

BIC Omnibus Rules Amendment
June 7, 2017

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THE CITY OF NEW YORK
BUSINESS INTEGRITY COMMISSION

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PUBLIC HEARING ON BIC OMNIBUS
RULES AMENDMENT

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100 Church Street, 2nd Floor
New York, New York 10007

June 7, 2017
10:05 a.m.

TRANSCRIPT OF PROCEEDINGS

Reported by:

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S P E A K E R S :

Noah D. Genel, Deputy Commissioner of Legal Affairs
and General Counsel,
The New York City Business Integrity Commission

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MR. GENEL: Good morning and welcome to today's public hearing. The date is Wednesday, June 7th, 2017. We are at 100 Church Street on the second floor in the Law Department's Conference Room Number 160A. The time is five after ten in the morning.

My name is Noah Genel. I am the Deputy Commissioner of Legal Affairs and General Counsel of the New York City Business Integrity Commission. Thanks for attending today's hearing.

The Commission is conducting this hearing pursuant to the requirements set forth by the City Administrative Procedure Act, commonly referred to as CAPA. The purpose of this hearing is to receive comments from the public on BIC's proposed rule changes to ensure that BIC's rules are fair, consistent, easier to understand, and not obsolete. The Commission published the proposed rule changes in the City Record on April 28th, 2017. We also disseminated a copy of the proposed changes via email to all New York City local elected officials, all 59 community board managers, several media organizations in

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the City, and other interested parties. Lastly, we made available a copy of the proposed rule available on both BIC's and the New York City Rules websites.

For those of you who are unfamiliar with the Commission, let me provide you with some context. Local Law 42 of 1996 created the New York City Trade Waste Commission, which later became BIC. The Commission is comprised of the Commissioner of the Business Integrity Commission, who serves as the Chair of the Commission, and the Commissioners of the New York City Police Department, the Department of Sanitation, the Department of Investigation, the Department of Small Business Services, and the Department of Consumer Affairs.

Today's hearing addresses the various changes the Commission is making as a result of the process the Mayor's Office of Operations undertook in consultation with BIC to review its rules. As background to the hearing, working with the City's rulemaking agencies, the Mayor's Office of Operations conducted a retrospective rules review of each agency's existing rules.

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This review process identified some BIC rules which could be modified in order to reduce regulatory burdens and simplify and update content to help support public understanding and compliance.

The Commission is seeking to update its rules that may not currently reflect changes in technology and changes in the trade waste industry and the public wholesale markets, among other things. In addition to adding clarifying language and making the rules easier to understand, the Commission seeks to eliminate obsolete rules.

These proposed changes to BIC's rules apply to the following entities: 1) current trade waste licensees and registrants; 2) applicants for a trade waste license or registration; 3) current wholesale businesses, wholesale seafood business, seafood delivery business, market business, labor union and labor organization, and wholesale trade association registrants; 4) applicants for a wholesale business, wholesale seafood business, seafood delivery business, market business, labor union

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2 and labor organizations, or wholesale trade
3 association registration; 5) current loader and
4 unloader licensees; 6) applicants for a loader or
5 unloader license; 7) photo identification
6 cardholders; and 8) photo identification card
7 applicants.

8 The changes BIC is proposing include,
9 but are not limited to, modifying the
10 Commission's current rules to allow for
11 electronic communications between the Commission
12 and entities that are regulated by the
13 Commission.

14 So, that concludes the summary of the
15 proposed rule changes at issue at this hearing.
16 You may present an oral statement for the record
17 or submit written comments concerning the
18 proposed rule changes. Additionally, BIC has
19 been accepting written comments on the proposed
20 rule since the publication in the City Record and
21 will continue to do so through the close of
22 business today, June 7th, 2017.

23 The Commission will make available a
24 copy of any written comments that are received in
25 connection with today's hearing on its website

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next week. BIC will carefully review and consider all comments and submissions and make changes, if BIC determines them necessary. If the Commission votes to approve the proposed rules, the changes will go into effect 30 days after the final changes are published in the City Record.

So, I know that we have two people who have signed-in. I know another gentleman just walked-in.

Do you plan to offer testimony today or you're just --

AUDIENCE MEMBER: No, just here to listen.

MR. GENEL: Okay, thanks.

So, far nobody has signed up to actually offer testimony. We did hear from one member of the industry who said that he was interested in presenting some form of testimony. So, if they contact us and they want to provide written testimony, we'll accept that.

We can hold the record open for another ten minutes and that would make it 20 after ten. If no one else arrived to provide

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oral testimony, we'll close the record.

Thanks.

(Whereupon, a recess was taken.)

MR. GENEL: We are back on the record.
The time is 10:20, and for the those watching on
our YouTube video nothing of substance happened
when the camera was off.

I'm told that the one group that I had
heard was going to provide live testimony today
is going to submit something in writing. I don't
expect anybody else to attend.

It's 20 after ten now, and so we're
going to close the hearing and we will keep the
record open to receive written testimony through
the end of today.

Thanks for coming.

(Time noted 10:20 a.m.)

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C E R T I F I C A T E

STATE OF NEW YORK)
) ss. :
COUNTY OF KINGS)

I, BONITA RICHARDS, a Notary Public within
and for the State of New York, do hereby certify:

I reported the proceedings in the
within-entitled matter, and that within transcript
is a true record of such proceedings to the best of
my ability.

I further certify that I am not related to any
of the parties to this action by blood or marriage;
and that I am in no way interested in the outcome of
this matter.

IN WITNESS WHEREOF, I have hereunto set my
hand this 12th of June 2017.

BONITA RICHARDS

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<p align="center">A</p> <p>a.m (2) 1:14 8:18 ability (1) 9:12 accept (1) 7:22 accepting (1) 6:19 Act (1) 3:15 action (1) 9:14 adding (1) 5:11 addition (1) 5:11 Additionally (1) 6:18 addresses (1) 4:18 Administrative (1) 3:15 Affairs (3) 2:6 3:9 4:17 agencies (1) 4:23 agency's (1) 4:25 allow (1) 6:10 AMENDMENT (1) 1:6 anybody (1) 8:12 applicants (4) 5:17,23 6:4,7 apply (1) 5:16 approve (1) 7:5 April (1) 3:22 arrived (1) 7:25 association (2) 5:22 6:3 attend (1) 8:12 attending (1) 3:11 AUDIENCE (1) 7:14 available (3) 4:3,4 6:23 AVENUE (1) 1:23</p>	<p>4:4,9,14 6:20 7:7 City's (1) 4:23 clarifying (1) 5:11 close (3) 6:21 8:2,14 coming (1) 8:17 comments (5) 3:17 6:17,19,24 7:3 Commission (17) 1:3 2:7 3:11,13 3:20 4:7,9,10,12,13,19 5:7,13 6:11,13,23 7:5 Commission's (1) 6:10 Commissioner (3) 2:6 3:9 4:11 Commissioners (1) 4:13 commonly (1) 3:15 communications (1) 6:11 community (1) 3:24 compliance (1) 5:6 comprised (1) 4:10 concerning (1) 6:17 concludes (1) 6:14 conducted (1) 4:24 conducting (1) 3:13 Conference (1) 3:6 connection (1) 6:25 consider (1) 7:3 consistent (1) 3:19 consultation (1) 4:21 Consumer (1) 4:17 contact (1) 7:21 content (1) 5:5 context (1) 4:8 continue (1) 6:21 copy (3) 3:22 4:3 6:24 Counsel (2) 2:6 3:10 COUNTY (1) 9:5 created (1) 4:8 current (4) 5:16,19 6:3,10 currently (1) 5:8</p>	<p>ensure (1) 3:18 entities (2) 5:16 6:12 existing (1) 4:25 expect (1) 8:12</p>
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