



The City of New York
BUSINESS INTEGRITY COMMISSION
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**DECISION OF THE NEW YORK CITY BUSINESS INTEGRITY COMMISSION
DENYING THE REGISTRATION APPLICATION OF MPI ENTERPRISE LLC
(BIC #478247) TO OPERATE AS A TRADE WASTE BUSINESS**

I. Introduction

On January 24, 2014, MPI Enterprise LLC (“MPI Enterprise” or the “Applicant”) (BIC #478247) applied to the New York City Business Integrity Commission for an exemption from the Commission’s licensing requirements to operate a trade waste business “solely engaged in the removal of waste materials resulting from building demolition, construction, alteration or excavation.”¹ Local Law 42 of 1996 authorizes the Commission to review and make determinations on such exemption applications. See Title 16-A, New York City Administrative Code § 16-505(a).

On February 22, 2017, the Commission’s staff issued and served the Applicant with the Notice to MPI Enterprise LLC of the Grounds to Recommend the Denial of the Registration Application of MPI Enterprise LLC to operate as a Class 2 Registrant (the “Notice of Denial”). See Affidavit of Service dated February 23, 2017.² The Applicant acknowledged receipt of the Notice of Denial in an email to the Commission’s staff, claiming, “There is currently no application to be denied. I notified you and your agency on July 14, 2016 that I was withdrawing my application at that time. Have a nice day!” See email from Teresa Marie Lane, dated February 23, 2017. The Applicant had 10 business days to respond to the Notice of Denial, see Title 17 Rules of the City of New York (“RCNY”) § 2-08(a), but the Commission did not receive anything further from the Applicant. The Commission has completed its review of the Application, having considered the Commission staff’s Notice of Denial and the Applicant’s failure to provide a substantive response. Based on the record in this matter, the Commission denies the Application based on the following three independently sufficient reasons:

- 1. The Applicant failed to provide truthful information in connection with the application;**

¹ “Trade waste” or “waste” is defined at Admin. Code § 16-501(f)(1) and includes “construction and demolition debris.”

² A Commission investigator attempted to serve the Applicant’s sole principal repeatedly, but she would not accept the Notice of Denial. The Commission’s staff then served the Notice of Denial via first class mail and e-mail. See file.

2. **Floro Papandrea is an undisclosed principal of the Applicant; and**
3. **The Applicant knowingly failed to provide information required by the Commission.**

II. Background and 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. 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 ensured 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).

The Administrative Code provides an illustrative list of relevant factors for the Commission to consider in making its determination on an application for a license or registration:

1. failure by such applicant to provide truthful information in connection with the application;

2. a pending indictment or criminal action against such applicant for a crime which under this subdivision would provide a basis for the refusal of such license, or a pending civil or administrative action to which such applicant is a party and which directly relates to the fitness to conduct the business or perform the work for which the license is sought, in which cases the Commission may defer consideration of an application until a decision has been reached by the court or administrative tribunal before which such action is pending;
3. conviction of such applicant for a crime which, considering the factors set forth in section seven hundred fifty-three of the correction law, would provide a basis under such law for the refusal of such license;
4. a finding of liability in a civil or administrative action that bears a direct relationship to the fitness of the applicant to conduct the business for which the license is sought;
5. commission of a racketeering activity or knowing association with a person who has been convicted of a racketeering activity, including but not limited to the offenses listed in subdivision one of section nineteen hundred sixty-one of the Racketeer Influenced and Corrupt Organizations statute (18 U.S.C. §1961 et seq.) or of an offense listed in subdivision one of section 460.10 of the penal law, as such statutes may be amended from time to time, or the equivalent offense under the laws of any other jurisdiction;
6. association with any member or associate of an organized crime group as identified by a federal, state or city law enforcement or investigative agency when the applicant knew or should have known of the organized crime associations of such person;
7. having been a principal in a predecessor trade waste business as such term is defined in subdivision a of section 16-508 of this chapter where the Commission would be authorized to deny a license to such predecessor business pursuant to this subdivision;
8. current membership in a trade association where such membership would be prohibited to a licensee pursuant to subdivision (j) of section 16-520 of this chapter unless the Commission has determined, pursuant to such subdivision, that such association does not operate in a manner inconsistent with the purposes of this chapter;

9. the holding of a position in a trade association where membership or the holding of such position would be prohibited to a licensee pursuant to subdivision j of section 16-520 of this chapter;

10. failure to pay any tax, fine, penalty, or fee related to the applicant's business for which liability has been admitted by the person liable therefor, or for which judgment has been entered by a court or administrative tribunal of competent jurisdiction.

Id. at § 16-509(a)(i)-(x). See also id. at § 16-504(a).

The Commission may also refuse to issue a license or registration to any applicant who has “knowingly failed to provide information or documentation required by the Commission . . . or who has otherwise failed to demonstrate eligibility for a license.” Id. at § 16-509(b). See also Elite Demolition Contracting Corp. v. The City of New York, 4 N.Y.S.3d 196, 125 A.D.3d 576 (1st Dep’t 2015); Breeze Carting Corp. v. The City of New York, 52 A.D.3d 424 (1st Dep’t 2008); Attonito v. Maldonado, 3 A.D.3d 415 (1st Dep’t) (Commission may deny an application for an exemption “where the applicant fails to provide the necessary information, or knowingly provides false information”); leave denied 2 N.Y.3d 705 (N.Y. 2004). See also Admin. Code § 16-509(a)(i) (failure to provide truthful information in connection with application as a consideration for denial). In addition, the Commission may refuse to issue a license or registration to an applicant that “has been determined to have committed any of the acts which would be a basis for the suspension or revocation of a license.” Id. at § 16-509(c). See also id. at § 16-504(a). Finally, the Commission may refuse to issue a license or registration to any applicant where the applicant or its principals have previously had their license or registration revoked. Id. at § 16-509(d); see also id. at § 16-504(a).

An applicant for a private carting license (including a registration for hauling construction and demolition debris) has no entitlement to and no property interest in a license or registration, and the Commission is vested with broad discretion to grant or deny a license or registration application. Sanitation & Recycling Indus., Inc., 107 F.3d 985, 995 (2d Cir. 1997); see also Daxor Corp. v. New York Dep’t of Health, 90 N.Y.2d 89, 98-100 (N.Y. 1997).

III. Statement of Facts

A. The Application.

As noted, on January 24, 2014, the Applicant filed an application with the Commission for a class 2 registration to operate a trade waste business (the “Application”). The Application listed Theresa Marie Lane (“Lane”) as the sole principal and 100% owner of the Applicant. See id. at p. 13. According to the Application, Lane formed the business on December 3, 2013. See id. The Application also reflected that there were no past principals or prior owners of the Applicant, and the company had no drivers or vehicles. See id. at pp. 15-16, 18, 19. The business address of the Applicant was the same as Lane’s home address (60-04 146th Street, Flushing, New York 11355). See id. at pp. 1, 13.

B. The Applicant provided false information to the Commission.

As part of the Commission's review of the Application, the Commission undertook a detailed background investigation into the Applicant's sole principal, Lane. That investigation included requiring that Lane appear for a sworn interview with the Commission's staff on June 7, 2016. (See Transcript of Lane sworn interview hereinafter referred to as "Lane Tr."). Although Lane ultimately made it impossible for the Commission's staff to complete the sworn interview (as further explained below), the brief testimony that Lane gave revealed that she has little knowledge of the trade waste industry, and it is unlikely that she is actually controlling the operations or finances of the company. However, for approximately 13 years, Lane has been living with an individual named Floro Papandrea ("Floro")³ who has an extensive history in the trade waste industry. As further demonstrated below, the evidence establishes that the Applicant has concealed the fact that Floro likely controls the Applicant, and has since the inception of the business. The investigation also revealed that Floro owes significant debts to certain governmental entities and that his brother is the principal of other trade waste businesses with problematic histories.

1. The Applicant failed to provide truthful information in connection with the Application.

Applicants are required to disclose to the Commission all principals and owners of the company. As noted, the Application lists Lane as the sole principal and owner of MPI Enterprise. Yet, the Commission's staff suspected that Lane may not possess the requisite expertise to own and operate a trade waste company on her own. As a result, the Commission's staff investigated Lane's connections to other individuals and entities involved in the trade waste industry.

MPI Enterprise is related to a number of other trade waste companies, each of which is owned or operated by Floro or his brother Gerardo Papandrea, a/k/a "Gerry" or "Jerry" ("Gerardo"). Those companies include MPI Construction, LLC (BIC #3092, expired), MPI Contracting Corp. (BIC # 1377, expired), ANFLO Construction, LLC ("ANFLO") (BIC #1663, pending) and LTU Industries, Inc. ("LTU"), each of which have serious issues, including mounting debts and pending litigation.

The Applicant shares an address, employees, and vehicles with both MPI Construction and ANFLO. With respect to MPI Construction, Floro is the sole principal and 100% owner. See application of MPI Construction for a Commission-issued registration, filed on October 17, 2008. On its original application with the Commission, MPI Construction listed Floro and Lane as the only two drivers and employees. See *id.* That application also lists Lane's email address as Theresafloro@yahoo.com, which is clearly a combination of Lane and Floro's first names and is the same email address as the one listed on MPI Enterprise's application.

MPI Construction subsequently submitted renewal applications in July 2011 and April 2013, and both applications list Floro's brother, Gerardo, as a driver. See file. Gerardo is also listed as the Agent for Service of Process ("Agent") in the 2011 renewal application, and Lane is

³ Lane stated that her marital status is "single" but acknowledged that she has been living with her "partner" - Floro Papandrea -for over 13 years and when asked if they were in fact married replied, "We just never did anything (marriage) legally." See Lane Tr. at 13, 21-23 and 37.

listed as the Agent in the 2013 renewal application. Id. Also, in a notarized letter submitted in connection with the 2013 renewal application, Floro granted Gerardo (the sole principal of ANFLO) the authority to deal with the Commission and make any and all changes or updates for MPI Construction. Id.

During its review of MPI Construction's 2013 renewal application, the Commission discovered that the company had a total of \$5,000 in judgments pending against it as a result of Environmental Control Board ("ECB") violations, as well as a New York State Department of Labor Warrant in the amount of \$7,553.24. In October 2013, the Commission informed MPI Construction that it would only approve the registration renewal application if MPI Construction resolved those debts. See letter from Commission to MPI Construction, dated October 11, 2013. As the sole principal of MPI Construction, the debt is attributable to Floro, as is an increasingly large amount of debt from other sources totaling more than \$84,000. Approximately two months after this communication from the Commission, in December 2013, MPI Enterprise was registered with New York State Division of Corporations, listing Lane as the registered agent. MPI Construction subsequently allowed its Commission-issued registration to expire. One month later, in January 2014, the Applicant filed the instant application.

With respect to ANFLO, the Commission granted its application for a trade waste registration on July 29, 2003. See file. Like MPI Construction, ANFLO shares an address, employees, and vehicles with the Applicant. There is additional cross-over between these companies: an ANFLO credit card was used to pay the application fee when MPI Construction filed its registration renewal application in July 2011. See MPI Construction LLC registration renewal application dated July 28, 2011. And the application fee for MPI Construction's renewal application submitted in April 2013 was paid for using a cashier's check and posted against a Chase bank account of Catskill Recycling Inc. See file. Catskill Recycling is owned by Gerardo and his wife. See transcript of sworn interview of Gerardo, dated July 20, 2016 (regarding ANFLO renewal application) at 6-7, 35.

With respect to LTU, Local 282 of the United Brotherhood of Teamsters has sued Gerardo and others, alleging that LTU violated federal law by defrauding various union health and welfare funds through its use of a non-union, alter-ego company (ANFLO), which resulted in an illegal, double-breasted operation. See Gesualdi, et al. v. LTU Industries, Inc., et al., 14-cv-01988 (E.D.N.Y.). In short, a double-breasted operation is where a union and a non-union company share operations and employees, resulting in the union company's failure to make required payments to the union pursuant to the collective bargaining agreement. At base, this type of operation is a fraud on the union.

2. The Applicant's principal provided false information to the Commission in her sworn interview.

On June 7, 2016, Lane submitted to a sworn interview with the Commission's staff. Although she cut the interview short, the brief testimony she provided was rife with inaccuracies and contradictions. Lane demonstrated little first-hand knowledge of the trade waste industry and her answers to the questions posed by the Commission's staff were often evasive and vague.

Lane stated during the sworn interview that she is currently employed as a phlebotomist at New York Presbyterian Hospital. See transcript of sworn interview of Lane (“Lane Tr.”), dated June 7, 2016, at 14. The Commission’s staff asked about her experience and knowledge of the trade waste industry. Lane stated that she had previously worked for MPI Construction from 2007 to 2009. See id. at 19, 53. Yet, she appeared to have little knowledge of the industry. For example, Lane stated that she was unfamiliar with the term “C&D,” which is a commonly-used abbreviation in the trade waste industry for “construction and demolition debris.” See id. at 36. She described her business plan as wanting to “amass a fleet of trucks and rent them to companies that need to, you know, haul debris or, you know, like clean material, sand, stone, you know, that type of stuff. So I just – I want to rent out the trucks.”⁴ See id. at 26. When asked whether she would hire drivers, Lane responded, “I don’t – I mean, that’s kind of adding another element that I don’t know much about at the moment, but yeah. I mean if I had to employ a driver, I guess I would have to do that.” See id. at 26-27. Notably, BIC’s regulations and rules do not permit such a truck rental business model. Vehicles used in the trade waste industry in New York City must be registered and insured to the licensee or registrant, and the license plates that are issued to each vehicle may not be transferred without approval of the Commission. Furthermore, all company vehicle operators must be disclosed to the Commission. See Admin. Code §§ 16-507(a), (b).

Lane provided false information to the Commission regarding the number of trucks the Applicant owns. The Application reflected that the Applicant had no vehicles as of January 2014. However, as further described below, the Applicant received two separate Commission-issued administrative violations for vehicles that had not been disclosed to and registered with the Commission. One of those trucks had license plates from another company (MPI Construction) affixed to it. Lane testified that she could not “explain why there was my truck with MPI Construction’s plates on it.” See id. at 51-52.

Lane also provided false information regarding her ownership in a car wash and oil change business. Lane acknowledged owning 25% of the business located at 70-65 Queens Boulevard, Woodside, NY. When asked the name of the car wash she stated, “NYC Car Wash,” and when asked how she became part owner of the business she replied, “It was just an opportunity that came across, you know, when I was looking for work.” See id. at 16-17. Lane was then asked directly, “Is Floro involved with that (NYC Auto Wash) in any way?” She replied, “No.” See id. at 18. That claim is belied by various public records, including a 2013 class action lawsuit filed in the Eastern District of New York naming the commercial business NYC Car Wash and Floro Papandrea – as an individual – as named defendants and alleging violations of the Fair Labor and Standards Act (“FLSA”) for failure to pay the minimum wages and overtime wages owed to a class of the company’s employees. See Flores, et al. v. NYC Auto Spa LLC, et al., 1:13-CV-01328 (E.D.N.Y. March 13, 2013).⁵ The complaint further alleges that Floro, “possesses or possessed operational control over Defendant Corporations.” See id.

⁴ Question 20 of the instant Registration application reads – “Describe the nature of the work the applicant business plans to perform” and the Applicant wrote in reply to the question “Truck rental.” See Application at p. 4.

⁵ The Complaint named Floro Papandrea as an individual defendant, along with other corporate defendants, as the party/ies that “own, operate or control a car wash located at 70-65 Queens Blvd., Woodside, NY 11377 under the name ‘NYC Car Wash.’” See Complaint.

The transfer of the partial ownership of the car wash/oil change business from Floro to Lane is a clear attempt to avoid potential civil liability from the lawsuit that was pending against Floro and the business entity. The Commission's staff provided Lane ample opportunity during her sworn deposition to disclose the ownership interest that Floro had - and may continue to have - in that business. Lane repeatedly failed to do so.

C. Lane terminated her sworn interview with the Commission's staff.

Not only was Lane less than candid during her brief testimony, but she also refused to complete the interview. Approximately an hour and a half after the interview began, Lane asked to stop the interview and continue it at another time. See Lane Tr. at 59-60 ("I really need to kind of wrap this up . . ."). The Commission's staff agreed to adjourn the interview with the understanding that Lane would later return to complete it.

Between June 17, 2016 and July 28, 2016, the Commission's staff sent numerous e-mails and letters to Lane to attempt to reschedule the interview. See file. The correspondence also notified her that the Application could be denied if she failed to complete the interview. See id. Lane finally agreed to continue her testimony on July 14, 2016. However, she failed to appear on that date and instead sent an e-mail to a member of the Commission's staff requesting to withdraw the Application. See file. Lane never completed her sworn interview.

D. MPI Enterprise engaged in unregistered activity.

The Commission has issued two separate administrative violations to the Applicant while the Application has been under consideration. The first violation occurred on September 16, 2014, when a Commission investigator cited the Applicant for transporting trade waste in a truck that was not disclosed on the Application and did not display the proper Commission-issued license plates. See Notice of Violation ("NOV") TWC-211005. The Commission investigator checked New York State Department of Motor Vehicles and Commission records and determined that the vehicle was registered to the Applicant but was not properly registered with the Commission. See id.⁶ The investigator also questioned the vehicle's operator, Louis Pietroluongo, who had not been disclosed to the Commission as a driver.⁷ Pietroluongo stated that the Applicant had been contracted to haul construction and demolition debris from a location in Brooklyn to the Durante Brothers transfer station located in Queens County. See id. On March 5, 2015, the Applicant failed to appear for a scheduled hearing at the Office of Administrative Trials and Hearings ("OATH") on this violation. The Administrative Law Judge granted a default judgment against the Applicant and recommended a civil penalty of \$5,000. See OATH Index No. 1868/15 (March 6, 2015).⁸ The Commission accepted that recommendation and imposed a \$5,000 penalty. To date, the Applicant has not paid any part of the penalty.

⁶ Photographs taken by the Commission investigator show that the name "MPI Enterprise LLC." and an address of "60-04 146th Street, Flushing, NY 11355" was stenciled on both doors of the truck cab, as well as the names "Theresa" and "Florio" on the front quarter panels of the truck. See file.

⁷ Louis Pietroluongo was Principal/Vice President and 50% owner of Samson Development Corp., a company that had applied to the Commission on two occasions, once for a license and once for a registration. Both applications were withdrawn prior to the Commission's completing its review. See file.

⁸ The \$5,000 penalty for the default judgment is currently outstanding against the Applicant. See file.

On October 22, 2014, the Commission issued a second administrative violation to the Applicant for failing to disclose a material change to the information on the Application as required under the Rules of the City of New York – Title 17, Chapter 1, Sub-chapter B § 2-05(b)(iii). See NOV TWC- 210804. The violation was issued after a Commission investigator stopped a truck that, according to records maintained by the New York State Department of Motor Vehicles, was registered to the Applicant and had the words “MPI Enterprise, LLC” stenciled on both sides. The Applicant had not disclosed the truck to the Commission and the Commission-issued license plates affixed to the truck had been issued to a former registrant—MPI Construction (BIC #3092). MPI Construction, the sole principal of which was Floro Papandrea, allowed its registration to expire in March 2015. The driver of the vehicle, Ruben D. Perez, told the investigator that he had been “working for the company for four or five years.” As noted above, the Application disclosed no vehicles or drivers.⁹ Ultimately, the Applicant settled the administrative violation and agreed to a penalty of \$250, which it paid in full. See file.

IV. Basis for Denial

1. The Applicant failed to provide truthful information in connection with the Application.

All applicants must provide truthful information to the Commission in connection with the application. See Admin. Code § 16-509(a)(i). The Commission may deny an application if an application fails to provide such truthful information. See id. The record in this matter demonstrates that the Applicant and its sole-disclosed principal provided false information to the Commission on a number of subjects, including the management of the Applicant and the number of employees and trucks the Applicant has.

Although Lane swore to the contents of the Application, it contained numerous misstatements of material fact, which Lane later contradicted during her sworn interview. For example, the Application asserts that Lane is the sole principal of the Applicant. Yet, Lane has demonstrated that she has limited knowledge of the trade waste industry and could not explain fundamental aspects of the Applicant’s business. Clearly, Lane does not run the business on her own.

The Application disclosed no trucks, no drivers and no additional employees.¹⁰ See file. However, Commission investigators issued two administrative violations to the Applicant relating to two undisclosed trucks operated by two undisclosed drivers. Although not relied on here as a basis for denial of the Application, the Applicant was engaging in unregistered activity by using trucks to haul trade waste while the Application was still pending with the Commission. Such conduct is a violation of the Commission’s regulations and rules, and demonstrates a lack of regard for the Commission’s role in regulating the trade waste industry.

⁹ Ruben D. Perez was previously disclosed as a “driver” in the July 28, 2011 application for MPI Construction (BIC # 3092) along with the ANFLO Construction, LLC (BIC # 1663) renewal application dated July 30, 2015. See file.

¹⁰ Lane was asked during her sworn interview of June 7, 2016 if she would like to amend the January 24, 2014 Application. Lane stated that she had originally listed that the Applicant had no vehicles but indicated that she had “purchased a vehicle - - a truck.” See Lane Tr. at 6.

The record in this matter clearly demonstrates that the Applicant provided false and misleading information to the Commission in connection with the Application. The Applicant has not disputed the Commission's staff's assertions on this point. Therefore, the Commission should deny the Application for failure to provide truthful information in connection with the Application. See Admin. Code § 16-509(b).

2. Floro Papandrea is an undisclosed principal of the Applicant.

Applications for trade waste licenses and registrations require the applicant to disclose all principals of the business. See Admin. Code § 16-507. The term "principal" with respect to business entities includes all "persons participating directly or indirectly in the control of such business entity." See Admin. Code. § 16-501(d). The failure of an applicant to disclose a principal is a basis on which to deny an application. See Admin. Code §§ 16-509(a)(1) and 16-509(b). The record in this matter makes clear that Floro Papandrea is an undisclosed principal of the Applicant.

The Application did not disclose Floro's involvement in the Applicant business, likely because Floro's prior company (MPI Construction) owes debts to both the ECB and the New York State Department of Labor totaling more than \$12,000. In October 2013, the Commission informed MPI Construction that its registration renewal application would only be approved if it satisfied those judgments by the end of the renewal period (March 31, 2015). See file. However, instead of being satisfied, Floro's debts have increased to a combined total of \$84,593.90 in liens and judgments payable to the State of New York.

Approximately two months after the Commission directed MPI Construction to resolve its debts, MPI Enterprise was created and registered with New York State, listing Lane as the registered agent. MPI Construction subsequently allowed its Commission-issued registration to expire. Clearly, Lane does not have the requisite expertise in the industry to run the Applicant business on her own. However, Floro has been in the trucking and trade waste industry since as early as 1999, when he was disclosed as the Vice President of MPI Contracting. See file. In an effort to conceal Floro's involvement in the Applicant, Lane attempted to distance herself from Floro. For example, Lane asserted that Floro was not involved with NYC Auto Wash, when he was the previous owner of the car wash/oil change business. In fact, Floro was named as a defendant in a class action lawsuit filed against NYC Auto Spa LLC (d/b/a NYC Car Wash), and others. Eventually Lane acknowledged her close relationship with Floro, admitting that they have lived together for 13 years. See Lane Tr. at 37.

Thus, Lane repeatedly provided false information to the Commission regarding the ownership of the Applicant and Floro's relationship to both the Applicant and Lane. Lane likely did so in an attempt to avoid the Commission's discovery of Floro's debts and imputing them to the Applicant. The Applicant has not disputed the Commission's staff's assertions on this point. Therefore, the Commission should deny the Application for failure to disclose Floro Papandrea as a principal of the Applicant.

3. The Applicant knowingly failed to provide information required by the Commission.

The Commission may refuse to issue a registration to an applicant who has knowingly failed to provide the information and/or documentation required by the Commission. See Admin. Code § 16-509(b). As demonstrated above, the Applicant (through its sole-disclosed principal) refused to comply with the Commission's repeated requests to complete a sworn interview. Such refusal is an independent basis on which to deny the Application.

On June 7, 2016, Lane appeared at the Commission to provide sworn testimony. After only approximately 90 minutes, the Commission's staff adjourned the interview at Lane's request. After several informal attempts to schedule the continuation of the interview proved fruitless, the Commission's staff directed the Applicant to appear at the Commission's offices on July 14, 2016, to continue the interview. Lane failed to appear as directed. Instead, on that day, Lane emailed a member of the Commission's staff indicating that she wished to withdraw the Application. The next day, the Commission's staff notified Lane that her request could not be considered until her sworn interview was completed. The staff set July 28, 2016, as the final date on which to continue the sworn interview and notified her that failure to appear as directed would be an adequate ground to deny the Application. Lane did not appear as directed and has never completed the interview.

Thus, on at least three separate occasions, the Commission's staff attempted to schedule the continuation of Lane's sworn interview in connection with the Application. The Commission's staff warned Lane that her repeated failure to appear to complete her sworn interview would constitute sufficient grounds on which to deny the Application. By refusing to answer the Commission's questions in a sworn interview, Lane knowingly failed to provide the information required by the Commission. The Applicant has not disputed the Commission's staff's assertions on this point. Therefore, the Commission should deny the Application based on the Applicant's sole principal's refusal to complete her sworn interview with the Commission's staff and provide information required by the Commission.

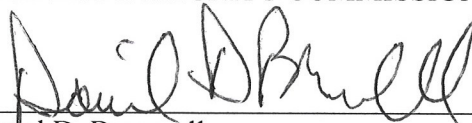
V. Conclusion

The Commission is vested with broad discretion to refuse to issue a license or an exemption from the license requirement to any applicant it determines lacks good character, honesty and integrity. The record in this matter demonstrates that the Applicant lacks those qualities. Accordingly, the Commission denies the instant Application for the three independently sufficient reasons set forth herein.

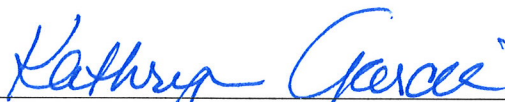
This decision is effective immediately. MPI Enterprise, LLC. may not operate as a business engaged in the removal of waste materials resulting from building demolition, construction, alteration or excavation in the City of New York.

Dated: March 31, 2017

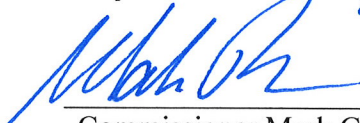
THE NEW YORK CITY
BUSINESS INTEGRITY COMMISSION



Daniel D. Brownell
Commissioner and Chair



Commissioner Kathryn Garcia
Department of Sanitation



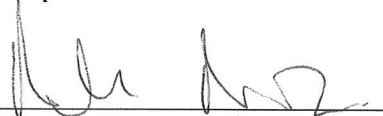
Commissioner Mark G. Peters
Department of Investigation



Commissioner Lorelei Salas
Department of Consumer Affairs



Deputy Commissioner Andrew Schwartz
(Designee)
Department of Small Business Services



Deputy Inspector Dominick Dorazio
(Designee)
New York City Police Department