pick up a container utilizing Sarv Enterprise’s commercial vehicle. Investigator Maldonado issued a New York Vehicle and Traffic Law (“VTL”) §509(2) summons to Cabrera for driving out of class. The Commission also issued a summons (TWC-229996) under 17 RCNY§ 7-02 because Sarv failed to comply with traffic laws based on Sarv Enterprise’s violation of Title 49, Subtitle B Part 383.37 of the Federal Motor Carrier Safety Administration (“FMSCA”) regulations for driving a commercial vehicle without the proper license.

The Commission, moreover, finds that Sarv Enterprise was in violation of VTL §509(4) because Sarv Enterprise knowingly permitted its commercial motor vehicle to be operated by a driver without a commercial driver’s license. Cabrera subsequently pled guilty in Bronx Criminal Court to disorderly conduct under Admin. Code § 10-179. Annexed hereto, as Exhibit #1 are the summonses and notices from August, 19, 2024.

On November 18, 2024, at approximately 10:00 a.m., BIC Investigator Elbert Villavicencio observed a white 2022 Kenworth dump truck with New York DMV plate 23216NC, and vehicle identification number 3BKDX4TXXNF143713 in front of 520 Kingsland Avenue, Brooklyn, NY. The vehicle was registered to Sarv Enterprise Corp. and was again operated by Cabrera who was operating the commercial vehicle without a commercial driver’s license. The Commission issued a summons (TWC-230608) under 17 RCNY§ 7-02 because Sarv failed to comply with traffic safety laws based on Sarv’s violation of Title 49, Subtitle B Part 383.37 of the FMSCA regulations for driving a commercial vehicle without the proper license. Annexed hereto as Exhibit #2 are the summons and notice from November 18, 2024.

On December 23, 2024, at approximately 8:54 a.m., in front of 149-35 7th Avenue Queens New York, BIC Investigator Carlos Maldonado observed a white 2022 Kenworth dump truck license plate number 23216NC, with no BIC license plate observed affixed on the vehicle, and vehicle identification number 3BKDX4TXXNF143713. The vehicle was registered to Sarv Enterprise and was operated by **Cabrera**, who did not possess a commercial driver’s license. Cabrera and Sarv Enterprise were issued VTL summonses for the violation of VTL §509.1 and §VTL 509.4 respectively.

Based on a review of the facts, Sarv also violated 17 RCNY§ 7-02 because Sarv failed to comply with traffic safety laws based on Sarv’s violation of Title 49, Subtitle B Part 383.37 of the FMSCA regulations for driving a commercial vehicle without the proper license. Annexed hereto, as Exhibit #3 are the summonses and notices from December 23, 2024.

On January 6, 2025, the Commission sent a letter to Sarv informing it that BIC was aware that Sarv's commercial vehicles were being operated by drivers who did not possess commercial driver's licenses. The Commission informed Sarv that continued violations could result in the denial of Sarv's renewal application. Annexed hereto, as Exhibit #4 is the letter sent to Sarv on January 6, 2025.

Summonses issued to Sarv Services Corp. an Unregistered Alias of Sarv Enterprise Corp for Operating a Commercial Motor Vehicle without a Commercial Driver's License

On December 20, 2024, at approximately 7:35 a.m., in front of 150-45 11th Avenue, Queens, NY, BIC Investigators Gabriel Seda conducted an inspection of a black Peterbilt roll off dump truck bearing New York State DMV plate number 77503NF and vehicle identification number 1NPAXUEX41N563837. The vehicle contained lettering on the side adverting Sarv Enterprise although the vehicle was registered to Sarv Services Corp. ("Sarv Services"). At the time of this inspection, the vehicle operator was Mario Stalin Morocho **Castro** ("Castro"), who was operating the commercial vehicle without a CDL.

During this stop, Castro stated, in sum and substance, that Sarv Services Corp and Sarv Enterprise Corp are the same and that he had been employed by Sarv Enterprise Corp. for approximately two months. Both Castro and Sarv Services were issued VTL summonses for operating a commercial motor vehicle without a commercial driver's license. See VTL §509.1 and VTL §509.4.

Based on a review of the facts, Sarv also violated 17 RCNY§ 7-02 because Sarv failed to comply with traffic safety laws. Annexed hereto as Exhibit #5 are the summonses and notices from December 20, 2024.

On January 14, 2025, at approximately 5:00 a.m., BIC investigator Carlos Maldonado sat outside the Sarv Enterprise yard located at 151-17 6th Road. Soon after, Investigator Maldonado observed a 2022 Kenworth dump truck bearing New York State DMV license plate number 77604NF and vehicle identification number 3BKDX4TXXNF143713 in front of 149-39 11th Avenue Queens New York. The vehicle was registered to Sarv Services. At the time of the observation, Patricio Duchimaza Curillo **Darwin** ("Darwin"), was operating Sarv's commercial motor vehicle without a CDL. Sarv Services was issued a summons for VTL §509.4. Darwin was issued a summons for VTL §509.1, driving a commercial vehicle without a commercial driver's license. Based on a review of the facts, the Commission finds that Sarv also violated 17 RCNY§ 7-02 because Sarv failed to comply with traffic safety laws. Annexed hereto as Exhibit #6 are the summonses and notices from January 14, 2024.

On January 30, 2025, at approximately 5:00 a.m., BIC investigators Gabriel Seda and Eduardo Marrero sat outside the Sarv Enterprise Corp, yard located at 151-17 6th Road. Soon after a roll off truck bearing NY DMV Plate 77603NF was observed leaving the yard. The vehicle contained lettering on the side adverting Sarv Enterprise although the vehicle was registered to Sarv Services Corp. At the time of the observation, the vehicle was being operated by **Castro**, who had previously stated on December 20, 2024, that he was employed by Sarv Enterprise Corp and that Sarv Services and Sarv Enterprise Corp were one and the same. He was operating the vehicle

in question without possessing a NYS commercial driver's license. Sarv Services Corp. was issued a summons for VTL §509.4. Castro was issued a summons for VTL §509.1, driving a commercial vehicle without a commercial driver's license. Based on a review of the facts, the Commission finds that Sarv also violated 17 RCNY§ 7-02 because Sarv failed to comply with traffic safety laws. Annexed hereto, as Exhibit #7 are the summonses and notices from November 18, 2024.

Federal Motor Carrier Safety Administration Records of Sarv Inspections

A review of Federal Motor Carrier Safety Administration ("FMCSA") records for inspections of Sarv Enterprise reveals that between March 11, 2024, and December 17, 2024, Sarv was issued 7 violations of Title 49, Subtitle B Part 383.23(a)(2) of the Federal Motor Carrier Safety Administration Regulations for operating a commercial vehicle without a commercial driver's license. Annexed hereto, as Exhibit #8 is a FMCSA report identifying the violations.

Additional BIC Violations Issued to Sarv Enterprise Corp.

A review of Commission records regarding the previously mentioned incident on August 19, 2024, revealed that Cabrera's hiring had still not been disclosed to the agency. A BIC summons was issued to Sarv for failing to notify the Commission of Cabrera's status as a Sarv Enterprise employee pursuant to 17 RCNY§ 2-05(b)(1)(vi). The Commission also issued a BIC violation (TWC-229996) to Sarv Enterprise for operating a vehicle engaged in the removal of collecting, removing or disposing of waste without having paid the fee for BIC license plates. *See*, 17 RCNY§ 7-03(a). These documents are annexed hereto as part of Exhibit #1.

A review of Commission records conducted regarding the previously mentioned incident on November 18, 2024, revealed that Sarv still had failed to inform the Commission that Sarv hired Cabrera as an employee. A BIC summons (TWC-230608) was issued to Sarv for failing to notify the Commission of Cabrera's status as a Sarv employee pursuant to 17 RCNY§ 2-05(b)(1)(vi). The Commission also issued a BIC violation to Sarv for operating a vehicle engaged in the removal of collecting, removing or disposing of waste without having paid the fee for BIC license plates. *See*, 17 RCNY§ 7-03(a). These documents are annexed hereto as part of Exhibit # 2.

Procedural History

On March 13, 2025, Commission Investigator Carlos Maldonado personally served the Revocation Notice to Ines Borja, a principal of Sarv Enterprise. The Revocation Notice set forth the facts above and gave Registrant 14 days to respond. No response was made. On April 1, 2025, Daniel Bach, attorney for Registrants Sarv Enterprise, emailed a notice of appearance to the Commission and indicated that he would submit a response to the Revocation Notice on April 4, 2025. Commission Staff engaged in additional communication with Sarv Enterprise's attorney in which it was determined that Sarv would be given the opportunity to satisfy all outstanding BIC violations. The Commission indicated that it would grant Sarv Enterprise 5 days to respond to the Revocation Notice if the negotiations failed to result in a resolution. On April 22, 2025, Attorney Bach indicated that he would respond to the Revocation Notice on April 23, 2025. To date, no response has been filed with the Commission.

Basis for Revocation

The Commission has completed its review and carefully considered the Notice and the lack of response from Sarv Enterprises.

Based on the record herein, the Commission revokes Sarv Enterprises registration with the Commission based upon the following four independently sufficient reasons:

1. The Registrant Violated City, State or Federal Law Rule or Regulation Relating to the Traffic Safety of the General Public

The Commission may revoke a registration where the registrant violates city, state, or federal law, rules or regulation related to traffic safety while engaged in activity regulated by the Commission in violation of Admin. Code § 16-513(xii) by permitting drivers to operate commercial vehicles without commercial driver's licenses.

Sarv Enterprise violated the VTL on each date it permitted one of its drivers to operate a trade waste vehicle without a CDL. Additionally, Federal Motor Carrier Safety Administration ("FMCSA") records for inspections of Sarv Enterprise Corp reveals that between March 11, 2024, and December 17, 2024, Sarv Enterprise was issued 7 violations of Title 49, Subtitle B Part 383.23(a)(2) of the Federal Motor Carrier Safety Administration Regulations by operating a commercial vehicle without a commercial driver's license.

Based on this independently sufficient ground, the Commission's staff recommends that the Commission revoke the Registrant's registration.

2. The Registrant Failed to Obey Lawful Orders from Employees of the Commission

The Commission may revoke a registration where a registered company repeatedly fails to obey lawful orders from employees of the Commission in violation of Admin. Code § 16-513(iii).

As detailed above, Sarv Enterprise and Sarv Services received multiple traffic safety violations. They also received notice from Commission staff directing Sarv to cease permitting Sarv's commercial vehicles from being operated by drivers who did not possess CDLs. Sarv Enterprise and Sarv Services failed to obey these lawful orders from Commission staff. Sarv continued to utilize drivers who did not possess CDLs.

Based on this independently sufficient ground, the Commission's staff recommends that the Commission revoke the Registrant's registration.

3. The Registrant violated Federal and State Traffic Law, Rules and Regulations

The Commission may revoke a registration when a registered company violates Admin. Code § 16-513(i) where a registrant has violated rules promulgated by the Commission. Title 17 of the Rules of the City of New York ("RCNY") § 7-02, requires that all registrants shall at all

times comply with all the laws, rules and regulations of Federal, State and local governmental authorities having jurisdiction over any of the registrant's activities.

Federal Motor Carrier Safety Administration ("FMCSA") records for inspections of Sarv Enterprise reveals that between March 11, 2024, and December 17, 2024, Sarv Enterprise was issued 7 violations of Title 49, Subtitle B Part 383.23(a)(2) of the Federal Motor Carrier Safety Administration Regulations by operating a commercial vehicle without a commercial driver's license. Additionally, Sarv Enterprise violated the VTL each time it permitted one of its drivers to operate a trade waste vehicle without a CDL. Based on this independently sufficient ground, the Commission's staff recommends that the Commission revoke the Registrant's registration.

4. The Registrant Persistently Violated City, State, State or Federal Rules and Regulations Regarding the Collection, Removal, Transportation or Disposal of Trade Waste

The Commission may revoke a registration where the registrant persistently violates "city, state, or federal laws, rules and regulations regarding the collection, removal, transportation or disposal of trade waste" in violation of Admin. Code § 16-513(vi).

Sarv Enterprise repeatedly violated the New York State VTL by permitting Sarv Enterprise drivers to operate commercial trade waste vehicles without possessing a commercial driver's license. Sarv Enterprise also repeatedly violated Federal Motor Carrier Safety Administration Regulations.

Based on this independently sufficient ground, the Commission's staff recommends that the Commission revoke the Registrant's registration.

Conclusion

The Commission is vested with broad discretion to revoke a license or registration of anyone who violates the provisions of Admin. Code § 16-513. Based on the four independently sufficient grounds stated above, the Commission revokes Sarv Enterprises' registration.

This exemption/registration revocation is effective immediately. Sarv Enterprises may not operate as a trade waste business in the City of New York.

Dated: New York, New York
July 1, 2025

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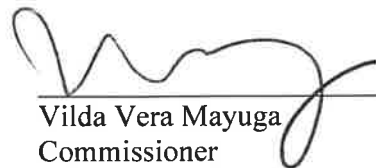
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Sarv Enterprise Corp. Revocation Decision

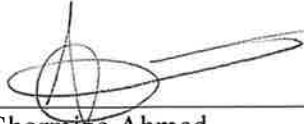
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