



THE CITY OF NEW YORK  
BUSINESS INTEGRITY COMMISSION  
100 CHURCH STREET, 20TH FLOOR  
NEW YORK, NEW YORK 10007

**DECISION OF THE BUSINESS INTEGRITY COMMISSION DENYING THE APPLICATION OF DC DEMOLITION INC. FOR AN EXEMPTION FROM LICENSING REQUIREMENTS AND A REGISTRATION TO OPERATE AS A TRADE WASTE BUSINESS.**

DC Demolition Inc. (“DC” 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 an exemption from licensing requirements and a registration to operate a trade waste business pursuant to Local Law 42 of 1996. See Title 16-A of the New York City Administrative Code (“Admin. Code”) § 16-505(a). Local Law 42, which created the Commission to regulate the trade waste removal industry in New York City, was enacted to address pervasive organized crime and other corruption in the commercial carting industry, to protect businesses using private carting services, and to increase competition in the industry and thereby reduce prices.

On June 13, 2006, DC applied to the Commission for an exemption from licensing requirements and for a registration enabling it to operate a trade waste business “solely engaged in the removal of waste materials resulting from building demolition, construction, alteration or excavation” – a type of waste commonly known as construction and demolition debris, or “c & d.” Admin. Code § 16-505(a). Local Law 42 authorizes the Commission to review and determine such applications for exemptions. See id. If, upon review and investigation of the application, the Commission grants the applicant a registration, the applicant becomes “exempt” from the licensing requirement applicable to businesses that remove other types of waste. See id.

In determining whether to grant a registration to operate a construction and demolition debris removal business, the Commission considers the same types of factors that are pertinent to the Commission’s determination whether to issue a license to a business seeking to remove other types of waste. See, e.g., Admin. Code § 16-504(a) (empowering Commission to issue and establish standards for issuance, suspension, and revocation of licenses and registrations); compare Title 17, Rules of the City of New York (“RCNY”) §§ 1-06 & 2-02 (specifying information required to be submitted by license applicant) with RCNY §§ 1-06 & 2-03(b) (specifying information required to be submitted by registration applicant); see also Admin. Code §16-513(a)(i) (authorizing suspension or revocation of license or registration for violation of Local Law 42 or any

rule promulgated pursuant thereto). Central to the Commission's investigation and determination of a registration application is whether the applicant has business integrity. See 17 RCNY § 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); compare Admin. Code § 16-509(a) (authorizing Commission to refuse to issue licenses to applicants lacking "good character, honesty and integrity").

Based upon the record as to the Applicant, the Commission denies its exemption/registration application on the ground that this Applicant lacks good character, honesty and integrity for the following independently sufficient reasons:

1. The Applicant Failed to Demonstrate Eligibility for the Registration it seeks.
  - A. Frank DeCostello, Jr., was an undisclosed principal of DeCostello Carting, a company whose license application was previously denied by the Commission.
  - B. The Applicant is ineligible for an exemption or a trade waste registration because DeCostello Carting was required to be licensed by the Commission in the last ten years.
2. Principal Frank DeCostello Jr. knowingly failed to provide information and/or documentation to the Commission when he provided false testimony under oath about the trade waste associations and the Organized crime dominated trade waste cartel.

## **I. BACKGROUND**

### **A. The New York City Carting Industry**

Virtually all of the more than 200,000 commercial business establishments in New York City contract with private carting companies to remove and dispose of their refuse. Historically, those services have been provided by several hundred companies. For the past four decades, and until only a few years ago, the private carting industry in the City was operated as an organized crime-controlled cartel engaging in a pervasive pattern of racketeering and anticompetitive practices. The United States Court of Appeals for the Second Circuit has described that cartel as "a 'black hole' in New York City's economic life." Sanitation & Recycling Industry, Inc. v. City of New York, 107 F.3d 985, 989 (2d Cir. 1997) ("SRI").

Extensive testimonial and documentary evidence adduced during lengthy City Council hearings addressing the corruption that historically has plagued this industry revealed the nature of the cartel: an entrenched anti-competitive conspiracy carried out

through customer-allocation agreements among carters, who sold to one another the exclusive right to service customers, and enforced by organized crime-connected racketeers, who mediated disputes among carters. See generally Peter Reuter, Racketeering in Legitimate Industries: A Study in the Economics of Intimidation (RAND Corp. 1987). After hearing the evidence, the City Council made numerous factual findings concerning organized crime's longstanding and corrupting influence over the City's carting industry and its effects, including the anticompetitive cartel, exorbitant carting rates, and rampant customer overcharging. More generally, the Council found "that unscrupulous businesses in the industry have taken advantage of the absence of an effective regulatory scheme to engage in fraudulent conduct." Local Law 42, § 1.

The City Council's findings of extensive corruption in the commercial carting industry have been validated by the successful prosecution of many of the leading figures and companies in the industry. In 1995 and 1996, the Manhattan District Attorney obtained racketeering indictments against more than sixty individuals and firms connected to the City's waste removal industry, including powerful mob figures such as Genovese organized crime family capo Alphonse Malangone and Gambino soldier Joseph Francolino. Simply put, the industry's entire modus operandi, the cartel, was indicted as a criminal enterprise. Since then, all of the defendants have either pleaded guilty or been found guilty of felonies; many have been sentenced to lengthy prison terms, and many millions of dollars in fines and forfeitures have been imposed.

The Commission's regulatory and law-enforcement investigations have confirmed that organized crime has long infiltrated the construction and demolition debris removal sector of the carting industry as well as the garbage hauling sector that was the focus of the Manhattan District Attorney's prosecution. In light of the close nexus between the c & d sector of the carting industry and the construction industry, mob influence in the former should come as no surprise. The construction industry in New York City has been corrupted by organized crime for decades. See, e.g., James B. Jacobs, Gotham Unbound: How New York City Was Liberated from the Grip of Organized Crime 96-115 (1999) (detailing La Cosa Nostra's influence and criminal activity in the concrete, masonry, drywall, carpentry, painting, trucking, and other sectors of the City's construction industry).

Moreover, the c & d sector of the carting industry has been a subject of significant federal prosecutions over the past decade. In 1990, Anthony Vulpis, an associate of both the Gambino and the Genovese organized crime families, Angelo Paccione, and six waste hauling companies owned or controlled by them were convicted of multiple counts of racketeering and mail fraud in connection with their operation of a massive illegal landfill on Staten Island. See United States v. Paccione, 949 F.2d 1183, 1186-88 (2d Cir. 1991), cert. denied, 505 U.S. 1220 (1992). Many c & d haulers dumped their loads at this illegal landfill, which accumulated 550,000 cubic yards of refuse over a mere four-month period in 1988; during that period, "the City experienced a sharp decline in the tonnage of construction waste deposited" at its Fresh Kills landfill, as well as "a concomitant decline in revenue" from the fees that would have been charged for dumping at a legal landfill. 949 F.2d at 1188. The trial judge described this scheme as "one of the largest and most

serious frauds involving environmental crimes ever prosecuted in the United States.” United States v. Paccione, 751 F. Supp. 368, 371 (S.D.N.Y. 1990).

Another illegal waste disposal scheme also prominently featured haulers of construction and demolition debris. This scheme involved certain “cover” programs instituted by the City of New York at Fresh Kills, under which the City obtained materials needed to cover the garbage and other waste dumped at the landfill. Under the “free cover” program, transfer stations and carting companies could dispose of “clean fill” (i.e., soil uncontaminated by debris) at Fresh Kills free of charge. Under the “paid cover” program, the City contracted with and paid carting companies to bring clean fill to Fresh Kills. Numerous transfer stations and carters, however, abetted by corrupt City sanitation workers, dumped non-qualifying materials (including c & d) at Fresh Kills under the guise of clean fill. This was done by “cocktailing” the refuse: Refuse was placed beneath, and hidden by, a layer of dirt on top of a truckload. When the trucks arrived at Fresh Kills, they appeared to contain nothing but clean fill, which could be dumped free of charge.

In 1994, twenty-eight individuals, including numerous owners of transfer stations and carting and trucking companies, were indicted in connection with this scheme, which deprived the City of approximately \$10 million in disposal fees. The indictments charged that from January 1988 through April 1992, the defendants participated in a racketeering conspiracy and engaged in bribery and mail fraud in connection with the operation of the City’s “cover” programs. The various hauling companies, from Brooklyn, Queens, and Staten Island, were charged with paying hundreds of thousands of dollars in bribes to Department of Sanitation employees to allow them to dump non-qualifying materials at Fresh Kills without paying the City’s tipping fees. See 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.); see also United States v. Caccio, et al., Nos. 94 Cr. 357,358, 359, 367 (four felony informations). Twenty-seven defendants pleaded guilty in 1994 and 1995, and the remaining defendant was found guilty in 1996 after trial.

In sum, the need to root organized crime and other forms of corruption out of the City’s waste removal industry applies with equal force to the garbage hauling and the c & d sectors of the industry. Local Law 42 recognizes this fact in requiring c & d haulers to obtain registrations from the Commission in order to operate in the City. See Attonito v. Maldonado, 3 A.D. 3d 415, 771 N.Y.S.2d 97 (1<sup>st</sup> Dept. 2004).

## **B. Local Law 42**

Upon the enactment of Local Law 42, the Commission assumed regulatory authority from the Department of Consumer Affairs (“DCA”) for the licensing and registration of businesses that remove, collect, or dispose of trade waste. See Admin. Code § 16-503. “Trade waste” is broadly defined and specifically includes “construction and demolition debris.” *Id.* § 16-501(f)(1). The carting industry quickly challenged the new law, but the courts have consistently upheld Local Law 42 against repeated constitutional challenges (both facial and as applied) by New York City carters. See, e.g., Sanitation & Recycling Industry, Inc. v. City of New York, 928 F. Supp. 407

(S.D.N.Y. 1996), aff'd, 107 F.3d 985 (2d Cir. 1997); Universal Sanitation Corp. v. Trade Waste Comm'n, No. 96 Civ. 6581 (S.D.N.Y. Oct. 16, 1996); Vigliotti Bros. Carting Co. v. Trade Waste Comm'n, No. 115993/96 (Sup. Ct. N.Y. City. Dec. 4, 1996); Fava v. City of New York, No. CV-97-0179 (E.D.N.Y. May 12, 1997); Imperial Sanitation Corp. v. City of New York, No. 97 CV 682 (E.D.N.Y. June 23, 1997); PJC Sanitation Services, Inc. v. City of New York, No. 97-CV-364 (E.D.N.Y. July 7, 1997). The United States Court of Appeals has definitively ruled that an applicant for a trade waste removal license under Local Law 42 has no entitlement to and no property interest in a license, and the Commission is vested with broad discretion to grant or deny a license application. SRI, 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); Attonito, 2 A.D.3d 415.

Local Law 42 specifically permits the Commission to refuse to issue a registration to an applicant "who has knowingly failed to provide the information and/or documentation required by the commission pursuant to [Title 16 of the Administrative Code or any rules promulgated thereto]" or "who has otherwise failed to demonstrate eligibility for such license." Admin. Code §16-509(b). Applicants who knowingly fail to provide information required by the Commission (whether they fail to provide the information altogether or they provide false and misleading information) fall under the first prong. In Attonito v. Maldonado, 3 A.D.3d 415 (1<sup>st</sup> Dept. 2004); leave denied, 2 N.Y.3d 705 (2004), the Appellate Division affirmed the authority of the Commission to "review" exemption applications, to fully investigate any matter within its jurisdiction and to deny such applications in those cases "where the applicant fails to provide the necessary information, or knowingly provides false information." It further affirmed the authority of the Commission to investigate the accuracy of the information provided in an application. Id.

Applicants who fail to demonstrate good character, honesty and integrity using the criteria by which license applicants are judged fall under the second prong of §16-509(b). While the Appellate Division in Attonito did not directly address the second prong, by affirming the Commission's authority to investigate matters within the trade waste industry, it necessarily follows that the Commission need not ignore the results of its investigation that bear on an applicant's good character, honesty and integrity. Accordingly, the Commission evaluates whether applicants meet the fitness standard using the same criteria upon which license applicants may be denied, including:

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 therefore, or for which judgment has been entered by a court or administrative tribunal of competent jurisdiction.

Admin. Code § 16-509(a)(i)-(x). While the presence of one of the above factors in the record of a registration applicant would not necessarily require a denial as a matter of law, the Commission may consider such evidence as a factor in determining overall eligibility.

## II. DISCUSSION

On June 13, 2006, DC filed an application for an exemption from licensing and a trade waste registration. Frank DeCostello Jr. ("Frank Jr.") is disclosed on the application as the only principal. See DC Exemption Application ("Application") at 17. The Commission has reviewed the application and conducted an investigation of DC Demolition Inc. and its disclosed principal. On October 19, 2007, the staff issued a ten-page recommendation that DC's Application be denied. The Applicant and the Applicant's attorney were each served with the Commission's recommendation by certified mail on or about October 20, 2007. See Signed Certified Mail Return Receipts. The Commission did not receive a factual response to the recommendation from the Applicant, but instead received a request by attorney Jade L. Fuller that the Commission withdraw the DC Application from consideration. See October 31, 2007 letter from Jade L. Fuller to the Commission. That request was denied. See November 20, 2007 letter from David Mandell to Jade L. Fuller.

The Commission has carefully considered the staff's denial recommendation. For the reasons set forth below, the Commission finds that the Applicant lacks good character, honesty, and integrity, and denies its application.

### A. BACKGROUND

Before Frank Jr. submitted the DC application, the Commission had investigated him pursuant to the application of DeCostello Carting, Inc. ("DeCostello"). In August 1996, Frank Jr.'s father, Frank DeCostello, Sr. ("Frank Sr."), as the only disclosed principal of DeCostello, applied for a license to operate a trade waste business in New York City. See DeCostello Application. After conducting a lengthy background investigation, including conducting depositions of Frank Sr. and Frank Jr.,<sup>1</sup> the Commission found that DeCostello lacked good character, honesty, and integrity and denied DeCostello's license application in March 2006. The grounds for denial included the following: (i) Frank Sr. engaged in numerous racketeering and other illegal acts, including hiring Raymond Ramos, a convicted criminal, to intimidate, extort, and physically harm individuals, including competitors; and (ii) Frank Sr. failed to provide truthful information to the Commission regarding his relationship with Raymond Ramos and DeCostello's participation in the organized crime-controlled Greater New York Waste Paper Trade Association. See Decision of the Business Integrity Commission Denying the Application of DeCostello Carting, Inc. for a License to Operate As a Trade

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<sup>1</sup> Frank Sr. appeared for depositions before the Commission's staff on April 29, 1997, August 20, 1997, October 10, 1997, and August 30, 2000. Frank Jr. appeared for a deposition before the Commission on August 31, 2000.

Waste Business (“DeCostello Denial Decision”) at 1-2. In its decision, the Commission found that Frank Jr. was an undisclosed employee of DeCostello who sought to purchase the company to avoid the effect of its denial, and that he provided false testimony to the Commission about the trade waste associations and the illegal trade waste cartel. See id. at 15-16. The Supreme Court, Kings County, upheld the Commission’s decision to deny the application of DeCostello. See DeCostello Carting Inc. v. Thomas McCormack, Chairman of the Business Integrity Commission, and the City of New York Business Integrity Commission, 16 Misc. 3d 421, 837 N.Y.S.2d (Kings County 2007).<sup>2</sup>

### III. GROUNDS FOR DENIAL

#### 1. The Applicant Failed to Demonstrate Eligibility for the Registration it seeks.

##### A. Frank DeCostello, Jr., was an undisclosed principal of DeCostello Carting, a company whose license application was previously denied by the Commission.

Local Law 42 defines principals of a trade waste business to include “all persons or entities having an ownership interest of ten percent or more; and with respect to business entities, all other persons participating directly or indirectly in the control of such business entity.” See Admin. Code §16-508(d). For the purposes of the statute, ownership of stock in a corporation includes not only the individuals who own stock, whether directly or indirectly, but also “the children, grandchildren and parents of such individual.” See id.<sup>3</sup> As the father of the sole shareholder of DC, Frank Sr. is also a principal of DC. See Admin. Code §16-508(d). Similarly, as the son of the sole shareholder of DeCostello, Frank Jr. is also a principal of DeCostello. See id.

Although he was not disclosed as either an employee or a principal in the DeCostello Application,<sup>4</sup> it became clear during the course of the investigation that Frank

<sup>2</sup> The Appellate Division denied DeCostello’s motion for a stay on July 12, 2007. See DeCostello Carting, Inc., v. McCormack, et.al., \_\_ A.D.3d \_\_ (2d Dep’t. 2007). The Commission initially denied DeCostello’s license application in 2002 on the same grounds as the 2006 decision. DeCostello challenged the decision and the Supreme Court upheld the Commission’s determination. However, the Appellate Division reversed on a procedural error: that the Commission did not give DeCostello an adjournment to submit a supplemental response to the staff’s recommendation after missing pages of an exhibit were supplied to it. DeCostello Carting, Inc. v. Maldonado, 2 Misc. 3d 1009A (Kings Cty. 2004), rev’d 20 A.D.3d 477 (2d Dept. 2005). The Commission’s 2006 decision was identical in substance to the 2002 decision.

<sup>3</sup> The policy underlying this inclusion is to prevent individuals who lack good character, honesty and integrity from attempting to insulate them from the reach of Local Law 42 by placing the ownership of their companies in the hands of close relatives.

<sup>4</sup> The Commission’s disclosure requirements are that: “A [license] application shall include, without limitation: (i) a list of the names and addresses of all principals of the applicant business, including any manager or other person who has policy or financial decision-making authority in the business; and (ii) a list of the names and job title of all employees and prospective employees who are or will be engaged in the operation of the trade waste business...” See Admin. Code §16-508(a)(i) and (ii). Frank Jr. was employed by DeCostello as a driver and repairman. See Deposition Transcript of Frank DeCostello, Sr. (“Frank Sr. Tr.”) at 5, 9-10. Frank Jr. was not disclosed as an employee or principal of DeCostello. See

Jr. participated in the affairs of DeCostello and sought to purchase DeCostello by submitting a sale application to the Commission in the eleventh hour to avoid the denial of DeCostello's license application. See DeCostello Denial Decision at 17 n.6. However, the Commission's staff determined that Frank Jr.'s sale application was not viable because the proposed transaction called for Frank Jr. to pay only ten percent of the purchase price and for Frank Sr. to hold a promissory note for the balance for ten years. Thus, for all practical purposes, Frank Sr. would have remained a de facto principal of DeCostello, as well as a principal by operation of law. The Commission determined that this result, which would have allowed Frank Sr. to remain in the trade waste industry, would have been inimical to the purposes of Local Law 42. Accordingly, the Commission rejected the sale application, which it determined was not submitted in good faith. See DeCostello Denial Decision at 17. Frank Jr.'s attempt to purchase DeCostello, as well as the terms of that proposed transaction, underscore the policy behind including the parents, children, and grandchildren as principals if their respective relatives own more than 10% of the business: even after the sale, Frank Sr. would have remained an owner of DeCostello.

In denying DeCostello's license application, the Commission found that DeCostello lacked good character, honesty and integrity. The two companies, DC and DeCostello, share principals, and both Frank Sr. and Frank Jr. were principals in a trade waste business whose application was denied by the Commission with a finding that it lacked good character, honesty and integrity. As a result, the Commission's denial of DeCostello also applies to DC. Accordingly, this registration application is denied based on this independent ground.

**B. The Applicant is ineligible for an exemption or a trade waste registration because DeCostello Carting was required to be licensed by the Commission in the last ten years.**

A principal of a business of an otherwise exempt company (i.e., a c & d company) may apply to the Commission for an exemption from licensing requirements where no principal of such applicant is also a principal of a business that was required to be licensed. Admin. Code §16-505(a). As discussed supra, Frank Jr. is a principal of DeCostello and Frank Sr. is a principal of DC. See Admin. Code §16-501(d); Section III.1.A, supra. Since DeCostello was required to be licensed by the Commission in the last ten (10) years, DC is not eligible for an exemption. For this independent reason, this application is denied.

2. **Principal Frank DeCostello Jr. knowingly failed to provide information and/or documentation to the Commission when he provided false testimony under oath about the trade waste associations and the Organized crime dominated trade waste cartel.**

“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). By providing false testimony under oath about the trade waste associations and the organized crime dominated trade waste cartel, Frank Jr. “knowingly failed to provide the information” required by the Commission. For this independent reason, this application is denied.

During the background investigation of DeCostello, Frank Jr. provided false testimony about the trade waste associations and the illegal trade waste cartel. At his deposition, Frank Jr. falsely denied knowledge of any illegal cartel, despite having worked in the industry since the mid-90s. See, e.g., Deposition Transcript of Frank DeCostello Jr. at 9-14, 18-27, 43-46. He denied ever having heard about the existence of the trade waste associations before 1995, when the media covered the criminal prosecutions. See id. at 18-21, 43. Frank Jr. also denied any specific cartel activity on the part of DeCostello. See id. at 26-27. In denying DeCostello’s license application, the Commission previously found that Frank Jr. offered false testimony under oath, that he “[was] locked into a culture of corruption that gripped the industry,” and that his testimony “undercut any likelihood that [DeCostello] would be better off with the next generation of DeCostellos.” See DeCostello Denial Decision at 17.

The Commission may refuse to issue a registration to an applicant who has knowingly failed to provide any information that is required for the Commission to reach a decision in granting or denying an application. See Admin. Code §16-509(b). Frank Jr. knowingly failed to provide truthful information to the Commission in his attempt to conceal knowledge of illegal activity in the trade waste industry. The failure of Frank to provide truthful information to the Commission constitutes an independent basis for the conclusion that the Applicant lacks good character, honesty and integrity. See Admin. Code §16-509(b). Accordingly, this registration application is denied based on this independent ground.

#### **IV. CONCLUSION**

The Commission is vested with broad discretion to refuse to issue an exemption/registration to any applicant that it determines lacks good character, honesty and integrity. The evidence recounted above demonstrates convincingly that DC falls far short of that standard. For the independently sufficient reasons discussed above, the Commission hereby denies DC’s exemption/registration application.

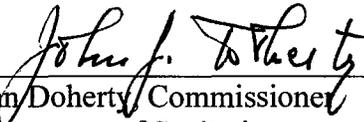
This exemption/registration denial decision is effective immediately. DC Demo shall not service any customers, or otherwise operate as a trade waste removal business in the City of New York.

Dated: January 29, 2008

THE BUSINESS INTEGRITY COMMISSION



Michael J. Mansfield  
Chair



John Doherty, Commissioner  
Department of Sanitation



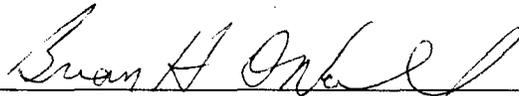
Rose Gill Hearn, Commissioner  
Department of Investigation



Alba Pico, Deputy Commissioner (designee)  
Department of Consumer Affairs



Kathleen Ahn, Deputy General Counsel (designee)  
Department of Small Business Services



Brian O'Neill, Inspector (designee)  
New York City Police Department