



The City of New York
BUSINESS INTEGRITY COMMISSION
100 Church Street · 20th Floor
New York · New York 10007

**DECISION OF THE BUSINESS INTEGRITY COMMISSION DENYING THE
REGISTRATION RENEWAL APPLICATION OF NEW YORK
CONSTRUCTION 69 CO., INC., DBA JB GENERAL CONTRACTING, TO
OPERATE AS A TRADE WASTE BUSINESS**

I. Introduction

On May 16, 2017, New York Construction 69 Co., Inc. (“New York Construction” or the “Applicant”), d/b/a JB General Contracting (BIC #4485), applied to the New York City Business Integrity Commission to renew an exemption from the Commission’s licensing requirements and a registration to operate a trade waste business “solely engaged in the removal of waste materials resulting from building demolition, construction, alteration or excavation” (the “2017 Renewal Application”). Local Law 42 of 1996 authorizes the Commission to review and make determinations on such applications. *See* Title 16-A, New York City Administrative Code § 16-505(a).

After a review of a trade waste registration renewal application, if the Commission approves the application, the Commission will issue a renewed registration to the applicant. *See id.* at § 16-505(a)-(b). The Commission’s review focuses on determining whether the applicant possesses business integrity, *i.e.*, good character, honesty and integrity. *See* Title 17, Rules of the City of New York (“RCNY”) § 1-09 (prohibiting numerous types of conduct reflecting lack of business integrity, including violations of law, knowing association with organized crime figures, false or misleading statements to the Commission, and deceptive trade practices); Admin. Code § 16-504(a) (empowering the Commission to issue and establish standards for issuance, suspension, and revocation of licenses and registrations); Admin. Code § 16-509(a) (authorizing the Commission to refuse to issue licenses to applicants lacking “good character, honesty and integrity”).

On January 17, 2018, the Commission’s staff issued and served the Applicant with a Notice of the Grounds to Deny the Registration Renewal Application of New York Construction to Operate as a Trade Waste Business (the “Notice”). The Applicant was given 10 business days to respond, until February 1, 2018. *See* 17 RCNY § 2-08(a). The Applicant did not submit a response to the Notice. The Commission has completed its review of the 2017 Renewal Application, having carefully considered the Notice and the lack of response from the Applicant. Based on the record herein, the Commission denies New York Construction’s application because the Applicant lacks good character, honesty and integrity based on the following four independently sufficient reasons:

- 1. The Applicant knowingly failed to provide information required by the Commission;**

2. **The Applicant failed to timely notify the Commission of its principal's arrest;**
3. **The Applicant has been found liable in civil and administrative actions that bear a direct relationship to its fitness to conduct a trade waste business; and**
4. **The Applicant has failed to pay taxes, fines, penalties, or fees that are related to the Applicant's business for which judgment has been entered by a court or administrative tribunal of competent jurisdiction.**

II. *Statutory Background and 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 a 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 of the business. *Id.* at § 16-501(a).

The Administrative Code provides an illustrative list of relevant factors for the Commission to consider in determining whether to grant 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 also may 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* 16-509(a)(i) (failure to provide truthful information in connection with application as a consideration for denial); *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). 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 when the applicant or its principals have previously had a 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, 681 N.E.2d 356, 659 N.Y.S.2d 189 (1997).

III. *Statement of Facts*

A. *The applications to the Commission.*

On or about November 21, 2012, the Applicant applied to the Commission for an exemption from its licensing requirements and a registration to operate as a trade waste business that removes construction and demolition debris. *See* Application for Exemption From Licensing Requirement for Removal of Construction and Demolition Debris (the "Registration Application"). On or about April 1, 2013, the Commission granted the Registration Application and issued a class 2 registration. *See* registration order issued to New York Construction (the "Registration Order"). The Applicant's registration was effective for two years and expired on March 31, 2015. *See id.*

On or about March 6, 2015, the Applicant filed its first Renewal Application for a License or Registration as a Trade Waste Business. *See* 2015 Renewal Application for License or Registration as a Trade Waste Business (the "2015 Renewal Application"). Although the Commission did not act on the 2015 Renewal Application, the Applicant was authorized to continue to operate under the terms of the Registration Order. On or about May 16, 2017, the Applicant filed its second Renewal Application for a License or Registration as a Trade Waste Business. *See* 2017 Renewal Application. The Registration Application, the 2015 Renewal Application, and the 2017 Renewal Application each disclosed Alfredo Battaglia ("Battaglia") as the "General Partner" and a principal of the Applicant. *See* Registration Application at 13; 2015 Renewal Application at 9; 2017 Renewal Application at 8(a). This denial notice pertains to the 2017 Renewal Application.

B. *The Applicant's Home Improvement Contractor License and Battaglia's Home Improvement Salesperson's License were revoked.*

In 2015, as a result of a consumer complaint, an Administrative Law Judge for the New York City Department of Consumer Affairs ("DCA") revoked the Applicant's Home Improvement Contractor License and Battaglia's Home Improvement Salesperson's License. *See* Decision and Order of ALJ Eryn DeFontes ("DCA Decision and Order"), dated March 23, 2015. This matter stemmed from a contract under which the Applicant was to perform home improvement work at a consumer's residence for a total price of \$377,000. *See id.* at 6. The ALJ found that "(1) the Applicant engaged in deceptive trade practices in its construction on [the complainant's home]; (2) the Applicant received payment from [the complainant] for services which it promised to complete and were never performed; (3) the Applicant materially deviated from the architect's plans and disregarded the plans and specifications outlined in the parties' construction contract; (4) the Applicant failed to perform construction on [the complainant's] home in a skillful workmanlike and competent manner; and (5) the Applicant abandoned the job." *See id.* at 14-16.

Among the factual findings the ALJ made was that the consumer "testified credibly that Battaglia had threatened to put a bullet between her husband's eyes and also threatened

other individuals connected with the . . . job.” *Id.* at 11. The ALJ concluded that the Applicant and Battaglia “lack the honesty, integrity and fair dealing required of licensees. [The Applicant and Battaglia] placed honesty, integrity and fair dealing second to their desire for personal gain and abused the privilege of being DCA license holders.” *Id.* at 14. Thus, the Applicant and Battaglia “are unfit to hold any Department of Consumer Affairs licenses in the future.” *Id.*

The ALJ ordered the Applicant to pay a fine of \$20,700 and Battaglia to pay a fine of \$8,000, and both the Applicant and Battaglia were ordered to pay \$343,081.44 in restitution to the consumer. *See id.* at 14-16. This ruling was upheld on appeal. *See* Appeal Determination, dated July 8, 2015 (only the Applicant appealed; Battaglia did not); Short Form Order, *J.B. Custom Masonry & Concrete Inc. v. Sutera*, 19925/2011, dated August 17, 2015. The New York State Supreme Court, Queens County, also awarded statutory interest totaling \$2,114.89 together with costs and disbursements in the amount of \$1,118.00, to bring the total amount of the judgment to \$346,314.33. *See* Clerk’s Judgment, *J.B. Custom Masonry & Concrete Inc. v. Sutera*, 19925/2011, dated September 11, 2015.

C. Failure to timely notify the Commission of Battaglia’s arrest.

On or about January 6, 2016, Battaglia was arrested and charged in the Criminal Court of the City of New York, Queens County, with two counts of criminal possession of a firearm, in violation of PL § 265.01-b (a class E felony). *See* Complaint, *People of the State of New York v. Alfredo Battaglia*. According to the Complaint, police officers recovered a .32 caliber handgun containing seven rounds of ammunition and a .380 caliber handgun containing six rounds of ammunition from a drawer in the garage of Battaglia’s home. *See id.* The Applicant failed to notify the Commission of Battaglia’s arrest within 10 business days. *See* 17 RCNY § 2-05(b)(iii). In fact, the Applicant’s attorney first notified the Commission of Battaglia’s arrest more than three months later. *See* letter from Todd D. Greenberg to the Commission, dated April 27, 2016. As of the date of this notice, the criminal case remains pending.

D. Sworn Testimony of Alfredo Battaglia

On January 4, 2017, the Commission’s staff interviewed Battaglia under oath. *See* transcript of sworn interview of Alfredo Battaglia (“Battaglia Tr.”). During the interview, Battaglia refused to answer 14 different questions, asserting his Fifth Amendment privilege against self-incrimination. Those questions included:

- Did you ever bring these weapons into the workplace of New York Construction 69;
- Were these weapons that you used while taking part in New York Construction 69 business;
- Have you ever pointed a firearm at anyone; and

- Have you ever threatened anyone with a firearm?

See Battaglia Tr. at 61-69. Battaglia was advised that failing to answer the Commission's inquiries or failing to provide the Commission with required information could lead the Commission take a negative inference against the Applicant. *Id.* at 68. Battaglia's attorney responded, "Hold on for one second. He's taking the Fifth Amendment under instruction of counsel so that's it. That's it." *Id.* at 68-69.

When Battaglia was asked if he was aware "that [his] arrest was not disclosed to the Business Integrity Commission in a timely manner," Battaglia's attorney instructed him not to answer. The attorney then stated that "[Battaglia] left it on me to do it and I put the reason why it wasn't done in the letter of June 1st in there. . . . And the answer is he did not - - he relied on counsel." *See id.* at 67-68.

Eventually, Battaglia admitted that the Applicant violated the Commission's rules by failing to timely notify the Commission of the criminal charges:¹

Q.: So Mr. Battaglia, you are aware the arrest was not disclosed to BIC, the Business Integrity Commission, in a timely manner?

A.: I am now. At the time I told my attorney and - - because I was aware of it. I told him. I don't know what happened after that.

See id. at 68.

E. The Applicant and Battaglia were found liable in a class action lawsuit.

On September 1, 2009, a class action lawsuit was filed against the Applicant, Battaglia and others alleging violations of the Fair Labor Standards Act ("FLSA") and New York Labor Law. *See Artica, et al. v. J.B. Custom Masonry & Concrete, Inc.*, Class and Collective Action Complaint, No. 09 Civ. 3796 (E.D.N.Y.) (RER). Specifically, the plaintiffs alleged that they were entitled to (i) unpaid wages for work they performed for which they received no compensation; (ii) unpaid wages for overtime work for which they did not receive overtime premium pay, as required by law; and (iii) liquidated damages, costs and attorney's fees. *Id.* On December 30, 2009, the plaintiffs filed an Amended Complaint adding causes of action for retaliation and assault and battery. *See Artica*, Amended Complaint, dated December 30, 2009 (the "Amended Complaint").

In the Amended Complaint, one employee (Ernesto Galeano) who worked for the defendants from 2004 through approximately August 15, 2009, alleged that after he quit

¹ In failing to timely notify the Commission of Battaglia's arrest, the Applicant also violated the terms of its Registration Order. Among other things, when the Registration Order was signed, the Applicant agreed that it would "timely notify the Commission of any material changes in the information set forth in its Application or any other submitted materials." *See* Registration Order.

his job, he went to Battaglia's office to collect his final paycheck. *See* Amended Complaint at 16. Battaglia allegedly told him to "get the f*** out of here." *See id.* Battaglia had allegedly previously told Galeano and others that his guard dog was trained to attack Hispanics. *See id.* at 16. Battaglia released the dog and instructed it to attack Galeano. The dog bit Galeano's arm, stomach and leg. *See id.* While Galeano tried to fend off the dog, Battaglia and his cousin, Salvatore Mannino, who was also an employee, kicked Galeano in the face and beat him. *See id.* During the attack, Galeano was thrown against a glass room divider, which shattered, and Galeano fell down. *See id.* After Galeano fell down, Battaglia and his cousin continued to kick him. *See id.* at 15-16. Both Battaglia and Mannino were arrested. *See* Mannino Response to Plaintiff's Opposition to Motion to Vacate a Final Judgment at 3. Ultimately, the criminal charges against Battaglia were dropped.

After a jury trial on the class action lawsuit, the parties entered into a settlement agreement. *See Artica*, Settlement Agreement and Release, filed August 26, 2013. Under the settlement agreement, the defendants agreed to pay the plaintiffs a total sum of \$1,800,000. *See id.* This amount included \$175,000 in non-wage damages to Galeano for physical injury. *Id.*

F. *The Applicant owes money to the New York State Department of Labor, and as a result of the DCA revocation proceeding, money to DCA and to the DCA complainant.*

The Applicant owes \$41,984 in New York State Department of Labor Judgments. *See* New York Judgment and Docket and Lien Records, Filing Numbers 1727967, 1730571, 1793287, and 2156803. In addition, as of the date of this Decision, the Applicant and Battaglia still owe \$346,314.23 in restitution, interest, costs, and disbursements, and \$28,700 in fines that were ordered to be paid by DCA.

On October 3, 2017, the Commission sent a letter directing the Applicant to provide proof that all of the above-noted judgments have been resolved. *See* letter from the Commission to the Applicant, dated October 3, 2017. The letter warned that the failure to provide information and/or documentation to the Commission is an adequate ground on which to deny an application. *See id.* Despite this warning, the Applicant ignored the Commission's letter. On November 6, 2017, the Commission sent the Applicant a second letter seeking the same information and including the same warning. *See* letter from the Commission to the Applicant, dated November 6, 2017. To date, the Applicant has not responded to either of the Commission's demand letters.

IV. *Basis for Denial*

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

The Commission is authorized "[t]o investigate any matter within the jurisdiction conferred by [Local Law 42] and [has] full power to compel the attendance, examine and take testimony under oath of such persons as it may deem necessary in relation to such

investigation, and to require the production of books, accounts, papers and other evidence relevant to such investigation.” See Admin. Code § 16-504(c). The Commission may refuse to issue a registration to an applicant who has knowingly failed to provide information or documentation required by the Commission, and may deny an application where the applicant fails to provide the necessary information, or knowingly provides false information. See Admin. Code § 16-509(b); see also *Attonito v. Maldonado*, 3 AD3d 415 (1st Dept. 2004), lv. denied 2 NY3d 705 (2004).

Pursuant to this authority, the Commission conducted a background investigation of the Applicant. As part of the investigation, the Commission required the Applicant to produce documents, and Battaglia to submit to a sworn interview, regarding various subjects, including the circumstances of Battaglia’s arrest and the judgments entered against the Applicant and Battaglia. As noted above, during his sworn interview, Battaglia repeatedly refused to answer questions about the circumstances of his arrest, asserting his Fifth Amendment privilege against self-incrimination. See Battaglia Tr. at 61-69. The staff member conducting the interview specifically warned Battaglia that failing to answer the Commission’s inquiries or failing to provide the Commission with required information could lead the Commission take a negative inference against the Applicant. See *id.* at 68.

In addition, on October 3, 2017, and November 6, 2017, the Commission provided the Applicant with opportunities to produce information regarding judgments filed against Battaglia and the Applicant. Despite these repeated requests, the Applicant failed to comply and obstructed the Commission’s investigation.

By failing to answer questions under oath and by failing to respond to the Commission’s repeated information requests, the Applicant has “knowingly failed to provide the information” required by the Commission and has demonstrated that it lacks good character, honesty and integrity. The Applicant did not dispute this point. Therefore, the Commission denies the 2017 Renewal Application on this independently sufficient ground.

2. *The Applicant failed to timely notify the Commission of its principal’s arrest.*

An applicant for a registration has a duty to notify the Commission within 10 business days of an arrest of a principal subsequent to the submission of the application. See 17 RCNY § 2-05(b)(ii). Battaglia was arrested and charged on January 6, 2016, with two counts of criminal possession of a firearm, a class E felony. The Applicant failed to timely notify the Commission of this arrest. The failure of the Applicant to perform its legal obligations demonstrates that it lacks good character, honesty and integrity. The Applicant did not dispute this point. Therefore, the Commission’s denies the 2017 Renewal Application on this independently sufficient ground.

3. *The Applicant has been found liable in civil and administrative actions that bear a direct relationship to its fitness to conduct a trade waste business.*

The Commission may refuse to issue a registration to an applicant “after 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.” *See* Admin. Code § 16-509(a)(iv). The Applicant and its principal have been found liable in two such actions.

First, based on a customer complaint, a DCA ALJ found that the Applicant and Battaglia violated DCA’s rules in numerous respects and revoked their respective home improvement licenses. *See* DCA Decision and Order. The ALJ ruled that “[the Applicant and Battaglia] placed honesty, integrity and fair dealing second to their desire for personal gain” *Id.* at 14. DCA also determined that the Applicant and Battaglia “are unfit to hold any Department of Consumer Affairs licenses in the future.” *Id.* This finding bears a direct relationship to the Applicant’s ability to conduct a trade waste business in New York City because it regarded the mistreatment of a customer. In enacting Local Law 42, the City Council specifically found that organized crime’s corrupting influence resulted in the carting industry’s abuse of trade waste customers, including physical violence, threats of violence, and property damage. While not known to be associated with organized crime, Battaglia’s actions amounted to the same sort of abuse of the Applicant’s customers.

Second, Battaglia was found liable after a jury trial in a civil lawsuit for failing to pay prevailing wages and for assault and battery against an employee, which caused the employee serious injuries. *See* Special Verdict Sheet, *Artica*. Battaglia personally participated in the assault and instructed his dog to attack the victim. Such violence has no place in the trade waste industry.

Both actions bear directly on the fitness of the Applicant and its principal to conduct a trade waste business, demonstrating that they lack the requisite good character, honesty and integrity. The Applicant did not dispute this point. Thus, the Commission denies the 2017 Renewal Application pursuant to Administrative Code § 15-509(a)(iv).

4. *The Applicant has failed to pay taxes, fines, penalties, or fees that are related to the Applicant’s business for which judgment has been entered by a court or administrative tribunal of competent jurisdiction.*

The Commission may refuse to issue a license to an applicant “upon the failure of the applicant to pay any tax, fine, penalty, fee related to the applicant’s business . . . for which judgment has been entered by a[n] . . . administrative tribunal of competent jurisdiction” *See* Admin. Code § 16-509(a)(x). As of the date of this Decision, the Applicant has failed to pay the penalties, restitution, interest, costs, and disbursements ordered in connection with DCA’s revocation of the Applicant’s and Battaglia’s home improvement licenses, which total \$375,014. *See* Clerk’s Judgment in Favor of the Defendant against the Plaintiff, *J.B. Custom Masonry & Concrete Inc. v. Sutera*, 19925/2011, dated September 11, 2015. The Applicant has also failed to resolve judgments

filed by the New York State Department of Labor. The Applicant still owes \$41,984 in New York State Department of Labor Judgments. *See* New York Judgment and Docket and Lien Records, Filing Numbers 1727967, 1730571, 1793287, and 2156803.

On multiple occasions, the Commission's staff reminded the Applicant about the existence of these fines and judgments and warned the Applicant that failure to resolve them could result in the denial of the 2017 Renewal Application. Despite these warnings, the judgments and fines remain unsatisfied. The failure of the Applicant to resolve those debts demonstrates that the Applicant lacks good character, honesty and integrity. The Applicant did not dispute this point. Therefore, the Commission denies the 2017 Renewal Application on this basis.

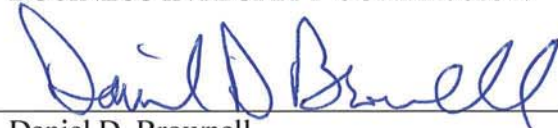
V. Conclusion

The Commission is vested with broad discretion to issue a license or registration to any applicant who it determines to be lacking in good character, honesty and integrity. The record as detailed above demonstrates that the Applicant lacks those qualities. Accordingly, based on the four independently sufficient reasons set forth above, the Commission denies New York Construction 69 Co., Inc., d/b/a JB General Contracting's registration renewal application.

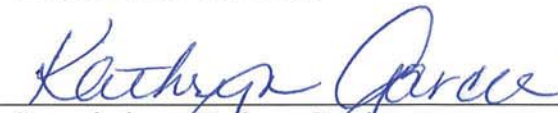
The denial is effective 14 days from the date of this denial decision. So that the Applicant's customers can make arrangements to have their trade waste collected without an interruption in service, the Applicant is directed to continue servicing its customers for the next 14 days in accordance with existing contractual arrangements, unless advised not to do so by particular customers. The Applicant may not accept new customers during this period. After the expiration of the 14-day period, the Applicant shall no longer service any customer or otherwise operate as a trade waste removal business in the City of New York.

Dated: February 20, 2018


THE NEW YORK CITY
BUSINESS INTEGRITY COMMISSION



Daniel D. Brownell
Commissioner and Chair



Commissioner Kathryn Garcia
Department of Sanitation



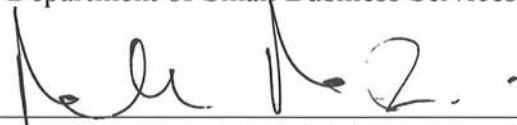
Assistant General Counsel Christopher Tellet
(Designee)
Department of Investigation



Commissioner Lorelei Salas
Department of Consumer Affairs



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



Deputy Inspector Dominick C. D'Orazio
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