

Business Integrity Comm'n v. Queens County Carting Inc

OATH Index No. 2448/25 (Nov. 20, 2025)

Violation No. TWC-228873

At a default trial, petitioner established that respondent failed to maintain two required reports in its vehicle in violation of 17 RCNY § 7-03(e) and (f). Civil penalty of \$20,000 recommended.

NEW YORK CITY OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

In the Matter of
BUSINESS INTEGRITY COMMISSION
Petitioner
- against -
QUEENS COUNTY CARTING INC
Respondent

REPORT AND RECOMMENDATION

CHARLOTTE E. DAVIDSON, *Administrative Law Judge*

Petitioner, the New York City Business Integrity Commission (“BIC” or “the Commission”), brought this proceeding against respondent Queens County Carting Inc pursuant to section 16-518(a) of the New York City Administrative Code (“Administrative Code”) and section 1-03 of title 17 of the Rules of the City of New York. Petitioner alleges that respondent failed to keep in its vehicle: 1) a vehicle inspection and certification form for the preceding six-months and 2) a daily vehicle inspection report, in violation of sections 7-03(e) and 7-03(f) of title 17 of the Rules of City of New York.

At a trial held before me by video conference on October 9, 2025, respondent failed to appear. Petitioner presented evidence establishing that it served respondent with the notice of violation and the notice of conference and trial, including notification of the date and time of the trial and instructions for participating (Pet. Exs. 1, 2, 3, 4, 5). Petitioner served these notices on respondent at the address displayed on the side of the vehicle involved in the alleged violation, printed on the vehicle’s apportioned cab card, and listed on the U.S. Department of Transportation Safety and Fitness Electronic Records System (Pet. Exs. 1, 2, 3, 4, 5, 6). The notice of conference and trial advised respondent that the trial would be held remotely and provided the necessary

information for respondent to access the remote proceeding (Pet. Ex. 1). Petitioner's proof of service satisfied the jurisdictional prerequisite for finding respondent in default, and the trial proceeded as an inquest.

For the reasons set forth below, I find that respondent operated a BIC-licensed vehicle without a six-month vehicle inspection and certification form and without a daily vehicle inspection report in violation of 17 RCNY § 7-03(e) and (f) and recommend that a civil penalty of \$20,000 be imposed.

ANALYSIS

Any business that collects or removes trade waste from the premises of a commercial establishment is required to obtain a license from the Commission. Admin. Code § 16-505(a) (Lexis 2025). Trade waste is defined as materials that are discarded by a commercial establishment, including "garbage," "refuse," and "construction and demolition debris." Admin. Code § 16-501(f). Administrative Code section 16-505(a) provides for an exemption from the license requirement for the hauling of construction debris, but only if the exemption is granted by the Commission upon application by the hauler. Admin. Code § 16-505(a) ("Grant of such exemption shall be made by the commission upon its review of an exemption application . . .").

Commission rules require registrants to have their vehicles inspected and to maintain documentation of those inspections. Section 7-03(e) of the Rules of the City of New York provides that:

A trade waste vehicle must not be operated unless such vehicle is in safe operating condition and has passed an inspection conducted by a qualified inspector demonstrating compliance with the terms of this section at least once during the preceding six months.

- (1) Each such inspection must be recorded on an inspection report form prescribed by the Commission. Such inspection report must identify any safety defects discovered during the inspection and cover at a minimum, the following parts and accessories: service and parking brakes, steering mechanism, tires, wheels and rims, side guards, coupling devices, mirrors, lighting devices and reflectors, horn, windshield wipers, and emergency equipment.

- (2) Following an inspection, such vehicle may not be operated unless a qualified inspector certifies on the inspection report that all necessary repairs have been made and that such vehicle has passed the inspection.
- (3) Copies of the most recent inspection report must be kept in the corresponding vehicle in accordance with the requirements of subdivision (e) of 17 RCNY § 7-06.

17 RCNY § 7-03(e) (Lexis 2025).

Section 7-06 of the Rules of the City of New York imposes recordkeeping requirements on registrants, including the duty to “maintain copies of all inspection and certification of repair forms required by 17 RCNY § 7-03(e) for at least five (5) years.” 17 RCNY § 7-06(e). “[C]opies of such forms (paper or electronic) must be available in the corresponding vehicles at all times for six (6) months.” *Id.*

In addition to the six-month inspection report, registrants’ trade waste vehicles must also carry a daily inspection report. Section 7-03(f) provides that:

A trade waste vehicle must not be operated unless the operator of such vehicle is satisfied such vehicle is in safe operating condition. A registrant must require the operator of such vehicle to inspect such vehicle following each day’s work and to prepare a daily inspection report that identifies such vehicle and any defect that would affect the safety of operation of the vehicle. Such daily inspection report must cover at a minimum, the following parts and accessories: service and parking brakes, steering mechanism, tires, wheels and rims, side guards, coupling devices, mirrors, lighting devices and reflectors, horn, windshield wipers, and emergency equipment. Copies of such daily inspection reports must be kept in the corresponding vehicle in accordance with the requirements of subdivision (f) of 17 RCNY § 7-06. The operator of such vehicle must review the most recent daily inspection report and determine whether required repairs have been made when evaluating the condition of such vehicle.

17 RCNY § 7-03(f).

At trial, petitioner relied upon documentary evidence, including an affidavit from the BIC investigator who issued the violation along with accompanying contemporaneous photographs and the narrative section of the notice of violation (Pet. Exs. 2, 3, 5). Petitioner did not call any witnesses. The evidence established that on March 25, 2024, at approximately 1:00 p.m., near the intersection of Washington Street and Spring Street, New York, NY, Investigator Edward Miranda observed a 2018 Mack rear-end loader dump truck with New York DMV license plate number 78904PC, BIC plate number R07370, and vehicle identification number 1M2AX04C8JM039705.

The truck was registered to respondent Queens County Carting Inc, a regulated company with the Commission. At the time of the observation, Miranda asked the vehicle's operator for the six-month vehicle inspection and certification form and the daily vehicle inspection reports that are required to be inside the vehicle as per Commission rules and regulations. The vehicle operator was unable to locate and present either document.

The undisputed evidence establishes that respondent violated Commission rules by failing to maintain copies in its registered vehicle of (1) a six-month inspection and certification form and (2) a daily vehicle inspection report. Accordingly, the violations are sustained. *Business Integrity Comm'n v. Aizaga Trucking LLC*, OATH Index No. 150/25 at 2-3 (July 23, 2025); *see also, e.g., Rapid Demolition Container Services, Inc. v. Maldonado*, 21 A.D.3d 812, 812 (1st Dep't 2005); *Business Integrity Comm'n v. Cortinas Construction Corp*, OATH Index No. 800/24 at 2 (Apr. 3, 2024).

FINDINGS AND CONCLUSIONS

1. Petitioner properly served respondent with the notice of violation and notice of conference and trial.
2. Petitioner established that respondent, a company licensed by BIC, failed to maintain two required reports in its vehicle in violation of 17 RCNY § 7-03(e) and (f).

RECOMMENDATION

Section 16-515(a) of the Administrative Code provides for a civil penalty of up to \$10,000 for each violation of the Commission's rules. *See also* 17 RCNY § 1-04(a). Petitioner seeks the maximum penalty of \$20,000 for these violations. This is appropriate. Respondent failed to appear at trial to offer any defense, and no mitigating circumstances are apparent on this record. Accordingly, I recommend that respondent pay a civil penalty of \$20,000.

Respondent may move to vacate this default as provided for in section 1-45 of this tribunal's rules of practice. 48 RCNY § 1-45 (Lexis 2025). A motion to vacate a default must show: (1) a reasonable excuse for respondent's failure to appear, and (2) a meritorious defense to the notice of violation. *See, e.g., Dep't of Health & Mental Hygiene v. Abouomar*, OATH Index No. 1157/17, mem. dec. at 3 (Apr. 14, 2017); *Business Integrity Comm'n v. MTLR Corp.*, OATH Index No. 1119/17 at 3 (Dec. 28, 2016), *adopted*, Comm'r Dec. (Jan. 6, 2017), *vacated on other*

grounds, Comm'n Dec. (Mar. 27, 2018). Such motion must be made "as promptly as possible" and must be addressed to the deciding authority: the Commissioner of the Business Integrity Commission, 100 Church Street, 20th Floor, New York, New York 10007. *See* 48 RCNY §§ 1-45, 1-52.

Charlotte E. Davidson
Administrative Law Judge

November 20, 2025

SUBMITTED TO:

ELIZABETH CROTTY
Commissioner and Chair

APPEARANCES:

DANTE ESSER, ESQ.
Attorney for Petitioner

No Appearance by or for Respondent