



The City of New York
BUSINESS INTEGRITY COMMISSION
100 Church Street · 20th Floor
New York · New York 10007

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In the Matter of the Application for a :
Registration to Operate as a Trade Waste :
Broker of :
: :
: :
SOIL SAFE, INC. :
: :
: :
BIC Registration Application No. 493980 :
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REGISTRATION ORDER

WHEREAS, pursuant to Title 16-A, Chapter 1, Section 16-505(b) of the Administrative Code of the City of New York, and subject to the proviso contained in section 14(i) of Local Law 42 of 1996, no person may operate as a trade waste broker in the City of New York without having first obtained a registration therefor from the New York City Trade Waste Commission, subsequently renamed the New York City Business Integrity Commission (the “Commission”); and

WHEREAS, on or about August 16, 2017, Soil Safe, Inc. (#493980) (the “Applicant”) filed with the Commission an application for a registration as a trade waste broker (the “Application”); and

WHEREAS, the Commission has reviewed the Application and conducted such investigation of and concerning the Applicant as the Commission deemed appropriate; and

WHEREAS, the Applicant has made a number of representations in connection with the Application upon which it expects the Commission to rely, and upon which the Commission has in fact relied; and

WHEREAS, the Commission has concluded that it would be an appropriate exercise of its discretion under Local Law 42 of 1996 to grant to the Applicant a registration as a business brokering trade waste services, subject to further order of the Commission and to the conditions set forth below and all other conditions applicable pursuant to or as a matter of law; and

WHEREAS, the Applicant has knowingly and intentionally consented to the issuance of a registration that is subject to further order of the Commission and to the conditions set forth below and all other conditions applicable pursuant to or as a matter of law; now, therefore, it is hereby

ORDERED that, effective December 1, 2017 (the "Effective Date"), the Applicant may perform trade waste brokering in the City of New York for a period of two years from the Effective Date, subject to further order of the Commission and to the following conditions and to all other conditions applicable pursuant to or as a matter of law:

1. The Applicant (which term, for the purposes of the conditions set forth in or otherwise applicable to this Order, shall include all of the principals, employees, and corporate or other affiliates of the Applicant) shall comply in all respects with Local Law 42 of 1996 and the rules promulgated by the Commission pursuant thereto.
2. The Applicant shall not knowingly associate with any member or associate of organized crime or any racketeer in any manner, whether the association is related to the trade waste removal industry or not related to the trade waste removal industry.
3. The Applicant shall not violate any law of the United States of America or the State of New York, including, but not limited to, the antitrust laws or other laws concerning unreasonable restraints of trade.

4. No transfer station or recycling center in the City of New York that is owned, operated, or controlled by, or is in any way affiliated with, the Applicant shall engage in price discrimination with respect to any carting company that is not owned, operated, or controlled by, or affiliated with, the Applicant. Every such transfer station or recycling center shall make available, at market prices and on terms and conditions that are reasonable for a transaction of this nature, at least 25% of its daily permitted capacity – in each trade waste category and in each borough of the City of New York – for use by non-publicly traded, non-affiliated carting companies. In the event of a dispute between the Commission and the Applicant regarding this provision, the Commission’s determination shall be binding and not subject to judicial review.

5. The Applicant shall timely file all tax returns and timely pay all taxes due and owing in any jurisdiction.

6. In addition to any other obligation to supplement its Application materials, the Applicant shall timely notify the Commission of any material changes in the information set forth in its Application or other submitted materials. The Applicant shall amend its Application form to disclose pertinent administrative violations.

7. The Applicant shall not employ or otherwise retain the services of any person who also is employed by the City of New York without the prior written approval of the Commission.

8. The Applicant shall not employ or otherwise retain the services of, or do business with, any person or entity at any time after the Commission has issued a finding that said person or entity lacks good character, honesty, or integrity, or the Commission has issued a finding that said person was a principal of an entity that lacks good character, honesty,

or integrity, and has informed the Applicant of that finding. Upon receipt of notice of such a finding, the Applicant shall not dispute the finding at any time or in any proceeding. The Applicant shall not employ, retain the services of, or do business with any person or entity (or entity employing or retaining the services of such person) who has consented or agreed not to be involved in the trade waste industry.

9. Where the Commission has prescribed a form for use by licensees or Applicants (such as a form contract, a form invoice, or a waste-stream survey form), the Applicant shall at all times use only that form or a variant of that form that has been approved by the Commission in advance of the Applicant's use of the variant. The Applicant shall at all times use any such forms only in a manner consistent with the purposes of Local Law 42 of 1996 and in accordance with any accompanying instructions.

10. The issuance of this registration shall in no way prejudice or prevent the Commission from charging the Applicant with any prior, but as yet uncharged, violations of the rules and regulations of the Commission or the Department of Consumer Affairs.

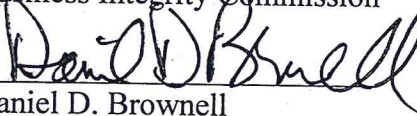
11. The Applicant shall at all times cooperate fully with the Commission, including providing requested information on a timely basis.

12. The Applicant shall disclose to the Commission any violation of any law known to the Applicant and relating to the trade waste removal business in New York City.

13. The Applicant shall at all times provide truthful information to the Commission and shall be completely truthful and forthright in all of its dealings and communications with the Commission, and it is further

ORDERED, that nothing in this order shall be construed to limit the Commission's authority under Local Law 42 of 1996, including, but not limited to, the Commission's authority to revoke licenses or registrations.

Dated: Nov 16, 2017

City of New York
Business Integrity Commission
By: 
Daniel D. Brownell
Commissioner and Chair

The Applicant consents to the conditions set forth above and agrees that violation of any one of these conditions constitutes sufficient grounds for revocation of its registration.

Agreed and Accepted:
Soil Safe, Inc.

BY: 
SIGNATURE

MARK SMITH
PRINT NAME

ITS: PRESIDENT & CEO
TITLE

DATE: 11/28/17