

**TRANSCRIPT OF THE NEW YORK CITY  
OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS (OATH)  
PUBLIC HEARING**



**DATE OF PUBLIC HEARING: February 22, 2023**

**TIME: 1:00 PM –2:00 PM**

**WebEx Video Conference**

1. **David Kim: Good afternoon and welcome to OATH's Public Hearing**  
2. **on the Proposed Rule Regarding Adjudication of Trade Waste**  
3. **Violations. My name is David Kim, and I am an Assistant General**  
4. **Counsel at the New York City Office of Administrative Trials and**  
5. **Hearings, also known as "OATH".**  
6. **Thank you for attending today's hearing.**  
7. **OATH is conducting this hearing in accordance with the**  
8. **requirements of the City Administrative Procedure Act. The purpose**  
9. **of this hearing is to receive comments from the public on OATH's**  
10. **Proposed Rule Regarding Adjudication of Trade Waste Violations.**  
11. **OATH proposes to amend its Rules of Practice for the Hearing**  
12. **Division, found in Chapter 6 of Title 48 of the Rules of the City of New**  
13. **York, to indicate that findings made by Hearing Officers in trade**  
14. **waste proceedings filed by the Business Integrity Commission also**  
15. **known as (BIC) are recommendations to BIC rather than final**  
16. **decisions and orders. This rule change will ensure that proceedings**  
17. **filed in the Hearings Division by BIC for violations of trade waste**  
18. **laws and rules under Chapter 1 of Title 16-A of the New York City**  
19. **Administrative Code, and rules promulgated pursuant to that**  
20. **chapter, are adjudicated as required by Section 16-518(a) of the**  
21. **Administrative Code.**  
22. **OATH's proposed rule was published in The City Record on**  
23. **January 17, 2023. OATH e-mailed the rule to the Speaker of**

24. the City Council; every Member of the City Council; all community  
25. board managers and the news media. OATH also posted the  
26. proposed rule on OATH's website; the New York City Rules website  
27. and the City Records online website.

28. OATH has been accepting written comments on the proposed rule  
29. since the date it was published in The City Record and OATH will  
30. continue to accept written comments through the close of business  
31. today.

32. At this hearing, you may present an oral statement concerning  
33. the proposed rule. We just ask that before you begin speaking:

34. Please state your name and affiliation whether you are with an  
35. agency, the media, etc.

36. Please speak slowly and clearly, so that your statement can be  
37. accurately recorded. Please limit your statement to no more than  
38. three minutes.

39. Shortly after today's hearing, copies of all written comments  
40. received by OATH, concerning the proposed rule, and a  
41. summary of the statements given today, will be made  
42. available to the public on OATH's website at:

43. <https://www1.nyc.gov/site/oath/about/legal-resources-and-rule-making.page>

44. I will also add the website information to the Chat Section of this  
45. WebEx. Before issuing its Final Rule, OATH will carefully consider  
46. the statements presented at today's hearing, as well as all written  
47. comments received by the close of business today.

48. Now, the floor is open for comments. Are there any comments?
49. As we have a pretty sparse hearing today, so I'll just allow for a few
50. more seconds, if you want to join us. I think I'll wait until 1:07. I am
51. going to give more minutes for until by 1:10, so we are waiting for
52. another participant for the comments. So, in three minutes, if there's
53. no comments, we are going to adjourn the meeting.
54. Now it's 1:10, since there are no comments on OATH's Proposed
55. Rule Regarding Adjudication of Trade Waste Violations, this
56. meeting is now adjourned.
57. Thank you all for attending and please be safe and well.
58. Frank Ng: Thank you
59. Elizabeth Nolan: Take Care

## CERTIFICATION

This is to certify that I have typed the above record by listening to the Webex video conference in the State of New York and that to the best of my knowledge and belief the above record that is typed by me is a true and accurate record of the Webex video.

A handwritten signature in cursive script that reads "Elizabeth Nolan". The signature is written in black ink and is positioned above a horizontal line.

**Elizabeth Nolan**

**Date Transcribed: March 1, 2023**