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8
9 STATE OF CALIFORNIA

10 CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

11 In the matter of:

12 JAMES WARREN aka JIM WARREN; AND

13 ETHEL O. WARREN dba REN TIRE

14 COMPANY

15 Unregistered Hauler

16 TPID NO: 1279361

17 RESPONDENT.

ADMINISTRATIVE COMPLAINT
FOR WASTE TIRE HAULER
ADMINISTRATIVE PENALTIES,
PUBLIC RESOURCES CODE
SECTION 42950, ET SEQ.

AGENCY No: 2008-011062-ADC

18
19 **INTRODUCTION**

20 This Complaint for Penalty seeking one thousand seven hundred and fifty dollars
21 (\$1,750.00) is issued by the California Integrated Waste Management Board (CIWMB) to
22 JAMES WARREN aka JIM WARREN; AND ETHEL O. WARREN dba REN TIRE COMPANY
23 (RESPONDENT); an unregistered waste tire hauler located at 1217 East 80th Street, South
24 Los Angeles, CA 90001. Section 42962 of the Public Resources Code (PRC) authorizes the
25 CIWMB to administratively impose penalties for violations of any provision of PRC section
26 42950 et seq. This complaint is so issued based on the following facts:
27
28

1 **STATEMENT OF FACTS**

2
3 1. The CIWMB has authority to regulate and conduct enforcement actions regarding
4 Waste Tire Haulers within the State of California under PRC section 42950 et seq. and
5 attendant regulations contained in Title 14 of the California Code of Regulations (CCR).

6 2. RESPONDENT is responsible for the transportation of waste or used tires by a
7 person not holding a valid waste tire hauler registration from the CIWMB.

8 3. RESPONDENT became registered as a tire hauler on February 27, 1998 and
9 continued his tire hauling business to the present. RESPONDENT failed to submit a timely
10 waste and used tire hauler registration application in 1999, 2000, 2004 and 2006.

11 4. CIWMB sent RESPONDENT a renewal application package on October 15,
12 2007, requiring RESPONDENT to renew their registration for 2008. Included in this package
13 was a "Zero Tolerance" letter in the application package which stated that the CIWMB would
14 not be tolerant of haulers continuing to haul waste or used tires without a current CIWMB
15 registration.

16 5. RESPONDENT'S 2007 registration expired on December 31, 2007.

17 6. On January 2, 2008, CIWMB issue a cancellation letter to Respondent, advising
18 Respondent that their registration had been cancelled and Respondent was no longer allowed
19 to haul 10 or more waste/used tires until they became registered again.

20 7. Respondent unlawfully hauled waste or used tires on April 2, 2008. The table
21 below shows the CTL Form Number, Transaction Date and Passenger Tire Equivalents for this
22 violation:

CTL Form Number	Transaction Date	Passenger Tire Equivalents (PTE)
3090891-C	4/2/2008	77

23
24
25
26 8. RESPONDENT did not submit a waste and used tire hauler application until April
27 21, 2008.

1
2 **ALLEGATIONS OF SPECIFIC VIOLATIONS**

3 9. RESPONDENT is in violation of PRC section 42951(a), which makes it unlawful,
4 on or after January 1, 1995, to engage in the transportation of more than nine waste tires
5 unless holding a valid Waste Tire Hauler Registration, unless exempted as specified in PRC
6 section 42954.

7 **PENALTIES**

8 10. The CIWMB's authority to assess administrative penalties against
9 RESPONDENT as a waste tire hauler is set forth in PRC section 42962(c), which states:

10 In addition to the civil penalty which may be imposed pursuant to
11 subdivision (a), the board may impose civil penalties administratively in an
12 amount not to exceed five thousand dollars (\$5,000) for each violation of a
13 separate provision or for continuing violations for each day that violation
14 continues, on any person who intentionally or negligently violates any
permit, rule, regulation, standard, or requirement issued adopted pursuant
to this chapter. . .

15 Under this section, RESPONDENT is subject to a separate administrative penalty of up
16 to \$5,000.00, for each occasion upon which they have hauled waste tires without a valid Waste
17 Tire Hauler Registration. 14 CCR section 18464 allows the imposition of penalties ranging
18 from \$100.00 to \$5,000.00 per load as an unregistered waste and used tire hauler.

19 11. In setting an appropriate administrative penalty, the CIWMB has taken into
20 consideration the nature, extent and gravity of the violations, and the complete disregard of
21 applicable statute and regulation by RESPONDENT. The CIWMB now requests that
22 administrative penalty liability be assessed against RESPONDENT in the sum of one thousand
23 seven hundred and fifty dollars (\$1,750.00).

24 **RIGHT TO HEARING**

25 You are hereby notified that pursuant to the provisions of 14 California Code of
26 Regulations section 18466 and Government Code section 11505 that you are entitled to a
27 hearing to refute the allegations against you contained in this Administrative Complaint. **If you**
28 **wish to have a hearing on this matter, you must complete and return the enclosed**

1 **REQUEST FOR HEARING to our Legal Office within 15 days of receipt of this notice.**
2 **Failure to complete and return the REQUEST FOR HEARING within 15 days will be**
3 **deemed a waiver of your rights to a hearing.**

4 Pursuant to the above referenced Public Resources Code and Government Code
5 sections, discovery requests by any party must be made within thirty days after the service of
6 this Administrative Complaint.

7
8 Dated this 25th day of September, 2008.

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11 _____
12 WENDY BRECKON
13 Senior Staff Counsel
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1 STATE OF CALIFORNIA
2 CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

3 In the matter of:

4 JAMES WARREN aka JIM WARREN; AND
5
6 ETHEL O. WARREN dba REN TIRE
7 COMPANY

8 TPID NO: 1279361

9
10 RESPONDENT

AGENCY No: 2008-011062-ADC

REQUEST FOR A HEARING

11
12 I, _____, in the above-entitled proceeding, acknowledge receipt of a
13 copy of the ADMINISTRATIVE COMPLAINT FOR WASTE TIRE HAULER ADMINISTRATIVE
14 PENALTIES, PUBLIC RESOURCES CODE SECTION 42950, ET SEQ.

15 I hereby request a hearing to permit me to present my defense to the charges
16 contained in said ADMINISTRATIVE COMPLAINT FOR WASTE TIRE HAULER
17 ADMINISTRATIVE PENALTIES, PUBLIC RESOURCES CODE SECTION 42950, ET SEQ.

18 All correspondence concerning this proceeding should be sent to the following
19 address:

20 (If you are represented by an attorney, all correspondence concerning this matter will be sent
21 to the attorney.)

22
23 _____
24 Address: Telephone:

25 _____
26 City: State: Zip Code:

27 Signature: _____

28 Date: _____

Please send to:

CIWMB Legal Office
Attention: Gloria Bell
P.O. Box 4025, MS 23-A
Sacramento, CA 95812-4125



LINDA S. ADAMS
SECRETARY FOR ENVIRONMENTAL
PROTECTION

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD



ARNOLD SWIRAZI
GOVERNOR

1001 I STREET, SACRAMENTO, CALIFORNIA 95814 • P.O. BOX 4025, SACRAMENTO, CALIFORNIA 95812-4025
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MARGO REID BROWN
CHAIR
MBROWN@CIWMB.CA.GOV
(916) 341-6051

RIGHT TO A HEARING

Your are hereby notified that pursuant to the provisions of 14 California Code of Regulations section 18466 and Government Code section 11505 that you are entitled to a hearing to refute the allegations against you contained in the ADMINISTRATIVE COMPLAINT. **If you wish to have a hearing on this matter, you must complete and return the enclosed REQUEST FOR HEARING to our Legal Office within 15 days of receipt of this notice. Failure to complete and return the REQUEST FOR HEARING within 15 days will be deemed a waiver of your right to a hearing.**

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(916) 341-6024

ROSALIE MULÉ
RMULE@CIWMB.CA.GOV
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HEARING PROCEDURES

If you request one, a hearing will be conducted before an Administrative Law Judge of the Office of Administrative Hearings of the Department of General Services, at one of their office locations throughout the State, upon the charges made in the ADMINISTRATIVE COMPLAINT.

1. You may be present at the hearing.
2. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney

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(916) 341-6010

GARY PETERSEN
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to represent you at public expense. You are entitled to represent yourself without legal counsel.

3. You may present any relevant evidence, and will be given full opportunity to cross-examine all witnesses testifying against you.
4. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents, or other things by applying to the Office of Administrative Hearings.
5. Pursuant to 1 California Code of Regulations, section 1032, parties are entitled, upon request, to be provided with the assistance of an interpreter if they do not proficiently speak or understand the English language. If you require the assistance of an interpreter, timely notice of this fact should be given to our office so that appropriate arrangements can be made.
6. You are hereby further notified that pursuant to the provisions of 14 CCR section 17050 et seq. the violations alleged against you may cause you to be placed on the CIWMB's Unreliable Contractors, Subcontractors, Borrowers, and Grantees list. Placement on this list may prohibit you from obtaining contracts, loans, or grants from the CIWMB for a period up to three years.
7. Continuances are not favored. If you need a continuance, write or call immediately to the Office of Administrative Hearings, 320 West Fourth Street, Room 630, Los Angeles, CA 90013, (213) 576-7200. That agency has control of continuances. Requests without good cause will be denied.