

ENVIRONMENTAL CONTROL BOARD

NOTICE OF OPPORTUNITY TO COMMENT on Proposed Rule regarding penalties for offenses adjudicated by the Environmental Control Board (ECB).

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED in the Environmental Control Board by Section 1049-a of the New York City Charter, and in accordance with Section 1043(b) of the Charter, that the Environmental Control Board proposes to amend subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York, setting forth penalties for offenses adjudicated by the Environmental Control Board. New matter in the following rule is underlined, and deleted material is in brackets. This rule was not included in the Environmental Control Board's regulatory agenda because it was not anticipated at the time the agenda was created.

Written comments regarding the proposed rule may be sent to James Macron, Counsel to the Board, ECB, 66 John Street, 10th Floor, New York, N.Y. 10038, on or before July 13, 2010. A public hearing regarding the proposed rule will be held on July 13, at 5:00 p. m., at ECB, 66 John Street, 10th Floor, Conference Room, New York, N.Y. 10038. Persons seeking to testify are requested to notify James Macron, Counsel to the Board, ECB, 66 John Street, 10th Floor, New York, N.Y. 10038, (212) 361-1515 on or before July 13, 2010. Persons who need a sign language interpreter or other accommodation for a disability are asked to notify James Macron, Counsel to the Board, ECB, 66 John Street, 10th Floor, New York, N.Y. 10038, (212) 361-1515 by July 6, 2010. Persons interested in receiving written comments and a transcript of oral comments on the proposed rule may request them by writing to: James Macron, Counsel to the Board, ECB, 66 John Street, 10th Floor, New York, N.Y. 10038.

Section 1. Section 3-108 of Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York, setting forth the penalty schedule for violation of laws and rules governing the Fulton Fish Market and Other Public Markets contained in Title 22 of the Administrative Code of the City of New York and Title 66 of the RCNY, is REPEALED.

Section 2. Subchapter G of chapter 3 of Title 48 of the Rules of the City of New York is amended by adding a new section 3-108, to read as follows:

§ 3-108 FULTON FISH MARKET/OTHER SEAFOOD MARKETS/PUBLIC WHOLESALE MARKETS VIOLATIONS

Note: All penalties are in dollar amounts.

Repeat penalties apply for violations of the same subsection penalty schedule description.

2nd, 3rd, 4th, 5th and subsequent (subs.) violations are defined as a violation by the same respondent with a date of occurrence within five years of the date of occurrence of the previous violation.

***Mail-in penalties are only available for a first offense. Where a mail-in penalty exists in this penalty schedule for the cited violation, a respondent may admit to the violation charged and pay the penalty by mail in the manner and time directed by the notice of violation. Payment in full is deemed an admission of liability and no further hearing or appeal will be allowed.**

Pursuant to 48 RCNY section 3-81 (b), where respondent is permitted to admit and pay by mail but fails to do so before the original hearing date written on the violation, the respondent will have the option of paying the mail in penalty, plus a late admit fee of \$30.00, within 30 days of the mailing date of the default order issued against respondent.

TITLE 17 RCNY CHAPTER 2 SUBCHAPTER A: PUBLIC WHOLESALE MARKETS

<u>CODE/RULE SECTION</u>	<u>DESCRIPTION</u>	<u>MAIL-IN PENALTY</u>	<u>1st OFFENSE PENALTY</u>	<u>REPEAT PENALTY</u>	<u>DEFAULT PENALTY</u>
17 RCNY §11-06(a)*	Failed to obtain identification card as per subsec.	500	750	2 nd 1,000 3 rd 2,500 4 th 5,000 Subs. 10,000	10,000
17 RCNY §11-06(c)*	Failed to produce ID card upon demand	250	500	2 nd 500 3 rd 1,000 4 th 2,500 5 th 5,000 Subs 10,000	10,000

<u>17 RCNY §11-09(a)*</u>	<u>Improper transfer of registration number</u>	<u>3,000</u>	<u>5,000</u>	<u>Subs. 10,000</u>	<u>10,000</u>
<u>17 RCNY §11-09(b)*</u>	<u>Failed to affix & prominently display registration certificate</u>	<u>500</u>	<u>1000</u>	<u>2nd 1500</u> <u>3rd 2,500</u> <u>4th 5,000</u> <u>Subs. 10,000</u>	<u>10,000</u>
<u>17 RCNY §11-09(c)*</u>	<u>Failed to maintain books, records, etc., as per subsec.</u>	<u>1,500</u>	<u>2,500</u>	<u>2nd 3,000</u> <u>3rd 5,000</u> <u>Subs. 10,000</u>	<u>10,000</u>
<u>17 RCNY §11-09(c)*</u>	<u>Failed to retain books, records, etc., and make available for inspection</u>	<u>500</u>	<u>750</u>	<u>2nd 1,000</u> <u>3rd 2,500</u> <u>4th 5,000</u> <u>Subs. 10,000</u>	<u>10,000</u>
<u>17 RCNY §11-15(a)*</u>	<u>Failed to notify Comm'r of material changes of info submitted in application</u>	<u>1,500</u>	<u>2,500</u>	<u>2nd 5,000</u> <u>Subs. 10,000</u>	<u>10,000</u>
<u>17 RCNY §11-15(b)*</u>	<u>Failed to notify Commission of ownership changes as per subsec.</u>	<u>1,500</u>	<u>2,500</u>	<u>2nd 5,000</u> <u>Subs. 10,000</u>	<u>10,000</u>
<u>17 RCNY §11-16(c)*</u>	<u>Unauthorized sublease of registration number, premises and/or business</u>	<u>3,000</u>	<u>5,000</u>	<u>Subs. 10,000</u>	<u>10,000</u>
<u>17 RCNY §11-19 (a)(1)*</u>	<u>Interfered with lawful duties of Market Manager or his staff</u>	<u>7,500</u>	<u>10,000</u>	<u>Subs. 10,000</u>	<u>10,000</u>

<u>17 RCNY §11-19 (a)(1)*</u>	<u>Interfered with/obstructed orderly function of Market</u>	<u>3,000</u>	<u>5,000</u>	<u>Subs. 10,000</u>	<u>10,000</u>
<u>17 RCNY §11-19 (a)(2)*</u>	<u>Interfered with/obstructed any operation, etc., of mkt. registrant</u>	<u>750</u>	<u>1,000</u>	<u>2nd 2,500</u> <u>3rd 5,000</u> <u>Subs. 10,000</u>	<u>10,000</u>
<u>17 RCNY §11-19(a)(10)*</u>	<u>Misrepresentation of merchandise offered for sale</u>	<u>500</u>	<u>1,000</u>	<u>2nd 2,500</u> <u>3rd 5,000</u> <u>Subs. 10,000</u>	<u>10,000</u>
<u>17 RCNY §11-19 (b)(3)*</u>	<u>Conducted business using unregistered name</u>	<u>3,000</u>	<u>5,000</u>	<u>Subs. 10,000</u>	<u>10,000</u>
<u>17 RCNY §11-19 (b)(4)*</u>	<u>Violated any applicable federal, state or city law or regulation</u>	<u>1,000</u>	<u>1,500</u>	<u>2nd 2,500</u> <u>3rd 5,000</u> <u>Subs. 10,000</u>	<u>10,000</u>
<u>17 RCNY §11-19 (b)(8)*</u>	<u>Threatened or attempted to intimidate any customer</u>	<u>1,500</u>	<u>3,000</u>	<u>2nd 5,000</u> <u>3rd 7,500</u> <u>Subs. 10,000</u>	<u>10,000</u>
<u>17 RCNY §11-19 (b)(11)*</u>	<u>Employed individuals without approved ID cards</u>	<u>3,000</u>	<u>5,000</u>	<u>Subs. 10,000</u>	<u>10,000</u>
<u>17 RCNY §11-19 (b)(12)*</u>	<u>Use of unregistered/uninsured vehicle</u>	<u>500</u>	<u>750</u>	<u>2nd 1,000</u> <u>3rd 2,500</u> <u>4th 5,000</u> <u>Subs. 10,000</u>	<u>10,000</u>
<u>17 RCNY §11-19 (b)(13)*</u>	<u>Engaged in an unfair labor practice as per subsec.</u>	<u>1,000</u>	<u>1,500</u>	<u>2nd 2,500</u> <u>3rd 5,000</u> <u>SUBS. 10,000</u>	<u>10,000</u>
<u>17 RCNY §11-19(b)(15)*</u>	<u>Violated or failed to comply with any order or directive of the Commission</u>	<u>375</u>	<u>500</u>	<u>2nd 750</u> <u>Subs 1000</u>	<u>10,000</u>
<u>17 RCNY §11-25(a)*</u>	<u>Failed to obey and/or comply w/traffic directions</u>	<u>250</u>	<u>500</u>	<u>2nd 1,000</u> <u>3rd 2,500</u> <u>4th 5,000</u> <u>Subs. 10,000</u>	<u>10,000</u>
<u>17 RCNY §11-25(b)*</u>	<u>Obstruction of Traffic</u>	<u>250</u>	<u>500</u>	<u>2nd 750</u> <u>3rd 1,000</u> <u>4th 2,500</u> <u>5th 5,000</u> <u>Subs 10,000</u>	<u>10,000</u>
<u>17 RCNY §11-25(c)*</u>	<u>Failure to remove disabled vehicle as per subsec.</u>	<u>250</u>	<u>500</u>	<u>2nd 750</u> <u>3rd 1,000</u> <u>4th 2,500</u> <u>5th 5,000</u> <u>Subs 10,000</u>	<u>10,000</u>

<u>17 RCNY §11-25(e)*</u>	<u>Failed to comply with traffic laws</u>	<u>500</u>	<u>1,000</u>	<u>2nd 2,500</u> <u>3rd 5,000</u> <u>Subs. 10,000</u>	<u>10,000</u>
<u>17 RCNY §11-26(b)*</u>	<u>Failed to maintain bldg., stores, etc., in good repair condition as per subsec.</u>	<u>1,000</u>	<u>2,500</u>	<u>2nd 3,000</u> <u>3rd 5,000</u> <u>Subs. 10,000</u>	<u>10,000</u>
<u>ADMIN. CODE</u> <u>§22-252(a)</u>	<u>Failure to obtain identification card as per subsec.</u>	<u>None</u>	<u>500 per day</u>	<u>2nd 1,500 per day</u> <u>3rd 2,500 per day</u> <u>Subs. 5,000 per day</u>	<u>5,000 per day</u>
<u>ADMIN. CODE</u> <u>§22-253(a)</u>	<u>Failure to register wholesale and/or market businesses, as per subsec.</u>	<u>None</u>	<u>1,000 per day</u>	<u>2nd 2,500 per day</u> <u>Subs. 5,000 per day</u>	<u>5,000 per day</u>
<u>ADMIN. CODE</u> <u>§22-262</u>	<u>Failure to surrender and/or cease using regis.ertif. and/or number</u>	<u>None</u>	<u>5,000 per day</u>	<u>SUBS. 5,000 PER DAY</u>	<u>5,000 per day</u>
<u>ADMIN. CODE</u> <u>§22-262</u>	<u>Failure to surrender and/or cease using identification card</u>	<u>None</u>	<u>1,500 per day</u>	<u>2nd 2,500 per day</u> <u>Subs. 5,000 per day</u>	<u>5,000 per day</u>

TITLE 17 RCNY CHAPTER 2 SUBCHAPTER B: FULTON FISH MARKET

<u>CODE/RULE SECTION</u>	<u>DESCRIPTION</u>	<u>1st OFFENSE PENALTY</u>	<u>REPEAT PENALTY</u>	<u>DEFAULT PENALTY</u>
<u>17 RCNY §12-04(a)</u>	<u>Failed to obtain identification card as per subsec.</u>	<u>350</u>	<u>2nd 750</u> <u>3rd 1,500</u> <u>Subs. 3,000</u>	<u>10,000</u>
<u>17 RCNY §12-04(f)</u>	<u>Failed to display identification card as per subsec.</u>	<u>250</u>	<u>2nd 500</u> <u>3rd 750</u> <u>Subs. 1,000</u>	<u>10,000</u>
<u>17 RCNY §12-06(a)</u>	<u>Operated an unloading business without a license</u>	<u>2,500</u>	<u>2nd 5,000</u> <u>Subs. 7,500</u>	<u>10,000</u>
<u>17 RCNY §12-06(b)</u>	<u>Operated a loading business without a license</u>	<u>2,500</u>	<u>2nd 5,000</u> <u>Subs. 7,500</u>	<u>10,000</u>
<u>17 RCNY §12-10(a)</u>	<u>Failed to maintain required insurance (Licensee)</u>	<u>500</u>	<u>2nd 750</u> <u>3rd 1,000</u> <u>Subs. 3,000</u>	<u>10,000</u>
<u>17 RCNY §12-10(b)</u>	<u>Unauthorized transfer of license</u>	<u>1,500</u>	<u>2nd 3,000</u> <u>Subs. 5,000</u>	<u>10,000</u>
<u>17 RCNY §12-11</u>	<u>Failed to comply with conditions in unloading license</u>	<u>500</u>	<u>2nd 750</u> <u>3rd 1,000</u> <u>Subs. 2,500</u>	<u>10,000</u>

<u>17 RCNY §12-11(a)(3)/(b)(1)</u>	<u>Unloaded outside approved, designated and/or assigned areas</u>	<u>100</u>	<u>2nd 250</u> <u>3rd 500</u> <u>Subs. 1,000</u>	<u>10,000</u>
<u>17 RCNY §12-11(b)(3)</u>	<u>Failed to unload in required order, as per subsec.</u>	<u>500</u>	<u>2nd 750</u> <u>3rd 1,000</u> <u>Subs. 2,500</u>	<u>10,000</u>
<u>17 RCNY §12-11(b)(4)</u>	<u>Refused to unload trucks in approved or assigned unloading area</u>	<u>500</u>	<u>2nd 750</u> <u>3rd 1,000</u> <u>Subs. 2,500</u>	<u>10,000</u>
<u>17 RCNY §12-11(c)(1)</u>	<u>Charged rates in excess of those specified in unloading license (Unloader)</u>	<u>1,000</u>	<u>2nd 1,500</u> <u>3rd 2,000</u> <u>Subs. 3,000</u>	<u>10,000</u>
<u>17 RCNY §12-11(c)(1)</u>	<u>Failed to post rates in appropriate locations (Unloader)</u>	<u>250</u>	<u>2nd 500</u> <u>3rd 570</u> <u>Subs. 1,000</u>	<u>10,000</u>
<u>17 RCNY §12-11(c)(2)</u>	<u>Failed to verify bill of lading/obtain signature/record license # (Unloader)</u>	<u>250</u>	<u>2nd 500</u> <u>3rd 750</u> <u>Subs. 1,000</u>	<u>10,000</u>
<u>17 RCNY §12-11(c)(3)</u>	<u>Failed to keep/make available weekly records (Unloader)</u>	<u>500</u>	<u>2nd 1,000</u> <u>3rd 1,500</u> <u>Subs. 3,000</u>	<u>10,000</u>
<u>17 RCNY §12-11(d)(1)</u>	<u>Unloader engaged in business/activity interfering with unloading business (Unloader)</u>	<u>1,000</u>	<u>2nd 1,500</u> <u>3rd 2,500</u> <u>Subs. 5,000</u>	<u>10,000</u>
<u>17 RCNY §12-11 (d)(2)</u>	<u>Interfered with market manager as per subsec. (Unloader)</u>	<u>1,500</u>	<u>2nd 3,000</u> <u>Subs. 5,000</u>	<u>10,000</u>
<u>17 RCNY §12-11 (d)(2)</u>	<u>Obstructed unloading process as per subsec. (Unloader)</u>	<u>1,500</u>	<u>2nd 3,000</u> <u>Subs. 5,000</u>	<u>10,000</u>
<u>17 RCNY §12-11 (d)(3)</u>	<u>Requested/accepted unauthorized fees and/or gratuities (Unloader)</u>	<u>500</u>	<u>2nd 750</u> <u>3rd 1,000</u> <u>Subs. 3,000</u>	<u>10,000</u>
<u>17 RCNY §12-11 (d)(3)</u>	<u>Charged unauthorized fees (Unloader)</u>	<u>500</u>	<u>2nd 750</u> <u>3rd 1,000</u> <u>Subs. 3,000</u>	<u>10,000</u>
<u>17 RCNY §12-11(d)(5)xi</u>	<u>Violated or failed to comply with any order or directive of the Commission (Unloader)</u>	<u>500</u>	<u>2nd 750</u> <u>Subs 1,000</u>	<u>10,000</u>
<u>17 RCNY §12-12</u>	<u>Failed to comply with loading license conditions (Loader)</u>	<u>500</u>	<u>2nd 1,000</u> <u>3rd 1,500</u> <u>Subs. 3,000</u>	<u>10,000</u>

17 RCNY §12-12 (a)(1)	<u>Failed to post copies of rates (Loader)</u>	250	2 nd 500 3 rd 750 Subs. 1,000	10,000
17 RCNY §12-12 (a)(2)	<u>Charged rates in excess of those specified in loading license (Loader)</u>	500	2 nd 1,000 3 rd 1,500 Subs. 3,000	10,000
17 RCNY §12-12 (b)(1)	<u>Unauthorized use of a loading area (Loader)</u>	250	2 nd 500 3 rd 750 Subs. 1,000	10,000
17 RCNY §12-12 (b)(2)	<u>Loaded outside designated hours (Loader)</u>	250	2 nd 500 3 rd 750 Subs. 1,000	10,000
17 RCNY §12-12 (c)(3)	<u>Charged fees not specified in license (Loader)</u>	500	2 nd 750 3 rd 1,000 Subs. 3,000	10,000
17 RCNY §12-12 (c)(3)	<u>Solicited or accepted unauthorized gratuities (Loader)</u>	500	2 nd 750 3 rd 1,000 Subs. 3,000	10,000
17 RCNY §12-12 (c)(5)	<u>Refused to perform loading services when space is available (Loader)</u>	250	2 nd 500 3 rd 750 Subs. 1,000	10,000
17 RCNY §12-12 (c)(6)	<u>Forced another to use or prevented another from using loading services (Loader)</u>	500	2 nd 750 3 rd 1,000 Subs. 3,000	10,000
17 RCNY §12-12 (c)(6)	<u>Solicited, threatened and/or agreed to refuse loading services (Loader)</u>	500	2 nd 750 3 rd 1,000 Subs. 3,000	10,000
17 RCNY §12-12 (c)(7)	<u>Moved or interfered with any vehicle, as per subsec. (Loader)</u>	250	2 nd 500 3 rd 1,000 Subs. 3,000	10,000
17 RCNY §12-12(c)(9)xi	<u>Violated or failed to comply with any order or directive of the Commission (Loader)</u>	500	2 nd 750 Subs 1000	10,000
17 RCNY §12-13(a)/(b)	<u>Operated wholesale seafood or seafood delivery business without registration from Comm'r</u>	2,500	2 nd 5,000 Subs. 7,500	10,000
17 RCNY §12-15(b)(2)	<u>Failed to affix and prominently display name and/or reg. number (Wholesaler)</u>	250	2 nd 500 3 rd 750 Subs. 1,000	10,000
17 RCNY §12-15 (c)(1)	<u>Failed to keep and/or make available records, bills, etc. as per subsec. (Wholesaler)</u>	500	2 nd 750 3 rd 1,000 Subs. 3,000	10,000

<u>17 RCNY §12-15 (d)</u>	<u>Failed to submit proof of worker's comp. coverage as per subsec. (Wholesaler)</u>	<u>500</u>	<u>2nd 750</u> <u>3rd 1,000</u> <u>Subs. 3,000</u>	<u>10,000</u>
<u>17 RCNY 12-15 (g)</u>	<u>Failed to procure/maintain payment bond (Wholesaler)</u>	<u>500</u>	<u>2nd 750</u> <u>3rd 1,000</u> <u>Subs. 3,000</u>	<u>10,000</u>
<u>17 RCNY §12-16(a)</u>	<u>Operated a seafood delivery operation in non-designated area (Deliverer)</u>	<u>250</u>	<u>2nd 500</u> <u>3rd 750</u> <u>Subs. 1,000</u>	<u>10,000</u>
<u>17 RCNY §12-16 (b)(1)</u>	<u>Failed to possess a valid driver's license as required by Vehicle and Traffic Law (Deliverer)</u>	<u>250</u>	<u>2nd 500</u> <u>3rd 750</u> <u>Subs. 1,000</u>	<u>10,000</u>
<u>17 RCNY §12-16 (b)(2)</u>	<u>Operated vehicle without a valid registration, inspection sticker and/or insurance card (Deliverer)</u>	<u>250</u>	<u>2nd 500</u> <u>3rd 750</u> <u>Subs. 1,000</u>	<u>10,000</u>
<u>17 RCNY §12-16 (b)(2)</u>	<u>Failed to display sticker on vehicle, as per subsec. (Deliverer)</u>	<u>250</u>	<u>2nd 500</u> <u>3rd 750</u> <u>Subs. 1,000</u>	<u>10,000</u>
<u>17 RCNY §12-16 (e)/(f)</u>	<u>Failed to maintain required liability insurance (Wholesaler/Deliverer)</u>	<u>500</u>	<u>2nd 750</u> <u>3rd 1,000</u> <u>Subs. 3,000</u>	<u>10,000</u>
<u>17 RCNY §12-16 (c)</u>	<u>Offered seafood for resale to public without wholesale registration (Deliverer)</u>	<u>1,500</u>	<u>2nd 2,500</u> <u>Subs. 5,000</u>	<u>10,000</u>
<u>17 RCNY §12-17(a)</u>	<u>Failed to comply with order of market manager regarding safety/order/health in market area</u>	<u>1,500</u>	<u>2nd 2,500</u> <u>Subs. 5,000</u>	<u>10,000</u>
<u>17 RCNY §12-18(a)(1)</u>	<u>Committed an act prohibited in the seafood distribution area</u>	<u>1,000</u>	<u>2nd 2,500</u> <u>Subs. 5,000</u>	<u>10,000</u>
<u>17 RCNY §12-19</u>	<u>Committed an act prohibited to wholesalers and seafood deliverers in the seafood distribution area</u>	<u>1,500</u>	<u>2nd 3,000</u> <u>Subs. 7,500</u>	<u>10,000</u>
<u>17 RCNY §12-19(a)</u>	<u>Solicited unloader to unload out of order (Wholesaler)</u>	<u>250</u>	<u>2nd 500</u> <u>3rd 750</u> <u>Subs. 1,000</u>	<u>10,000</u>
<u>17 RCNY §12-19(c)</u>	<u>Authorized another to use business name (Wholesaler)</u>	<u>1,500</u>	<u>2nd 3,000</u> <u>Subs. 5,000</u>	<u>10,000</u>

<u>17 RCNY §12-19(c)</u>	<u>Unauthorized transfer of registration number (Wholesaler)</u>	<u>1,000</u>	<u>2nd 2,500</u> <u>Subs. 5,000</u>	<u>10,000</u>
<u>17 RCNY §12-19 (f)</u>	<u>Conducted business under unregistered name (Wholesaler)</u>	<u>1,500</u>	<u>2nd 3,000</u> <u>Subs. 5,000</u>	<u>10,000</u>
<u>17 RCNY §12-19(d)</u>	<u>Authorized another to use registration number (Wholesaler)</u>	<u>1,500</u>	<u>2nd 3,000</u> <u>Subs. 5,000</u>	<u>10,000</u>
<u>17 RCNY §12-19 (e)</u>	<u>Subleased or allowed use of premises by unregistered person (Wholesaler)</u>	<u>1,500</u>	<u>2nd 3,000</u> <u>Subs. 5,000</u>	<u>10,000</u>
<u>17 RCNY §12-19(e)</u>	<u>Allowed another to place seafood in stand space (Wholesaler)</u>	<u>1,000</u>	<u>2nd 2,500</u> <u>Subs. 5,000</u>	<u>10,000</u>
<u>17 RCNY §12-19 (g)</u>	<u>Discarded seafood contrary to requirements of subsec. (Wholesaler)</u>	<u>1,500</u>	<u>2nd 3,000</u> <u>Subs. 5,000</u>	<u>10,000</u>
<u>17 RCNY §12-19(o)</u>	<u>Violated or failed to comply with any order or directive of the Commission (Wholesaler/Deliverer)</u>	<u>500</u>	<u>2nd 750</u> <u>Subs 1000</u>	<u>10,000</u>
<u>17 RCNY §12-21(a)</u>	<u>Failed to notify Comm'r of changes in registration information. (Wholesaler/Deliverer)</u>	<u>500</u>	<u>2nd 1,000</u> <u>3rd 2,500</u> <u>Subs. 5,000</u>	<u>10,000</u>
<u>17 RCNY §12-21(a)/(b)</u>	<u>Failed to notify Comm'r of material change in license info. (Licensee)</u>	<u>1,000</u>	<u>2nd 1,500</u> <u>3rd 2,500</u> <u>Subs. 5,000</u>	<u>10,000</u>
<u>17 RCNY §12-21(c)</u>	<u>Licensee failed to provide notice of addition of principal</u>	<u>1,000</u>	<u>2nd 2,000</u> <u>3rd 3,000</u> <u>Subs. 5,000</u>	<u>10,000</u>
<u>17 RCNY §12-21(c)</u>	<u>Failed to notify Comm'r of proposed addition of principal</u>	<u>1,000</u>	<u>2nd 1,500</u> <u>3rd 2,500</u> <u>Subs. 5,000</u>	<u>10,000</u>
<u>17 RCNY §12-16 (c)</u>	<u>Offered seafood for resale to public without wholesale registration (Deliverer)</u>	<u>1,500</u>	<u>2nd 2,500</u> <u>Subs. 5,000</u>	<u>10,000</u>
<u>17 RCNY §12-23(c)</u>	<u>Failed to surrender license upon suspension or revocation</u>	<u>2,500</u>	<u>Subs. 5,000</u>	<u>10,000</u>

<u>17 RCNY §12-23(c)</u>	<u>Failed to surrender identification card upon suspension/revocation of registration (Wholesaler/Deliverer)</u>	<u>1,000</u>	<u>2nd 2,500</u> <u>Subs. 5,000</u>	<u>10,000</u>
<u>17 RCNY §12-23(d)</u>	<u>Failed to surrender photo identification card as per subsection</u>	<u>1,000</u>	<u>2nd 2,500</u> <u>3rd 5,000</u>	<u>10,000</u>
<u>17 RCNY §12-30(a)</u>	<u>Failure to obey and comply with any traffic direction of any police officer or employee of the Comm'r</u>	<u>250</u>	<u>2nd 500</u> <u>3rd 750</u> <u>Subs 1,000</u>	<u>10,000</u>
<u>17 RCNY §12-30(b)</u>	<u>Obstructed the movement of traffic within the market and/or stopped a vehicle or other conveyance in a non-designated place</u>	<u>250</u>	<u>2nd 500</u> <u>3rd 750</u> <u>Subs 1,000</u>	<u>10,000</u>
<u>17 RCNY §12-30(c)</u>	<u>Failure to remove disabled vehicle as per subsec.</u>	<u>250</u>	<u>2nd 500</u> <u>3rd 750</u> <u>Subs 1,000</u>	<u>10,000</u>
<u>17 RCNY §13-04(a)</u>	<u>Operated a seafood wholesale business outside the market area without registration from the Comm'r</u>	<u>2,500</u>	<u>2nd 5,000</u> <u>Subs. 7,500</u>	<u>10,000</u>

TITLE 22 ADMINISTRATIVE CODE CHAPTER 1-B: OTHER PUBLIC MARKETS

<u>CODE/RULE SECTION</u>	<u>DESCRIPTION</u>	<u>1st OFFENSE PENALTY</u>	<u>REPEAT PENALTY</u>	<u>DEFAULT PENALTY</u>
<u>Admin. Code §22-252(a)</u>	<u>Daily failure to obtain identification card, as per subsec. (between 11 and 30 days)</u>	<u>2,500</u>	<u>Subs. 5,000</u>	<u>5,000</u>
<u>Admin. Code §22-253(a)</u>	<u>Daily failure to register wholesale and/or market businesses, as per subsec. (single day)</u>	<u>1,000</u>	<u>2nd 2,500</u> <u>Subs. 5,000</u>	<u>5,000</u>
<u>Admin. Code §22-253(a)</u>	<u>Daily failure to register wholesale and/or market businesses, as per subsec. (between 2 and 10 days)</u>	<u>2,500</u>	<u>Subs. 5,000</u>	<u>5,000</u>
<u>Admin. Code §22-253(a)</u>	<u>Daily failure to register wholesale and/or market businesses, as per subsec. (between 11 and 30 days)</u>	<u>3,500</u>	<u>Subs. 5,000</u>	<u>5,000</u>
<u>Admin. Code §22-262</u>	<u>Daily failure to surrender and/or cease to use registration, certification and/or number (single day)</u>	<u>2,500</u>	<u>Subs. 5,000</u>	<u>5,000</u>
<u>Admin Code §22-262</u>	<u>Daily failure to surrender and/or cease to use registration, certification and/or number (between 2 and 10 days)</u>	<u>3,500</u>	<u>Subs. 5,000</u>	<u>5,000</u>
<u>Admin. Code §22-262</u>	<u>Daily failure to surrender and/or cease to use registration, certification and/or number (between 11 and 30 days)</u>	<u>5,000</u>	<u>Subs. 5,000</u>	<u>5,000</u>

<u>Admin. Code §22-262</u>	<u>Daily failure to surrender and/or cease to use identification card (single day)</u>	<u>1,000</u>	<u>2nd 2,500</u> <u>Subs 5,000</u>	<u>5,000</u>
<u>Admin. Code §22-262</u>	<u>Daily failure to surrender and/or cease to use identification card (between 2 and 10 days)</u>	<u>2,500</u>	<u>Subs. 5,000</u>	<u>5,000</u>
<u>Admin Code §22-262</u>	<u>Daily failure to surrender and/or cease to use identification card (between 11 and 30 days)</u>	<u>3,500</u>	<u>Subs. 5,000</u>	<u>5,000</u>

Statement of Basis and Purpose of Proposed Rule

The Environmental Control Board (ECB) proposes to repeal its current FULTON FISH MARKET/OTHER SEAFOOD MARKETS/PUBLIC WHOLESALE MARKETS PENALTY SCHEDULE found in Section 3-108 of Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York and to enact a new FULTON FISH MARKET/OTHER SEAFOOD MARKETS/PUBLIC WHOLESALE MARKETS PENALTY SCHEDULE.

Violations under this penalty schedule are written by the Business Integrity Commission. The Commission is responsible for the regulation of the trade waste industry (Local Law 42 of 1996), the shipboard gambling industry (Local Law 57 of 1997), the Fulton Fish Market (now known as the "New Fulton Fish Market at Hunts Point") (Local Law 50 of 1997), and the public wholesale markets (Local Law 28 of 1997).

The rules implementing Local Law 50 and Local Law 28 are currently codified in Chapter 1 of Title 66 of the Rules of the City of New York, the rules of the Department of Small Business Services. The Commission is now finalizing a rule change that would move all the market rules into Title 17 of the RCNY, the rules of the Commission. Therefore, ECB now proposes to have the penalties for violations of these rules codified under Title 17 of the Rules of the City of New York.

The separate fine schedules for the Fulton Fish Market and other public wholesale markets have remained in their original form since enacted in 2003. Hence, ECB also proposes to amend the fine schedules to account for changes in the economy and to increase fines for those sections which the Commission deems particularly important to the successful regulation of the market businesses. The Commission has also requested the insertion of additional charges to allow for more effective enforcement

Proposed amendments to the fine schedule for the Fulton Fish Market are:

- Increase in the Penalty for Default: The penalty for defaulting on violations for any section of the rules will be increased to the statutory maximum penalty of ten thousand dollars (\$10,000).
- Increase in Penalties: In light of the fact that no increases have been undertaken in the mail in penalty, first offense penalty, and repeat penalties since the original fine schedule was established eight years ago, the penalties for most sections have been increased.

Proposed amendments to the fine schedule for the public wholesale markets are:

- Increase in the Penalty for Default: The penalty for defaulting on violations for any section of the rules will be increased to the statutory maximum penalty of ten thousand dollars (\$10,000).
- Fines for Violations of Anti-Gambling Rules: In light of prior Commission investigations which have established gambling as a problem in the public wholesale markets, the fines for violation of anti-gambling rules have been increased.

- Fines for Unfair Labor Practices: In light of prior Commission investigations which have established gambling as a problem in the public wholesale markets, the fines for violation of rules pertaining to fair labor practices have been increased.
- Other Fines Increased: In addition to those increases in fines which have been made primarily due to the passage of time since the original schedule was devised, particular attention has been paid to increasing the penalties for those violations which involve misrepresentations or omissions to the Commission, and which involve impropriety in dealings with market personnel.