

NYC - Business Integrity Commission
July 30, 2020

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THE CITY OF NEW YORK
BUSINESS INTEGRITY COMMISSION

TRADE WASTE LICENSEES AND REGISTRANTS

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Via Webex Telephone Conference

July 30, 2020
3:02 p.m.

Reported By:
Sabrina Brown Stewart

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A P P E A R A N C E S:

DAVID FELDMAN, Deputy Commissioner of Legal Affairs
and General Counsel, BIC

NOAH GENEL, Commissioner and Chair, BIC

KATHRYN GARCIA, Department of Sanitation
Commissioner

MARGARET GARNETT, Department of Investigation
Commissioner

LORELEI SALAS, Department of Consumer and Worker
Protection Commissioner

ANDREW SCHWARTZ, Deputy Commissioner for Legal and
Regulatory Affairs, SBS

CAPTAIN JOHN DUSANENKO, New York City Police
Department

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2 MR. FELDMAN: Good afternoon. We are
3 on the record. Today is July 30, 2020. The
4 time is 3:02 p.m. Welcome to today's meeting
5 of the New York City Business Integrity
6 Commission. We are conducting this meeting
7 via telephone conference, pursuant to
8 Executive Order 202.1, issued by Governor
9 Andrew Cuomo, permitting the attendance of
10 public meetings telephonically under
11 Article 7 of the Public Officers Law. This
12 is a public meeting, which was duly noticed
13 for today's date at 3:00 p.m., along with the
14 dial-in information for the phone conference.
15 This meeting is being audio-recorded, and the
16 recording and meeting minutes will be posted
17 on BIC's website in a timely manner following
18 the conclusion of this meeting.

19 I am David Feldman, Deputy Commissioner
20 of Legal Affairs and General Counsel for the
21 Commission. I am joined by the following
22 Commission members:

23 Noah Genel, Commissioner and Chair of
24 the Business Integrity Commission; Department
25 of Sanitation Commissioner, Kathryn Garcia;

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2 Department of Investigations Commissioner,
3 Margaret Garnett; Department of Consumer and
4 Worker Protection Commissioner, Lorelei
5 Salas; Deputy Commissioner for Legal and
6 Regulatory Affairs, Andrew Schwartz of the
7 Department of Small Business Services,
8 representing SBS Commissioner Gregg Bishop;
9 and Captain John Dusanenko of the
10 New York City Police Department, representing
11 Police Commissioner Dermot Shea.

12 Thank you all for being here today.

13 MR. SCHWARTZ: Hi, Andy Schwartz. One
14 correction. SBS is Commissioner Jonnel
15 Doris.

16 MR. FELDMAN: Thank you. That's Andrew
17 Schwartz, representing SBS Commissioner
18 Jonnel Doris.

19 MR. SCHWARTZ: Correct.

20 MR. FELDMAN: Today, the Commission
21 will consider two applications, which the
22 Commission's staff have recommended be
23 denied: One, Lou's Fish Market, Inc; and
24 two, LMC Trucking Corp.

25 Lou's Fish Market, Inc. submitted an

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application to renew a registration to operate as a wholesale seafood business. And LMC Trucking Corp. submitted an application to renew an exemption from the licensing requirements to operate as a trade waste business.

The applicants were each served with a Notice of the grounds to recommend the denial of their application. They were advised that they had ten business days to submit a sworn, written response to the Commission. Lou's Fish Market, Inc. submitted a response on June 30, 2020, and LMC Trucking Corp. submitted a response on July 11, 2019. The Commission carefully considered the applicants' responses. On July 27, 2020, we e-mailed to the Commission members the recommended denial decisions regarding the applications at issue. There have been no material changes made to the recommended denial decisions since then.

The Commission will now consider the recommended denials. For each application, the Commission members will vote as to

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whether or not to adopt the staff's recommendation to deny the application. A vote of "yes" is a vote to adopt the staff's recommendation. A vote of "no" is a vote not to adopt the recommendation.

The first recommendation is for Lou's Fish Market, Inc. The staff attorney in charge of this matter is Executive Agency Counsel Spiros Moustakas. The Commission's staff has recommended denial of this application based on following three grounds, as fully set forth in the staff's recommendation:

One, Lou's Fish Market and its principal have been convicted of multiple felonies related to the handling of seafood; two, the principal of Lou's Fish Market has been convicted of multiple racketeering offenses; and three, Lou's Fish Market and its principal have engaged in numerous acts prohibited by the Commission's rules and regulations.

Before we move on to voting on this denial decision, I ask that everyone state

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their name prior to speaking so that the record can clearly attribute each vote, or any questions or comments, to the correct speaker. At this time, I ask that each Commissioner and Designee unmute their phones to participate in the voting process.

Do any of the Commissioners have any questions or comments regarding the application?

(No response.)

MR. FELDMAN: Hearing none. Is there a motion from the Commissioners to adopt the staff's recommendation?

MS. SALAS: So moved.

MR. FELDMAN: Is there a second?

MS. GARCIA: Second, Commissioner Garcia.

MR. FELDMAN: Thank you. I will be calling on each Commissioner and Designee to collect votes.

Commissioner Genel?

MR. GENEL: Yes.

MR. FELDMAN: Commissioner Garcia?

MS. GARCIA: Yes.

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MR. FELDMAN: Commissioner Garnett?

MS. GARNETT: Yes.

MR. FELDMAN: Commissioner Salas?

MS. SALAS: Yes.

MR. FELDMAN: Deputy Commissioner
Schwartz?

MR. SCHWARTZ: Yes.

MR. FELDMAN: Captain Dusanenko?

MR. DUSANENKO: Yes.

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

The next application to consider is LMC
Trucking Corp. The staff attorney in charge
of this matter is Executive Agency Counsel
and Director of Hearings Amy Bedford. The
Commission's staff has recommended denial of
this application based on the following three
grounds, as fully set forth in the staff's
recommendation:

One, the applicant failed to provide
truthful information to the Commission in
connection with several applications; two,
the application's undisclosed principal is an
associate of the Gambino organized crime

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family and conducted trade waste-related business with members of organized crime; and three, the applicant has admitted to defrauding a trade waste union by paying employees in cash and failing to pay union benefits.

Again, I ask that everyone state their name prior to speaking. Do any of the Commissioners have any questions or comments regarding this application?

(No response.)

MR. FELDMAN: Hearing none. Is there a motion from the Commissioners to adopt the staff's recommendation?

MS. GARNETT: So moved, Margaret Garnett, DOI.

MR. FELDMAN: Thank you.

Is there a second?

MS. GARCIA: Second, Kathryn Garcia, DSNY.

MR. FELDMAN: Thank you.

Once again, I will be calling on each Commissioner and Designee to collect votes: Commissioner Genel?

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MR. GENEL: Yes.

MR. FELDMAN: Commissioner Garcia?

MS. GARCIA: Yes.

MR. FELDMAN: Commissioner Garnett?

MS. GARNETT: Yes.

MR. FELDMAN: Commissioner Salas?

MS. SALAS: Yes.

MR. FELDMAN: Deputy Commissioner
Schwartz?

MR. SCHWARTZ: Yes.

MR. FELDMAN: Captain Dusanenko?

MR. DUSANENKO: Yes.

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

That concludes the matters before the
Commission. The denial decisions will note
each Commission and Designee's vote today.
Thank you to the Commission members for their
participation, and to the members of the
Commission's staff for their hard work on
these matters. Thank you also to any members
of the public who attended this telephone
meeting today. We are off the record.

(TIME ADJOURNED: 3:09 p.m.)

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C E R T I F I C A T E

STATE OF NEW YORK)

:SS

COUNTY OF QUEENS)

I, Sabrina Brown Stewart, a shorthand reporter within and for the State of New York, do hereby certify that the within is a true and accurate transcript of the statement taken on July 30, 2020.

I further certify that I am not related to any of the parties to this action by blood or by marriage, and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 30th day of July, 2020.

Sabrina Brown Stewart
Sabrina Brown Stewart

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