

Business Integrity Commission Meeting
November 9, 2015

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TRANSCRIPT OF
THE CITY OF NEW YORK
BUSINESS INTEGRITY COMMISSION MEETING

MONDAY, NOVEMBER 9, 2015

SPECTOR HALL
22 READE STREET, MAIN FLOOR
BOROUGH OF MANHATTAN

Reported By:

Jennifer Cassella

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HEARING CONVENED AT 10:31 a.m.

PRESENT:

DANIEL D. BROWNELL, Commissioner/Chair

NOAH D. GENEL, General Counsel

ANDREW SCHWARTZ, Acting Commissioner, Department of
Small Business Services

JULIE MENIN, Commissioner, Department of Consumer
Affairs

INSPECTOR JOHN DENESOPOLIS, New York City Police
Department

TRACY N. WRIGHT, Deputy General Counsel, Department
of Investigation

ROBERT ORLIN, Deputy Commissioner, Department of
Sanitation

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2 MR. BROWNELL: So since the
3 Commission is in full attendance, why don't
4 we start. Welcome, everyone, to our Fall
5 meeting of the Business Integrity
6 Commission. I am going to have Noah
7 actually do the hard work here since he's
8 much more efficient than I am. So Noah,
9 why don't you get started.

10 MR. GENEL: Good morning. Today is
11 November 9th, 2015. The time is
12 10:31 a.m., and we are in Spector Hall,
13 22 Reade Street in New York City. I would
14 like to welcome you to a meeting of the
15 New York City Business Integrity
16 Commission. I'm Noah Genel, General
17 Counsel for the Business Integrity
18 Commission.

19 I am joined by the following
20 Commission members: Daniel Brownell,
21 Commissioner and Chair of the Business
22 Integrity Commission; Deputy Commissioner
23 Robert Orlin is here today representing
24 Department of Sanitation Commissioner
25 Kathryn Garcia; Deputy General Counsel

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Tracy Wright is representing Department of Investigation Commissioner Mark Peters; Department of Consumer Affairs Commissioner Julie Menin; Department of Small Business Services Acting Commissioner Andrew Schwartz; and New York City Police Department Inspector John Denesopolis is representing Police Commissioner William Bratton.

There are 11 items on our agenda today, all of which are applications for trade waste licenses or registrations which the Commission's staff has recommended to the Commission be denied. Each applicant was served with a Notice of Grounds to recommend the denial of its application. Each applicant was advised that it had ten business days to submit a sworn written response to the Commission. Last week, all of the Commission members were provided with the recommended denial decisions regarding these applications, as well as any responses submitted by the applicants. There have been no material changes made to

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any of the recommended denial decisions.

I will now review with the Commission members the grounds cited for each recommended denial. As we go through each application, the Commission members will vote as to whether or not to adopt the staff's recommendation to deny the application. I want to make sure that the record is clear so I will ask each Commissioner or designee to state their vote on the record. A vote of yes is a vote to adopt the staff's recommendation, and a vote of no is a vote not to adopt the recommendation.

The first application to be considered is the registration renewal application of G&S Carting Inc. to operate as a trade waste business. This application will be considered in conjunction with the registration application of Chung Industries Inc. to operate as a trade waste business because, as discovered during the Commission staff's investigation in connection with these

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2 applications, they are related companies.

3 The staff attorney in charge of both of
4 these applications is Jonathan Jacobs.

5 First, with respect to the
6 application of G&S Carting, the Commission
7 staff recommends denial of this application
8 based on the following two independently
9 sufficient grounds: One, that the
10 applicant provided false and misleading
11 information to the Commission on multiple
12 occasions; and two, that the sole principal
13 of G&S Carting knowingly associated with a
14 member of organized crime.

15 Is there a motion from the
16 Commissioners to adopt the staff's
17 recommendation?

18 MR. DENESOPOLIS: Motion to adopt.

19 MR. GENEL: Is there a second?

20 MS. MENIN: Second.

21 MR. GENEL: How did the other
22 members vote? Yes to adopt the
23 recommendation and no to not adopt.

24 MR. ORLIN: Yes.

25 MS. WRIGHT: Yes.

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2 MR. BROWNELL: Yes.

3 MR. SCHWARTZ: Yes.

4 MR. GENEL: Let the record reflect
5 that the vote is unanimous.

6 With respect to the application of
7 Chung Industries Inc. to operate as a trade
8 waste business, the Commission staff
9 recommends denial of this application based
10 on the following two independently
11 sufficient grounds: One, that the
12 applicant provided false and misleading
13 information to the Commission on multiple
14 occasions; and two, that the sole principal
15 of G&S Carting, who is also an undisclosed
16 principal of Chung Industries, knowingly
17 associated with a member of organized
18 crime.

19 Is there a motion from the
20 Commissioners to adopt the staff's
21 recommendation?

22 MS. WRIGHT: Motion to adopt.

23 MR. GENEL: Is there a second?

24 MR. ORLIN: Second.

25 MR. GENEL: And how did the other

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members vote?

MR. BROWNELL: Yes.

MR. DENESOPOLIS: Yes.

MS. MENIN: Yes.

MR. SCHWARTZ: Yes.

MR. GENEL: Let the record reflect
that the vote is unanimous.

Because these two companies are
related, both companies are included in a
single denial decision of the Commission.

The next application to be
considered is the registration renewal
application of Clean Soil Solutions
Incorporated to operate as a trade waste
business. The staff attorney in charge of
this application is Amy Bedford. The
Commission staff recommends denial of this
application based on the following two
independently sufficient grounds: One, the
sole principal of the applicant has a
criminal case pending in federal court for
participating in a criminal conspiracy
involving the sale of narcotics and weapons
possession; and two, the applicant provided

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false and misleading information to the Commission by failing to disclose both a New York State criminal case and the currently pending federal criminal case against the applicant's sole principal.

Is there a motion from the Commissioners to adopt the staff's recommendation?

MS. MENIN: So moved.

MR. GENEL: Is there a second?

MR. DENESOPOLIS: Second.

MR. GENEL: How do the other members vote?

MR. ORLIN: Yes.

MS. WRIGHT: Yes.

MR. BROWNELL: Yes.

MR. SCHWARTZ: Yes.

MR. GENEL: Let the record reflect that the vote is unanimous.

The next application to be considered is the registration application of Dabin Trucking, Inc. d/b/a AMV Trucking to operate as a trade waste business. The staff attorney in charge of this

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2 application is John Curry. The Commission
3 staff recommends denial of this application
4 based on the following three independently
5 sufficient grounds: One, the applicant
6 knowingly failed to disclose a principal of
7 the company; two, the applicant knowingly
8 failed to provide truthful and
9 non-misleading information to the
10 Commission; and three, the applicant has
11 repeatedly engaged in unregistered trade
12 waste removal activity.

13 Is there a motion from the
14 Commissioners to adopt the staff's
15 recommendation?

16 MR. ORLIN: Motion to adopt.

17 MR. GENEL: Is there a second?

18 MR. SCHWARTZ: Second.

19 MR. GENEL: How do the other members
20 vote?

21 MS. WRIGHT: Yes.

22 MR. BROWNELL: Yes.

23 MR. DENESOPOLIS: Yes.

24 MS. MENIN: Yes.

25 MR. GENEL: Let the record reflect

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that the vote is unanimous.

The next matter to be considered is the registration application of Four Seasons Landscaping & Gutter Cleaning Maintenance Corp. d/b/a Four Seasons Landscaping II Corp. to operate as a trade waste business. The staff attorney in charge of this application is Jonathan Jacobs. The Commission staff recommends denial of this application based on the following three independently sufficient grounds: One, the Commission previously denied the application of a company related to the applicant as lacking good character, honesty and integrity; two, Stephen Cestro, who the Commission previously found to lack good character, honesty and integrity, is an undisclosed principal of the applicant; and three, the applicant knowingly failed to provide truthful and non-misleading information to the Commission.

Is there a motion from the Commissioners to adopt the staff's

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2 recommendation?

3 MR. SCHWARTZ: So moved.

4 MR. GENEL: Is there a second?

5 MS. MENIN: Second.

6 MR. GENEL: How do the other members
7 vote?

8 MR. ORLIN: Yes.

9 MS. WRIGHT: Yes.

10 MR. BROWNELL: Yes.

11 MR. DENESOPOLIS: Yes.

12 MR. GENEL: Let the record reflect
13 that the vote is unanimous.

14 The next matter to be considered is
15 the license renewal application of Grease
16 Monkeys of New York Inc. to operate as a
17 trade waste business. The staff attorney
18 in charge of this application is
19 Jared Rosen. The Commission staff
20 recommends denial of this application based
21 on the following two independently
22 sufficient grounds: One, the applicant
23 violated Local Law 42 by illegally
24 transferring its trade waste license to two
25 unlicensed companies; and two, the

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applicant failed to provide truthful and non-misleading information in connection with its application.

Is there a motion from the Commissioners to adopt the staff's recommendation?

MR. ORLIN: Motion to adopt.

MR. GENEL: Is there a second?

MR. DENESOPOLIS: Second.

MR. GENEL: How do the other members vote?

MS. WRIGHT: Yes.

MR. BROWNELL: Yes.

MS. MENIN: Yes.

MR. SCHWARTZ: Yes.

MR. GENEL: Let the record reflect that the vote is unanimous.

The next matter to be considered is the registration application of Green Earth Solutions, Inc. to operate as a trade waste business. The staff attorney in charge of this application is Amy Bedford. The Commission staff recommends denial of this application based on the following three

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independently sufficient grounds: One, the applicant failed to disclose Michael Pierce as a principal; two, the applicant has engaged in unregistered trade waste removal activity; and three, the applicant and its undisclosed principal are parties to a civil lawsuit relating to the trade waste industry and owe a substantial unpaid judgment as a result of that lawsuit.

Is there a motion from the Commissioners to adopt the staff's recommendation?

MS. MENIN: So moved.

MR. GENEL: Is there a second?

MR. SCHWARTZ: Second.

MR. GENEL: How do the other members vote?

MR. ORLIN: Yes.

MS. WRIGHT: Yes.

MR. BROWNELL: Yes.

MR. DENESOPOLIS: Yes.

MR. GENEL: Let the record reflect that the vote is unanimous.

The next matter to be considered is

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2 the license application of Harry's Design
3 Inc. d/b/a Delta Demo of New York Inc. to
4 operate as a trade waste business. The
5 staff attorney in charge of this
6 application is Jared Rosen. The Commission
7 staff recommends denial of this application
8 based on the following two independently
9 sufficient grounds: One, the applicant
10 failed to pay taxes and other government
11 obligations for which judgments have been
12 entered; and two, the applicant knowingly
13 failed to provide information and
14 documentation required by the Commission.

15 Is there a motion from the
16 Commissioners to adopt the staff's
17 recommendation?

18 MR. ORLIN: Motion to adopt.

19 MR. GENEL: Is there a second?

20 MS. WRIGHT: Second.

21 MR. GENEL: How do the other members
22 vote?

23 MR. BROWNELL: Yes.

24 MR. DENESOPOLIS: Yes.

25 MS. MENIN: Yes.

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MR. SCHWARTZ: Yes.

MR. GENEL: Let the record reflect that the vote is unanimous.

The next matter to be considered is the registration application of MAAD Construction Inc. to operate as a trade waste business. The staff attorney in charge of this application is Leigh Neren. The Commission staff recommends denial of this application based on the following three independently sufficient grounds: One, the applicant knowingly associated with individuals who have been convicted of racketeering activities; two, the applicant provided false and misleading information to the Commission; and three, the applicant repeatedly engaged in unregistered trade waste removal activity.

Is there a motion from the Commissioners to adopt the staff's recommendation?

MR. SCHWARTZ: So moved.

MR. GENEL: Is there a second?

MR. DENESOPOLIS: Second.

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MR. GENEL: How do the other members
vote?

MR. ORLIN: Yes.

MS. WRIGHT: Yes.

MR. BROWNELL: Yes.

MS. MENIN: Yes.

MR. GENEL: Let the record reflect
that the vote is unanimous.

The next matter to be considered is
the license renewal application of Parkside
Recycling Inc. to operate as a trade waste
business. The staff attorney in charge of
this application is David Mandell. The
Commission staff recommends denial of this
application based on the following two
independently sufficient grounds: One, the
applicant failed to pay taxes and other
government obligations for which judgments
have been entered; and two, the applicant
violated the terms of its license renewal
order by failing to provide the Commission
with proof that an outstanding tax warrant
had been satisfied or otherwise resolved.

Is there a motion from the

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Commissioners to adopt the staff's
recommendation?

MR. ORLIN: Motion to adopt.

MR. GENEL: Is there a second?

MS. WRIGHT: Second.

MR. GENEL: How do the other members
vote?

MR. BROWNELL: Yes.

MR. DENESOPOLIS: Yes.

MS. MENIN: Yes.

MR. SCHWARTZ: Yes.

MR. GENEL: Let the record reflect
that the vote is unanimous.

The last matter to be considered is
the registration application of Tom Miers
Landscaping Limited Liability Company to
operate as a trade waste business. The
staff attorney in charge of this
application is Pamela Peralta. The
Commission staff recommends denial of this
application based on following two
independently sufficient grounds: One, the
applicant knowingly provided false and
misleading information to the Commission in

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connection with the application; and two, the applicant's principal provided false and misleading information to the Commission.

Is there a motion from the Commissioners to adopt the staff's recommendation?

MS. MENIN: So moved.

MR. GENEL: Is there a second?

MR. SCHWARTZ: Second.

MR. GENEL: How do the other members vote?

MR. ORLIN: Yes.

MS. WRIGHT: Yes.

MR. BROWNELL: Yes.

MR. DENESOPOLIS: Yes.

MR. GENEL: Let the record reflect that the vote is unanimous.

That concludes the matters before the Commission. I ask members of the Commission to sign each decision that has been voted today. I thank the Commission members for their participation, and I thank the members of the Commission staff

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for their work on these matters. We expect
that we will schedule the next Commission
meeting in the first quarter of 2016.

Thank you.

(Time noted: 10:44 a.m.)

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<p align="center">A</p> <p>a.m (3) 2:2 3:12 20:6 ability (1) 21:13 Acting (2) 2:6 4:6 action (1) 21:15 activities (1) 16:15 activity (3) 10:12 14:6 16:19 adopt (22) 5:7,13,14 6:16,18,22,23 7:20,22 9:8 10:14,16 11:25 13:6 13:8 14:12 15:16,18 16:21 18:2,4 19:7 advised (1) 4:18 Affairs (2) 2:8 4:4 agenda (1) 4:11 AMV (1) 9:23 Amy (2) 8:17 13:23 Andrew (2) 2:6 4:7 applicant (25) 4:15,18 6:10 7:12 8:21,25 10:5,7,10 11:15,20,21 12:22 13:2 14:3,4,6 15:9,12 16:13,15,17 17:18,20 18:24 applicant's (2) 9:6 19:3 applicants (1) 4:24 application (43) 4:17 5:6,9,16,18 5:20,22 6:6,7 7:6,9 8:12,14,17,19 9:21,22 10:2,3 11:4,9,11,14 12:15,18,20 13:4,20,23,25 15:2,6 15:7 16:6,9,11 17:11,14,16 18:16 18:20,22 19:2 applications (4) 4:12,23 6:2,4 associated (3) 6:13 7:17 16:13 attendance (1) 3:3 attorney (10) 6:3 8:16 9:25 11:8 12:17 13:22 15:5 16:8 17:13 18:19</p>	<p>Cassella (3) 1:23 21:7,22 certify (2) 21:9,14 Cestro (1) 11:17 Chair (1) 3:21 changes (1) 4:25 character (2) 11:16,18 charge (10) 6:3 8:16 9:25 11:9 12:18 13:22 15:5 16:9 17:13 18:19 Chung (3) 5:22 7:7,16 cited (1) 5:4 City (5) 1:3 2:9 3:13,15 4:7 civil (1) 14:8 Clean (1) 8:14 Cleaning (1) 11:5 clear (1) 5:10 Commission (42) 1:4 3:3,6,16,18 3:20,22 4:15,20,21 5:4,6,24 6:6 6:11 7:8,13 8:11,18 9:3 10:2,10 11:10,13,17,23 12:19 13:24 15:6 15:14 16:10,17 17:15,22 18:21 18:25 19:5,21,22,23,25 20:3 Commission's (1) 4:14 Commissioner (11) 2:6,7,12 3:21 3:22,24 4:3,4,6,9 5:11 Commissioner/Chair (1) 2:4 Commissioners (11) 6:16 7:20 9:8 10:14 11:25 13:6 14:12 15:16 16:21 18:2 19:7 companies (4) 6:2 8:9,10 12:25 company (3) 10:7 11:15 18:17 concludes (1) 19:20 conjunction (1) 5:21 connection (3) 5:25 13:3 19:2 considered (11) 5:17,20 8:13 9:22 11:3 12:14 13:19 14:25 16:5 17:10 18:15 conspiracy (1) 8:23 Construction (1) 16:7 Consumer (2) 2:7 4:4 CONVENED (1) 2:2 convicted (1) 16:14 Corp (2) 11:6,7 Counsel (4) 2:5,10 3:17,25 COUNTY (1) 21:5 court (1) 8:22 crime (2) 6:14 7:18 criminal (4) 8:22,23 9:4,5 currently (1) 9:5 Curry (1) 10:2</p>	<p>day (1) 21:19 days (1) 4:19 decision (2) 8:11 19:22 decisions (2) 4:22 5:2 Delta (1) 15:3 Demo (1) 15:3 Denesopolis (13) 2:9 4:8 6:18 8:4 9:12 10:23 12:11 13:10 14:22 15:24 16:25 18:10 19:17 denial (16) 4:17,22 5:2,5 6:7 7:9 8:11,18 10:3 11:11 12:20 13:24 15:7 16:10 17:15 18:21 denied (2) 4:15 11:14 deny (1) 5:8 Department (10) 2:6,7,9,10,12 3:24 4:2,4,5,8 Deputy (4) 2:10,12 3:22,25 Design (1) 15:2 designee (1) 5:11 disclose (3) 9:3 10:6 14:3 discovered (1) 5:24 documentation (1) 15:14</p>
<p align="center">B</p> <p>based (11) 6:8 7:9 8:19 10:4 11:11 12:20 13:25 15:8 16:11 17:16 18:22 Bedford (2) 8:17 13:23 best (1) 21:13 blood (1) 21:15 BOROUGH (1) 1:12 Bratton (1) 4:10 Brownell (14) 2:4 3:2,20 7:2 8:3 9:17 10:22 12:10 13:14 14:21 15:23 17:6 18:9 19:16 business (20) 1:4 2:6 3:5,15,17,21 4:5,19 5:19,23 7:8 8:16 9:24 11:8 12:17 13:22 15:4 16:8 17:13 18:18</p>	<p align="center">D</p> <p>D (2) 2:4,5 d/b/a (3) 9:23 11:6 15:3 Dabin (1) 9:23 Daniel (2) 2:4 3:20 David (1) 17:14</p>	<p align="center">E</p> <p>E (2) 21:2,2 Earth (1) 13:20 efficient (1) 3:8 engaged (3) 10:11 14:5 16:18 entered (2) 15:12 17:20 expect (1) 20:2</p>
<p align="center">C</p> <p>C (2) 21:2,2 Carting (4) 5:18 6:6,13 7:15 case (3) 8:22 9:4,5</p>	<p align="center">G</p> <p>G&S (4) 5:18 6:6,13 7:15 Garcia (1) 3:25 Genel (36) 2:5 3:10,16 6:19,21 7:4 7:23,25 8:7 9:11,13,19 10:17,19 10:25 12:4,6,12 13:9,11,17 14:15 14:17,23 15:19,21 16:3,24 17:2,8</p>	<p align="center">F</p> <p>F (1) 21:2 failed (8) 10:6,8 11:21 13:2 14:3 15:10,13 17:18 failing (2) 9:3 17:22 Fall (1) 3:4 false (6) 6:10 7:12 9:2 16:16 18:24 19:3 federal (2) 8:22 9:5 first (3) 5:16 6:5 20:4 FLOOR (1) 1:11 following (12) 3:19 6:8 7:10 8:19 10:4 11:12 12:21 13:25 15:8 16:11 17:16 18:22 found (1) 11:18 Four (2) 11:4,6 full (1) 3:3 further (1) 21:14</p>

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