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8
9 STATE OF CALIFORNIA

10 CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

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12 In the matter of:

13 BRIAN LEE TOCCO
14 UNREGISTERED WASTE AND USED
15 TIRE HAULER
16 TPID NO.: 1451213-01
17 RESPONDENT.

ADMINISTRATIVE DECISION
FOR WASTE TIRE HAULER
ADMINISTRATIVE PENALTIES

AGENCY No: 2006-010955-ADC

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19 The California Integrated Waste Management Board ("CIWMB") served an
20 Administrative Complaint and Request for Hearing form on BRIAN LEE TOCCO
21 ("RESPONDENT"), on January 18, 2007. RESPONDENT did not file a Request for
22 Hearing. The matter shall be determined as a default pursuant to Title 14 California
23 Code of Regulations (CCR) section 18466 and Government Code section 11520. The
24 CIWMB takes action against RESPONDENT based upon evidence and affidavits that
25 may be used without any notice to RESPONDENT.

26 **FACTUAL FINDINGS**

27 1. The Administrative Complaint was executed by WENDY BRECKON,
28 Senior Staff Counsel, CWIMB, acting in her official capacity.

1 THE FOLLOWING ORDER is hereby made:

2 RESPONDENT, BRIAN LEE TOCCO, is ordered to pay an administrative penalty
3 of \$6,000.00 (six thousand dollars) to the California Integrated Waste Management
4 Board within 30 (thirty) days of the date of this decision.

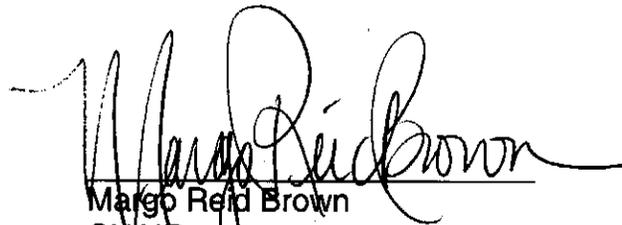
5 **RESPONDENT'S RIGHT TO FILE WRITTEN MOTION**

6 Pursuant to Government Code section 11520 (c) RESPONDENT has a right to
7 serve a motion:

8 Within seven days after service on the respondent of a decision based on the
9 respondent's default, the respondent may serve a written motion requesting
10 that the decision be vacated and stating the grounds relied on. The agency
11 in its discretion may vacate the decision and grant a hearing on a showing of
12 good cause. As used in this subdivision, good cause includes, but is not
13 limited to, any of the following: (1) Failure of the person to receive notice
14 served pursuant to Section 11505. (2) Mistake, inadvertence, surprise, or
15 excusable neglect.

16 This DECISION shall become effective February 15, 2007.

17 Dated this 15th day of February, 2007.

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19 Margo Reid Brown
20 CHAIR
21 California Integrated Waste
22 Management Board