

In Re CAPA Hearing NYC - Business Integrity Commission
February 22, 2023

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THE CITY OF NEW YORK
BUSINESS INTEGRITY COMMISSION
CAPA
PUBLIC HEARING

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February 22, 2023
11:38 a.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:

Business Integrity Commission
David Feldman, General Counsel

Business Integrity Commission
Shormina Ahmed, Executive General Counsel

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PROCEEDINGS

MR. FELDMAN: I'm just going to introduce Shormina Ahmed, Executive Agency Counsel at BIC, who is going to conduct this hearing.

I'm David Feldman, General Counsel at BIC. Thank you.

MS. AHMED: Good morning and welcome to today's public hearing. Today's date is Wednesday, February 22, 2023 and the time is 11:38.

My name is -- one second. Okay. My name is Shormina Ahmed, Executive Agency Counsel of the New York City Business Integrity Commission and thank you for attending today's hearing.

A court reporter is present today and will transcribe the hearing. To avoid any background noise during this hearing, we ask everyone, please mute yourself until we start calling on speakers.

The Commission is conducting today's remote hearing in accordance with the City Administrative Procedure Act. The

1 purpose of today's hearing is to receive
2 comments from the public on the
3 Commission's proposed rules governing
4 adjudicating trade waste violations in
5 OATH Hearings.

6 The Commission published the
7 proposed rules in The City Record on
8 January 18, 2023. The Commission also
9 emailed copies of the rules to all New
10 York City local-elected officials, the
11 City's 59 Community Boards, media, and
12 interested parties, and posted the
13 proposed rules on both the Commission's
14 and New York City Rules' website.

15 The proposed rule changes would
16 allow the Commission to issue summonses
17 to be adjudicated in the Office of
18 Administrative Trials and Hearings or
19 "OATH" Hearings Division. The proposed
20 rule change adds a trade waste penalty
21 schedule to Title 17 of the Rules of the
22 City of New York, or RCNY, which will
23 detail the different penalties and the
24 amounts for trade waste violations.

25 The proposed rule changes also amend

1 Section 1-101 of 17 RCNY to include new
2 terms, such as "Administrative Law
3 Judge", "Default Penalty", "First
4 Violation Penalty", "Mitigated Penalty",
5 "Penalty Schedule", "Repeat Violation
6 Penalty", "Respondent", and "Summons".

7 That concludes the summary of the
8 proposed rule changes at issue at this
9 hearing.

10 You may present an oral statement
11 for the record or submit written
12 comments concerning the proposed rule
13 changes. Additionally, the Commission
14 has been accepting written comments on
15 the proposed rules since the publication
16 in The City Record and as of
17 February 21, 2023.

18 The Commission will make available a
19 copy of any written comments that are
20 received in connection with today's
21 hearing on the website. The Commission
22 will carefully review and consider all
23 comments and submissions and make
24 changes if the Commission deems that
25 necessary. The proposed rule will go

1 into effect 30 days after they are
2 published in The City Record.

3 We will begin on calling on those of
4 you who wish to speak this morning in
5 the order in which you have signed-up to
6 testify.

7 When you speak, please state your
8 full name and affiliation, and please
9 slowly and clearly -- speak slowly and
10 clearly so that the court reporter can
11 understand and accurately transcribe
12 your statement. We will ask that you
13 limit your statements to three minutes.

14 I will now begin on calling on
15 members of the public who wish to
16 testify.

17 If you wish to testify, you can
18 un-mute yourself now.

19 (No response.)

20 MS. AHMED: If you wish to testify
21 you can un-mute yourself now. I will
22 begin on calling on anyone who wishes to
23 testify.

24 Is there anyone who wishes to
25 testify?

1 (No response.)

2 MS. AHMED: Seeing that there is no
3 one who would like to testify, I will
4 close the record.

5 This hearing is now closed and the
6 time is 11:41 a.m. Thank you very much.

7 (Time noted: 11:41 a.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 22nd day of February,
2023.



Julia M. Speros

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