

## **APPENDIX A DEFINITIONS**

"Applicant" shall mean, if a business entity submitting an application for registration, the entity and all the principals thereof; if an individual submitting an application for a photo identification card, such individual.

"Beneficial interest" shall mean profit, benefit or advantage resulting from a business regardless of whether the person who enjoys such profit, benefit or advantage holds formal ownership or title in the business.

"Business entity" shall mean a sole proprietorship, partnership, corporation, or other entity established under law and authorized to conduct business within the state of New York.

"Commission" shall mean the New York City Business Integrity Commission.

"Loader" shall mean an individual who performs loading services.

"Loading business" shall mean any business entity that, for a payment, provides loading services.

"Loading services" shall mean services performed by a loader and provided by a loading business for a purchaser of seafood, including parking such purchaser's vehicle, moving such vehicle when necessary for traffic control, loading seafood onto such vehicle, and ensuring the security of such vehicle and the seafood loaded thereon; provided, however, that the term shall not mean the loading of seafood onto the vehicle of a purchaser when such loading is performed by an employee of a wholesaler by delivering seafood from such wholesaler to the vehicle of the purchaser thereof or by an employee of such purchaser.

"License" shall mean an unloading business license or a loading business license issued by the Commission authorizing the conduct of such business in the market area.

"Market business" shall mean any business located or operating within a market that is engaged in providing goods or services to wholesalers or retail purchasers in such market that are related to the conduct of a wholesale business or the purchase of food or related agricultural products or horticultural products by retailers or others, or that receives such goods within a market for delivery, forwarding, transfer or further distribution outside such market. "Market business" shall include, but not be limited to, the provision of security services within a market, the provision of services related to the collection of fees for entrance into a market and parking, the supply of ice, and the unloading, loading, transfer or distribution of food or related agricultural products or horticultural products. The term "market business" shall not include a business located or operating within a market the main offices of which are located outside a market and which (i) supplies the food or related agricultural products or products sold by wholesalers or is engaged in the trucking or shipping thereof to the market or (ii) supplies electrical, plumbing,

construction, renovation or other similar services to wholesalers in the market and does not earn fifty percent or more of its income from such wholesalers. Notwithstanding any other provision of this chapter to the contrary, the term "market business" shall also mean any business located and operating within the fulton fish market distribution area or other seafood distribution area as defined in section 22-202 of chapter I-A of title 22 that is directly engaged in providing goods or services to wholesalers in such area or areas, which goods or services are related to the conduct of a wholesale business or the purchase of seafood products by retailers or others therein or that receives goods for delivery, forwarding, transfer or further distribution outside the fulton fish market distribution area or other seafood distribution area.

"Principal" shall mean, of a sole proprietorship, the proprietor; of a corporation, every officer, director and stockholder holding ten percent or more of the outstanding shares of the corporation; of a partnership, all the partners; if another type of business entity, the chief operating officer or chief executive officer, irrespective of organizational title, and all persons or entities having an ownership interest often percent or more; and with respect to all business entities, all other persons participating directly or indirectly in the control of such business entity. Where a partner or stockholder holding ten percent or more of the outstanding shares of a corporation is itself a partnership or a corporation, a principal shall also include the partners of such partnership or the officers, directors and stockholders holding ten percent or more of the outstanding shares of such corporation, as is appropriate. For the purposes of this chapter (1) an individual shall be considered to hold stock in a corporation where such stock is owned directly or indirectly by or for (i) such individual; (ii) the spouse or domestic partner of such individual (other than a spouse who is legally separated from such individual pursuant to a judicial decree or an agreement cognizable under the laws of the state in which such individual is domiciled); (iii) the children, grandchildren and parents of such individual; (iv) a partnership in which such individual is a partner in proportion to the partnership interest of such individual; and (v) a corporation in which any of such individual, spouse, domestic partner, children, grandchildren or parents of such individual in the aggregate own fifty percent or more in value of the stock of such corporation; (2) a partnership shall be considered to hold stock in a corporation where such stock is owned, directly or indirectly, by or for a partner in such partnership; and (3) a corporation shall be considered to hold stock in a corporation that is an applicant as defined in this section where such corporation holds fifty percent or more in value of the stock of a third corporation that holds stock in the applicant corporation.

Notwithstanding any provision of the above paragraph, in the case of an applicant which is a regional subsidiary of or otherwise owned, managed by or affiliated with a business that has national or international operations, "principal" shall also include any person not employed by the applicant who has direct management supervisory responsibility for the operations or performance of the applicant; and the chief executive officer, chief operating officer and chief financial officer or any person exercising comparable responsibilities and functions, of any regional subsidiary or similar entity of such business.

“Seafood” shall mean fish, seafood or consumables derived therefrom.

"Seafood delivery business" or "seafood deliverer" shall mean any business entity, that, for payment, delivers seafood from wholesalers in the market area by truck or other vehicle to retail establishments or other wholesalers.

"Unloader" shall mean an individual who performs unloading services.

"Unloading business" shall mean any business entity that, for a payment, provides unloading services.

"Unloading services" shall mean the unloading of seafood from a truck or other vehicle in which such seafood has been transported from suppliers and the delivery thereof to wholesalers or the transfer thereof to other trucks or vehicles for transport to other locations.

"Wholesaler" or "wholesale seafood business" shall mean any business entity which sells or offers for sale seafood for resale to the public, whether or not such business entity also sells or offers for sale seafood directly to the public; except that "wholesaler" shall not include any such entity that is primarily engaged in the sale of seafood that has been processed and packaged by another business for sale to consumers in such packaged form.