

NEW YORK CITY BUSINESS INTEGRITY COMMISSION

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The New York City Business Integrity Commission (the “Commission” or “BIC”) is proposing to amend Title 17 of the Rules of the City of New York (“RCNY”) to amend the seafood distribution market rules and penalty schedule for violations relating to photo identification card compliance and other generally prohibited acts, to match the current rules and penalty schedule in place for non-seafood market businesses. The Commission will vote on the final rule before it is promulgated.

When and where is the hearing? BIC will hold a public hearing on the proposed rule. The public hearing will take place from 10:30 am to 11:30 am on Wednesday, October 2, 2019. The hearing will be on the 20th Fl. at 100 Church Street, New York, New York, 10007. This location has the following accessibility option(s) available: Wheelchair Accessible.

How do I comment on the proposed rules? Anyone can comment on the proposed rules by:

- **Website.** You can submit comments to BIC through the NYC rules Web site at <http://rules.cityofnewyork.us>.
- **Email.** You can email written comments to sarrona@bic.nyc.gov.
- **Mail.** You can mail written comments to BIC, 100 Church Street, 20th Floor, New York, NY 10007.
- **Fax.** You can fax written comments to BIC at (646) 500-7113.
- **By speaking at the hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by calling (212) 437-0523. You can also sign up in the hearing room before the hearing begins on July 24, 2018. You can speak for up to three minutes.

Is there a deadline to submit written comments? Yes, you must submit written comments by October 2, 2019.

What if I need assistance to participate in the hearing? You must contact the Commission if you need a reasonable accommodation of a disability at the hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at 100 Church Street, 20th Floor, New York, NY 10007. You may also tell us by telephone at (212) 437-0523 or e-mail at sarrona@bic.nyc.gov. Advance notice is requested to allow sufficient time to arrange the accommodation. Please tell us by Friday, September 27, 2019.

This location has the following accessibility option(s) available: Wheelchair Accessible.

Can I review the comments made on the proposed rules? You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us>. A few days

after the hearing, a transcript of the hearing and copies of the written comments will be available to the public at BIC's offices.

What authorizes BIC to make this rule? Sections 1043(a) and 2101(b) of the City Charter authorize BIC to make these proposed rules. This proposed rule was included in BIC's regulatory agenda for this Fiscal Year.

Where can I find BIC's rules? BIC's rules are in Title 17 of the Rules of the City of New York.

What laws govern the rulemaking process? BIC must meet the requirements of section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of section 1043 of the City Charter.

Statement of Basis and Purpose of Proposed Rule

Currently, BIC's rules authorize BIC to issue penalties to businesses located in public wholesale markets regulated by the Commission that are not located in a seafood distribution area for employing an individual without an approved photo identification card. But, there currently is no corresponding rule for businesses located in a seafood distribution area. Instead, BIC is restricted to penalizing individual employees for failure to obtain an approved photo identification card. The proposed rule would authorize BIC to issue penalties to the businesses in the seafood distribution areas for employing an individual without an approved photo identification card, rather than solely relying on penalizing the individual employee. The proposed rule would also significantly lower the penalties associated with the rule for all affected businesses. In addition, it adds several new penalties to the penalty schedule, which are all already prohibited by BIC's rules in 17 RCNY 12-18, but lacked specific penalties.

This change will allow BIC to penalize companies in a seafood distribution area that continually fail to inform their employees that they must submit a photo identification card application to the Commission upon attempting to work for a Commission-registered business. It will also reduce the total amount of the issued penalty from a maximum of \$10,000 to a maximum of \$1,000, thereby lessening the impact of issuance on business operations while still penalizing failure to comply with the law.

The proposed amendments would accomplish the following:

- Update the language for rules applying to public wholesale and market businesses relating to employing individuals without an approved photo identification card;
- Add a rule to the Seafood Distribution Areas section and the penalty schedule to ensure public wholesale and market businesses can be penalized for employing individuals without an approved photo identification card;
- Reduce the penalties for the rules relating to businesses employing individuals without an approved photo identification card.
- Add penalties for acts already prohibited by BIC's rules in 17 RCNY 12-18.

New material is underlined; deleted text is in [] brackets.

Section 1. Section 11-19 of Title 17 of the Rules of the City of New York is amended to read as follows:

§ 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 17 RCNY § 11-15;

(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] does not possess 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 17 RCNY § 11-09;

(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.

Section 2. Section 11-22 of Title 17 of the Rules of the City of New York is amended to read as follows:

§ 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.

(c) All penalties are in dollar amounts. Repeat penalties apply to violations of the same subdivision penalty schedule description. Second, third, fourth, fifth and subsequent (“subs.”) violations are defined as a violation by the same respondent on a date within five years of the date of occurrence of the previous violation.

(d) An asterisk (*) in the penalty schedule denotes availability of a mail-in penalty. Mail-in penalties are only available for a first offense. Where a mail-in penalty exists in this penalty schedule for the cited violation, a respondent may admit to the violation charged and pay the penalty by mail in the manner and time directed by the summons. Payment in full is deemed an admission of liability and no further hearing or appeal will be allowed. Where a respondent is permitted to admit and pay by mail but fails to do so prior to the original hearing date written on the violation, the respondent will have the option of paying the mail-in penalty, plus a late admit fee of \$30.00, within 30 days of the mailing date of the default order issued against respondent.

(e) The table below sets forth the penalties imposed in connection with summonses issued by the Commission in public wholesale markets. Particular violations are classified as indicated in the following table:

Code/Rule Section	Description	Mail-In Penalty	1st Offense Penalty After Hearing	Repeat Penalty	Default Penalty
17 RCNY § 11-06(a)	Failure to obtain identification card	None	\$350	2nd \$750 3rd \$1,500 Subs. \$3,000	\$10,000
17 RCNY § 11-06(c)*	Failure to produce ID card upon demand	\$250	\$500	2nd \$500 3rd \$1,000 4th \$2,500 5th \$5,000 Subs. \$10,000	\$10,000
17 RCNY § 11-09(a)*	Improper transfer of registration number	\$3,000	\$5,000	Subs. \$10,000	\$10,000
17 RCNY § 11-09(b)*	Failure to affix and prominently display registration certificate	\$500	\$1,000	2nd \$1,500 3rd \$2,500 4th \$5,000 Subs. \$10,000	\$10,000
17 RCNY § 11-09(c)*	Failure to maintain books, records, etc.	\$1,500	\$2,500	2nd \$3,000 3rd \$5,000 Subs. \$10,000	\$10,000
17 RCNY § 11-09(c)*	Failure to retain books, records, etc., and make available for inspection	\$500	\$750	2nd \$1,000 3rd \$2,500 4th \$5,000 Subs. \$10,000	\$10,000
17 RCNY § 11-15(a)*	Failure to notify Commission of material changes of info submitted in application	\$1,500	\$2,500	2nd \$5,000 Subs. \$10,000	\$10,000

17 RCNY § 11-16(c) *	Unauthorized sublease of registration number, premises, and/or business	\$3,000	\$5,000	Subs. \$10,000	\$10,000
17 RCNY § 11-19(a)(1) *	Interference with lawful duties of Market Manager or his/her staff	None	\$10,000	Subs. \$10,000	\$10,000
17 RCNY § 11-19(a)(1) *	Interference with/obstruction of orderly function of Market	\$3,000	\$5,000	Subs. \$10,000	\$10,000
17 RCNY § 11-19(a)(2) *	Interference with/obstruction of any operation, etc., of registrant	\$750	\$1,000	2nd \$2,500 3rd \$5,000 Subs. \$10,000	\$10,000
17 RCNY § 11-19(a)(3) *	Improper disposal of litter, rubbish, or refuse	\$250	\$350	2nd \$500 3rd \$1,000 Subs. \$10,000	\$10,000
17 RCNY § 11-19(a)(4) *	Public urination and/or defecation	\$350	\$500	2nd \$1,500 3rd \$3,500 Subs. \$10,000	\$10,000
17 RCNY § 11-19(a)(5) *	Improper damage, removal, or destruction of property	\$500	\$1,000	2nd \$2,500 3rd \$5,000 Subs. \$10,000	\$10,000
17 RCNY § 11-19(a)(6) *	Engagement/instigation of fight or other disturbance	\$1,000	\$1,500	2nd \$3,500 3rd \$7,000 Subs. \$10,000	\$10,000
17 RCNY § 11-19(a)(7) *	Commission of any act injurious to any person, animal or property	\$1,000	\$1,500	2nd \$3,500 3rd \$7,000 Subs. \$10,000	\$10,000
17 RCNY § 11-19(a)(8) *	Possession of dangerous instruments and/or explosives	\$1,000	\$1,500	2nd \$3,500 3rd \$7,000 Subs. \$10,000	\$10,000

17 RCNY § 11-19(a)(9) *	Gambling	\$250	\$350	2nd \$1,500 3rd \$3,000 4th \$5,000 Subs. \$10,000	\$10,000
17 RCNY § 11-19(a)(10) *	Misrepresentation of merchandise offered for sale	\$500	\$1,000	2nd \$2,500 3rd \$5,000 Subs. \$10,000	\$10,000
17 RCNY § 11-19(a)(11) *	Sale of prohibited items	\$750	\$1,500	2nd [%]\$2,500 3rd [%]\$5,000 Subs. [%]\$10,000	\$10,000
17 RCNY § 11-19(a)(12) *	Discharge into tidal water, sewage, or drainage that may result in the pollution of water	\$250	\$500	2nd \$1,000 3rd \$2,500 4th \$5,000 Subs. \$10,000	\$10,000
17 RCNY § 11-19(a)(13) *	Causing damage to or clogging of drains or sewers	\$250	\$500	2nd \$1,000 3rd \$2,500 4th \$5,000 Subs. \$10,000	\$10,000
17 RCNY § 11-19(a)(14) *	Disobeyance of lawful order of employee of Commission or City	\$750	\$1,500	2nd \$2,500 3rd \$5,000 Subs. \$10,000	\$10,000
17 RCNY § 11-19(a)(14) *	Violation any lawful notice of Commission or other City agency	\$750	\$1,500	2nd \$2,500 3rd \$5,000 Subs. \$10,000	\$10,000
17 RCNY § 11-19(b)(3) *	Conducting of business using unregistered name	\$3,000	\$5,000	Subs. \$10,000	\$10,000
17 RCNY § 11-19(b)(4) *	Violation of any applicable Federal, State, or City law or regulation	\$1,000	\$1,500	2nd \$2,500 3rd \$5,000 Subs. \$10,000	\$10,000

17 RCNY § 11-19(b)(8) *	Threat or attempt to intimidate any customer	\$1,500	\$3,000	2nd \$5,000 3rd \$7,500 Subs. \$10,000	\$10,000
17 RCNY § 11-19(b)(11) *	Employment of individuals without approved ID cards	[\$3,000] <u>None</u>	[\$5,000] <u>500</u>	<u>2nd \$750</u> Subs. \$[10,000] <u>1,000</u>	\$10,000
17 RCNY § 11-19(b)(12) *	Use of unregistered/uninsured vehicle	\$500	\$750	2nd \$1,000 3rd \$2,500 4th \$5,000 Subs. \$10,000	\$10,000
17 RCNY § 11-19(b)(13) *	Engagement in an unfair labor practice	\$1,000	\$1,500	2nd \$2,500 3rd \$5,000 Subs. \$10,000	\$10,000
17 RCNY § 11-19(b)(15) *	Violation or failure to comply with any order or directive of the Commission	\$375	\$500	2nd \$750 3rd \$1,000 Subs. \$10,000	\$10,000
17 RCNY § 11-25(a) *	Failure to obey and/or comply with traffic directions	\$250	\$500	2nd \$1,000 3rd \$2,500 4th \$5,000 Subs. \$10,000	\$10,000
17 RCNY § 11-25(b) *	Obstruction of traffic	\$250	\$500	2nd \$750 3rd \$1,000 4th \$2,500 5th \$5,000 Subs. \$10,000	\$10,000
17 RCNY § 11-25(c) *	Failure to remove disabled vehicle	\$250	\$500	2nd \$750 3rd \$1,000 4th \$2,500 5th \$5,000 Subs. \$10,000	\$10,000
17 RCNY § 11-25(e) *	Failure to comply with traffic laws	\$500	\$1,000	2nd \$2,500 3rd \$5,000	\$10,000

				Subs. \$10,000	
Admin. Code § 22- 252(a)	Failure to obtain identification card	None	\$500	2nd \$1,500 3rd \$2,500 Subs. \$5,000	\$5,000
Admin. Code § 22- 253(a)	Failure to register wholesale and/or market businesses	None	\$1,000	2nd \$2,500 Subs. \$5,000	\$5,000
Admin. Code § 22- 262	Failure to surrender and/or cease using registration certificate and/or number	None	\$5,000	Subs. \$5,000	\$5,000
Admin. Code § 22- 262	Failure to surrender and/or cease using identification card	None	\$1,500	2nd \$2,500 Subs. \$5,000	\$5,000

§ 3. Section 12-18 of Title 17 of the Rules of the City of New York is amended to read as follows:

§ 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 17 RCNY § [12-17](#);

(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[.]; or
- (13) in the case of a wholesale, market or other business, continue to employ a person who is required to have but does not possess a valid photo identification card in accordance with the provisions of this subchapter, or whose photo identification card has been revoked or suspended.

(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.

§ 4. Section 12-27 of Title 17 of the Rules of the City of New York is amended to read as follows:

§ 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.
- (c) All penalties are in dollar amounts. Repeat penalties apply to violations of the same subdivision penalty schedule description. Second, third, fourth, fifth and subsequent (“subs.”)

violations are defined as a violation by the same respondent with a date of occurrence within five years of the date of occurrence of the previous violation.

(d) An asterisk (*) below denotes availability of a mail-in penalty. Mail-in penalties are only available for a first offense. Where a mail-in penalty exists in this penalty schedule for the cited violation, a respondent may admit to the violation charged and pay the penalty by mail in the manner and time directed by the summons. Payment in full is deemed an admission of liability and no further hearing or appeal will be allowed. Where respondent is permitted to admit and pay by mail but fails to do so before the original hearing date written on the violation, the respondent will have the option of paying the mail in penalty, plus a late admit fee of \$30.00, within 30 days of the mailing date of the default order issued against respondent.

(e) The table below sets forth the penalties imposed in connection with Summonses returnable. Particular violations shall be classified as indicated in the following table:

Code/Rule Section	Description	1st Offense Penalty	Repeat Penalty	Default Penalty
17 RCNY § 12-04(a)	Failed to obtain identification card	\$350	2nd \$750 3rd \$1,500 Subs. \$3,000	\$10,000
17 RCNY § 12-04(f)	Failed to display identification card	\$250	2nd \$500 3rd \$750 Subs. \$1,000	\$10,000
17 RCNY § 12-06(a)	Operated an unloading business without a license	\$2,500	2nd \$5,000 Subs. \$7,500	\$10,000
17 RCNY § 12-06(b)	Operated a loading business without a license	\$2,500	2nd \$5,000 Subs. \$7,500	\$10,000
17 RCNY § 12-10(a)	Failed to maintain required insurance (Licensee)	\$500	2nd \$750 3rd \$1,000 Subs. \$3,000	\$10,000
17 RCNY § 12-10(b)	Unauthorized transfer of license	\$1,500	2nd \$3,000 Subs. \$5,000	\$10,000
17 RCNY § 12-11	Failed to comply with conditions in unloading license	\$500	2nd \$750 3rd \$1,000 Subs. \$2,500	\$10,000
17 RCNY § 12-11(a)(3) / (b)(1)	Unloaded outside approved, designated and/or assigned areas	\$100	2nd \$250 3rd \$500 Subs. \$1,000	\$10,000

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

17 RCNY § 12-12	Failed to comply with loading license conditions (Loader)	\$500	2nd \$1,000 3rd \$1,500 Subs. \$3,000	\$10,000
17 RCNY § 12-12(a)(1)	Failed to post copies of rates (Loader)	\$250	2nd \$500 3rd \$750 Subs. \$1,000	\$10,000
17 RCNY § 12-12(a)(2)	Charged rates in excess of those specified in loading license (Loader)	\$500	2nd \$1,000 3rd \$1,500 Subs. \$3,000	\$10,000
17 RCNY § 12-12(b)(1)	Unauthorized use of a loading area (Loader)	\$250	2nd \$500 3rd \$750 Subs. \$1,000	\$10,000
17 RCNY § 12-12(b)(2)	Loaded outside designated hours (Loader)	\$250	2nd \$500 3rd \$750 Subs. \$1,000	\$10,000
17 RCNY § 12-12(c)(3)	Charged fees not specified in license (Loader)	\$500	2nd \$750 3rd \$1,000 Subs. \$3,000	\$10,000
17 RCNY § 12-12(c)(3)	Solicited or accepted unauthorized gratuities (Loader)	\$500	2nd \$750 3rd \$1,000 Subs. \$3,000	\$10,000
17 RCNY § 12-12(c)(5)	Refused to perform loading services when space is available (Loader)	\$250	2nd \$500 3rd \$750 Subs. \$1,000	\$10,000
17 RCNY § 12-12(c)(6)	Forced another to use or prevented another from using loading services (Loader)	\$500	2nd \$750 3rd \$1,000 Subs. \$3,000	\$10,000
17 RCNY § 12-12(c)(6)	Solicited, threatened, and/or agreed to refuse loading services (Loader)	\$500	2nd \$750 3rd \$1,000 Subs. \$3,000	\$10,000
17 RCNY § 12-12(c)(7)	Moved or interfered with any vehicle (Loader)	\$250	2nd \$500 3rd \$1,000 Subs. \$3,000	\$10,000
17 RCNY § 12-12(c)(9)(xi)	Violated or failed to comply with any order or directive of the Commission (Loader)	\$500	2nd \$750 Subs \$1,000	\$10,000

17 RCNY § 12-13(a)/(b)	Operated wholesale seafood or seafood delivery business without registration from Commission	\$2,500	2nd \$5,000 Subs. \$7,500	\$10,000
17 RCNY § 12-15(b)(2)	Failed to affix and prominently display name and/or registration number (Wholesaler)	\$250	2nd \$500 3rd \$750 Subs. \$1,000	\$10,000
17 RCNY § 12-15(c)(1)	Failed to keep and/or make available records, bills, etc. (Wholesaler)	\$500	2nd \$750 3rd \$1,000 Subs. \$3,000	\$10,000
17 RCNY § 12-15(d)	Failed to submit proof of worker's compensation coverage (Wholesaler)	\$500	2nd \$750 3rd \$1,000 Subs. \$3,000	\$10,000
17 RCNY § 12-15(g)	Failed to procure/maintain payment bond (Wholesaler)	\$500	2nd \$750 3rd \$1,000 Subs. \$3,000	\$10,000
17 RCNY § 12-16(a)	Operated a seafood delivery operation in non-designated area (Deliverer)	\$250	2nd \$500 3rd \$750 Subs. \$1,000	\$10,000
17 RCNY § 12-16(b)(1)	Failed to possess a valid driver's license as required by Vehicle and Traffic Law (Deliverer)	\$250	2nd \$500 3rd \$750 Subs. \$1,000	\$10,000
17 RCNY § 12-16(b)(2)	Operated vehicle without a valid registration, inspection sticker and/or insurance card (Deliverer)	\$250	2nd \$500 3rd \$750 Subs. \$1,000	\$10,000
17 RCNY § 12-16(b)(2)	Failed to display sticker on vehicle (Deliverer)	\$250	2nd \$500 3rd \$750 Subs. \$1,000	\$10,000
17 RCNY § 12-16(e)/(f)	Failed to maintain required liability insurance (Wholesaler/Deliverer)	\$500	2nd \$750 3rd \$1,000 Subs. \$3,000	\$10,000
17 RCNY § 12-16(c)	Offered seafood for resale to public without wholesale registration (Deliverer)	\$1,500	2nd \$2,500 Subs. \$5,000	\$10,000
17 RCNY § 12-16(c)	Offered seafood for resale to public without wholesale registration (Deliverer)	\$1,500	2nd \$2,500 Subs. \$5,000	\$10,000

17 RCNY § 12-17(a)	Failed to comply with order of market manager regarding safety/order/health in market area	\$1,500	2nd \$2,500 Subs. \$5,000	\$10,000
17 RCNY § 12-18(a)(1)	Committed an act prohibited in the seafood distribution area	\$1,000	2nd \$2,500 Subs. \$5,000	\$10,000
17 RCNY § 12-18(a)(2)	<u>Interfered, or attempted to interfere with, or otherwise obstructed any operations or property of any other person with the market</u>	<u>\$1,000</u>	<u>2nd \$2,500</u> <u>3rd \$5,000</u> Subs. <u>\$10,000</u>	<u>\$10,000</u>
17 RCNY § 12-18(a)(3)	<u>Took into or discharged into or on any market any rubbish, litter, or refuse</u>	<u>\$350</u>	<u>2nd \$500</u> <u>3rd \$1,000</u> Subs. <u>\$10,000</u>	<u>\$10,000</u>
17 RCNY § 12-18(a)(4)	<u>Urinated or defecated in any market, or in or upon any market building or structure</u>	<u>\$500</u>	<u>2nd \$1,500</u> <u>3rd \$3,500</u> Subs. <u>\$10,000</u>	<u>\$10,000</u>
17 RCNY § 12-18(a)(6)	<u>Violated any other order of the market manager issued in accordance with Chapter 1-A of Title 22 of the Code or Title 17 of RCNY not covered by 12-17</u>	<u>\$1,500</u>	<u>2nd \$2,500</u> Subs. \$5,000	<u>\$10,000</u>
17 RCNY § 12-18(a)(7)	<u>Violated any applicable federal, state or local law or regulation regarding the handling of seafood</u>	<u>\$500</u>	<u>2nd \$1,500</u> <u>3rd \$3,500</u> Subs. <u>\$10,000</u>	<u>\$10,000</u>
17 RCNY § 12-18(a)(8)	<u>Made a misrepresentation of any kind with respect to merchandise offered for sale or take any unfair advantage of a purchaser or any attempt to take such unfair advantage</u>	<u>\$1,000</u>	<u>2nd \$2,500</u> <u>3rd \$5,000</u> Subs. <u>\$10,000</u>	<u>\$10,000</u>
17 RCNY § 12-18(a)(9)	<u>Sold in any market any merchandise that the Commission has prohibited to be sold</u>	<u>\$1,500</u>	<u>2nd \$2,500</u> <u>3rd \$5,000</u> Subs. <u>\$10,000</u>	<u>\$10,000</u>
17 RCNY § 12-18(a)(10)	<u>Discharged into or leave in tidal water, sewage or drainage that may result in the pollution of water</u>	<u>\$500</u>	<u>2nd \$1,000</u> <u>3rd \$2,500</u> <u>4th \$5,000</u> Subs. <u>\$10,000</u>	<u>\$10,000</u>

17 RCNY § 12-18(a)(11)	<u>Performed any act that may tend to damage or clog drains or sewers</u>	<u>\$500</u>	<u>2nd \$1,000</u> <u>3rd \$2,500</u> <u>4th \$5,000</u> <u>Subs.</u> <u>\$10,000</u>	<u>\$10,000</u>
17 RCNY § 12-18(a)(12)	<u>Provided false or misleading information to the Commission</u>	<u>\$1,500</u>	<u>2nd \$2,500</u> <u>Subs. \$5,000</u>	<u>\$10,000</u>
17 RCNY § 12-18(a)(13)	<u>Employment of individuals without approved ID cards</u>	<u>\$500</u>	<u>2nd \$750</u> <u>Subs. \$1,000</u>	<u>\$10,000</u>
17 RCNY § 12-19	Committed an act prohibited to wholesalers and seafood deliverers in the seafood distribution area	\$1,500	2nd \$3,000 Subs. \$7,500	\$10,000
17 RCNY § 12-19(a)	Solicited unloader to unload out of order (Wholesaler)	\$250	2nd \$500 3rd \$750 Subs. \$1,000	\$10,000
17 RCNY § 12-19(c)	Authorized another to use business name (Wholesaler)	\$1,500	2nd \$3,000 Subs. \$5,000	\$10,000
17 RCNY § 12-19(c)	Unauthorized transfer of registration number (Wholesaler)	\$1,000	2nd \$2,500 Subs. \$5,000	\$10,000
17 RCNY § 12-19(d)	Authorized another to use registration number (Wholesaler)	\$1,500	2nd \$3,000 Subs. \$5,000	\$10,000
17 RCNY § 12-19(e)	Subleased or allowed use of premises by unregistered person (Wholesaler)	\$1,500	2nd \$3,000 Subs. \$5,000	\$10,000
17 RCNY § 12-19(e)	Allowed another to place seafood in stand space (Wholesaler)	\$1,000	2nd \$2,500 Subs. \$5,000	\$10,000
17 RCNY § 12-19(f)	Conducted business under unregistered name (Wholesaler)	\$1,500	2nd \$3,000 Subs. \$5,000	\$10,000
17 RCNY § 12-19(g)	Discard of seafood in violation of applicable federal, state, and city regulations (Wholesaler)	\$1,500	2nd \$3,000 Subs. \$5,000	\$10,000
17 RCNY § 12-19(o)	Violation or failure to comply with any order or directive of the Commission (Wholesaler/Deliverer)	\$500	2nd \$750 Subs \$1,000	\$10,000
17 RCNY § 12-21(a)	Failure to notify Commission of changes in registration information (Wholesaler/Deliverer)	\$500	2nd \$1,000 3rd \$2,500 Subs. \$5,000	\$10,000

17 RCNY § 12-21 (a)/(b)	Failure to notify Commission of material change in license information (Licensee)	\$1,000	2nd \$1,500 3rd \$2,500 Subs. \$5,000	\$10,000
17 RCNY § 12-21 (c)	Failure by licensee to provide notice of addition of principal	\$1,000	2nd \$2,000 3rd \$3,000 Subs. \$5,000	\$10,000
17 RCNY § 12-21 (c)	Failure to notify Commission of proposed addition of principal	\$1,000	2nd \$1,500 3rd \$2,500 Subs. \$5,000	\$10,000
17 RCNY § 12-23 (c)	Failure to surrender license upon suspension or revocation	\$2,500	Subs. \$5,000	\$10,000
17 RCNY § 12-23 (c)	Failure to surrender identification card upon suspension/revocation of registration (Wholesaler/Deliverer)	\$1,000	2nd \$2,500 Subs. \$5,000	\$10,000
17 RCNY § 12-23 (d)	Failure to surrender photo identification card	\$1,000	2nd \$2,500 3rd \$5,000	\$10,000
17 RCNY § 12-30 (a)	Failure to obey and comply with any traffic direction of any police officer or employee of the Commission	\$250	2nd \$500 3rd \$750 Subs. \$1,000	\$10,000
17 RCNY § 12-30 (b)	Obstruction of traffic within the market and/or stopping of a vehicle or other conveyance in a non-designated place	\$250	2nd \$500 3rd \$750 Subs. \$1,000	\$10,000
17 RCNY § 12-30 (c)	Failure to remove disabled vehicle	\$250	2nd \$500 3rd \$750 Subs. \$1,000	\$10,000
Admin. Code § 22-252(a)	Failure to obtain identification card (for 11 to 30 days)	\$2,500	Subs. \$5,000	\$5,000
Admin. Code § 22-253(a)	Failure to register wholesale and/or market businesses (single day)	\$1,000	2nd \$2,500 Subs. \$5,000	\$5,000
Admin. Code § 22-253(a)	Failure to register wholesale and/or market businesses 2 to 10 days	\$2,500	Subs. \$5,000	\$5,000
Admin. Code § 22-253(a)	Failure to register wholesale and/or market businesses for 11 to 30 days	\$3,500	Subs. \$5,000	\$5,000
Admin. Code § 22-262	Failure to surrender and/or cease to use registration, certification and/or number (single day)	\$2,500	Subs. \$5,000	\$5,000

Admin. Code § 22-262	Failure to surrender and/or cease to use registration, certification and/or number for 2 to 10 days	\$3,500	Subs. \$5,000	\$5,000
Admin. Code § 22-262	Failure to surrender and/or cease to use registration, certification and/or number for 11 and 30 days	\$5,000	Subs. \$5,000	\$5,000
Admin. Code § 22-262	Failure to surrender and/or cease to use identification card (single day)	\$1,000	2nd \$2,500 Subs. \$5,000	\$5,000
Admin. Code § 22-262	Failure to surrender and/or cease to use identification card for 2 to 10 days	\$2,500	Subs. \$5,000	\$5,000
Admin. Code § 22-262	Failure to surrender and/or cease to use identification card for 11 to 30 days	\$3,500	Subs. \$5,000	\$5,000

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS
253 BROADWAY, 10th FLOOR
NEW YORK, NY 10007
212-788-1400**

**CERTIFICATION / ANALYSIS
PURSUANT TO CHARTER SECTION 1043(d)**

RULE TITLE: Amendment of seafood distribution market rules and penalty schedule for violations relating to photo identification card compliance.

REFERENCE NUMBER: BIC-13

RULEMAKING AGENCY: Business Integrity Commission

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) A cure period is not applicable to these rules.

/s/ Renee Jeanty
Mayor's Office of Operations

8/19/19
Date

**NEW YORK CITY LAW DEPARTMENT
DIVISION OF LEGAL COUNSEL
100 CHURCH STREET
NEW YORK, NY 10007
212-356-4028**

**CERTIFICATION PURSUANT TO
CHARTER §1043(d)**

RULE TITLE: Penalty Schedule for Violation of BIC Rules

REFERENCE NUMBER: 2019 RG 023

RULEMAKING AGENCY: Business Integrity Commission

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN
Acting Corporation Counsel

Date: August 20, 2019