



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

**DECISION OF THE BUSINESS INTEGRITY COMMISSION DENYING THE  
REGISTRATION RENEWAL APPLICATION OF TREVOR WILLIAMS D/B/A T&L  
LANDSCAPING TO OPERATE AS A TRADE WASTE BUSINESS**

**I. INTRODUCTION & BACKGROUND**

**A. Introduction**

Trevor Williams d/b/a T&L Landscaping (the “Applicant”) (BIC# 3917) has applied to the New York City Business Integrity Commission (the “Commission”) for renewal of a registration to operate as a trade waste business pursuant to New York City Administrative Code (“Admin. Code”) § 16-505(a). Specifically, the Applicant seeks to renew its registration enabling it to operate a trade waste business “to remove, collect or dispose of trade waste that is generated in the course of operation of such person’s business.” Id.

The Commission has completed its review of the instant application. On May 4, 2015, the staff issued and personally served the Applicant with Notice of the Grounds to Deny the Registration Renewal Application of Trevor Williams D/B/A T&L Landscaping to Operate as a Trade Waste Business (“Notice of Denial”). The Applicant was given 10 business days to respond, until May 18, 2015. See Title 17 Rules of the City of New York (“RCNY”) section 2-08(a). The Applicant did not submit any response. Based upon the record as to the Applicant, the Commission now denies the Applicant’s renewal application based on the following independently sufficient reasons:

- 1. The Applicant Lacks Good Character, Honesty and Integrity Because It Failed to Pay Taxes and Other Government Obligations for Which Judgments Have Been Entered.**
- 2. The Applicant Lacks Good Character, Honesty and Integrity Because It Provided False and Misleading Information in the Instant Renewal Application.**
- 3. The Applicant Knowingly Failed to Provide Information and Documentation Required by the Commission.**

## 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. Historically, the private carting industry in the City was operated as a cartel controlled by organized crime. As evidenced by numerous criminal prosecutions, the industry was plagued by pervasive racketeering, anticompetitive practices and other corruption. See e.g., United States v. International Brotherhood of Teamsters (Adelstein), 998 F.2d 120 (2d Cir. 1993); People v. Ass'n of Trade Waste Removers of Greater New York Inc. et al., Indictment No. 5614/95 (Sup. Ct. N.Y. Cty.); United States v. Mario Gigante et al., No. 96 Cr. 466 (S.D.N.Y.); People v. GNYTWTW, 701 N.Y.S.2d 12 (1<sup>st</sup> Dep't 1999).

The Commission is charged with, among other things, combating the pervasive influence of organized crime and preventing its return to the City's private carting 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 an industry historically plagued 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.

Local Law 42 provides that “[i]t shall be unlawful for any person to remove, collect or dispose of trade waste that is generated in the course of operation of such person's business . . . without having first registered with the [C]ommission.” Admin. Code § 16-505(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), 16-509(b). 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 its determination on an application for a license or registration:

1. failure by such applicant to provide truthful information in connection with the application;
2. a pending indictment or criminal action against such applicant for a crime which under this subdivision would provide a basis for the refusal of such license, or a pending civil or administrative action to which such applicant is a party and which directly relates to the fitness to conduct the business or perform the work for which the license is sought, in which cases the commission may defer consideration of an application until a decision has been reached by the court or administrative tribunal before which such action is pending;
3. conviction of such applicant for a crime which, considering the factors set forth in section seven hundred fifty-three of the correction law, would provide a basis under such law for the refusal of such license;

4. a finding of liability in a civil or administrative action that bears a direct relationship to the fitness of the applicant to conduct the business for which the license is sought;
5. commission of a racketeering activity or knowing association with a person who has been convicted of a racketeering activity, including but not limited to the offenses listed in subdivision one of section nineteen hundred sixty-one of the Racketeer Influenced and Corrupt Organizations statute (18 U.S.C. §1961 *et seq.*) or of an offense listed in subdivision one of section 460.10 of the penal law, as such statutes may be amended from time to time, or the equivalent offense under the laws of any other jurisdiction;
6. association with any member or associate of an organized crime group as identified by a federal, state or city law enforcement or investigative agency when the applicant knew or should have known of the organized crime associations of such person;
7. having been a principal in a predecessor trade waste business as such term is defined in subdivision a of section 16-508 of this chapter where the commission would be authorized to deny a license to such predecessor business pursuant to this subdivision;
8. current membership in a trade association where such membership would be prohibited to a licensee pursuant to subdivision j of section 16-520 of this chapter unless the commission has determined, pursuant to such subdivision, that such association does not operate in a manner inconsistent with the purposes of this chapter;
9. the holding of a position in a trade association where membership or the holding of such position would be prohibited to a licensee pursuant to subdivision j of section 16-520 of this chapter;
10. failure to pay any tax, fine, penalty, or fee related to the applicant's business for which liability has been admitted by the person liable therefor, or for which judgment has been entered by a court or administrative tribunal of competent jurisdiction.

Id. at § 16-509(a)(i)-(x). See also id. at §§ 16-504(a), 16-509(b).

The Commission also may refuse to issue a license or registration to any applicant who has “knowingly failed to provide the information and/or documentation required by the [C]ommission . . . 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 trade waste license or registration 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. v. City of New York, 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, 681 N.E.2d 356, 659 N.Y.S.2d 189 (1997).

## II. DISCUSSION

### A. Statement of Facts

On or about July 1, 2010, the Applicant applied to the Commission for a trade waste registration. See Trevor Williams d/b/a T&L Landscaping’s Application for Class 1 Self Hauler Registration, filed July 1, 2010 (the “Initial Application”). The Initial Application disclosed one principal and 100% owner, Trevor Williams (“Williams”). See id. at 11.

On or about December 2, 2010, the Commission issued the Applicant a registration to operate as a trade waste business removing waste generated solely in the course of operation of its business. See Registration Order. The Applicant’s registration was effective for two years and expired on November 30, 2012. See id.

On or about January 2, 2013, the Applicant filed its first Renewal Application for a License or Registration as Trade Waste Business (the “First Renewal Application”). See First Renewal Application, filed January 2, 2013. On or about June 17, 2013, the Commission approved the First Renewal Application and issued the Applicant a Registration Renewal Order. See Registration Renewal Order, executed June 27, 2013. The registration was effective for two years and expired on November 30, 2014. See id.

On or about October 28, 2014, the Applicant filed its second Renewal Application for a License or Registration as a Trade Waste Business (the “Instant Renewal Application”). See Renewal Application, dated October 28, 2014. The Instant Renewal Application again disclosed Williams as the sole owner and principal of the Applicant. Williams certified that all the information contained in the Instant Renewal Application was accurate and truthful. See Instant Renewal Application at 12.

Question 10 of the Instant Renewal Application asks, “Has the Applicant and its principals timely filed all tax returns and timely paid all taxes due and owing in all jurisdictions?” The applicant responded, “Yes.” See Instant Renewal Application at 4.

The Commission conducted a background investigation in connection with the Instant Renewal Application. The Commission’s investigation revealed that there were two New York

State tax warrants issued and outstanding against the Applicant, totaling \$9,570.71. Additionally, there was one federal tax lien issued and outstanding against the Applicant, totaling \$30,849.83.

Further, during the Commission's background investigation, Commission staff spoke with Williams, who stated that contrary to the certified statements made in the Instant Renewal Application, the Applicant had not in fact filed its tax returns for the past two years and was aware it owed outstanding taxes. See Memo dated April 6, 2015.

By letter dated January 29, 2015, the Commission requested proof of resolution of the above-mentioned tax debts or that the Applicant was in compliance with an agreement with tax authorities to resolve them.<sup>1</sup> The Commission also requested proof that the Applicant's tax returns for 2012 and 2013 had been filed or proof of extensions for filing. The Commission set a deadline of February 6, 2015, for the Applicant to provide the requested documentation. Further, the Commission advised the Applicant that the failure to provide the requested material could result in administrative penalties, including the denial of the Instant Renewal Application. See Letter from Santiago Mueckay dated January 29, 2015. The Applicant failed to provide the requested documentation by the February 6, 2015 deadline.

Again, by letter dated February 17, 2015, titled "Second Notice," the Commission requested the above-mentioned documentation, and gave a deadline of March 10, 2015, to provide the previously requested documentation.<sup>2</sup> Again, the Applicant was notified that its failure to provide the requested documentation may result in administrative violations and/or the denial of the Instant Renewal Application. See Letter from Santiago Mueckay dated February 17, 2015. Again, the Applicant failed to provide the requested documentation by the March 10, 2015 deadline.

On March 16, 2015, the Commission sent another letter, titled "Final Notice," to the Applicant. In addition to requesting the material requested in the prior letters, the Commission informed the Applicant that its failure to provide the documentation "will" result in the denial of the Instant Renewal Application. The deadline to provide the requested documentation was March 27, 2015. As of the date the Notice of Denial was served, the Commission had not received any of the required documentation.

## **B. Basis for Denial**

### **1. The Applicant Lacks Good Character, Honesty and Integrity Because It Failed to Pay Taxes and Other Government Obligations for Which Judgments Have Been Entered.**

The Commission may refuse to issue a license or registration to an applicant who lacks good character, honesty and integrity. In determining whether an applicant lacks good character, honesty and integrity, the Commission may consider an applicant's "failure to pay any tax, fine, penalty, fee

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<sup>1</sup> Prior to sending the letter dated January 29, 2015, Commission staff spoke with Williams and/or his accountant on December 1, 2014, January 20, 2015, and January 28, 2015 regarding the outstanding tax debts. As demonstrated below, notwithstanding the principal's oral representations that he would resolve these issues, the Applicant failed to provide any documentation to that effect.

<sup>2</sup> Commission staff also tried to contact the Applicant and his accountant by telephone on February 9, 2015, and February 12, 2015. No one answered the telephone at either location on either date, and Commission staff was unable to leave a message at any time.

related to the applicant's business . . . for which judgment has been entered by a court or administrative tribunal of competent jurisdiction . . . .” See Admin. Code § 16-509(a)(x). See also id. at §§ 16-513(a)(iv), 16-504, 16-509(b).

As demonstrated above, the Commission sent three letters notifying the Applicant of its outstanding tax debts (two New York State tax warrants and one federal tax lien) and requesting documentation evidencing that they have been resolved or were subject to a payment plan with which the Applicant is in compliance.<sup>3</sup> Notwithstanding those notices, as of the date the Notice of Denial was served, the Applicant's tax debts remained outstanding. Combined, the Applicant owes more than \$40,000 in taxes. The Applicant has not disputed this point. For this independently sufficient reason, the Commission denies the Instant Renewal Application.

**2. The Applicant Lacks Good Character, Honesty and Integrity Because It Provided False and Misleading Information in the Instant Renewal Application.**

The Commission may refuse to issue a license or registration to an applicant who lacks good character, honesty and integrity. In determining whether an applicant lacks good character, honesty and integrity, the Commission may consider “failure by such applicant to provide truthful information in connection with the application.” See Admin. Code § 16-509(a)(i). See also id. at §§ 16-504, 16-509(b).

As demonstrated above, the Applicant has failed to provide truthful information in connection with the Instant Renewal Application in that it falsely stated in the Instant Renewal Application that the Applicant had filed its tax returns and paid all taxes due and owing in any jurisdiction. The Applicant has not disputed this point. For this independently sufficient reason, the Commission denies the Instant Renewal Application.

**3. The Applicant Knowingly Failed to Provide Information and Documentation Required by the Commission.**

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

As demonstrated above, the Applicant was given ample time to produce the required documentation to the Commission. The Commission sent three letters requesting documentation regarding the filing of the Applicant's tax returns and the payment of its outstanding tax debts. Notwithstanding these notices, the Applicant has failed to provide any documentation to the Commission of proof of compliance with any payment plan, satisfaction regarding the open tax warrants and lien, or proof regarding the filing of the Applicant's tax returns. The Applicant has not refuted this point. For this independently sufficient reason, the Commission denies the Instant Renewal Application.

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<sup>3</sup> Additionally, as discussed above, Commission staff spoke with the Applicant about these debts.

### III. CONCLUSION

The Commission is vested with broad discretion to refuse to issue a license or registration to any applicant it determines lacks good character, honesty and integrity. Based on the record set forth above, the Applicant has demonstrated that it lacks good character, honesty and integrity. The Applicant also has knowingly failed to provide information and documentation required by the Commission. Accordingly, based on those three independently sufficient grounds, the Commission denies the Instant Renewal Application.

This registration denial is effective immediately. Trevor Williams d/b/a T&L Landscaping may not operate as a trade waste business in the City of New York.

Dated: June 22, 2015

THE BUSINESS INTEGRITY COMMISSION



Daniel D. Brownell  
Commissioner and Chair



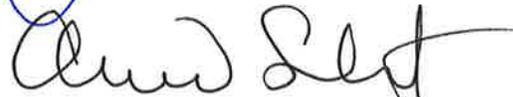
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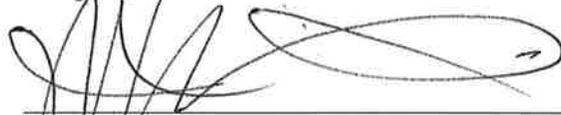
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