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THE CITY OF NEW YORK  
BUSINESS INTEGRITY COMMISSION  
COMMISSION MEETING  
PUBLIC MEETING  
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June 14, 2023  
4:06 p.m.  
Held Remotely  
via Teleconference

Julia M. Speros  
Court Reporter

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A P P E A R A N C E S:

David Feldman, Deputy Commissioner of Legal  
Affairs and General Counsel

Elizabeth Crotty, Commissioner and Chair of the  
Business Integrity Commission

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

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

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

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

Jocelyn Strauber, Department of Investigation  
Commissioner

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PROCEEDINGS

MR. FELDMAN: Good afternoon. We are on the record. Today is Wednesday, June 14, 2023. The time is 4:06 p.m. Welcome to today's meeting of the New York City Business Integrity Commission.

We are conducting this meeting via Microsoft Teams. This is Public Meeting, which was duly noticed for today's date at 4 o'clock p.m., along the Microsoft Teams information and dial-in information for the meeting.

This meeting is being recorded and the recording and meeting minutes will be posted on BIC's website following the conclusion of the meeting.

I am David Feldman, Deputy Commissioner of Legal Affairs and General Counsel for the Commission.

I am joined by the following Commission members:

Elizabeth Crotty, Commissioner and Chair of the Business Integrity Commission; Department of Consumer and Worker Protection, Deputy Chief of

1 Staff, Griselle Baret, representing DCWP  
2 Commissioner Vilda Vera Mayuga;  
3 Department of Sanitation Deputy  
4 Commissioner Gregory Anderson  
5 representing DSNY Commissioner Jessica  
6 Tisch; Department of Small Business  
7 Services, Deputy General Counsel, Leemor  
8 Rozen representing SBS Commissioner Kevin  
9 Kim; Inspector Matthew Hyland of the New  
10 York City Police Department representing  
11 Police Commissioner Keechant Sewell; and  
12 I see Department of Investigation  
13 Commissioner, Jocelyn Strauber. Thank  
14 you all for being here today.

15 Today the Commission will consider  
16 three matters.

17 The first matter is a resolution to  
18 hold meetings by remote means during a  
19 local state of emergency proclaimed by  
20 the Mayor. The second meeting is a  
21 resolution regarding the use of video  
22 conferencing at future Commission  
23 meetings. The third matter is a denial  
24 recommendation by the Commission staff  
25

1 in connection with a Registration  
2 Application.

3 The first resolution states that it  
4 is a resolution of the New York City  
5 Business Integrity Commission to hold  
6 entirely remote meetings during a state  
7 disaster or emergency declared by the  
8 Governor or a local state of emergency  
9 proclaimed by the Mayor in accordance  
10 with the requirements established by the  
11 State of New York in Section 2 of Part  
12 WW of Chapter 56 of the Laws of 2022.

13 This resolution takes effect today  
14 and amends the resolution previously  
15 adopted on March 14, 2023. To cite the  
16 current Emergency Executive Order,  
17 number 411 dated May 20, 2023, in which  
18 the local state of emergency first  
19 declared by the Mayor in Emergency  
20 Executive Order number 98 dated  
21 March 12, 2020, was extended through  
22 June 19, 2023 to address the threat and  
23 impact of COVID-19 in the City of New  
24 York.

25 In adopting the resolution, the

1 Business Integrity Commission  
2 determines, in accordance with Section  
3 103-a(3) of the New York Open Meetings  
4 Law, that the circumstances  
5 necessitating the emergency declaration  
6 would affect or impair the ability of  
7 the Commission to hold in-person  
8 meetings and resolves that Commission  
9 meetings shall continue to be held by  
10 remote means and the in-person  
11 participation requirement of the OML  
12 shall not apply.

13 Do any of the Commissioners have any  
14 questions or comments regarding the  
15 first proposed resolution?

16 (No response.)

17 MR. FELDMAN: Okay. Seeing none,  
18 the Commission will now vote as to  
19 whether to adopt this resolution.

20 If the Commission votes "yes", the  
21 resolution will be adopted. If the  
22 Commission votes "no", the resolution  
23 will not be adopted.

24 Is there a motion from the  
25 Commissioners to adopt the resolution?

1 MS. STRAUBER: Motion to adopt.

2 MR. FELDMAN: Thank you,  
3 Commissioner Strauber.

4 Is there a second?

5 MS. CROTTY: I second.

6 MR. FELDMAN: Thank you, Chair  
7 Crotty.

8 I will be calling on each  
9 Commissioner and designee to collect  
10 votes.

11 Chair Crotty?

12 MS. CROTTY: Yes.

13 MR. FELDMAN: Commissioner Strauber?

14 MS. STRAUBER: Yes.

15 MR. FELDMAN: Deputy Chief of Staff  
16 Baret?

17 MS. BARET: Yes.

18 MR. FELDMAN: Deputy Commissioner  
19 Anderson?

20 MR. ANDERSON: Yes.

21 MR. FELDMAN: Deputy General Counsel  
22 Rozen?

23 MS. ROZEN: Yes.

24 MR. FELDMAN: And Inspector Hyland?

25 MR. HYLAND: Yes.

1 MR. FELDMAN: Let the record reflect  
2 that the vote is unanimous. The  
3 resolution will note each Commissioner  
4 and designee's vote today.

5 The second resolution states that it  
6 is a resolution of the New York City  
7 Business Integrity Commission to  
8 authorize the use of video conferencing  
9 to conduct Commission meetings, as  
10 authorized and in accordance with  
11 Section 103-a of the New York State Open  
12 Meetings Law.

13 This resolution, which takes effect  
14 on June 20, 2023, provides that the use  
15 of video conferencing to conduct  
16 meetings of the Business Integrity  
17 Commission, is authorized in conformance  
18 with the New York State Open Meetings  
19 Law, including the follow:

20 One, for all Commission meetings, a  
21 number of Commissioners sufficient to  
22 constitute a quorum of the Commission  
23 shall be present in a physical location  
24 or locations where the public can attend  
25 in person.

1           And, two, if a quorum of  
2           Commissioners is physically present at a  
3           Commission meeting where the public can  
4           attend in person, a Commissioner may  
5           attend and participate in a Commission  
6           meeting by video conference from any  
7           location if such Commissioner is unable  
8           to attend the meeting in person due to  
9           extraordinary circumstances, which  
10          include, but are not limited, to  
11          disability, illness, caregiving  
12          responsibilities, or any other  
13          significant or unexpected event.

14          And, three, members of the public  
15          may view Commission meetings by video  
16          and may attend, and where public comment  
17          is authorized, may participate in  
18          Commission meetings in person, by video  
19          conference, or by any other remote means  
20          established by the Commission.

21          And, finally, the procedures for  
22          remote participation and attendance by  
23          the Commission and members of the public  
24          shall be posted on the Commission's  
25          website.

1 Do any of the Commissioners have any  
2 questions or comments regarding the  
3 second proposed resolution?

4 (No response.)

5 MR. FELDMAN: The Commission will  
6 now vote as to whether to adopt this  
7 resolution.

8 If the Commission votes "yes", the  
9 resolution will be adopted. If the  
10 Commission votes "no", the resolution  
11 will not be adopted.

12 Is there a motion from the  
13 Commissioners to adopt the resolution?

14 MS. STRAUBER: Move to adopt.

15 MR. FELDMAN: Thank you,  
16 Commissioner Strauber.

17 And is there a second?

18 MS. CROTTY: I'll second.

19 MR. FELDMAN: Thank you, Chair  
20 Crotty.

21 I will be calling on each  
22 Commissioner and designee to collect  
23 votes.

24 Commissioner Crotty?

25 MS. CROTTY: Yes.

1 MR. FELDMAN: Commissioner Strauber?

2 MS. STRAUBER: Yes.

3 MR. FELDMAN: Deputy Chief of Staff  
4 Baret?

5 MS. BARET: Yes.

6 MR. FELDMAN: Deputy Commissioner  
7 Anderson?

8 MR. ANDERSON: Yes.

9 MR. FELDMAN: Deputy General Counsel  
10 Rozen?

11 MS. ROZEN: Yes.

12 MR. FELDMAN: And Inspector Hyland?

13 MR. HYLAND: Yes.

14 MR. FELDMAN: Let the record reflect  
15 that the vote is unanimous.

16 The resolution will note each  
17 Commissioner and designee's vote today.

18 The Commission will now consider a  
19 Registration Application, which the  
20 Commission staff has recommended be  
21 denied.

22 Trac Construction Group, Inc.  
23 submitted an original application for an  
24 exemption from the Commissioner's trade  
25 waste licensing requirement to operate

1 as a trade waste business solely engaged  
2 in the removal of waste materials  
3 resulting from building demolition,  
4 construction, alteration, and  
5 excavation, also known as a Class 2  
6 registration.

7 The Applicant was served with a  
8 notice of the grounds to recommend the  
9 denial of its application. The  
10 Applicant was advised that it had 10  
11 business days to submit a sworn written  
12 response to the Commission. The  
13 Commission did not receive a response  
14 from the Applicant.

15 On June 9, 2023 we emailed  
16 Commission members the recommended  
17 denial decision regarding the  
18 Application at issue. There have been  
19 no material changes made to the  
20 recommended denial decision since then.

21 The Commission staff has recommended  
22 denial of the Application of Trac  
23 Construction Group, Inc. based on the  
24 following grounds, as fully set forth in  
25 the staff's recommendation:

1           One, the Applicant failed --  
2           knowingly failed to provide information  
3           to the Commission.

4           And, two, the Applicant and its only  
5           disclosed principal, Anna Olivieri,  
6           provided the Commission with false and  
7           misleading information on the  
8           Application.

9           Do any of the Commissioners or  
10          designees have any questions or comments  
11          regarding this recommended denial?

12          (No response.)

13          MR. FELDMAN: The Commission will  
14          now consider the recommendation.

15          The Commission members will vote  
16          whether or not to adopt the staff's  
17          recommendation to deny the Application.

18          A vote of "yes" is a vote to adopt  
19          the staff's denial recommendation. A  
20          vote of "no" is a vote not to adopt the  
21          recommendation.

22          Is there a motion from the  
23          Commissioners or designees to adopt the  
24          staff's recommendation?

25          MS. STRAUBER: Move to adopt.

1 MR. FELDMAN: Thank you,  
2 Commissioner Strauber.

3 And is there a second?

4 MS. CROTTY: I'll second.

5 MR. FELDMAN: Thank you, Chair  
6 Crotty.

7 I will be calling on each  
8 Commissioner and designee to collect  
9 votes.

10 Chair Crotty?

11 MS. CROTTY: Yes.

12 MR. FELDMAN: Commissioner Strauber?

13 MS. STRAUBER: Yes.

14 MR. FELDMAN: Deputy Chief of Staff  
15 Baret?

16 MS. BARET: Yes.

17 MR. FELDMAN: Deputy Commissioner  
18 Anderson?

19 MR. ANDERSON: Yes.

20 MR. FELDMAN: Deputy General Counsel  
21 Rozen?

22 MS. ROZEN: Yes.

23 MR. FELDMAN: Inspector Hyland?

24 MR. HYLAND: Yes.

25 MR. FELDMAN: Let the record reflect

1           that the vote is unanimous.

2           That concludes the matters before  
3           the Commission. Thank you to the  
4           Commission members for their  
5           participation and to the members of the  
6           Commission staff for their hard work on  
7           these matters.

8           Thank you also to members of the  
9           public who attended this meeting today.

10          We are off the record at 4:16 p.m.

11          (Time noted: 4:16 p.m.)

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CERTIFICATION

I, JULIA M. SPEROS, a Notary Public  
for and within the State of New York, do  
hereby certify:

That the witness whose testimony as  
herein set forth, was duly sworn by me;  
and that the within transcript is a true  
record of the testimony given by said  
witness.

I further certify that I am not  
related to any of the parties to this  
action by blood or marriage, and that I  
am in no way interested in the outcome  
of this matter.

IN WITNESS WHEREOF, I have hereunto  
set my hand this 14th day of June, 2023.

  
\_\_\_\_\_  
Julia M. Speros

|   |  |   |  |  |
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