The City of New York
BUSINESS INTEGRITY COMMISSION
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DECISION OF THE BUSINESS INTEGRITY COMMISSION DENYING THE REGISTRATION APPLICATION OF DABIN TRUCKING, INC. D/B/A AMV TRUCKING (BIC #4333) TO OPERATE AS A TRADE WASTE BUSINESS

I. INTRODUCTION & BACKGROUND

A. Introduction

On February 27, 2012, Dabin Trucking, Inc., d/b/a AMV Trucking (the "Applicant") applied to the New York City Business Integrity Commission (the "Commission," or "BIC")[1] for an exemption from the Commission's trade waste licensing requirements to operate a trade waste business "solely engaged in the removal of waste materials resulting from building demolition, construction, alteration or excavation" (the "Application").[2] Local Law 42 of 1996 ("Local Law 42") authorizes the Commission to review and make determinations on such exemption applications. See Title 16-A, New York City Administrative Code ("Administrative Code" or "Admin. Code") § 16-505(a).

After a review of an application, if the Commission grants the exemption from the Commission's trade waste licensing requirements, the applicant will be issued a registration. See id. at § 16-505(b). The Commission's review of an exemption application focuses on a determination of whether the applicant possesses business integrity, i.e., good character, honesty and integrity. See Title 17, Rules of the City of New York § 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 October 7, 2015, the Commission staff issued and personally served the Applicant with Notice to Dabin Trucking, Inc., d/b/a AMV Trucking of the Grounds to Recommend the Denial of the Registration Application of Dabin Trucking, Inc., d/b/a AMV Trucking to Operate as a Trade Waste Business ("Notice of Denial").[3] The Applicant had 10 business days to respond to

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[1] The Commission was formerly known as the New York City Trade Waste Commission.

[2] "Trade waste" or "waste" is defined at Administrative Code § 16-501(f)(1) and includes "construction and demolition debris."

[3] The Principal of the Applicant, Stacy Dabin, accepted personal service of the Notice of Denial at the Commission's offices on October 7, 2015, and Undisclosed Principal of the Applicant, Michael Verdon, was served

the Notice of Denial, which period expired on October 22, 2015.[4] See Title 17 Rules of the City of New York ("RCNY") section 2-08(a). The Applicant did not submit any response. The Commission has now completed its review of Dabin Trucking, Inc., d/b/a AMV Trucking's application, having carefully considered the Commission staff's Notice of Denial and the Applicant's lack of response. Based on the record as to the Applicant, the Commission denies the Applicant's registration application based on the following independently sufficient reasons:

1. **The Applicant knowingly failed to disclose a principal of the company;**

2. **The Applicant knowingly failed to provide truthful and non-misleading information to the Commission; and**

3. **The Applicant has repeatedly engaged in unregistered trade waste removal activity.**

B. Background and Statutory Framework

Every commercial business establishment in New York City must contract with a private carting company to remove and dispose of the waste it generates, known as trade waste. Historically, the private carting industry in the City was operated as a cartel controlled by organized crime. As evidenced by numerous criminal prosecutions, the industry was plagued by pervasive racketeering, anticompetitive practices and other corruption. See, e.g., United States v. Int'l Brotherhood of Teamsters (Adelstein), 998 F.2d 120 (2d Cir. 1993); People v. Ass'n of Trade Waste Removers of Greater New York Inc., Indictment No. 5614/95 (Sup. Ct. N.Y. Cty.); United States v. Mario Gigante, No. 96 Cr. 466 (S.D.N.Y.); People v. Ass'n of Trade Waste Removers of Greater New York, 701 N.Y.S.2d 12 (1st Dep't 1999). The construction and demolition debris removal sector of the City's carting industry specifically has also been the subject of significant successful racketeering prosecutions. See United States v. Paccione, 949 F.2d 1183, 1186-88 (2d Cir. 1991), cert. denied, 505 U.S. 1220 (1992); United States v. Cafra, No. 94 Cr. 380 (S.D.N.Y.); United States v. Barbieri, No. 94 Cr. 518 (S.D.N.Y.).

The Commission is charged with, among other things, combating the influence of organized crime and preventing its return to the City's private carting industry, including the construction and demolition debris removal industry. Instrumental to this core mission is the licensing scheme set forth in Local Law 42, which created the Commission and granted it the power and duty to license and regulate the trade waste removal industry in New York City. Admin. Code § 16-505(a). This regulatory framework continues to be the primary means of ensuring that industries 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

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the Notice of Denial via the U.S Postal Service - First Class Mail. See Affidavit of Service for Stacy Dabin and Michael Verdon.

[4] Because Michael Verdon served via first class mail, the Commission calculated his response deadline as October 28, 2015.

construction and demolition debris, must apply to the Commission for an exemption from the licensing requirement. Id. If, upon review of an application, the Commission grants an exemption from the licensing requirement, it issues the applicant a Class 2 registration. Id. at § 16-505(a)-(b). Before issuing such registration, the Commission must evaluate the "good character, honesty and integrity of the applicant." Id. at § 16-508(b); see also id. at § 16-504(a). An "applicant" for a license or registration means both the business entity and each principal thereof. Id. at § 16-501(a).

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

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

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

II. DISCUSSION

A. The Application

On February 27, 2012, the Applicant applied to the Commission for an exemption from licensing and registration requirements as a trade waste business that removes construction and

demolition debris (commonly known as "C&D"). See Application. The Application disclosed Stacy L. Dabin ("Dabin") as the sole principal. Id. at p. 13. Dabin certified that all of the information provided on the Application was true and accurate. Id. at p. 20.

On June 13, 2012, Dabin provided sworn testimony to the Commission. See Transcript of Sworn Interview ("Dabin Tr.").[5] She stated that she is employed as a "Senior IT Business Analyst" at Celgene Corporation, which she described as "a biopharmaceutical company. We primarily do oncology medication, rare blood diseases. . . . We have labs, we do the research, collect the data, clean the data, make sure it follows protocols, statistical analysis submission." Dabin Tr. at 6. Dabin said that she is also a Registered Nurse, has a Master's Degree in Statistics and was previously employed at Abbot Laboratories. Id. at 7. She claimed in the Application and during her sworn interview that she created and incorporated Dabin Trucking, Inc. and that she is the sole principal of the company. Dabin stated that she works "at least forty" hours per week at Dabin Trucking while also working "forty hours at my other job [Celgene] at a minimum." Id. at 24. She stated she was paid approximately $130,000 by Celgene Corporation in 2011.[6] See id. at 9. When asked if she draws a salary for her hours worked at Dabin Trucking/AMV, she responded, "Not at this time." Id. at 23-24.

Dabin's educational background and work experience is unusual in the trade waste industry.[7] See id. at 7. During her sworn interview, it became clear that Dabin has limited knowledge of the trucking industry. When asked what her duties as President of the Applicant are, Dabin answered as follows:

> Oversight of everything, to be quite frank. . . . I review superior distributors for every time we have to get deaf [sic], because like the DEF fluid [differential fluid] is just always like a constant. So I make to make sure I - - is DEF fluid being spent too much, is someone taking DEF fluid, because that's expensive. Especially with the new vehicles you always have to put it in. So things like that I always monitor, and I expect that, you know Paddy [Matera] and Michael [Verdon] to always report to me if they notice anything weird. Fuel, I monitor like crazy. I have a fuel guy that is going to come at night now. I have gas cards to give to anybody that have specific limits on them. Who is to say that you don't say, use this card. I have to monitor fuel quite regularly. . . . I do delegate obviously tasks to people and expect them to be done. And if they're not sure what to do, I expect them to come and ask a question or call the right people to figure it out.

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[5] Dabin appeared for her sworn interview without counsel. She was informed that she could call an attorney at any time during the interview, or that the Commission's staff would adjourn the proceedings if she changed her mind at any time about legal representation. Dabin proceeded without counsel. See id. at 5-6.

[6] 2011 W-2 reflects gross wages/compensation as $178,502.11.

[7] Dabin worked at Abbott Laboratories as a Statistical Programmer and then later went to work at Celgene as a Senior IT Business Analyst. See Dabin Tr. at 7.

Id. at 22-23. Thus, while Dabin used technical terms like "DEF" and spoke broadly about monitoring fuel usage, her answer contained little substance.

Prior to the start of the sworn interview, Dabin provided the Commission with additional documents for inclusion with the Application, including an organizational chart, driver updates, Certificate of Trade Name filing (New Jersey) and the new garage address for the Applicant's fleet of vehicles. See application supplement, dated June 13, 2012. Based on the testimony provided by Dabin in the sworn interview along with the information provided in the aforementioned supplemental documents, the Commission's staff requested that Michael Verdon ("Verdon") appear at the Commission's offices for a sworn interview. See transcript of sworn interview of Michael Verdon ("Verdon Tr."), dated June 27, 2012. As fully described below, Dabin and Verdon provided conflicting testimony regarding the daily operations of the Applicant, as well as Verdon's role in the operation of the Applicant business.

B. Michael Verdon is an Undisclosed Principal

Question 12 of the Application directs, "On Schedule A, identify all individuals who are principals of applicant business and provide the information requested." See Application at p. 3. The Applicant disclosed only one principal on Schedule A of the Application - Dabin - who was also listed as "President." See id. at p. 13. Dabin also certified under oath that she owned 100% of the company's stock as of October 20, 2010. Id. During Dabin's sworn interview, while referring to the organizational chart for the Applicant that she provided, Dabin identified Verdon only as a dispatcher. See Dabin Tr. at 17.

Thus, in both the Application and in her sworn interview, Dabin claimed that Verdon is a mere employee of the Applicant. However, Dabin's descriptions of Verdon's duties indicate that his responsibilities go well beyond that title: "It's nice to leverage him from a sales perspective because that's his primary focus is under sales. He's very strong in that area as well and knows how to dispatch and project manage the trucks himself. So that's his primary area." Dabin Tr. at 43. Dabin later added, "He does go out to my customers . . . ." Id. at 99.

Verdon also described his duties as going well beyond that of a dispatcher. Verdon testified, "If a bid package comes in, I would take the responsibility for doing the bid package." Verdon Tr. at 51. Verdon also boasted about his contacts with two large soil remediation companies, testifying as follows: "I'm a dispatcher and I do sales and I know everybody and Clean Earth and I get the job done," and "when I work for Dabin Trucking . . . and in the context that I have with Clean Earth and Soil [Safe], I can go work anywhere." Id. at 9, 10.

The key role that Verdon plays for the Applicant is also clearly reflected in his compensation of $2,000 per week (or $104,000 per year), while the individual listed on the Applicant's organizational chart as the second dispatcher is compensated at a rate of $18 per hour.[8] See Dabin Tr. at 113. Verdon's annual salary is even more notable when viewed in light of Dabin Trucking's 2011 federal tax return, which reflects a gross revenue of $190,597 and a net loss of $27,201. See 2011 State of New Jersey and Federal tax returns of Applicant. The fact that Verdon

[8] A 35-hour work week at $18 per hour would generate a weekly gross paycheck of $630 and an annual salary of $32,760.

plays such an important role in the daily operations of the Applicant is not surprising given that Dabin works a full-time job at a different company. Dabin herself may have provided some insight as to her mindset and justification for failing to disclose Verdon as a principal on the Application. When Dabin was asked directly if Verdon was a principal, Dabin responded:

> A. No, he's not on any of the paperwork that I - -
> Q. That's not the question.
> A. He's not a principal.

See Dabin Tr. at 118.

(i) The AMV name and logo

Even the name of the Applicant demonstrates that Verdon is intimately involved in the company. The Applicant filed the Application under the name "Dabin Trucking," yet the doors and bodies of the company's fleet of vehicles are all painted "AMV" in large and ornate lettering. In contrast, the words "Dabin Trucking" are relegated to small, light colored lettering on the cab door. During Dabin's sworn interview, she gave several conflicting explanations of the origin of the name "AMV." At first, Dabin stated that AMV stood for "[n]othing in particular. It's just like ABC. . . . it's a name that doesn't have significance." Dabin was asked to clarify her answer, "So the initials, I'm not missing anything, AMV doesn't stand for anything? . . . Doesn't go to Verdon?" Dabin responded, "Doesn't have any significance, no." Id. at 83-84. Dabin later changed her answer, admitting that the "V" in AMV stands for "Verdon." She added that Verdon made the logo "and obviously it has something to do with his last name. . . . So something Verdon obviously trucking. So he put himself, you know, as some sort of trade name put together something for himself." Id. at 118.

During the course of the review of the Application, the Commission staff determined that Verdon has a daughter named Anne Marie and a son named Matthew Verdon. Thus, the credible evidence demonstrates that the name "AMV" refers to Verdon's children: Anne Marie and Matthew Verdon.

(ii) Michael Verdon's criminal history

Given the significant role that Verdon plays in the operations of the Applicant, his criminal history is highly relevant to the review of the Application. During his sworn interview, Verdon acknowledged that his criminal history is extensive, dating back 20 years. See Verdon Tr. at 4-7. The records documenting Verdon's criminal history support that characterization.

In 1994, Verdon was sentenced to five years in prison for Burglary, Theft and Criminal Mischief.[9] In January 2006, Verdon pled guilty to Attempt to Cause Serious Bodily Injury in the First Degree as well as Violating an Order of Protection and was sentenced to 60 days in jail.[10] The allegations relating to that matter included that Verdon broke his ex-wife's finger, punched

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[9] See Criminal Court, Sussex County, New Jersey, Indictment # SSX940500113A (1994). This guilty plea covered a number of other criminal charges that were outstanding in New Jersey at the time.

[10] See Criminal Court, Sussex County, New Jersey, Complaints 2005-000138, 2005-000139 and 2005-000140.

her in the head and threatened to kill both her and her father. In 2006, Verdon was arrested again after providing a Police Officer with a false social security number and a false date of birth. He was convicted for this deception and sentenced to 30 days in jail.[11]

Notwithstanding the allegations in that matter, Verdon denied to the Commission having utilized different Social Security Numbers. See Verdon Tr. at 12. However, in the course of its background investigation relating to the Application, the Commission's staff has reviewed documents reflecting different Social Security Numbers for Verdon (one document with a Social Security Number ending in 1734, and one document with a Social Security Number ending in 9817). The Social Security Number ending in 1734 was provided to the Commission's staff by Dabin on an employee questionnaire that was completed and signed by Verdon as well as an I-9 Employment Eligibility Verification form from the U.S Department of Homeland Security that was also signed by Verdon and reflected a Social Security Number ending in 1734. See Verdon employee questionnaire and I-9 employment verification form. Verdon subsequently provided the Commission's staff with his 2011 W-2 earnings summary from "Dabin Trucking, Incorporated," which reflected his annual wages from the Applicant and the Social Security Number ending in 9817. See Verdon 2011 W-2 Earnings Summary. Thus, the documentary evidence contradicts Verdon's claim that he has not used different Social Security Numbers.

C. Applicant Has Repeatedly Engaged in Unregistered Trade Waste Removal Activity

While the 2012 Application has been under consideration by the Commission, the Applicant has repeatedly violated the Commission's rules and regulations by operating a trade waste removal business without a registration. On March 13, 2012, March 15, 2012, June 11, 2012, and June 27, 2012, the Commission charged the Applicant with operating an unlicensed or unregistered trade waste removal business, in violation of Administrative Code § 16-505(a). See Notice of Violations ("NOVs") TWC-8451, 8452, 8905, 8959. On August 6, 2012, the Applicant entered into a Stipulation of Settlement with the Commission for two of the NOVs, in which it admitted culpability, and agreed to pay a total fine of $5,500. See Stipulation of Settlement, NOVs TWC-8551, 8452. On October 23, 2012, the Applicant entered into a Stipulation of Settlement with the Commission for the two remaining NOVs, admitted culpability, and agreed to pay a total fine of $8,500. See Stipulation of Settlement, NOVs TWC-8905, 8959. The Applicant has paid both fines in full.

In addition to the NOVs relating directly to the Applicant, another company related to Verdon has engaged in unlicensed or unregistered trade waste removal activity. On October 23, 2014, Commission investigators issued such an NOV to a truck owned and titled to the Applicant, but registered to Prince Transport LLC ("Prince").[12] The Commission mailed the NOV to Prince at the address reflected on the relevant paperwork, which was 75 Fallen Timbers Trail, Rockaway,

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[11] See Roxbury Township Municipal Court, Morris County, New Jersey, Docket # 20060002871436. The underlying complaint alleged that "with purpose to hinder his own apprehension, prosecution, conviction, or punishment, did volunteer false information to a law enforcement officer . . . to prevent [the officer] from determining that there were warrants for his arrest and that he had a suspended driver's license . . . ."

[12] The driver of the truck provided to the Commission investigator a manifest dated October 23, 2014, and captioned, "AMV/DABIN TRUCKING INC – DAILY WORK- SHEETS."

N.J. 07866. That address is the residence of Verdon and Megan Suessenguth ("Suessenguth"). Prince settled that violation, admitting its culpability and agreeing to pay a total fine of $3,000. Prince has paid the violation in full.

On January 20, 2015, at the request of Verdon's counsel, members of the Commission's staff met with Verdon, Suessenguth and Verdon's counsel. During the meeting, Verdon stated that Suessenguth is his fiancée and the mother of his young son. Verdon explained that he played a pivotal role in the creation of Prince and acknowledged that Prince leases vehicles from the Applicant. Verdon further stated that, due to numerous poor business decisions which he claimed were made by Dabin, the Applicant's business is failing. Verdon claimed that he created Prince out of fear that the Applicant would be forced to go out of business and/or file for bankruptcy and that Prince was forced to lease vehicles from the Applicant because neither Verdon nor Suessenguth possess credit strong enough to allow them to purchase or finance trucks for Prince. Verdon acknowledged that he now manages all of the business operations for both the Applicant and Prince, since Dabin has returned to her job at Celgene Corporation.[13] See Notes from January 20, 2015 interview in file.

Additionally, Verdon confirmed his prior role with the Applicant and conceded that he had not been "entirely truthful" during his prior sworn interview with the Commission. He stated that he had, in fact, made almost all of the decisions regarding the solicitation of hauling jobs for the Applicant, the hiring of employees, selecting vehicles to purchase for the Applicant and even selecting the design graphics displayed on the vehicles.[14] Id.

III. Basis for Denial

1. The Applicant knowingly failed to disclose a principal of the company.

The commission may refuse to issue a license or registration to an applicant who has knowingly failed to provide the information required by the Commission pursuant to Administrative Code Title 16-A, Chapter 1. Admin. Code § 16-509(b). The credible evidence in this matter, consisting of documents and sworn statements of Dabin and Verdon, demonstrate that Verdon is a principal of the Applicant who should have been disclosed as such on the Application. The definition of "principal" includes all "persons participating directly or indirectly in the control" of the business entity. Id. at § 16-501(d). Verdon was involved in almost every critical aspect of the business operation including, but not limited to, soliciting customers, handling insurance related issues and the selection of vehicles to be purchased as well as their subsequent painting and detailing. See Verdon Tr. at 9-10, 42-43, 44-46. Moreover, Verdon dealt directly

[13] On March 27, 2015, at the request of the Commission staff, Dabin appeared at the Commission for an interview and confirmed that she no longer has any involvement with the Applicant and has returned to her previous employment at Celgene Corporation. Dabin also confirmed that Verdon was currently running the Applicant company, as well as Prince, which she described as Verdon's own side venture. Dabin claimed to have "no direct involvement with Michael [Verdon] and Prince aside from leasing them several trucks." Notes from March 27, 2015 interview.

[14] It should be noted that there are two other companies with Class II Registration Applications in which Verdon may play an undisclosed role. Those companies are D.J. Harrington Haulers Corporation (BIC #4637, pending) and Green Outlook Trucking, Inc. (BIC #483867, pending). The Commission is in the process of reviewing the applications for those companies.

with the two companies that provide the vast majority of work to the Applicant, Clean Earth and Soil Safe. See id. at 9-10. Thus, Verdon participated directly in the control of the Applicant.

Verdon's extensive criminal history directly reflects on his and the Applicant's good character, honesty and integrity. The testimony and written documents provided to the Commission regarding the principals at the Applicant company and Verdon's role at the company were intended to conceal Verdon's true involvement with the company, along with his extensive criminal history, likely because the Applicant believed that the Commission would not approve the Application if Verdon were disclosed as a principal.

Verdon's criminal history demonstrates that he does not possess the good character, honesty and integrity necessary to participate in the commercial waste hauling industry in New York City. Because Verdon is one of only two principals of the Applicant, and the second principal (the only disclosed principal) does not take an active role in the operation of the company, it follows that the Applicant (like Verdon) lacks good character, honesty and integrity. See Admin. Code § 16-509(a)(i). See also id. at § 16-509(b). The Applicant has not refuted this finding or the factual findings on which it is based. Accordingly, the Commission denies Dabin Trucking, Inc., d/b/a AMV Trucking's Registration Application based on this independently sufficient ground.

2. The Applicant knowingly failed to provide truthful and non- misleading information to the Commission.

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, 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). As demonstrated above, the Applicant's only disclosed principal (Dabin) provided the Commission with false and misleading testimony under oath in her sworn interview on June 13, 2012. Dabin repeatedly insisted that she was the sole principal of this 12-truck operation while also working full time as a Senior IT Business Analyst at a bio-pharmaceutical company. However, further investigation and testimony revealed that Verdon is responsible for the operations of the business.

Dabin and Verdon both provided false and misleading information to the Commission in both the Application and their testimony before the Commission. As detailed throughout this Recommendation, Dabin attempted to exaggerate her role and downplay Verdon's the role in the operations of the Applicant. Verdon also repeatedly portrayed himself as a mere dispatcher. However, the evidence clearly demonstrates that Dabin plays virtually no role in the operations of the Applicant and has ceded that role to Verdon.

The continued failure of the Applicant and its principals (disclosed and undisclosed) to provide truthful and non-misleading testimony to the Commission as to Verdon's position and role at the Applicant demonstrates that the Applicant lacks good character, honesty and integrity. See Admin. Code §§ 16-509(b); 16-509(a)(i). The Applicant has not refuted this finding or the factual findings on which it is based. Accordingly, the Commission denies the Registration Application based on this independently sufficient ground.

3. The Applicant has repeatedly engaged in unregistered trade waste removal activity.

During the pendency of the Application, the Applicant has repeatedly violated the Commission's rules and regulations by operating a trade waste removal business without a registration. On four occasions, the Commission charged the Applicant with operating an unlicensed or unregistered trade waste removal business, in violation of § 16-505(a) of the Administrative Code. See NOVs TWC-8451, 8452, 8905, 8959. The Applicant settled all of those NOVs, admitting culpability and paying fines totaling $14,000.

Additionally, on October 23, 2014, the Commission issued an NOV to Prince for Unregistered Activity under Administrative Code § 16-505(a). The subject truck was owned and titled to the Applicant, but registered to Prince. The driver of the truck provided the Commission investigator with a manifest bearing the date the truck was stopped and captioned, "AMV/DABIN TRUCKING INC – DAILY WORKSHEETS." The business address for Prince is the residence of Verdon and his fiancée, who signed the Stipulation of Settlement that resolved the NOV on behalf of Prince.

Those persistent violations by the Applicant and Prince (a company that is owned and operated by Verdon and his fiancée Suessenguth) reflect a blatant disregard for the Commission's rules and regulations by the Applicant and its principals. The circumstances surrounding the violations, as detailed above, clearly demonstrate the Applicant's and its principals' lack of good character, honesty and integrity. See Admin. Code §16-509. The Applicant has not refuted this finding or the factual findings on which it is based. Therefore, the Commission denies the Registration Application based on this independently sufficient ground.

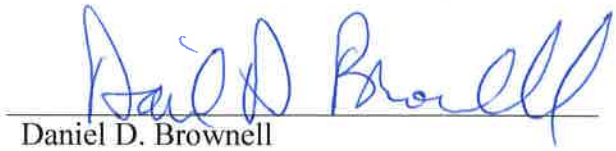
IV. CONCLUSION

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 lacks those qualities necessary to operate a trade waste removal business in New York City. Accordingly, based on the three independently sufficient grounds set forth herein, the Commission denies the Applicant's exemption application.

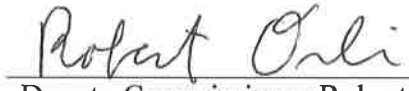
This denial decision is effective immediately. Dabin Trucking, Inc., d/b/a AMV Trucking may not operate as a trade waste business in the City of New York

Dated: November 9, 2015

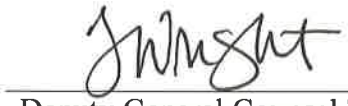
THE NEW YORK CITY
BUSINESS INTEGRITY COMMISSION



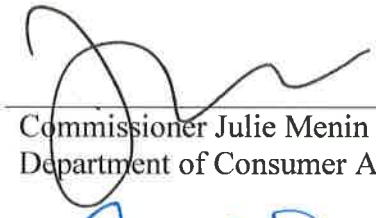
Daniel D. Brownell
Commissioner and Chair



Deputy Commissioner Robert Orlin
(Designee)
Department of Sanitation

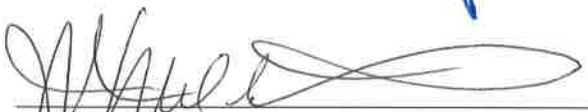


Deputy General Counsel Tracy N. Wright
(Designee)
Department of Investigation



Commissioner Julie Menin
Department of Consumer Affairs

Acting Commissioner Andrew Schwartz
Department of Small Business Services



Inspector John Denesopolis
(Designee)
New York City Police Department