

**CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY
WASTE TIRE HAULER/MANIFESTING VIOLATIONS
STIPULATION, DECISION, AND ORDER**

Complainant, the California Department of Resources Recycling and Recovery (CDRRR) and Respondent(s) hereby agree that the stipulation will be a final resolution of the violations alleged below. The parties stipulate to the following facts and violations of law:

CDRRR ENFORCEMENT ORDER NUMBER: 2010-000240-PEN

RESPONDENT: Cybor Waste Tire Management
5062 Lankershim Blvd.
North Hollywood, CA 91601

PUBLIC RESOURCES CODE (PRC) SECTION VIOLATED: §42961.5 (c); 42962(a) (2)

TITLE 14, CALIFORNIA CODE OF REGULATIONS (CCR) VIOLATED: 14 CCR 18451(a)

DESCRIPTION OF VIOLATIONS:

On or about May 17, 2010, Cybor Waste Tire Management, provided false information on their Waste Tire Hauler Application. In addition, on May 24 and 25, 2010, the operator falsified a Comprehensive Trip Log (CTL) form. Both of these actions are violations of PRC, section 42962(a)(2) [citable under PRC 42961.5 (c) and 14 CCR §18451(a)].

CDRRR succeeded to CIWMB's authority on January 1, 2010 and pursuant to PRC 42962. (a) Any person who does any of the following shall be liable for a civil penalty not to exceed twenty-five thousand dollars (\$25,000) for each violation of a separate provision or for continuing violations for each day that violation continues:

(2) Knowingly, or with reckless disregard, makes any false statement or representation in any application, manifest, record, report, permit, or other document filed, maintained, or used for purposes of compliance with this chapter.

DATE(S) OF VIOLATION: May 17, 2010, May 24, 2010; and May 25, 2010

STIPULATION DUE DATE: 15 DAYS FROM THE DATE OF SERVICE

TOTAL MONETARY PENALTY: \$350

NUMBER OF COUNTS: 3

STATEMENT BY RESPONDENT(S):

I acknowledge that the violation(s) of the Public Resources Code and/or Title 14, California Code of Regulations (CCR) described above and on Exhibit 1 attached, have occurred and request that the California Department of Resources Recycling and Recovery resolve this matter by imposition of the monetary penalty specified above. I acknowledge receipt of the *Statement of Respondent's Rights* at the bottom of this form and voluntarily waive any and all procedural rights to contest this matter in an Administrative Hearing. I have enclosed a check or money order made payable to the California Department of Resources Recycling and Recovery in the amount of the penalty described above. I understand that if there are not sufficient funds in my bank account when the check is deposited, CDRRR has the discretion to determine that this agreement is null and void, and can prosecute this allegation as if no agreement has been executed.

RESPONDENT has freely and voluntarily entered into this Stipulation, Decision, and Order (hereinafter "Stipulation"), and has been afforded the opportunity to consult with counsel prior to entering into this Stipulation. It is expressly understood and agreed that no representations or promises of any kind, other than as contained herein, have been made by any party to induce any other party to enter into this Stipulation, and that said Stipulation may not be altered, amended, modified, or otherwise changed except by a writing executed by each of the parties hereto.

This Stipulation constitutes the entire understanding of the parties concerning the settlement of this proceeding. There are no restrictions, promises, warranties, covenants, undertakings, or representations other than those expressly set forth herein or contained in separate written documents delivered or to be delivered pursuant hereto, and each party expressly acknowledges that it has not relied upon any restrictions, promises, warranties, covenants, undertakings, or representations other than those expressly contained herein.

If necessary, this Stipulation may be executed in counterparts, each of which shall be an original, and all together shall form one agreement. In addition, for purposes of this Stipulation, facsimile signatures will be treated as originals until the applicable page(s) bearing non-facsimile signatures have been received by the parties.

The effective date of this Stipulation, Decision, and Order, is the date that the Department Director signs it.

Dated: 11-7-2010 Signature: Rachel Solidary

Printed Name: Rachel Solidary

Job Title: owner

Name and Address of Business Entity: Cyber Waste Recycling

Any DBAs: _____

11632 E Imperial Hwy, #240 90650

For California Department of Resources Recycling and Recovery Use Only

STATEMENT BY DIRECTOR:

The foregoing stipulation has been adopted by the California Department of Resources Recycling and Recovery as its final decision and order and is effective upon execution below by the Director of the California Department of Resources Recycling and Recovery.

IT IS SO ORDERED:

Dated: 11/15/2010

Ted Rauh

Ted Rauh, Program Director
Waste Compliance and Mitigation Program
California Department of Resources Recycling and Recovery

