



The City of New York
BUSINESS INTEGRITY COMMISSION
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**DECISION OF THE BUSINESS INTEGRITY COMMISSION DENYING
THE REGISTRATION APPLICATION OF FITZCON CONSTRUCTION/REN CORP.
(BIC #486426) TO OPERATE AS A TRADE WASTE BUSINESS**

I. INTRODUCTION & BACKGROUND

A. Introduction

On January 29, 2015, Fitzcon Construction/Ren Corp. (“Fitzcon” or the “Applicant”) applied to the New York City Business Integrity Commission (the “Commission”) for an exemption from the Commission’s trade waste licensing requirements to operate a trade waste business “solely engaged in the removal of waste materials resulting from building demolition, construction, alteration or excavation” (the “Application”).¹ Local Law 42 of 1996 (“Local Law 42”) authorizes the Commission to review and make determinations on such exemption applications. See Title 16-A, New York City Administrative Code (“Administrative Code” or “Admin. Code”) § 16-505(a).

After a review of the application, if the Commission grants the exemption from the Commission’s trade waste licensing requirements, the applicant will be issued a registration. See *id.* at § 16-505(a)-(b). The Commission’s review of an exemption application focuses on a determination of whether the applicant possesses business integrity, *i.e.*, good character, honesty and integrity. See Admin. Code § 16-504(a) (empowering the Commission to issue and establish standards for issuance, suspension, and revocation of licenses and registrations); Admin. Code § 16-509(a) (authorizing the Commission to refuse to issue licenses to applicants lacking “good character, honesty and integrity”); Title 17, Rules of the City of New York (“RCNY”) § 1-09 (prohibiting numerous types of conduct reflecting lack of business integrity, including violations of law, knowing association with organized crime figures, false or misleading statements to the Commission, and deceptive trade practices).

On April 14, 2016, the Commission’s staff served the Applicant with a Notice to the Applicant of the Grounds to Deny the Registration Application of Fitzcon Construction/Ren Corp. (BIC #486426) to Operate as a Trade Waste Business (the “Recommendation”). On April

¹ “Trade waste” or “waste” is defined at Admin. Code § 16-501(f)(1) and includes “construction and demolition debris.”

27, 2016, the Commission received a written response from the Applicant (the "Response").² The Commission has completed its review of the Application, having carefully considered the Commission staff's Recommendation and the Applicant's Response. Based on the record as to the Applicant, the Commission denies the Application based on the following three independently sufficient reasons:

1. **The Applicant Failed to Provide Truthful and Non-Misleading Information in Connection with the Application;**
2. **Ronan Fitzpatrick is an Undisclosed Principal of the Applicant; and**
3. **The Applicant Knowingly Failed to Provide Information Required by the Commission.**

B. Background and Statutory Framework

Every commercial business establishment in New York City must contract with a private carting company to remove and dispose of the waste it generates, known as trade waste. Historically, the private carting industry in the City was operated as a cartel controlled by organized crime. As evidenced by numerous criminal prosecutions, the industry was plagued by pervasive racketeering, anticompetitive practices and other corruption. See, e.g., United States v. Int'l Brotherhood of Teamsters (Adelstein), 998 F.2d 120 (2d Cir. 1993); People v. Ass'n of Trade Waste Removers of Greater New York Inc., Indictment No. 5614/95 (Sup. Ct. N.Y. Cty.); United States v. Mario Gigante, No. 96 Cr. 466 (S.D.N.Y.); People v. Ass'n of Trade Waste Removers of Greater New York, 701 N.Y.S.2d 12 (1st Dep't 1999). The construction and demolition debris removal sector of the City's carting industry specifically has also been the subject of significant successful racketeering prosecutions. See United States v. Paccione, 949 F.2d 1183, 1186-88 (2d Cir. 1991), cert. denied, 505 U.S. 1220 (1992); United States v. Cafra, No. 94 Cr. 380 (S.D.N.Y.); United States v. Barbieri, No. 94 Cr. 518 (S.D.N.Y.).

The Commission is charged with, among other things, combating the influence of organized crime and preventing its return to the City's private carting industry, including the construction and demolition debris removal industry. Instrumental to this core mission is the licensing scheme set forth in Local Law 42, which created the Commission and granted it the power and duty to license and regulate the trade waste removal industry in New York City. Admin. Code § 16-505(a). This regulatory framework continues to be the primary means of ensuring that an industry once overrun by corruption remains free from organized crime and other criminality, and that commercial businesses that use private carters can be ensured of a fair, competitive market.

Pursuant to Local Law 42, a company "solely engaged in the removal of waste materials resulting from building demolition, construction, alteration or excavation," also known as construction and demolition debris, must apply to the Commission for an exemption from the licensing requirement. Id. If, upon review of an application, the Commission grants an

² The Response consists of an undated one page letter by the Applicant's principal, Abdoul R. Dashti. The Response was not notarized, as required by the Commission in the Recommendation.

exemption from the licensing requirement, it issues the applicant a Class 2 registration. Id. at § 16-505(a)-(b). Before issuing such registration, the Commission must evaluate the “good character, honesty and integrity of the applicant.” Id. at § 16-508(b); see also id. at § 16-504(a). An “applicant” for a license or registration means both the business entity and each principal thereof. Id. at § 16-501(a).

The Administrative Code provides an illustrative list of relevant factors for the Commission to consider in making its determination on an application for a license or registration:

1. failure by such applicant to provide truthful information in connection with the application;
2. a pending indictment or criminal action against such applicant for a crime which under this subdivision would provide a basis for the refusal of such license, or a pending civil or administrative action to which such applicant is a party and which directly relates to the fitness to conduct the business or perform the work for which the license is sought, in which cases the commission may defer consideration of an application until a decision has been reached by the court or administrative tribunal before which such action is pending;
3. conviction of such applicant for a crime which, considering the factors set forth in section seven hundred fifty-three of the correction law, would provide a basis under such law for the refusal of such license;
4. a finding of liability in a civil or administrative action that bears a direct relationship to the fitness of the applicant to conduct the business for which the license is sought;
5. commission of a racketeering activity or knowing association with a person who has been convicted of a racketeering activity, including but not limited to the offenses listed in subdivision one of section nineteen hundred sixty-one of the Racketeer Influenced and Corrupt Organizations 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, or the equivalent offense under the laws of any other jurisdiction;
6. association with any member or associate of an organized crime group as identified by a federal, state or city law enforcement or investigative agency when the applicant knew or should have known of the organized crime associations of such person;

7. having been a principal in a predecessor trade waste business as such term is defined in subdivision a of section 16-508 of this chapter where the commission would be authorized to deny a license to such predecessor business pursuant to this subdivision;

8. current membership in a trade association where such membership would be prohibited to a licensee pursuant to subdivision j of section 16-520 of this chapter unless the commission has determined, pursuant to such subdivision, that such association does not operate in a manner inconsistent with the purposes of this chapter;

9. the holding of a position in a trade association where membership or the holding of such position would be prohibited to a licensee pursuant to subdivision j of section 16-520 of this chapter;

10. failure to pay any tax, fine, penalty, or fee related to the applicant's business for which liability has been admitted by the person liable therefor, or for which judgment has been entered by a court or administrative tribunal of competent jurisdiction.

Id. at § 16-509(a)(i)-(x). See also id. at § 16-504(a).

The Commission also may refuse to issue a license or registration to any applicant who has “knowingly failed to provide information or documentation required by the Commission . . . or who has otherwise failed to demonstrate eligibility for a license.” Id. at § 16-509(b). See also Elite Demolition Contracting Corp. v. The City of New York, 125 A.D.3d 576 (1st Dep’t 2015); Breeze Carting Corp. v. The City of New York, 52 A.D.3d 424 (1st Dep’t 2008); Attonito v. Maldonado, 3 A.D.3d 415 (1st Dep’t) (Commission may deny an application for an exemption “where the applicant fails to provide the necessary information, or knowingly provides false information”); leave denied 2 N.Y.3d 705 (N.Y. 2004). See also Admin. Code § 16-509(a)(i) (failure to provide truthful information in connection with application as a consideration for denial). In addition, the Commission may refuse to issue a license or registration to an applicant that “has been determined to have committed any of the acts which would be a basis for the suspension or revocation of a license.” Id. at § 16-509(c). See also id. at § 16-504(a). Finally, the Commission may refuse to issue a license or registration to any applicant where the applicant or its principals have previously had their license or registration revoked. Id. at § 16-509(d); see also id. at § 16-504(a).

An applicant for a private carting license (including a registration for hauling construction and demolition debris) has no entitlement to and no property interest in a license or registration, and the Commission is vested with broad discretion to grant or deny a license or registration application. Sanitation & Recycling Indus., Inc., 107 F.3d 985, 995 (2d Cir. 1997); see also Daxor Corp. v. New York Dep’t of Health, 90 N.Y.2d 89, 98-100 (N.Y. 1997).

II. DISCUSSION

A. Statement of Facts

The Application

On or about January 29, 2015, the Applicant applied to the Commission for a trade waste removal registration. See Application. The Application disclosed Abdoul R. Dashti (“Dashti”) as the sole principal of the Applicant since January 2, 2013.³ See id. at p.13. As to how ownership was acquired, Dashti wrote “My own.” See id. The Applicant stated that there were no past principals or earlier owners of the Applicant. See id. at p.15. The Application also disclosed Dashti’s home address and the Applicant’s business address as located at 72-06 Caldwell Avenue, #2, Maspeth, New York, 11378. See id. at pp.1, 13. Dashti was disclosed on the Application as the Applicant’s only driver. See id. at p.18. The Application further stated that the Applicant had only one employee. See id. at p.4.

Along with the Application, the Applicant submitted its 2013 Corporation Tax Return (the “2013 Tax Return”), as required by the Commission. See 2013 Tax Return. The 2013 Tax Return indicated that on or about January 4, 2014, and again on September 12, 2014, Dashti signed the 2013 Tax Return as “President” of the Applicant. See id.

Thus, the Application stated that Dashti had started the Applicant business in early 2013, that there were no other current or previous principals, and that Dashti was the only employee of the Applicant. Despite these statements, the Applicant’s registration fee of \$3,500.00 was paid for with a check bearing the Applicant’s address, but signed by an individual named Ronan Fitzpatrick on December 19, 2014. See Application; check from Fitzcon, dated December 19, 2014.

Unregistered Activity

The Commission’s background investigation in connection with the Application revealed that the Applicant had been issued a trade waste violation for unregistered activity prior to submission of the Application. On or about August 25, 2014, the Applicant was cited for transporting trade waste in a truck that did not display the proper Commission-issued trade waste plates. See Notice of Violation for Unregistered Activity, TWC-210499. A check of Commission records indicated that the truck was registered to the Applicant, and that the Applicant was not licensed or registered by the Commission. See id. At the time of the violation, the Commission investigator questioned the vehicle’s operator, Sean Maloney (“Maloney”). Maloney stated that the Applicant had been contracted to haul construction and demolition debris from a location in Manhattan to the Cooper Tank transfer station in Brooklyn. See id. Maloney was not listed as a driver on the Application that was subsequently submitted to the Commission.

³ The Applicant’s New York State Certificate of Incorporation states that the incorporation was filed on January 2, 2013. See New York Department of State, Division of Corporations, Entity Information for Fitzcon Construction/Ren Corp.

After a hearing date for the violation was calendared, an individual named Ronan Fitzpatrick (“Fitzpatrick”) called the Commission on behalf of the Applicant in order to settle the violation. On or about October 20, 2014, Fitzpatrick signed a Stipulation of Settlement for TWC-210499, by which the Applicant admitted guilt and agreed to pay a penalty of \$500.00 by November 17, 2014. See Stipulation of Settlement, TWC-210499. On the Stipulation of Settlement, Fitzpatrick represented himself as “President” of the Applicant. See id. On or about October 28, 2014, the Applicant paid the penalty in full using a credit card registered to Fitzpatrick at the Applicant’s business address, 72-06 Caldwell Avenue, Maspeth, New York 11378.⁴ See transaction details for payment of TWC-210499. Despite the representations in the settlement of TWC-210499, the Application did not disclose Fitzpatrick to the Commission as either a past or present principal of the Applicant.

The Background Investigation

On or about March 30, 2015, the Commission’s staff spoke with Dashti on the telephone regarding the Application. Dashti claimed that the name of the Applicant’s business came from a friend, but he could not remember which friend. Dashti also claimed to not employ any drivers. However, with respect to Maloney, who had been the driver for the Applicant when it received the violation for unregistered activity, Dashti stated that Maloney was an officer of the company and the Operations Manager. The Commission’s staff requested that Dashti update the Application and properly disclose Maloney to the Commission. On or about April 8, 2015, Dashti appeared in person at the Commission without an appointment to inquire as to what additional information was needed on the Application. When the Commission’s staff reminded Dashti that he was asked to properly disclose Maloney, Dashti claimed not to know who Maloney was. Dashti was again asked to update the Application and disclose to the Commission all drivers, employees, principals, and past principals of the Applicant.

On or about April 22, 2015, the Commission’s staff received an email from the Applicant with an amended Schedule A – Principals of Applicant Business (the “Amended Schedule A”).⁵ See Amended Schedule A. The Amended Schedule A disclosed a new home address for Dashti: 108 Scudders Lane, Glenwood Landing, New York 11547. See id. It also provided a new date on which Dashti supposedly acquired ownership of Fitzcon: the Amended Schedule A stated that Dashti acquired ownership of the Applicant by “cash” on January 1, 2015, rather than by founding the company on January 2, 2013. Additionally, the Amended Schedule A disclosed an additional principal, Cornelius O’Sullivan (“O’Sullivan”).⁶ See id. The Amended Schedule A did not disclose either Fitzpatrick or Maloney. See id.

The day the Commission received the Amended Schedule A, the Commission’s staff spoke with Dashti in order to understand the inconsistencies between the disclosures made on the Application and the Amended Schedule A. Dashti claimed to have purchased the Applicant from “Mr. Fitzcon” around December 2014, but could not remember the amount he paid to

⁴ The unit number was not available on the transaction record.

⁵ The email was from a person named Dr. Bahman Soltanian.

⁶ O’Sullivan is listed on the Amended Schedule A as a “worker” with no ownership of the business. The home address listed for O’Sullivan was the Applicant’s office address.

purchase the business. Additionally, Dashti claimed that O'Sullivan was not a principal and only a driver for the Applicant.

Based on that conversation, the Commission's staff requested that the Applicant provide an amended Schedule B – Past Principals, in order to disclose the previous owner or owners of the Applicant. See email from Commission's Staff to the Applicant, dated April 22, 2015. The Commission's staff also requested a copy of any documents that would evidence the sale of the Applicant to Dashti. See id. Based on Dashti's statements to the Commission's staff that O'Sullivan was not a principal, but rather only a driver, Dashti was again asked to amend the Application to reflect O'Sullivan's role in the Applicant. See id.

On or about April 28, 2015, the Commission's staff left a message with the Applicant regarding the outstanding information and/or documentation requested by email on April 22, 2015.⁷ That same day, the Commission's staff spoke with O'Sullivan, who stated that he was the Vice President and owned 50% of the Applicant.⁸ According to O'Sullivan, Fitzpatrick was the President of the Applicant and Maloney a former employee. O'Sullivan stated that Fitzpatrick had established the company in December 2012, and had hired O'Sullivan in early 2013. O'Sullivan said that Fitzpatrick hired Dashti as a supervisor and office employee after being found through the Applicant's insurance broker. According to O'Sullivan, Dashti filled out the Application on his own and had not given the Application to O'Sullivan to review prior to submission. O'Sullivan claimed that the Applicant had 10 or 11 employees, but that only O'Sullivan and Dashti drive for the Applicant. Moreover, O'Sullivan claimed that he would soon become the sole owner of the Applicant, as Fitzpatrick was planning to move back to Europe in the near future.

Once again, on or about May 6, 2015, Dashti appeared in person at the Commission without an appointment to speak with the Commission's staff. Throughout this conversation, Dashti continually stated that he was the sole principal and owner of the Applicant. Dashti said that he purchased the Applicant from "Mr. Fitzcon" (and began working for the Applicant) in January 2015, but could not remember the purchase price.⁹ Despite the Commission's staff confronting Dashti with the Applicant's 2013 Tax Return, which was signed by him on both January 4, 2014 and September 12, 2014, Dashti maintained that he only began working with the Applicant in January 2015. Although Dashti confirmed that the signature on the 2013 Tax Return was his, Dashti had no explanation as to why it appeared on the return.

In order to clarify Dashti's statements, on May 6, 2015, the Commission's staff again spoke with O'Sullivan. During that conversation, O'Sullivan stated that he was hoping to purchase the Applicant from Fitzpatrick, but that a few days prior the sale had fallen through because the purchase price was too high. Moreover, O'Sullivan stated that he was not, in fact, a 50% owner of the Applicant, but had hoped to become a 50% owner. This was a direct

⁷ Documentation reflecting the sale of the Applicant to Dashti was never received by the Commission.

⁸ According to O'Sullivan, Fitzpatrick owned the other 50% of the Applicant and Dashti owned about 5% or 10% of the Applicant. Clearly, O'Sullivan had made a misstatement, as the purported total of his, Fitzpatrick and Dashti's ownership interests would therefore exceed 100%.

⁹ While the Amended Schedule A also reflects the purchase date as being January 1, 2015, several weeks earlier, Dashti claimed he purchased the Applicant around December 2014.

contradiction to O'Sullivan's statement to the Commission's staff on April 28, 2015, about his ownership interest in the Applicant. When asked about Dashti's employment with the Applicant, O'Sullivan stated that Dashti had worked for the Applicant for a few years.

Sworn Interview Requests

Due to the numerous inconsistencies and contradictions between the Application, the Applicant's Amended Schedule A, Dashti's statements, and O'Sullivan's statements, as well as the Applicant's violation for unregistered activity, the Commission's staff directed Dashti to appear at the Commission for a sworn interview on Thursday, September 10, 2015. See letter from Commission's Staff to the Applicant, dated August 19, 2015.

The day before the interview, at approximately 5:00 p.m., Dashti called the Commission and requested that the sworn interview be adjourned and rescheduled, despite providing the Commission's staff with no justification or good cause. See letter from Commission's staff to the Applicant, dated September 9, 2015. As a courtesy to the Applicant, the Commission's staff rescheduled the sworn interview to Thursday, September 17, 2015, at 10:00 a.m., and the Applicant was notified of the rescheduled date and time by email and letter. See id. The Applicant was notified that his "failure to appear for the sworn interview could be grounds for the denial of [its] registration application." See id. On September 17, 2015, the Applicant failed to appear at the Commission for the interview. See Transcript of Sworn Interview of Abdoul Dashti, September 17, 2015.

Subsequent to his failure to appear for the sworn interview, Dashti did not contact the Commission. After several months without any contact from Dashti or any other representative of the Applicant, the Applicant was given a third opportunity to appear for a sworn interview at the Commission. See letter from Commission's staff to Applicant, dated January 7, 2016. The Applicant was directed to appear for a sworn interview on Tuesday, January 19, 2016, at 10:00 a.m. See id. The Applicant was informed that January 19, 2016 would be the final opportunity given for him to appear for a sworn interview and that his failure to appear would be adequate grounds on which to deny the pending Application. See id. Once again, the Applicant failed to appear for the interview. See Transcript of Sworn Interview of Abdoul Dashti, January 19, 2016.

While waiting for the Applicant to appear, the Commission's staff called and spoke with Dashti. Id. at 3:15-3:22. Dashti explained to the Commission's staff that he would not be appearing for the sworn interview and that he had sent a letter "some months ago" that the Applicant would not be continuing to pursue the Application with the Commission. Id. The Commission had received no such letter from the Applicant or Dashti personally. Dashti told the Commission's staff that he would resend that letter. As of the date of this Denial, the Commission had not received a letter requesting the withdrawal of the Application.

The Response

In the Response, Dashti said that he has nothing to do with the Applicant. See Response. Dashti stated that he was planning to purchase the Applicant, but "something was not right" and therefore Dashti and the Applicant's owners went their separate ways. Id. Dashti said he never saw or spoke with these persons again. Id. According to Dashti, he has requested the

Commission remove his name from the Application six times. Id. The Commission has received no such requests from Dashti, except as set forth in the Response.

B. Basis for Denial

1. The Applicant Failed to Provide Truthful and Non-Misleading Information in Connection with the Application.

All applicants must provide truthful and non-misleading information to the Commission. The failure to do so is a ground for denial of the application. See Admin. Code §§ 16-509(a)(1) and 16-509(b); Attonito v. Maldonado, 3 A.D.3d 415 (1st Dept. 2004); leave denied 2 N.Y.3d 705 (2004); Breeze Carting Corp. v. The City of New York, 52 A.D.3d 424, 860 N.Y.S.2d 103 (1st Dept. 2008).

As set forth above, the Application, which was signed and notarized by Dashti, contained material statements that were contradicted by other information obtained by the Commission during its investigation of the Applicant. Such information included the number of principals, their ownership percentages, and the date on which a principal obtained ownership of the Applicant. For example, the Application disclosed Dashti as the sole principal. However, the Applicant's Stipulation of Settlement for unregistered activity was signed by Fitzpatrick, who stated he was the Applicant's President. Fitzpatrick also paid the Applicant's registration fee. Yet, Fitzpatrick was not listed on the Application as either a current or past principal.

Additionally, the Amended Schedule A stated that O'Sullivan was a principal of the Applicant. However, Dashti told the Commission's staff that O'Sullivan was merely a driver. But, O'Sullivan told the Commission's staff that he and Fitzpatrick were principals of the Applicant, and that Dashti was not a principal. Later, O'Sullivan stated that he was not actually a principal of the Applicant, but hoped to become an owner of the Applicant.

The Application also stated that Dashti had been the sole principal of the Applicant since January 2, 2013, the date of the company's inception. On the Amended Schedule A, the Applicant stated that Dashti had acquired the Applicant in "cash" on January 1, 2015 from "Mr. Fitzcon." Dashti could not say how much he purchased the Applicant for, but said he did not work for the Applicant before January 2015. Yet, Dashti had no explanation as to why the Applicant's 2013 Tax Return, which was submitted with the Application, listed him as "President" and was signed by him on January 4, 2014 and September 12, 2014. In the Applicant's Response, Dashti claimed that he never actually owned the Applicant.

Furthermore, the Application did not list Maloney as a driver for the Applicant. However, Maloney was driving the Applicant's vehicle when the Applicant received a violation for unregistered activity. On March 30, 2015, Dashti told the Commission's staff that Maloney was an officer and Operations Manager for the Applicant. Shortly thereafter, on April 8, 2015, Dashti told the Commission's staff that he did not know who Maloney was. And on April 28, 2015, O'Sullivan told the Commission's staff that Maloney was a former employee of the Applicant.

The record in this matter clearly demonstrates that the Applicant, through various principals, provided false and misleading information to the Commission in connection with the Application. The Applicant's Response does nothing to refute this finding. In fact, it contains additional false statements, *i.e.*, Dashti's statement that he never owned the Applicant business directly contradicts Dashti's own sworn statements on the Application and subsequent statements to the Commission's staff. Therefore, the Commission finds that the Applicant lacks the good character, honesty and integrity required to operate in the trade waste removal industry in New York City. Accordingly, the Commission denies the Application based on this independently sufficient ground. See Admin. Code §§ 16-509(a)(1) and 16-509(b).

2. Ronan Fitzpatrick is an Undisclosed Principal of the Applicant.

Local Law 42 sets forth a broad definition of a principal, which includes all "persons participating directly or indirectly in the control of such business entity." See Admin. Code. § 16-501(d). The failure of an applicant to disclose a principal is a ground for denial of the application. See Admin. Code §§ 16-509(a)(1) and 16-509(b).

As set forth above, Fitzpatrick is an undisclosed principal of the Applicant. Not only did Fitzpatrick disclose himself as President of the Applicant in settling a violation, he also signed the check for the Applicant's registration fee. Moreover, O'Sullivan told the Commission that Fitzpatrick was an owner of the Applicant. Despite Fitzpatrick's clear involvement in the Applicant, the Applicant failed to disclose Fitzpatrick as a principal on the Application and the Amended Schedule A filed with the Commission. The Applicant never attempted to amend its Application or inform the Commission of Fitzpatrick's role in the Applicant. Furthermore, Dashti remained adamant that he was the Applicant's sole principal until he was served with the Recommendation. Only then did Dashti self-servingly deny he was a principal and state that the Applicant had other owners. Accordingly, the Commission denies the Application based on this independently sufficient ground. See Admin. Code §§ 16-509(a)(1) and 16-509(b).

3. The Applicant Knowingly Failed to Provide Information Required by the Commission.

The Commission may refuse to issue a registration to an applicant who has knowingly failed to provide the information and/or documentation required by the Commission. See Admin. Code § 16-509(b). As demonstrated above, Dashti's refusal to comply with the Commission's repeated requests for a sworn interview is a violation of this section of the Administrative Code and should result in the denial of the Application.

On three separate occasions, the Commission's staff requested that Dashti appear for a sworn interview at the Commission in connection with the Application. The Commission's staff repeatedly warned Dashti that his failure to appear for the sworn interview would constitute sufficient grounds for denial of the Application. Notwithstanding these warnings and the fact that the Commission's staff repeatedly rescheduled the interview to afford Dashti an opportunity to comply with the interview request, Dashti never appeared for the sworn interview.

Although the Response does not refute that Dashti failed to appear for sworn interviews, Dashti claims he repeatedly requested to have his name removed from the Application. His

claim is without merit. There is no evidence that Dashti ever sought to withdraw the Application or provide the Commission with documentation that he was no longer a principal or employee of the Applicant. Moreover, Dashti's statements to the Commission have demonstrated a pattern of untruthfulness that makes his arguments wholly unpersuasive. Accordingly, the Commission denies the Application based on this independently sufficient ground. See Admin. Code § 16-509(b).

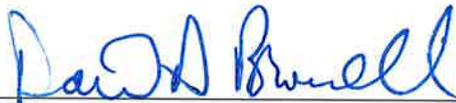
III. CONCLUSION

The Commission is vested with broad discretion to refuse to issue a license or registration to any applicant that it determines is lacking in good character, honesty and integrity. The record as detailed above demonstrates that the Applicant lacks those qualities. Accordingly, based on the three independently sufficient grounds set forth herein, the Commission denies the Applicant's registration application.

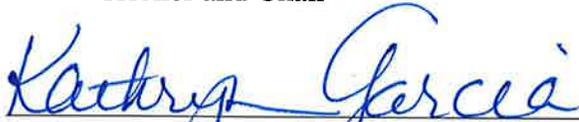
This denial decision is effective immediately. Fitzcon Construction/Ren Corp. may not operate as a trade waste business in the City of New York.

Dated: June 22, 2016

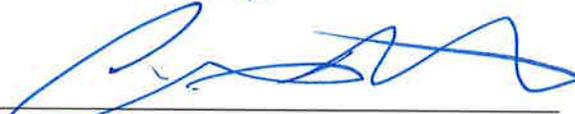
THE NEW YORK CITY
BUSINESS INTEGRITY COMMISSION



Daniel D. Brownell
Commissioner and Chair



Kathryn Garcia, Commissioner
Department of Sanitation



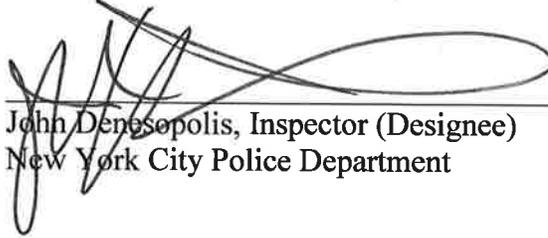
Chantal Senatus, Deputy General Counsel
(Designee)
Department of Investigation



Sandra Abeles, Assistant Commissioner
(Designee)
Department of Consumer Affairs



Andrew Schwartz, Deputy Commissioner
(Designee)
Department of Small Business Services



John Demesopolis, Inspector (Designee)
New York City Police Department