State of California California Environmental Protection Agency

MEMORANDUM

To: Caroll Mortensen, Director **Date:** July 19, 2013

From: Elliot W. Block

Elliot Block, Chief Counsel
DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (CalRecycle)

Subject: **FINAL FINDING OF UNRELIABILITY REGARDING PACIFIC PLAYGROUND & LANDSCAPE**

Summary

On June 17, 2013, CalRecycle Deputy Director Howard Levenson made a proposed finding of unreliability regarding Pacific Playground & Landscape. This finding was supported by evidence and a staff recommendation. Pacific Playground & Landscape was provided notice of the proposed finding and did not appeal the finding within the 30 calendar days provided by regulation. On July 18, 2013, by action of law, the proposed finding of unreliability became a final finding of unreliability and Pacific Playground & Landscape was added to CalRecycle's Unreliable Contractor, Subcontrator, Grantee or Borrower List.

Factual Background

In late 2011, Placer Hills Union School District (PHUSD) applied for a CalRecycle Tire-Derived Product (TDP) Grant (part of the TDP11 cycle for Fiscal Year 2011/12). PHUSD had been encouraged to apply by Rob Stonelake, the General Manager of Pacific Playground & Landscape (PP&L). Because PP&L advised PHUSD's superintendent that they had experience with CalRecycle TDP Grants, PHUSD staff deferred to PP&L throughout the grant application process.

On May 2, 2012, CalRecycle conditionally approved an award of $44,400 to PHUSD. On the advice of PP&L, PHUSD incurred costs and issued a $26,400 deposit check (to PP&L) before the execution of the grant agreement and before receiving CalRecycle's Notice to Proceed. Upon realizing that these costs were not reimbursable under the grant award, PHUSD requested a refund of the deposit. PP&L never issued a refund to PHUSD and never provided any products to PHUSD.

PHUSD withdrew from the grant program on November 29, 2012, citing PP&L's misrepresentation as the basis for their withdrawal. PHUSD is planning legal action against PP&L to recover the deposit amount.

Regulatory Authority

California Code of Regulations (CCR), title 14, sections 17050 - 17062 govern CalRecycle's Unreliable Contractor, Subcontractor, Grantee or Borrower List ("Unreliable List"). Particularly, section 17050 describes the grounds for a finding that a contractor or subcontractor is unreliable and should be placed on the Unreliable List The relevant basis for a finding in this case is described in subsection (f): "Breach of the terms and conditions of a previous [CalRecycle] contract, any subcontract for a [CalRecycle]

agreement, grant, or loan, resulting in termination of the [CalRecycle] contract, subcontract, grant or loan by [CalRecycle] or prime contractor; …"[1]

CCR, title 14, section 17054 provides the procedures for making a proposed finding of unreliability, mitigating factors that must be considered by the Deputy Director[2] before making such a finding, and notice requirements for informing the person or entity of the finding. Section 17056 causes the proposed finding of unreliability to become final if no appeal is requested within 30 days of the notice being sent, which places the person or entity on the Unreliable List.

CCR, title 14, sections 17051, 17052, and 17053 prevent an entity on the Unreliable List from being awarded a CalRecycle contract, grant, or loan, or being awarded a subcontract under a CalRecycle contract, grant, or loan for up to three years, though section 17058 allows the entity to seek reconsideration of their placement on the list after 18 months.

Finding of Unreliability

Upon recommendation of staff, Deputy Director Howard Levenson made a proposed finding of unreliability regarding PP&L on June 17, 2013.[3] The finding was made after examination of the evidence and consideration of the required mitigating factors. Notification of the finding was sent via certified mail the same day.[4] Five copies of the notice were sent: two to different business addresses associated with PP&L; one to a Post Office Box rented by PP&L; one to the home address of PP&L's owner, Fred Bigler; and one to the home address of PP&L's general manager, Rob Stonelake. Fred Bigler and Rob Stonelake both received the notices sent to their homes on June 19, 2013; the other three notices were returned undelivered to CalRecycle.

PP&L did not request an appeal hearing within the 30 days of the mailing of the notices. By action of law, the proposed finding of unreliability became final on July 18, 2013.[5] **Pacific Playground & Landscape has been added to CalRecycle's Unreliable Contractor, Subcontractor, Grantee or Borrower List as of July 18, 2013.** PP&L is barred from being awarded a CalRecycle contract, grant, or loan, or being awarded a subcontract under a CalRecycle contract, grant, or loan. This debarment is in effect for three years, until July 18, 2016, though PP&L can seek reconsideration of their placement on the Unreliable List any time on or after January 18, 2015.[6]

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[1] Obsolete references to the California Integrated Waste Management Board (CIWMB) have been updated to reference CalRecycle.
[2] The Deputy Director acted in the place of CIWMB's Executive Director.
[3] See attached RFA "Proposed Finding of Unreliability regarding Pacific Playground & Landscape" signed and dated June 17, 2013.
[4] See attached letter addressed to Fred Bigler of Pacific Playground & Landscape.
[5] 14 CCR 17056(a).
[6] 14 CCR 17058.

REQUEST FOR APPROVAL

To: **Howard Levenson**
Deputy Director, Materials Management and Local Assistance Division

From: **Shirley Willd-Wagner**
Branch Chief, Financial Resources Management Branch

Reviewed By: **Ron Darbee**
Staff Counsel

Request Date: June 17, 2013

Decision Subject: Proposed Finding of Unreliability regarding Pacific Playground & Landscape

Action By: June 24, 2013

Summary of Request: Staff requests consideration of a proposed finding of unreliability regarding Pacific Playground & Landscape (PP&L). PP&L breached an agreement with Placer Hills Union School District (PHUSD), a CalRecycle grantee, which resulted in the termination of the grant. A breach of contract by a subcontractor resulting in the termination of a CalRecycle grant is grounds for a finding that the subcontractor is unreliable and should be placed on CalRecycle's Unreliable Contractor, Subcontractor, Grantee or Borrower List ("Unreliable List"). Placement on the Unreliable List would bar PP&L from contracting in connection with CalRecycle contracts, grants, and loans for three years. If the proposed finding of unreliability is made, PP&L will have the opportunity to appeal the finding in a hearing before the Director.

Recommendation: Staff recommends that a proposed finding of unreliability be made regarding Pacific Playground & Landscape.

Deputy Director Action: On the basis of the information and justification in this Request for Approval and the recommendation set out herein, I hereby make a proposed finding of unreliability regarding Pacific Playground & Landscape.

Dated: 6/17/13

Howard Levenson

Howard Levenson
Deputy Director

Background and Findings:

Regulatory Authority

California Code of Regulations (CCR), title 14, section 17050 describes the grounds for a finding that a contractor or subcontractor is unreliable and should be placed on the Unreliable List. The relevant basis for a finding in this case is described in subsection (f): "Breach of the terms and conditions of a previous [CalRecycle] contract, any subcontract for a [CalRecycle] agreement, grant, or loan, resulting in termination of the [CalRecycle] contract, subcontract, grant or loan by [CalRecycle] or prime contractor; …"[1]

CCR, title 14, section 17054(b) lists mitigating factors that must be considered by the Deputy Director[2] before choosing to make a finding of unreliability. The factors are:

(1) Whether the violation, breach, or unlawful act was serious or material;
(2) The presence or absence of any intention to conceal, deceive, or mislead;
(3) Whether the violation, breach, or unlawful act was deliberate, negligent, or inadvertent;
(4) Whether the violation, breach, or unlawful act was an isolated occurrence, had happened previously, or is part of a pattern and practice;
(5) Whether the person or entity cooperated with local, state or federal authorities or took remedial action to correct, address, or prevent future violation, breach, or unlawful act.
(6) The degree to which restitution, or other compensation, has been paid.

CCR, title 14, sections 17051, 17052, and 17053 prevent an entity on the Unreliable List from being awarded a CalRecycle contract, grant, or loan, or being awarded a subcontract under a CalRecycle contract, grant, or loan for up to three years.

Factual Background

In late 2011, PHUSD applied for a CalRecycle Tire-Derived Product (TDP) Grant (part of the TDP11 cycle for Fiscal Year 2011/12). According to PHUSD Superintendent Fred Adam, PHUSD had been encouraged to apply by Rob Stonelake, the General Manager of PP&L. Because PP&L advised Adam that they had experience with CalRecycle TDP Grants, PHUSD staff deferred to PP&L throughout the grant application process.

On May 2, 2012, CalRecycle Deputy Directors Howard Levenson and Mark De Bie signed a Request for Approval (RFA) conditionally approving funding for an award of $44,400 to PHUSD. Public notice (by posting on CalRecycle's website) was made on May 3, 2012. This conditional approval did not authorize PHUSD to spend the funds or incur costs under the grant; a grant agreement must be signed and executed and a Notice to Proceed must be received by the grantee before any costs are incurred under the grant.

On May 7, 2012, PP&L notified PHUSD that they had been awarded the grant and that they could begin their project (though the grant agreement was not yet signed or executed and no Notice to Proceed had been issued). On May 8, 2012, PHUSD issued a $26,400 deposit to PP&L. On May 24, 2012, Norma Salinas, a PHUSD employee, received CalRecycle's award notification and became concerned that the deposit was not compliant with the grant terms. She contacted Rob Stonelake and was initially told that PHUSD would be reimbursed. The grant agreement was ultimately executed on May 31, 2012.

[1] Obsolete references to the California Integrated Waste Management Board (CIWMB) have been updated to reference CalRecycle.

[2] The Deputy Director will act in the place of CIWMB's Executive Director.

After repeated attempts by PHUSD to contact PP&L regarding the deposit, PHUSD received a letter from PP&L's lawyer informing them that the deposit would not be returned. To date, PP&L has not returned the $26,400 deposit to PHUSD and PHUSD is planning legal action against PP&L. On November 29, 2012, PHUSD withdrew from the TDP Grant Program citing PP&L's misrepresentation as the basis for their withdrawal. (PHUSD's withdrawal letter is attached as Attachment 1.)

Unreliability Justification

PP&L has breached their agreement with PHUSD by recommending that PHUSD incur grant costs prior to the Notice to Proceed and by failing to refund the $26,400 deposit to PHUSD. This breach resulted in the termination of the CalRecycle grant agreement by PHUSD. The breach of the agreement resulting in the termination of the grant is grounds for a proposed finding of unreliability based on 14 CCR section 17050(f).

This breach was material in that it cost PHUSD, a very small school district, $26,400 of district money, as well as denying them the benefit of receiving $44,400 in grant money. PP&L has taken no remedial action and given PHUSD no restitution or other compensation to make up for the loss. After taking responsibility for PHUSD's grant process, PP&L was negligent, if not reckless, in advising PP&L to incur grant costs on May 7, 2012. Consideration of the mitigating factors in 14 CCR section 17054(b) does not suggest that PP&L is reliable.

Staff recommends that the Deputy Director make a proposed finding of unreliability regarding Pacific Playground & Landscape.

Attachments:

Attachment 1 – November 29, 2012 Letter from Fred Adam, PHUSD

Placer Hills Union School District

Fred H. Adam
Superintendent

16801 Placer Hills Road
Meadow Vista, CA 95722
(530) 878-2606
FAX (530) 878-2663

November 29, 2012

Cal Recycle
Tire-Derived Product Grant Program
Attn: Donnell Duclo, MS 9A
1001 I Street, P.O. Box 4025
Sacramento, CA 95812-4025

Regarding: Grant Number FY2011/12-TDP11-11-75

Dear Ms. Duclo:

The Placer Hills Union School District is withdrawing from the Tire-Derived Product Grant due to a misrepresentation by Pacific Playground & Landscape Inc., a Cal Recyle Tire-Derived Product Supplier. As a result of this misrepresentation, Placer Hills Union School District is in the process of taking legal action to recover a $26,400 deposit paid to Pacific Playground & Landscape, Inc. We therefore have no other choice but to withdraw from the grant at this time.

Sincerely,

Fred H. Adam

Fred H. Adam
Superintendent

CalRecycle

DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

1001 I STREET, SACRAMENTO, CALIFORNIA 95814 • WWW.CALRECYCLE.CA.GOV • (916) 322-4027

P.O. BOX 4025, SACRAMENTO, CALIFORNIA 95812

June 17, 2013

Fred Bigler
Pacific Playground & Landscape
2930 Geer Road
Turlock, California 95381

SUBJECT: Proposed Finding of Unreliability regarding Pacific Playground & Landscape

Dear Mr. Bigler:

This letter informs you that the Department of Resources Recycling and Recovery (CalRecycle) has made a proposed finding of unreliability regarding Pacific Playground & Landscape. Absent an appeal, this finding will become final on July 18, 2013, and Pacific Playground & Landscape will be added to CalRecycle's Unreliable Contractor, Subcontractor, Grantee or Borrower List ("Unreliable List"). Placement on the Unreliable List will bar Pacific Playground & Landscape from being awarded a CalRecycle contract, grant, or loan and will prevent Pacific Playground & Landscape from entering into any subcontract to provide goods or services where the main agreement is part of or funded by a CalRecycle contract, grant, or loan. Pacific Playground & Landscape will remain on the Unreliable List for up to three years from the date of placement on the list.

If you wish to appeal the proposed finding of unreliability, you may submit a written request for an appeal hearing before the Director of CalRecycle. To be considered, the written request must be submitted to Howard Levenson, Deputy Director, Materials Management and Local Assistance Division and must be received by CalRecycle within 30 calendar days of the date of this notification. For the appeal to be considered, the request shall state the grounds on which appeal is requested, including the factual and legal argument and supporting authorities.

Enclosed are:

- "Article 5. Unreliable Contractors, Subcontractors, Borrowers and Grantees" – This document contains sections 17050-17062 of Title 14 of the California Code of Regulations.
- "Request for Approval" executed by Howard Levenson – This document authorizes the proposed finding of unreliability and describes the factual and legal basis for that finding.

Sincerely,

Howard Levenson

Howard Levenson
Deputy Director, Materials Management and Local Assistance Division
Department of Resources Recycling and Recovery (CalRecycle)

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Article 5. Unreliable Contractors, Subcontractors, Borrowers and Grantees

Section 17050. Grounds for Placement on Unreliable List.
The following are grounds for a finding that a contractor, any subcontractor that provides services for a board agreement, grantee or borrower is unreliable and should be placed on the board's Unreliable Contractor, Subcontractor, Grantee or Borrower List ("Unreliable List"). The presence of one of these grounds shall not automatically result in placement on the Unreliable List. A finding must be made by the Executive Director in accordance with section 17054, and there must be a final decision on any appeal that may be filed in accordance with section 17055 et seq.

(a) Disallowance of any and/or all claim(s) to the board due to fraudulent claims or reporting; or

(b) The filing of a civil action by the Attorney General for a violation of the False Claims Act, Government Code section 12650 et. seq; or

(c) Default on a board loan, as evidenced by written notice from board staff provided to the borrower of the default; or

(d) Foreclosure upon real property loan collateral or repossession of personal property loan collateral by the board; or

(e) Filing voluntary or involuntary bankruptcy, where there is a finding based on substantial evidence, that the bankruptcy interfered with the board contract, subcontract, grant or loan; or

(f) Breach of the terms and conditions of a previous board contract, any subcontract for a board agreement, grant, or loan, resulting in termination of the board contract, subcontract, grant or loan by the board or prime contractor; or

(g) Placement on the board's chronic violator inventory established pursuant to Public Resources Code section 44104 for any owner or operator of a solid waste facility; or

(h) The person, or any partner, member, officer, director, responsible managing officer, or responsible managing employee of an entity has been convicted by a court of competent jurisdiction of any charge of fraud, bribery, collusion, conspiracy, or any act in violation of any state or federal antitrust law in connection with the bidding upon, award of, or performance under any board contract, subcontract, grant or loan; or

(i) The person or entity is on the list of unreliable persons or entities, or similar list, of any other federal or California state agency; or

(j) The person or entity has violated an Order issued in accordance with section 18304; or,

(k) The person or entity has directed or transported to, has or accepted waste tires at, a site where the operator is required to have but does not have a waste tire facility permit; or,

(l) The person or entity has transported waste tires without a waste tire hauler registration; or,

(m) The person or entity has had a solid waste facility or waste tire permit or a waste tire hauler registration denied, suspended or revoked; or,

(n) The person or entity has abandoned a site or taken a similar action which resulted in corrective action or the expenditure of funds by the Board to remediate, clean, or abate a nuisance at the site; or

(o) The following are additional grounds for a finding that, a person or entity described below should be placed on the Unreliable List:

(1) The person or entity owned 20% or more of an entity on the Unreliable List at the time of the activity that resulted in its placement on the Unreliable List;

(2) The person held the position of officer director, manager, partner, trustee, or any other management position with significant control (Principal Manager) in an entity on the Unreliable List at the time of the activity that resulted in its placement on the Unreliable List;

(3) The entity includes a Principal Manager who:

1. Was a Principal Manager in an entity on the Unreliable List at the time of the activity that resulted in its placement on the Unreliable List; or,

2. Owned 20% or more of an entity on the Unreliable List at the time of the activity that resulted in its placement on the Unreliable List;

(4) The entity has a person who owns 20% or more of the entity, if that person:

1. Was a Principal Manager in an entity on the Unreliable List at the time of the activity that resulted in its placement on the Unreliable List; or,

2. Owned 20% or more of an entity on the Unreliable List at the time of the activity that resulted in its placement on the Unreliable List.

(5) The entity has another entity which owns 20% or more of the entity, if that other entity:

1. Is on the Unreliable List; or,

2. Owned 20% or more of an entity on the Unreliable List at the time of the activity that resulted in its placement on the Unreliable List.

(6) Subsection(o) is not intended to apply to a person or entity that purchases or otherwise obtains an entity on the Unreliable List subsequent to its placement on the Unreliable List.

Note:

Authority Cited:
Section 40502 Public Resources Code.

Reference:
Sections 40505, 41956, 42010(c), 42846(a)&(b), 42872, 42882, 43230, 45000(c), 47200(a), 48021(b), 48100, 48101, 48631, 48632, 48643, 48655, 48690 of the Public Resources Code.
Section 12166 of the Public Contracts Code.

Section 17051. Board Agreement for Contract, Grant or Loan.
(a) The Board shall not award a contract or grant, or approve a loan to any person or entity on the Unreliable List, for up to three years from the date of placement on the Unreliable List.

(b) This prohibition does not apply to Block Grants awarded pursuant to Public Resources Code section 48690.

(c) This prohibition does not apply when the contract, grant or loan is for the purpose of resolving the chronic violations which led to the person or entity's placement on the Unreliable List in accordance with section 17050(g).

Note:

Authority Cited:
Section 40502 of the Public Resources Code.

Reference:
Sections 40505, 41956, 42010(c), 42846(a)&(b), 42872, 42882, 43230, 45000(c), 47200(a), 48021(b), 48100, 48101, 48631, 48632, 48643, 48655, 48690 of the Public Resources Code.
Section 12166 of the Public Contracts Code.

Section 17052. Board Agreement for Contract, Grant or Loan with Proposed Subcontractor.
The board shall not award a contract or grant or approve a loan with any person or entity who has proposed to enter into a subcontract with any person or entity who would provide services for the main agreement, if that person or entity is on the Unreliable List, for up to three years from the date of placement on the Unreliable List.

Note:

Authority Cited:
Section 40502of the Public Resources Code.

Reference:
Sections 40505, 41956, 42010(c), 42846(a)&(b), 42872, 42882, 43230, 45000(c), 47200(a), 48021(b), 48100, 48101, 48631, 48632, 48643, 48655, 48690 of the Public Resources Code.
Section 12166 of the Public Contracts Code.

Section 17053. Board Subcontractors.
The board shall not give approval for a contractor, grantee or borrower to enter into a subcontract with any person or entity who provides services for the main agreement, if that person or entity is on the Unreliable List, for up to three years from the date of placement on the Unreliable List.

Note:

Authority Cited:
Section 40502 of the Public Resources Code.

Reference:
Sections 40505, 41956, 42010(c), 42846(a)&(b), 42872, 42882, 43230, 45000(c), 47200(a), 48021(b), 48100, 48101, 48631, 48632, 48643, 48655, 48690 of the Public Resources Code.
Section 12166 of the Public Contracts Code.

Section 17054. Executive Director Finding.
(a) The Executive Director may make a proposed finding of unreliability based on the occurrence of any event in Section 17050. The proposed finding may be made at any time within 3 years after Board staff discover that one or more of the events in Section 17050 may have occurred.

(b) In making such a finding, the Executive Director shall take into consideration mitigating factors which indicate that the person or entity is in fact reliable. These factors shall include, but are not limited to the following:

(1) Whether the violation, breach, or unlawful act was serious or material;

(2) The presence or absence of any intention to conceal, deceive, or mislead;

(3) Whether the violation, breach, or unlawful act was deliberate, negligent, or inadvertent;

(4) Whether the violation, breach, or unlawful act was an isolated occurrence, had happened previously, or is part of a pattern and practice;

(5) Whether the person or entity cooperated with local, state or federal authorities or took remedial action to correct, address, or prevent a future violation, breach, or unlawful act.

(6) The degree to which restitution, or other compensation, has been paid.

(c) After the Executive Director has made a proposed finding of unreliability, the Executive Director shall notify the person or entity of the proposed finding by certified or registered mail.

Note:

Authority Cited:
Section 40502 of the Public Resources Code.

Reference:
Sections 40505, 41956, 42010(c), 42846(a)&(b), 42872, 42882, 43230, 45000(c), 47200(a), 48021(b), 48100, 48101, 48631, 48632, 48643, 48655, 48690 of the Public Resources Code.
Section 12166 of the Public Contracts Code.

Section 17055. Appeal to Board.
A person or entity who wishes to appeal the Executive Director's proposed finding of unreliability may, within 30 calendar days from the date notification was sent, submit to the Executive Director a written request for an appeal hearing before the board. The request shall state the grounds on which appeal is requested, including the factual and legal argument and supporting authorities.

Note:

Authority Cited:
Section 40502 of the Public Resources Code.

Reference:
Sections 40505, 41956, 42010(c), 42846(a)&(b), 42872, 42882, 43230, 45000(c), 47200(a), 48021(b), 48100, 48101, 48631, 48632, 48643, 48655, 48690 of the Public Resources Code.
Section 12166 of the Public Contracts Code.

Section 17056. Final Finding.
(a) If the Executive Director does not receive a request for appeal within 30 calendar days from the date notice of the proposed finding was sent, the finding shall become final, and the person or entity shall be added to the Unreliable List.

(b) If a person or entity appeals the proposed finding, but withdraws the appeal or fails to attend the scheduled hearing, the proposed finding shall become final upon withdrawal of the appeal or failure to attend the hearing, and the person or entity shall be added to the Unreliable List.

(c) If a person or entity appeals the proposed finding of unreliability and the board upholds the Executive Director's finding, the proposed finding shall become final and the person or entity shall be added to the Unreliable List.

Note:

Authority Cited:
Section 40502 of the Public Resources Code.

Reference:
Sections 40505, 41956, 42010(c), 42846(a)&(b), 42872, 42882, 43230, 45000(c), 47200(a), 48021(b), 48100, 48101, 48631, 48632, 48643, 48655, 48690 of the Public Resources Code.
Section 12166 of the Public Contracts Code.

Section 17057. Hearing.
The appeal to the board will be heard at a board meeting according to the following guidelines. The board has the right to augment these guidelines with specific time frames and procedures to fit within the board's agenda deadlines and meeting format. The appellant may request that the hearing be conducted in closed session to the extent authorized by law and shall indicate the basis for such a request.

(a) The board shall schedule a hearing within 60 days from the appellant's request for hearing.

(b) Prior to the hearing, board staff will inform appellant of the date for the hearing and provide a copy of the agenda item. The appellant's request for appeal will be included in the agenda item. Appellant may submit additional information for consideration at the board meeting.

(c) The hearing need not be conducted according to the technical rules relating to civil procedure, evidence and witnesses which would apply in a court of law.

(d) The hearing shall not be governed by the Administrative Procedure Act, Government Code sections 11340 et. seq.

(e) The Chairman of the Board may limit evidence and presentations to the issues relevant to the appeal.

(f) There may be a presentation by board staff and/or attorneys and a presentation by appellant and/or its attorneys.

(g) Oral testimony offered by any witness shall be under oath.

(h) The attorneys for the board and appellant shall not cross examine each other's witnesses.

(i) Rebuttal testimony may be offered.

(j) After considering all presentations and evidence, the board shall vote to uphold or overturn the proposed finding of unreliability made by the Executive Director. A vote to uphold the finding means that the appellant will be added to the Unreliable List for up to three years from the date of the board meeting. A vote to overturn the Executive Director's finding means that the appellant will not be added to the Unreliable List. In the case of a tie vote, the appellant shall not be added to the Unreliable List.

Note:

Authority Cited:
Section 40502 of the Public Resources Code.

Reference:
Sections 40505, 41956, 42010(c), 42846(a)&(b), 42872, 42882, 43230, 45000(c), 47200(a), 48021(b), 48100, 48101, 48631, 48632, 48643, 48655, 48690 of the Public Resources Code.
Section 12166 of the Public Contracts Code.

Section 17058. Reconsideration of Placement on Unreliable List.
At any time after eighteen months and prior to three years since placement on the Unreliable List, a person or entity may submit a written request to the Executive Director requesting that the final finding of unreliability be vacated. This request may be submitted once only during the three year term of the Unreliable List. The Executive Director will reconsider the finding of unreliability based on the evidence submitted in the request. If the Executive Director finds that there is sufficient evidence to deem the person or entity reliable, they will be removed from the list. If there is not sufficient evidence to deem the person or entity reliable, then placement on the Unreliable List remains to the end of the three-year term.

Note:

Authority Cited:
Section 40502 of the Public Resources Code.

Reference:
Sections 40505, 41956, 42010(c), 42846(a)&(b), 42872, 42882, 43230, 45000(c), 47200(a), 48021(b), 48100, 48101, 48631, 48632, 48643, 48655, 48690 of the Public Resources Code. Section 12166 of the Public Contracts Code.

Section 17060. Declaration.
All applicants for board contracts, subcontracts, grants and loans shall submit to the board and all subcontractors shall submit to the prime contractor who will submit to the Board, a declaration under penalty of perjury stating that none of the events in Section 17050 have occurred with respect to the applicant, or subcontractor, within the preceding three years.

Note:

Authority Cited:
Section 40502 of the Public Resources Code.

Reference:
Sections 40505, 41956, 42010(c), 42846(a)&(b), 42872, 42882, 43230, 45000(c), 47200(a), 48021(b), 48100, 48101, 48631, 48632, 48643, 48655, 8690 of the Public Resources Code.
Section 12166 of the Public Contracts Code.

Section 17062. Existing Law.
Placement of a person or entity on the Unreliable List is not intended to limit the Board's ability to seek additional redress or take corrective action as may be allowed by law due to the occurrence of an event listed in section 17050.

Note:

Authority Cited:
Section 40502 of the Public Resources Code

Reference:
Sections 40505, 41956, 42010(c), 42846(a)&(b), 42872, 42882, 43230, 45000(c), 47200(a), 48021(b), 48100, 48101, 48631, 48632, 48643, 48655, 48690 of the Public Resources Code.
Section 12166 of the Public Contracts Code.