

NYC - Business Integrity Commission Public Hearing
July 24, 2018

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THE CITY OF NEW YORK
BUSINESS INTEGRITY COMMISSION
PENALTY SCHEDULE FOR VIOLATIONS OF BIC RULES
PUBLIC HEARING
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July 24, 2018
10:03 a.m.
100 Church Street
New York, New York

James Tetta
Court Reporter

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SPEAKERS:

JONATHAN JACOBS, EXECUTIVE AGENCY COUNSEL and
MARKET MANAGER FOR BUSINESS INTEGRITY
COMMISSION

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MR. JACOBS: Good morning and welcome to today's public hearing. The time is 10:03 on Tuesday, July 24, 2018, and we are located in the main conference room located on the 20th floor of 100 Church Street.

My name is Jonathan Jacobs, and I am Executive Agency Counsel and Market Manager for the City of New York Business Integrity Commission. Thank you all for attending today's hearing.

The Commission is conducting this hearing pursuant to the requirements set forth by the City Administrative Procedure Act, commonly referred to as "CAPA." The purpose of this hearing is to receive comments from the public on the Commission's proposed rules regarding the penalty schedule for market violations.

The Commission published the proposed rules in the City Record on June 11, 2018. We also disseminated a copy of the rules via email to all New

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York City local elected officials, the managers of all 59 Community Boards, several media organizations in the city, and other interested parties. Lastly, we posted the proposed rules on both the Commission's and the NYC Rule's website.

In summary, the Commission is proposing to amend Title 17 of the rules of the City of New York to transfer the penalty schedule for violations enforced by BIC from the Office of Administrative Trials and Hearing's or OATH's rules to BIC's own. The Commission will vote on the final rules before they are promulgated.

As background for this hearing, the Commission is empowered to regulate the wholesale markets in the City. Penalties for violations of BIC's rules that relate to public wholesale markets, the seafood distribution areas, market businesses, labor unions, and labor organizations operating in seafood distribution areas in New York City are

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2 currently set forth in OATH's rules at
3 48 RCNY section 3-108. OATH, in
4 conjunction with the Mayor's Office of
5 Operations, has determined that penalty
6 schedules used in the adjudication of
7 agency rule violations, which were
8 previously promulgated by the
9 Environmental Control Board, should
10 instead be issued by the respective
11 agencies. The enforcement agencies
12 possess the expertise to adopt
13 appropriate penalties based on the
14 severity of each violation and its
15 impact on public safety. BIC proposes
16 to incorporate the current Market
17 Penalty Schedule into its own rules.
18 Simultaneously, under a separate
19 rulemaking, OATH is proposing a
20 companion rule to repeal the BIC
21 penalties currently set forth within the
22 OATH rules.

23 Incorporating the penalty schedule
24 into BIC's rules would make it more
25 accessible to the public, as it will

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then be included within the same title and chapter as the rules cited in BIC's summonses. BIC is also proposing to add penalties to the existing penalty schedule that do not currently appear in the current Market Penalty Schedule. Finally, this proposed rule would clarify the Commission's current rules by explaining the penalty schedule and the existence of mail-in penalties.

That concludes the summary of the proposed rule changes at issue at this hearing. Anyone may present an oral statement for the record, or submit written comments concerning the proposed rule changes. Additionally, the Commission has been accepting written comments on the proposed rule since the publication in the City Record, and will continue to do so through the close of business today.

The Commission will make available a copy of any written comments that are received in connection with today's

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hearing on its website. The Commission will carefully review and consider all comments and submissions and make changes, if the Commission deems them applicable and necessary. The rules will go into effect 30 days after they are published in the City Record.

We will begin by calling those of you who wish to speak this morning in the order you have signed in. When you speak, please state your full name, affiliation, and be sure to speak slowly and clearly so that the court reporter can understand and accurately transcribe your statement. We ask that you limit your statement to no longer than five minutes. Executive Agency Counsel, Leemor Peled will now begin calling up members of the public to testify.

Seeing no one, we will now close the record for this hearing. As a reminder, we will continue to accept written comments through the close of business today.

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The hearing is now closed. The time
is 10:07.

(Thereupon, the meeting was
concluded at 10:07 a.m.)

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C E R T I F I C A T E
STATE OF NEW YORK)
: ss
COUNTY OF NASSAU)

I, JAMES A. TETTA, a Notary Public within
and for the State of New York, do hereby
certify:

That the witness whose examination is
hereinbefore set forth was duly sworn and that
such an examination is a true record of the
testimony given by such a witness.

I further certify that I am not related to
any of these parties to this action by blood or
marriage, and that I am not in any way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my
hand this 24th day of July, 2018.



James Tetta

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