

WESTCHESTER COUNTY SOLID WASTE COMMISSION
COUNTY OF WESTCHESTER, STATE OF NEW YORK

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WESTCHESTER COUNTY SOLID WASTE COMMISSION,

Violation No. 63/2023

Complainant,

-against-

DECISION

QUEEN TRANSPORTATION CORP.,

Respondent.

Present:

H.O. Steven T. Sledzik, Esq.

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By Notice of Hearing, dated June 15, 2023, a formal hearing in the above matter was originally scheduled for July 11, 2023, at which time Respondent requested an adjournment, which was granted, but after which it failed to appear or finalize a settlement agreement its then-counsel made. The matter was further adjourned to February 27, 2023, at which time Respondent again failed to appear, and a hearing was held. In the Notice of Hearing, the Respondent was alleged to have violated Section 301(1) of Chapter 826(a) of the Westchester County Solid Waste & Recyclables Collection Licensing Law by using a vehicle to haul solid waste without a license from the Westchester County Solid Waste Commission (hereinafter, the "Commission") on one occasion, to be assessed \$2,500 in fines. On February 27, 2024, present for the Commission was Wanda Steinmann, Esq., its Deputy Director. Respondent failed to appear.

FINDINGS:

The facts are undisputed. Commission Program Coordinator George Cedeno and Commission Secretary Ashley Albano offered the following sworn testimony based upon their personal knowledge and their review of Commission records. Exhibits were labeled and marked and accepted into evidence as offered. The proceedings and testimony were recorded by digital means.

On May 12, 2023, while conducting routine inspections at the Queen City transfer station in Mount Vernon, Commission Inspector Brianna Rivera observed and photographed a red tractor trailer with Respondent's information on it as it removed/backhauled a load of pallets, sheetrock and furniture. (SWC Exs 1, 4, 5, and 6) Program Coordinator Cedeno, who reviewed and supervised Inspector Rivera's inspection report, testified based on his review of the Commission file of Rivera's Investigation. Respondent's trucks did not display Commission decals. Commission records confirmed that Respondent is not licensed by the Commission and does not have a pending application with the Commission. Westchester County Department of Consumer Protection records do not identify Respondent as a licensed Home Improvement Contractor ("HIC") here nor would such work be covered under said HIC license. New York Department of Motor Vehicles records reviewed

confirmed that this truck was owned by and registered to Respondent.

Commission Secretary Ashley Albano offered further testimony that on June 12, 2023, she sent a copy of the Notice of Hearing (“NOH”) (SWC Ex 1) by certified mail USPS to Respondent at the address the Commission obtained for it. (SWC Ex 2) Mr. Yebel Campos, who identified himself as Respondent’s Owner, contacted Ms. Albano after receiving the Notice of Hearing and requested an adjournment. Prior to the next hearing date, Attorney Joseph Horn, from New Jersey, contacted Ms. Albano and discussed adjournments and the matter. Ms. Albano, after consulting with the Commission’s Executive Director Peri Kadanoff, Esq., and Attorney Horn on behalf of Respondent reached a settlement in principle of a guilty plea to a civil or an administrative violation, payment of a penalty of a \$1,500 fine, and the signing of a Plea Sheet memorializing the settlement. Ms. Albano sent Horn the formal Plea Sheet memorializing the agreement and contacted Horn two weeks later. Horn informed Albano that his client could not pay the agreed upon penalty and no longer needed to be represented by him. After this conversation, Albano contacted Campos as the email address that he provided her for Respondent and left messages for him on Respondent’s phone number, but he never responded. On February 2, 2024, Albano sent by certified mail USPS and emailed him a final adjournment letter indicating a hearing would be held on February 27, 2024. (SWC Ex 3) She followed up with a final email with information related to attendance at the February 27, 2024 hearing.

On the day of the hearing, the Commission staff called for Respondent in its waiting room, and no-one answered nor had there been any further contact from Respondent.

RECOMMENDATIONS:

After considering the sworn testimony of Program Coordinator Ceden and Ms. Albano and the documents submitted by the Commission, I find there is substantial evidence of Respondent’s guilt of this civil or administrative violation of Section 826-a.301(1) and I recommend a \$2,500 fine. Despite repeated notice and opportunity to be heard, Respondent neither appeared to challenge the facts, or to offer any mitigating circumstances as to its unlawful conduct. Based upon the testimony and exhibits, I believe that this is a just and fair penalty.

Dated: White Plains, New York
February 29, 2023



Hearing Officer