

### In Re Commission Meeting NYC - Business Integrity Commission March 14, 2023

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      APPEARANCES:
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      Elizabeth Crotty
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      Jocelyn Strauber
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      Vilda Vera Meyuga
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      Robert Orlin
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      Leemor Rozen
      Kevin Kim
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      Matthew Hyland
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1 2 3 COMMISSIONER FELDMAN: Good morning. We are on the record. Today 4 5 is Tuesday, March 14, 2023. The time is 11:02 a.m. 6 7 Welcome to today's meeting of 8 the New York City Business Integrity Commission. 9 We are conducting this meeting 10 via Microsoft Teams. This is a public 11 12 meeting, which was duly noticed for today's date at 11 o'clock a.m., along 13 with the Microsoft Teams information 14 15 and dial-in information for the 16 meeting. 17 This meeting is being recorded 18 and the recording and meeting minutes 19 will be posted on BIC's website in a 20 timely manner following the conclusion 21 of this meeting. 22 I am David Feldman, Deputy 23 Commissioner of Legal Affairs and general counsel for the Commission. 24 I 25 am joined by the following Commission

members:

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3 Elizabeth Crotty, Commissioner and Chair of the Business Integrity 4 5 Commission. Department of Investigation Commissioner Jocelyn 6 7 Strauber. Department of Consumer and 8 Worker Protection, Deputy Chief of 9 Staff Griselle Baret, representing 10 DCWP, Commissioner Vilda Vera Meyuga. Department of Sanitation, Deputy 11 12 Commissioner Robert Orlin. 13 Representing DSNY Commissioner, Jessica Tish, Department of Small 14 15 Business Services, Deputy General 16 Counsel Leemor Rozen. Representing 17 SBS Commissioner Kevin Kim. And the 18 Inspector Matthew Hyland of the New 19 York City Police Department 20 representing Police Commissioner 21 Keechant Sewell. Thank you for being 2.2 here today. 23 Today the Commission will 24 consider three matters. The first 25 matter is a resolution to hold

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1 2 meetings by remote means during a 3 local state of emergency proclaimed by 4 the mayor. 5 The second matter is a proposed rule concerning petitions for 6 7 rulemaking. 8 The third matter is a set of 9 proposed rules concerning adjudicating trade waste violations in the Hearings 10 Division of the Office of 11 12 Administrative Trials and Hearings, or 13 OATH. The resolution that the 14 15 Commission will consider states that 16 it is a resolution of the New York 17 City Business Integrity Commission to 18 hold entirely remote meetings during a state disaster emergency declared by 19 20 the governor or a local state of 21 emergency proclaimed by the mayor in 2.2 accordance with the requirements 23 established by the State of New York 24 in Section 2 of Part WW of Chapter 56 of the Laws of 2022. The resolution 25

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1 2 goes on to state as follows: 3 WHEREAS, Chapter 56 of the Laws of 2022, amended Section 103 of the 4 5 New York Open Meetings Law, or OML, by adding a new Section 103-a that 6 7 includes provisions regarding public bodies such as the New York City 8 9 Business Integrity Commission holding 10 remote meetings; and WHEREAS, Paragraph 3 of section 11 12 2 of Part WW of Chapter 56, codified at OML Section 103-a(3), empowers the 13 14 Commission to meet entirely remotely, and without regard to the OML 15 16 in-person meeting requirement, if 17 during a state disaster emergency 18 declared by the Governor or a local 19 state of emergency proclaimed by the 20 Mayor, the Commission determines that 21 the circumstances necessitating the 2.2 emergency declaration affect or impair 23 its ability to hold in-person 24 meetings; and 25 WHEREAS, a local state of

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2	emergency has been proclaimed by New
3	York City Mayor Adams pursuant to
4	section 24 of the Executive Law, first
5	declared in Emergency Executive Order
б	98, dated March 12, 2020, and extended
7	most recently by Emergency Executive
8	Order No. 339, dated February 19,
9	2023, to address the threat and impact
10	of COVID-19 in the City of New York;
11	and
12	WHEREAS, Executive Order No. 339
13	states that the Order was "given
14	because of the propensity of the virus
15	to spread person-to-person," among
16	other reasons; and
17	WHEREAS, the New York City
18	Business Integrity Commission hereby
19	determines, in accordance with OML
20	Section 103-a(3), that the
21	circumstances necessitating the
22	emergency declaration would affect or
23	impair the ability of the Commission
24	to hold in-person meetings;
25	It is hereby resolved that the

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2	New York City Business Integrity
3	Commission, consistent with the
4	authority granted in Section 103-a of
5	the OML, determines that the
б	circumstance necessitating the
7	emergency declaration by the mayor
8	would affect or impair the ability of
9	the Commission to hold in-person
10	meetings and therefore Commission
11	meetings shall continue to be held by
12	remote means and the in-person
13	participation requirement of the OML
14	shall not apply.
15	Do any of the Commissioners or
16	designees have any questions or
17	comments regarding the proposed
18	resolution?
19	(No response.)
20	The Commission will now vote as
21	to whether to adopt this
22	resolution. If the Commission
23	votes yes, the resolution will be
24	adopted. If the Commission votes
25	no, the resolution will not be

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1 2 adopted. Is there a motion from the 3 Commissioners to adopt the 4 resolution? 5 COMMISSIONER STRAUBER: Move to 6 7 adopt. 8 COMMISSIONER FELDMAN: Thank 9 you, Commissioner Strauber. Is there a second? 10 11 COMMISSIONER ORLIN: Second. 12 COMMISSIONER FELDMAN: Thank 13 you. Was that Inspector Hyland? COMMISSIONER ORLIN: No. 14 That 15 was Bob Orlin. 16 COMMISSIONER FELDMAN: Thank 17 you, deputy Commissioner Orlin. I will be calling on each 18 19 Commissioner and designees to collect 20 votes. 21 Commissioner Crotty? 22 COMMISSIONER CROTTY: Yes. 23 COMMISSIONER FELDMAN: 24 Commissioner Strauber? 25 COMMISSIONER STRAUBER: Yes.

1 2 COMMISSIONER FELDMAN: Deputy Chief of Staff Baret? 3 COMMISSIONER BARET: Yes. 4 COMMISSIONER FELDMAN: Deputy 5 Commissioner Orlin? 6 7 COMMISSIONER ORLIN: Yes. 8 COMMISSIONER FELDMAN: Deputy General Counsel Rozen? 9 ATTORNEY ROZEN: Yes. 10 11 COMMISSIONER FELDMAN: Inspector 12 Hyland? INSPECTOR HYLAND: Yes. 13 COMMISSIONER FELDMAN: Let the 14 15 record reflect that the vote is 16 unanimous. 17 The resolution will note each Commissioner and designee's vote 18 19 today. The Commission will now consider 20 21 the first proposed rule. The proposed 2.2 rule is to implement Section 1043G of 23 the New York City Charter, which 24 permits any person to petition a City 25 Agency to consider the adoption of any

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2	rule and also requires each agency to
3	have rules creating a procedure for
4	such petitions. The proposed rule
5	sets forth procedures that petitioners
б	must follow in petitioning the
7	Commission to consider a new rule.
8	The proposed rule also sets
9	forth the procedure the Commission
10	must follow in considering and
11	responding to petitions.
12	On February 22, 2023, the
13	Commission held a public hearing on
14	the proposed rule. The Commission did
15	not receive any comments on the rule.
16	Do any of the Commissioners have
17	any questions or comments regarding
18	the proposed rule?
19	COMMISSIONER CROTTY: No.
20	COMMISSIONER FELDMAN: The
21	Commission will now vote as to whether
22	to adopt the proposed rule. A vote of
23	yes is a vote to adopt the rule. A
24	vote of no is a vote not to adopt the
25	rule. If the Commission votes yes to

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1 adopt the rule, the final rule will be 2 published and will go into effect 30 3 days after publication. 4 Is there a motion from the 5 Commissioners adopt the proposed rule? 6 7 COMMISSIONER STRAUBER: Move to 8 adopt. COMMISSIONER FELDMAN: 9 Thank you, Commissioner Strauber. 10 11 Is there a second? 12 INSPECTOR HYLAND: Matt Hyland, 13 second. COMMISSIONER FELDMAN: 14 Thank 15 you, Deputy Commissioner Orlin (sic). 16 I will be calling on each 17 Commissioner and designees to collect 18 votes. 19 Commissioner Crotty? 20 COMMISSIONER CROTTY: Yes. 21 COMMISSIONER FELDMAN: Commissioner Strauber? 22 23 COMMISSIONER STRAUBER: Yes. COMMISSIONER FELDMAN: Deputy 24 25 Chief of Staff Baret?

1 2 COMMISSIONER BARET: Yes. 3 COMMISSIONER FELDMAN: Deputy Commissioner Orlin? 4 COMMISSIONER ORLIN: 5 Yes. COMMISSIONER FELDMAN: Deputy 6 General Counsel Rozen? 7 8 ATTORNEY ROZEN: Yes. 9 COMMISSIONER FELDMAN: Inspector Hyland? 10 11 INSPECTOR HYLAND: Yes. 12 COMMISSIONER FELDMAN: Let the record reflect that the vote is 13 unanimous. 14 15 The next set of proposed rules 16 and amendments would enable the 17 Business Integrity Commission to adjudicate trade waste violations in 18 19 OATH's Hearing's Division. These 20 proposed rules also add a trade waste 21 penalty schedule to Title 17 of the 2.2 Rules of the City New York specifying 23 penalties for violations of BIC's 24 trade waste rules and related laws. 25 Finally, the rule amendments

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2	also include the addition of new
3	definitions and make conforming
4	changes to other sections of BIC's
5	rules to ensure consistency and
6	clarity.
7	On February 22, 2023, the
8	Commission held a public hearing on
9	these proposed rules. The commission
10	did not receive any comments on the
11	rules.
12	Do any of the Commissioners or
13	designees have any questions or
14	comments regarding the proposed rules
15	or amendments?
16	COMMISSIONER CROTTY: No.
17	COMMISSIONER FELDMAN: Okay.
18	The Commission will now vote as to
19	whether to adopt the proposed rules.
20	A vote of yes is a vote to adopt
21	the rules and amendments. A vote of
22	no is a vote not to adopt the rules
23	and amendments.
24	If the Commission votes yes to
25	adopt the rules and amendments, the

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2	final rules will be published and will
3	go into effect 30 days after
4	publication.
5	Is there a motion from the
6	Commissioners to adopt the proposed
7	rules and amendments?
8	COMMISSIONER STRAUBER: Move to
9	adopt.
10	COMMISSIONER FELDMAN: Thank
11	you, Commissioner Strauber.
12	Is there a second?
13	COMMISSIONER ORLIN: Second.
14	COMMISSIONER FELDMAN: Thank you
15	Deputy Commissioner Orlin.
16	I will be calling on each
17	Commissioner and designees to collect
18	votes.
19	Commissioner Crotty?
20	COMMISSIONER CROTTY: Yes.
21	COMMISSIONER FELDMAN:
22	Commissioner Strauber?
23	COMMISSIONER STRAUBER: Yes.
24	COMMISSIONER FELDMAN: Deputy
25	Chief of Staff Baret?

1 2 COMMISSIONER BARET: Yes. 3 COMMISSIONER FELDMAN: Deputy Commissioner Orlin? 4 COMMISSIONER ORLIN: 5 Yes. COMMISSIONER FELDMAN: Deputy 6 General Counsel Rozen? 7 8 ATTORNEY ROZEN: Yes. 9 COMMISSIONER FELDMAN: Inspector Hyland? 10 11 INSPECTOR HYLAND: Yes. 12 COMMISSIONER FELDMAN: Let the record reflect that the vote is 13 unanimous. 14 15 That concludes the matters 16 before the Commission. 17 Thank you to the Commission members for their participation and to 18 19 the members of the Commission staff for their hard work on these matters. 20 21 Thank you also to any members of 22 the public who attended this meeting 23 today. 24 We are off the record at 25 11:12 a.m.

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2	CERTIFICATE
3	STATE OF NEW YORK )
4	) ss: COUNTY OF SUFFOLK )
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6	I, STEPHANIE O'KEEFFE, a Reporter and
7	Notary Public within and for the State of New
8	York, do hereby certify that the within is a true
9	and accurate transcript of the proceedings taken
10	on March 14, 2023.
11	I further certify that I am not related
12	to any of the parties to this action by blood or
13	marriage, and that I am in no way interested in
14	the outcome of this matter.
15	IN WITNESS WHEREOF, I have hereunto set
16	my hand this 14th day of March, 2023.
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19	<u>Atiphonie</u> Okaffe Stephanie O'Keeffe
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