



THE CITY RECORD

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THE CITY RECORD

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ELI BLACHMAN, Editor of The City Record.

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PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

BROOKLYN BOROUGH PRESIDENT

■ PUBLIC HEARINGS

UNIFORM LAND USE REVIEW PROCEDURE

NOTICE IS HEREBY GIVEN that, pursuant to Sections 82 and 197-C of the New York City Charter, the Brooklyn Borough President will hold a public hearing on the following matters in the **Borough President's Court Room, Brooklyn Borough Hall, 209 Joralemon Street, Brooklyn, New York 11201, commencing at 5:30 P.M. on Thursday, July 8, 2010.**

**CALENDAR ITEM 1
CULVER EL PROJECT
ZONING MAP AMENDMENT - ZONING TEXT
AMENDMENT
UDAAP DESIGNATION - LAND DISPOSITION
SPECIAL PERMIT
COMMUNITY DISTRICT 12
100345 ZMK - 100346 ZRK - 100347 HAK
100348 - 100361 ZSK**

In the matter applications submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter; the Department of Housing Preservation and Development pursuant to: Article 16 of the General Municipal Law of New York; and, Section 74-681 of the Zoning Resolution for an amendment of the Zoning Map and Zoning Text, UDAAP designation and land disposition, and the grant of 14 special permits to facilitate development of seventeen 4-story buildings with approximately 68 units and three accessory parking lots.

**CALENDAR ITEM 2
PROVIDENCE HOUSE I
329 LINCOLN ROAD
UDAAP DESIGNATION - LAND DISPOSITION
SPECIAL PERMIT
COMMUNITY DISTRICT 9
100325 ZSK - 100326 HAK**

In the matter applications submitted by the Department of Housing Preservation and Development pursuant to: a) Article 16 of the General Municipal Law of New York State for the designation of property located at 329 Lincoln Road as an Urban Development Action Area; and an Urban Development Action Area Project for such area and pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD; and, b) Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-902 of the Zoning Resolution to permit the allowable community facility floor area ratio of Section 24-11 to facilitate development of a six-story building, tentatively known as Providence House I, with approximately 26 units, to be developed under the Department of Housing Preservation and Development's Supportive Housing Loan Program.

Note: To request a sign language interpreter, or to request TTD services, call Mr. Kevin Parris at (718) 802-3856 at least five business days before the day of the hearing.

jy1-8

QUEENS BOROUGH PRESIDENT

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held by the Borough President of Queens, Helen Marshall, on **Thursday, July 8, 2010 at 10:30 A.M.**, in the Borough Presidents Conference Room located at 120-55 Queens Boulevard, Kew Gardens, New York 11424, on the following items:

NOTE: Individuals requesting Sign Language Interpreters should contact the Borough President's Office, (718) 286-2860 TDD users should call (718) 286-2656, no later than **FIVE BUSINESS DAYS PRIOR TO THE PUBLIC HEARING.**

CD 7, CD 8, CD 11 - ULURP#100409 ZMQ - IN THE MATTER of an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the NYC Charter for an amendment of the Zoning Map to rezone all or portions of four hundred and eighteen (418) blocks in an area composed of two-sub areas, the **Auburndale Sub-area bounded by Station Road to the north, the LIE to the south, 166th and Robinson streets to the west and Francis Lewis Blvd, Rocky Hill Rd and 208th Street to the east. The Oakland Gardens-Hollis Hills Sub-area is bounded by the LIE and 56th Avenue to the north; the Clearview Expwy to the west; Alley Park to the east and the GCP to the south. Zoning maps 10c, 10d, 11b, 15a.**

The proposed rezonings are summarized as follows:

Proposed R1-2A
R1-2A zoning is proposed for all or portions of 12 blocks bounded by the LIE to the north, 67th Avenue to the south and between 210th Street and Bell Boulevard.

Proposed R2A
R2A zoning is proposed for all or portions of 259 blocks including two areas in Auburndale, most of Hollis Hills and a portion of Oakland Gardens.

Proposed R3X
R3X zoning is proposed for all or portions of 71 blocks. In Auburndale, there are three areas where R3X is proposed. The area is bounded by Station Rd to the north and Northern Boulevard to the south, between 172nd Street and Francis Lewis Blvd. The second area is bounded by Northern Blvd. to the north and 47th Ave to the south, between 172nd Street and Francis Lewis Blvd. The third area is generally bounded by Hollis Court Blvd. to the north, 47th Avenue to the south and Fresh Meadow Lane to the west. In Oakland Gardens, R3X is proposed for the area bounded by 57th Ave to the north and 67th Ave to the south, between Cloverdale Blvd. and 233rd St.

Proposed R3-1
R3-1 zoning is proposed for all or portions of 38 blocks. Four small areas in Auburndale are proposed to be rezoned R3-1, as well as a larger area south of Rocky Hill Rd and north of

the LIE between the Clearview Expwy and 208th Street. In Oakland Gardens, R3-1 is proposed for six blocks located south of 67th Ave and north of 69th Ave. between 210th St. and Bell Blvd.

Proposed R4
The R4 district is proposed for portions or all of 4 blocks. The area is bounded on the north by Station Rd and 42nd Ave. on the south and between 190th St and 194th St.

Proposed R4-1
R4-1 zoning is proposed for all or portions of 23 blocks. There are three areas proposed for this district. One area is in Auburndale generally located south of 46th Avenue and north of Hollis Court Blvd between 189th and 192nd Streets. Two areas are in Oakland Gardens: one is located south of 56th Ave. and north of the LIE between Springfield Boulevard and 229th Street, and one is generally located south of the LIE and north of 67th Ave. between Bell Blvd and 219th Street.

Proposed R4B
The R4B zoning is proposed for all or portions of five blocks located in two sections of Auburndale. The first area is located along Station Rd. between 193rd St. and Francis Lewis Blvd. The second area is located along 172nd St. between Northern Blvd. and Station Rd.

Proposed R5D
R5D zoning is proposed for all or portions of 10 blocks located in two sections of Oakland Gardens. The first section is bounded by 73rd Ave. to the north, 210th St to the west, 217th St. to the east and the Vanderbilt Motor Parkway historic site to the south. The section encompasses the blockfronts at the intersection of Union Turnpike and Springfield Blvd. and extends southeasterly to 86th Ave. and the GCP.

Commercial Overlay District Modifications
A C1-2 overlay is proposed to replace a C2-2 overlay, along the north side of the LIE between 182nd and 185th streets and C1-2 overlays along the LIE, Hollis Court Blvd. and Union Turnpike will be removed or have their depths reduced in order to preclude commercial uses from intruding into residential mid-blocks. A C1-3 overlay with a 100-ft. depth is proposed to replace C1-2 overlays with a 150-ft. depth along 46th Ave. between Auburndale Lane and 189th Street.

CD13 - ULURP #100436 ZMQ - IN THE MATTER of an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the NYC Charter for an amendment of the Zoning Map to rezone all or portions of one hundred ninety three (193) blocks in an area generally bounded by the **New York City boundary to the east, Hook Creek and Idlewild Park to the south and 235th Street and Brookville Boulevard to the west, zoning map 19a, 19b, 19c, and 19d, Rosedale, Borough of Queens.**

The proposed rezonings are summarized as follows:

Proposed R2
R2 zoning is proposed for 6 lots: Four lots front on 241st Street between Francis Lewis Boulevard and 138th Avenue and 2 lots front on 242nd Street between Francis Lewis Boulevard and 138th Street.

Proposed R3A
R3A zoning is proposed in three discrete areas with all or portions of 34 blocks. The area is 25 blocks, generally bounded by South Conduit Avenue, 243rd Street, 147th Avenue and Brookville Boulevard. The second area is 6 blocks bounded by Caney Road, 249th Street, Newhall Avenue and 243rd Street. The third area is located in the northeast section of the rezoning area generally bounded by 248th Street, the City line, Caney Lane and Hook Creek Boulevard.

Proposed R3X
R3X zoning is proposed for all or portions of 146 blocks. The area is generally bounded to the north by an irregular line south of South Conduit Avenue, to the east by the City line and Hook Creek Boulevard, to the south by Craft Avenue, 149th Drive and Idlewild Park and to the west by Brookville Park, 249th Street and 243rd Street.

Proposed R3-1

R3-1 zoning is proposed for six discrete and irregularly-shaped areas encompassing all or portions of 39 blocks located generally south of 147th Avenue between Brookville Park to the west and the City line to the east.

Commercial Overlay District Modifications

C1-2 and C2-1 commercial overlay districts are generally mapped to a depth of 150 feet on approximately 20 block fronts along Merrick Boulevard, Francis Lewis Boulevard and South Conduit Avenue. These overlay districts are proposed to be rezoned to C1-3 and C2-3 and the depth of most would be reduced to approximately 100 ft. These areas include: six block fronts along 243rd Street between Caney Road and Newhall Avenue; seven block fronts along Francis Lewis Boulevard between Brookville Boulevard and 247th Street; six block fronts along Merrick Boulevard between Brookville and Hook Creek boulevards; and South Conduit Avenue between 139th Avenue and Hook Creek Boulevard. Existing C1-1 and C2-1 overlay districts on two blocks are proposed to be eliminated: the east side of Hook Creek Boulevard between 147 Drive and 148 Avenue; and the south side of North Conduit Avenue between 243rd Street and Hook Creek Boulevard. A new C1-2 commercial overlay is proposed to be established along 147th Avenue between 235th Street and Brookville Boulevard. A C1-3 overlay at Francis Lewis Boulevard and South Conduit Avenue would be extended one block east to 139th Avenue.

jy2-8

CITY PLANNING COMMISSION

PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN THAT RESOLUTIONS Have been adopted by the City Planning Commission scheduling public hearings on the following matters to be held at Specter Hall, 22 Reade Street New York, New York, on Wednesday, July 14, 2010, commencing at 10:00 A.M.

CITYWIDE No. 1 CAR SHARING TEXT

CITYWIDE N 100284 ZRY IN THE MATTER OF an application submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, relating to Articles I, II, III, and IV concerning the parking of car sharing vehicles in off-street parking facilities.

Matter in underline is new, to be added; Matter in strikethrough is old, to be deleted; Matter in # # is defined in Section 12-10; * * * indicates where unchanged text appears in the Zoning Resolution

Article 1 GENERAL PROVISIONS

Chapter 2 Construction of Language and Definitions

12-10 DEFINITIONS

Bulk Car sharing vehicle

A "car sharing vehicle" is a vehicle maintained and owned or leased by a car sharing organization and which is available for use by its members. Membership shall mean that individuals have been pre-approved to use such vehicles and need not be approved by the car sharing organization at each time of proposed use. Membership must be open to the public and shall only be denied based upon driving record, credit record or other legitimate business need of the car sharing organization. Vehicles must be made available to members for periods of use as short as one hour. The car sharing organization must provide all legally required insurance as part of the membership.

Vehicles shall be reserved by members through a self-service reservation system which is available at all times. A car sharing vehicle shall be located in a parking facility that is accessible to members of the car sharing organization at all times. No employees or agents of the car sharing organization shall provide services to members or conduct business transactions with members within such parking facility. Attended parking facilities may be serviced by a parking attendant unaffiliated with any car sharing organization.

A car sharing vehicle shall be no more than 216 inches in length and shall bear a decal or other mark that identifies the car sharing organization and is securely affixed to the exterior of the vehicle, in accordance with criteria specified by the Commissioner of Buildings.

Public parking garage

A "public parking garage" is a building or other structure:

- (a) that provides parking or storage for motor vehicles, but not for commercial or public utility vehicles or the dead storage of motor vehicles; and
(b) some or all of whose parking spaces are non-accessory#.

Car sharing vehicles may occupy a maximum of 40 percent of parking spaces in a public parking garage. A public parking garage may include accessory# off-street parking spaces limited to such spaces that are accessory# to other uses# on the same zoning lot#. Sale of motor fuel or motor

oil or minor repairs incidental to the parking or storage of motor vehicles are permitted accessory uses#.

Public parking lot

A "public parking lot" is any tract of land that is:

- (a) used for the parking or storage for motor vehicles, but not for commercial or public utility vehicles or the dead storage of motor vehicles; and
(b) not accessory# to a use# on the same or another zoning lot#.

Car sharing vehicles may occupy a maximum of 40 percent of parking spaces in a public parking lot#.

Minor repairs incidental to the parking or storage of motor vehicles are a permitted accessory use#.

Chapter 3 Comprehensive Off-Street Parking Regulations in Community Districts 1, 2, 3, 4, 5, 6, 7 and 8 in the Borough of Manhattan and a Portion of Community Districts 1 and 2 in the Borough of Queens

13-012 Existing off-street parking facilities

- (a) Existing required or permitted accessory# off-street parking spaces, public parking lots# and public parking garages# established prior to April 29, 1982 in Manhattan and October 25, 1995 in Queens shall continue to be subject to the applicable zoning district regulations in effect prior to April 29, 1982 in Manhattan and October 25, 1995 in Queens. However, enlargements#, extensions# or any increase in the number of off-street parking spaces within such off-street parking facilities shall be subject to the provisions of this Chapter.
(b) Nothing herein contained shall be deemed to permit a reduction or elimination of existing accessory# off-street parking spaces that were required under the applicable provisions of the zoning district regulations in effect prior to April 29, 1982 in Manhattan and October 25, 1995 in Queens.

For all existing required or permitted accessory# off-street parking spaces established prior to April 29, 1982 in Manhattan and October 25, 1995 in Queens, up to five spaces or 20 percent of all such spaces, whichever is greater, may be occupied by car sharing vehicles#. Up to 40 percent of all spaces in public parking lots# and public parking garages# established prior to April 29, 1982 in Manhattan and October 25, 1995 in Queens may be occupied by car sharing vehicles#.

13-14 Additional Regulations for Permitted Accessory Off-Street Parking Spaces

13-144 Car sharing vehicles Notwithstanding the provisions of Sections 13-12, 13-131, 13-132, 13-133, and 13-134, up to five spaces or 20 percent of all accessory# off-street parking spaces, whichever is greater, may be occupied by car sharing vehicles#.

13-42 Residential Development

Accessory# off-street parking spaces are required for new residential developments# or enlargements# in Manhattan Community Districts 1, 2, 3, 4, 5, 6, 7 and 8, only as set forth below:

- (a) For public or publicly-assisted housing, as such categories are defined in Section 25-25 (Modification of Requirements for Public or Publicly Assisted Housing or Non-Profit Housing for the Elderly), the minimum number of accessory# off-street parking spaces required for new dwelling units# provided in the development# or enlargement# as a percentage of such new dwelling units# are as follows:
(f) All such parking spaces shall be used exclusively by the occupants of the residential development# and occupants of nearby public or publicly-assisted housing projects, except that car sharing vehicles# may occupy up to five spaces or 20 percent of all accessory# off-street parking spaces, whichever is greater.

13-55 Authorizations

13-551 Accessory off-street parking spaces

The City Planning Commission may, by authorization, subject to the otherwise applicable zoning district regulations, allow on-site enclosed accessory# off-street parking facilities with a maximum capacity of 15 spaces in existing buildings#, provided that the Commission finds that:

- (a) the building# does not have accessory# off-street parking spaces;
(b) such parking spaces are needed for and will be used exclusively by the occupants of the use# to which they are accessory#, except that car sharing vehicles# may occupy up to five spaces or 20

percent of all accessory# off-street parking spaces, whichever is greater.

13-56 Special Permits

13-561 Accessory off-street parking spaces The City Planning Commission may, by special permit, subject to the otherwise applicable zoning district regulations, allow on-site or off-site, open or enclosed, accessory# off-street parking facilities with any capacity not otherwise allowed under Section 13-10 (PERMITTED ACCESSORY OFF-STREET PARKING SPACES) provided the Commission finds that:

- (a) such parking spaces are needed for, and will be used by, the occupants, visitors, customers or employees of the use# to which they are accessory#, except that car sharing vehicles# may occupy up to five spaces or 20 percent of all accessory# off-street parking spaces, whichever is greater;

Chapter 2 Use Regulations

22-30 SIGN REGULATIONS

22-323 Signs for parking areas R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

One sign#, with an area not exceeding two square feet, designating each entrance to or exit from an off-street parking area, open or enclosed, is permitted. No such sign# shall be higher than seven feet above curb level#.

In addition, an off-street parking facility that contains car sharing vehicles# may provide signs# that in the aggregate total no more than two square feet in area identifying organizations that have car sharing vehicles# available at such parking area. Such sign# shall be placed at the entrance so that it is directly visible, without any obstruction, to customers accessing such parking facility, and at a height not higher than seven feet above curb level#.

Chapter 5 Accessory Off-Street Parking and Loading Regulations

Off-street Parking Regulations

25-40 Restrictions on operation of accessory off-street parking spaces

25-412 In other Residence Districts R3 R4 R5 R6 R7 R8 R9 R10 In the districts indicated, such spaces shall be designed and operated primarily for the long-term storage of the private passenger motor vehicles used by the occupants of such residences# except for spaces that are:

- (a) such spaces may be rented for periods of not less than one week and not more than one month to persons who are not occupants of the residences# to which such spaces are accessory# for the accommodation of the private passenger motor vehicles used by such non-residents, provided that such spaces are operated in accordance with the regulations promulgated by the Commissioner of Buildings, in a manner which will not adversely affect the residential character of the neighborhood. Such spaces shall be made available to the occupants of the residences# to which they are accessory# within 30 days after written request therefore is made to the landlord; or
(b) occupied by car sharing vehicles# as follows:
(1) In R3-2 and R4 Districts, except R4A, R4B and R4-1 Districts, car sharing vehicles# may occupy not more than 10 percent of spaces in a group parking facility# than contains 20 or more spaces, and
(2) In R5, R6, R7, R8, R9 and R10 Districts, except R5A Districts, car sharing vehicles# may occupy not more than five spaces or 20 percent of spaces, whichever is greater.

Such spaces provided pursuant to paragraph (a) and (b) of this Section shall be made available to the occupants of the residences# to which they are accessory# within 30 days after written request therefore is made to the landlord.

25-42 Use of Spaces Accessory to Permitted Non-Residential Uses R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, all permitted or required off street parking spaces, open or enclosed, which are accessory# to permitted non-residential uses# shall be used only by occupants, visitors, customers or employees of such uses# and shall not be rented except as may be provided for houses of worship pursuant to Section 25-542 (Shared parking facilities for houses of worship). However, car sharing vehicles# may occupy such spaces pursuant to the provisions of paragraphs (a) and (b) of this Section:

R1 R2 R3-1 R3A R3X R4A R4B R4-1 R5A

(a) #car sharing vehicles# may occupy not more than 10 percent of parking spaces in a #group parking facility# of 20 spaces or more that is #accessory# to a college or university #use# listed in Use Group 3.

R3-2 R4 R5 R5B R5D R6 R7 R8 R9 R10

(b) #car sharing vehicles# may occupy not more than 10 percent of parking spaces in any #group parking facility# of 20 spaces or more.

* * *

25-68

For parking facilities containing #car sharing vehicles#
R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Within an off-street parking facility that contains #car sharing vehicles#, an information plaque shall be placed at a location accessible to and visible to users of such facility. The plaque shall be fully opaque, non reflective and constructed of permanent, highly durable materials and shall contain the following statements in lettering no less than one inch high:

(a) "Total parking spaces in facility:" and shall specify the total number of parking spaces permitted within such parking facility, and

(b) "Maximum number of car sharing vehicles:" and shall specify the total number of #car sharing vehicles# permitted within such parking facility.

* * *

Chapter 6

Accessory Off-Street Parking and Loading Regulations
 * * *

36-46

Restrictions on Use of Accessory Off-Street Parking Spaces

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, all permitted or required #accessory# off-street parking spaces, open or enclosed, shall be used primarily for the owners, occupants, employees, customers, residents, or visitors of the #use# or #uses# to which such spaces are #accessory#, except as set forth in this Section.

(a) Any off-street parking spaces #accessory# to #residences# which are not needed by the occupants of such #residences# may be rented to persons who are not occupants of such #residences# for the accommodation of private passenger motor vehicles used by such persons or may be occupied by #car sharing vehicles# as set forth in the following paragraphs:

(1) In C1 or C2 Districts mapped within Residence Districts

In C1 or C2 Districts mapped within R3, R4 or R5A Districts, #car sharing vehicles# may occupy not more than 10 percent of spaces in #group parking facilities# containing 20 or more spaces. In C1 or C2 Districts mapped within R5 except R5A Districts, and in R6, R7, R8, R9 or R10 Districts, #car sharing vehicles# may occupy not more than five spaces or 20 percent of spaces, whichever is greater.

(2) In C1 or C2 districts not mapped within Residence Districts, or in C3, C4, C5, C6 Districts

In the districts indicated, except C3 Districts, #car sharing vehicles# may occupy not more than five spaces or 20 percent of spaces, whichever is greater. In C3 Districts, #car sharing vehicles# may occupy not more than 10 percent of spaces in #group parking facilities# containing 20 or more spaces.

Such spaces provided pursuant to paragraph (a) of this Section shall be made available to the occupants of the #residences# to which they are #accessory# within 30 days after written request therefore is made to the landlord.

(b) #Car sharing vehicles# may occupy not more than 10 percent of off-street parking spaces #accessory# to non-residential uses# in #group parking facilities# of 20 spaces or more.

In addition, the rental of such spaces to non-residents shall be subject to the restrictions applying to the specified districts as set forth in this Sections 36-461 and 36-462, except that such restrictions shall not apply to spaces occupied by #car sharing vehicles#.

* * *

36-51

General Provisions

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, all permitted or required #accessory# off-street parking spaces shall conform to the provisions of the following Sections: Section 36-50, inclusive.

Section 36-52 (Size of Spaces)

Section 36-53 (Location of Access to the Street)

Section 36-54 (Restrictions on Use of Required Residential Open Space for Parking)

Section 36-55 (Surfacing)

Section 36-56 (Screening)

Special regulations applying to #large-scale community facility developments# or #large-scale residential

developments# are set forth in Article VII, Chapter 8.

36-52

Size, -and-Location and Identification of Spaces

* * *

36-523

Identification of #car sharing vehicles#

C1 C2 C3 C4 C5 C6 C7 C8

Within an off-street parking facility that contains #car sharing vehicles#, an information plaque shall be placed at a location accessible to and visible to users of such facility. The plaque shall be fully opaque, non reflective and constructed of permanent, highly durable materials and shall contain the following statements in lettering no less than one inch high:

(a) "Total parking spaces in facility:" and shall specify the total number of parking spaces permitted within such parking facility, and

(b) "Maximum number of car sharing vehicles:" and shall specify the total number of #car sharing vehicles# permitted within such parking facility.

* * *

Chapter 4

Accessory Off-Street Parking and Loading Regulations

* * *

44-30

RESTRICTIONS ON LOCATION AND USE OF ACCESSORY OFF-STREET PARKING SPACES

* * *

44-35

Restriction on Use of Accessory Off-Street Parking Spaces

M1 M2 M3

In all districts, as indicated, #accessory# off-street parking spaces, whether permitted or required and whether open or enclosed, shall be used primarily for the owners, occupants, employees, customers, or visitors of the #use# or #uses# to which such spaces are #accessory#. However, in #group parking facilities# containing 20 spaces or more, #car sharing vehicles# may occupy no more than 10 percent of such spaces.

* * *

44-41

General Provisions

M1 M2 M3

In all districts, as indicated, all permitted or required off-street parking spaces shall conform to the provisions of Section 44-40, inclusive, the following Sections:

Section 44-42 (Size of Spaces)

Section 44-43 (Location of Access to the Street)

Section 44-44 (Surfacing)

Section 44-45 (Screening)

Special regulations applying to #large-scale community facility developments# are set forth in Article VII, Chapter 8.

44-42

Size and Identification of Spaces

(a) **Size of Spaces**

M1 M2 M3

In all districts, as indicated, for all #accessory# off-street parking spaces, open or enclosed, each 300 square feet of unobstructed standing or maneuvering area shall be considered one parking space. However, an area of less than 300 square feet, but in no event less than 200 square feet, may be considered as one space, where the layout and design of the parking area are adequate to permit convenient access and maneuvering in accordance with regulations promulgated by the Commissioner of Buildings, or where the developer or applicant for a building permit or certificate of occupancy certifies that such spaces will be fully attended.

* * *

(b) **Identification of #car sharing vehicles#**

M1 M2 M3

Within an off-street parking facility that contains #car sharing vehicles#, an information plaque shall be placed at a location accessible to and visible to users of such facility. The plaque shall be fully opaque, non reflective and constructed of permanent, highly durable materials and shall contain the following statements in lettering no less than one inch high:

(1) "Total parking spaces in facility:" and shall specify the total number of parking spaces permitted within such parking facility, and

(2) "Maximum number of car sharing vehicles:" and shall specify the total number of #car sharing vehicles# permitted within such parking facility.

* * *

YVETTE V. GRUEL, Calendar Officer

City Planning Commission

22 Reade Street, Room 2E

New York, New York 10007

Telephone (212) 720-3370

j30-jy14

COMMUNITY BOARDS

■ PUBLIC HEARINGS

PUBLIC NOTICE IS HEREBY GIVEN THAT the following matters have been scheduled for public hearing by Community Boards:

BOROUGH OF MANHATTAN

COMMUNITY BOARD NO. 07 - Tuesday, July 6, 2010 at 6:30 P.M., Congregation Rodeph Sholom, 7 West 83rd Street (Central Park West), New York, NY

Riverside Center

#C 100287ZSM

IN THE MATTER OF an application submitted by CRP/Extell Parcel, LLP and CRP/Extell NLP, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit.

#C 100288ZSM

IN THE MATTER OF an application submitted by CRP/Extell Parcel, LLP and CRP/Extell NLP, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit.

#C 100289ZSM

IN THE MATTER OF an application submitted by CRP/Extell Parcel, LLP and CRP/Extell NLP, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit.

#C 100290ZSM

IN THE MATTER OF an application submitted by CRP/Extell Parcel, LLP and CRP/Extell NLP, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit.

#C 100291ZSM

IN THE MATTER OF an application submitted by CRP/Extell Parcel, LLP and CRP/Extell NLP, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit.

#C 100292ZSM

IN THE MATTER OF an application submitted by CRP/Extell Parcel, LLP and CRP/Extell NLP, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit.

#C 100293ZSM

IN THE MATTER OF an application submitted by CRP/Extell Parcel, LLP and CRP/Extell NLP, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit.

#C 100296ZSM

IN THE MATTER OF an application submitted by CRP/Extell Parcel, LLP and CRP/Extell NLP, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit.

#C 100297ZSM

IN THE MATTER OF an application submitted by CRP/Extell Parcel, LLP and CRP/Extell NLP, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit.

j30-jy6

DEFERRED COMPENSATION PLAN BOARD

■ MEETING

The New York City Deferred Compensation Plan Board will hold its monthly meeting on Wednesday, July 7, 2010 from 10:00 A.M. to 12:00 P.M. The meeting will be held at 40 Rector Street, 3rd Floor, NYC.

☛ jy2-7

EMPLOYEES' RETIREMENT SYSTEM

■ MEETING

Please be advised that the next Regular Meeting of the Board of Trustees of the New York City Employees' Retirement System has been scheduled for Thursday, July 8, 2010 at 9:30 A.M. to be held at the New York City Employees' Retirement System, 335 Adams Street, 22nd Floor Boardroom, Brooklyn, NY 11201-3751.

j30-jy7

FRANCHISE AND CONCESSION REVIEW COMMITTEE

■ MEETING

PUBLIC NOTICE IS HEREBY GIVEN THAT the Franchise and Concession Review Committee will hold a Public Meeting on Wednesday, July 14, 2010 at 2:30 P.M., at 22 Reade Street, 2nd Floor Conference Room, Borough of Manhattan.

NOTE: Individuals requesting Sign Language Interpreters should contact the Mayor's Office of Contracts Services, Public Hearings Unit, 253 Broadway, 9th Floor, New York, NY 10007, (212) 788-7490, no later than SEVEN (7) BUSINESS DAYS PRIOR TO THE PUBLIC MEETING. TDD users should call Verizon relay service.

☛ jy2-14

INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS

FRANCHISE ADMINISTRATION

■ NOTICE

CANCELLATION OF PUBLIC HEARING

NOTICE OF CANCELLATION OF A FRANCHISE AND CONCESSION REVIEW COMMITTEE ("FCRC") PUBLIC HEARING that was scheduled to be held on Monday July 12,

2010 commencing at 2:30 PM at 22 Reade Street, Borough of Manhattan, on the following three items relating to changes in the ownership structure of three franchises currently held by direct and indirect subsidiaries of RCN Corporation ("RCN Corp"): (1) a change of control of RCN New York Communications, LLC ("RCN-NYC"), which is a current franchisee, whereby RCN Corp will replace RCN Telecom Services, Inc. as the immediate parent of RCN-NYC, ABRY Partners VI, L.P. will obtain sole indirect voting control of RCN Corp, and ABRY Partners VI, L.P. and ABRY Senior Equity III, L.P. will hold a majority interest in RCN Corp, thus replacing RCN Corp as the ultimate parent entities of RCN-NYC; (2) an assignment by RCN Telecom Services, Inc. ("RCN-TS"), which is a current franchisee, of its New York City franchise and assets to a newly formed company, RCN Telecom Services of New York, LP ("RCN-TSNY"), and a change of control whereby RCN Telecom Services, LLC ("RCN LLC") will become the general partner of RCN-TSNY and ABRY Partners VI, L.P. will obtain sole indirect voting control of and hold an indirect majority interest in RCN LLC, with ABRY Partners VI, L.P. becoming the ultimate parent entity of RCN LLC; and (3) change of control of NEON Transcom, Inc. ("NEON"), which is a current franchisee, whereby ABRY Partners VI, L.P. will obtain sole indirect voting control of RCN Corp, and ABRY Partners VI, L.P. and ABRY Senior Equity III, L.P. will hold a majority interest in RCN Corp, thus replacing RCN Corp as the ultimate parent entities of NEON.

☛ jy2-12

LANDMARKS PRESERVATION COMMISSION

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that pursuant to the provisions of 3020 of the New York City Charter and Chapter 3 of Title 24 of the Administrative Code of the City of New York (Sections 25-303 and 25-313) that on **Tuesday, July 13, 2010**, the Landmarks Preservation Commission will conduct a *public hearing* at the locations listed below with respect to the following proposed Landmarks and Landmark Sites. Any person requiring reasonable accommodation in order to participate in the hearing should call or write the Landmarks Preservation Commission, [Municipal Building, 1 Centre Street, 9th Floor North, New York, NY 10007, (212) 669-7700] no later than five (5) business days before the hearing. There will also be a public meeting on that day.

PLEASE NOTE PUBLIC HEARING LOCATIONS AND SCHEDULES

PUBLIC HEARING ITEM NOS. 1 AND 2 ARE SCHEDULED TO BE HEARD AT:

**NYC Landmarks Preservation Commission
1 Centre Street, 9th Floor North
New York, New York 10007
9:30 A.M.**

PUBLIC HEARING ITEM NO. 1

LP-2439
135 BOWERY HOUSE, 135 Bowery, Manhattan.
Landmark Site: Borough of Manhattan Tax Map Block 423, Lot 4

PUBLIC HEARING ITEM NO. 2

LP-2440
206 BOWERY HOUSE, 206 Bowery, Manhattan.
Landmark Site: Borough of Manhattan Tax Map Block 492, Lot 32

PUBLIC HEARING ITEM NO. 3 IS SCHEDULED TO BE HEARD AT:

Location to be Determined

PUBLIC HEARING ITEM NO. 3

LP-2434
45-47 PARK PLACE BUILDING, 45-47 Park Place (aka 45-51 Park Place), Manhattan.
Landmark Site: Borough of Manhattan Tax Map Block 126, Lot 9 in part

j25-jy12

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Title 25, chapter 3 of the Administrative Code of the City of New York (Sections 25-307, 25-308, 25,309, 25-313, 25-318, 25-320) (formerly Chapter 8-A, Sections 207-6.0, 207-7.0, 207-12.0, 207-17.0, and 207-19.0), on Tuesday, **July 13, 2010 at 9:30 A.M.** in the morning of that day, a public hearing will be held in the Conference Room at 1 Centre Street, 9th Floor, Borough of Manhattan with respect to the following properties and then followed by a public meeting. Any person requiring reasonable accommodation in order to participate in the hearing or attend the meeting should call or write the Landmarks Commission no later than five (5) business days before the hearing or meeting.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF QUEENS 10-8887 - Block 8106, lot 5 - 8 Prospect Avenue, aka 42-25 240th Street - Douglaston Hill Historic District
A Queen Anne Style free-standing house designed by John A. Sinclair and built in 1899-1900. Application is to construct additions, an entrance portio, and terrace; modify masonry openings; install skylights; and alter a garage and driveway. Zoned R1-2. Community District 11.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF QUEENS 10-7556 - Block 182, lot - 39-02 - 40-06 44th Street, Madison Court North - Sunnyside Gardens Historic District
A Court, comprised of three mews with the buildings set perpendicular to the street, in six, paired rows of eight buildings fronting a central court garden. Application is to install lamp posts in the central gardens. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF THE BRONX 10-7906 - Block 23091, lot 1-112 Lincoln Avenue - Estey Piano Factory Building Individual Landmark
A factory building designed by A.B. Ogden & Son architects, and built in 1885-86, with later additions. Application is to amend Certificate of Appropriateness 10-5557 to construct a rear yard addition. Zoned M1-2/R6A. Community District 1.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 09-0425 - Block 260, lot 55 - 312 Hicks Street - Brooklyn Heights Historic District
A Greek Revival style house built in 1846. Application is to modify a window opening and construct a deck. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 10-7788 - Block 276, lot 16 - 169 Atlantic Avenue - Brooklyn Heights Historic Districts
A modern commercial style building built in 1976-77. Application is to install awnings and signage. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 10-9839 - Block 286, lot 17 - 182-200 Atlantic Avenue - Cobble Hill Historic District
An apartment building, with ground floor storefronts designed by Beyer Blinder Belle, Architects, and built in 2008. Application is to modify the storefronts and install signage. Community District 6.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 10-8640 - Block 297, lot 5 - 227 Clinton Street - Cobble Hill Historic District
A rowhouse built in the 1842-1844. Application is to construct a rear yard addition, alter the roof, alter the areaway, replace windows and excavate the rear yard for a swimming pool. Zoned R6. Community District 6.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 10-9716 - Block 295, lot 29 - 364 Henry Street - Cobble Hill Historic District
An Italianate style rowhouse built in 1852-53. Application is to demolish and reconstruct the front facade. Community District 6.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 10-7804 - Block 1099, lot 26 - 500 12th Street - Park Slope Historic District
A neo-Italian Renaissance style rowhouse designed by William Calder and built in 1898. Application is to install a new stoop, areaway wall, and ironwork. Community District 6.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 10-5786 - Block 1137, lot 56 - 635 Bergen Street, aka, 570 Vanderbilt Avenue - Prospect Heights Historic District
A neo-Grec style flats house with a ground floor storefront designed by Isaac D. Reynolds and built in 1887. Application is to legalize the installation of a barrier-free access ramp without Landmarks Preservation Commission permits. Community District 8.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-6942 - Block 486, lot 2 - 64 Wooster Street - SoHo-Cast Iron Historic District
A warehouse building designed by E.H. Kendall and built in 1898-99. Application is to install new storefront infill and alter the building's base. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-7888 - Block 587, lot 55 - 39 Barrow Street, aka 70-72 7th Avenue South - Greenwich Village Historic District
A rowhouse, originally built in 1828 altered in the late 19th and early 20th centuries. Application is to construct a stoop, modify masonry openings and the areaway, and install railings and a skylight. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-6944 - Block 552, lot 13 - 80 Washington Place - Greenwich Village Historic District
A Greek Revival style rowhouse built in 1839 and altered in the early 20th century. Application is to excavate the cellar. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-7719 - Block 644, lot 43 - 28 Little West 12th Street - Gansevoort Market Historic District
A neo-Georgian style stable building designed by John M. Baker and built in 1911. Application is to install a fence and a wall at the roof. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-7801 - Block 646, lot 30 - 420 West 14th Street - Gansevoort Market Historic District
A neo-Classical style store and loft building designed by Thomas H. Styles and built in 1903-04. Application is to establish a master plan governing the future installation of storefront infill. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-9066 - Block 646, lot 32 - 416-418 West 14th Street - Gansevoort Market Historic District
An Italianate style warehouse designed by Joseph M. Dunn and built in 1887, and a factory building designed by S.W. Johnson, built in 1874 and altered in 1917 and 1940-1980. Application is to replace storefront infill and install signage. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-6648 - Block 644, lot 60 - 55 Gansevoort Street - Gansevoort Market Historic District
A vernacular style store and loft building designed by Joseph M. Dunn and built in 1887. Application is to construct rooftop bulkheads, raise parapets and install railings. Zoned M1-5. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-7784 - Block 822, lot 31 - 156 Fifth Avenue - Ladies' Mile Historic District

A neo-Romanesque style office building designed by Rowe and Baker and built in 1894-1895. Application is to install new storefront infill and create new masonry openings within the entrance portico. Community District 5.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-9777 - Block 823, lot 20 - 31-33 West 21st Street - Ladies' Mile Historic District
A Beaux-Arts style store and loft building designed by William G. Pigueron and built in 1907. Application is to alter the facade and install canopies and light fixtures. Community District 5.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-4023 - Block 849, lot 7502 - 7 East 20th Street - Ladies' Mile Historic District
A neo-Renaissance/modern French style store and loft building designed by William C. Frohne and built in 1907. Application is to replace windows. Community District 5.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-9838 - Block 1305, lot 1 - 109 East 50th Street - St. Bartholomew's Church and Community House-Individual Landmark
A Byzantine style church designed by Bertram Goodhue and built in 1914-19. Application is to replace the decorative mosaic roof at the dome. Community District 5.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-9567 - Block 1288, lot 33 - 360-376 Park Avenue, aka 75-83 East 52nd Street, 60-64 East 53rd Street - Racquet and Tennis Club Building
A neo-Italian Renaissance style club building designed by McKim, Mead and White and built in 1916-1918. Application is to replace ornamental terra cotta cornice elements. Community District 5.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 09-6344 - Block 1121, lot 39 - 14 West 69th Street - Upper West Side/Central Park West Historic District
A Renaissance Revival style rowhouse designed by Gilbert A. Schellenger and built in 1896. Application is to alter the areaway and entrance. Community District 7.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-7395 - Block 1127, lot 25 - 11 West 74th Street - Upper West Side/Central Park West Historic District
A Queen Anne style rowhouse with neo-Grec style elements designed by Daniel Burgess and built in 1889-90. Application is to install stucco and lath on the side wall and install a trellis. Community District 7.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 08-7842 - Block 1145, lot 37 - 108 West 74th Street - Upper West Side/Central Park West Historic District
A Renaissance Revival style rowhouse with Gothic and Moorish style elements, designed by Thom and Wilson and built in 1886-87. Application is to install a new storefront. Community District 7.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-9825 - Block 1380, lot 143 - 58 East 66th Street - Upper East Side Historic District
A Beaux-Arts style residence designed by Buchman & Fox and built in 1908-09. Application is to construct a rear yard addition and replace windows. Zoned R8B. Community District 8.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-8639 - Block 1504, lot 44 - 66 East 93rd Street - Carnegie Hill Historic District Extension
A Queen Anne style flats building designed by A.B. Ogden & Son and built in 1890-91. Application is to alter the front and rear facades. Community District 8.

j29-jy13

BOARD OF STANDARDS AND APPEALS

■ PUBLIC HEARINGS

JULY 27, 2010, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, July 27, 2010, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

200-98-BZ
APPLICANT – The Law Office of Fredrick A. Becker, for 633 Realty LLC, owner; TSI East 41 LLC d/b/a New York Sports Club, lessee.
SUBJECT – Application July 27, 2010 – Extension of Term of a previously granted Special Permit (§73-36) for the continued operation of a Physical Culture Establishment (*New York Sports Club*) which expired on April 30, 2008; Waiver of the Rules. C5-3(Mid) zoning district.
PREMISES AFFECTED – 633 Third Avenue, east side of Third Avenue, between East 40th and East 41st Streets, Block 1312, Lots 1401, 1456, Borough of Manhattan.
COMMUNITY BOARD #6M

290-99-BZ
APPLICANT – Rothkrug, Rothkrut & Spector, for Almi Greenwich Associates, owner; Equinox Fitness Club, lessee.
SUBJECT – Application April 6, 2010 – Extension of Term of a previously granted Variance (72-21) for the continued operation of a Physical Culture Establishment (*Equinox fitness Club*) which expired on March 28, 2010. C1-6/R6 zoning district.
PREMISES AFFECTED – 99/101 Greenwich Avenue, south west corner of Greenwich Avenue and West 12th Street, Block 615, Lot 29, Borough of Manhattan.
COMMUNITY BOARD #3M

395-60-BZ
APPLICANT – Sheldon Lobel, P.C., for Ali A. Swati, owner.
SUBJECT – Application June 17, 2010 – Extension of Time to Obtain a Certificate of Occupancy for a previously granted Automotive Repair Shop and Convenience Store use which expired on May 17, 2010. R-5 zoning district.

PREMISES AFFECTED – 2557-2577 Linden Boulevard, north side of Linden Boulevard, between Euclid Avenue and Pine Street, Block 4461, Lot 27, Borough of Brooklyn.
COMMUNITY BOARD #5M

JULY 27, 2010, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, July 27, 2010, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

98-08-BZ

APPLICANT – Gerald J. Caliendo, RA, for Property Holdings LLC/Moshik Regev, owner.
SUBJECT – Application April 18, 2008 – Variance (§72-21) to allow a four-story residential building containing four (4) dwelling units, contrary to use regulations (§ 42-00). M1-1 district.

PREMISES AFFECTED – 583 Franklin Avenue, 160' of the corner of Atlantic Avenue and Franklin Avenue, Block 1199, Lot 3, Borough of Brooklyn.

COMMUNITY BOARD #8BK

305-09-BZ

APPLICANT – Davidoff Malito & Hatcher, LLP, for South Queens Boys & Girls Club, Inc., owner.
SUBJECT – Application November 5, 2009 – Variance to permit the enlargement of an existing community facility building (*South Queens Boys & Girls Club*) contrary to floor area (ZR 33-121) and height (ZR 33-431). C2-2/R5 zoning district.

PREMISES AFFECTED – 110-04 Atlantic Avenue, southeast corner of Atlantic Avenue and 110th Street, Block 9396, Lot 1, Borough of Queens.

COMMUNITY BOARD #9Q

6-10-BZ

APPLICANT – Sheldon Lobel, P.C., for 2147 Mill Avenue, LLC, owner.
SUBJECT – Application January 8, 2010 – Variance (§72-21) to allow for the legalization of an enlargement of a commercial building, contrary to ZR 22-00. R2 zoning district.
PREMISES AFFECTED – 2147 Mill Avenue, northeast side of Mill Avenue between Avenue U and Strickland Avenue, Block 8463, Lot 65, Borough of Brooklyn.

COMMUNITY BOARD #18BK

63-10-BZ

APPLICANT – Gerald J. Caliendo, RA, AIA, for 163-18 Jamaica Realty Inc., owner; Lucille Roberts Health Clubs, Inc., lessee.
SUBJECT – Application April 28, 2010 – Special Permit (§73-36) to legalize the operation of a physical culture establishment on the second floor of a seven-story commercial building. C6-3 zoning district.

PREMISES AFFECTED – 163-18 Jamaica Avenue, south side of Jamaica, 126' east of Guy Brewer Boulevard, Block 10151, Lot 7, Borough of Queens.

COMMUNITY BOARD #12Q

85-10-BZ

APPLICANT – Sheldon Lobel, P.C., for 309-315 East Fordham Rd LLC, owner; Fordham Fitness Group LLC, lessee.
SUBJECT – Application May 12, 2010 – Special Permit (§73-36) to legalize the operation of a physical culture establishment on the first and second floors of an existing two-story building. C4-4 zoning district.

PREMISES AFFECTED – 309-311 East Fordham Road a/k/a 316 East Kingsbridge Road, northwest corner of East Kingsbridge Road and East Fordham Road, Block 3154, Lot 94, Borough of The Bronx.

COMMUNITY BOARD #7BX

Jeff Mulligan, Executive Director

jy1-2

TRANSPORTATION

PUBLIC HEARINGS

COMMUTER VAN SERVICE AUTHORITY

NOTICE IS HEREBY GIVEN THAT the Department of Transportation is conducting a hearing on the expansion of a van authority currently authorized in the Borough of Queens to add additional vans to their service in Queens. The van company requesting this expansion is: Flexible Line, Inc. The address is 258-29 Francis Lewis Blvd., Rosedale, NY 11422. The applicant currently utilizes 6 vans daily and is requesting 10 additional vans to provide daily service 24 hours a day.

There will be a public hearing held on Friday, July 23, 2010 at Queens Borough Hall, 120-55 Queens Blvd., Public Hearing Room 213, Part 2, Kew Gardens, NY 11424 from 2:00 P.M. - 4:00 P.M. for an opportunity to voice your position on this application. In addition, written comments in support or in opposition to this application may be sent to Ms. Dorothy Szorc at the New York City Department of Transportation, Traffic Management Division, Office of Alternative Modes - 6th Floor, 55 Water Street, New York, NY 10041 no later than July 23, 2010. Any written comments received after this date may not be considered. Those opposing the application must clearly specify why the proposed service will not meet present and/or future public convenience and necessity.

COMMUTER VAN SERVICE AUTHORITY

NOTICE IS HEREBY GIVEN THAT the Department of Transportation is conducting a hearing on the expansion of a van authority currently authorized in the Borough of Queens to add additional vans to their service in Queens. The van company requesting this expansion is: J & HE Transportation, Inc. The address is 40-06 Case Street, 1st Floor, Elmhurst, NY 11373. The applicant currently utilizes 14 vans daily and is requesting 10 additional vans to provide daily service 24 hours a day.

There will be a public hearing held on Friday, July 23, 2010 at Queens Borough Hall, 120-55 Queens Blvd., Public Hearing Room 213, Part 2, Kew Gardens, NY 11424 from 2:00 P.M. - 4:00 P.M. for an opportunity to voice your position on this application. In addition, written comments in support or in opposition to this application may be sent to Ms. Dorothy Szorc at the New York City Department of

Transportation, Traffic Management Division, Office of Alternative Modes - 6th Floor, 55 Water Street, New York, NY 10041 no later than July 23, 2010. Any written comments received after this date may not be considered. Those opposing the application must clearly specify why the proposed service will not meet present and/or future public convenience and necessity.

jy2-9

NOTICE IS HEREBY GIVEN, pursuant to law, that the following proposed revocable consents, have been scheduled for a public hearing by the New York City Department of Transportation. The hearing will be held at 55 Water Street, 9th Floor, Room 945 commencing at 2:00 P.M. on Wednesday, July 7, 2010. Interested parties can obtain copies of proposed agreements or request sign-language interpreters (with at least seven days prior notice) at 55 Water Street, 9th Floor SW, New York, NY 10041, or by calling (212) 839-6550.

#1 In the matter of a proposed revocable consent authorizing American International Realty Corp. to maintain and use light poles on the southeast sidewalk of Fletcher Street, between Front and Water Streets, and on the northeast sidewalk of Front Street, between Fletcher and John Streets in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2010 to June 30, 2020 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

For the period from the date of final approval to June 30, 2021 - \$1,200/annum.

the maintenance of a security deposit in the sum of \$1,200 and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

#2 In the matter of a proposed revocable consent authorizing Metropolitan Transportation Authority to maintain and use bollard foundations on the south sidewalk of West 42nd Street, between Seventh and Eighth Avenues, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from the date of approval by the Mayor to June 30, 2021.

There shall be no compensation required for this revocable consent the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

#3 In the matter of a proposed revocable consent authorizing Knickerbocker Properties LLC to construct, maintain and use a stoop and a wheelchair lift on the southeast sidewalk of Hart Street, between Knickerbocker Avenue and Wilson Avenue, in the Borough of Brooklyn. The proposed revocable consent is for a term of ten years from the date of approval by the Mayor to June 30, 2021 and provides among other terms and conditions for compensation payable to the city according to the following schedule:

From the date of approval by the Mayor to June 30, 2011: - \$530/annum

For the period July 1, 2011 to June 30, 2012 - \$545
For the period July 1, 2012 to June 30, 2013 - \$560
For the period July 1, 2013 to June 30, 2014 - \$575
For the period July 1, 2014 to June 30, 2015 - \$590
For the period July 1, 2015 to June 30, 2016 - \$605
For the period July 1, 2016 to June 30, 2017 - \$620
For the period July 1, 2017 to June 30, 2018 - \$635
For the period July 1, 2018 to June 30, 2019 - \$650
For the period July 1, 2019 to June 30, 2020 - \$665
For the period July 1, 2020 to June 30, 2021 - \$680

the maintenance of a security deposit in the sum of \$5,000 and the filing of an insurance policy in the minimum amount of \$500,000/\$2,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$200,000.

#4 In the matter of a proposed revocable consent authorizing American International Realty Corp. to maintain and use security bollards and horizontal ties around the perimeter of the property bounded by Water, John, Front, and Fletcher Streets, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from the date of approval by the Mayor to June 30, 2021.

the maintenance of a security deposit in the sum of \$42,900 and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

#5 In the Matter of a proposed revocable consent authorizing Presentation Circle Homeowners association, Inc. to construct, maintain and use a force main pipe, together with a manhole, under, along and across Woodrow Road, between Grantwood Avenue and Dierauf Street, in the Borough of Staten Island. The proposed revocable consent is for a term of ten years from the date of approval by the Mayor to June 30, 2011 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

From the date of approval by the Mayor to June 30, 2011: \$16,684/annum

For the period July 1, 2011 to June 30, 2012 - \$17,185
For the period July 1, 2012 to June 30, 2013 - \$17,686
For the period July 1, 2013 to June 30, 2014 - \$18,187
For the period July 1, 2014 to June 30, 2015 - \$18,688
For the period July 1, 2015 to June 30, 2016 - \$19,189
For the period July 1, 2016 to June 30, 2017 - \$19,690
For the period July 1, 2017 to June 30, 2018 - \$20,191
For the period July 1, 2018 to June 30, 2019 - \$20,692
For the period July 1, 2019 to June 30, 2020 - \$21,193
For the period July 1, 2020 to June 30, 2021 - \$21,694

the maintenance of a security deposit in the sum of \$22,000 and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

j18-jy7

PROPERTY DISPOSITION

CITYWIDE ADMINISTRATIVE SERVICES

DIVISION OF MUNICIPAL SUPPLY SERVICES

AUCTION

PUBLIC AUCTION SALE NUMBER 10001 - X AND Y PUBLIC AUCTION SALE NUMBER 10002 - A

NOTICE IS HEREBY GIVEN of a public auction of City fleet vehicles consisting of cars, vans, light duty vehicles, trucks, heavy equipment and miscellaneous automotive equipment to be held on Wednesday, July 7, 2010 (SALE NUMBER 10002-A). Viewing is on auction day only from 8:30 A.M. until 9:00 A.M. The auction begins at 9:00 A.M.

LOCATION: 570 Kent Avenue, Brooklyn, NY (in the Brooklyn Navy Yard between Taylor and Clymer Streets).

A listing of vehicles to be offered for sale in the next auction can be viewed on our website, on the Friday prior to the sale date at:

*** PLEASE NOTE: THE SALES FOR JUNE 9, 2010 AND JUNE 23, 2010 (SALE NUMBERS 10001-X AND 10001-Y) HAVE BEEN CANCELLED.

<http://www.nyc.gov/autoauction> OR
<http://www.nyc.gov/autoauctions>

Terms and Conditions of sale can also be viewed at this site.

For further information, please call (718) 417-2155 or (718) 625-1313.

j4-jy7

SALE BY SEALED BID

SALE OF: 1 LOT OF CAR LIFT SYSTEM, USED.

S.P.#: 10026

DUE: July 9, 2010

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
DCAS, Division of Municipal Supply Services, 18th Floor Bid Room, Municipal Building, New York, NY 10007.
For sales proposal, contact Gladys Genoves-McCauley (718) 417-2156.

j25-jy9

SALE OF: 33 PIECES OF USED LANDFILL EQUIPMENT.

S.P.#: 10025

DUE: July 13, 2010

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
DCAS, Division of Municipal Supply Services, 18th Floor Bid Room, Municipal Building, New York, NY 10007.
For sales proposal contact Gladys Genoves-McCauley (718) 416-2156 for information.

j29-jy13

POLICE

OWNERS ARE WANTED BY THE PROPERTY CLERK DIVISION OF THE NEW YORK CITY POLICE DEPARTMENT.

The following listed property is in the custody, of the Property Clerk Division without claimants.

Recovered, lost, abandoned property, property obtained from prisoners, emotionally disturbed, intoxicated and deceased persons; and property obtained from persons incapable of caring for themselves.
Motor vehicles, boats, bicycles, business machines, cameras, calculating machines, electrical and optical property, furniture, furs, handbags, hardware, jewelry, photographic equipment, radios, robes, sound systems, surgical and musical instruments, tools, wearing apparel, communications equipment, computers, and other miscellaneous articles.

INQUIRIES

Inquiries relating to such property should be made in the Borough concerned, at the following office of the Property Clerk.

FOR MOTOR VEHICLES

(All Boroughs):

- * College Auto Pound, 129-01 31 Avenue, College Point, NY 11354, (718) 445-0100
- * Gowanus Auto Pound, 29th Street and 2nd Avenue, Brooklyn, NY 11212, (718) 832-3852
- * Erie Basin Auto Pound, 700 Columbia Street, Brooklyn, NY 11231, (718) 246-2029

FOR ALL OTHER PROPERTY

- * Manhattan - 1 Police Plaza, New York, NY 10038, (212) 374-4925.
- * Brooklyn - 84th Precinct, 301 Gold Street, Brooklyn, NY 11201, (718) 875-6675.
- * Bronx Property Clerk - 215 East 161 Street, Bronx, NY 10451, (718) 590-2806.
- * Queens Property Clerk - 47-07 Pearson Place, Long Island City, NY 11101, (718) 433-2678.
- * Staten Island Property Clerk - 1 Edgewater Plaza, Staten Island, NY 10301, (718) 876-8484.

j1-d31

PROCUREMENT

“The City of New York is committed to achieving excellence in the design and construction of its capital program, and building on the tradition of innovation in architecture and engineering that has contributed to the City’s prestige as a global destination. The contracting opportunities for construction/construction services and construction-related services that appear in the individual agency listings below reflect that commitment to excellence.”

ADMINISTRATION FOR CHILDREN’S SERVICES

■ SOLICITATIONS

Goods & Services

TRANSPORTATION SERVICES 24/7 – Competitive Sealed Bids – PIN# 06810ADM0007 – DUE 07-30-10 AT 3:00 P.M. – Optional pre-bid date: Friday, July 16, 2010 at 10:00 A.M. at 150 William St., Room 8A3, New York, NY 10038.

Bid forms and specifications may be obtained, free of charge, from the ACS Website, any time before the bid date (recommended method). Copy the link into your browser to go to the appropriate page <http://www.nyc.gov/html/acs/html/business/business.shtml>. In the event that you are unable to download this bid, a bid package may be requested via e-mail. Send all email requests to schneiderg@acs.nyc.gov. Please type the PIN above and type of service into the subject line. Also, type the name of the company, complete address, contact name, phone and fax numbers into the body of the e-mail. If all else fails, you may call (212) 341-3461. E-PIN 06810B0010.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Administration for Children’s Services, 150 William Street, 9th Floor, New York, NY 10038.
Glenn Schneider (212) 341-3461, schneiderg@acs.nyc.gov

☛ jy2

BROOKLYN NAVY YARD

■ SOLICITATIONS

Construction Related Services

REHABILITATION OF BERTH 1A AT THE BROOKLYN NAVY YARD – Public Bid – PIN# 201010 – DUE 08-04-10 AT 2:00 P.M. – Bid documents are available for \$100.00 non-refundable certified check or money order. A mandatory pre-submission meeting will be held at BNYDC Offices on July 15, 2010 at 11:00 A.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Brooklyn Navy Yard Development Corp., 63 Flushing Avenue, Unit 300, Building 292, Brooklyn, NY 11205.
Kosta Kamberis (718) 907-5945, fax: (718) 852-5492, kkamberis@brooklynnavyard.com

☛ jy2

BUILDINGS

CONTRACTS UNIT

■ INTENT TO AWARD

Services (Other Than Human Services)

SUPPORT FOR METRIX LLC PROPRIETARY SOFTWARE – Sole Source – Available only from a single source – PIN# 81011ITX0079 – DUE 07-07-10 AT 3:00 P.M. – Any vendor who believes it is capable of providing such services may express its interest in doing so by writing to Benjamin S. Karan at the indicated address by the date and time indicated.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Department of Buildings, 280 Broadway, 6th Floor
New York, NY 10007. Leesell Wong (212) 566-4183
fax: (212) 566-4090, lewong@buildings.nyc.gov

j28-jy2

CITYWIDE ADMINISTRATIVE SERVICES

DIVISION OF MUNICIPAL SUPPLY SERVICES

■ SOLICITATIONS

Goods

FACSIMILE MACHINES AND MAINTENANCE – Competitive Sealed Bids – PIN# 8570900848 – DUE 07-19-10 AT 10:30 A.M.
● **GENUINE REPAIR PARTS FOR SERPENTIX CONVEYOR** – Competitive Sealed Bids – PIN# 8571000864 – DUE 07-20-10 AT 10:30 A.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Department of Citywide Administrative Services
1 Centre Street, Room 1800, New York, NY 10007.
Anna Wong (212) 669-8610, fax: (212) 669-7603
dcasdmssbids@dcas.nyc.gov

☛ jy2

■ AWARDS

Goods

NYS CONTR FOR HP PC AGGREGATE PURCHASE - HRA – Intergovernmental Purchase – PIN# 8571000877 – AMT: \$1,969,200.00 – TO: Hewlett Packard Company, 10810 Farnam Drive, Omaha, NE 68154. NYS Contract #PT55722.

Suppliers wishing to be considered for a contract with the Office of General Services of New York State are advised to contact the Procurement Services Group, Corning Tower, Room 3711, Empire State Plaza, Albany, NY 12242 or by phone: 518-474-6717.

☛ jy2

HALAL MEATS AND POULTRY FOR DOC – Competitive Sealed Bids – PIN# 85701000694 – AMT: \$406,063.20 – TO: Jamac Frozen Food Corporation, 570 Grand Street, Jersey City, NJ 07302.

● **HALAL MEATS AND POULTRY FOR DOC** – Competitive Sealed Bids – PIN# 85701000694 – AMT: \$257,972.00 – TO: Golden Platter Foods Inc., 37 Tompkins Point Road, Newark, NJ 07114.

● **HALAL MEATS AND POULTRY FOR DOC** – Competitive Sealed Bids – PIN# 85701000694 – AMT: \$5,170.00 – TO: Advanced Commodities Inc., DBA Midwest Quality Foods, 840 West Bartlett Road, Suite 3, Bartlett.

● **PORTION CONTROL ITEMS** – Competitive Sealed Bids – PIN# 8571000754 – AMT: \$41,774.00 – TO: Atlantic Beverage Company, Inc., 3775 Park Avenue, Edison, NJ 08820.

☛ jy2

■ VENDOR LISTS

Goods

ACCEPTABLE BRAND LIST – In accordance with PPB Rules, Section 2-05(c)(3), the following is a list of all food items for which an Acceptable Brands List has been established.

1. Mix, Biscuit - AB-14-1:92
2. Mix, Bran Muffin - AB-14-2:91
3. Mix, Corn Muffin - AB-14-5:91
4. Mix, Pie Crust - AB-14-9:91
5. Mixes, Cake - AB-14-11:92A
6. Mix, Egg Nog - AB-14-19:93
7. Canned Beef Stew - AB-14-25:97
8. Canned Ham Shanks - AB-14-28:91
9. Canned Corned Beef Hash - AB-14-26:94
10. Canned Boned Chicken - AB-14-27:91
11. Canned Corned Beef - AB-14-30:91
12. Canned Ham, Cured - AB-14-29:91
13. Complete Horse Feed Pellets - AB-15-1:92
14. Canned Soups - AB-14-10:92D
15. Infant Formula, Ready to Feed - AB-16-1:93
16. Spices - AB-14-12:95
17. Soy Sauce - AB-14-03:94
18. Worcestershire Sauce - AB-14-04:94

Application for inclusion on the above enumerated Acceptable Brand Lists for foods shall be made in writing and addressed to: Purchase Director, Food Unit, Department of Citywide Administrative Services, Division of Municipal Supply Services, 1 Centre Street, 18th Floor, New York, NY 10007. (212) 669-4207.

jy17-j4

EQUIPMENT FOR DEPARTMENT OF SANITATION – In accordance with PPB Rules, Section 2.05(c)(3), an acceptable brands list will be established for the following equipment for the Department of Sanitation:

- A. Collection Truck Bodies
- B. Collection Truck Cab Chassis
- C. Major Component Parts (Engine, Transmission, etc.)

Applications for consideration of equipment products for inclusion on the acceptable brands list are available from: Vendor Relations, Department of Citywide Administrative Services, Division of Municipal Supply Services, 1 Centre Street, 18th Floor, New York, NY 10007. (212) 669-8610.

jy17-j4

OPEN SPACE FURNITURE SYSTEMS - CITYWIDE – In accordance with PPB Rules, Section 2.05(c)(3), an Acceptable Brands List, #AB-17W-1:99, has been established for open space furniture systems.

Application for consideration of product for inclusion on this acceptable brands list shall be made in writing and addressed to: Vendor Relations, Department of Citywide Administrative Services, Division of Municipal Supply Services, 1 Centre Street, 18th Floor, New York, NY 10007, (212) 669-8610.

jy17-j4

DESIGN & CONSTRUCTION

■ AWARDS

Construction / Construction Services

CONSTRUCTION OF COMBINED SEWERS IN 162ND STREET BETWEEN NORTHERN BLVD. AND STATION STREET, ETC., QUEENS – Competitive Sealed Bids – PIN# 8502010SE0017C – AMT: \$3,077,089.00 – TO: Delaney Associates, LP, 125-08 26th Avenue, Flushing, NY 11354. Project No.: SEQ002687.

● **INSTALLATION OF PEDESTRIAN RAMPS AT DESIGNATED LOCATIONS, CITYWIDE** – Competitive Sealed Bids – PIN# 8502010HW0022C – AMT: \$4,706,068.00 – TO: Vales Construction Corp., 64 Pound Ridge Road, Pound Ridge, NY 10590. Project No: HWP2010CW.

● **INSTALLATION OF 12-INCH AND 8-INCH WATER MAINS IN VARIOUS LOCATIONS, QUEENS** – Competitive Sealed Bids – PIN# 8502008W0005C – AMT: \$9,473,277.96 – TO: Maspeth Supply Co., LLC, 55-14 48th Street, Maspeth, NY 11378. Project No: QED-996.

● **INSTALLATION OF COMPLEX PEDESTRIAN RAMPS AT DESIGNATED LOCATIONS, MANHATTAN AND THE BRONX** – Competitive Sealed Bids – PIN# 8502010HW0021C – AMT: \$4,195,738.20 – TO: Triumph Construction Corp., 1354 Seneca Avenue, Bronx, NY 10474. Project No: HWP2010MX.

● **EAST 38TH STREET DEP FACILITY UPGRADE - ELECTRICAL WORK, MANHATTAN** – Competitive Sealed Bids – PIN# 8502008CT0004C – AMT: \$1,889,000.00 – TO: Metro York Electrical Inc., 23-86 BQE West, Long Island City, NY 11103. Project No: EP06-38ST.

● **RECONSTRUCTION OF BAILEY PLACE RETAINING WALL, ETC. THE BRONX** – Competitive Sealed Bids – PIN# 8502008HW0033C – AMT: \$5,155,388.10 – TO: C.A.C. Industries, Inc., 23-23 Borden Avenue, 2nd Floor, Long Island City, NY 11101. Project No: RWX003.

● **NELSON FAMILY RESIDENCE - EXTERIOR ENVELOPE RESTORATION, THE BRONX** – Competitive Sealed Bids – PIN# 8502010HL0003C – AMT: \$2,979,769.00 – TO: Delta Iron and Construction, Inc., 758 60th Street, #2B, Brooklyn, NY 11220. Project No: HH115NELX-R.

☛ jy2

HEALTH AND HOSPITALS CORPORATION

The New York City Health and Hospitals Corporation is regularly soliciting bids for supplies and equipment at its Central Purchasing Offices, 346 Broadway, New York City, Room 516, for its Hospitals and Diagnostic and Treatment Centers. All interested parties are welcome to review the bids that are posted in Room 516 weekdays between 9:00 a.m. and 4:30 p.m. For information regarding bids and the bidding process, please call (212) 442-4018.

j1-d31

■ SOLICITATIONS

Goods

BLANKET ORDER FOR NEUROSURGERY SUPPLIES – Competitive Sealed Bids – PIN# 22211002 – DUE 07-12-10 AT 4:00 P.M. – Rebid from 22210059 due to no responses.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Lincoln Hospital Center, 234 East 149th Street, Bronx
New York 10451. Edwin Iyasere (718) 579-5106,
fax: (718) 579-4788, edwin.iyasere@nychhc.org

☛ jy2

Services (Other Than Human Services)

WINDOW CLEANING SERVICES – Competitive Sealed Bids – PIN# 000041210037 – DUE 07-12-10 AT 3:00 P.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Coler-Goldwater Memorial Hospital, 1 Main Street, Roosevelt Island, New York, NY 10044. Starr Kollore (212) 318-4260,
fax: (212) 318-4253, starr.kollore@nychhc.org

☛ jy2

HOMELESS SERVICES

OFFICE OF CONTRACTS AND PROCUREMENT

■ SOLICITATIONS

Human / Client Service

CORRECTION: TRANSITIONAL RESIDENCES FOR HOMELESS/ DROP-IN CENTERS – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# 071-00S-003-262Z – DUE 06-27-11 AT 10:00 A.M. – CORRECTION: The Department of Homeless Services is soliciting proposals from organizations interested in developing and operating transitional residences for homeless adults and families including the Neighborhood Based Cluster Residence and drop-in centers for adults. This is an open-ended solicitation; there is no due date for submission.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Department of Homeless Services, 33 Beaver Street
13th Floor, New York, NY 10004.
Marta Zmoira (212) 361-0888, mzmoira@dhs.nyc.gov

j6-20

INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS

■ INTENT TO AWARD

Goods & Services

SOFTWARE LICENSES AND MAINTENANCE – Sole Source – Available only from a single source - PIN# 85810S0010 – DUE 07-12-10 AT 3:00 P.M. – The City intends to enter into Sole Source negotiations with Computer Corporation of America for Proprietary Software Licenses and Maintenance. Any vendor that wishes to provide such services in the future should send notice to DoITT by Monday, July 12, 2010.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Department of Information Technology and Telecommunications, 75 Park Place, 9th Floor, NYC, NY 10007. Dorothy Duncan (212) 788-6274, fax: (212) 788-6489
dduncan@doitt.nyc.gov

☛ jy2-9

MAINTENANCE AND TECHNICAL SERVICES FOR AG LICENSES – Sole Source – Available only from a single source - PIN# 85810S0009 – DUE 07-07-10 AT 3:00 P.M. – DoITT intends to enter into negotiations with Software AG to provide maintenance and technical services for AG Licenses.

Any firm which believes it can provide the required maintenance and technical services for AG Licenses for this procurement or in the future is invited to indicate via email to acco@doitt.nyc.gov.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
 Department of Information Technology and Telecommunications, 75 Park Place, 9th Floor, New York, NY 10007. Margaret Budzinska (212) 788-6510, mbudzinska@doitt.nyc.gov

j29-jy6

JUVENILE JUSTICE

■ SOLICITATIONS

Human/Client Service

PROVISION OF NON-SECURE DETENTION GROUP HOMES – Negotiated Acquisition – Judgment required in evaluating proposals - PIN# 13010DJJ000 – DUE 06-30-11 AT 2:00 P.M. – The Department of Juvenile Justice is soliciting applications from organizations interested in operating non-secure detention group homes in New York City. This is an open-ended solicitation; applications will be accepted on a rolling basis until 2:00 P.M. on 6/30/11.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
 Department of Juvenile Justice, 110 William Street 14th Floor, New York, NY 10038. Chuma Uwechia (212) 442-7716, cuwechia@djj

jy1-d16

LAW

■ INTENT TO AWARD

Services (Other Than Human Services)

GENSOURCE SOFTWARE MAINTENANCE CONTRACT – Sole Source – Available only from a single source - PIN# 02511XMIS018 – DUE 07-19-10 AT 5:00 P.M. – The New York City Law Department intends to enter into sole source negotiations with P and C Claims, Inc. (“PCIS”) with the expectation that PCIS will be awarded a contract for provision of GenSource Software maintenance services to the Department. The Department uses GenSource software for the Law Department’s Workers’ Compensation Claims Management Processing System. The System runs on GenSource software (GenCOMP, GenRISK and GenUTIL) that is proprietary to PCIS. Accordingly, it is the Department’s understanding that PCIS is the only company that can provide maintenance services for these products. Any firm that believes it can provide GenSource maintenance services to the Department is invited to do so by letter or by e-mail. Any such letter or e-mail must be received no later than the vendor response date and time indicated in this notice.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
 Law Dept., 100 Church Street, Room 6-219, New York, NY 10007. Anita Fajans (212) 788-0970, fax: (212) 788-0367 afajans@law.nyc.gov

jy1-8

SERVICES IN SUPPORT OF THE MISSION OF THE 2010 NYC CHARTER REVISION COMMISSION – Government to Government – PIN# 02510X100032 – DUE 07-12-10 AT 5:00 P.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
 Law Dept., 100 Church Street, New York, NY 10007. Samuel A. Moriber (212) 788-0734, fax: (212) 788-0367 smoriber@law.nyc.gov

j29-jy6

AGENCY PUBLIC HEARINGS ON CONTRACT AWARDS

“These Hearings may be cablecast on NYC TV Channel 74 on Sundays, from 5:00 p.m. to 7:00 p.m. For more information, visit: www.nyc.gov/tv” **NOTE: Individuals requesting Sign Language Interpreters should contact the Mayor’s Office of Contract Services, Public Hearings Unit, 253 Broadway, 9th Floor, New York, N.Y. 10007, (212) 788-7490, no later than SEVEN (7) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING. TDD users should call Verizon relay services.**

OFFICE OF MANAGEMENT AND BUDGET

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that a Contract Public Hearing will be held on Thursday, July 15, 2010, in Spector Hall, 22 Reade Street, Main Floor, Borough of Manhattan, commencing at 10:00 A.M.

IN THE MATTER of a proposed contract between the Office of Management and Budget of the City of New York and the Contractor listed below, to provide consulting for Actuarial

Services. The contract term shall be from July 1, 2010 to June 30, 2013.

Contractor/Address

The Segal Company Eastern States Inc. 333 West 34th Street, New York, New York 10001

PIN# 002-01-0198201

Amount \$300,000

The proposed contractor has been selected by means of the Competitive Sealed Proposal Method, pursuant to Section 3-03 of the Procurement Policy Board Rules.

A draft copy of the proposed contract is available for public inspection at the Office of Management and Budget, 75 Park Place, 6th Floor, Room 6M-4, New York, NY 10007, from July 2, 2010 to July 15, 2010, excluding Saturdays, Sundays and Holidays, from 9:30 A.M. to 4:30 P.M.

jy2

AGENCY RULES

BUSINESS INTEGRITY COMMISSION

■ NOTICE

NOTICE OF OPPORTUNITY TO COMMENT ON PROPOSED RULEMAKING RELATING TO TRADE WASTE REMOVAL BUSINESSES, PUBLIC WHOLESALE MARKETS, SEAFOOD DISTRIBUTION AREAS, SEAFOOD DISTRIBUTION OUTSIDE SEAFOOD DISTRIBUTION AREAS, AND MARKET BUSINESSES, LABOR UNIONS AND LABOR ORGANIZATIONS OPERATING IN SEAFOOD DISTRIBUTION AREAS

PURSUANT TO section 1043(h)(1) of the New York City Charter and exercising the authority vested in the Business Integrity Commission by sections 1043(a) and 2101(b)(6) of the New York City Charter, notice is hereby given that the Business Integrity Commission intends to adopt rules relating to trade waste removal businesses, public wholesale markets, seafood distribution areas, seafood distribution outside seafood distribution areas, and market businesses, labor unions and labor organizations operating in seafood distribution areas. Additions to the rules are underlined and deletions are [bracketed].

Written comments regarding these proposed rules may be sent to Eric Dorsch, Deputy Commissioner/General Counsel, New York City Business Integrity Commission, on or before July 28, 2010. Comments may be submitted by mail to Deputy Commissioner Dorsch at the New York City Business Integrity Commission, 100 Church Street, 20th Floor, New York, New York 10007 or electronically to edorsch@bic.nyc.gov.

The hearing for public comment commenced on June 28, 2010 will be continued on August 3, 2010 in Spector Hall at 20 Reade Street, New York, New York 10007, at 10:00 A.M. Persons seeking to testify are requested to notify Deputy Commissioner Dorsch at (212) 676-6202 no fewer than five (5) business days prior to the hearing. Persons who request that a sign language interpreter or other form of reasonable accommodation for a disability be provided at the hearing are asked to notify Deputy Commissioner Dorsch at the above address no later than two weeks prior to the hearing.

Written comments and a summary of oral comments received at the hearing will be available for public inspection, within a reasonable time after receipt on week days between the hours of 9:30 A.M. and 4:30 P.M. at the New York City Business Integrity Commission, 100 Church Street, 20th Floor, New York, New York 10007.

This rule was included in the 2010 regulatory agenda of the Business Integrity Commission.

Section 1. Subdivision (a) of section 1-03 of chapter 1 of title 17 of the Rules of the City of New York is amended to read as follows:

(a) A hearing conducted pursuant to [subdivision b of section 2-08, subdivision (c) of section 3-01 or subdivision (b) or (c) of section 3-02 of] this chapter may be conducted by the Commission or, in the discretion of the Commission, by an administrative law judge employed or designated by the Commission, by the Office of Administrative Trials and Hearings (OATH) or by other administrative tribunal of competent jurisdiction; provided, however that hearings related to the violation of the provisions of section 16-505 of the Code and the rules of conduct set forth in subchapters E, F and G of this chapter [shall] may, except where the Commission is seeking revocation or suspension of a license or registration on the basis of such violations, be conducted by the Department of Consumer Affairs. All such hearings shall be conducted following the procedures set forth in the rules of OATH (48 RCNY §1-01 et seq.); except in the case of hearings conducted by the Department of Consumer Affairs, which shall be held pursuant to the procedures for adjudication set forth in the rules of such Department. In the event that a hearing is conducted by an administrative law judge employed or designated by the Commission, by OATH or by other administrative tribunal, such administrative law judge shall make recommended findings of fact and a recommended decision to the Commission, which shall make the final determination. In the event that a hearing is held by the Department of Consumer Affairs, the Commissioner of such Department shall make the final determination.

§ 2. Section 5-01 of chapter 1 of title 17 of the Rules of the City of New York is amended by adding a new subdivision (d)

to read as follows:

(d) All written communications with a customer or potential customer (including, without limitation, receipts and correspondence), all advertisements and the letterhead of a licensee must contain the license number assigned to the licensee by the Commission. The license number must be clearly identified as a Commission license number. Any listing consisting solely of the name, address and telephone number of the licensee need not include the licensee’s license number.

§ 3. Section 7-01 of chapter 1 of title 17 of the Rules of the City of New York is amended to read as follows:

§7-01 Posting of Registration. (a) A registrant shall conspicuously post the registration issued by the Commission at the registrant’s place of business. (b) All written communications with a customer or potential customer (including, without limitation, receipts and correspondence), all advertisements and the letterhead of a registrant must contain the registration number assigned to the registrant by the Commission. The registration number must be clearly identified as a Commission registration number. Any listing consisting solely of the name, address and telephone number of the registrant need not include the registrant’s registration number.

§ 4. The section heading of section 6-03 of chapter 1 of title 17 of the Rules of the City of New York is amended and a new subdivision (c) of such section is added to read as follows:

§6-03 Collection of Fees Prohibited; Contract Duration. (c) A contract for the provision of brokering services to a commercial establishment shall not exceed two years in duration.

§ 5. Title 17 of the rules of the city of New York is amended by adding a new chapter 2 to read as follows:

**CHAPTER 2
MARKETS**

Subchapter A	Public Wholesale Markets
B	Seafood Distribution Areas
C	Seafood Distribution Outside Seafood Distribution Areas
D	Market Businesses, Labor Unions and Labor Organizations Operating in Seafood Distribution Areas

**SUBCHAPTER A
PUBLIC WHOLESALE MARKETS**

- §11-01 Scope and construction.
- §11-02 Definitions.
- §11-03 Terms and Fees.
- §11-04 Wholesale Business and Market Business Registration Required.
- §11-05 Application for a Wholesale Business or Market Business Registration.
- §11-06 Photo Identification Cards Required.
- §11-07 Temporary Photo Identification Cards and Visitors Passes.
- §11-08 Application for a Photo Identification Card.
- §11-08.1 Photo Identification Card; Investigation by the Commission.
- §11-09 Wholesale Business and Market Business Operations.
- §11-10 Labor Union and Labor Organization Registration Required.
- §11-11 Application for a Labor Union or Labor Organization Registration.
- §11-12 Wholesale Trade Association Registration Required.
- §11-13 Application for a Wholesale Trade Association Registration.
- §11-14 Record Keeping Requirements for Wholesale Trade Associations.
- §11-15 Notification of Material Change in Information, Addition of New Principal and Change in Composition of Business.
- §11-16 Acquisitions and Subleases.
- §11-17 Refusal to Issue Registration or Photo Identification Card; Revocation and Suspension of Registration or Photo Identification Card.
- §11-18 Emergency Suspension of Registration or Photo Identification Card.
- §11-19 Prohibited Acts Generally.
- §11-20 Notice.
- §11-21 Administrative Hearings.
- §11-22 Fines and Penalties.
- §11-23 Commission Delegations to the Chairperson.
- §11-24 Additional Powers of the Commission.
- §11-25 Traffic Regulation and Parking Within the Market.
- §11-26 Administration.

§11-01 Scope and construction.
 (a) This subchapter shall be applicable to each public wholesale market.
 (b) Any act prohibited by this subchapter shall extend to and include the permitting, allowing, causing, procuring, aiding or abetting of such act.
 (c) No provision in this subchapter shall make unlawful the act of any employee of the Commission or other government official in the performance of his or her official duties.
 (d) Any act prohibited by this subchapter not otherwise prohibited by law or any other government rule or regulation shall be lawful if performed pursuant to and in strict compliance with written authorization by the Chairperson.
 (e) This subchapter is in addition to and supplements all laws, rules and regulations of the City and State of New York and federal government and all terms and conditions set forth in any lease, license, registration or permit.

§11-02 Definitions.
 For the purposes of this subchapter, the following terms shall have the following meanings:
Applicant. “Applicant” shall mean, if a business entity submitting a registration application, the entity itself and all the principals thereof; if a person submitting an application

for a photo identification card, such person.

Code. "Code" shall mean the Administrative Code of the City of New York.

Chairperson. "Chairperson" shall mean the Chairperson of the New York City Business Integrity Commission.

Commission. "Commission" shall mean the New York City Business Integrity Commission. The term "Commission" also shall refer to an action of the Chairperson of the Commission, taken under delegation from the Commission.

Cooperative association. "Cooperative association" shall mean the cooperative association established, with the approval of the Commission, by wholesalers in a market area to assist with the management of the market area.

Employee. "Employee" shall mean a person who works or has been hired to work in a market on a full-time, part-time or seasonal basis for a wholesaler, market business, or a wholesale trade association, but shall not include persons hired to work on an occasional basis. A person hired to work on an occasional basis is any person who works or has been hired to work for a wholesaler or market business and works no more than five (5) days in any given month for the same employer. Any person who works for a wholesaler or a market business is presumed to be an employee unless the presumption is overcome by credible evidence produced by the person and/or the employer.

Hearing officer. "Hearing officer" shall mean a person appointed or designated to conduct hearings pursuant to the procedures set forth in subdivision 11-21(b) of this subchapter relating to the suspension or revocation of a license, registration, or photo identification card. "Hearing officer" shall not include a person assigned to preside over a case that has been referred to the Office of Administrative Trials and Hearings.

Labor union or labor organization. "Labor union" or "labor organization" shall mean a union or organization that represents or seeks to represent, for purposes of collective bargaining, employees directly involved in the movement, handling or sale of goods in the markets. Notwithstanding the foregoing, such terms shall not include: (i) a labor union that represents or seeks to represent fewer than two hundred (200) employees in any public wholesale market or combination of public wholesale markets in the City of New York; (ii) a labor union representing or seeking to represent clerical or other office workers, construction or electrical workers, or any other workers temporarily or permanently employed in a public wholesale market for a purpose not directly related to the movement, handling or sale of goods in such market; or (iii) an affiliated national or international labor union of local labor unions required to register pursuant to section 11-10 of this subchapter.

Market business. "Market business" shall mean any business located or operating within a market that is engaged in providing goods or services to wholesalers or retail purchasers in such market that are related to the conduct of a wholesale business or the purchase of food or related agricultural products or horticultural products by retailers or others, or that receives such goods within a market for delivery, forwarding, transfer or further distribution outside such market. "Market business" shall include, but not be limited to, the provision of security services within a market, the provision of services related to the collection of fees for entrance into a market and parking, the supply of ice, and the unloading, loading, transfer or distribution of food or related agricultural products or horticultural products. The term "market business" shall not include a business located or operating within a market the main offices of which are located outside a market and which (i) supplies the food or related agricultural products or products sold by wholesalers or is engaged in the trucking or shipping thereof to the market or (ii) supplies electrical, plumbing, construction, renovation or other similar services to wholesalers in the market and does not earn fifty (50) percent or more of its income from such wholesalers.

Market manager. "Market manager" shall mean a person designated by the Commission to supervise operations in a public wholesale market. Such supervision shall include, without limitation: implementation of these rules and the authority to enforce violations of any provision of Chapter 1-B of Title 22 of the Code or such rules; supervision of Commission staff employed in the markets; response to complaints relating to the operation of businesses in the market; examination of documents required to be maintained by a registrant pursuant to Chapter 1-B of Title 22 of the Code or this subchapter; referrals, where appropriate, to any law enforcement, adjudicatory, investigative or prosecutorial agency of matters occurring within the markets; and such other functions and duties as the Commission may assign consistent with the provision of Chapter 1-B of Title 22 of the Code or the rules promulgated pursuant to such chapter and this subchapter.

Officer. "Officer" shall mean any person holding an elected position or any other position involving participation in the management or control of a wholesale trade association required to register pursuant to section 11-12 of this subchapter or of a labor union or labor organization required to register pursuant to section 11-10 of this subchapter.

Person. "Person" shall include entities as well as natural persons unless the context indicates otherwise.

Principal. "Principal" shall mean, of a sole proprietorship, the proprietor; of a corporation, every officer, director and stockholder holding ten (10) percent or more of the outstanding shares of the corporation; of a partnership, all the partners; of another type of business entity, the chief operating officer or chief executive officer, irrespective of organizational title, and all persons having an ownership interest of ten (10) percent or more; and with respect to all business entities, all other persons participating directly or indirectly in the control of such business entity. Where a partner or stockholder holding ten (10) percent or more of the outstanding shares of a corporation is itself a partnership or a corporation, a "principal" shall also include the partners of such partnership or the officers, directors and stockholders holding ten (10) percent or more of the outstanding shares of such corporation, as is appropriate. For the purposes of this subchapter (1) a person shall be considered to hold stock in a corporation where such stock is owned directly or indirectly by or for (i) such person, (ii) the spouse of such person (other

than a spouse who is legally separated from such person pursuant to a judicial decree or an agreement cognizable under the laws of the state in which such person is domiciled), (iii) the children, grandchildren and parents of such person, (iv) a partnership in which such person is a partner, in proportion to the partnership interest of such person, and (v) a corporation in which any of such person, the spouse, children, grandchildren and parents of such person own fifty (50) percent or more in value of the stock; (2) a partnership shall be considered to hold stock in a corporation where such stock is owned, directly or indirectly, by or for a partner in such partnership; and (3) a corporation shall be considered to hold stock in a corporation that is an applicant where such corporation holds fifty (50) percent or more in value of the stock of a third corporation that holds stock in the applicant corporation.

Public wholesale market or market. "Public wholesale market" or "market" shall mean any building, structure or place owned by the City or located on property owned by the City or under lease to or in the possession of the City or any part of a street, avenue, parkway, plaza, square or other public place that has been designated as a public market by resolution of the former Board of Estimate of the City or a local law enacted by the City Council to be used or intended to be used for the wholesale buying, selling or keeping of food, flowers or ornamental plants; except that the term "public wholesale market" shall not, unless otherwise set forth in this subchapter, include any building, structure or place within the market area as defined in section 12-02 of subchapter B of this chapter. For purposes of this subchapter, the term "public wholesale market" shall also include the area adjacent to the New York City Terminal Cooperative Produce Market beginning at the point where the westerly street line of Garrison Avenue intersects the northerly street line of Lafayette Avenue; thence easterly along the northerly street line of Lafayette Avenue to the easterly street line of Halleck Street; thence southerly along the easterly street line of Halleck Street to the southerly street line of Ryawa Avenue; thence westerly along the southerly street line of Ryawa Avenue to the westerly street line of Manida Street; thence northerly along the westerly street line of Manida Street to the southerly street line of Viele Avenue; thence westerly along the southerly street line of Viele Avenue to the westerly street line of Tiffany Street; thence northerly along the westerly street line of Tiffany Street to the southerly street line of Oak Point Avenue; thence westerly along the southerly street line of Oak Point Avenue to the westerly street line of Barry Street; thence northerly along the westerly street line of Barry Street to the southerly street line of Leggett Avenue; thence westerly along the southerly street line of Leggett Avenue to the westerly street line of Garrison Avenue; thence northerly along the westerly street line of Garrison Avenue to the point of beginning, and the premises known as 240 Food Center Drive.

Registration. "Registration" shall mean: (a) wholesaler registration or market business registration as required pursuant to section 22-253 of the Code and section 11-04 of this subchapter; (b) labor union or labor organization registration as required pursuant to section 22-264 of the Code and section 11-10 of this subchapter; or (c) wholesale trade association registration as required pursuant to section 22-265 of the Code and section 11-12 of this subchapter.

Wholesale trade association. "Wholesale trade association" shall mean an entity, the majority of whose members are wholesale businesses and/or market businesses, having as a primary purpose the promotion, management or self-regulation of a market or such wholesale businesses or market businesses within such market or the facilities utilized by such businesses, including, but not limited to a corporation, cooperative, unincorporated association, partnership, trust or limited liability partnership or company, whether or not such entity is organized for profit, not-for-profit, business or non-business purposes. The term "wholesale trade association" shall include a cooperative association. The term "wholesale trade association" shall not include any entity the majority of whose members are primarily engaged in retail sales outside a public wholesale market.

Wholesaler or wholesale business. "Wholesaler" or "wholesale business" shall mean any business engaged in selling food or related agricultural products or horticultural products at wholesale prices for resale by a wholesaler or retailer or for use by an institution or other similar establishment, whether or not such business also sells directly to the public, except that such terms as used in this subchapter shall not include a "wholesaler" or "wholesale seafood business" as defined in section 12-02 of this chapter; provided, however, that a wholesale business to which customers do not regularly come to pick up purchases and that does not deal from such location primarily in perishable products shall not be subject, unless otherwise provided by rule of the Commission, to the provisions of sections 22-252, 22-254 and 22-255 of chapter 1-B of title 22 of the Code and the rules promulgated pursuant to such sections.

§11-03 Terms and Fees.

(a) A registration shall be valid for three (3) years and may be renewed for three (3) -year periods thereafter.

(b) The fee for registration shall be four thousand dollars (\$4000), and the fee for renewal of such registration shall be four thousand dollars (\$4000).

(c) The fee for a permanent photo identification card shall be one hundred dollars (\$100), and the fee for the replacement of a photo identification card that has been lost or stolen shall be one hundred dollars (\$100).

(d) The fee for fingerprinting pursuant to sections 22-259 (pertaining to wholesale businesses, market businesses and photo identification cards), 22-264 (pertaining to labor unions and labor organizations and officers), and 22-265 (pertaining to trade associations and officers) of the Code shall be as determined by the New York State Division of Criminal Justice Services.

(e) Investigative fee. The fee for a background investigation pursuant to subdivision d or e of section 22-252 shall be two hundred dollars (\$200) and the fee for a background investigation pursuant to subdivision b of section 22-253, subdivision b of section 22-264, or subdivision b of section

22-265 of the Code shall be six hundred dollars (\$600).

(f) A wholesale business or a market business shall be responsible for the payment of any fee imposed by this section with respect to an employee of such business or any person seeking to become an employee of such business.

(g) The fees provided for in this section shall be payable to the Commission.

§11-04 Wholesale Business and Market Business Registration Required. No person shall operate a wholesale business or market business in a public wholesale market without first receiving a registration or registration number from the Commission.

§11-05 Application for a Wholesale Business or Market Business Registration.

(a) An application for registration or renewal thereof shall be made on a form prescribed by the Commission. The application form shall be certified under penalty of perjury and signed by all principals of the applicant business. The registration application shall include, without limitation, the following information: (1) the name, address and telephone number(s) of the business submitting such application; (2) the names, addresses, telephone number(s) and social security numbers of all current and past principals of the applicant and a description of the positions occupied or ownership interest held by each such principal; (3) the names, job titles, social security numbers and addresses of all other employees or agents of the applicant; (4) a list of vehicles used in the course of the applicant's business; (5) employment and business background information on the principals such as the principal's employment history, wholesale or market business interests, and any related business interests; (6) if the applicant is doing business under an assumed name, a Certificate of Assumed Name, certified by the County Clerk if a sole proprietorship or partnership, or by the Secretary of State if a corporation; (7) if the applicant business is a sole proprietorship, a notarized copy of the business certificate certified by the County Clerk; (8) if the applicant is a corporation, a copy of the certificate of incorporation; (9) if the applicant is a partnership, a copy of partnership papers, certified by the County Clerk; (10) a listing of the names and addresses of any person having a beneficial interest in the applicant, and the amount and nature of such interest; (11) a listing of any determination by a federal, state or city regulatory agency of a violation by such applicant of laws or regulations relating to the conduct of the applicant's business where such violation has resulted in the suspension or revocation of a permit, license or other permission required in connection with the operation of such business or in a civil fine, penalty, settlement or injunctive relief; (12) a listing of all criminal convictions, in any jurisdiction, of the applicant; (13) a federal or state tax identification number; and (14) such other information that the Commission deems appropriate.

(b) Notwithstanding any provision of this subchapter:

(1) the Commission may, when there is reasonable cause to believe that an applicant for a registration or any or all of the principals of such applicant does not possess good character, honesty and integrity, require that such applicant or any or all of the principals of such applicant be fingerprinted by a person designated for such purpose by the Commission, pay the fee prescribed by the Division of Criminal Justice Services for the purpose of obtaining criminal history records, and provide to the Commission the disclosure required by the form provided by the Commission. The Commission also may require such additional information, in lieu of or in addition to such fingerprinting and/or disclosure, including without limitation documents and/or an in-person interview, as the Commission determines is appropriate and reasonable to render a determination. After providing notice and an opportunity to be heard, the Commission may refuse to register such applicant for the reasons set forth in section 22-259 of the Code, or defer a decision whether to register such applicant when there is a pending indictment or criminal action or pending civil or administrative action as provided in paragraph (ii) of subdivision b of section 22-259 of the Code.

(2) If at any time subsequent to the registration of a wholesale business or a market business the Commission has reasonable cause to believe that any or all of the principals of such business do not possess good character, honesty and integrity, the Commission may require that any or all of the principals be fingerprinted by a person designated for such purpose by the Commission, pay the fee prescribed by the Division of Criminal Justice Services for the purpose of obtaining criminal history records, and provide the disclosure required by the form provided by the Commission. The Commission also may require additional information in lieu of or in addition to such fingerprinting and/or disclosure, including without limitation documents and an in-person interview, as the Commission determines is appropriate and reasonable to render a determination.

(c) If an application for the renewal of a registration is not submitted to the Commission within the time period required by the Commission, the Commission may reject the renewal application and require the applicant to file a new application for a registration. If a new application is required by the Commission, the provisions pertaining to the application process as set forth in Chapter 1-B of Title 22 of the Code and of this subchapter shall apply.

§11-06 Photo Identification Cards Required.

(a) No person who is a principal or employee of any wholesale business or market business operating in a public wholesale market, or any other business operating in a public wholesale market located on City property, shall perform any function in such market without having been issued a photo identification card by the Commission pursuant to the provisions of this subchapter and section 22-252 of the Code.

(b) Notwithstanding the foregoing, any person required to have a photo identification card who has filed an application therefor and obtained a temporary photo identification card, may continue to perform such functions unless and until (1) the application of such person for a photo identification card has been denied, or (2) the temporary photo identification card of such person has been revoked, or (3) in cases where

the Commission has required such person to be fingerprinted, submit background information and/or appear for an interview pursuant to sections 22-252 and 22-259 of the Code and section 11-08.1 of this subchapter, such person has failed, within the time period prescribed by the Commission, to be fingerprinted, submit the required information, or appear for an interview.

(c) Photo identification cards shall be in the possession of principals and employees of wholesale businesses, market businesses or other businesses at all times when such persons are in the market, and shall be produced upon demand to an authorized employee or agent of the Commission.

(d) Where a photo identification holder changes employment in the market, the photo identification holder shall notify the market manager of the change of employment and submit the transfer form provided by the market manager. The photo identification holder shall also be required to apply for a new photo identification card and pay the requisite fee in accordance with the provisions of this subchapter. A wholesale or market business shall immediately notify the market manager of the addition of or other change of status of a photo identification holder.

(e) A person who discontinues his or her employment in the market or who ceases to be a principal of a wholesale or market business shall immediately surrender his or her photo identification card to the market manager. A business that terminates any employee or principal possessing a photo identification card shall obtain that employee's or principal's photo identification card and surrender it to the market manager.

(f) No wholesale or market business shall continue to employ a person who is required to but does not possess a valid photo identification card issued in accordance with the provisions of this subchapter.

(g) The photo identification card of a person who is a principal or employee of more than one wholesale business or market business operating in a public wholesale market shall reflect the multiple affiliations of such person.

§11-07 Temporary Photo Identification Cards and Visitors Passes.

(a) The Commission may designate the cooperative association of any public wholesale market to issue temporary photo identification cards to persons required to have a photo identification card within such market. The duties of such designated cooperative association are to be performed pursuant to the provisions of the Code and this subchapter relating to such temporary photo identification cards and such terms and conditions as the Commission may impose.

(b) Such temporary photo identification cards shall be valid for a period of one year but shall cease to be valid upon the issuance by the Commission of a permanent photo identification card or the occurrence of any of the events set forth in paragraphs (1), (2) or (3) of subdivision (b) of section 11-06 of this subchapter.

(c) The Commission may designate the cooperative association of any public wholesale market to issue visitor passes at the public wholesale market in which it operates. The duties of such designated cooperative association are to be performed pursuant to the provisions of the Code and this subchapter relating to such visitors passes and such terms and conditions as the Commission may impose.

(d) Any cooperative association designated by the Commission to issue temporary identification cards may impose fees and set amounts for such fees for the performance of the functions set forth in this section with the prior written permission of the Commission. No change in a fee or amount of such fee imposed pursuant to this section shall be made without prior written permission of the Commission.

(e) Temporary photo identification cards and visitors passes shall be in the possession of all persons required to have them at all times when such persons are in the market, and shall be produced upon demand to an authorized employee or agent of the Commission.

§11-08 Application for a Photo Identification Card. An application for a photo identification card shall include the information requested in the application form provided by the Commission. The application shall be signed and certified under penalty of perjury by the applicant. The application shall include, but not be limited to, the following information: name, address and telephone number(s) of the applicant, the applicant's employment history, the applicant's business interests, and any other such information required by the Commission.

§11-08.1 Photo Identification Card; Investigation by the Commission. Notwithstanding any provision of this subchapter, the Commission may, when there is reasonable cause to believe that an applicant for or holder of a photo identification card who is a principal or employee of a wholesale or market business does not possess good character, honesty and integrity, require that such person be fingerprinted by a person designated for such purpose by the Commission, pay the fee prescribed by the Division of Criminal Justice Services for the purpose of obtaining criminal history records, and provide to the Commission the disclosure required by the form provided by the Commission. The Commission also may require such additional information in lieu of or in addition to such fingerprinting and/or disclosure, including without limitation documents and/or an in-person interview, as the Commission determines is appropriate and reasonable to render a determination.

§11-09 Wholesale Business and Market Business Operations.

(a) Registration or registration number not transferable. Wholesale businesses and market businesses shall not transfer their registration or registration numbers as part of the sale of such businesses.

(b) Furnishing and display of registration or registration numbers. A wholesale business or market business shall conspicuously and prominently display its registration certificate issued by the Commission at its place of business.

(c) Recordkeeping. Wholesale businesses or market businesses shall retain copies of all invoices and other documents reflecting deliveries or payments from or to suppliers and customers. Such books and records shall accurately reflect the amount of goods or services involved in each transaction, and shall, along with all other records produced or received in the normal course of business, be retained for a minimum of thirty-six (36) months, and shall be made available for immediate inspection and/or copying upon request by the market manager, a designee of the market manager or an employee of the Commission.

(d) Worker's compensation insurance. Wholesale businesses or market businesses shall submit proof that they have obtained the required worker's compensation and disability benefits coverage, or that they are exempt from section 57 of the Worker's Compensation Law and subdivision eight of section 220 of the Disability Benefits Law. Proof of coverage can be established by submitting the following Worker's Compensation Board forms:

C-105.2 Application for Certificate of Worker's Compensation Insurance;

DB-120.1 Employer's Application for Certificate of Compliance with Disability Benefits Law;

S1-12 Affidavit certifying that compensation has been secured.

Proof that no coverage is required can be provided by submitting the following Worker's Compensation Board form:

C-105.21 Statement that applicant does not require Worker's Compensation or Disability Benefits Coverage.

(e) Liability insurance. Wholesale businesses or market businesses shall procure and shall maintain throughout the term of the registration the following types of insurance against claims for injuries to persons or damage to property that may arise from or in connection with the business:

(1) Commercial general liability insurance with liability limits of no less than one million dollars (\$1,000,000) combined single limit per occurrence for bodily injury, personal and property damage. The maximum deductible for such insurance shall be no more than twenty-five thousand dollars (\$25,000).

(2) Business automobile liability insurance covering every vehicle operated by the wholesale business or market business, whether or not owned by the business, and every vehicle hired by the applicant with liability limits of no less than one million dollars (\$1,000,000) combined single limit per accident for bodily injury and property damage.

(3) Employers' liability insurance with limits of one million dollars (\$1,000,000) per accident.

(f) The policy or policies of insurance required by these rules shall name the Commission as certificate holder and shall be endorsed to state that coverage shall not be suspended, voided, canceled, reduced in coverage or in limits except upon sixty (60) days prior written notice to the Commission. Failure to maintain continuous insurance coverage meeting the requirements of these rules will result in revocation of the registration. Such policy or policies of insurance shall be obtained from a company or companies duly authorized to do business in the State of New York with a Best's rating of no less than A:X unless specific approval has been granted by the Commission to accept a company with a lower rating. Two (2) certificates of insurance effecting the required coverage and signed by a person authorized by the insurer to bind coverage on its behalf must be delivered to the Commission prior to the effective date of the license. A registrant shall demonstrate that the registrant has secured the insurance coverage required pursuant to this section and shall maintain such required insurance coverage throughout the term of the registration.

(g) Wholesale businesses and market businesses shall be jointly and severally liable for any violation of Chapter 1-B of Title 22 of the Code or of this subchapter by any of their employees or agents.

(h) Each wholesale businesses and market businesses shall permit the Commission, or any person designated by the Commission, to enter its premises whenever in the discretion of the Commission such entry is necessary.

§11-10 Labor Union and Labor Organization Registration Required. Labor unions and labor organizations representing or seeking to represent employees directly involved in the movement, handling or sale of goods sold in any public wholesale market shall register with the Commission, unless such labor union or labor organization is exempt from registration pursuant to subdivision 22-264(a) of the Code.

§11-11 Application for a Labor Union and Labor Organization Registration.

(a) An application for a labor union or labor organization registration pursuant to section 22-264 of the Code, or for a renewal of such registration, shall be made on a form prescribed by the Commission. The application shall be certified under penalty of perjury and signed by an officer of the applicant. The application shall include, but not be limited to, the following information: (1) the names of all officers and agents; (2) all criminal convictions, in any jurisdiction, of such labor union or labor organization; (3) any criminal or civil investigation of such labor union or labor organization by a federal, state or local prosecutorial, investigative or regulatory agency; (4) all civil or administrative proceedings to which such labor union or labor organization has been a party involving allegations of racketeering, including but not limited to offenses listed in subdivision nineteen hundred sixty-one of the Racketeer Influenced and Corrupt Organization 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; (5) judicial or administrative consent decrees entered into by such labor union or labor organization in the five (5) year period preceding the date of the application; and (6) the appointment of an independent auditor, monitor, receiver, administrator or trustee to oversee any activities of such labor union or labor organization in the five (5) year period preceding the date of the application. Notwithstanding the foregoing, no labor union or labor organization shall be required to furnish information pursuant to this subdivision which is already included in a report filed by the labor union or labor organization with the

Secretary of Labor pursuant to 29 U.S.C. § 431 et seq. or 29 U.S.C. § 1001 et seq. if a copy of such report, or of the portion thereof containing such information, is furnished to the Commission.

(b) An officer of a labor union or labor organization required to be registered with the Commission pursuant to subdivision 22-264(a) of the Code shall submit the information required by subdivision 22-264(b) of the Code on a form prescribed by the Commission.

(c) Notwithstanding any provision of this subchapter, where there is reasonable cause to believe that an officer of a labor union or labor organization does not possess good character, honesty and integrity, the Commission may require that such officer be fingerprinted by a person designated for such purpose by the Commission, pay the fee prescribed by the Division of Criminal Justice Services for the purpose of obtaining criminal history records, and provide to the Commission the disclosure required by the form provided by the Commission. The Commission also may require such additional information, in lieu of or in addition to, such fingerprinting and/or disclosure, including without limitation documents and an in-person interview, as the Commission determines is appropriate and reasonable to render a determination.

(d) Any material change in the information submitted pursuant to subdivision (a) or (b) of this section shall be reported to the Commission by such union or organization or officer, in a signed and notarized writing, within thirty (30) calendar days thereof.

(e) After providing notice and opportunity to be heard, the Commission may disqualify an officer of a labor union or labor organization from holding office based on the grounds set forth in subdivision c of section 22-264 of the Code and in accordance with the procedure for such disqualification set forth in such subdivision.

(f) If an application for the renewal of a registration is not submitted to the Commission with the time period required by the Commission, the Commission may reject the renewal application and require the applicant to file a new application for a labor union and labor organization registration. If a new application is required by the Commission, the provisions pertaining to the application process as set forth in Chapter 1-B of Title 22 of the Code and of this subchapter shall govern.

§11-12 Wholesale Trade Association Registration Required. Wholesale trade associations shall register with the Commission before operating in a public wholesale market.

§11-13 Application for a Wholesale Trade Association Registration.

(a) An application for a wholesale trade association registration pursuant to section 22-265 of the Code, or for a renewal of such registration, shall be made on a form prescribed by the Commission. The application shall be certified under penalty of perjury and signed by an officer of the applicant. The application shall include, but be not limited to, the following information: (1) the names of all members of such association; (2) the names of all persons holding office in such association; and (3) any criminal or civil investigation by a federal, state, or local prosecutorial, investigative or regulatory agency.

(b) An officer of a wholesale trade association required to be registered with the Commission pursuant to section 22-265 of the Code shall submit the information required by subdivision 22-265(b) of the Code on a form provided by the Commission.

(c) Notwithstanding any provision of this subchapter, when there is reasonable cause to believe that an officer of the trade association does not possess good character, honesty and integrity, the Commission may require that such officer be fingerprinted by a person designated for such purpose by the Commission, pay the fee prescribed by the Division of Criminal Justice Services for the purpose of obtaining criminal history records, and provide to the Commission the disclosure required by the form provided by the Commission. The Commission also may require such additional information, in lieu of or in addition to such fingerprinting and/or disclosure, including without limitation documents and an in-person interview, as the Commission determines is appropriate and reasonable to render a determination.

(d) After providing notice and opportunity to be heard, the Commission may disqualify an officer from holding office in a wholesale trade association based on the grounds set forth in subdivision c of section 22-265 of the Code and in accordance with the procedure for such disqualification set forth in such subdivision.

(e) If an application for the renewal of a registration is not submitted to the Commission within the time period required by the Commission, the Commission may reject the renewal application and require the applicant to file a new application for a wholesale trade association registration. If a new application is required by the Commission, the provisions pertaining to the application process as set forth in Chapter 1-B of Title 22 of the Code and of this subchapter shall govern.

§ 11-14 Record Keeping Requirements for Wholesale Trade Associations.

(a) Wholesale trade associations shall retain copies of all invoices and other documents reflecting payment to and from wholesalers and market businesses, leases, sub-leases, union contracts, and all other records produced or maintained in the normal course of business for a minimum of thirty-six (36) months.

(b) Such books and records shall be made available for immediate inspection and/or copying upon request by the market manager, a designee of the market manager or an employee of the Commission.

§ 11-15 Notification of Material Change in Information, Addition of Principal and Change in Composition of Business.

(a) An applicant for a registration or a photo identification card shall notify the Commission within ten (10) calendar days of any material change in the information submitted in an application or disclosure form submitted pursuant to this subchapter. Subsequent to the issuance of the registration or

photo identification card, the registrant or photo identification card holder shall notify the Commission within thirty (30) calendar days of any material change in the information submitted in an application or disclosure form.

(b) A registrant shall provide the Commission with notice of at least ten (10) business days of the proposed addition of a new principal (other than a person that becomes a principal through the acquisition of outstanding shares of a business whose equity securities are registered under Federal and State securities laws and publicly traded on a national or regional stock or security exchange). The Commission may waive or shorten such period upon a showing that there exists a bona fide business requirement therefor. Except where the Commission determines within such period, based upon information available to it, that the addition of such new principal may have a result inimical to the purposes of this subchapter, the registrant may add such new principal pending the completion of review by the Commission. The registrant shall be afforded an opportunity to demonstrate to the Commission that the addition of such new principal pending completion of such review would not have a result inimical to the purposes of this subchapter. If upon the completion of such review, the Commission determines that such principal lacks good character, honesty and integrity, the registration shall cease to be valid unless such principal divests his or her interest, or discontinues his or her involvement in the business of such registrant, as the case may be, within the time period prescribed by the Commission.

(c) The registrant shall also notify the Commission within thirty (30) days calendar days, of the ownership composition of the business.

(d) Any notification pursuant to this section shall be in writing, sworn and notarized.

(e) For the purposes of this section "material change" shall mean a change in any information provided in response to an item identified as such on an application or disclosure form submitted to the Commission or by any other directive issued by the Commission. "Material change" also includes the occurrence of any event after the submission of an application or disclosure that would have been required to be disclosed on such form had it occurred prior to such submission.

§ 11-16 Acquisitions and Subleases.

(a) A person who intends to acquire a registered wholesale business or market business shall submit an application for a wholesale business or market business registration pursuant to the provisions of Chapter 1-B of Title 22 of the Code and the rules set forth in this subchapter for a preliminary review of such application by the Commission. Upon the submission of purchase and sale agreement for review by the Commission no later than thirty (30) days before such acquisition or sale is to take effect, the Commission will conduct an expedited application review.

(b) A registrant shall notify the Commission within ten (10) calendar days of contract closing of any change in the capital stock or ownership in the business of the registrant, including but not limited to a stock transfer or sale of the outstanding shares of the business or sale or merger of such business; provided, however, that a business whose equity securities are publicly traded on a national or regional stock or securities exchange shall be required to make disclosure of only such stock transfer or sale required to be disclosed by the Securities Exchange Commission or other Federal or State regulatory body. Such notification shall include a list of any persons formerly possessing ownership interest in the registrant business who will have any beneficial interest in the current business and a copy of the contract or agreement.

(c) Sublessee required to apply for registration. Wholesale businesses and market businesses shall not allow the use by any other person of the registration number or the name of the business to which such registration number has been issued. In the event that a wholesale business or market business seeks to sublease or otherwise allow the use of its premises, or any portion thereof, for the operation of a wholesale business or market business by another person, where such sublease is permitted under the terms of the lease, the Commission may, upon application and payment of the required fee by the prospective sublessee pursuant to the provisions of chapter 1-B of Title 22 of the Code and the rules set forth in this subchapter, issue a registration number to such sublessee. Absent such registration number no wholesale business or market business may permit a sublessee to operate a wholesale business or market business on such premises.

§ 11-17 Refusal to Issue Registration or Photo Identification Card; Revocation and Suspension of Registration or Photo Identification Card.

(a) Where the staff of the Commission recommends that the Commission refuse, pursuant to section 22-259 of the Code, to issue a registration to a wholesale business or market business applicant or a photo identification card applicant, the applicant shall be notified in writing of the reasons for the proposed refusal of such registration or photo identification card and that the applicant may, within ten (10) business days of the date of such notification, respond in writing to the Commission setting forth the reasons such applicant believes that it should not be denied such registration or photo identification card. In the exercise of its discretion, the Commission, considering the reasons for the proposed refusal to issue the registration or photo identification card, the nature of the issues raised in connection therewith, and the response submitted by the applicant, may make a final determination regarding the issuance of such registration or photo identification card or afford the applicant such further opportunity to be heard in such proceeding as is deemed appropriate. A final determination and the reasons therefor shall be communicated to the applicant in writing.

(b) The Commission may revoke a temporary photo identification card, and after notice and hearing, revoke or suspend the registration of a wholesale business or market business or a photo identification card for any of the reasons set forth in section 22-260 of the Code, or for violation of any rule promulgated pursuant to section 22-266 of the Code, including without limitation section 11-19 of this subchapter.

Notice shall be provided in accordance with the provisions of section 11-20 of this subchapter. Hearings shall be afforded in accordance with the provisions of section 11-21 of this subchapter.

(c) Revocation or suspension of a registration, discontinuance of business operations in the market area by a registrant, or denial of an application for registration shall require the immediate surrender to the market manager of all photo identification cards issued to the principals, employees and/or agents of the registrant. Violation of the provisions of this subdivision may result in immediate revocation of a suspended registration and/or the imposition of sanctions and penalties as provided in section 22-258 of the Code.

(d) Revocation or suspension of photo identification cards or denial of an application for a photo identification card (including temporary photo identification cards) shall require the immediate surrender of such cards to the market manager.

§ 11-18 Emergency Suspension of Registration or Photo Identification Card. Notwithstanding the foregoing provisions, the Chairperson may, if he or she has reasonable cause to believe that the operation of a wholesale business or market business or the presence of any person in the public wholesale market creates an imminent danger to life or property or to the orderly and lawful operation of the market, or that there has likely been false or fraudulent information submitted to the Commission, immediately suspend the registration of such business or the photo identification card of such person without a prior hearing, provided that such suspension may be appealed to the Deputy Commissioner for Legal Affairs of the Commission who shall determine such appeal forthwith. If the Deputy Commissioner for Legal Affairs upholds the suspension, an opportunity for a hearing pursuant to the provisions of subdivision (b) of section 11-21 of this subchapter shall be provided on an expedited basis. The Commission shall issue a final determination no later than four (4) business days following the conclusion of such hearing. The Chairperson may, upon application by a wholesale business or market business whose registration has been suspended without a prior hearing, permit such business to remain in the market for such time as is necessary to allow for the expeditious sale, consignment or removal of a perishable product if, in the Commission's judgment, such permission is consistent with the safety of the market.

§ 11-19 Prohibited Acts Generally.

(a) No person shall (1) interfere, or attempt to interfere, with the market manager, his or her staff or the employees of the Commission in the discharge of their functions or interfere with or otherwise obstruct the orderly functioning of the market; (2) interfere, or attempt to interfere with, or otherwise obstruct any operations or property of any person in the market; (3) take into, carry through, leave in, throw, or discharge into or on any market any rubbish, litter or refuse, except that rubbish, litter or refuse generated within any market may be discarded in receptacles that are specifically designed for such purpose or as otherwise provided for by this subchapter; (4) urinate or defecate in any market, or in or upon any market building or structure, except in a facility which is specifically designed for such purpose; (5) damage, remove or destroy any property or equipment without authority; (6) engage in, instigate or encourage a fight or other disturbance; (7) commit any act injurious to any person, animal or property; (8) bring into any market or have in his possession any firearms, illegal knives, hatchets, machetes, slingshots, fireworks or other dangerous instruments or explosives; (9) play any game of chance, participate in the conduct of an illegal lottery, or use any slot machine, gaming table or instrument or have in his or her possession any implements or devices commonly used, or intended to be used, for gambling purposes; (10) make a misrepresentation of any kind with respect to merchandise offered for sale or the take any unfair advantage of a purchaser or any attempt to take such unfair advantage; (11) sell in any market any merchandise that the Commission has prohibited to be sold therein; (12) discharge into or leave in tidal water, sewage or drainage that may result in the pollution of water; (13) perform any act that may tend to damage or clog drains or sewers; or (14) disobey any lawful order of any employee of the Commission or other employee of the City or disobey or violate any lawful notice, prohibition, instruction or direction of the Commission or any other City agency.

(b) In addition to the foregoing, the following rules also apply to principals, employees and agents of wholesalers or market businesses, officers of labor unions and labor organizations, and officers of wholesale trade associations. Such persons shall not:

(1) authorize another person to use the name of the wholesale business, labor union or organization, wholesale trade association or market business to which a registration number has been issued for such business;

(2) authorize another person to conduct a wholesale business or market business with the registration number that has been issued to such business;

(3) conduct a wholesale business or market business under any name other than the name under which such business has been registered;

(4) violate applicable federal, state or city laws or regulations;

(5) in the case of a wholesale business or market business, fail to notify the Commission of any change in the information pursuant to section 11-15 of this subchapter;

(6) associate with a person whom such person knows or should know is a member or associate of an organized crime group (a person who has been identified by a federal, state, or local law enforcement agency as a member or associate of an organized crime group shall be presumed to be a member or associate of an organized crime group);

(7) make, file or submit a false or misleading statement to the Commission or to any other government agency or employee;

(8) threaten or attempt to intimidate a customer or prospective customer;

(9) retaliate against a customer or prospective customer of

any business in the market or against any person who has made, or who is associated with any person who has made, a complaint concerning conduct involving the market to the Commission or any other governmental entity;

(10) falsify any business record;

(11) in the case of a wholesale, market or other business, continue to employ within any market a person who is required to have but has not received a valid photo identification card in accordance with the provisions of this subchapter, or whose photo identification card has been revoked or suspended;

(12) utilize any motor vehicle in connection with a business operating in the market that is not properly registered with the New York State Department of Motor Vehicles and insured in accordance with section 11-09 of this subchapter;

(13) engage in any unfair labor practice under federal or state labor law;

(14) refuse to respond to an inquiry from the Commission;

(15) violate or fail to comply with any order or directive of the Commission; or

(16) fail to pay any fines or civil penalties imposed by the Commission or any court or administrative tribunal of competent jurisdiction for violations of Chapter 1-B of Title 22 of the Code or this subchapter.

§ 11-20 Notice. Unless otherwise provided, all notices pursuant to Chapter 1-B of Title 22 of the Code or this subchapter, including but not limited to notice related to hearings, violations and subpoenas, may be served by first class mail addressed to the business address provided to the Commission by the applicant, registrant or photo identification card holder or on the registration issued to the business. All such notices served on an employee or agent may be served by first class mail to the address listed for such employee or agent in the information provided to the Commission. Such notice also may be served by personal service or in any other manner reasonably calculated to achieve actual notice, including but not limited to any method authorized in the Civil Practice Law and Rules.

§ 11-21 Administrative Hearings. (a) Hearings on the violation of any provision of Chapter 1-B of Title 22 of the Code or any provision of the rules promulgated pursuant to such chapter may be conducted by the Environmental Control Board or by other administrative tribunal of competent jurisdiction, and shall be held pursuant to the procedures for adjudication set forth in the rules of such Board or tribunal.

(b) Where a hearing is conducted in relation to the suspension or revocation of a photo identification card or registration, such hearing shall, at the discretion of the Commission, be conducted by the Commission, a hearing officer or by the Office of Administrative Trials and Hearings.

(1) Where such hearing is conducted by the Commission or a hearing officer, such hearing shall be conducted as follows:

(i) The hearing officer or the Commission shall set a time and place for such hearing and the respondent shall be provided with notice of such time and place no less than ten (10) days prior to the date of the hearing, except that in the case of an immediate suspension requiring an expedited hearing pursuant to section 22-261 of the Code, such notice shall be provided no later than one (1) business day following such suspension.

(ii) All parties shall be afforded due process of law, including the opportunity to be represented by counsel, to issue subpoenas or request that a subpoena be issued, to call and examine witnesses and to present arguments on the law and facts. Relevant material and reliable evidence may be admitted without regard to technical or formal rules or laws of evidence.

(iii) All persons giving testimony as witnesses shall be placed under oath.

(iv) The Chairperson, or his or her designee, or the hearing officer, as the case may be, shall preside over the hearing and shall have all powers necessary to conduct a fair and impartial hearing, to avoid delay in the disposition of proceedings, and to maintain order, including but not limited to the following: to compel the attendance of witnesses and the production of documents; to issue orders for discovery upon motion for good cause shown; to rule upon offers of proof and receive evidence; to regulate the course of the hearing and the conduct of the parties and their counsel therein; to hold conferences for the purposes of settlement or any other purpose; and to examine witnesses.

(v) The hearing officer or the Commission, as the case may be, shall arrange for the hearing to be either stenographically transcribed or mechanically recorded. The transcript or recording and all exhibits received in evidence shall constitute the hearing record.

(vi) When the hearing is conducted by a hearing officer, as soon as possible after the hearing, the hearing officer shall present recommended findings of fact and a recommended decision to the Commission. The Commission shall then make its final determination and notify the respondent of such determination. When the hearing is conducted by the Commission, the Commission shall make a final determination and notify the respondent of such determination.

(vii) Failure of a respondent to make a timely written response, appear or proceed as required by the hearing officer or the Commission, as the case may be, shall constitute a default. When the hearing is conducted by a hearing officer, upon default the hearing officer shall make recommended findings and a recommended decision as is appropriate under the pleadings and such evidence as he or she shall have received. The Commission shall then make a final determination and notify the respondent of such determination. Where the hearing is before the Commission, upon default the Commission shall make a final determination and shall notify the respondent thereof.

(2) Where such hearing is conducted by the Office of Administrative Trials and Hearings, such hearing shall be governed by the rules of procedure utilized by that tribunal. After the conclusion of the hearing, the Office of Administrative Trials and Hearings shall issue proposed findings and a report and recommendation to the Commission. The Commission shall review such findings and

report and recommendation and shall issue a final determination. The Commission shall notify the respondent in writing of its determination.

§ 11-22 Fines and Penalties.

(a) The Commission may issue a notice of violation to any person, including a wholesale business, market business, or wholesale trade association, or any of their principals, employees, agents or officers, for the violation of any provision of Chapter 1-B of Title 22 of the Code or this subchapter. Any person who violates any such provision shall be subject to the civil and criminal fines and penalties and injunctive relief as provided in section 22-258 of the Code.

(b) A wholesale business, market business, or wholesale trade association shall be jointly and severally liable for any violation of Chapter 1-B of Title 22 of the Code or of this subchapter committed by any of its officers, employees and/or agents acting within the scope of their employment.

§ 11-23 Commission Delegations to the Chairperson. The Commission may by resolution delegate to the Chairperson any authority of the Commission set forth in this subchapter or Chapter 1-A of Title 22 of the Code that is lawful and appropriate to delegate. Such resolution shall state the authority delegated and the extent of such delegation, including any limitations on the authority delegated.

§ 11-24 Additional Powers of the Commission. In addition to the other powers of the Commission, the Commission shall have the following powers:

(a) Hours of operation of any market may be regulated by the Commission.

(b) Entry into any market may be regulated by the Commission. No fee shall be charged for entry into a market or for parking therein, nor shall any existing fee be increased, unless the Commission shall have first approved the amount of such fee. The Commission may establish or authorize the establishment of an identification card and pass system as a prerequisite for entry of any persons into any market.

§ 11-25 Traffic Regulation and Parking Within the Market.

(a) All persons operating a vehicle within the market shall obey and comply with any traffic direction of any police officer or employee of the Commission indicated by gesture or otherwise and with any parking or traffic sign posted by the Commission or other City agency.

(b) No person shall obstruct the movement of traffic or stop, stand or park a vehicle, freight car or other conveyance except in designated places.

(c) All disabled vehicles must be promptly removed from paved roadways and removed from the market within three (3) hours. If not removed, such vehicles will be removed by City personnel or licensed tow operators at the expense of the vehicle owner.

(d) No person shall grease, lubricate or make repairs, except of a minor and emergency nature, to any vehicle within the market.

(e) All persons operating a vehicle within the market shall operate such vehicles at all times in full compliance with all New York State and New York City traffic laws, rules and regulations and all laws, rules and regulations and procedures of any other government agency having jurisdiction over motor vehicles.

§ 11-26 Administration.

(a) No lease for any property located within any market and described in any lease with the City shall be assigned or transferred without notifying the Commission at least five (5) days prior to such assignment or transfer.

(b) All market premises described in any lease with the City and all equipment used on such market premises shall be kept and maintained in good repair and condition in accordance with the terms of any applicable license or registration issued by the Commission and the terms of any lease with the City (including any sublease thereunder), and otherwise in a manner consistent with the orderly functioning of the market.

(c) All market premises described in any lease with the City shall be surrendered in good order and condition at the expiration or sooner termination of such lease. The Commission shall be notified of any surrender of such premises no later than five (5) days after such surrender.

SUBCHAPTER B SEAFOOD DISTRIBUTION AREAS

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§12-31 Administration.

§12-01 Scope and construction.

(a) This subchapter shall govern licensing, registration and other requirements relating to seafood distribution in seafood distribution areas, including the market area.

(b) Any act prohibited by this subchapter shall extend to and include the permitting, allowing, causing, procuring, aiding or abetting of such act.

(c) No provision in this subchapter shall make unlawful the act of any employee of the Commission or other government official in the performance of his or her official duties.

(d) Any act prohibited by this subchapter not otherwise prohibited by law or any other government rule or regulation shall be lawful if performed pursuant to and in strict compliance with written authorization by the Chairperson.

(e) This subchapter is in addition to and supplements all laws, rules and regulations of the City and State of New York and federal government and all terms and conditions set forth in any lease, license, registration or permit.

§12-02 Definitions.

For the purposes of this subchapter, the following terms shall have the following meanings:

Applicant. "Applicant" shall mean, if a business entity submitting a response to a request for licensing proposals, an application for a temporary license or a registration application, the entity itself and all the principals thereof; if an individual submitting an application for a photo identification card, such individual.

Business related to seafood distribution. "Business related to seafood distribution" shall mean any business located in the market area other than an unloading, loading, wholesaler or seafood delivery business, that provides or maintains items or services necessary to seafood distribution, including, but not limited to, the provision or maintenance of ice or other equipment or supplies.

Business entity. "Business entity" shall mean a sole proprietorship, partnership, corporation, or other entity established under law and authorized to conduct business within the state of New York.

Code. "Code" shall mean the Administrative Code of the City of New York.

Chairperson. "Chairperson" shall mean the Chairperson of the New York City Business Integrity Commission.

Commission. "Commission" shall mean the New York City Business Integrity Commission. The term "Commission" also shall refer to an action of the Chairperson of the Commission, taken under delegation from the Commission.

Cooperative association. "Cooperative association" shall mean the cooperative association established, with the approval of the Commission, by wholesale seafood businesses in a market area to assist with the management of the market area.

Designated waiting area. "Designated waiting area" shall mean that area set aside by the market manager during regular unloading hours in which trucks shall wait until unloaders are assigned to them.

Designee of the commission. "Designee of the commission" shall mean the Department of Citywide Administrative Services and, with respect to loading services or the direction of traffic within the market area, the Department of Transportation.

Employee. "Employee" shall mean a person who works or who expects to work in a market area on a full-time, part-time or seasonal basis for a wholesaler, seafood delivery business, loading business, unloading business or market business, but shall not include persons hired to work on an occasional basis. A person hired to work on an occasional basis is any person who works or has been hired to work for a wholesaler, seafood delivery business, loading business, unloading business or market business and works no more than five (5) days in any given month for the same employer. Any person who works for a wholesaler, seafood delivery business, loading business, unloading business or market business is presumed to be an employee unless the presumption is overcome by credible evidence produced by the person and/or the employer.

Hearing officer. "Hearing officer" shall mean a person appointed or designated to conduct hearings pursuant to the procedures set forth in subdivision 12-26(b) of this subchapter relating to the suspension or revocation of a license, registration, or photo identification card. "Hearing officer" shall not include a person assigned to preside over a case that has been referred to the Office of Administrative Trials and Hearings.

Loader. "Loader" shall mean any person who performs loading services.

Loading area. "Loading area" shall mean a location, approved or designated by the market manager, in which designated loading business shall provide loading services. Notice of such designations and of any changes thereto shall be posted in appropriate locations.

Loading business. "Loading business" shall mean any business entity that, for a payment, provides loading services.

Loading services. "Loading services" shall mean services performed by a loader and provided by a loading business for a purchaser of seafood, including parking such purchaser's vehicle, moving such vehicle when necessary for traffic control, loading seafood onto such vehicle, and ensuring the security of such vehicle and the seafood loaded thereon; provided, however, that the term shall not mean the loading of seafood onto the vehicle of a purchaser when such loading is performed by an employee of a wholesaler delivering seafood from such wholesaler to the vehicle of the purchaser thereof or by a purchaser or an employee of such purchaser.

License. "License" shall mean an unloading business license or a loading business license issued by the Commission

authorizing the conduct of such business in the market area.

Market area. "Market area" shall mean:

(1) The area in Hunts Point in the Borough of the Bronx that includes (i) the structure known as the New Fulton Fish Market at Hunts Point and all parking and other areas adjacent thereto, beginning at the intersection of the bulkhead line in the East River and the easterly street line of Halleck Street extended, thence northwesterly to the intersection of the easterly street line of Halleck Street extended and the southerly street line of Food Center Drive, thence easterly along the southerly street line of Food Center Drive to the intersection of the southerly street line of Food Center Drive and the southerly street line of Farragut Street, thence easterly along the southerly street line of Farragut Street continuing to its easterly terminus, thence easterly to the intersection of Farragut Street extended and the bulkhead line in the East River, thence westerly along said bulkhead line to the place of beginning, but excluding (A) the southern portion of the above-described area that is under the jurisdiction of the Department of Correction and includes a prison barge and adjacent parking lot and other facilities and areas controlled by the Department of Correction, and (B) the eastern portion of the above-described area that is under the jurisdiction of the Department of Sanitation and includes a marine transfer station and other facilities and areas controlled by the Department of Sanitation; and (ii) the parking lot for use by persons employed at the New Fulton Fish Market at Hunts Point, including the pathway connecting such parking lot with Food Center Drive and the driveway connecting such parking lot with Halleck Street, that lies northwest of the area described in paragraph (i) of this subdivision, northeast of Halleck Street, southeast of the northerly street line of Viele Street extended, and southwest of the Hunts Point Meat Market.

The aerial photograph constituting Appendix A of this subchapter illustrates the market area described above. Such appendix is for illustration purposes only, and the area indicated therein is not necessarily to scale. If there is a conflict between the description set forth above and the area illustrated by such photograph, the description set forth above shall prevail.

(2) Any other area declared to be a seafood distribution area pursuant to section 22-222 of the Code.

Market hours. "Market hours" shall mean the hours of operation of the market area as designated by the market manager. Such hours shall be posted in appropriate locations throughout the market area.

Market manager. "Market manager" shall mean a person designated by the Commission to supervise operations in the market area. Such supervision shall include, without limitation: implementation of these rules and the authority to enforce violations of any provision of Chapter 1-A of Title 22 of the Code or the rules promulgated pursuant to such chapter; supervision of Commission staff employed in the market area; response to complaints relating to the operation of businesses in the market area; examination of documents required to be maintained by a licensee or registrant pursuant to this subchapter; referrals, where appropriate, to any law enforcement, adjudicatory, investigative or prosecutorial agency of matters occurring within the market area; and such other functions and duties as the Commission may assign consistent with the provisions of Chapter 1-A of Title 22 of the Code or the rules promulgated pursuant to such chapter.

Non-seafood business. "Non-seafood business" shall mean any business that operates within a market area on City property that is not a loading, unloading, wholesale seafood or seafood delivery business or a market business, as that term is defined in section 14-02 of this chapter.

Person. "Person" shall include entities as well as natural persons unless the context indicates otherwise.

Principal. "Principal" shall mean, of a sole proprietorship, the proprietor; of a corporation, every officer, director and stockholder holding ten (10) percent or more of the outstanding shares of the corporation; of a partnership, all the partners; of another type of business entity, the chief operating officer or chief executive officer, irrespective of organizational title, and all persons having an ownership interest of ten (10) percent or more; and with respect to all business entities, all other persons participating directly or indirectly in the control of such business entity. Where a partner or stockholder holding ten (10) percent or more of the outstanding shares of a corporation is itself a partnership or a corporation, a "principal" shall also include the partners of such partnership or the officers, directors and stockholders holding ten (10) percent or more of the outstanding shares of such corporation, as is appropriate. For the purposes of this subchapter (1) a person shall be considered to hold stock in a corporation where such stock is owned directly or indirectly by or for (i) such person, (ii) the spouse of such person (other than a spouse who is legally separated from such person pursuant to a judicial decree or an agreement cognizable under the laws of the state in which such person is domiciled), (iii) the children, grandchildren and parents of such person, (iv) a partnership in which such person is a partner, in proportion to the partnership interest of such person, and (v) a corporation in which any of such person, the spouse, children, grandchildren and parents of such person own fifty (50) percent or more in value of the stock; (2) a partnership shall be considered to hold stock in a corporation where such stock is owned, directly or indirectly, by or for a partner in such partnership; and (3) a corporation shall be considered to hold stock in a corporation that is an applicant where such corporation holds fifty (50) percent or more in value of the stock of a third corporation that holds stock in the applicant corporation.

Registration. "Registration" shall mean wholesale seafood registration as required by section 22-209 of the Code or a seafood deliverer registration as required by section 22-211 of the Code.

Regular loading hours. "Regular loading hours" shall mean the hours designated by the market manager for the loading of seafood. Notice of such designation and of any changes thereto shall be posted in appropriate locations.

Regular unloading hours. "Regular unloading hours" shall mean the hours designated by the market manager for the unloading of seafood from trucks. Notice of such designation

and of any changes thereto shall be posted in appropriate locations.

Seafood. "Seafood" shall mean fish, seafood or consumables derived therefrom.

Seafood delivery business or seafood deliverer. "Seafood delivery business" or "seafood deliverer" shall mean any business entity, that, for payment, delivers seafood from wholesalers in the market area by truck or other vehicle to retail establishments or other wholesalers in the City of New York or other locations outside the market area.

Stand permit. "Stand permit" shall mean an occupancy permit granted by the Commission subject to such conditions as the Commission shall prescribe authorizing use of city property by a wholesaler for the placement of seafood in an area extending into a city street.

Unloader. "Unloader" shall mean any person who performs unloading services.

Unloading area. "Unloading area" shall mean a location, approved or designated by the market manager, in which seafood may be unloaded from trucks for delivery to wholesalers or for transfer and distribution to other locations. Notice of such designations and of any changes thereto shall be posted in appropriate locations.

Unloading business. "Unloading business" shall mean any business entity that, for a payment, provides unloading services.

Unloading dispatcher. "Unloading dispatcher" shall mean any person designated by the market manager to supervise the unloading procedure.

Unloading services. "Unloading services" shall mean the unloading of seafood from a truck or other vehicle that has transported such seafood from suppliers and the delivery thereof to wholesalers or the transfer thereof to other trucks or vehicles for transport to other locations.

Wholesaler or wholesale seafood business. "Wholesaler" or "wholesale seafood business" shall mean any business entity which sells or offers to sell seafood for resale to the public, whether or not such business entity also sells or offers to sell seafood directly to the public; except that "wholesaler" shall not include any such entity that is primarily engaged in the sale of seafood that has been processed and packaged by another business for sale to consumers in such packaged form.

§12-03 Terms and Fees.

(a) Licenses.

(1) License term. An unloading or loading license issued pursuant to this subchapter shall be valid for two (2) years and may be extended for an additional (1) year at the discretion of the Commission. A temporary license issued pursuant to subdivision 22-204(g) or 22-206(g) shall be valid for a period not to exceed one (1) year, provided that such license shall not extend beyond the remainder of the term of the original license.

(2) License fee. The fee for an unloading or loading license shall be seven thousand five hundred dollars (\$7500) and the fee for extension of such license for an additional year shall be three thousand seven hundred and fifty dollars (\$3750). The fee for a temporary license shall be prorated to the term of an original license.

(3) Disclosure fee for principals of license applicants. The fee for each principal disclosure in connection with an unloading or loading license shall be six hundred dollars (\$600).

(b) Registrations.

(1) Registration term. A wholesale seafood business or a seafood delivery business registration issued pursuant to this subchapter shall be valid for two (2) years, and may be renewed for two (2)-year periods thereafter.

(2) Registration fee. The fee for registration of a wholesale seafood business or a seafood delivery business shall be four thousand dollars (\$4000) and the fee for renewal of such registration shall be four thousand dollars (\$4000).

(c) Stand permits.

(1) Stand permit term. A stand permit issued pursuant to this subchapter shall be valid for two years, and may be renewed for two year periods thereafter.

(2) Stand permit fee. The fee for a stand permit shall be based on the square footage of the area encompassed by the stand permit.

(d) Photo identification fee. The fee for a Class B photo identification card issued by the market manager shall be one hundred dollars (\$100), and the fee for the replacement of a Class B photo identification card that has been lost or stolen shall be one hundred dollars (\$100). The fee for Class A photo identification card issued by the market manager shall be one hundred and fifty dollars (\$150), and the fee for the replacement of a Class A photo identification card that has been lost or stolen shall be one hundred dollars (\$100).

(e) Investigative fee. The fee for a background investigation pursuant to subdivision b of section 22-209 and subdivision b of section 22-211 shall be six hundred dollars (\$600) and the fee for a background investigation pursuant to subdivision b of section 22-203 of the Code shall be two hundred dollars (\$200).

(f) Fingerprint fee. The fee for fingerprinting shall be as determined by the New York State Division of Criminal Justice Services.

(g) A wholesale seafood business, a seafood delivery business, a loading business or an unloading business shall be responsible for the payment of any fee imposed by this section with respect to an employee, principal or agent of such business or any person seeking to become an employee, principal or agent of such business.

(h) The fees provided for in this section shall be payable to the Commission.

§12-04 Photo Identification Cards and Visitors Passes.

(a) Class A and Class B Photo Identification Cards. No person who is a principal or employee of any unloading, loading, wholesale, seafood delivery or non-seafood business who performs any function in the market area, or any agent of such a business who performs any function in the market area directly related to the handling or transportation of seafood, shall perform such function without a Class A or Class B photo identification card issued by the market manager pursuant to this subchapter and section 22-203 of

the Code. A person who performs any function in the market area who is a principal or employee of an unloading or loading business subject to the licensing requirement in sections 22-204 and 22-206 of the Code, or an agent of such business who performs any function in the market area directly related to the handling or transportation of seafood, must first obtain a Class A photo identification card issued by the market manager. A person who performs any function in the market area who is a principal or employee of a wholesale or seafood delivery business subject to the registration requirement in sections 22-209 and 22-211 of the Code or a non-seafood business, or an agent of such business who performs any function in the market area directly related to the handling or transportation of seafood, must first obtain a Class B photo identification card from the market manager.

(b) Notwithstanding the foregoing, any person required to have a photo identification card who has filed an application therefor and obtained a temporary photo identification card, may continue to perform such functions unless and until (1) the application of such person for a photo identification card has been denied, or (2) the temporary photo identification card of such person has been revoked, or (3) in cases where the Commission has required such person to be fingerprinted, submit background information and/or appear for an interview pursuant to sections 22-203 and 22-216 of the Code and section 12-05 of this subchapter, such person has failed, within the time period prescribed by the Commission, to be fingerprinted, submit the required information, or appear for an interview.

(c) Temporary Photo Identification Cards and Visitors Passes. (1) The Commission may designate the cooperative association of any market to issue temporary photo identification cards to persons required to have a photo identification card within such market. The duties of such designated cooperative association are to be performed pursuant to the provisions of the Code and this subchapter relating to such temporary photo identification cards and such terms and conditions as the Commission may impose.

(2) Such temporary photo identification cards shall be valid for a period of one year but shall cease to be valid upon the issuance by the Commission of a permanent photo identification card or the occurrence of any of the events set forth in paragraphs (1), (2) or (3) of subdivision (b) of this section.

(3) The Commission may designate the cooperative association of any market to issue visitor passes at the market in which it operates. The duties of such designated cooperative association are to be performed pursuant to the provisions of the Code and this subchapter relating to such visitors passes and such terms and conditions as the Commission may impose.

(4) Any cooperative association designated by the Commission to issue temporary identification cards may impose fees and set amounts for such fees for the performance of the functions set forth in this section with the prior written permission of the Commission. No change in a fee or amount of such fee imposed pursuant to this section shall be made without prior written permission of the Commission.

(d) Where a photo identification holder changes employment in the market, the photo identification holder shall notify the market manager of the change of employment and submit the transfer form provided by the market manager. The photo identification holder shall also be required to apply for a new photo identification card and pay the requisite fee in accordance with the provisions of this subchapter. A loading, unloading, wholesale seafood, seafood delivery or non-seafood business shall immediately notify the market manager of the addition or other change of status of a photo identification holder.

(e) A person who discontinues his or her employment in the market or who ceases to be a principal of an unloading, loading, wholesale, seafood delivery or non-seafood business shall immediately surrender his or her photo identification card to the market manager. A business that terminates an employee possessing a photo identification card shall obtain that employee's photo identification card and surrender it to the market manager.

(f) Photo identification cards and visitors passes shall be displayed at all times within the market area so as to be readily visible to others.

(g) No loading, unloading, wholesale seafood, seafood delivery or non-seafood business shall continue to employ a person who is required to but does not possess a valid photo identification card issued in accordance with the provisions of this subchapter.

§12-05 Application for Class A and Class B Photo Identification Cards.

(a) An applicant for a Class A photo identification card shall be fingerprinted by a person designated for such purpose by the Commission and pay the prescribed fee for the purpose of obtaining criminal history records, provide in full the background information required pursuant to subdivision a of section 22-216 of the Code in the application form as prescribed by the Commission. The application form shall be signed and certified under penalty of perjury by the applicant. The application shall include the following information: names, address and telephone number(s) of the applicant, the applicant's employment history, the applicant's business interests, and other such information deemed appropriate by the Commission.

(b) An applicant for a Class B photo identification card shall submit the information requested in the application form as prescribed by the Commission. The application form shall be signed and certified under penalty of perjury by the applicant. The application shall include the following information: names, address and telephone number(s) of the applicant, the applicant's employment history, the applicant's business interests, and other such information deemed appropriate by the Commission.

(c) Notwithstanding any provision of this subchapter:

(1) the Commission may, when there is reasonable cause to believe that an applicant for, or holder of, a Class B photo identification card (other than a principal, employee or agent of a non-seafood business) does not possess good character, honesty and integrity, require that such applicant or Class B

holder be fingerprinted by a person designated for such purpose by the Commission and pay the prescribed fee for the purpose of obtaining criminal history records and provide to the Commission the disclosure required by the form provided by the Commission pursuant to sections 22-203 and 22-216 of the Code. The Commission also may require such additional information, in lieu of or in addition to such fingerprinting and/or disclosure, including without limitation, documents and an in-person interview, as the Commission determines is appropriate and reasonable to render a determination.

(d) The Class B photo identification card of a person who is a principal, employee or agent of more than one wholesale seafood business or seafood delivery business shall reflect the multiple affiliations of such person.

§12-06 Unloading and Loading Licenses Required.

(a) Unloading licenses. No person shall operate an unloading business in the market area without having first obtained a license to conduct such business issued by the Commission.

(b) Loading licenses. No person shall operate a loading business in the market area without having first obtained a license to conduct such business issued by the Commission.

§12-07 Application for License.

(a) Procedure. (1) An applicant business required by section 22-204 or section 22-206 of the Code, where applicable, to obtain a license to operate an unloading business or a loading business in the market area shall submit an application for a license and a response to a request for licensing proposal issued by the Commission pursuant to section 22-204 or section 22-206 of the Code no later than the dates specified in such request for licensing proposal.

(2) Notice of the availability of requests for licensing proposals to conduct an unloading business or a loading business in the market area, and the date or dates by which such proposals must be submitted, shall be posted in locations within the market area and published in The City Record and any other locations and publications as the Commission may determine are appropriate.

(3) An applicant for an unloading or loading license shall submit the information contained in the license application form and the required disclosure form provided by the Commission. In addition, each principal of the applicant business shall be fingerprinted by a person designated for such purpose by the Commission. The Commission may compel attendance, examine witnesses, take testimony and require the production of evidence as the Commission deems necessary to investigate the truth and accuracy of the information submitted.

(b) If a renewal application is not submitted to the Commission within the time period required by the Commission, the Commission may reject the renewal application and instead require the applicant to file a new application in accordance with the provisions pertaining to the application process as set forth in Chapter 1-A of Title 22 of the Code and in this subchapter.

§12-08 Information Required on a License Application.

(a) The application for a loading or unloading license accompanying the response to the request for licensing proposals shall be signed by all principals of the applicant and certified under penalty of perjury.

(b) The application shall include, but not be limited to the following information:

(1) The name and address of the applicant submitting such response and the social security numbers of the principals of the applicant business.

(2) (i) If such applicant is a corporation, a copy of the certificate of incorporation and the names and addresses of all officers and directors.

(ii) If such applicant is a partnership, a copy of partnership papers, certified by the County Clerk.

(iii) If such applicant is a limited liability company, a copy of the articles of organization and the names and addresses of all members.

(iv) If the applicant is doing business under an assumed name, a Certificate of Assumed Name, certified by the County Clerk.

(3) Complete responses by the applicant business and by all of the principals of the business to the applicable disclosure form required by the Commission pursuant to subdivision a of section 22-216 of the Code.

(4) The names and addresses and dates of birth of all employees and/or agents of the applicant who will perform work directly or indirectly related to loading or unloading, as the case may be, whether inside or outside the market area; driver's license numbers, with the class and expiration date, or other required operator's licenses, of all employees and/or agents who will operate vehicles within the market area; and completed disclosure forms, as required pursuant to section 22-216 of the Code for each current or identified employee and/or agent who will be required to possess a Class A photo identification card.

(5) A business telephone number and a business address within the City of New York where notices may be delivered and legal process may be served, and where records required by these rules shall be maintained, and the name of a person of suitable age and discretion who shall be designated as agent for the service of legal process.

(6) A tax identification number.

(7) A statement of financial responsibility in the form prescribed by the Commission demonstrating the capacity to conduct the business for which the license is sought and setting forth the amounts and sources of funds used or intended to be used in the operation of the business. Proof of such financial capacity shall include, at a minimum, a demonstration of the current financial ability to pay all monthly expenses relating to required equipment, insurance, personnel, and other items for a period of at least three months.

(8) Proof of insurance required.

(i) Before a license is issued, an applicant shall submit proof that the following insurance policies have been secured:

(A) The required worker's compensation and disability benefits coverage, or that the applicant is exempt from

section 57 of the Worker's Compensation Law and subdivision eight of section 220 of the Disability Benefits Law. Proof of coverage can be established by submitting the following Worker's Compensation Board forms:

C-105.2 Application for Certificate of Worker's Compensation Insurance;

DB-120.1 Employer's Application for Certificate of Compliance with Disability Benefits Law;

S1-12 Affidavit certifying that compensation has been secured.

Proof that no coverage is required can be provided by submitting the following Worker's Compensation Board form:

C-105.21 Statement that applicant does not require Worker's Compensation or Disability Benefits Coverage.

(B) Liability insurance against claims for injuries to persons or damage to property which may arise from or in connection with the applicant's business pursuant to the license. The applicant may purchase such policies in conjunction with one or more other licensees, provided that the following coverages are maintained:

(I) Commercial general liability insurance with liability limits of for unloading businesses no less than one million dollars (\$1,000,000) and for loading businesses no less than five hundred thousand dollars (\$500,000) combined single limit per occurrence for bodily injury, personal and property damage. The maximum deductible for such insurance shall be no more than twenty-five thousand dollars (\$25,000).

(II) Business automobile liability insurance covering every vehicle operated by the applicant in its business, whether or not owned by the applicant, and every vehicle hired by the applicant with liability limits of no less than one million dollars (\$1,000,000) combined single limit per accident for bodily injury and property damage.

(III) Employer's liability insurance with limits of one million dollars (\$1,000,000) per accident.

(ii) The policy or policies of insurance required by this paragraph shall name the Commission as certificate holder and shall be endorsed to state that coverage shall not be suspended, voided, canceled, reduced in coverage or in limits except upon sixty (60) days prior written notice to the Commission.

(iii) The licensee shall maintain all required insurance coverage throughout the term of the license. Failure to maintain continuous insurance coverage meeting the requirements of these rules will result in revocation of the license.

(iv) All required policies of insurance shall be obtained from a company, or companies, duly authorized to do business in the State of New York with a Best's rating of no less than A:X unless specific approval has been granted by the Commission to accept a company with a lower rating.

(v) Two (2) certificates of insurance effecting the required coverage and signed by a person authorized by the insurer to bind coverage on its behalf must be delivered to the Commission prior to the effective date of the license.

(9) Proof of a performance bond, or other security that the Commission in its discretion so requires, in an amount, if any, determined by the Commission that will secure the City for the provision of unloading services or loading services, as the case may be, in the event of a default of a licensee as provided by section 22-204 or section 22-206 of the Code. The requirement of a performance bond, or other security that the Commission in its discretion so requires, may be imposed by the Commission at any time, including after a license has been issued.

(c) Requirements for proposals. Responses to requests for proposals shall be in the form prescribed by the Commission and shall contain the proposal information concerning the services to be performed and the conduct of the business described in subdivision b of section 22-204 of the Code with respect to unloading licenses and in subdivision b of section 22-206 of such Code with respect to loading licenses. The proposal shall be signed by all the principals of the applicant and certified under penalty of perjury.

(d) Examination of records. The Commission may require an applicant to produce for inspection such business records as the Commission deems necessary to verify the truth and accuracy of information submitted pursuant to an application for a license.

§12-09 License Issuance.

(a) Following review of proposals submitted in response to a request for licensing proposals issued pursuant to section 22-204 or section 22-206 of the Code, as the case may be, the Commission may, at its discretion, issue one or more licenses to conduct an unloading business or a loading business in the market area to the business entity or entities the Commission has determined are most qualified to provide such services in a safe, orderly and cost-efficient manner.

(b) The Commission may refuse to consider a proposal, refuse to issue a license or defer a decision on whether to consider such proposal or issue such license pursuant to the provisions set forth in subdivision b of section 22-216 of the Code.

(c) When a license or consideration of a proposal is denied for lack of good character, honesty and integrity or when the decision to issue such license or to consider such proposal is deferred, the applicant shall be given notice of the reasons for such denial or deferral and may respond in writing within ten (10) days of receipt of such notice. The Commission shall review such response and shall make a final determination whether to issue the license or consider the proposal.

(d) Notwithstanding any other provision of this section, the Commission may, for the reasons set forth in section 22-208 of the Code, determine not to issue a license or licenses to conduct unloading or loading businesses, as the case may be, in the market area and instead arrange for the Commission, a designee of the Commission or an entity under contract to the Commission, or any combination thereof, to provide such services.

§12-10 License Conditions. A license to conduct an unloading business in the market area shall be subject to conditions specifying rates, insurance and bonding, performance standards and customer service, and any other requirements as may be set forth as conditions of such license pursuant to subdivision d of section 22-204 of the Code. A license to

conduct a loading business shall be subject to conditions specifying rates, insurance and bonding, performance standards and customer service, and any other requirements set forth as conditions of such license pursuant to subdivision d of section 22-206 of the Code. In addition, a license to conduct an unloading business and a license to conduct a loading business shall be subject to the following conditions:

(a) Maintenance of insurance. A licensee shall demonstrate that he, she or it has secured the insurance coverage required pursuant to section 12-8 of this subchapter, and shall maintain such required insurance coverage throughout the term of the license.

(b) A license issued by the Commission pursuant to this subchapter shall not be transferable. A licensee shall not permit the use by any other person of the license or license number issued pursuant to this subchapter.

(c) A license shall not be altered by a licensee. Any license that is altered by the licensee shall be null and void.

§12-11 Unloading Operations. An unloading business shall comply with the conditions for conducting unloading operations that are contained in the license issued to such unloading business pursuant to section 22-204 and subdivision b of section 22-222 of the Code. In addition, an unloading business shall be subject to such provisions of this section as the market manager may direct.

(a) Order of unloading. (1) Upon arrival, trucks shall be directed to the designated waiting area. The unloading dispatcher designated by the market manager shall record relevant information, including the license number and time of arrival and shall inspect and make a copy of the manifest for seafood to be delivered by each truck that enters a designated waiting area.

(2) Trucks shall remain in the designated waiting area until directed by the unloading dispatcher to proceed to a designated unloading area.

(3) Except as otherwise provided in paragraph (4) of this subdivision, unloaders shall unload trucks in order of their arrival at the designated waiting area, based on the time of arrival recorded by the unloading dispatcher.

(4) Notwithstanding paragraph (3) of this subdivision, the unloading dispatcher may permit the unloader to unload out of order of arrival if the truck is delivering fewer than three (3) pallets of seafood; if the truck contains live seafood; if the seafood requires special handling or equipment which only a particular unloader can provide; or for other reasons which the unloading dispatcher determines justify expedited unloading.

(b) Unloading assignments and hours. (1) An unloading business shall not conduct unloading in an unloading area unless the market manager has approved the use of such area by such unloading business or has assigned such unloading business to such unloading area. The market manager may rotate such assignments.

(2) (i) Except as provided in subdivision (b) of this section, an unloading business licensed pursuant to this subchapter shall be available throughout the regular unloading hours to unload trucks directed to such business by the unloading dispatcher.

(ii) If, toward the end of the regular unloading hours, the market manager determines that the presence of an unloading business is not required because of the small number of trucks awaiting unloading or expected to unload, he or she may allow such unloading business to leave. Where more than one unloading business is operating pursuant to an unloading license issued by the Commission, the market manager shall arrange for the rotation of such businesses required to remain present during such periods.

(iii) The market manager shall provide that an unloading business be on call to unload any truck that may arrive after the regular unloading hours and shall designate such unloading business. Where more than one unloading business is operating pursuant to an unloading license issued by the Commission, the market manager shall rotate the responsibility to unload trucks after regular unloading hours on a periodic basis. Each unloading business shall provide for an unloading crew and a supervisor of such unloading crew to be on duty during the hours that such business is on call. Such unloader may, where authorized in the conditions of its unloading license, charge a surcharge not to exceed the amount specified in such conditions for unloading after the regular unloading hours. Such surcharge shall be posted with the unloading rates as required in subdivision (c) of this section.

(3) An unloading business and an unloader shall at all times unload trucks in the order directed by the unloading dispatcher.

(4) An unloading business and an unloader shall not refuse to unload any truck directed to his, her or its approved or assigned unloading area by the unloading dispatcher.

(c) Rates, billing procedures and record keeping. (1) An unloading business may charge no more than those rates for unloading that are specified in the conditions of the unloading license issued pursuant to section 22-204 of the Code and the provisions of this subchapter, and shall post such rates in such appropriate locations within the market area as the market manager shall specify.

(2) An unloading business shall direct the unloader to verify that the information on the bill of lading conforms to the seafood delivered to the wholesaler, and to sign and legibly record the license number of the unloading business on the bill of lading and obtain a signature thereon from the wholesaler or a person authorized by the wholesaler to sign for such delivery acknowledging receipt of the seafood indicated thereon, noting any discrepancies.

(3) Except as otherwise authorized in writing by the market manager, an unloading business shall provide for the weekly billing of wholesalers for seafood delivered, shall retain copies of all such bills and of all other records produced in the normal course of business for thirty-six (36) months and shall make all such records available for immediate inspection and/or copying upon request by the market manager or a designee of the market manager. Each bill shall specify for each delivery the shipper, the date and time of delivery to the wholesaler, the quantity and type of seafood delivered and amount charged for the delivery.

(4) The provisions of this subdivision shall not apply where

the Commission, a designee of the Commission or an entity under contract to the Commission performs unloading services pursuant to paragraph (ii) of subdivision g of section 22-204 or 22-208 of the Code.

(d) Prohibited acts for unloaders.

(1) An unloading business or an unloader shall not engage in any other business or perform any other service in the market area that would interfere with the ability of the unloading business adequately and effectively to perform unloading activities under this subchapter.

(2) An unloading business or an unloader shall not interfere with the market manager or his or her staff or the employees of the Commission in the discharge of their functions or interfere with or obstruct the orderly functioning of the unloading process by threats, intimidation or coercion, or by unloading any truck out of order or soliciting any other unloading business or unloader to unload any truck out of order, or by refusing to unload or soliciting any other unloading business or unloader to refuse to unload any truck directed to him, her or it by the unloading dispatcher.

(3) An unloading business or an unloader shall not charge any fees in addition to the fees for unloading specified in the conditions of the unloading license issued by the Commission, nor shall an unloading business or an unloader request or accept other fees or gratuities relating to unloading from wholesalers or truckers.

(4) An unloading business or an unloader shall not violate applicable federal, state and city regulations regarding the handling of seafood.

(5) In addition to the foregoing, the following rules also apply to principals, employees and agents of an unloading business or an unloader. Such persons shall not:

(i) authorize another person to use the name of the unloading business or unloader to which a license has been issued;

(ii) authorize another person to conduct an unloading business or act as an unloader with the license that has been issued to such unloading business or unloader;

(iii) conduct an unloading business under any name other than the name under which such business has been licensed with Commission;

(iv) associate with a person whom such person knows or should know is a member or associate of an organized crime group (a person who has been identified by a federal, state, or local law enforcement agency as a member or associate of an organized crime group shall be presumed to be a member or associate of an organized crime group);

(v) make, file or submit a false or misleading statement to the Commission or to a government agency or employee;

(vi) falsify any business record;

(vii) continue to employ a person who has not received a valid photo identification card in accordance with the provisions of this subchapter, or whose photo identification card has been revoked, or whose photo identification card has been suspended during the period of suspension;

(viii) utilize any motor vehicle in connection with the operation of such business which is not properly registered with the New York State Department of Motor Vehicles and insured in accordance with section 12-8 of this subchapter;

(ix) engage in any unfair labor practice under federal and state labor laws as applicable.

(x) refuse to answer an inquiry from the Commission or provide false or misleading information to the Commission;

(xi) violate or fail to comply with any order or directive of the Commission;

(xii) fail to pay federal, state and local taxes;

(xiii) fail to pay any fines or civil penalties imposed by the Commission, a court, or the Environmental Control Board for violations of Chapter 1-A of Title 22 of the Code and of this subchapter.

§12-12 Loading Operations. A loader shall comply with the conditions for conducting a loading business that are contained in the license issued to such loading business pursuant to section 22-206 and subdivision b of section 22-222 of the Code. In addition, a loading business shall be conducted subject to the provisions of this section as the market manager may direct.

(a) Loading charges and vouchers. (1) A loading business shall post copies of the schedule of the rates set forth in the conditions of its license to be charged for the parking of vehicles and for the services performed by such loading business in appropriate areas within the market area as determined by the market manager. The market manager or the designee of the market manager may issue vouchers for sale to persons who wish to park and use loading services in the market area. Where the market manager or the designee of the market manager has issued such vouchers, persons parking and using loading services in the market area shall pay loaders for such parking and loading services only with vouchers purchased from the market manager or his or her designee.

(2) A loading business or a loader shall not charge more than the rates that are contained in the conditions of the loading license and are shown on a schedule posted pursuant to paragraph (1) of this subdivision. Where the market manager or his or her designee has issued vouchers pursuant to this subdivision, loaders shall accept payment for parking and loading services only in voucher form and shall not charge, request or accept any cash payment or other fees or gratuities in connection with loading. Where such vouchers have been issued, the market manager or his or her designee shall redeem those vouchers presented to him or her by a loading business for payment.

(b) Loading Assignments and Hours. (1) A loading business shall not conduct loading in a loading area unless the market manager has approved the use of such area by such loading business or has assigned such loading business to such loading area. The market manager may rotate such assignments.

(2) All loading and services related to loading shall take place during the regular loading hours designated by the market manager.

(c) Prohibited acts for loaders.

(1) A loading business or a loader shall not engage in any other business or perform any other service in the market area that would interfere with the ability of the loading

business to perform loading activities adequately and effectively under this subchapter.

(2) A loading business or a loader shall not interfere with the market manager or his or her staff or the employees of the Commission in the discharge of their functions or interfere with or obstruct the orderly functioning of the market area.

(3) Where the market manager or the designee of the market manager has issued vouchers pursuant to subdivision (a) of this section, a loading business or a loader shall accept payment for parking and loading services only in voucher form. A loading business or a loader shall not charge other than the fees contained in the conditions of the loading license and shown in the schedule of rates posted pursuant to subdivision (a) of this section nor shall a loading business or a loader solicit or accept gratuities from purchasers of seafood or fees other than for the services specified on such schedule.

(4) A loading business or a loader shall not attempt to force any person to park his or her vehicle in the location designated or approved by the market manager for the use of such loading business.

(5) A loading business or a loader shall not refuse to perform loading or services related to loading for any person when space is available for such person's vehicle in the location designated or approved by the market manager for the use of the loading business.

(6) A loading business or a loader shall not, by threats, intimidation or any other action, force any person to agree to use the services of such business or prevent any person from using the services of any other loading business. A loading business or a loader shall not solicit, threaten, or enter into agreement with another loader to refuse loading services to any person.

(7) A loading business or a loader shall not move or otherwise interfere with any vehicle, except that a loader may move a vehicle for the purposes of facilitating traffic flow or loading operations when the owner of such vehicle has entrusted the loader with the keys to the vehicle.

(8) A loading business or a loader shall not violate applicable federal, state or city regulations regarding the proper handling of seafood.

(9) In addition to the foregoing, the following rules also apply to principals, employees and agents of a loading business or a loader. Such persons shall not:

(i) authorize another person to use the name of the loading business or loader to which a license has been issued;

(ii) authorize another person to conduct a loading business or act as a loader with the license that has been issued to such loading business or loader;

(iii) conduct an loading business under any name other than the name under which such business has been licensed with Commission;

(iv) associate with a person whom such person knows or should know is a member or associate of an organized crime group (a person who has been identified by a federal, state, or local law enforcement agency as a member or associate of an organized crime group shall be presumed to be a member or associate of an organized crime group);

(v) make, file or submit a false or misleading statement to the Commission or to a government agency or employee;

(vi) falsify any business record;

(vii) continue to employ a person who has not received a valid photo identification card in accordance with the provisions of this subchapter, or whose photo identification card has been revoked, or whose photo identification card has been suspended during the period of suspension;

(viii) utilize any motor vehicle in connection with the operation of such business which is not properly registered with the New York State Department of Motor Vehicles and insured in accordance with section 12-8 of this subchapter;

(ix) engage in any unfair labor practice under federal and state labor laws as applicable.

(x) refuse to answer an inquiry from the Commission or provide false or misleading information to the Commission;

(xi) violate or fail to comply with any order or directive of the Commission;

(xii) fail to pay federal, state and local taxes;

(xiii) fail to pay any fines or civil penalties imposed by the Commission, a court, or the Environmental Control Board for violations of Chapter 1-A of Title 22 of the Code and of this subchapter.

§12-13 Wholesale Seafood Business and Seafood Deliverer Registration Required.

(a) No person shall operate a wholesale seafood business in the market area without having first registered with the Commission and received a registration or registration number from the Commission.

(b) No person shall operate a seafood delivery business in the market area without having first registered with the Commission and having received a registration or registration number from the Commission.

§12-14 Application for a Wholesale Seafood Business and Seafood Delivery Business Registration.

(a) An application or renewal thereof for a wholesale seafood business or a seafood delivery business, pursuant to sections 22-209 and 22-211 of the Code, shall be made on a form prescribed by the Commission. The application shall be certified under penalty of perjury and signed by all principals of the applicant business. The registration application shall include, but not be limited to, the following information: (1) the name, address and telephone number(s) of the business submitting such application; (2) the names, addresses, telephone number(s) and social security numbers of all current and past principals of the applicant and a description of the positions occupied or ownership interest held by each such principal; (3) the names, job titles, social security numbers and addresses of all other employees or agents of the applicant; (4) a list of vehicles used in the course of the applicant's business; (5) employment and business background information on the principals such as the principal's employment history, wholesale or market business interests, and any related business interests; (6) if the applicant is doing business under an assumed name, a Certificate of Assumed Name, certified by the County Clerk if

a sole proprietorship or partnership, or by the Secretary of State if a corporation; (7) if the applicant business is a sole proprietorship, a notarized copy of the business certificate certified by the County Clerk; (8) if the applicant is a corporation, a copy of the certificate of incorporation; (9) if the applicant is a partnership, a copy of partnership papers, certified by the County Clerk; (10) a listing of the names and addresses of any person having a beneficial interest in the applicant, and the amount and nature of such interest; (11) a listing of any determination by a federal, state or city regulatory agency of a violation by such applicant of laws or regulations relating to the conduct of the applicant's business where such violation has resulted in the suspension or revocation of a permit, license or other permission required in connection with the operation of such business or in a civil fine, penalty, settlement or injunctive relief; (12) a listing of all criminal convictions, in any jurisdiction, of the applicant; (13) a federal or state tax identification number; and (14) such other information that the Commission deems appropriate.

(b) Notwithstanding any provision of this subchapter:

(1) the Commission may, when there is reasonable cause to believe that an applicant for registration as a wholesale seafood business or seafood delivery business or any or all of the principals of such applicant business does not possess good character, honesty and integrity, require that any or all such principals be fingerprinted by a person designated for such purpose by the Commission and pay the prescribed fee for the purpose of obtaining criminal history records and provide to the Commission the disclosure required by the form provided by the Commission. The Commission also may require such additional information, in lieu of or in addition to such fingerprinting and/or disclosure, including without limitation documents and an in-person interview, as the Commission determines is appropriate and reasonable to render a determination.

(2) If at any time subsequent to the registration of a wholesale seafood business or a seafood delivery business, the Commission has reasonable cause to believe that any or all of the principals, employees or agents of such business do not possess good character, honesty and integrity, the Commission may require that any or all of such principals be fingerprinted by a person designated for such purpose by the Commission and pay the fee prescribed by the Division of Criminal Justice Services for the purpose of obtaining criminal history records and provide the disclosure required by the form provided by the Commission. The Commission also may require additional information, in lieu of or in addition to such fingerprinting and/or disclosure, including without limitation documents and an in-person interview, as the Commission determines is appropriate and reasonable to render a determination.

(c) If a renewal application is not submitted to the Commission within the time period required by the Commission, the Commission may reject the renewal application and instead require the applicant to file a new application in accordance with the provisions pertaining to the application process as set forth in Chapter 1-A of Title 22 of the Code and in this subchapter.

§12-15 Wholesale Seafood Business Operations.

(a) Registration not transferable.

(1) A wholesale seafood business shall not transfer its registration or registration number as part of the sale of such business.

(2) A wholesaler shall not allow the use by any other person of the registration or registration number or the name of the business to which such registration has been issued.

(3) A wholesaler shall not allow any other person to place seafood in the space which the wholesaler has subleased from a cooperative association, except that a wholesaler may, as provided in subdivision d of section 22-209 of the Code, permit the use of such space by another registered wholesaler who has received a shipment of seafood that cannot be accommodated in the space from which such registered wholesaler operates. No fee may be charged for such temporary use and any such use must be reported to the Commission as soon as practicable, with details specifying the dates, times and extent of such use. A wholesaler may also, as set forth in subdivision e of section 22-209 of the Code and pursuant to the provisions regarding approval of the Commission and limitations upon the charging of fees set forth in such subdivision, allow the use by no more than one other registered wholesaler on other than a temporary basis of no more than forty-nine (49) percent of the space which the wholesaler has subleased from a cooperative association.

(b) Furnishing and display of registration numbers. (1) A wholesaler shall furnish, by telephone or in writing, to each supplier, distributor or other person from whom the wholesaler orders or agrees to receive seafood the registration number and the name of the business to which such registration number has been issued.

(2) The name and registration number of a wholesale seafood business shall be affixed and prominently displayed on all premises from which such wholesale seafood business is conducted.

(c) Record keeping. (1) Wholesalers shall retain copies of all bills from and records of payments to unloaders, suppliers and shippers of seafood and payment from retailers. Such bills and records shall accurately reflect the amount of seafood involved in each transaction and shall, along with all other records produced in the normal course of business, be retained for a minimum of thirty-six (36) months, and shall be made available for immediate inspection and/or copying upon request by the market manager or a designee of the market manager or an employee of the Commission.

(2) Wholesalers or a designee of the wholesaler shall sign each bill of lading acknowledging delivery and receipt of the seafood indicated thereon, noting any discrepancies.

(d) Worker's compensation insurance. A wholesaler shall submit proof that it has obtained the required worker's compensation and disability benefits coverage, or that it is exempt from section 57 of the Worker's Compensation Law, and subdivision eight of section 220 of the Disability Benefits Law. Proof of coverage can be established by submitting the following Worker's Compensation Board forms:

C-105.2 Application for Certificate of Worker's

Compensation Insurance;

DB-120.1 Employer's Application for Certificate of Compliance with Disability Benefits Law;

S1-12 Affidavit certifying that compensation has been secured.

Proof that no coverage is required can be provided by submitting the following Worker's Compensation Board form:

C-105.21 Statement that applicant does not require Worker's Compensation or Disability Benefits Coverage.

(e) Liability insurance. A wholesaler shall procure and shall maintain throughout the term of the registration the following types of insurance against claims for injuries to persons or damages to property which may arise from or in connection with the wholesale business. The wholesaler may purchase such policies in conjunction with one or more other wholesalers, provided that the following coverages described in this subdivision are maintained with respect to each wholesaler:

(1) Commercial general liability insurance with liability limits of no less than one million dollars (\$1,000,000) combined single limit per occurrence for bodily injury, personal and property damage. The maximum deductible for such insurance shall be no more than twenty-five thousand dollars (\$25,000).

(2) Business automobile liability insurance covering every vehicle operated by the wholesaler, whether or not owned by the wholesaler, and every vehicle hired by the wholesaler with liability limits of no less than one million dollars (\$1,000,000) combined single limit per accident for bodily injury and property damage.

(3) Employer's liability insurance with limits of one million dollars (\$1,000,000) per accident.

(f) (1) The policy or policies of insurance required by this section shall name the Commission as certificate holder and shall be endorsed to state that coverage shall not be suspended, voided, canceled, reduced in coverage or in limits except upon sixty (60) days prior written notice to the Commission.

(2) A wholesaler shall demonstrate that it has secured the insurance coverage required pursuant to this subdivision and shall maintain such required insurance coverage throughout the term of the registration. Failure to maintain continuous insurance coverage meeting the requirements of these rules will result in revocation of the registration.

(3) All required policies of insurance shall be obtained from a company, or companies, duly authorized to do business in the State of New York with a Best's rating of no less than A:X unless specific approval has been granted by the Commission to accept a company with a lower rating.

(4) Two (2) certificates of insurance effecting the required coverage and signed by a person authorized by the insurer to bind coverage on its behalf, must be delivered to the Commission prior to the effective date of the license.

(g) Payment bond. A wholesaler shall, in the discretion of the Commission, procure and maintain a payment bond or other security ensuring payment to suppliers of such wholesaler or to unloading businesses in an amount, if any, to be determined by the Commission taking into account such factors as the wholesaler's volume of business and credit worthiness. The requirement of a payment bond, or other security that the Commission in its discretion so requires, may be imposed by the Commission at any time, including after a registration has been issued.

§12-16 Seafood Delivery Operations. A seafood deliverer shall be subject to the requirements for conducting a seafood delivery business that are contained in this section.

(a) The market manager may designate an area or areas within the market area where seafood deliverers shall park while picking up seafood from wholesalers for delivery.

(b) (1) Seafood deliverers shall possess a valid driver's license as required by section 501 of the Vehicle and Traffic Law.

(2) All vehicles employed in a seafood delivery business shall possess: proper vehicle registration as required by section 401 of the Vehicle and Traffic Law; a valid inspection sticker obtained pursuant to the provisions of Article 5 of the Vehicle and Traffic Law; and insurance coverage as required by Article 6 of the Vehicle and Traffic Law.

(c) A seafood deliverer shall not offer seafood for sale within the market area for resale to the public unless the seafood deliverer is also registered as a wholesaler.

(d) Seafood deliverers shall comply at all times with all applicable federal, state and city regulations regarding the proper handling of seafood.

(e) Worker's compensation insurance. A seafood deliverer shall submit proof that it has obtained the required worker's compensation and disability benefits coverage, or that it is exempt from section 57 of the Worker's Compensation Law, and subdivision eight of section 220 of the Disability Benefits Law. Proof of coverage can be established by submitting the following Worker's Compensation Board forms:

C-105.2 Application for Certificate of Worker's Compensation Insurance;

DB-120.1 Employer's Application for Certificate of Compliance with Disability Benefits Law;

S1-12 Affidavit certifying that compensation has been secured.

Proof that no coverage is required can be provided by submitting the following Worker's Compensation Board form:

C-105.21 Statement that applicant does not require Worker's Compensation or Disability Benefits Coverage.

(f) Liability insurance. A seafood deliverer shall procure and shall maintain throughout the term of the registration the following types of insurance against claims for injuries to persons or damages to property which may arise from or in connection with the seafood deliverer's business. The seafood deliverer may purchase such policies in conjunction with one or more other seafood deliverers, provided that the following coverages described in this subdivision are maintained with respect to each seafood deliverer:

(1) Commercial general liability insurance with liability limits of no less than one million dollars (\$1,000,000) combined single limit per occurrence for bodily injury, personal and property damage. The maximum deductible for such insurance shall be no more than twenty-five thousand dollars (\$25,000).

(2) Business automobile liability insurance covering every vehicle operated by the seafood deliverer, whether or not owned by the seafood deliverer, and every vehicle hired by the seafood deliverer with liability limits of no less than one million dollars (\$1,000,000) combined single limit per accident for bodily injury and property damage.

(3) Employer's liability insurance with limits of one million dollars (\$1,000,000) per accident.

(g) (1) The policy or policies of insurance required by this section shall name the Commission as certificate holder and shall be endorsed to state that coverage shall not be suspended, voided, canceled, reduced in coverage or in limits except upon sixty (60) days prior written notice to the Commission.

(2) A seafood deliverer shall demonstrate that it has secured the insurance coverage required pursuant to this subdivision and shall maintain such required insurance coverage throughout the term of the registration. Failure to maintain continuous insurance coverage meeting the requirements of these rules will result in revocation of the registration.

(3) All required policies of insurance shall be obtained from a company, or companies, duly authorized to do business in the State of New York with a Best's rating of no less than A:X unless specific approval has been granted by the Commission to accept a company with a lower rating.

(4) Two (2) certificates of insurance effecting the required coverage and signed by a person authorized by the insurer to bind coverage on its behalf, must be delivered to the Commission prior to the effective date of the license.

§12-17 Regulation for Safety, Order and Health in the Market Area.

(a) In order to ensure safe, orderly and healthful conditions in the market area, the market manager may take measures, including but not limited to the following: (1) designate areas in which activities not otherwise regulated by the provisions of this subchapter and related to the distribution of seafood in the market area may be conducted;

(2) prohibit any activity that may present a threat of (i) intimidation or disruption of businesses in the market area, (ii) traffic congestion or (iii) unsafe, unlawful or unsanitary conditions, and exclude from the market area any person or business conducting such activity;

(3) regulate the movement of traffic throughout the market area; and

(4) prescribe methods for the sanitary disposal of waste in the market area.

(b) With respect to the conduct of business and activities related to the distribution of seafood in the market area, where any provision of this subchapter is inconsistent with any other provision of this chapter, the provisions of this subchapter shall apply.

§12-18 Prohibited Acts Generally.

(a) No person shall (1) interfere, or attempt to interfere, with the market manager, his or her staff or the employees of the Commission in the discharge of their functions or interfere with or otherwise obstruct the orderly functioning of the market; (2) interfere, or attempt to interfere with, or otherwise obstruct any operations or property of any other person within the market; (3) take into, carry through, leave in, throw, or discharge into or on any market any rubbish, litter or refuse, except that rubbish, litter or refuse generated within any market may be discarded in receptacles that are specifically designed for such purpose or as otherwise provided for by this subchapter; (4) urinate or defecate in any market, or in or upon any market building or structure, except in a facility that is specifically designed for such purpose; (5) violate any measure imposed by the market manager pursuant to section 12-17 of this subchapter; (6) violate any other order of the market manager issued in accordance with Chapter 1-A of Title 22 of the Code or this subchapter; (7) violate any applicable federal, state or local law or regulation regarding the handling of seafood; (8) make a misrepresentation of any kind with respect to merchandise offered for sale or the take any unfair advantage of a purchaser or any attempt to take such unfair advantage; (9) sell in any market any merchandise that the Commission has prohibited to be sold therein; (10) discharge into or leave in tidal water, sewage or drainage that may result in the pollution of water; (11) perform any act that may tend to damage or clog drains or sewers; or (12) provide false or misleading information to the Commission.

(b) Where any provision of Chapter 1-A of Title 22 of the Code or this subchapter prohibits or otherwise restricts any activity or conduct of licensees or registrants, the principals, employees and agents of such licensees and registrants, or holders of photo identification cards, such provision also is applicable to applicants for such licenses and registrations, and principals, employees and agents thereof, and applicants for photo identification cards, as the case may be.

§12-19 Prohibited Acts for Wholesalers and Seafood Deliverers.

(a) A wholesaler and its employees and agents and a seafood delivery business and its employees and agents shall not solicit an unloader to unload a truck out of order.

(b) A wholesaler and its employees and agents and a seafood delivery business and its employees and agents shall not interfere with the market manager or his or her staff or the employees of the Commission in the discharge of their functions or interfere with or otherwise obstruct the orderly functioning of the market.

(c) A wholesaler and its employees and agents and a seafood delivery business and its employees and agents shall not authorize another person to use the name of the business to which a registration or registration number has been issued for such wholesale or seafood delivery business.

(d) A wholesaler and its employees and agents and a seafood delivery business and its employees and agents shall not authorize another person to conduct a wholesale seafood business or a seafood delivery business with the registration or registration number that has been issued to such wholesaler or seafood deliverer.

(e) A wholesaler and its employees and agents shall not sublease or otherwise allow the use of its premises by a

person who does not possess a registration number issued by the Commission pursuant to this subchapter.

(f) A wholesaler and its employees and agents and a seafood delivery business and its employees and agents shall not conduct a wholesale seafood business or a seafood delivery business under any name other than the name under which such business has been registered with the Commission.

(g) A wholesaler and its employees and agents and a seafood delivery business and its employees and agents shall discard seafood in accordance with applicable federal, state, and local law governing the disposal of seafood and seafood products.

(h) A wholesaler and its employees and agents and a seafood delivery business and its employees and agents shall not violate applicable federal, state and city regulations regarding the proper handling of seafood.

(i) A wholesaler and its employees and agents and a seafood delivery business and its employees and agents shall not fail to notify the Commission of any change in the information provided pursuant to section 12-21 of this subchapter with respect to the composition or ownership of the wholesale business, or of any change in the employment status of its employees.

(j) A wholesaler and its employees and agents and a seafood delivery business and its employees and agents shall not associate with a person whom such person knows or should know is a member or associate of an organized crime group. A person who has been identified by a federal, state, or local law enforcement agency as a member or associate of an organized crime group shall be presumed to be a member or associate of an organized crime group.

(k) A wholesaler and its employees and agents and a seafood delivery business and its employees and agents shall not make, file or submit a false or misleading statement to the Commission or to a government agency or employee.

(l) A wholesaler and its employees and agents and a seafood delivery business and its employees and agents shall not falsify any business record.

(m) A wholesaler and its employees and agents and a seafood delivery business and its employees and agents shall not engage in any unfair labor practice under federal and state labor laws as applicable.

(n) A wholesaler and its employees and agents and a seafood delivery business and its employees and agents shall not refuse to answer an inquiry from the Commission.

(o) A wholesaler and its employees and agents and a seafood delivery business and its employees and agents shall not violate or fail to comply with any order or directive of the Commission.

(p) A wholesaler and its employees and agents and a seafood delivery business and its employees and agents shall not fail to pay federal, state and local taxes.

(q) A wholesaler and its employees and agents and a seafood delivery business and its employees and agents shall not fail to pay any fines or civil penalties imposed pursuant to Chapter 1-A of Title 22 of the Code or this subchapter.

§12-20 Applicability When Commission Performs Unloading or Loading Services.

a. The sections of this subchapter relating to licensing requirements shall not apply where the Commission determines, pursuant to paragraph (ii) of subdivision g of section 22-204, paragraph (ii) of subdivision g of section 22-206 or section 22-208 of the Code, that the Commission, a designee of the Commission, an entity under contract to the Commission, or a combination thereof shall provide unloading services or loading services in the market area.

b. Where the Commission makes such a determination, such loading or unloading services shall be provided in accordance with all rules governing the conduct of such services prescribed under sections 22-205 and 22-207 of the Code, other than insurance and bonding requirements.

§12-21 Notification of Material Change in Information, Addition of Principal and Change in Composition of Business.

(a) An applicant for a license, registration or a photo identification card shall notify the Commission within ten (10) calendar days of any material change in the information submitted in an application or disclosure form.

(b) Subsequent to the issuance of a license, registration or photo identification card, the licensee, registrant or card holder shall notify the Commission within thirty (30) calendar days of any material change in the information submitted in an application or disclosure form.

(c) A licensee or registrant shall provide the Commission with notice of at least ten (10) business days of the proposed addition of a new principal (other than a person who becomes a principal through the acquisition of outstanding shares of a business whose equity securities are registered under Federal and State securities laws and publicly traded on a national or regional stock or security exchange) to the business of such registrant. The Commission may waive or shorten such period upon a showing that there exists a bona fide business requirement therefor. Except where the Commission determines within such period, based upon information available to it, that the addition of such new principal may have a result inimical to the purposes of this subchapter, the licensee or registrant may add such new principal pending the completion of review by the Commission. The licensee or registrant shall be afforded an opportunity to demonstrate to the Commission that the addition of such new principal pending completion of such review would not have a result inimical to the purposes of this subchapter. If upon the completion of such review, the Commission determines that such principal lacks good character, honesty and integrity, the license or registration shall cease to be valid unless such principal divests his or her interest, or discontinues his or her involvement in the business of such licensee or registrant, as the case may be, within the time period prescribed by the Commission.

(d) Any notification pursuant to this section shall be in writing, sworn and notarized.

(e) For the purposes of this section "material change" shall mean a change in any information provided in response to an item identified as such on an application or disclosure form submitted to the Commission or by any other directive issued

by the Commission. "Material change" also includes the occurrence of any event after the submission of an application or disclosure that would have been required to be disclosed on such form had it occurred prior to such submission.

§12-22 Acquisitions and Subleases.

(a) A person who intends to acquire a registered wholesale seafood business or a seafood delivery business shall submit an application for a wholesale seafood business or seafood delivery business registration pursuant to the provisions of Chapter 1-A of Title 22 of the Code and this subchapter and a purchase and sale agreement for review by the Commission no later than thirty (30) days before such acquisition is to take effect. The Commission will conduct an expedited review of such application and agreement. If the person seeking to acquire the wholesale seafood business or seafood delivery business currently holds a registration for another such business in a market, the Commission at its discretion may waive the requirement of a new application or require that only certain portions of the application be submitted for review.

(b) A loading or unloading licensee or a wholesale seafood business or seafood delivery business registrant shall notify the Commission within ten (10) calendar days of contract closing of any change in the capital stock or ownership in the business of the licensee or registrant, including but not limited to a stock transfer or sale of the outstanding shares of the business or sale or merger of such business; provided, however that a business whose equity securities are publicly traded on a national or regional stock or securities exchange shall be required to make disclosure of only such stock transfer or sale required to be disclosed by the Securities Exchange Commission or other Federal or State regulatory body. Such notification shall include a list of any persons formerly possessing ownership interest in the registrant business who will have any beneficial interest in the current business and a copy of the contract or agreement.

(c) Sublessee required to apply for registration. Wholesale seafood businesses and seafood delivery businesses shall not allow the use by any other person of the registration or registration number or the name of the business to which such registration has been issued. In the event that a wholesale seafood business seeks to sublease or otherwise allow the use of its premises, or any portion thereof, for the operation of a wholesale seafood business by another person, where such sublease is permitted under the terms of the lease, the Commission may, upon application and payment of the required fee by the prospective sublessee pursuant to the provisions of Chapter 1-A of Title 22 of the Code and this subchapter, issue a registration to such sublessee. Absent such registration, no wholesale seafood business may permit a sublessee to operate a wholesale seafood business on such premises.

§12-23 Refusal to Issue License, Registration or Photo Identification Card; Revocation and Suspension of License, Registration or Photo Identification Card.

(a) Where the staff of the Commission recommends that the Commission refuse, pursuant to section 22-216 of the Code, to issue a license, registration or photo identification card, the applicant shall be notified in writing of the reasons for the proposed refusal and may, within ten (10) business days of the date of such notification, respond in writing to the Commission setting forth the reasons such applicant believes that it should not be denied such license, registration or photo identification card. In the exercise of its discretion, the Commission, considering the reasons for the proposed refusal to issue the license, registration or photo identification card, the nature of the issues raised in connection therewith, and the response submitted by the applicant, may make a final determination regarding the issuance of such license, registration or photo identification card or afford the applicant such further opportunity to be heard in such proceeding as is deemed appropriate. A final determination and the reasons therefor shall be communicated to the applicant in writing.

(b) For any of the reasons set forth in sections 22-216 and 22-217 of the Code, including the violation of any rule promulgated pursuant to section 22-223 of the Code, the Commission may suspend or revoke a provisional photo identification card, and after notice and hearing, revoke or suspend (1) the license of a loader or unloader, (2) the registration of a wholesale seafood business or seafood delivery business or (3) a Class A or Class B photo identification card. Notice shall be provided in accordance with the provisions of section 12-25 of this subchapter. Hearings shall be afforded in accordance with the provisions of section 12-26 of this subchapter.

(c) Revocation or suspension of a license or registration, the discontinuance of business operations in the market area by a licensee or registrant, or denial of an application for a license or registration shall require the immediate surrender to the market manager of all photo identification cards issued to the principals, employees and/or agents of the licensee or registrant. Violation of the provisions of this subdivision may result in the imposition of the sanctions and penalties provided in sections 22-215 and 22-219 of the Code.

(d) Revocation or suspension of a photo identification card or denial of an application for a photo identification card (including provisional photo identification cards) shall require the immediate surrender of such card to the market manager.

§12-24 Emergency Suspension of License, Registration or Photo Identification Card.

Notwithstanding the foregoing provisions, the Chairperson may, if he or she has reasonable cause to believe that the operation of a loading or unloading business, a wholesale seafood business or seafood delivery business or the presence of any person in the market area creates an imminent danger to life or property or to the orderly and lawful operation of the market, or that there has likely been false or fraudulent information submitted to the Commission, may immediately suspend the license or registration of such business or the photo identification card of such person without a prior hearing, provided that such suspension may be appealed to the Deputy Commissioner for Legal Affairs of the Commission, who shall determine such

appeal forthwith. If the Deputy Commissioner for Legal Affairs upholds the suspension, an opportunity for a hearing pursuant to the provisions of subdivision 12-26(b) of this subchapter shall be provided on an expedited basis. The Commission shall issue a final determination no later than four (4) business days following the conclusion of such hearing. The Chairperson may, upon application by the business whose license or registration has been suspended, permit such business to remain in the market area for such time as is deemed necessary by the Chairperson to allow for the expeditious sale, consignment or removal of a perishable product if, in the Chairperson's judgment, such permission is consistent with the safety of the market area.

§12-25 Notice. Unless otherwise provided, all notices pursuant to Chapter 1-A of Title 22 of the Code or this subchapter, including but not limited to notice related to hearings, violations and subpoenas, may be served by first class mail addressed to the business address provided to the Commission by the applicant, licensee, registrant or photo identification card holder or on the license or registration issued to the business. All such notices served on an employee or agent may be served by first class mail to the address listed for such employee or agent in the information provided to the Commission. Such notice also may be served by personal service or in any other manner reasonably calculated to achieve actual notice, including but not limited to any method authorized in the Civil Practice Law and Rules.

§12-26 Administrative Hearings. (a) Hearings on the violation of any provision of Chapter 1-A of Title 22 of the Code or any provision of the rules promulgated pursuant to such chapter may be conducted by the Environmental Control Board or any other administrative tribunal of competent jurisdiction, and shall be held pursuant to the procedures for adjudication set forth in the rules of such Board or tribunal.

(b) Where a hearing is conducted in relation to the suspension or revocation of a photo identification card, license or registration, such hearing shall, at the discretion of the Commission, be conducted by a hearing officer or by the Office of Administrative Trials and Hearings.

(1) Where such hearing is conducted by the Commission or a hearing officer, such hearing shall be conducted as follows:

(i) The hearing officer or the Commission shall set a time and place for such hearing and the respondent shall be provided the respondent with notice of such time and place no less than ten (10) days prior to the date of the hearing, except that in the case of an immediate suspension requiring an expedited hearing pursuant to section 22-218 of the Code, such notice shall be provided no later than one (1) business day following such suspension.

(ii) All parties shall be afforded due process of law, including the opportunity to be represented by counsel, to issue subpoenas or request that a subpoena be issued, to call and examine witnesses and to present arguments on the law and facts. Relevant material and reliable evidence may be admitted without regard to technical or formal rules or laws of evidence.

(iii) All persons giving testimony as witnesses shall be placed under oath.

(iv) The Chairperson, or his or her designee, or the hearing officer, as the case may be, shall preside over the hearing and shall have all powers necessary to conduct fair and impartial hearings, to avoid delay in the disposition of proceedings, and to maintain order, including but not limited to the following: to compel the attendance of witnesses and the production of documents; to issue orders for discovery upon motion for good cause shown; to rule upon offers of proof and receive evidence; to regulate the course of the hearing and the conduct of the parties and their counsel therein; to hold conferences for the purposes of settlement or any other purpose; and to examine witnesses.

(v) The hearing officer or the Commission, as the case may be, shall arrange for the hearing to be either stenographically transcribed or mechanically recorded. The transcript or recording and all exhibits received in evidence shall constitute the hearing record.

(vi) When the hearing is conducted by a hearing officer, as soon as possible after the hearing, the hearing officer shall present recommended findings of fact and a recommended decision to the Commission. The Commission shall then make its final determination and notify the respondent of such determination. When the hearing is conducted by the Commission, the Commission shall make a final determination and notify the respondent of such determination.

(vii) Failure of a respondent to make a timely written response, appear or proceed as required by the hearing officer or the Commission, as the case may be, shall constitute a default. When the hearing is conducted by a hearing officer, upon default, the hearing officer shall make recommended findings and recommended decision as is appropriate under the pleadings and such evidence as he or she shall have received. The Commission shall then make a final determination and shall notify the respondent of such determination. Where the hearing is before the Commission, upon default the Commission shall make a final determination and shall notify the respondent thereof.

(2) Where such hearing is conducted by the Office of Administrative Trials and Hearings, such hearing shall be governed by the rules of procedure utilized by that tribunal. After the conclusion of the hearing, the Office of Administrative Trials and Hearings shall issue proposed findings and a report and recommendation to the Commission. The Commission shall review such findings and report and recommendation and shall issue a final determination. The Commission shall notify the respondent in writing of its determination.

§12-27 Fines and Penalties.

(a) The Commission may issue a notice of violation to any person, including a loading or unloading business, wholesale seafood business, seafood delivery business, or any of their principals, employees, agents or officers, for the violation of any provision of Chapter 1-A of Title 22 of the Code or of this

subchapter. Any person who violates any such provision shall be subject to the civil and criminal fines and penalties and injunctive relief as provided in section 22-215 of the Code.

(b) A loading or unloading business, wholesale seafood business or seafood delivery business shall be jointly and severally liable for any violation of Chapter 1-A of Title 22 of the Code or of this subchapter committed by any of its officers, employees and/or agents acting within the scope of their employment.

§12-28 Commission Delegations to the Chairperson. The Commission may by resolution delegate to the Chairperson any authority of the Commission set forth in this subchapter or Chapter 1-B of Title 22 of the Code that is lawful and appropriate to delegate. Such resolution shall state the authority delegated and the extent of such delegation, including any limitations on the authority delegated.

§ 12-29 Additional Powers of the Commission. In addition to the other powers of the Commission, the Commission shall have the following powers:

(a) Hours of operation of any market may be regulated by the Commissioner.

(b) Entry into any market may be regulated by the Commissioner. No fee shall be charged for entry into a market or for parking therein, nor shall any existing fee be increased, unless the Commissioner shall have first approved the amount of such fee. The Commissioner may establish or authorize the establishment of an identification card and pass system as a prerequisite for entry of any persons into any market.

§12-30 Traffic Regulation and Parking Within the Market.

(a) All persons operating a vehicle within the market shall obey and comply with any traffic direction of any police officer or employee of the Commission indicated by gesture or otherwise and any parking or traffic sign posted by the Commission or other City agency.

(b) No person shall obstruct the movement of traffic or stop, stand or park a vehicle, freight car or other conveyance except in designated places.

(c) All disabled vehicles must be promptly removed from paved roadways and removed from the market within three (3) hours. If not removed, such vehicles will be removed by City personnel or licensed tow operators at the expense of the vehicle owners.

(d) No person shall grease, lubricate or make repairs, except of a minor and emergency nature, to any vehicle within the market.

(e) All persons operating a vehicle within the market shall operate such vehicles at all times in full compliance with all New York State and New York City traffic laws, rules and regulations and all laws, rules and regulations of any other government agency having jurisdiction over motor vehicles.

(i) When the Commissioner finds that there is reasonable cause to believe that a seafood wholesale business or a seafood delivery business has regularly failed to make timely payment for services rendered and/or products provided by an unloading business or a seafood wholesale business, the Commission may require such business to post a payment bond.

§12-31 Administration.

(a) No lease for any property located within any market and described in any lease with the City shall be assigned or transferred without notifying the Commission at least five (5) days prior to such assignment or transfer.

(b) All market premises described in any lease with the City and all equipment used on such market premises shall be kept and maintained in good repair and condition in accordance with the terms of any applicable license or registration issued by the Commission and the terms of any lease with the City (including any sublease thereunder), and otherwise in a manner consistent with the orderly functioning of the market.

(c) All market premises described in any lease with the City shall be surrendered in good order and condition at the expiration or sooner termination of such lease. The Commission shall be notified of any surrender of such premises no later than five (5) days after such surrender.

SUBCHAPTER C

SEAFOOD DISTRIBUTION OUTSIDE SEAFOOD DISTRIBUTION AREAS AND THE DECLARATION AND ESTABLISHMENT OF SEAFOOD DISTRIBUTION AREAS

§13-01 Scope and construction.

§13-02 Definitions.

§13-03 Terms and Fees.

§13-04 Wholesaler Registration Required.

§13-05 Wholesaler Registration Requirements in a Seafood Distribution Area.

§13-06 Licensing and Seafood Delivery Business Registration Requirements in a Seafood Distribution Area.

§13-07 Commission Delegations to the Chairperson.

§13-01 Scope and construction. (a) This subchapter shall govern: (1) the registration of wholesale seafood businesses outside of seafood distribution areas, and the requirements applicable to such businesses; and (2) the declaration and establishment of seafood distribution areas pursuant to subdivision b of section 22-222 of the Code, and the licensing, registration and other requirements relating to seafood distribution in such areas.

(b) Any act prohibited by this subchapter shall extend to and include the permitting, allowing, causing, procuring, aiding or abetting of such act.

(c) No provision in this subchapter shall make unlawful the act of any employee of the Commission or other government official in the performance of his or her official duties.

(d) Any act prohibited by this subchapter not otherwise prohibited by law or any other government rule or regulation shall be lawful if performed pursuant to and in strict compliance with written authorization by the Chairperson.

(e) This subchapter is in addition to and supplements all laws, rules and regulations of the City and State of New York

and federal government and all terms and conditions set forth in any lease, license, registration or permit.

§13-02 Definitions. Unless otherwise provided in this subchapter, the terms used herein shall have the meanings provided for such terms in section 22-202 of the Code and section 12-02 of subchapter B of this chapter.

§13-03 Terms and Fees.

(a) Registration term. A wholesale seafood business registration issued pursuant to this subchapter shall be valid for two years, and may be renewed for two-year periods thereafter.

(b) Registration fee. The fee for registration of a wholesale seafood business shall be four thousand dollars (\$4000) and the fee for renewal of such registration shall be four thousand dollars (\$4000).

§13-04 Wholesaler Registration Required.

(a) No person shall operate a wholesale seafood business in the City of New York, outside the market area, without having first registered with the Commission and having received a registration or registration number from the Commission.

(b) An application for a registration or renewal thereof shall be made on a form prescribed by the Commission. The application form shall be certified under penalty of perjury and signed by all the principals of the applicant business. If a renewal application is not submitted to the Commission with the time period as required by the Commission, the Commission may reject the renewal application and instead require the applicant to file a new application in accordance with the provisions pertaining to the application process as set forth in Chapter 1-A of Title 22 of the Code and this subchapter.

§13-05 Wholesaler Registration Requirements in a Seafood Distribution Area. Notwithstanding any provisions of this subchapter, where the Commission, pursuant to subdivision b of section 22-222 of the Code, declares and establishes an area where one or more wholesale seafood businesses have been established to be a seafood distribution area, all wholesale seafood businesses which operate within such area, and the principals, employees and/or agents of such businesses, shall be subject to all the provisions governing wholesaler registration set forth in Chapter 1-A of Title 22 of the Code and subchapter B of this chapter. When such provisions are applied to a seafood distribution area, the term "market area" as contained therein shall be deemed to include such seafood distribution area.

§13-06 Licensing and Seafood Delivery Business Registration Requirements in a Seafood Distribution Area. Where the Commission, pursuant to subdivision b of section 22-222 of the Code, declares and establishes an area where one or more wholesale seafood businesses have been established to be a seafood distribution area, all unloading businesses, loading businesses, and seafood delivery businesses which operate within such area, and the principals, employees and/or agents of such businesses, shall be subject to all the provisions governing such businesses and their principals, employees and/or agents, set forth in Chapter 1-A of Title 22 of the Code and subchapter B of this chapter, except as may be otherwise determined by the Commission pursuant to section 22-222(c) of the Code. When such provisions are applied to a seafood distribution area, the term "market area" as contained therein shall be deemed to include such seafood distribution area.

§13-7 Commission Delegations to the Chairperson. The Commission may by resolution delegate to the Chairperson any authority of the Commission set forth in this subchapter and any related provision of Chapter 1-A of Title 22 of the Code that is lawful and appropriate to delegate. Such resolution shall state the authority delegated and the extent of such delegation, including any limitations on the authority delegated.

SUBCHAPTER D MARKET BUSINESSES, LABOR UNIONS AND LABOR ORGANIZATIONS OPERATING IN SEAFOOD DISTRIBUTION AREAS

§14-01 Scope and construction.

§14-02 Definitions.

§14-03 Market Business Registration Required.

§14-04 Issuance of Registration.

§14-05 Photo Identification Cards Required.

§14-06 Temporary Photo Identification Cards.

§14-07 Issuance of Photo Identification Cards.

§14-08 Terms and Fees.

§14-09 Market Business Operations.

§14-10 Revocation or Suspension of Registration or Photo Identification Cards.

§14-11 Emergency Suspension of Registration or Photo Identification Cards.

§14-12 Labor Union and Labor Organization Registration Required.

§14-13 Registration Procedure.

§14-14 Prohibited Acts.

§14-15 Fines and Penalties.

§14-16 Commission Delegations to the Chairperson.

§14-01 Scope and construction. (a) This subchapter shall govern the registration of and other requirements relating to: (1) market businesses located and operating within any market area; and (2) labor unions and labor organizations representing or seeking to represent employees directly involved in the movement, handling or sale of goods sold in any market area.

(b) Any act prohibited by this subchapter shall extend to and include the permitting, allowing, causing, procuring, aiding or abetting of such act.

(c) No provision in this subchapter shall make unlawful the act of any employee of the Commission or other government official in the performance of his or her official duties.

(d) Any act prohibited by this subchapter not otherwise

prohibited by law or any other government rule or regulation shall be lawful if performed pursuant to and in strict compliance with written authorization by the Chairperson.

(e) This subchapter is in addition to and supplements all laws, rules and regulations of the City and State of New York and federal government and all terms and conditions set forth in any lease, license, registration or permit.

§14-02 Definitions. For the purposes of this subchapter, the following terms shall have the following meanings:

Market business. "Market business" shall mean any business located or operating within any market area that is engaged in providing goods or services to wholesalers or retail purchasers in market area that are related to the conduct of a wholesale seafood business or the purchase of seafood products by retailers or others, or that receives such goods within such market area for delivery, forwarding, transfer or further distribution outside such market area. "Market business" shall include, but not be limited to, the supply of ice or refrigeration services, security, and transfer or distribution of seafood, and shall exclude suppliers of seafood.

Labor union and labor organization. "Labor union" and "labor organization" shall mean a union or other organization that represents or seeks to represent, employees directly involved in the movement, handling or sale of goods in the market area. Notwithstanding the foregoing, such terms shall not include: (i) a labor union that represents or seeks to represent fewer than two hundred employees in any market area; (ii) a labor union representing or seeking to represent clerical or other office workers, construction or electrical workers, or any other workers temporarily or permanently employed in the market area for a purpose not directly related to the movement, handling or sale of goods in such market; (iii) affiliated national or international labor unions of local labor unions required to register pursuant to this subchapter.

Material change. "Material change" shall mean a change in any information provided in response to an item identified as such on an application or disclosure form submitted to the Commission or by any other directive issued by the Commission. "Material change" also includes the occurrence of any event after the submission of an application or disclosure that would have been required to be disclosed on such form had it occurred prior to such submission.

Officer. "Officer" shall mean any person holding an elected position or any other position involving participation in the management or control of a market business, labor union or labor organization required to register pursuant to this subchapter.

Registration. "Registration" shall mean a market business registration, as required by section 22-253 of the Code, or a labor union or labor organization registration, as required by section 22-212.1 of the Code.

Unless otherwise provided in this subchapter, all other terms used herein shall have the meanings provided for such terms in section 12-02 of subchapter B of this chapter.

§14-03 Market Business Registration Required. No person shall operate a market business in the market area without first receiving a registration or registration number from the Commission.

§14-04 Issuance of Registration.

(a) A person wishing to register a market business shall provide the information requested in the registration application form provided by the Commission, which form shall be signed by all principals of such business, and accompanied by the certification form provided by the Commission, fully executed by all principals of such business.

(b) A market business is required to notify the Commission of any change in the ownership composition of the business, any changes regarding persons employed by the business, the arrest or criminal conviction of any principal of the business, or any other material change in the information submitted pursuant to subdivision (a) of this section during the term of its registration, and shall notify the Commission, in writing, of any such change within ten (10) calendar days thereof.

(c) In the event that a registrant notifies the Commission of the proposed addition of a new principal (other than a person or entity that becomes a principal through the acquisition of outstanding shares of a business whose equity securities are registered under Federal and State securities laws and publicly traded on a national or regional stock or security exchange) as required by subdivision (b) of this section, the registrant shall simultaneously submit the registration application form provided by the Commission completed, signed and certified by such prospective principal. Except where the Commission determines within fifteen (15) days, based upon information available to him or her, that the addition of such new principal may have a result inimical to the purposes of Chapter 1-B of Title 22 of the Code, the registrant may add such new principal pending the completion of review by the Commission. The Commission may waive or shorten such fifteen (15) day period upon a showing that there exists a bona fide business requirement therefor. The registrant shall be afforded an opportunity to demonstrate to the Commission that the addition of such new principal pending completion of such review would not have a result inimical to the purposes of Chapter 1-B of Title 22 of the Code. If upon the completion of such review, the Commission determines that such principal lacks good character, honesty and integrity, the registration shall cease to be valid unless such principal divests his or her interest, or discontinues his or her involvement in the business of such registrant, as the case may be, within the time period prescribed by the Commission.

(d) Notification pursuant to this section shall be signed and sworn to before a notary public.

(e) Notwithstanding any provision of this subchapter: (1) the Commission may, when it determines that there is reasonable cause to believe that any or all of the principals of an applicant or a registrant lack(s) good character, honesty or integrity, require that such principal(s) (i) be fingerprinted in accordance with paragraph 22-259(a)(i) of the Code; (ii) provide to the Commission the information requested in the

background investigation form provided by the Commission; (iii) appear to be interviewed by the Commission; and/or (iv) pay the fee for a background investigation and provide to the Commission the disclosure required by the form provided by the Commission.

(2) The Commission may refuse to register a market business for the reasons set forth in subdivisions b, c, d and e of section 22-259 of the Code, or may defer a decision whether to register such market business when an indictment or a criminal or civil action is pending as provided in paragraph (b)(ii) of such section.

(f) A market business denied registration for lack of good character, honesty or integrity pursuant to section 22-259(b) of the Code shall be given notice of the reasons for such denial, and may respond in writing to the Commission within ten days of the mailing of such notice. The Commission shall review such response and make a final determination.

§14-05 Photo Identification Cards Required.

(a) No person who is a principal or employee of any market business operating in any market area who performs any function directly related to the provision of goods or services to wholesalers or retail purchasers in such area shall perform such function without having been issued a photo identification card issued by the Commission pursuant to the provisions of this subchapter and section 22-252 of the Code. Notwithstanding the foregoing, principals and employees of any market business required to have photo identification cards who have filed applications therefor and obtained temporary photo identification cards, may continue to perform such functions unless and until (1) the application of such person for a photo identification card has been denied, or (2) the temporary photo identification card of such person has been revoked, or (3) in cases where the Commission has required such person to be fingerprinted, submit background information and/or appear for an interview pursuant to sections 22-252 and 22-259 of the Code, such person has failed, within the time period prescribed by the Commission, to be fingerprinted, submit the required information, or appear for an interview.

(b) Photo identification cards shall be displayed at all times within the market area so as to be readily visible to others.

(d) Where a photo identification holder changes employment in the market, the photo identification holder shall notify the market manager of the change of employment and submit the transfer form provided by the market manager. The photo identification holder shall also be required to apply for a new photo identification card and pay the requisite fee in accordance with the provisions of this subchapter. A market business shall immediately notify the market manager of the addition of or other change of status of a photo identification holder.

(e) A person who discontinues his or her employment with a market business or who ceases to be a principal thereof shall immediately surrender his or her photo identification card to the market manager. A business that terminates any employee or principal possessing a photo identification card shall obtain that employee's photo identification card and surrender it to the market manager.

(f) No market business shall continue to employ a person who is required to but does not possess a valid photo identification card issued in accordance with the provisions of this subchapter.

§14-06 Temporary Photo Identification Cards. The Commission may designate the cooperative association of any market area to issue temporary photo identification cards to principals and employees (including seasonal employees) of market businesses at the market area in which such cooperative association operates. The duties of such designated cooperative association are to be performed pursuant to the provisions of the Code and this subchapter relating to such temporary photo identification cards and such terms and conditions as the Commission may impose. Such temporary photo identification cards shall be valid for a period of one year but shall cease to be valid upon the issuance by the Commission of a permanent photo identification card or the occurrence of any of the events set forth in paragraph (1), (2) or (3) of subdivision (a) of section 14-05 of this chapter. Any cooperative association designated by the Commission to issue temporary identification cards may impose fees and set amounts for such fees for the performance of the functions set forth in this section with the prior written permission of the Commission. No change in a fee or amount of such fee imposed pursuant to this section shall be made without prior written permission of the Commission.

§14-07 Issuance of Photo Identification Cards.

(a) A person wishing to apply for a photo identification card shall provide the information required in the application form provided by the Commission, which form shall be signed and certified under penalty of perjury by the applicant. The application shall include, but not be limited to, the following information: name, address and telephone number(s) of the applicant, the applicant's employment history, the applicant's business interests, and any other such information required by the Commission.

(b) Persons required to have photo identification cards shall notify the Commission of any material change in the information submitted pursuant to subdivision (a) of this section, including without limitation, any change in employment, as well as any arrests or criminal convictions, and shall notify the Commission, in a signed and notarized writing, of any such change within ten (10) calendar days thereof.

(c) Notwithstanding any provision of this subchapter, the Commission may, when there is reasonable cause to believe that an applicant for or holder of a photo identification card does not possess good character, honesty and integrity, require that such person be fingerprinted by a person designated for such purpose by the Commission, pay the fee prescribed by the Division of Criminal Justice Services for the purpose of obtaining criminal history records, and provide to the Commission the disclosure required by the form provided by the Commission. The Commission also may require such additional information in lieu of or in addition to

such fingerprinting and/or disclosure, including without limitation documents and/or an in-person interview, as the Commission determines is appropriate and reasonable to render a determination.

(2) The Commission may refuse to issue a photo identification card for the reasons set forth in subdivisions b, d and e of section 22-259 of the Code, or may defer a decision whether to issue such card when there is an indictment or a criminal or civil action pending against or involving the applicant as provided in paragraph (b)(ii) of such section.

(d) Where the staff of the Commission recommends that the Commission refuse, pursuant to section 22-259 of the Code, to issue a photo identification card, the applicant shall be notified in writing of the reasons for the proposed refusal of such photo identification card and that the applicant may, within ten (10) business days of the date of such notification, respond in writing to the Commission setting forth the reasons such applicant believes that it should not be denied such photo identification card. In the exercise of its discretion, the Commission, considering the reasons for the proposed refusal to issue the photo identification card, the nature of the issues raised in connection therewith, and the response submitted by the applicant, may make a final determination regarding the issuance of such photo identification card or afford the applicant such further opportunity to be heard in such proceeding as is deemed appropriate. A final determination and the reasons therefor shall be communicated to the applicant in writing.

§14-08 Terms and Fees.

(a) A registration issued pursuant to this subchapter shall be valid for three (3) years, and may be renewed for three (3)-year periods thereafter.

(b) The fee for registration of a market business shall be four thousand dollars (\$4000), and the fee for renewal of such registration shall be four thousand dollars (\$4000).

(c) The fee for photo identification cards and temporary photo identification cards shall be one hundred dollars (\$100).

(d) The fee for the replacement of any photo identification card that has been lost or stolen shall be one hundred dollars (\$100).

(e) A market business shall be responsible for the payment of any fee imposed by this section with respect to an employee of such business or any person seeking to become an employee of such business.

(f) Investigative fee. The fee for a background investigation pursuant to subdivision d or e of section 22-252 shall be two hundred dollars (\$200) and the fee for a background investigation pursuant to subdivision b of section 22-253 or subdivision b of section 22-264 of the Code shall be six hundred dollars (\$600).

§14-09 Market Business Operations.

(a) (1) A market business shall not transfer its registration number as part of the sale of such market business.

(2) A market business shall not allow the use by any other person of the registration number or the name of the business to which such registration number has been issued. In the event that a market business seeks to sublease or otherwise allow the use of its premises, or any portion thereof, for the operation of a market business by another person, where such sublease is permitted under the terms of the lease, the Commissioner may, upon application and payment of the required fee by the prospective sublessee pursuant to the provisions of these rules, issue a registration number to such sublessee. Absent the issuance of such registration number, no market business may permit a sublessee to operate a market business on such premises.

(b) The name and registration number of a market business shall be affixed and prominently displayed on all premises and vehicles from which such market business is conducted.

(c) Market businesses shall retain copies of all invoices and other documents reflecting deliveries or payments from or to suppliers and customers. Such books and records shall accurately reflect the amount of goods or services involved in each transaction, and shall, along with all other records produced or received in the normal course of business, be retained for a minimum of thirty-six (36) months, and shall be made available for immediate inspection and/or copying upon request by the market manager or a designee of the market manager.

(d) A market business shall submit proof that it has obtained the required workers' compensation and disability benefits coverage, or that it is exempt from section 57 of the Worker's Compensation Law, and section 220(8) of the Disability Benefits Law. Proof of coverage can be established by submitting the following Workers' Compensation Board forms:

C-105.2 Application for Certificate of Workers' Compensation Insurance;

DB-120.1 Employer's Application for Certificate of Compliance with Disability Benefits Law;

S1-12 Affidavit certifying that compensation has been secured.

Proof that no coverage is required can be provided by submitting the following Worker's Compensation Board form:

C-105.21 Statement that applicant does not require Workers' Compensation or Disability Benefits Coverage.

(e) Liability Insurance. A market business shall procure and shall maintain throughout the term of the registration the following types of insurance against claims for injuries to persons or damage to property which may arise from or in connection with the market business:

(1) Commercial General Liability Insurance with liability limits of no less than one million dollars (\$1,000,000.00) combined single limit per occurrence for bodily injury, personal and property damage. The maximum deductible for such insurance shall be no more than twenty-five thousand dollars (\$25,000.00).

(2) Business Automobile Liability Insurance covering every vehicle operated by the market business, whether or not owned by the market business, and every vehicle hired by the applicant with liability limits of no less than one million dollars (\$1,000,000) combined single limit per accident for

bodily injury and property damage.

(3) Employers' Liability Insurance with limits of one million dollars (\$1,000,000) per accident.

(f) The policy or policies of insurance required by this rule shall name the City of New York and the Commission and any other agency or entity of the City as may be required as parties insured thereunder, and shall be endorsed to state that coverage shall not be suspended, voided, canceled, reduced in coverage or in limits except upon sixty (60) days prior written notice to the Commission. Failure to maintain continuous insurance coverage meeting the requirements of these rules may result in revocation or suspension of registration. Such policy or policies of insurance shall be obtained from a company, or companies, duly authorized to do business in the State of New York with a Best's rating of no less than A:X unless specific approval has been granted by the Commission to accept a company with a lower rating. Two (2) certificates of Insurance effecting the required coverage and signed by a person authorized by the insurer to bind coverage on its behalf, must be delivered to the Commissioner prior to the effective date of the registration. A registrant shall demonstrate that the registrant has secured the insurance coverage required pursuant to this section and shall maintain such required insurance coverage throughout the term of the registration.

(g) A market business shall be jointly and severally liable for any violation of Chapter 1-B of Title 22 of the Code or of this subchapter by any of its employees or agents.

(h) Each market business shall permit the Commission, or any person designated by the Commission, to enter its premises whenever in the discretion of the Commission such entry is necessary.

§14-10 Revocation or Suspension of Registration or Photo Identification Cards.

(a) The Commission may revoke a temporary photo identification card, and after notice and hearing, revoke or suspend (1) the registration of a market business or (2) a photo identification card for any of the reasons set forth in section 22-260 of the Code, or for violation of any rule promulgated pursuant to section 22-266 of the Code, including without limitation sections 14-09 and 14-17 of this subchapter. Notice shall be provided in accordance with the provisions of section 11-20 of subchapter A of this chapter. Hearings shall be afforded in accordance with the provisions of section 11-21 of subchapter A of this chapter.

(b) Revocation or suspension of registration shall require the immediate surrender to the market manager of all photo identification cards issued to the principals and employees of the registrant. If a registration has been suspended, violation of the provisions of this subdivision may result in immediate revocation of a registration and/or the imposition of penalties as provided in section 22-258 of the Code.

(c) Revocation or suspension of photo identification cards (including temporary photo identification cards) shall require the immediate surrender of such cards to the market manager.

§14-11 Emergency Suspension of Registration or Photo Identification Cards. Notwithstanding the foregoing provisions, the Chairperson may, if he or she has reasonable cause to believe that the operation of a market business or the presence of any person in the market area creates an imminent danger to life or property or to the orderly and lawful operation of the market, or that there has likely been false or fraudulent information submitted to the Commission, immediately suspend the registration of such business or the photo identification card of such person, as applicable, without a prior hearing, provided that, such suspension may be appealed to the Deputy Commissioner of Legal Affairs. If such Deputy Commissioner upholds the suspension imposed by the market manager, an opportunity for a hearing pursuant to the provisions of section 11-21 of subchapter A of this chapter shall be provided on an expedited basis within a period not to exceed four (4) business days, and the Commission shall issue a final determination no later than four (4) business days following the conclusion of such hearing. The Commission may, upon application by a market business whose registration has been suspended without a prior hearing, permit such market business to remain in the market area for such time as is necessary to allow for the expeditious sale, consignment or removal of a perishable product if, in the Commission's judgment, such permission is consistent with the safety of the public and the market area.

§14-12 Labor Union and Labor Organization Registration Required.

(a) Labor unions and labor organizations shall register with the Commission.

(b) A registration issued pursuant to this chapter shall be valid for three (3) years, and may be renewed for three (3)-year periods thereafter.

(c) The fee for registration of a labor union or labor organization shall be four thousand dollars (\$4000) and the fee for renewal of such registration shall be four thousand dollars (\$4000).

§14-13 Registration Procedure.

(a) A labor union or labor organization shall provide the information requested in the registration application form provided by the Commission, which form shall be signed by an officer and certified under penalty of perjury, including (i) the information required by section 22-264(a) of the Code, (ii) all criminal convictions, in any jurisdiction, of such labor union or labor organization, (iii) any criminal or civil investigation of such labor union or labor organization by a federal, state or local prosecutorial agency, investigative agency or regulatory agency, in the five (5)-year period preceding the date of registration, (iv) all civil or administrative proceedings to which such labor union or labor organization has been a party involving allegations of racketeering, including but not limited to offenses listed in subdivision nineteen hundred sixty-one of the Racketeer Influenced and Corrupt Organization 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, (v) all judicial or administrative consent decrees entered into by such labor union or labor organization in the five (5)-year period preceding the date of

registration, and (vi) the appointment of an independent auditor or monitor or receiver or administrator or trustee over such labor union or labor organization in the five (5)-year period preceding the date of registration. Notwithstanding the foregoing, no labor union or labor organization shall be required to furnish information pursuant to this subdivision which is already included in a report filed by the labor union or labor organization with the Secretary of Labor pursuant to 29 U.S.C. § 431 et seq. or §1001 et seq. if a copy of such report, or of the portion thereof containing such information, is furnished to the Commission.

(b) An officer of a labor union or labor organization required to be registered with the Commission pursuant to section 22-264 of the Code shall provide the information requested in the registration application form provided by the Commission, which form shall be signed by such officer under penalty of perjury.

(c) Any material change in the information submitted pursuant to subdivision (a) or (b) of this section shall be reported to the Commission by such union or organization or officer, in a signed and notarized writing, within ten (10) calendar days thereof.

(d) Notwithstanding any provision of this subchapter, the Commission may, if it has reasonable cause to believe that an officer of a labor union or labor organization lack good character, honesty or integrity, require that such officer be fingerprinted in accordance with section 22-264 of the Code, and pay the requisite fees and provide to the Commission the disclosure required by the form provided by the Commission. The Commission also may require such additional information, in lieu of or in addition to, such fingerprinting and/or disclosure, including without limitation documents and an in-person interview, as the Commission determines is appropriate and reasonable to render a determination.

(e) After providing notice and opportunity to be heard, the Commission may disqualify an officer of a labor union or labor organization from holding office based on the grounds set forth in subdivision c of section 22-264 of the Code and in accordance with the procedure for such disqualification set forth in such subdivision.

(f) If an application for the renewal of a registration is not submitted to the Commission with the time period required by the Commission, the Commission may reject the renewal application and require the applicant to file a new application for a labor union and labor organization registration. If a new application is required by the Commission, the provisions pertaining to the application process as set forth in Chapter 1-B of Title 22 of the Code and of this subchapter shall govern.

§14-14 Prohibited Acts.

(a) No person shall (1) interfere, or attempt to interfere, with the market manager, his or her staff or the employees of the Commission in the discharge of their functions, or interfere with or otherwise obstruct the orderly functioning of the market; (2) interfere, or attempt to interfere with, or otherwise obstruct any operations or property of any person in the market; (3) take into, carry through, leave in, throw, or discharge into or on any market any rubbish, litter or refuse, except that rubbish, litter or refuse generated within any market may be discarded in receptacles that are specifically designed for such purpose or as otherwise provided for by this subchapter; (4) urinate or defecate in any market, or in or upon any market building or structure, except in a facility which is specifically designed for such purpose; (5) damage, remove or destroy any property or equipment without authority; (6) engage in, instigate or encourage a fight or other disturbance; (7) commit any act injurious to any person, animal or property; (8) bring into any market or have in his possession any firearms, illegal knives, hatchets, machetes, slingshots, fireworks or other dangerous instruments or explosives; (9) play any game of chance, participate in the conduct of an illegal lottery, or use any slot machine, gaming table or instrument or have in his or her possession any implements or devices commonly used, or intended to be used, for gambling purposes; (10) make a misrepresentation of any kind with respect to merchandise offered for sale or the take any unfair advantage of a purchaser or any attempt to take such unfair advantage; or (11) disobey any lawful order of any employee of the Commission or other employee of the City or disobey or violate any lawful notice, prohibition, instruction or direction of the Commission or any other City agency.

(b) In addition to the foregoing, the following rules also apply to principals, employees and agents of market businesses and officers of labor unions and labor organizations. Such persons shall not:

(1) authorize another person to use the name of the market business or labor union or organization to which a registration number has been issued for such market business;

(2) authorize another person to conduct a market business with the registration number that has been issued to such market business;

(3) conduct a market business under any name other than the name under which such business has been registered;

(4) violate applicable federal, state or city laws and regulations;

(5) in the case of a market business, fail to notify the Commission of any change in the information provided pursuant to section 14-04 of this subchapter;

(6) associate with a person whom such person knows or should know is a member or associate of an organized crime group (a person who has been identified by a federal, state, or local law enforcement agency as a member or associate of an organized crime group shall be presumed to be a member or associate of an organized crime group);

(7) make, file or submit a false or misleading statement to the Commission or any other government agency or employee;

(8) threaten or attempt to intimidate a customer or prospective customer;

(9) retaliate against a customer or prospective customer of any business in the market or against any person who has made, or who is associated with any person who has made, a complaint concerning conduct involving the market to the Commission or any other governmental entity;

(10) falsify any business record;

(11) in the case of a market business, continue to employ a person who has not received a valid photo identification card in accordance with the provisions of this subchapter, or whose photo identification card has been revoked or suspended;

(12) utilize any motor vehicle in connection with a

business operating in the market that is not properly registered with the New York State Department of Motor Vehicles and insured in accordance with section 14-09 of this subchapter;

(13) engage in any unfair labor practice under federal or state labor law;

(14) refuse to respond to an inquiry from the Commission;

(15) violate or fail to comply with any order or directive of the Commission; or

(16) fail to pay any fines or civil penalties imposed by the Commission or any court or administrative tribunal of competent jurisdiction for violations of Chapter 1-B of Title 22 of the Code or this subchapter.

§14-15 Fines and Penalties.

(a) The Commission may issue a notice of violation to a market business, labor union or labor organization, or any of their principals, employees, agents or officers, for the violation of any provision of Chapter 1-A or 1-B of Title 22 of the Code or subchapter A or B of this chapter (as such provision of such Chapter or subchapter relates to market businesses located and operating within any market area and labor unions and labor organizations representing or seeking to represent employees directly involved in the movement, handling or sale of goods sold in any market area) or this subchapter. Any person who violates any such provision shall be subject to the civil and criminal fines and penalties and injunctive relief as provided in section 22-258 of the Code.

(b) A market business, labor union or labor organization shall be jointly and severally liable for the violation of any such provision committed by any of its officers, employees and/or agents acting within the scope of their employment.

§14-16 Commission Delegations to the Chairperson. The Commission may by resolution delegate to the Chairperson any authority of the Commission set forth in this subchapter and Chapter 1-B of Title 22 of the Code, as such chapter relates to market businesses located and operating within any market area and labor unions and labor organizations representing or seeking to represent employees directly involved in the movement, handling or sale of goods sold in any market area, that is lawful and appropriate to delegate. Such resolution shall state the authority delegated and the extent of such delegation, including any limitations on the authority delegated.

§ 6. Appendix A of subchapter C of Title 66 of the rules of the city of New York is redesignated Appendix A of subchapter B of chapter 2 of Title 17 of the rules of the city of New York.

§ 7. Section 1-58 of Title 66 of the rules of the city of New York, which declared the new fulton fish market at hunts point as a new seafood distribution area pursuant to section 22-222 of the administrative code of the city of New York made provision for licenses, registrations, photo identification cards, stand permits and enforcement within such area, is REPEALED.

§ 8. This rule shall take effect immediately.

Statement of Basis and Purpose of Proposed Rule

The NYC Business Integrity Commission is amending its trade waste regulations and adopting regulations relating to the public wholesale markets.

In order to ensure that the Commission provide hearings in an expeditious manner, the Commission proposes to amend its trade waste rules so that all hearings may be conducted by the Commission or, in the discretion of the Commission, by an administrative law judge employed or designated by the Commission, by the Office of Administrative Trials and Hearings (OATH) or by other administrative tribunal of competent jurisdiction, and that the Commission have the discretion to conduct hearings related to the violation of the provisions of section 16-505 of the Administrative Code and the rules of conduct set forth in the trade waste rules. In addition, in order to facilitate the Commission's enforcement of its licensing and registration requirements, the amended rules would require that licensees and registrants put their Commission-issued license or registration number on their letterhead and advertisements, and include that number on all written communications with customers or potential customers.

The remainder of the proposed rules relate to the Commission's authority pursuant to the chapter 63 of the City Charter to adopt rules with respect to its regulation of the public wholesale markets and wholesale seafood distribution within the City. At the general election held on November 6, 2001, the City Charter was amended to, among other things, transfer the jurisdiction over these activities from the Department of Business Services (now, the Department of Small Business Services) ("DSBS") to the Commission. Since that time, the Commission has used DSBS's rules in chapter 66 of the Rules of the City of New York to regulate these markets. The proposed rules, in conjunction with DSBS's repeal of its rules relating to the public wholesale markets and wholesale seafood distribution, will create a comprehensive and transparent regulatory scheme that combines the Commission's rules in a single title.

■ jy2

FINANCE

■ NOTICE

NOTICE OF OPPORTUNITY TO COMMENT ON PROPOSED AMENDMENT TO THE RULES RELATING TO FEES TO BE CHARGED BY THE COMMISSIONER OF FINANCE, IN ADDITION TO THOSE NOW FIXED BY STATUTE

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE Commissioner of Finance by sections 389 (b) and 1043 of the New York City Charter, and in accordance with section 1043 of the New York City Charter, that the New York City Department of Finance proposes to adopt the following proposed amendment to the Rules Relating to Fees to Be Charged by the Commissioner of Finance, in Addition to Those Now Fixed by Statute, which is necessary to carry out the powers and duties delegated to the Commissioner of Finance by section 1504 of the New York City Charter. This rulemaking proposal was not included in the regulatory agenda of the Department of Finance for fiscal year 2011 because the need for the amendment was not

anticipated as of the required date for publication of the agenda.

Written comments regarding this proposed rule amendment must be submitted to the office of Beth Goldman, Deputy Commissioner for Legal Affairs, 345 Adams Street, 3rd Floor, Brooklyn, New York 11201 on or before August 2, 2010. Comments may be submitted electronically to GoldmanBeth@Finance.nyc.gov or to the NYC Rules website at rules@finance.nyc.gov.

A hearing for public comment will be held on August 2, 2010 at 345 Adams Street, 3rd floor, Brooklyn, New York at 11:00 A.M. Persons seeking to testify are requested to notify Joan Best at (718) 403-3669 at least three business days prior to the date scheduled for the hearing. Persons who request that a sign language interpreter or other form of reasonable accommodation for a disability be provided at the hearing are asked to notify Joan Best at the foregoing number no later than two weeks prior to the hearing. Written comments and a summary of oral comments received at the hearing will be available for public review within a reasonable time after receipt at the office of Robert S. Dauman, Office of Legal Affairs, 345 Adams Street, 3rd floor, Brooklyn, New York 11201, between the hours of 9:00 A.M. and 5:00 P.M.

NOTE: New Matter is underlined; matter to be deleted is in [brackets]

Proposed Amendment to the Rules Relating to Fees to Be Charged by the Commissioner of Finance, in Addition to Those Now Fixed by Statute

Section 1. A new subdivision (h) is added to section 9-01 of Chapter 9 of title 19 of the Rules of the City of New York (Rules Relating to Fees To Be Charged by the Commissioner

of Finance, in Addition to Those Now Fixed by Statute), to read as follows:

(h) For the processing of paper checks, drafts or similar paper instruments, written for payments issued through the City's financial management system. \$3.50

Notwithstanding the foregoing, the commissioner of finance may determine that this subdivision shall not apply to certain paper checks, drafts or similar paper instruments, including, but not limited to:

- (1) Inter-governmental and intra-governmental transfers of funds;
- (2) Transfer of funds to City financial accounts;
- (3) Payments to City employees;
- (4) Refunds of collected revenue;
- (5) Payments made via the judgment and claims processes; and
- (6) Payments determined by agencies to be "miscellaneous vendors" and, therefore, outside of the standard vendor enrollment process.

Basis and Purpose of Proposed Amendment

This rule amendment is intended to impose a fee to cover the cost to the City relating to printing, handling and distribution of paper check payments through its financial management system, and to provide an incentive for payees to choose electronic funds transfer (EFT) as the method of payment. This amendment includes exceptions such that certain payees will not be subject to the fee if it would be impracticable or unjustified to impose such fee.

S/S
David M. Frankel
Commissioner of Finance

COMPTROLLER

■ NOTICE

NOTICE OF ADVANCE PAYMENT OF AWARDS PURSUANT TO THE STATUTES IN SUCH cases made and provided, notice is hereby given that the Comptroller of the City of New York, will be ready to pay, at 1 Centre St., Rm. 629, New York, NY 10007 on July 9, 2010, to the person or persons legally entitled an amount as certified to the Comptroller by the Corporation Counsel on damage parcels, as follows:

Damage Parcel No.	Block	Lot
59	3680	3
57		12
54,53,52		27,29,31
48		35
49		40
118	3760	9
129		42
128		44
126		46
122		48
119		56
117		58

Acquired in the proceeding, entitled: New Creek Bluebelt Phase 4 subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

John C. Liu
Comptroller

j24-jy9

SPECIAL MATERIALS

CITYWIDE ADMINISTRATIVE SERVICES

DIVISION OF MUNICIPAL SUPPLY SERVICES

■ NOTICE

**OFFICIAL FUEL PRICE SCHEDULE NO. 6493
FUEL OIL AND KEROSENE**

CONTRACT NO.	ITEM NO.	FUEL/OIL TYPE	VENDOR	CHANGE	PRICE EFF. 6/28/2010
2887105	2.0	#1DULS	MANH	SPRAGUE ENERGY CORP	+0.022 GAL. 2.5966 GAL.
2887105	3.0	#1DULS	BRONX	SPRAGUE ENERGY CORP	+0.022 GAL. 2.5966 GAL.
2887105	4.0	#1DULS	BROOKLYN	SPRAGUE ENERGY CORP	+0.022 GAL. 2.6316 GAL.
2887105	5.0	#1DULS	QUEENS	SPRAGUE ENERGY CORP	+0.022 GAL. 2.6316 GAL.
2887105	6.0	#1DULS	S.I.	SPRAGUE ENERGY CORP	+0.022 GAL. 2.6966 GAL.
2887105	7.0	#1DULS	P/U	SPRAGUE ENERGY CORP	+0.022 GAL. 2.5084 GAL.
2887086	3.0	#1DULSB20	CITY WIDE BY TW	SPRAGUE ENERGY CORP	-0.099 GAL. 2.5310 GAL.
2887086	7.0	#1DULSB20	P/U	SPRAGUE ENERGY CORP	-0.099 GAL. 2.4613 GAL.
2887086	1.0	#1DULSB5	CITY WIDE BY TW	SPRAGUE ENERGY CORP	-0.009 GAL. 2.5187 GAL.
2887086	5.0	#1DULSB5	P/U	SPRAGUE ENERGY CORP	-0.009 GAL. 2.4367 GAL.
3087064	1.0	#1DULSB50	CITY WIDE BY TW	METRO FUEL OIL CORP.	-0.280 GAL. 3.0591 GAL.
2887052	1.0	#2	MANH	RAPID PETROLEUM	-0.046 GAL. 2.1581 GAL.
2887052	4.0	#2	BRONX	RAPID PETROLEUM	-0.046 GAL. 2.1579 GAL.
2887052	7.0	#2	BROOKLYN	RAPID PETROLEUM	-0.046 GAL. 2.1475 GAL.
2887052	13.0	#2	S.I.	RAPID PETROLEUM	-0.046 GAL. 2.1910 GAL.
2887053	10.0	#2	QUEENS	METRO FUEL OIL CORP.	-0.046 GAL. 2.1808 GAL.
2887169	1.0	#2B5	CITY WIDE BY TW	METRO FUEL OIL CORP.	-0.072 GAL. 2.5539 GAL.
2887105	8.0	#2DHS	BARGE M.T.F. 111	SPRAGUE ENERGY CORP	-0.046 GAL. 2.4336 GAL.
2887106	9.0	#2DHS	BARGE WI	METRO FUEL OIL CORP.	-0.046 GAL. 2.3450 GAL.
2887301	1.0	#2DLS	BARGE ST. GEORGE	METRO FUEL OIL CORP.	+0.051 GAL. 2.4610 GAL.
2887301	3.0	#2DLS	P/U	METRO FUEL OIL CORP.	+0.051 GAL. 2.3238 GAL.
2887302	4.0	#2DLS	CITY WIDE BY TW	SPRAGUE ENERGY CORP.	+0.051 GAL. 2.4455 GAL.
2887105	1.0	#2DULS	CITY WIDE BY TW	SPRAGUE ENERGY CORP	-0.064 GAL. 2.3131 GAL.
2887105	1.1	#2DULS	P/U	SPRAGUE ENERGY CORP.	-0.064 GAL. 2.2781 GAL.
2887301	2.0	#2DULS	BARGE ST. GEORGE	METRO FUEL OIL CORP.	-0.064 GAL. 2.3928 GAL.
2887086	4.0	#2DULSB20	CITY WIDE BY TW	SPRAGUE ENERGY CORP	-0.167 GAL. 2.3929 GAL.
2887087	8.0	#2DULSB20	P/U	METRO FUEL OIL CORP.	-0.167 GAL. 2.7437 GAL.
2887086	2.0	#2DULSB5	CITY WIDE BY TW	SPRAGUE ENERGY CORP	-0.090 GAL. 2.3573 GAL.
2887105	10.0	#2DULSB5	BARGE ST. GEORGE	SPRAGUE ENERGY CORP	-0.090 GAL. 2.8926 GAL.
2887159	6.0	#2DULSB5	P/U	METRO FUEL OIL CORP.	-0.090 GAL. 2.4050 GAL.
3087065	2.0	#2DULSB50	CITY WIDE BY TW	SPRAGUE ENERGY CORP.	-0.322 GAL. 2.8791 GAL.
2887274	7.0	#2DULSDISP	DISPENSED	SPRAGUE ENERGY CORP.	-0.064 GAL. 2.6400 GAL.
2887052	2.0	#4	MANH	RAPID PETROLEUM	+0.059 GAL. 1.9313 GAL.
2887052	5.0	#4	BRONX	RAPID PETROLEUM	+0.059 GAL. 1.9347 GAL.
2887052	8.0	#4	BROOKLYN	RAPID PETROLEUM	+0.059 GAL. 1.9455 GAL.
2887052	14.0	#4	S.I.	RAPID PETROLEUM	+0.059 GAL. 1.9785 GAL.
2887053	11.0	#4	QUEENS	METRO FUEL OIL CORP.	+0.059 GAL. 1.9503 GAL.
2887052	3.0	#6	MANH	RAPID PETROLEUM	+0.129 GAL. 1.7957 GAL.
2887052	6.0	#6	BRONX	RAPID PETROLEUM	+0.129 GAL. 1.7957 GAL.
2887052	9.0	#6	BROOKLYN	RAPID PETROLEUM	+0.129 GAL. 1.8107 GAL.
2887052	15.0	#6	S.I.	RAPID PETROLEUM	+0.129 GAL. 1.8467 GAL.
2887054	12.0	#6	QUEENS	CASTLE OIL CORPORATION	+0.129 GAL. 1.8148 GAL.
2787347	1.0	JETA	FLOYD BENNETT	SPRAGUE ENERGY CORP	-0.204 GAL. 2.8800 GAL.

**OFFICIAL FUEL PRICE SCHEDULE NO. 6494
FUEL OIL, PRIME AND START**

CONTRACT NO.	ITEM NO.	FUEL/OIL TYPE	VENDOR	CHANGE	PRICE EFF. 6/28/2010
3087154	1.0	#2	MANH	F & S PETROLEUM CORP.	-0.046 GAL. 2.2646 GAL.
3087154	79.0	#2	BRONX	F & S PETROLEUM CORP.	-0.046 GAL. 2.2646 GAL.
3087154	157.0	#2	BKLYN, QUEENS, SI	F & S PETROLEUM CORP.	-0.046 GAL. 2.3446 GAL.
3087225	1.0	#4	CITY WIDE BY TW	METRO FUEL OIL CORP.	+0.059 GAL. 2.3793 GAL.
3087225	2.0	#6	CITY WIDE BY TW	METRO FUEL OIL CORP.	+0.129 GAL. 2.2007 GAL.

**OFFICIAL FUEL PRICE SCHEDULE NO. 6495
FUEL OIL AND REPAIRS**

CONTRACT NO.	ITEM NO.	FUEL/OIL TYPE	VENDOR	CHANGE	PRICE EFF. 6/28/2010
3087115	1.0	#2	MANH & BRONX	PACIFIC ENERGY	-0.046 GAL. 2.0900 GAL.
3087115	80.0	#2	BKLYN, QUEENS, SI	PACIFIC ENERGY	-0.046 GAL. 2.0952 GAL.
3087218	1.0	#4	CITY WIDE BY TW	PACIFIC ENERGY	+0.059 GAL. 2.3206 GAL.
3087218	2.0	#6	CITY WIDE BY TW	PACIFIC ENERGY	+0.129 GAL. 2.2536 GAL.

**OFFICIAL FUEL PRICE SCHEDULE NO. 6496
GASOLINE**

CONTRACT NO.	ITEM NO.	FUEL/OIL TYPE	VENDOR	CHANGE	PRICE EFF. 6/28/2010
2687312	2.0	E85	CITY WIDE BY TW	SPRAGUE ENERGY CORP.	-0.219 GAL. 2.1369 GAL.
2787192	7.0	PREM	CITY WIDE BY TW	METRO TERMINALS	-0.168 GAL. 2.3852 GAL.
2887274	6.0	PREM	CITY WIDE BY VEHICLE	SPRAGUE ENERGY CORP.	-0.168 GAL. 2.6187 GAL.
2787192	1.0	U.L.	CITY WIDE BY TW	METRO TERMINALS	-0.139 GAL. 2.2097 GAL.
2887274	1.0	U.L.	MANH P/U BY VEHICLE	SPRAGUE ENERGY CORP.	-0.139 GAL. 2.5808 GAL.
2887274	2.0	U.L.	BX P/U BY VEHICLE	SPRAGUE ENERGY CORP.	-0.139 GAL. 2.4808 GAL.
2887274	3.0	U.L.	BR P/U BY VEHICLE	SPRAGUE ENERGY CORP.	-0.139 GAL. 2.4808 GAL.
2887274	4.0	U.L.	QNS P/U BY VEHICLE	SPRAGUE ENERGY CORP.	-0.139 GAL. 2.4808 GAL.
2887274	5.0	U.L.	S.I. P/U BY VEHICLE	SPRAGUE ENERGY CORP.	-0.139 GAL. 2.4808 GAL.

NOTICE OF ADVANCE PAYMENT OF AWARDS PURSUANT TO THE STATUTES IN SUCH cases made and provided, notice is hereby given that the Comptroller of the City of New York, will be ready to pay, at 1 Centre St., Rm. 629, New York, NY 10007 on July 15, 2010, to the person or persons legally entitled an amount as certified to the Comptroller by the Corporation Counsel on damage parcels, as follows:

Damage Parcel No.	Block	Lot
213	15966	p/o 14
214	15966	p/o 13
216	15966	p/o 11
217	15966	p/o 10
218	15966	p/o 9
219	15966	p/o 8
220	15966	p/o 7

Acquired in the proceeding, entitled: Beach 43, 44, & 45 and Conch Drive, et. al. subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

John C. Liu
Comptroller

j30-jy15

NOTICE OF ADVANCE PAYMENT OF AWARDS PURSUANT TO THE STATUTES IN SUCH cases made and provided, notice is hereby given that the Comptroller of the City of New York, will be ready to pay, at 1 Centre St., Rm. 629, New York, NY 10007 on July 7, 2010, to the person or persons legally entitled an amount as certified to the Comptroller by the Corporation Counsel on damage parcels, as follows:

Damage Parcel No.	Block	Lot
175,175A	3723	52
176,176A		56
177,178,178A		48
179,179A,180		22
		23
		45

Acquired in the proceeding, entitled: New Creek Bluebelt Phase 4 subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

John C. Liu
Comptroller

j22-jy7

NOTICE OF ADVANCE PAYMENT OF AWARDS PURSUANT TO THE STATUTES IN SUCH cases made and provided, notice is hereby given that the Comptroller of the City of New York, will be ready to pay, at 1 Centre St., Rm. 629, New York, NY 10007 on July 16, 2010, to the person or persons legally entitled an amount as certified to the Comptroller by the Corporation Counsel on damage parcels, as follows:

Damage Parcel No.	Block	Lot
221	15966	p/o 5
222	15966	p/o 3
225	15966	p/o 80
228	15966	p/o 77
233	15966	p/o 70
234	15966	p/o 68
236	15966	p/o 65

Acquired in the proceeding, entitled: Beach 43, 44, & 45 and Conch Drive, et. al. subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

John C. Liu
Comptroller

jy1-16

NOTICE OF ADVANCE PAYMENT OF AWARDS PURSUANT TO THE STATUTES IN SUCH cases made and provided, notice is hereby given that the Comptroller of the City of New York, will be ready to pay, at 1 Centre St., Rm. 629, New York, NY 10007 on July 14, 2010, to the person or persons legally entitled an amount as certified to the Comptroller by the Corporation Counsel on damage parcels as follows:

Damage Parcel No.	Block	Lot
195	15968	p/o 69
199	15966	p/o 31
204	15966	p/o 26
207	15966	p/o 22
208	15966	p/o 20
209	15966	p/o 19
210	15966	p/o 18
211	15966	p/o 17
212	15966	p/o 15

Acquired in the proceeding, entitled Beach 43, 44, & 45 and Conch Drive, et. al. subject of any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

John C. Liu
Comptroller

j29-jy14

TAXI AND LIMOUSINE COMMISSION

NOTICE

NOTICE OF EXPERIMENTAL GROUP RIDE IN MANHATTAN

On June 22, 2010 the New York City Taxi and Limousine Commission (the "TLC") adopted a resolution designating an experimental group ride program pursuant to TLC Rule 1-71(c) (Title 35 Rules of the City of New York). The purpose of the experimental group ride plan is to determine whether the TLC can operate a Group Ride Stand as a partial replacement for an MTA Express Bus route which was discontinued due to service reductions. It is expected that the existing taxicab fleet can accommodate the additional ridership during the morning rush hours of 7:00 A.M. to 10:00 A.M. This experimental group ride is expected to increase income for drivers, while providing service to a community that no longer has an express bus route to Lower Manhattan.

The terms of the experimental group ride program are as follows:

- 1. Duration
i. Maximum of 12 months
2. Operation
i. 7:00 A.M. - 10:00 A.M., Monday through Friday
ii. Stand can be used for standard taxicab rides as well as by passengers willing to share a cab with at least one other passenger
3. Location of group rides and fare per person
i. Pickup Location - York Ave between E. 70th & E. 71st St.
Drop-off Location -beginning at Pearl Street, continuing along Water Street to the World Financial Center

- 4. Implementation and Evaluation
i. Report to the Chairperson and Commission by TLC staff pursuant to 6 and 7 below
5. Means of public notice
i. Notice of designation of group ride plans published
1. City Record
2. TLC website
3. Signage posted at stand location
4. Palm Card distribution to both passengers and drivers in the general proximity of the stand
5. Text messages sent to drivers
6. Evaluation Criteria
i. Specific criteria will include the following:
1. Driver Satisfaction
a. Impact on driver income
b. Sufficient driver activity at stand
2. Passenger Satisfaction
a. Sufficient passenger activity at stand
b. Desirability of shared cab experience
3. Information to be collected by the TLC through surveys and review of Electronic Tripsheet Data
7. Reporting requirements
i. TLC staff will submit to the Chairperson a report of the first 6 months of performance based on evaluation criteria stated above, and a follow-up report of the next 4 months of performance

PEARL STREET AND ADAMS STREET BOROUGH OF BROOKLYN

Pursuant to the Concession Rules of the City of New York, the Department of Transportation ("DOT") intends to enter into a concession for the operation, management, and maintenance of a pedestrian plaza located on Willoughby Street between Pearl Street and Adams Street in Brooklyn ("Licensed Plaza"), including through DOT-approved events, sponsorships, and subconcessions including but not limited to providing for the sale of any of the following: prepared food, flowers, locally grown produce or locally manufactured products, merchandise (such as souvenirs or T-shirts) that helps brand or promote the neighborhood or the concessionaire, and other similar merchandise.

Subconcessions would be awarded based on solicitations issued by the concessionaire in the basic form of Request for Proposals or Request for Bids, subject to DOT's prior written approval of both solicitation and award.

The concession agreement will provide for one (1) five-year term, with four (4) one-year renewal options. The renewal options shall be exercisable at DOT's sole discretion.

DOT has identified the MetroTech Business Improvement District as a potential concessionaire, but DOT will consider additional expressions of interest from other potential not for profit concessionaires for the operation, management, and maintenance of the Licensed Plaza. In order to qualify, interested organizations should be active in the neighborhood of the Licensed Plaza and have demonstrated experience in the management, operation and maintenance of publicly accessible facilities, including but not limited to programming/events management and concession or retail operation/management.

Not for profit organizations may express interest in the proposed concession by contacting Andrew Wiley-Schwartz, Assistant Commissioner for Public Spaces, by email at awileyschwartz@dot.nyc.gov or in writing at 55 Water Street, 9th Floor, New York, NY 10041 by July 13, 2010. Mr. Wiley-Schwartz may also be contacted with any questions relating to the proposed concession by email or by telephone at (212) 839-6678.

Please note that the New York City Comptroller is charged with the audit of concession agreements in New York City. Any person or entity that believes that there has been unfairness, favoritism or impropriety in the concession process should inform the Comptroller, Office of Contract Administration, 1 Centre Street, New York, New York 10007, telephone number (212) 669-2323.

j7-jy13

TRANSPORTATION

NOTICE

PUBLIC NOTICE OF A CONCESSION OPPORTUNITY FOR THE OPERATION, MANAGEMENT AND MAINTENANCE OF A PEDESTRIAN PLAZA LOCATED ON WILLOUGHBY STREET BETWEEN

CHANGES IN PERSONNEL

POLICE DEPARTMENT FOR PERIOD ENDING 06/25/10

Table with columns: NAME, AMBER, D, NUM, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for the Police Department.

Table with columns: MATESCU, VIOLETA, 71651, \$36210.0000, INCREASE, NO, 05/28/10. Lists personnel changes for other departments.

jy2

LATE NOTICES

HEALTH AND HOSPITALS CORPORATION

SOLICITATIONS

Goods & Services

BOND COUNSEL SERVICES - Request for Proposals - PIN# 19246CDFS - DUE 07-30-10 AT 5:00 P.M. - Provide legal counsel in connection with matters related to structuring and ongoing implementation of its capital financing program.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Health and Hospitals Corporation, 160 Water Street, NYC, NY 10038. Paulene Lok (212) 458-7723, fax: (212) 458-7713, Paulene.Lok@nychhc.org

jy2

PARKS AND RECREATION

CAPITAL PROJECTS DIVISION

SOLICITATIONS

Construction Related Services

INDEPENDENT ENVIRONMENTAL MONITORING SERVICES - Request for Proposals - PIN# 8462010C000X126C01 - DUE 07-23-10 AT 4:30 P.M. - For the Construction and Operation of Ferry Point Park, Bronx, NY

The City of New York is committed to achieving excellence in the design and construction of its capital program and building on the tradition of innovation. As part of this effort, Parks and Recreation is pleased to announce the following contracting opportunity:

PRE-PROPOSAL CONFERENCE - JULY 12, 2010

Copies of the RFP can be obtained on July 2, 2010 at the Agency's website http://www.nyc.gov/parks, the City Record's website www.nyc.gov/cityrecord and at the Olmsted Center, Room 61, Flushing Meadows-Corona Park, Flushing, NY 11368, during the hours of 9:00 A.M. to 4:00 P.M., Monday - Friday from July 2, 2010 to July 20, 2010.

Authorized Agency Contact: Mrs. Susan Bresler, Tel. (718) 760-6921 - Fax: (718) 760-6885.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above. Parks and Recreation, Olmsted Center, Room 60, Flushing Meadows-Corona Park, Flushing, NY 11368. Grace Fields-Mitchell (718) 760-6687, fax: (718) 760-6885, grace.fieldsmitchell@parks.nyc.gov

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