



The City of New York
BUSINESS INTEGRITY COMMISSION
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**DECISION OF THE BUSINESS INTEGRITY COMMISSION DENYING
THE APPLICATION OF VINCENT PERRETTI FOR A CLASS B PHOTO
IDENTIFICATION CARD TO WORK IN THE NEW FULTON FISH MARKET**

I. Introduction

Vincent Perretti (“Perretti” or the “Applicant”) has applied to the New York City Business Integrity Commission (the “Commission”) for a Class B Photo Identification Card (BIC #PID-494171) to work in the New Fulton Fish Market pursuant to Title 22 of the New York City Administrative Code, Chapter 1-A (the “Administrative Code” or “Admin. Code”), Section 22-203(b). The Commission is authorized to make determinations on such applications pursuant to Administrative Code § 22-203(b).

On or about September 6, 2019, the Commission’s staff served the Applicant with a “Notice to Vincent Perretti of the Grounds to Deny his Application for a Class B Photo Identification Card to Work in the New Fulton Fish Market” (the “Notice”) by mail. Perretti was given until September 20, 2019 to respond. *See* Title 17 of the Rules of the City of New York (“RCNY”) § 12-23(a). Perretti did not contact the Commission’s staff or submit a response to the Notice. The Commission has completed its review of the Application, having carefully considered the Notice and Perretti’s failure to respond. Based on the record in this matter, the Commission denies Perretti’s application because he lacks good character, honesty, and integrity based on the following ground:

Vincent Perretti has been convicted of a felony related to stealing money from his former employer in the New Fulton Fish Market.

II. Statutory Background and Framework

Local Law 50 and the rules promulgated thereunder require that wholesale seafood businesses within the Fulton Fish Market Distribution Area register with the Commissioner of the Department of Business Services (“DBS”). *See* Admin. Code § 22-209; 17 RCNY §§ 12-02, 12-13; 66 RCNY §§ 1-31(a), 1-32. All principals, employees, and agents of businesses at the Market who perform any function directly related to the handling or transportation of seafood within or from the Market area must also register for a photo identification card. *See* Admin. Code §§ 22-203(a), (b). Those who work for a licensed business entity must obtain a class A photo identification card, and those who work for a registered business entity must obtain a class B photo identification card. *See id.*

The duties of the Commissioner of DBS were later transferred to the Organized Crime Control Commission, pursuant to a charter revision provision approved by the electorate in November 2001. The Organized Crime Control Commission was subsequently renamed the Business Integrity Commission pursuant to Local Law 21 of 2002. The Fulton Fish Market Distribution Area was geographically relocated on November 13, 2005 and upon moving, was renamed "The New Fulton Fish Market at Hunts Point." The City's full regulatory authority over the Fulton Fish Market Distribution Area was conferred upon The New Fulton Fish Market at Hunts Point, effective November 9, 2005. *See* 66 RCNY § 1-58. On September 26, 2010, Title 66 of the Rules of the City of New York was replaced with Chapter 2 of Title 17 of the Rules of the City of New York.

The Commission may refuse to issue a photo identification card to any person who lacks good character, honesty, and integrity. *See* Admin. Code §§ 22-216(b), (c). The Administrative Code lists six factors that the Commission expressly may consider in making this determination. The following is a summary of those factors: (1) failure by the applicant to provide truthful information in connection with its application; (2) "a pending indictment or criminal action against such applicant [for a photo identification card] for a crime which under this subdivision would provide a basis for the refusal of such . . . photo identification card . . ."; (3) conviction of a crime which, under article 23-A of the Correction Law, would provide a basis for the denial of a license to conduct a business in the Market; (4) commission of a racketeering activity or association with a person who has been convicted of a racketeering activity; (5) association with any member or associate of an organized crime group as identified by a federal, state, or city law enforcement or investigative agency; and (6) failure to pay taxes or fines related to the applicant's business for which liability has been admitted or for which judgment has been entered. *See* Admin. Code § 22-216(b). The Administrative Code makes clear that the Commission is not limited to considering the factors in the above list, *i.e.*, the list is illustrative, not exhaustive. *See id.* ("the commission may consider, but not be limited to" consideration of the listed factors).

III. Statement of Facts

1. Procedural history

On or about September 20, 1995, Perretti filed an Application for a Class A or B Photo Identification Card ("Application for PID-612") with DBS.¹ In doing so, Perretti sought permission as a principal to operate F & L Fillet Corp. (FFM-105) ("F & L") in the New Fulton Fish Market. *See* Application for PID-612 and Application for a Loading or Unloading License or Registration as a Wholesaler or Seafood Deliverer for F & L (Aug. 24, 1995). *See also* Admin. Code § 22-202(l) (definition of principal). As a principal of F & L, he was required to obtain a class B photo identification card. *See* Admin. Code § 22-203(b). On or about April 10, 2003, the Commission granted the application and issued Perretti a class B photo identification card. *See* Detail Report for PID-612.

On or about December 14, 2010, Perretti submitted an application to transfer his identification card from F & L to become a "Sale[s]man" for Lockwood & Winant Seafood, LLC ("Lockwood") (FFM-135) in the New Fulton Fish Market. *See* Perretti Application for Transfer

¹ At the time, DBS was responsible for regulating the Fulton Fish Market.

of Market Photo Identification Card, dated December 14, 2010. Class B photo identification cards are issued to a particular individual to work for a particular registrant. The Commission approved the transfer on December 16, 2010. *See* Detail Report for PID-612. Perretti held this identification card until 2015.

On February 3, 2015, Perretti was arrested and charged in New York State Criminal Court, New York County, with grand larceny stemming from an alleged fraud that he perpetrated against Lockwood. Lockwood subsequently terminated Perretti's employment for "gross misconduct." *See* letter from Joseph Gurrera, dated February 12, 2015. On February 11, 2015, Commission personnel witnessed Perretti working in the New Fulton Fish Market in a space shared by wholesalers J & K Seafood Inc. ("J & K") and Five Star Seafood, Inc. ("Five Star"). *See id.* At that time, Commission personnel directed Perretti to surrender his photo identification card, which he did.

The Commission's staff subsequently sent a letter to J & K and Five Star stating that, in order for Perretti to work on their premises, he must apply for a class B photo identification card specifically for the company at which he is working. *See* letter from the Commission to J & K and Five Star, dated February 11, 2015. On February 20, 2015, Perretti filed a new class B photo identification card application to work for J & K (the "J & K Photo ID Application"). *See* J & K Photo ID Application.

In December 2016, the New York State Criminal Court dismissed the grand larceny charges against Perretti on procedural grounds. In January 2017, Perretti visited the Commission's offices to inquire about the status of the J & K Photo ID Application. Then, on January 20, 2017, Perretti's attorney sent an email to the Commission stating that Perretti's "potential new employer" was Blue Ribbon Fish Co. ("Blue Ribbon") (FFM-9), not J & K. *See* email from Perretti Attorney dated January 20, 2017.

On July 6, 2017, Perretti filed an Order to Show Cause and Verified Petition for a Writ of Mandamus (the "Petition") in New York State Supreme Court seeking an order directing the Commission to grant the J & K Photo ID Application or, alternatively, to schedule a hearing on the application and render a decision within 30 days of the conclusion of the hearing. *See Perretti v. Business Integrity Commission*, Index No. 156061/2017 (N.Y. Sup. Ct. July 10, 2017) ("*Perretti v. BIC*"). In the Petition, Perretti made clear that he sought to work at Blue Ribbon, not J & K. *See* Petition at ¶¶ 10-11. Yet, Perretti had not submitted a photo identification card application relating to his employment at Blue Ribbon at that time.

On or about September 19, 2017, Perretti filed the instant class B photo identification card application seeking to work for Blue Ribbon (the "Blue Ribbon Photo ID Application"). *See* Blue Ribbon Photo ID Application. And, on September 28, 2017, Perretti withdrew the Petition. *See* Decision and Order on Motion, *Perretti v. BIC*.

2. *Perretti charged federally and pleads guilty to conspiracy to commit wire fraud*

On November 29, 2017, Perretti was arrested and charged in the United States District Court for the Southern District of New York with bank fraud and conspiracy to commit bank fraud, in violation of 18 United States Code ("U.S.C.") §§ 1344, 1349. *See* Complaint, *United States v.*

Vincent Perretti, Index No. 17MAG8659 (S.D.N.Y. Nov. 29, 2017) (the “Complaint”). The Complaint alleged that Perretti deposited checks stolen from Lockwood into bank accounts under his control and participated in a conspiracy to commit those acts over a two-year period. See Complaint at 1-2. See also press release of the United States Attorney’s Office for the Southern District of New York, dated November 29, 2017 (“Press Release”). Specifically, Perretti and a co-conspirator allegedly “entered fake invoices into their employer’s accounting system, causing the employer to issue unauthorized checks to Perretti for shipments of fish that were neither ordered nor delivered. Perretti then cashed the checks and spent the money on personal items, including jewelry and trips to the Bahamas.” See Press Release at 1. The checks from Lockwood were sent to a company called FreightCo. See Complaint at 3. Perretti was the chief executive officer of FreightCo; FreightCo’s principal executive office was Perretti’s home address. See *id.* The Complaint further alleged that Lockwood’s records showed, among other things, that “between March 2012 and August 2014, approximately 57 [unauthorized] checks, for a total of \$892,480.78, were issued to FreightCo” *Id.*

On or about February 26, 2018, a grand jury indicted Perretti. See Indictment, *United States v. Vincent Perretti*, Index No. 18-CRIM-164 (S.D.N.Y. Feb. 26, 2018). And on March 21, 2019, the U.S. Attorney’s Office for the Southern District of New York filed a Superseding Information charging Perretti with one count of conspiracy to commit wire fraud in violation of 18 U.S.C. §§ 371, 1343. See Superseding Information, *United States v. Vincent Perretti*, Index No. S1 18-CRIM-164 (VEC) (S.D.N.Y. Mar. 21, 2019) (the “Superseding Information”). The same day, Perretti pleaded guilty to the Superseding Information. See Order, *United States v. Vincent Perretti*, Index No. S1 18-CRIM-164 (VEC) (S.D.N.Y. Mar. 22, 2019). On August 22, 2019, Perretti was sentenced to 30 months in prison, three years of supervised release, and to pay \$902,697.93 in restitution. See Judgment in a Criminal Case, *United States v. Vincent Perretti*, Index No. S1 18CR00164-001 (VEC) (S.D.N.Y. Aug. 22, 2019).

IV. Basis for Denial

Vincent Perretti has been convicted of a felony related to stealing money from his former employer in the New Fulton Fish Market.

The Commission may “refuse to issue a photo identification card to . . . a principal, employee or agent of a wholesaler or seafood deliverer.” Admin. Code § 22-216(c). One of the grounds for denial of an application specified in the Administrative Code is when there is a “conviction of such applicant for a crime which, under article twenty-three-A of the correction law, would provide a basis for the denial of a license to conduct a business in the market area.” See Admin. Code § 22-216(b)(iii).

Thus, when the Commission denies a photo identification card application on the basis of a criminal conviction, the Commission must evaluate the conviction in light of the factors set forth in Section 753 of the Correction Law. See Admin. Code §§ 22-203(b)(ii), (b)(iii), (c); 22-216(b)(iii). Those factors are as follows:

- (a) The public policy of this state, as expressed in this act, to encourage the licensure and employment of persons previously convicted of one or more criminal offenses.

- (b) The specific duties and responsibilities necessarily related to the license or employment sought.
- (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 or 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 or private employer in protecting property, and the safety and welfare of specific individuals or the general public.

Correction Law § 753(1).

Despite the State's public policy to encourage the licensure and employment of persons previously convicted of one or more criminal offenses, *see id.* at § 753(1)(a), as demonstrated below, the Correction Law factors weigh in favor of denying the Blue Ribbon Photo ID Application based on his criminal conviction for conspiracy to commit wire fraud. Additionally, having not responded at all to the Notice, Perretti has neither produced any information in regard to his rehabilitation and good conduct nor has any been produced on his behalf. *See id.* at § 753(g).

The charge of conspiracy to commit wire fraud is a felony, punishable by up to 20 years in prison. *See* 18 U.S.C. §§ 371, 1343, 1349. Thus, it is a serious offense. *See* Correction Law § 753(1)(f). And it relates directly to the duties and responsibilities of the position for which Perretti is seeking a photo identification card and Perretti's fitness or ability to perform those duties and responsibilities. *See id.* at § 753(1)(b), (c). He pleaded guilty to having used his position as a salesman in the New Fulton Fish Market to steal money from his employer. It is squarely within the Commission's mandate to root out this kind of corruption.

The conspiracy occurred between at least March 2012 and August 2014 – ending merely five years ago. *See id.* at § 753(1)(d). Thus, the crime did not occur in the distant past – and though Perretti has not had a valid photo identification card permitting him to work in the Market since February 2015, he has been attempting to re-enter the Market ever since. Furthermore, Perretti's crimes occurred over an extended period when he was in his late-40s; the offenses cannot credibly be attributed to “youthful indiscretion.” *See id.* at § 753(1)(e). Perretti was plainly old

enough to know what the law required, how to obey it, and to recognize that the scheme in which he was involved was illegal.

Lastly with respect to the Correction Law analysis, a number of different entities have legitimate interests in protecting property. *See id.* at § 753(1)(h). First, the Commission is responsible for regulating the New Fulton Fish Market and has a legitimate interest in ensuring that all forms of corruption are removed and that the property owned by the registered companies and their customers remain safe. In addition, the companies that operate in the Market also have a legitimate interest in protecting their property and that of their customers. Finally, having been convicted of stealing nearly \$1 million from his employer in the Market, Perretti's presence in the Market is inimical to the welfare of the general public that patronizes it.

Particularly given the New Fulton Fish Market's long history of being corruptly influenced by organized crime and the resulting "commission of numerous crimes and wrongful acts there," *see* Admin. Code § 22-201, Perretti cannot be permitted to work in the Market again. Theft of more than \$900,000 from his employer in the New Fulton Fish Market is an offense antithetical to the Commission's mission in the Market and to Local Law 50. That behavior demonstrates that Perretti lacks good character, honesty, and integrity and provides a sufficient basis on which to deny his application. *See* Admin. Code § 22-203(b)(iii). Perretti has not disputed this. Accordingly, the Commission denies the Blue Ribbon Photo ID Application.

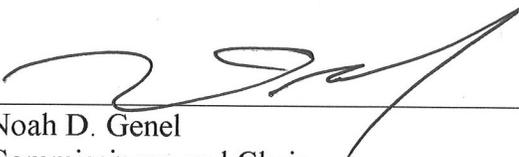
V. Conclusion

The Commission is vested with broad discretion to refuse to issue a photo identification card to any applicant that it determines lacks good character, honesty, and integrity. The evidence set forth above demonstrates convincingly that Perretti lacks those qualities. Accordingly, based on the ground detailed above, the Commission denies the Blue Ribbon Photo ID Application.

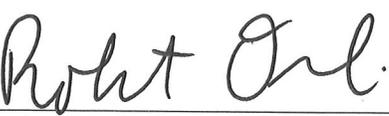
This denial is effective immediately. Vincent Perretti may not work for Blue Ribbon Fish Co. in the New Fulton Fish Market.

Dated: October 21, 2019

THE NEW YORK CITY
BUSINESS INTEGRITY COMMISSION



Noah D. Genel
Commissioner and Chair



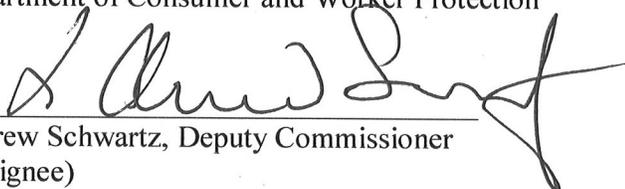
Robert Orlin, Deputy Commissioner for Legal Affairs
(Designee)
Department of Sanitation



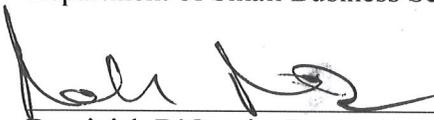
Margaret Garnett, Commissioner
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Lorelei Salas, Commissioner
Department of Consumer and Worker Protection



Andrew Schwartz, Deputy Commissioner
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Department of Small Business Services



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