The City of New York
BUSINESS INTEGRITY COMMISSION
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Daniel D. Brownell
Commissioner and Chair

DECISION OF THE BUSINESS INTEGRITY COMMISSION DENYING THE APPLICATION OF JUMP RECYCLE, INC. (#4659) TO OPERATE AS A TRADE WASTE BUSINESS

Introduction

Jump Recycle, Inc. (BIC #4659) ("Jump" or the "Applicant") has applied to the New York City Business Integrity Commission ("Commission"), formerly known as the New York City Trade Waste Commission, for a license to operate a trade waste business. See Title 16-A of the New York City Administrative Code ("Admin. Code"), §16-505(a).

On January 21, 2015, the Commission staff issued and served the Applicant[1] with Notice of the Grounds to Recommend the Denial of the Application of Jump Recycle, Inc. to Operate as a Trade Waste Business (the "Notice")[2]. The Applicant was given ten business days to respond. See 17 Rules of the City of New York §2-08(a). The Applicant did not submit any response before the statutory deadline. Based on the record as to the Applicant, the Commission now denies Jump Recycle, Inc.'s license application because the Applicant lacks good character, honesty and integrity based on the following independently sufficient reasons:

A. The Applicant provided false and misleading information under oath in connection with the Application;

B. Edwin Perez, a principal of the Applicant, is also principal of another trade waste company, J.M.P. Recycle, which pled guilty to felony Grand Larceny, a crime directly related to the trade waste industry; and

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

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[1] The "Applicant" shall herein refer to Jump Recycle, Inc. and its principal(s).

[2] The Notice was also served on the Applicant's attorney.

Background and Statutory Framework

Every commercial business establishment in New York City must contract with a private carting company to remove and dispose of the waste it generates. 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. International Brotherhood of Teamsters (Adelstein), 998 F.2d 120 (2d Cir. 1993); People v. Ass'n of Trade Waste Removers of Greater New York Inc. et al., Indictment No. 5614/95 (Sup. Ct. N.Y. Cty.); United States v. Mario Gigante et al., No. 96 Cr. 466 (S.D.N.Y.); People v. GNYTW, 701 N.Y.S.2d 12 (1st Dep't 1999). The construction and demolition debris removal sector of the City's carting industry 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, et al., No. 94 Cr. 380 (S.D.N.Y.); United States v. Barbieri, et al., No. 94 Cr. 518 (S.D.N.Y.); United States v. Caccio, et al., Nos. 94 Cr. 357,358, 359, 367.

The Commission is charged with, *inter alia*, combating the pervasive 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. NY Admin. Code §16-505(a). It is this licensing scheme that continues to be the primary means of ensuring that an industry historically plagued with 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," commonly known as construction and demolition debris, or "C & D" removal, must apply to the Commission for an exemption from the licensing requirement. Id. If, upon review and investigation of an exemption application, the Commission grants the applicant an exemption from the licensing requirement, it issues the applicant a Class 2 registration. Id. Before issuing such registration, the Commission must evaluate the "good character, honesty and integrity of the applicant." Id. at §16-508(b). The New York City Administrative Code provides an illustrative list of relevant factors for the Commission to consider in making a licensing or registration decision:

> 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 §509(a)(i)-(x). Additionally, the Commission 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 §509(b). The Commission may refuse to issue a license or registration to an applicant when such applicant was previously issued a license which was revoked or not renewed, or where the applicant "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 §509(c). Finally, the Commission may refuse to issue a license or registration to any applicant where the applicant or its principals have previously had their license or registration revoked. Id. at §509(d).

An applicant for a private carting license (including construction and demolition) 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 Industry, Inc., 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). NY Admin. Code § 16-116.

Statement of Facts

On September 24, 2013, Jump applied to the Commission for a license to operate as a trade waste business. See License Application ("Application")[3]. The Application disclosed Jacqueline Conde ("Conde") as the sole principal. See Application at p. 20. The Application did not list any other principals, employees, motor vehicle operators, or vehicles.

Conde informed the Commission that she intended that the Applicant would haul used vegetable cooking oil. However, as she admitted during her January 7, 2014 sworn interview ("Interview") with the Commission, she has no experience or background in the trade waste industry, and particularly in grease hauling:

> Commission: "Do you have any experience in the trade waste industry whatsoever?"
> Conde: "No, I do not."
> Commission: "Do you have any specialized training in the trade waste industry?"
> Conde: "No, I do not."
> Commission: "Do you hold any other permits, professional licenses or certifications in the trade waste industry?"
> Conde: "No, I do not."

[3] The "Application" shall be used herein to include the Disclosure Form for Principal of a Trade Waste Business submitted and certified by Ms. Conde, together with the Application for a Trade Waste Removal License.

Conde Int. Tr. p. 25. When further asked what she knew about running a cooking oil recycling business, she stated that "it is a learning process for me" (see Conde Int. Tr. p. 33), she admitted not knowing how to clean grease traps, and actually stated she'd never seen a grease trap before (see Conde Int. Tr. pp. 36-37). Conde's professional background consists primarily of operating and running daycare centers. She currently owns and runs two child care centers. Conde stated that her jobs running her daycare centers occupy approximately 30 hours or more a week (see Conde Int. Tr. p. 23), which leaves limited time to run a new business as the sole principal. When asked why she wanted to get into the trade waste removal industry despite having absolutely no background or experience in it, Conde gave a rather convoluted response:

> "I have a very big interest in recycling and a clean environment, and that's my primary reason for having an interest in this business, is I want to recycle used vegetable oil and I'm looking into getting this out into bio-diesel, companies that specialize with that and my primary reason is to better the environment. . . What I'm doing is for people. . . I'm a humanitarian, so what I'm looking to do here is to service more than communities, I'm looking to service New York, I'm looking to service the state, I'm looking to service the world at one point. I have a long-term plan."

Conde Int. Tr. pp. 26-27, 28.

Conde appeared at the Commission for her Interview on January 7, 2014. Before the commencement of the Interview, she was asked to complete and sign a sworn pre-deposition questionnaire. On that questionnaire, she was asked to identify whether any member of her family, including relatives by marriage, work in or have any connection to the waste hauling or waste disposal business. Conde responded in the negative. (Conde Int. Tr. Exh. 2, Question 22). During the sworn interview, Conde was asked further about such response on the questionnaire:

> Commission: "You understand the question? Meaning do you have any friends or any family members whatsoever who are in basically the trade waste removal business?"
> Conde: "Trade waste removal?"
> Commission: "Yeah."
> Conde: "Not that I'm aware of, no."
> Commission: "Waste hauling of any kind? No?"
> Conde: "No."
> Commission: "Anybody you knew who was involved in the grease recycling business at all?"
> Conde: "Not that I'm aware of, no."

Conde Int. Tr. p. 32.

Conde's sworn testimony is patently untrue. Conde's husband, Edwin "Eddie" Perez is the owner and operator of a company called J.M.P. Recycle Inc. ("JMP"). Upon information and belief, JMP is a company which collects and transports used cooking grease from commercial

establishments, i.e., trade waste. JMP, a company whose name bears an obvious resemblance to the name of the Applicant, is located at Conde and her husband's home address: 42 Nassau Parkway, Oceanside, NY 11572. Numerous vehicles have been registered to J.M.P. Recycle, Inc. at Conde's residence address over the years. Most remarkably, though Eddie Perez was not disclosed as a principal or employee in the Application, he filed the incorporation papers of the Applicant, Jump Recycle, Inc., and his name is on the certificate of incorporation. Moreover, when a Commission investigator made a site visit to the storefront disclosed in the Application as Jump's business address, he observed a sign in the window reading "J.M.P. Recycle" with the Applicant's business phone number, and photographed the same.

After testifying falsely that nobody in her family was involved in trade waste removal, the Commission staff confronted Conde regarding her husband's trade waste company. Even still, Conde continued to deny the existence of her husband's grease removal company:

> Commission: "Is it true that your husband has experience in grease hauling?"
> Conde: "In grease?"
> Commission: "Yeah."
> Conde: "He doesn't have any experience."
> Commission: "At all?"
> Conde: "No."
> Commission: "Your husband has never been affiliated with any kind of entity that was involved in recycling?"
> Conde: "Well, he was affiliated with something with grease, but it's not a big business or anything like that."

Conde Int. Tr. p. 46.

The Commission provided one more opportunity for Conde to admit her false statements under oath, and tried asking the question a third time:

> Commission: "I'm asking you, at any point, again, did your husband, Edwin Perez, have any interest or employment or otherwise with respect to the trade waste removal industry?"
> Conde: "Yes, but that's not something I can answer for you, I don't have any answers for you on that."
> Commission: "Why don't you have any answers for me?"
> Conde: "Because that has nothing to do with me."
> Commission: "The answer is yes, the answer is then yes is what you just said, he does or did have an interest?"
> Conde: "Right, but I can't answer those questions."

Conde Int. Tr. pp. 49-50.

Conde's reluctance to acknowledge the fact that her husband is or was involved in the trade waste industry is likely related to the fact that Eddie Perez has a criminal history, and has

pled guilty to a felony directly related to the trade waste industry. On March 29, 2003, Perez pled guilty to attempted falsifying business records in the second degree (Penal Law § 110/175.05, B misdemeanor), and attempted criminal impersonation in the second degree (Penal Law § 110/190.25, B misdemeanor)[4]. This was not Perez's only criminal involvement. In fact, only four days after Conde's Interview, her husband's company, J.M.P. Recycle, Inc., pled guilty to one count of Grand Larceny in the Fourth Degree, a class E felony, in Nassau County Court. The guilty plea stemmed from arrests of two JMP employees observed stealing grease, made on November 30, 2012. Eddie Perez was ordered to pay Environmental Services Inc. restitution in the amount of $10,000 for the crime.

When finally confronted at her sworn interview about her husband's company and about her false statements, Conde stopped the deposition entirely stating she wanted to consult her attorney (Conde Int. Tr. pps. 52, 58). Based on her request, the Commission staff agreed to adjourn the Interview, clearly expressing to Conde that the Commission intended to reconvene the Interview at a time to be determined. Thereafter, Conde did obtain counsel – the same attorney that had represented Eddie Perez and his company, J.M.P. Recycle, in the criminal matter in Nassau County.

Three weeks after she adjourned her Interview, on January 31, 2014, the Commission received a notarized written request from Conde to withdraw the Application. Between the dates of April 28, 2014 and June 17, 2014, Commission staff spoke to the Applicant's counsel at least five times to try and schedule the continuation of Conde's sworn testimony. On June 17, 2014, the Applicant's counsel sent the Commission a letter stating that Conde did not intend to continue her interview, refusing to provide the information the Commission deemed necessary, and would not be appearing at all to resume her testimony. The letter stated that she had already expressed her desire to have her Application withdrawn, and believed that was all that was necessary.

The Commission determined that granting the Applicant's withdrawal request would be inimical to the goals of Local Law 42, and thus the Commission sent the Applicant and its counsel a letter informing them that the withdrawal request had been denied, dated October 14, 2014. The letter also noticed Conde to resume her interview on October 28, 2014. Once again, the Commission cautioned Conde that failure to appear to resume her interview was an adequate ground upon which to deny the Application. See October 14, 2014 letter from Daniel D. Brownell to Jacqueline Conde.

On October 20, 2014, Applicant's counsel sent the Commission a letter informing the Commission that Conde refused to appear on October 28, 2014, and had no intention

[4] Perez had opened up a charge account at a Staples Store, indicating that he was the president of a business called Accurate Capital, according to the Nassau County Police Department crime report for the underlying incident. Perez then purchased merchandise for his own benefit using the account. Apparently, Perez had previously been employed by Accurate Capital at some point, but had no authority to open up the charge account, or to purchase merchandise in Accurate Capital's name.

of appearing at any point in the future, in order to resume her interview. See October 28, 2014 letter from Applicant's counsel to Daniel D. Brownell.

Basis for Denial

A. The Applicant provided false and misleading information under oath in connection with the Application.

All Applicants must provide truthful and non-misleading information to the Commission. A knowing failure to do so is a ground for denial of the application. See Admin. Code §16-509(b); Attonito v. Maldonado, 3 A.D.3d 415 (1st Dept. 2004); *leave denied* 2 N.Y.3d 705 (2004); Breeze Carting Corp. v. The City of New York, 52 A.D.3d 424, 860 N.Y.S.2d 103 (1st Dept. 2008).

1. The Applicant provided false and misleading information in its Application by failing to disclose Eddie Perez as a Principal

Question 13 of the Application filed by Jump on September 24, 2013 directs, "On Schedule A, identify all individuals who are principals of applicant business and provide the information requested." See Application at 3. Schedule A of the Application discloses one principal – "Jacqueline Conde" See Application at 20. Edwin "Eddie" Perez's name does not appear anywhere in the Application. See Application.[5]

The definition of "principal" (which is included in the instructions for the application) includes corporate officers and directors, all stockholders holding ten percent or more of the outstanding shares of the corporation *and all other persons participating directly or indirectly in the control of such business entity.* See Admin. Code § 16-501(d) (italics added).

Perez is an undisclosed principal of Jump. At her sworn interview, Conde admitted her limited background and lack of experience in the recycling industry, as well as being occupied with her other responsibilities. Ms. Conde has no background or experience in the trade waste industry, and in fact has been an owner and operator of daycare centers as her entire professional history. See Conde Int. Tr. p. 8. Moreover, she stated she had no previous experience and had not undergone any sort of training or education in trade waste. See Conde Int. Tr. pps. 25-26. She admitted having no knowledge or familiarity with any of the equipment required to run a grease recycling business, actually stating she'd never seen a grease trap before (see Conde Int. Tr. pp. 36-37). It appears highly unlikely that Conde would ever be capable of running a grease recycling business as the sole principal given her utter lack of familiarity with the industry, as well as the fact that her day care businesses consume most of her working hours. At the same

[5] Question 18 of the Application also requires disclosure of any principal of the applicant business who has been a principal or held an equity interest in any business concern that collects, transfers, treats, stores, recycles, processes or disposes of trade waste. See Application at 3. The Applicant failed to disclose Eddie Perez's interest in JMP in response to this question.

time, the Commission is aware that Conde's husband does, in fact, have experience in the cooking grease recycling industry. Conde admitted that her husband encouraged her to get into the used cooking oil business, but denied that he actually directed her to the idea. See Conde Int. Tr. pp. 29-30. She also admitted that should Jump obtain a BIC License, her husband will likely work for the company. See Conde Int. Tr. pp. 45-46.

Eddie Perez is the principal of a company, J.M.P. Recycle, Inc., which is a used cooking grease hauler. The facts suggest that because JMP was facing pending criminal charges, Eddie Perez decided to incorporate a new company, and thus filed the incorporation papers of the Applicant, Jump Recycle, Inc. with the state[6]. Even the names of the two companies, J.M.P. and Jump, are simply one letter away from one another with the mere addition of the "u" in Jump Recycle. In a practical sense, Perez would likely have to run the operations of Jump Recycle, as Ms. Conde stated that her jobs running her daycare centers occupy approximately 30 hours or more a week, leaving limited time to be the sole principal of a new business. See Conde Int. Tr. p. 23. Of course, it is not clear that the Applicant is a new business at all, but rather appears to be a successor or related business to JMP. The storefront disclosed in the Application as Jump's business address bears a sign in the window reading "J.M.P. Recycle" with the Applicant's business phone number.

Despite the clear relationship between JMP and the Applicant, and the inference that Perez would be assisting—if not running—Jump, the Application failed to disclose Perez as a principal (and at all). It is likely that Conde and Perez deliberately did not want to place Perez's name anywhere on the Application because of the likelihood that such an application would be denied based on Perez's criminal record and history in the trade waste industry, given that he was already facing pending felony larceny charges on behalf of JMP when the Application was filed.

The failure of the Applicant to provide truthful and non-misleading information to the Commission in the Application about who are principals of the company is evidence that the Applicant lacks good character, honesty and integrity. As Perez is a person who would participate directly or indirectly in the control of Jump, and orchestrated the incorporation and Application of Jump, he is a principal, and was not disclosed to the Commission in the Application submitted by Jump. The Applicant does not dispute this point. Accordingly, the Commission concludes that the Applicant lacks good character, honesty, and integrity and denies the Applicant's license application on this independently sufficient ground. See Admin. Code §§16-509(b); 16-509(a)(i).

2. The Applicant provided false and misleading information in the Pre-Deposition Questionnaire and under oath at the January 10, 2014 Sworn Interview

[6] Perez filed the incorporation papers for Jump a mere eight months after JMP's employees were arrested for stealing grease on his orders, and while JMP was facing pending felony larceny charges.

Failing to disclose Perez as a principal and stating that she was the sole principal were not Conde's only material misstatements made under oath. On Conde's sworn pre-deposition questionnaire, she stated that no member of her family, including relatives by marriage, work in or have any connection to the waste hauling or waste disposal business (Conde Int. Tr. Exh. 2, Question 22). The Commission staff reiterated that question and her written response during the deposition, asking her if her written response was an accurate statement, to which she responded, "Right" (Conde Int. Tr. p. 31). As detailed above, in repeated questioning, she insisted that no member of her family was involved in grease hauling. This is plainly untrue, give the fact that her husband owned and operated JMP Recycle, a grease collection business. The failure of the Applicant to provide truthful information to the Commission, as well as the Applicant's sworn false statements made on its Application, in the Deposition Questionnaire, and during the sworn interview, all indicate that the Applicant lacks good character, honesty and integrity. Accordingly, the Commission denies the Applicant's license application for this independently sufficient reason.

B. Edwin Perez, an undisclosed principal of the Applicant, is also principal of another trade waste company, J.M.P. Recycle, which pled guilty to felony Grand Larceny, a crime directly related to the trade waste industry.

The Applicant's undisclosed principal, Conde's husband, owns a company that has pled guilty of criminal charges[7] related directly to the trade waste industry. On or about January 14, 2014, Perez, on behalf of JMP, pled guilty to stealing at least $10,000 worth of cooking oil from Environmental Services Inc. See Superior Court Information No. SSN14/Felony No. 025010/13, Nassau County Court. Per the Assistant District Attorney in Nassau County, Perez agreed to pay the victim, Environmental Services Inc. $10,000.00 as a condition of his plea agreement on behalf of JMP.

In determining whether an applicant possesses good character, honesty, and integrity, the Commission may consider prior convictions of the Applicant (which includes its principals, disclosed or undisclosed) 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 Admin. Code §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.

[7]Additionally, Perez has also has a further criminal record. On March 29, 2003, Perez pled guilty to: Attempted falsifying business records in the second degree (Penal Law § 110/175.05, B misdemeanor); and Attempted criminal impersonation in the second degree (Penal Law § 110/190.25, B misdemeanor).

(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).

Applying the above factors, the Commission finds that, notwithstanding the public policy of the State of New York to encourage licensure of persons convicted of crimes, the crimes committed by Perez included a felony, which is a serious crime, and are generally antithetical to the very purpose of Local Law 42, which is to root out organized crime and other corruption from the trade waste industry. The criminal case against JMP involved, among other things, the theft, transportation, and resale of stolen used cooking grease—precisely what the Applicant proposed to transport.[8]

The JMP conviction is recent, is for activity directly related to the waste industry, and happened when Perez was an adult, old enough to know what the law is and how to obey it. His earlier crimes were likewise the result of a conscious decision to choose a dishonest path of theft and deception, and are an all too accurate reflection of the cynical disregard for the law that corrupted the City's waste removal industry for decades. Finally, the public interest in eliminating the entrenched corruption that has plagued the New York City carting industry for decades is clear. Public confidence in the integrity of the carting industry would be undermined if those proven to have ignored the law received licenses or registrations from the Commission. Perez and his company's guilty plea to crimes involving the waste industry compels the conclusion that the Applicant lacks good character, honesty, and integrity. Accordingly, in the exercise of its discretion, the Commission concludes that, by reason of

[8] The theft of used cooking oil, or "yellow grease," has become a significant issue in recent years. Yellow grease is a valuable commodity that can be resold for various uses, including for use in biodiesel. As part of its mission to keep crime and corruption out of the trade waste industry, the Commission has been making strides to stop such theft of recyclables, as it is an unacceptable behavior which adversely affects both the trade waste industry and generators alike.

his crimes, Perez, a principal of the Applicant, lacks good character, honesty, and integrity and denies the Applicant's license application on this independently sufficient ground.

C. The Applicant Knowingly Failed to Provide Information Required by the Commission.

"The commission may refuse to issue a license or registration to an applicant for such license or an applicant for registration who has knowingly failed to provide the information and/or documentation required by the commission pursuant to this chapter or any rules promulgated pursuant hereto." See Admin. Code §16-509(b).

Despite repeated attempts by the Commission's staff, the Applicant failed to appear to resume her sworn interview. In fact, Conde went so far as to submit a request to withdraw the Application in order to avoid complying with the Commission's demand to continue the examination under oath. Even after the Commission declined her withdrawal request, renewed their demand that she continue her interview, and cautioned that failure to appear would be grounds for denying the Application, Ms. Conde failed to appear to provide the sworn testimony as demanded by the Commission.

The Applicant has "knowingly failed to provide the information" required by the Commission by failing to respond to the Commission's repeated demands to appear and provide the Commission with information. The Applicant has not disputed this point. The Commission denies Jump Recycle, Inc.'s application on this independently sufficient ground.

Conclusion

The Commission is vested with broad discretion to issue a license or refuse to grant an exemption from the license requirement and issue a registration in lieu of a license, to any applicant who it determines to be lacking in good character, honesty and integrity. The record as detailed above demonstrates that the Applicant falls short of that standard. Accordingly, based on the above independently sufficient reasons, the Commission denies Jump Recycle, Inc.'s license application.

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This license denial is effective immediately. Jump Recycle, Inc. may not operate as a trade waste business in the City of New York.

Dated: March 6, 2015

THE BUSINESS INTEGRITY COMMISSION

Daniel D. Brownell
Commissioner and Chair

Commissioner Kathryn Garcia
Department of Sanitation

Commissioner Mark Peters
Department of Investigation

Senior Director of Policy Shira Gans
(Designee)
Department of Consumer Affairs

Deputy Commissioner Andrew Schwartz
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Department of Small Business Services

Inspector John Denesopolis
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