LU # 2
275

THE CITY OF NEW YORK
TRADE WASTE COMMISSION
253 BROADWAY, 10TH FLOOR
NEW YORK, NEW YORK 10007

DECISION OF THE TRADE WASTE COMMISSION TO DENY THE APPLICATION OF TRANS BORO CONTAINER SERVICE, INC. FOR A LICENSE TO OPERATE AS A TRADE WASTE BUSINESS

Trans Boro Container Service, Inc. ("Trans Boro" or the "Applicant") has applied to the New York City Trade Waste Commission (the "Commission") for a license to operate as a trade waste business pursuant to Local Law 42 of 1996. See Title 16-A of the New York City Administrative Code ("Admin. Code"), §§ 16-505(a), 16-508. Local Law 42, which created the Commission to license and regulate the trade waste removal industry in New York City, was enacted to address pervasive organized crime and other corruption in the commercial carting industry, to protect businesses using private carting services, and to increase competition in the industry and thereby reduce prices.

Local Law 42 authorizes the Commission to refuse to issue a license to any applicant who it determines, in the exercise of its discretion, lacks good character, honesty, and integrity. See Admin. Code §16-509(a). The law identifies a number of factors that, among others, the Commission may consider in making its determination. See id. §16-509(a)(i)-(x). These illustrative factors include certain criminal convictions and engaging in racketeering acts. Based upon the record as to the Applicant, the Commission finds, for the following independently sufficient reasons, that Trans Boro lacks good character, honesty, and integrity and denies its license application:

(1) Michael A. Marmo, a principal, as well as the Secretary and Treasurer, of the Applicant, was indicted on two charges of bribery in the third degree (N.Y. Penal Law § 200.00) and pleaded guilty in 1991 to giving unlawful gratuities (N.Y. Penal Law § 200.30) to a Department of Sanitation ("DOS") official;

(2) Trans Boro engaged in an anticompetitive act in connection with its participation in the carting industry's mob-controlled cartel, to wit, Trans Boro paid money to the Kings County Trade Waste Association for its services in returning a customer Trans Boro lost to another carter, pursuant to cartel rules;

(3) Trans Boro failed to provide truthful information to the Commission in connection with its license application, to wit, Trans Boro's principals failed to disclose the cartel-era payment to the King's County Trade Waste Association in the application and in their depositions; and

(4) Trans Boro has multiple violations for illegal dumping.

I. BACKGROUND

A. The New York City Carting Industry

Virtually all of the more than 200,000 commercial business establishments in New York City contract with private carting companies to remove and dispose of their refuse. Historically, those services have been provided by several hundred companies. For the past four decades, and until only recently, the commercial carting industry in the City was operated as an organized crime-controlled cartel engaging in a pervasive pattern of racketeering and anticompetitive practices. The United States Court of

Appeals for the Second Circuit has described that cartel as "a 'black hole' in New York City's economic life":

> Like those dense stars found in the firmament, the cartel can not be seen and its existence can only be shown by its effect on the conduct of those falling within its ambit. Because of its strong gravitational field, no light escapes very far from a "black hole" before it is dragged back . . . [T]he record before us reveals that from the cartel's domination of the carting industry, no carter escapes.

Sanitation & Recycling Industry, Inc. v. City of New York, 107 F.3d 985, 989 (2d Cir. 1997) ("SRI") (citation omitted).

Extensive testimonial and documentary evidence adduced during lengthy City Council hearings addressing the corruption that historically has plagued this industry revealed the nature of the cartel: an entrenched anti-competitive conspiracy carried out through customer-allocation agreements among carters, who sold to one another the exclusive right to service customers, and enforced by organized crime-connected racketeers, who mediated disputes among carters. See generally Peter Reuter, Racketeering in Legitimate Industries: A Study in the Economics of Intimidation (RAND Corp. 1987). After hearing the evidence, the City Council found:

(1) "that the carting industry has been corruptly influenced by organized crime for more than four decades";

(2) "that organized crime's corrupting influence over the industry has fostered and sustained a cartel in which carters do not compete for customers";

(3) that to ensure carting companies' continuing unlawful advantages, "customers are compelled to enter into long-term contracts with onerous terms, including 'evergreen' clauses";

(4) "that the anti-competitive effects of this cartel have resulted, with few exceptions, in the maximum [legal] rates . . . being the only rate available to businesses";

(5) "that businesses often pay substantially higher amounts than allowed under the maximum rate because carters improperly charge or overcharge for more waste than they actually remove";

(6) "that organized crime's corrupting influence has resulted in numerous crimes and wrongful acts, including physical violence, threats of violence, and property damage to both customers and competing carting firms";

(7) "that recent indictments have disclosed the pervasive nature of the problem, the structure of the cartel, and the corruption it furthers through the activities of individual carters and trade associations";

(8) "that unscrupulous businesses in the industry have taken advantage of the absence of an effective regulatory scheme to engage in fraudulent conduct"; and

(9) "that a situation in which New York City businesses, both large and small, must pay a 'mob tax' in order to provide for removal of trade waste is harmful to the growth and prosperity of the local economy."

Local Law 42, § 1.

The criminal cartel operated through the industry's four leading New York City trade associations, the Association of Trade Waste Removers of Greater New York ("GNYTW"), the Greater New York Waste Paper Association ("WPA"), the Kings County Trade Waste Association ("KCTW"), and the Queens County Trade Waste Association ("QCTW"), all of which were controlled by organized crime figures for many years. See, e.g., Local Law 42, §1; United States v. International Brotherhood of Teamsters (Adelstein), 998 F.2d 120 (2d Cir. 1993). As the Second Circuit found, regardless of whatever limited legitimate purposes these trade associations might have served, they "operate in illegal ways" by "enforc[ing] the cartel's anticompetitive dominance of the waste collection industry." SRI, 107 F.3d at 999.

In June 1995, all four trade associations, together with seventeen individuals and twenty-three carting companies, were indicted as a result of a five-year investigation into the industry by the Manhattan District Attorney's Office and the New York Police Department. See People v. Ass'n of Trade Waste Removers of Greater New York Inc. et al., Indictment No. 5614/95 (Sup. Ct. N.Y. Cty.). The defendants included capos and soldiers in the Genovese and Gambino organized crime families who acted as "business agents" for the four trade associations, as well as carters closely associated with organized crime and the companies they operated.

More carting industry indictments followed. In June 1996, both the Manhattan District Attorney and the United States Attorney for the Southern District of New York obtained major indictments of New York metropolitan area carters. The state indictments, against thirteen individuals and eight companies, were (like their 1995 counterpart) based upon undercover operations, including electronic surveillance intercepts, which revealed a trade waste removal industry still rife with corruption and organized crime influence. The federal indictment, against seven individuals and fourteen corporations associated with the Genovese and Gambino organized crime families (including the brother and nephew of Genovese boss Vincent "Chin" Gigante), included charges of racketeering, extortion, arson, and bribery. See United States v. Mario Gigante et al., No. 96 Cr. 466 (S.D.N.Y.). In November 1996, the Manhattan District Attorney announced a third round of indictments in his continuing investigation of the industry, bringing the total number of defendants in the state prosecution to thirty-four individuals, thirty-four companies, and four trade waste associations.

The accuracy of the sweeping charges in the indictments has been repeatedly confirmed by a series of guilty pleas and jury verdicts. On October 23, 1996, defendant John Vitale pleaded guilty to a state antitrust violation for his participation in the anticompetitive criminal cartel. In his allocution, Vitale, a principal of the carting company Vibro, Inc., acknowledged that he turned to the trade associations, and specifically to Genovese capo Alphonse Malangone and Gambino soldier Joseph Francolino, to obtain their assistance in preventing a competitor from bidding on a "Vibro-owned" building, 200 Madison Avenue in Manhattan.

On January 27, 1997, Angelo Ponte, a lead defendant in the state prosecution and the owner of what was once one of New York City's largest carting companies, pleaded guilty to attempted enterprise corruption and agreed to a prison sentence of two to six years and to pay $7.5 million in fines, restitution, and civil forfeitures. In his allocution, Ponte acknowledged the existence of a "property rights" system in the New York City carting industry, enforced by a cartel comprised of carters and their trade associations through customer allocation schemes, price fixing, bid rigging, and economic retaliation, for the purpose of restraining competition and driving up carting prices and carting company profits. His son, Vincent J. Ponte, pleaded guilty to paying a $10,000 bribe to obtain a carting contract to service an office building. Both defendants agreed to be permanently barred from the New York City carting industry.

On January 28, 1997, Vincent Vigliotti became the fourth individual defendant to plead guilty to carting industry corruption charges. Two carting companies and a transfer station run by Vigliotti's family under his auspices pleaded guilty to criminal antitrust violations. In his allocution, Vigliotti confirmed Ponte's admissions as to the scope of the criminal antitrust conspiracy in the carting industry, illustrated by trade association-enforced compensation payments for lost customers and concerted efforts to deter competitors from entering the market through threats and economic retaliation. Vigliotti agreed to serve a prison term of one to three years, to pay $2.1 million in fines, restitution, and civil forfeitures, and to be permanently barred from the New York City carting industry.

On February 13, 1997, the KCTW pleaded guilty to criminal restraint of trade and agreed to pay a $1 million fine, and four individuals who were officers of or otherwise closely associated with the KCTW, as well as their affiliated carting companies, pleaded guilty to corruption charges. The Brooklyn carters who were the KCTW's principal representatives -- president Frank Allocca and vice-president Daniel Todisco -- pleaded guilty to attempted enterprise corruption, as did Brooklyn carter Dominick Vulpis; each of their defendant companies pleaded guilty to criminal restraint of trade. Brooklyn carter and KCTW secretary Raymond Polidori also pleaded guilty to criminal restraint of trade, as did two related companies controlled by Polidori. These individual defendants agreed to pay fines ranging from $250,000 to $750,000, to serve sentences ranging from probation to 4½

years in prison, and to be permanently barred from the New York City carting industry. The same day, Manhattan carters Henry Tamily and Joseph Virzi pleaded guilty to attempted enterprise corruption and agreed to similar sentences, fines, and prohibitions. All six defendants confirmed the existence of the criminal cartel and admitted to specific instances of their participation in it.

On February 24, 1997, defendants Michael D'Ambrosio, Robros Recycling Corp., and Vaparo, Inc. all pleaded guilty in allocutions before New York Supreme Court Justice Leslie Crocker Snyder. D'Ambrosio pleaded guilty to attempted enterprise corruption, and his companies pleaded to criminal antitrust violations.

On July 21, 1997, Philip Barretti, another lead defendant in the state prosecution and the former owner of New York City's largest carting company, pleaded guilty to two counts of attempted enterprise corruption and agreed to a prison sentence of 4½ to 13½ years and to pay $6 million in fines, restitution, and civil forfeitures. Frank Giovinco, former head of the WPA, pleaded guilty to attempted enterprise corruption and agreed to a prison sentence of 3½ to 10½ years. Carters Paul Mongelli and Louis Mongelli also pleaded guilty to attempted enterprise corruption, and agreed to prison sentences of four to twelve and $3^1/_3$ to ten years, respectively. All four defendants agreed to be permanently barred from the New York City carting industry. On the same day, Philip Barretti, Jr. and Mark Barretti pleaded guilty to a Class E environmental felony and commercial bribery, respectively, and agreed to be sentenced to five years probation. The Barretti and Mongelli carting companies also pleaded guilty at the same time. A few days later, the WPA pleaded guilty to criminal restraint of trade.

In the federal case, on September 30, 1997, Thomas Milo, a Gambino family associate, and his company, Suburban Carting, among others, pleaded guilty to federal charges of conspiracy to defraud the United States and to make and file false and fraudulent tax returns, and, respectively, to defraud Westchester County in connection with a transfer station contract and to violate the Taft-Hartley Act by making unlawful payments to a union official. In their allocutions, Suburban and Milo admitted that one objective

of the conspiracy was to conceal the distribution of cartel "property rights" profits by engaging in sham transactions.

The pleas of guilty to reduced charges by the state defendants took place in the context of an ongoing prosecution of the entire enterprise corruption conspiracy, in which testimony had begun in March 1997. The remaining defendants were the GNYTW, Gambino soldier Joseph Francolino and one of his carting companies, Genovese capo Alphonse Malangone, and two carting companies controlled by defendant Patrick Pecoraro (whose case, together with the case against the QCTW, had been severed due to the death of their attorney during the trial). On October 21, 1997, the jury returned guilty verdicts on enterprise corruption charges – the most serious charges in the indictment – against all six of the remaining defendants, as well as guilty verdicts on a host of other criminal charges. On November 18, 1997, Francolino was sentenced to a prison term of ten to thirty years and fined $900,000, and the GNYTW was fined $9 million.

On January 21, 1998, Patrick Pecoraro pleaded guilty to attempted enterprise corruption and agreed to serve a prison sentence of one to three years, to pay a $1 million fine, and to be barred permanently from the New York City carting industry. On the same day, the QCTW pleaded guilty to a criminal antitrust violation and agreed to forfeit all of its assets. Numerous other guilty pleas have followed.

In sum, it is far too late in the day for anyone to question the existence of a powerful criminal cartel in the New York City carting industry. Its existence has been proven beyond a reasonable doubt. The proof at trial also established conclusively that the cartel which controlled the carting industry for decades through a rigorously enforced customer-allocation system was itself controlled by organized crime, whose presence in the industry was so pervasive and entrenched – extending to and emanating from all of the industry's trade associations, which counted among their collective membership virtually every carter – that it could not have escaped the notice of any carter. These criminal convictions confirm the judgment of the Mayor and the City Council in enacting Local Law 42, and creating the Commission, to address this pervasive problem.

B. Local Law 42

Upon the enactment of Local Law 42, the Commission assumed regulatory authority from the Department of Consumer Affairs (the "DCA") for the licensing and registration of businesses that remove, collect, or dispose of trade waste. See Admin. Code §16-503. The carting industry quickly challenged the new law, but the courts have consistently upheld Local Law 42 against repeated facial and as-applied constitutional challenges by New York City carters. See, e.g., Sanitation & Recycling Industry, Inc. v. City of New York, 928 F. Supp. 407 (S.D.N.Y. 1996), aff'd, 107 F.3d 985 (2d Cir. 1997); Universal Sanitation Corp. v. Trade Waste Comm., 940 F. Supp. 656 (S.D.N.Y. 1996); Vigliotti Bros. Carting Co. v. Trade Waste Comm., No. 115993/96 (Sup. Ct. N.Y. Cty. Dec. 4, 1996); Fava v. City of New York, No. CV-97-0179 (E.D.N.Y. May 12, 1997); Imperial Sanitation Corp. v. City of New York, No. 97 CV 682 (E.D.N.Y. June 23, 1997); PJC Sanitation Services, Inc. v. City of New York, No. 97-CV-364 (E.D.N.Y. July 7, 1997).

Local Law 42 provides that "it shall be unlawful for any person to operate a business for the purpose of the collection of trade waste . . . without having first obtained a license therefor from the Commission." Admin. Code §16-505(a). After providing a license applicant with notice and an opportunity to be heard, the Commission may "refuse to issue a license to an applicant who lacks good character, honesty and integrity." Id. §16-509(a). Although Local Law 42 became effective immediately, trade waste removal licenses previously issued by the DCA remained valid pending decision by the Commission on timely filed license applications. See Local Law 42, §14(iii)(1). The Applicant holds a DCA license and timely filed an application for a license from the Commission.

As the United States Court of Appeals has definitively ruled, an applicant for a trade waste removal license under Local Law 42 has no entitlement to and no property interest in a license, and the Commission is vested with broad discretion to grant or deny a license application. SRI, 107 F.3d at 995; see also Daxor Corp. v. New York Dep't of Health, 90 N.Y.2d 89, 98-100, 681 N.E.2d 356, 659 N.Y.S.2d 189 (1997). In determining

whether to issue a license to an applicant, the Commission may consider, among other things, the following matters, if applicable:

(i) failure by such applicant to provide truthful information in connection with the application;

(ii) 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;

(iii) 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;

(iv) 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;

(v) 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;

(vi) 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;

(vii) 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;

(viii) 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;

(ix) 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;

(x) 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.

Admin. Code § 16-509(a)(i)-(x).

II. DISCUSSION

On August 30, 1996, Trans Boro filed with the Commission an application for a trade waste removal license. Trans Boro, which is located at 686 Morgan Avenue, Brooklyn, is primarily a construction and demolition hauler, with the exception of one current garbage account (Rainbow Apparel). Trans Boro's application identifies two principals, who each own

50% of the company: Anthony Marmo, president, and Michael A. Marmo, secretary and treasurer. Nicholas Marmo is the manager and has worked for Trans Boro since the mid-80s. Anthony is the father of Michael and Nicholas. Together, the three Marmos also operate a non-putrescible solid waste transfer station called Point Recycling, Ltd. ("Point Recycling") at the same location as Trans Boro.[1]

The Commission's staff investigated the Applicant, deposed both principals, who were represented by counsel, and reviewed the evidence gathered in the criminal investigation leading to Michael's conviction. On March 5, 2001, the staff issued a 22-page recommendation that Trans Boro's license application be denied and delivered copies to the Applicant and Applicant's counsel, which also received copies of the evidentiary materials cited therein. On March 16, 2001, Trans Boro submitted a three-page Response, accompanied by a two-page affidavit. The Commission has carefully considered both the staff's recommendation and the Applicant's Response. For the independently sufficient reasons set forth below, the Commission determines that Trans Boro lacks good character, honesty, and integrity and, therefore, denies its license application.

A. Michael A. Marmo Has A Conviction Directly Related to the City's Waste Removal Industry

1. The Investigation and Prosecution

Michael Marmo's 1991 conviction for giving an unlawful gratuity was the result of an investigation commenced by New York City's Department of Investigation ("DOI") after an incident in March 1990. Two DOS Sanitation Police Officers ("SPOs") issued a summons to a Trans Boro roll-off truck for transporting loose cargo and improper transportation of waste. See DOI Memorandum Re: DOI No. 90-00354, dated January 3, 1991, to the Kings County District Attorney, at 2 (citing Vehicle and Traffic

[1] Anthony is president, Michael is vice president, and Nicholas is corporate secretary of Point Recycling. They are equal owners. Point Recycling's application for a transfer station permit is pending before DOS, which is responsible for issuing transfer station permits. After creation of the Commission, its staff began performing background investigations of transfer station applicants on behalf of DOS. In connection with the staff's investigation of Point Recycling, on behalf of DOS, the Commission notified Point Recycling in 1997 that the Commission has reasonable cause to believe it may lack good character, honesty, and integrity when it issued an order directing, inter alia, further disclosure. See Order Regarding DOS Transfer Station Permittee Point Recycling, Ltd., dated September 19, 1997.

Law § 380(1)(a) and Admin. Code § 16-117, respectively) (the "KCDA Memo"). Later in the day, Michael Marmo offered to pay money to one of the SPOs in exchange for advance notice of DOS enforcement visits. See id. The SPO reported the bribe offer to the DOI Inspector General ("IG") for DOS, stating that Michael wanted to operate Point Recycling and "not get caught" operating illegally. See Incident Report from SPO # 1082, dated March 6, 1990.

The IG conducted a surveillance and undercover operation that included equipping the SPO with a concealed electronic recording device and recording telephone conversations. See generally Closing Memorandum to DOI Deputy Inspector, Trans Boro, Case No. 90-06, dated January 22, 1991. When the SPO met Michael again, Michael confirmed that the SPO was off duty and complained that "paper work" for Point Recycling had not been approved. See Transcript of Reel Number 91-90, dated March 7, 1990, Case No. 90-06, at 1-2 ("Reel 3/7/90 Tr."). Michael offered to give the SPO $200 a month to alert him to DOS enforcement activity. See id. at 4-5. Michael stated, "[E]ven [sic] once in awhile I gotta drop a loaded box in the yard." Id. at 3. In March and April, the SPO alerted Michael to DOS enforcement activity. See KCDA Memo at 3-4. Michael paid him $200 each time, in March and May, for a total of $400. See id. at 4-5. In October 1990, DOI ended the undercover operation. See id. at 6.

DOI submitted its investigative findings to the Kings County District Attorney, which indicted Michael Marmo on March 7, 1991, on two charges of bribery in the third degree, a class D felony (N.Y. Penal Law § 200.00). An amended indictment added the charge of giving of an unlawful gratuity, a class A misdemeanor (N.Y. Penal Law § 200.30), to which Michael pleaded guilty in June. In his allocution, Michael admitted giving the SPO $200 on two occasions in exchange for information about DOS inspection visits. See Plea Allocution, People v. Marmo, Indictment 1918/91, Sup. Ct. Kings Cty., June 28, 1991, at 6, 9. He was sentenced to a conditional discharge whose terms required him to provide 13 dumpsters to residential buildings owned and managed by the Department of Housing Preservation and Development and to remove debris for three months.[2] He completed his community service in September 1991. On October 22, 1991, Supreme Court Justice Thaddeus E. Owens granted Michael a certificate of relief

[2] Michael and Anthony Marmo both testified before the Commission about the bribery scheme. Their testimony is consistent with the evidence collected in the DOI investigation. See generally Deposition of Anthony Marmo, June 10, 1999, at 76-85; Deposition of Michael Marmo, June 10, 1999, at 25-39.

from disabilities ("certificate of relief"). It specifically relieves him of all "forfeitures, disabilities or bars" to "licenses, permits and similar documents necessary to operate his business, which may be issued by any competent authority."

2. Michael A. Marmo's Industry-Related Conviction Renders the Applicant Unfit for Licensure

In making licensing determinations, the Commission is expressly authorized to consider prior convictions of an applicant (or any of its principals) for crimes which, in light of the factors set forth in section 753 of the Correction Law, would provide a basis under that statute for refusing to issue a license. See Admin. Code § 16-509(a)(iii); see also id. § 16-501(a). Those factors are:

> (a) The public policy of this state, as expressed in [the Correction Law], to encourage the licensure . . . of persons previously convicted of one or more criminal offenses.
>
> (b) The specific duties and responsibilities necessarily related to the license . . . sought.
>
> (c) The bearing, if any, the criminal offense or offenses for which the person was previously convicted will have on his fitness or ability to perform one or more such duties and responsibilities.
>
> (d) The time which has elapsed since the occurrence of the criminal offense or offenses.
>
> (e) The age of the person at the time of occurrence of the criminal offense or offenses.
>
> (f) The seriousness of the offense or offenses.

(g) Any information produced by the person, or produced on his behalf, in regard to his rehabilitation and good conduct.

(h) The legitimate interest of the public agency . . . in protecting property, and the safety and welfare of specific individuals or the general public.

N. Y. Correct. Law § 753(1).

In addition to these factors, the Commission must consider Michael's certificate of relief, which creates a presumption of rehabilitation. See id. §§ 701(2), 753(2); Matter of Bonacorsa v. Van Lindt, 71 NY2d 605, 612-613 (1988). However, the presumption may be overcome in the exercise of the Commission's discretion, which is guided by the factors above. See Bonacorsa, 71 NY2d at 613-614, *supra*.

The Commission finds that the crime committed by Michael is directly related to both the purposes for which licensure is sought here and the duties and responsibilities associated with such licensure. See N.Y. Correct. Law §§ 750(3), 752(1). Further, applying the factors above, the Commission finds that, notwithstanding the public policy of the state of New York to encourage licensure of persons convicted of crimes, Michael's conviction, and the underlying facts taken independently, precludes licensure of the Applicant.

Michael sought to evade the law by giving money to a DOS employee. This was a serious crime and, notwithstanding his subsequent plea, resulted in a felony indictment. At the time of the crime, Michael was an established businessman in his thirties – plainly old enough to know what the law is and how to obey it. Michael's crime was the result of a conscious decision to choose another path and is an all too accurate reflection of the cynical disregard for the law that corrupted the City's waste removal industry for decades. This crime is not in the distant past, at the very beginning of Michael's career with Trans Boro. Rather, it occurred just ten years ago and only five years before Trans Boro submitted its application subjecting its principals to the integrity review of Local Law 42. Moreover, as discussed *infra* in section C, Michael's failure to provide truthful information to the Commission during the licensing process, reveals he is not rehabilitated.

To condone Michael's crime with a determination of good character, honesty, and integrity would be contrary to the Commission's interest in protecting the trade waste industry from public corruption and would not encourage the morale, safety, and welfare of DOS employees, other city employees, or the citizens of New York City in general. Michael quite simply does not meet the fitness standard pursuant to Local Law 42, and his conviction, standing alone, is sufficient basis for denial. Accordingly, the Commission, in the exercise of its discretion, concludes that the Applicant lacks good character, honesty, and integrity, and denies Trans Boro's license application.

3. Anthony and Nicholas Marmo Knew of Michael Marmo's Plan to Bribe the SPO

DOI's investigation also implicated Michael's father, Anthony, and his brother, Nicholas Marmo.[3] The evidence showed that they knew about the plan to corrupt the SPO. Indeed, the testimony of Anthony and Michael, the Applicant's two principals, confirms that the bribe was a family affair: all three of the Marmos knew about the plan to bribe a DOS official.

The SPO recorded a conversation at a meeting with Michael in which they discussed the details of how the SPO would notify Michael of impending enforcement activity. After agreeing to the arrangement, the SPO asked Michael for a card with Michael's phone number on it. See Reel 3/7/90 at 3 ("I just need a card with your number."). Michael responded by providing not only his own, but his brother's and father's names as well. See id. ("Either * * * me, my brother, or my father will answer the phone. One of the three of us. * * * I'll put the three names down. I'm Mike, my brother's Nick, and my father's Tony."). It is doubtful, to say the least, that Michael would have given the names of his brother and father to the SPO if they had not been informed of the corrupt arrangement.

A few days later, the SPO expressed concern that Michael had told his family about the bribe and, in a recorded telephone call, accused Michael of breaking his promise to keep their arrangement a secret. See Transcript of

[3] The Commission declines at this time to determine whether Nicholas Marmo is a principal of the Applicant.

Reel No. 97-90, dated March 12, 1990, Case Name: Marmo, Case No. 90-06, at 2-3. Michael responded by admitting that he had told his brother but that the SPO should not worry. See id. at 3 ("Non [sic], well, my brother I let in because han [sic] just in the event I'm not here. * * * It's, it's perfectly okay, I understand [your concern], but as far as that goes it's just like me. * * * Okay with him, believe me, nobody else though.").

In a subsequent telephone conversation, the SPO again pressed Michael for assurances that Nicholas' knowledge about the illicit arrangement was limited and that he could be trusted. Michael replied, "Sometimes I haaa, it doesn't work out you know when I gotta do, where I gotta be [u]nfortunately. You know, you could trust my brother you know." See Transcript of Reel No. 167-90, dated May 8, 1990, Case Name: Marmo, Case No. 90-06, at 3. Michael continued, "Ah, he's haaa, my brother. Nothing to worry about with my brother." Id. At the close of the conversation, when arranging a meeting, Michael asked, "[I]f it's gonna be a six [o'clock] then I gotta send my brother, is that okay? * * * There's no problem, trust me, this just gonna be a very, very quick ha you know, it's gonna be very easy. Okay." Id. at 6. The SPO replied, "Alright, you know whenever[.]" Id. Shortly thereafter, DOI ended the investigation and Michael was arrested.

Michael's testimony before the Commission confirmed that Nicholas and Anthony knew that he intended to bribe an SPO. See Deposition of Michael Marmo, June 10, 1999, at 32-33 ("MM Dep. No. 1"). Anthony's testimony also confirmed that he and Nicholas knew about the bribe. See Deposition of Anthony Marmo, June 10, 1999, at 82-83 ("AM Dep. No. 1") (* * * Yes, [Michael and I] discussed it. * * * I didn't think it was such a terrible idea[.]"), 113-114 ("I'm sure [Nicholas] was aware, yes."). In short, ample evidence demonstrates that all three Marmos knew of the illegal activity, were in a position to directly benefit from the illegal arrangement with the SPO, and did benefit from such by receiving warnings of enforcement activity. Their complicity shows that corruption permeated the Applicant and serves as another independently sufficient basis for the Commission's determination that the Applicant lacks the requisite character and decision to deny the license application.

4. Trans Boro's Response To The Staff's Recommendation Is Not Persuasive

Trans Boro claims that Michael Marmo's conviction is too stale to warrant a denial and that DOS acted too slowly to expect the Marmos to curb their ambitions and await legal permitting before launching Point Recycling's operations. See Response at 1-2. Though conceding that the City's claimed inaction does not excuse Michael's crime, the Response argues that it should "mitigate the punishment" without suggesting what a lesser "punishment" would be. See Response at 1. This is not a sentencing hearing and the Commission is not "punishing" Trans Boro. The Commission is making a fitness determination in order to decide whether to approve a license application. Moreover, Trans Boro's assertion that denial is "draconian" ignores the fact that the Commission's staff long ago informed Trans Boro that it was unlikely to receive a license, met with Trans Boro to discuss options that might avoid a denial recommendation, including a sale application, and accorded Trans Boro a lengthy period of time to submit a sale application.[4]

As for the merits of the plea for leniency, the Response completely sidesteps the complicity of all of the Marmos in the bribery scheme. It also sidesteps the record, stating, without citation to any evidence, that Point Recycling's application for a transfer station permit was pending before DOS for "two years" before Michael Marmo offered the SPO the bribe. See id. at 1. Despite the irrelevancy of the purported delay, the Response asserts that Michael Marmo's "criminal conduct was the direct result of the City's failure to act * * *." Id. at 1 (emphasis added). The Commission can not reject more strenuously this assertion. The staff's de novo review of the evidence gathered from DOI's investigation indicates that Michael Marmo's

[4] Trans Boro's first indication that it was unlikely to meet the integrity standard of Local Law 42 was in September 1997 when the Commission issued an order stating as much in connection with the Point Recycling application. See fn. 1, *supra*, at 12. Then, late in the Summer of 1999, the Commission's staff informed Trans Boro's first counsel, after the principals' June 1999 depositions, that licensure was unlikely, due in significant part to Michael Marmo's conviction. The staff stated that the Commission would consider a sale application if Trans Boro submitted the application before the staff issued a license recommendation. The staff granted counsel's request for a meeting to discuss Trans Boro's license application with then-Chair Edward T. Ferguson. The meeting took place in September 1999. In December 1999, Trans Boro retained different counsel, which represented the principals during their July 2000 depositions. The staff also granted subsequent counsel's request for a meeting, which took place with Chair Ferguson on February 8, 2000, to discuss whether Trans Boro's principals would attempt to sell the Applicant or pursue their license application. Subsequently, in response to inquiries from the staff, counsel informed the staff, in March 2000 and January 2001, that Trans Boro had not found a buyer.

criminal behavior was the direct result of his lack of integrity not any purported delay on the part of DOS regarding the transfer station permit.

Furthermore, the principals testified four times that the Point Recycling application had been pending for 10 months before the bribe offer, not two years as stated in the Response. See AM Dep. No. 1 at 77-78, 82 (three times); MM Dep. No. 1 at 34-35 (one time). And statements by counsel representing the principals during their first depositions confirmed their testimony. See MM Dep. No. 1 at 30-31; AM Dep. No. 1 at 79-80. The only statement in the record to the contrary, asserting a two-year pendency, is from Trans Boro's second counsel offered at the close of the second deposition of Anthony Marmo. See AM Dep. No. 2 at 38 ("I think the application went in in '88 and it was at least '90 or '91 before it even got around this whole thing happened."). Statements given by counsel during depositions are unsworn, as is the reiteration of "two years" in the Applicant's Response. Neither statement, especially in the face of the principals' testimony, establishes the actual time elapsed between submission of the Point Recycling application and the bribe offer. Furthermore, these statements do not establish the time that elapsed between submission of Point Recycling's application and the commencement of its illegal operation. Given Trans Boro's November 1989 illegal dumping violation, discussed *infra* in section D, it is clear the Marmos commenced illegally operating the transfer station as early as that date, which is even sooner after submission of the transfer station application than the bribe offer.

Trans Boro also relies upon Michael Marmo's certificate of relief and DOS subsequently granting a transfer station permit to Point Recycling to dispute the staff's recommendation. The Response ignores the authority vested in the Commission by Local Law 42. As shown above, the Commission has considered the certificate of relief, among the other factors, including Michael's age at the time of the crime, the severity of the crime, his lack of rehabilitation, and the corrosive effect of bribery, as required by the Correction Law in exercising its discretion. Moreover, the Commission is not relying solely upon the conviction, but the staff's independent review of the evidence underlying the conviction as well. The certificate of relief does not allow Michael Marmo -- and certainly not Trans Boro -- to bypass the integrity standard of Local Law 42.

Nor does DOS's determination of Point Recycling's application change the Commission's license determination. In relying upon DOS's eventual permitting of Point Recycling, the Response has a glaring omission. It fails to state that DOS initially denied Point Recycling's application based, according to Michael Marmo, upon the criminal conviction and illegal dumping, despite the certificate of relief. See MM Dep. No. 1 at 30-31, 36-37. Point Recycling challenged DOS' determination in a CPLR article 78 proceeding and lost. See id. at 37. Sometime thereafter, Point Recycling's attorney arranged for a meeting with DOS officials, who eventually issued a permit. See id. at 36-38. Neither the circumstances that led to that meeting nor DOS' rationale in issuing the permit are found in the record of this licensing determination.[5] Thus, the Response's statement that DOS "recognized its role as a partial cause of the underlying conduct by belatedly issuing the license for the transfer station" is pure speculation. See Response at 1.

None of the assertions in Trans Boro's Response regarding Michael Marmo's conviction are persuasive. For the reasons stated above, that conviction and the complicity of his father and brother in that criminal activity each serve as an independent reason for determining that the Applicant lacks good character, honesty, and integrity. Accordingly, these two grounds are independently sufficient to warrant denial of Trans Boro's license application.

B. Trans Boro Engaged In An Anticompetitive Act In Connection With Its Participation In The Carting Industry's Mob-Controlled Cartel, To Wit, Trans Boro Paid Money To The KCTW For Returning A Customer Trans Boro Lost To Another Carter, Pursuant To Cartel Rules.

The Applicant and the Marmos have a long history of association with corrupt elements in the City's trade waste industry. From at least 1985 until 1996 (almost a year after the KCTW's indictment), Trans Boro was a

[5] The only evidentiary basis for asserting that DOS considered the length of time Point Recycling's permit application was pending to be problematic and was the reason that DOS subsequently issued the permit is Michael Marmo's opinion, which, in turn, is based solely upon a DOS official's inquiry about the purported delay at the meeting. See MM Dep. No. 1 at 34-35.

member of the KCTW, see Trans Boro Application at 6 ("TB App."), which was headed by Genovese capo Alphonse Malangone. Prior to 1985, the Applicant's predecessor, M. Marmo Private Sanitation Corp. ("Marmo Sanitation"), was a member of the KCTW's predecessor, the Brooklyn Trade Waste Association (the "BTW"). See AM Dep. No. 1 at 35-37. In fact, the Applicant has a longstanding familiarity with organized crime's control of the industry and use of illegal tactics to restrain trade. Marmo Sanitation pleaded guilty in the 1974 case prosecuted by the Kings County District Attorney's ("KCDA") office charging the BTW and 55 Brooklyn carters with criminal restraint of trade. See AM Dep. No. 1 at 21-25, 35-37. Anthony Marmo was an employee of the family business at the time of the KCDA's investigation and the subsequent guilty plea by Marmo Sanitation. See id. at 35-37.[6] That case was one of the city's first battles in its war on organized crime in the industry.

The Applicant's principals have been employed in the trade waste industry almost all of their working lives, see AM Dep. No. 1 at 11; MM Dep. No. 1 at 6, and are fully familiar with the illegal cartel and its rules, see, e.g., MM Dep. No. 1 at 41-42; AM Dep. No. 1 at 60-62 (knew of rumors or media reports about organized crime's involvement in the carting industry); MM Dep. No. 1 at 42; Deposition of Michael Marmo, July 19, 2000, at 7 (MM Dep. No. 2"); AM Dep. No. 1 at 48-50, 54; (heard that members of the trade associations had property rights over customers); MM Dep. No. 1. at 41, 46; AM Dep. No. 1 at 50-51 (heard that disputes between carting companies over customers were sometimes resolved with compensation); MM Dep. No. 2 at 5-6, AM Dep. No. 1 at 50-51 (heard that the trade waste associations enforced the property rights system).

Moreover, although Anthony and Michael Marmo initially admitted having some firsthand experience with the mob's role in resolving disputes between trade waste association members, their testimony fell far short of full disclosure. In the first round of depositions, they admitted being involved in a 1994 customer dispute that involved Trans Boro's sole garbage account, Rainbow Apparel's main distribution warehouse. See MM Dep. No. 1 at 39-41; AM Dep. No. 1 at 55-56; Deposition of Anthony Marmo,

[6] Although Anthony Marmo was 36 years-old at the time and an employee of Marmo Sanitation, which was owned by his father, he testified that he did not remember much about the case. See id. AM Dep. No. 1 at 35-36. He did recall, however, that the charges against the defendants alleged illegal restraint of trade, Marmo Sanitation "pleaded guilty," and it paid a fine. See id. at 36-37. He did not specify the charge to which Marmo Sanitation pleaded guilty, and the staff is aware that it may have been to a lesser charge than that set forth in the indictment.

July 19, 2000, at 9-10 ("AM Dep. No. 2"). While Michael and Anthony Marmo were at a meeting at the KCTW's offices, Frank Allocca,[7] accompanied by Daniel Todisco and Raymond Polidori, requested they pay compensation to other carters, see MM Dep. No. 1 at 40; MM Dep. No. 2 at 8-11; AM Dep. No. 2 at 11-13, who believed that Trans Boro was responsible for their losing Rainbow Apparel's numerous retail stores that they serviced elsewhere in the City, see AM Dep. No. 1 at 57-59. Allocca, Todisco, and Polidori were president, vice-president, and secretary, respectively of the KCTW, which, along with these executive officers, was convicted in the 1995 carting case. See *supra* at 6. Michael and Anthony testified that they explained to Allocca, Todisco, and Polidori that the change was due to an operational decision by Rainbow Apparel to consolidate its waste at their warehouse and use a compactor. See AM Dep. No. 2 at 9-10, 12-13. Therefore, Michael and Anthony did not think Trans Boro had any reason to compensate the other carters, because they were not responsible for their lost stops. See MM Dep. No. 1 at 40; MM Dep. No. 2 at 12; AM Dep. No. 2 at 13-14.[8]

Aside from this single Rainbow Apparel dispute, both Michael and Anthony Marmo flatly denied being involved in any other disputes with carters. Specifically, they denied bringing any customer disputes to the KCTW. See MM Dep. No. 1 at 46; AM Dep. No. 1 at 45-46, 54-55, 59-60. They also denied their involvement in any KCTW-negotiated "settlements." See MM Dep. No. 1 at 40, 46; AM Dep. No. 1 at 50-51, 62.

Despite the Marmos' adamant denials, the Commission's staff had reason to doubt that they had been fully forthcoming about the extent of their involvement with the illegal cartel. Specifically, a financial audit performed by the staff in connection with another, initially unrelated investigation revealed what appeared to be a sham transaction involving Trans Boro. Because sham transactions are one of the classic accounting methods used by carters to disguise compensation payments, the audit information cast doubt on the Marmos' testimony regarding Trans Boro's customer disputes.

---

[7] Anthony Marmo testified that he has been friends with Frank and Fay Allocca for 20 years and the context for their relationship was the carting industry and the KCTW. See AM Dep. No. 1 at 100.

[8] The Rainbow Apparel dispute arose in 1994. See AM Dep. No. 1 at 57. Only months after this incident, law enforcement personnel executed search warrants at the KCTW offices in connection with the Manhattan District Attorney's carting investigation. See MM Dep. No. 2 at 13. It is much more likely that the Marmos were relieved from further negotiations with the KCTW and ultimately paying compensation by the collapse of the KCTW after the indictments, rather than their "explanation" to Allocca, Todisco, and Polidori.

The staff so informed the Applicant's counsel and offered the Marmos the opportunity to testify again.

The Marmos' second round of depositions confirmed that they did not provide truthful information in their prior depositions. Both Anthony and Michael testified that the KCTW secured the return of Gem Stores, which it had lost to another carter, to Trans Boro and that Trans Boro paid the KCTW for this "service." Trans Boro's principals thus admitted Trans Boro's complicity in the illegal cartel and the benefit Trans Boro derived from the KCTW's enforcement of the property rights system and the cartel's rules.

Gem Stores operated within the commercial complex owned by Rainbow Apparel. See MM Dep. No. 2 at 16; AM Dep. No. 2 at 22. Trans Boro serviced Gem Stores only briefly, see AM Dep. No. 2 at 22, in the 1980's, see id. at 28. The Applicant lost its Gem Store account, because one carter negotiated a contract for all the Gem Store stops citywide. See id. at 26. The KCTW, however, intervened and arranged for the original carters to recoup their stops and the revenue derived from the service to that customer in exchange for payment to the KCTW for its role in returning the stops. See id. at 27. Michael balked at the KCTW's request for several thousand dollars. See MM Dep. No. 2 at 21. But, after some discussion and negotiation at the KCTW's offices, Trans Boro agreed to pay the KCTW $600 cash for returning the stop. See AM Dep. No. 2 at 28-30.

The Commission may refuse to issue a license to an applicant that has committed a racketeering act, including any predicate crime listed in New York's Organized Crime Control Act. See Admin. Code § 16-509(a)(v); N.Y. Penal Law § 460.10(1). Among those crimes are felonies under Article 22 of the General Business Law. See Penal Law § 460.10(1)(b). Among those felonies is combination in restraint of trade and competition, in violation of section 340 of the General Business Law. See N.Y. Gen. Bus. Law § 341.

Trans Boro's Gem Store transaction described above is a classic example of anticompetitive behavior typical of the mob-controlled cartel. Indeed, the trade associations' enforcement of the property rights system among members, by requiring the payment or receipt of compensation by and between members, or, as here, enforcement on behalf of a group of carters against a non-member in exchange for payment is precisely the type of unlawful combination in restraint of trade and competition that was

repeatedly and successfully charged against numerous carters and the trade waste associations in the Manhattan District Attorney's criminal prosecutions.

Trans Boro's Response to this point is to assert that it was a "victim of extortion." Response at 2. This assertion, which rests only upon two sentences of testimony, stretches the record and credulity to the breaking point. No evidence exists that Trans Boro was extorted and the Commission is unaware of any complaints Trans Boro made to any law enforcement agencies of this so-called act of "extortion." The credibility of this statement is undermined by Trans Boro's raising it now, for the first time, as an excuse for cartel participation. Contrary to being extorted, Trans Boro expected just this type of benefit as a longstanding member of the KCTW. And it received such benefit when the organized crime-controlled KCTW resolved the Gem Store dispute in exchange for a fee. This transaction shows Trans Boro was an active participant in the illegal cartel. Trans Boro's actions were consistent with illegal activity, providing an additional, independent ground for the Commission's determination that the Applicant lacks fitness and to deny its license application.

C. Trans Boro Failed To Provide Truthful Information To The Commission Because Its Principals Failed To Disclose The Gem Stores Cartel-Era Payment To The KCTW In The License Application And Their Depositions.

The Commission's license application contains a series of questions specifically drafted to elicit information about an applicant's cartel-era activity, including customer disputes, compensation payments, and association-mediated negotiations, during trade waste association membership. Trans Boro's application makes no reference to either the Gem Stores or Rainbow Apparel customer disputes described above; a simple "N/A," the common notation for "not applicable," is the response to each of these questions. See Trans Boro Application, Questions 2-3, at 7-11. In addition, under oath, Anthony and Michael Marmo denied any customer disputes or KCTW-mediated payments, other than Rainbow Apparel, in their first depositions.

Inexplicably, Trans Boro's Response does not address the principals' failure to disclose the Gem Stores dispute and the KCTW cartel payment, but merely asserts that the principals disclosed the Rainbow dispute. These are two different disputes and the principals clearly sought to conceal the Gem Stores dispute, which reveals the degree to which the Applicant was involved in and benefited from the KCTW and the property rights system it enforced. The licensing process demonstrates that the Applicant's principals continue to have an appalling lack of respect for the law and the government agencies responsible for regulating their conduct in the trade waste industry. Certainly, the process also demonstrates that Michael Marmo, in particular, is not rehabilitated. An applicant's failure to provide truthful information to the Commission in connection with its license application is alone sufficient ground for denial. Admin. Code § 16-509(a)(i). The Commission denies Trans Boro's application for this additional, independent reason.

D. Trans Boro Has Multiple Violations For Illegal Dumping.

Trans Boro was found guilty of illegal dumping, in violation of New York City Administrative Code § 16-119, in 1986 and again in December 1989. See KCDA Memo, at 2. The 1989 violations occurred because a Trans Boro truck dumped construction and demolition debris on the floor inside the building at 686 Morgan Avenue without having a DOS transfer station permit.[9] See Master Decision and Order, City of New York Environmental Control Board, dated December 18, 1989, at 2. Trans Boro paid a total of $2000 for two violations. See id. at 1. At the time of the violations, Point Recycling's application to DOS to operate as a transfer station was pending. See id. at 2. Michael testified that he bribed the SPO so as to avoid further violations for Point Recycling's illegal operation while awaiting a permit. See MM Dep. No. 1 at 28-32.[10]

The Commission is authorized to deny the license application of a company that has engaged in illegal dumping in the City of New York. See Admin. Code §§ 16-509(c)(ii), 16-513(a)(ii)(A). Trans Boro's counter to this

[9] At the time of these acts, DOS did not have the ability to fully assess the good character, honesty, and integrity of permit applicants. As stated earlier, see *supra* at fn. 1, DOS now receives assistance from the Commission's staff in making such character assessments.

[10] Both Michael and Anthony testified that Point Recycling accepted materials collected by Trans Boro trucks while Point Recycling's application was pending before DOS. See AM Dep. No. 1 at 77-78; MM Dep. No. 1 at 30-32; MM Dep. No. 2 at 27-28.

point is to characterize the recommendation's reference to "multiple" violations as "hyperbole." Response at 2. First, the facts that relate to only one violation may serve as the basis for a denial. See Admin. Code §§ 16-509(c)(ii), 16-513(a)(ii)(A). Multiple violations are not required. See id. Secondly, the underlying facts leading to the determination of guilt for those violations were addressed in a different forum and are not at issue here. Third, it is ironic that Trans Boro highlights its record of illegal dumping violations when the record shows that the SPO twice alerted Trans Boro to DOS enforcement activity so that it could avoid these types of violations. See KCDA Memo at 3-4. Therefore, without their intervening acts of corruption, Trans Boro would have been subjected to at least two more violations. Under these circumstances, the Commission denies Trans Boro's license application on this independent ground as well.

III. CONCLUSION

The Commission is vested with broad discretion to refuse to issue a license to any applicant that it determines lacks good character, honesty, and integrity. In this case, the Applicant and its principals have demonstrated their lack of fitness for licensure. Based upon these facts, as described above, which the Commission is authorized to consider under Local Law 42, the Commission concludes that Trans Boro lacks good character, honesty, and integrity, and denies its license application.

This license denial decision is effective fourteen days from the date hereof. In order that Trans Boro's customers may make other carting arrangements without an interruption in service, the Applicant is directed (i) to continue servicing its customers for the next fourteen days in accordance with their existing contractual arrangements, unless advised to the contrary by those customers, and (ii) to send a copy of the attached notice to each of its customers by first-class U.S. mail by no later than March 28, 2001. The Applicant shall not service any customers, or otherwise operate as a trade waste removal business in the City of New York, after the expiration of the fourteen-day period.

Dated: March 23, 2001

THE TRADE WASTE COMMISSION

Raymond V. Casey
Chairman and Executive Director

Kevin P. Farrell
Sanitation Commissioner

Jane Hoffman
Consumer Affairs Commissioner

Edward J. Kuriansky
Investigation Commissioner

Deborah R. Weeks
Business Services Commissioner