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STATE OF CALIFORNIA
DEPARTMENT OF RESOURCES SRECYCLING AND RECOVERY

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| In the Matter of:<br><br>JORGE L. HOLGUIN DBA LETTY'S TIRES<br><br>TPID NO: 1004521-01<br><br>RESPONDENT. | **ADMINISTRATIVE DECISION FOR DETERMINATION OF DEFAULT OF STIPULATION FOR ISSUANCE OF ADMINISTRATIVE DECISION**<br><br>AGENCY NOS. 2009-011090-ADC and 2008-000041-DEN<br><br>OAH NOS. 2009010735 and 2009010350 |
| In the Matter of:<br><br>PAOLA'S TIRE; PAOLA ZALDIVAR<br><br>TPID NO: 1561989-01<br><br>RESPONDENT. | **ADMINISTRATIVE DECISION FOR WASTE TIRE HAULER ADMINISTRATIVE PENALTIES, PUBLIC RESOURCES CODE SECTION 42962**<br><br>AGENCY NO. 2009-011105-ADC<br><br>OAH NO. 2009120778 |

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| In the Matter of:<br><br>LETICIA ZALDIVAR AKA LETICIA HOLGUIN DBA B & M TIRES;<br><br>TPID NO: 1562904-01<br><br>RESPONDENT. | **ADMINISTRATIVE DECISION FOR WASTE TIRE HAULER ADMINISTRATIVE PENALTIES, PUBLIC RESOURCES CODE SECTION 42962**<br><br>AGENCY NO. 2009-011103-ADC<br><br>OAH NO. 2009120785 |
| In the Matter of:<br><br>LETICIA ZALDIVAR AKA LETICIA HOLGUIN DBA B & M TIRES;<br><br>TPID NO: 1562904-01<br><br>RESPONDENT. | **ADMINISTRATIVE DECISION FOR THE REVOCATION OF WASTE AND USED TIRE HAULER REGISTRATION, PUBLIC RESOURCES CODE SECTION 42960**<br><br>AGENCY NO. 2009-000006-REV<br><br>OAH NO. 2009120786 |

Pursuant to Public Resources Code (PRC) sections 42850, 42960, 42962, and the terms of the Stipulated Agreement for the Issuance of Administrative Decision for Denial of the Waste and Used Tire Hauler Registration for JORGE HOLGUIN DBA LETTY'S TIRES (Prior Stipulation), the California Integrated Waste Management Board, which is now the California Department of Resources Recycling and Recovery (CALRECYCLE), served the following pleadings on September 22,2009: (1) an Administrative Complaint Requesting Determination of Default of Stipulation for Issuance of Administrative Decision on RESPONDENT JORGE HOLGUIN DBA LETTY'S TIRE, (2) an Administrative Complaint for Waste Tire Hauler Administrative Penalties on RESPONDENT PAOLA'S TIRE; PAOLA ZALDIVAR, (3) an Accusation for the Revocation of Waste and Used Tire Hauler Registration on RESPONDENT

PAOLA'S TIRES; PAOLA ZALDIVAR, (4) an Accusation for the Revocation of Waste and Used Tire Hauler Registration on RESPONDENT LETICIA ZALDIVAR AKA LETICIA HOLGUIN DBA B&M TIRES, and (5) an Administrative Complaint for Waste Tire Hauler Administrative Penalties on RESPONDENT LETICIA ZALDIVAR AKA LETICIA HOLGUIN DBA B&M TIRES.

On, June 15, 2010, an Amended Administrative Complaint Requesting Determination of Default of Stipulation for Issuance of Administrative Decision against RESPONDENT JORGE L. HOLGUIN DBA LETTY'S TIRES was served on JORGE HOLGUIN DBA LETTY'S TIRES. On June 15, 2010, an Amended Administrative Complaint for Waste Tire Hauler Administrative Penalties was served on RESPONDENT PAOLA'S TIRE; PAOLA ZALDIVAR. On June 15, 2010, an Amended Accusation for the Revocation of Waste and Used Tire Hauler Registration was served on RESPONDENT LETICIA ZALDIVAR AKA LETICIA HOLGUIN DBA B&M TIRES. On June 15, 2010, an Amended Administrative Complaint for Waste Tire Hauler Administrative Penalties was served on RESPONDENT LETICIA ZALDIVAR AKA LETICIA HOLGUIN DBA B&M TIRES. On October 26, 2010, CALRECYCLE filed and served an Order to Dismiss Without Prejudice the Accusation for the Revocation of Waste and Used Tire Hauler Registration on RESPONDENTS PAOLA'S TIRE AND PAOLA ZALDIVAR, only. These matters were consolidated.

To avoid the uncertainties of litigation, RESPONDENTS entered into a joint Stipulation (Stipulation) combing Stipulation for Issuance of Administrative Decision for Revocation of Waste and Used Tire Hauler Registration, Stipulations for Issuance of Administrative Decision for Waste Tire Hauler Penalties, and Stipulation for Issuance of an Administrative Decision for Determination of Default of Stipulation for Issuance of Administrative Decision on November 15, 2010, to resolve the allegations in the above-referenced Amended Administrative Complaints and Amended Accusation for the Revocation of Waste and Used Tire Hauler Registration. Pursuant to the Stipulation, and good cause appearing therefore, the following Stipulated Statement of Facts and

Conclusions of Law are made, and the following Order is issued.

## STIPULATED STATEMENT OF FACTS

1. The California Integrated Waste Management Board (CIWMB) is now Department of Resources Recycling and Recovery (CalRecycle). CalRecycle succeeded to CIWMB's authority on January 1, 2010, pursuant to PRC section 40401(a)(1).

2. The Administrative Complaint Requesting Determination of Default of Stipulation for Issuance of Administrative Decision against Jorge L. Holguin dba Letty's Tires was executed by Wendy Breckon in her capacity as Senior Staff Counsel for the CIWMB. The Amended Administrative Complaint Request Determination of Default of Stipulation for Issuance of Administrative Decision against Jorge L. Holguin dba Letty's Tires was executed by Heather Hunt in her capacity as Staff Counsel III for CALRECYCLE.

3. The Administrative Complaint for Waste Tire Hauler Administrative Penalties against Paola's Tire; Paola Zaldivar and the Amended Administrative Complaint for Waste Tire Hauler Administrative Penalties against Paola's Tire; Paola Zaldivar was executed by Heather Hunt acting in her official capacity as Staff Counsel and Staff Counsel III for the CIWMB and its successor CALRECYCLE.

4. The Accusation for the Revocation of Waste and Used Tire Hauler Registration against Paola's Tires; Paola Zaldivar was executed by Wendy Breckon in her official capacity as Senior Staff Counsel for the CIWMB.

5. The Accusation for the Revocation of Waste and Used Tire Hauler Registration against Leticia Zaldivar aka Leticia Holguin dba B&M Tires was executed by Wendy Breckon in her official capacity as Senior Staff Counsel for CIWMB. The Amended Accusation for the Revocation of Waste and Used Tire Hauler Registration against Leticia Zaldivar aka Leticia Holguin dba B&M Tires was executed by Heather Hunt in her official capacity as Staff Counsel III for CALRECYCLE.

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6. The Administrative Complaint for Waste Tire Hauler Administrative Penalties against Leticia Zaldivar aka Leticia Holguin dba B&M Tires was executed by Wendy Breckon in her official capacity as Senior Staff Counsel for the CIWMB. The Amended Administrative Complaint for Waste Tire Hauler Administrative Penalties against Leticia Zaldivar aka Leticia Holguin dba B&M Tires was executed by Heather Hunt in her official capacity as Senior Staff counsel for CALRECYCLE.

7. CALRECYCLE has the authority to regulate and conduct enforcement actions regarding Waste Tire Haulers and Waste Tire Facilities within the State of California under PRC section 42950 et seq. and attendant regulations contained in Title 14 of the California Code of Regulations ("CCR").

Stipulated Statement of Facts as to the Matters of Jorge Holguin dba Letty's Tires

8. RESPONDENT Jorge Holguin dba Letty's Tires ("RESPONDENT LETTY'S TIRES") or its employees or agents was hauling more than 9 waste and/or used tires on the following occasions when its Waste and Used Tire Hauler Registration (Letty's Tires' Registration) was suspended or denied:

a. On or about February 23, 2009, February 24, 2009, March 12, 2009, and March 24, 2009, a truck registered with the Department of Motor Vehicles to RESPONDENT Jorge Holguin, with license plate number 9D59092, hauled more than nine used or waste tires to the Mitsubishi Cement Corporation on thirteen occasions. This truck was not registered for used and waste tire hauling with CALRECYCLE in accordance with 14 CCR section 18454(f).

b. On or about March 18, 2009 and March 19, 2009, a truck with DMV license plate number 9D39532 and registered with DMV to RESPONDENT Jorge Holguin, hauled more than nine used or waste tires to Mitsubishi Cement Corporation on at least three occasions. This truck was not registered for used and waste tire hauling with CALRECYCLE in accordance with 14 CCR section 18454(f).

c. On or about March 24, 2009, a truck with DMV license no. 9D39532, and registered with DMV to RESPONDENT Jorge Holguin, was hauling more than nine used or waste tires. The CHP issued a citation for Vehicle Code section 31560, improper waste tire registration, to Jose Muro because this truck was not registered for used and waste tire hauling with CALRECYCLE in accordance with PRC section 42951.

9. On or about March 12, 2009, CALRECYCLE executed an Administrative Decision for Denial of the Waste and Used Tire Hauler Registration for RESPONDENT LETTY'S TIRES (TPID # 1004521), denying RESPONDENT LETTY'S TIRES the use of the Waste and Used Tire Hauler Registration for a period of nine (9) months from January 1, 2009 to September 30, 2009. The corresponding Stipulated Agreement required that RESPONDENT LETTY'S TIRES not allow any of its vehicles to be used by another person or business to haul waste or used tires during the denial period.

10. Paragraph 14 of the Stipulation For Issuance of Administrative Decision for the Denial of Waste and Used Tire Hauler Registration ("Prior Stipulation"), which RESPONDENT Jorge Holguin signed on February 26, 2009, states specifically that RESPONDENT LETTY'S TIRES would be in default of the Prior Stipulation if RESPONDENT LETTY'S TIRES transported used or waste tires during the period of Letty's Registration's suspension. Furthermore, 14 CCR section 18457(d) provides that the waste tire hauler shall not transport used or waste tires, nor own, operate, or be an officer of a waste tire hauling business entity or corporation during the period of suspension or revocation.

11. RESPONDENT LETTY'S TIRES acted in bad faith by circumventing CALRECYCLE laws so that it could continue in the hauling business even though he had stipulated to a suspension of his used and waste tire hauling registration for nine months. Specifically, prior to the settlement conference concerning the Statement of Issues denying the used and waste tire hauler registration, a hauler registration was applied for under the name of RESPONDENT PAOLA ZALDIVAR; PAOLA'S TIRE on

December 31, 2008. RESPONDENT PAOLA'S TIRE is a continuation of and one and the same as RESPONDENT LETTY'S TIRES as can be shown by the following:

- A customer of RESPONDENT PAOLA'S TIRE called RESPONDENT LETTY'S TIRE'S phone number to ask for pick-ups of their tires.
- A number of PAOLA'S TIRE'S invoices state to send payment to RESPONDENT LETTY'S TIRES address.
- A number of invoices showed "LETTY'S TIRES/PAOLA'S TIRES".
- RESPONDENT PAOLA'S TIRES used vehicles registered to RESPONDENT JORGE HOLGUIN for hauling used and waste tires.

12. RESPONDENT LETICIA ZALDIVAR AKA HOLGUIN signed as a "Personal Indemnitor" on the waste tire hauler indemnity agreement between American Contractors Indemnity Company and RESPONDENT "JORGE L. HOLGUIN." The American Contractors Indemnity Company Agreement contained the following instruction: "If sole owner, applicant must sign on behalf of firm. Spouse must sign personal indemnity below." RESPONDENT JORGE HOLGUIN disclosed that he was a sole proprietor on the Indemnity Agreement application.

13. On or about November 13, 2008, during an inspection at Skyview Terrace Storage, RESPONDENT JORGE HOLGUIN informed Stephen Dolan, Integrated Waste Management Specialist for CALRECYCLE's Tire Enforcement Section, that his wife, RESPONDENT LETICIA ZALDIVAR AKA LETICIA HOLGUIN managed the paperwork.

14. RESPONDENT PAOLA'S TIRE requested that payment for tire hauling services be sent to RESPONDENT LETTY'S TIRES address. On or about January 28, 2009, Stephen Dolan, Integrated Waste Management Specialist for CALRECYCLE Tire Enforcement Section, obtained Invoice Number 439427 during a routine inspection at San Fernando Brake and Tire. The return address at the top of the invoice listed 504 North Hagar Avenue, San Fernando, California, however, the invoice requested payment be sent to 10463 Telfair Avenue, Pacoima, California, 91331, the address listed by RESPONDENT LETTY'S TIRES in its Waste and Used Tire Hauler Application.

15. During the inspection on or about March 23, 2009, at 504 North Hagar, San Fernando, California, as documented in Waste Tire Survey and Inspection Report Survey Form I3-1059665, Mr. Dolan obtained an invoice on RESPONDENT PAOLA'S TIRE's letterhead, but the check attached had been made payable to RESPONDENT LETTY'S TIRES. Mr. Dolan also obtained another of RESPONDENT PAOLA'S TIRE's invoices; the text of which directed payment to the home address of RESPONDENT JORGE HOLGUIN. Moreover, at the same time, Mr. Dolan observed multiple invoices on RESPONDENT PAOLA'S TIRE's letterhead that directed payment to Post Office Box 330958 in Pacoima. Postmaster General documents indicate that same Post Office Box was obtained by RESPONDENT LETICIA ZALDIVAR AKA HOLGUIN, wife of RESPONDENT JORGE HOLGUIN, with a physical address of 10463 Telfair Avenue, Pacoima California, the same address provided in RESPONDENT LETTY'S TIRES Waste and Used Tire Hauler Application. When asked follow-up questions, RESPONDENT PAOLA ZALDIVAR was unable to answer questions regarding the lock mechanism on the same Post Office box, or where it was located.

16. RESPONDENT PAOLA'S TIRE and RESPONDENT LETTY'S TIRES also used the same phone number when dealing with clients. On or about February 2, 2009, Mr. Tracy inspected American Tire Depot. During that inspection, Mr. Tracy obtained Comprehensive Trip Log (CTL) receipt numbered 3912749 which had been completed by RESPONDENT PAOLA'S TIRE. Mr. Tracy compared the telephone number on CTL receipt numbered 3912749, to a separate CTL receipt numbered 3579982, which had been completed by RESPONDENT LETTY'S TIRES. Both CTL receipts showed the same phone number in the box reserved for "Hauler Telephone Number," which is the same phone number listed in RESPONDENT LETTY'S TIRES Waste and Used Tire Hauler Application, (818-890-3186).

17. On or about February 2, 2009, Mr. Tracy inspected BAS Recycling, Inc., located at 1400 North H Street, San Bernardino, CA. During that inspection Mr. Tracy obtained invoices, receipts and CTL receipt's demonstrating RESPONDENT PAOLA'S

TIRE and RESPONDENT LETTY'S TIRE to be the same hauler for a single transaction. Three such invoices, Receiving Report Numbers 28306, 28314, and 28324 listed RESPONDENT LETTY'S TIRES in the reference section, but corresponding CTL receipts numbered 3912690, 3912671, and 3912747 listed RESPONDENT PAOLA'S TIRE phone number, 818-219-5366. Another such invoice, Receiving Report Number 28307 listed RESPONDENT LETTY'S TIRES in the reference section, but the CTL receipt listed RESPONDENT PAOLA'S TIRE as the hauler, and listed RESPONDENT LETTY'S TIRES telephone number 818-890-3186.

18. RESPONDENT PAOLA ZALDIVAR stated that she knew very little about her business. On or about March 23, 2009, Mr. Dolan inspected RESPONDENT PAOLA'S TIRE's facility to further investigate the above-described allegations. During that inspection, as documented in Waste Tire Survey and Inspection Report Form I3-1059665. Mr. Dolan spoke with RESPONDENT PAOLA ZALDIVAR. RESPONDENT PAOLA ZALDIVAR was unable to provide neither her business e-mail address, nor her log-in information. RESPONDENT PAOLA ZALDIVAR was also unable to answer Mr. Dolan's questions regarding her Surety Bond with CALRECYCLE, specifically, the cost of the Surety Bond and how it was paid for. RESPONDENT PAOLA ZALDIVAR further stated that she would contact the driver to pick up tires only after she was contacted by customers, however, she later stated that she did not know how to get a hold of the driver and did not have his phone number.

19. RESPONDENT PAOLA'S TIRE and RESPONDENT LETTY's TIRES information appeared on documents regarding the same hauled loads. On or about March 25, 2009, Mr. Tracy inspected Mistubishi Cement Plant in Lucerne Valley, California. During the inspection Mr. Tracy observed CTL receipts and corresponding Bills of Lading that referenced both RESPONDENT LETTY'S TIRES and RESPONDENT PAOLA'S TIRE on the same document.

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20. RESPONDENT LETTY'S TIRES misrepresented information to CALRECYCLE to conceal the fact that it continued to haul. The vehicle license plate numbers and names of drivers listed on four (4) CTL receipts did not correspond to those listed on the Bills of Lading found at Mitsubishi Cement Plant. In all four (4) instances, the Bills of Lading, numbers 68542, 68533, 68506, and 68507, showed that RESPONDENT PAOLA'S TIRE used a truck with license plate 9D59092 CA; a truck registered to RESPONDENT LETICIA ZALDIVAR AKA LETICIA HOLGUIN by the DMV and to RESPONDENT LETTY'S TIRES by CALRECYCLE, however the four (4) corresponding CTL receipts submitted to the CALRECYCLE, numbered 3912871-A, 3912718-B, 3912884-A, and 3912763-B listed a truck 8J27289 CA. A truck with license plate number 9D95092, was also listed on eleven (11) Bills of Lading, including the four above, numbered 68542, 68533, 68516, 68506, 68507, 69309, 69312, 68992, 68989, 68983, and 68975, whose corresponding CTL Receipts, numbered 3912871-A, 3912718-B, 3912886-A, 3912884-A, 3912763-B, 3912892-A, 3912891-A, 3299752-A, 3912830-C, 3912831-C, and 391233-D, listed RESPONDENT PAOLA'S TIRE as the hauler. Additionally, three (3) Bills of Lading, numbered 69203, 69200, and 69195 listed as hauler a vehicle with license plate number 9D39532, a vehicle registered with the DMV to RESPONDENT JORGE HOLGUIN, but never registered with the CALRECYCLE; the corresponding CTL receipts, numbered, 3912646-B, 3912847-C, and 3912848-C showed these loads as hauled by RESPONDENT PAOLA'S TIRE.

21. As discussed in the paragraphs above, RESPONDENT LETT'S TIRES is one and the same as RESPONDENT PAOLA'S TIRE, and RESPONDENT PAOLA'S TIRE is simply a continuation of RESPONDENT LETTY'S TIRES. RESPONDENT LETTY'S TIRES used RESPONDENT PAOLA'S TIRE's 2009 Registration to collect waste or used tires from its customers, and then to illegally haul the tires to an unpermitted waste tire facility thereby creating or contributing in the creation of an unpermitted minor waste tire facility ("WTF") in violation of PRC section 42834. On or about August 12, 2009, RESPONDENT LETTY'S TIRES stored waste or used tires in

various vehicles, including license plate number 8F35947, at 11051 Pendleton Street, in Sun Valley, California.

Stipulated Statement of Facts as to the Matter of Paola 's Tire; Paola Zaldivar

22. RESPONDENT PAOLA'S TIRE applied for and obtained from CALRECYCLE a 2009 Waste and Used Tire Hauler Registration, pursuant to PRC sections 42955 and 42956, and implementing regulations. The registration was applied for by RESPONDENT PAOLA ZALDIVAR, with an address of 504 North Hagar Avenue, San Fernando, California.

23. RESPONDENT JORGE HOLGUIN was owner and operator of RESPONDENT LETTY'S TIRES, whose Waste and Used Tire Hauler Registration was revoked by the CALRECYCLE for multiple violations of California law.

24. On or about January 6, 2009, CALRECYCLE received a Waste Tire Hauler Application and Surety Bond from RESPONDENT PAOLA'S TIRE. In the application, RESPONDENT PAOLA'S TIRE applied for decals for five (5) vehicles, misrepresenting at least four (4) of these vehicles as being registered with the California Department of Motor Vehicles ("DMV") to RESPONDENT PAOLA'S TIRE, in violation of PRC section 42962. In fact, at least four (4) vehicles, license plate numbered 3H71033, TONLY10, 10427EX, and 2PHB359, were not registered with the DMV to RESPONDENT PAOLA'S TIRE at the time.

25. On or about February 26, 2009, RESPONDENT PAOLA'S TIRE submitted an amended application dated February 22, 2009, requesting that the four (4) trucks previously referenced, be removed from its original application.

26. On or about February 2, 2009, Vance Tracy, Integrated Waste Management Specialist for CALRECYCLE's Enforcement Section, conducted an inspection of BAS Recycling, Inc., located at 1400 North H Street, San Bernardino, CA. During that inspection Mr. Tracy obtained copies of three (3) CTL receipts numbered 3912671A, 3912690A, and 3912689A, that RESPONDENT PAOLA'S TIRE failed to submit to the CALRECYCLE as required by PRC section 42961.5.

27. On or about March 12, 2009, Mr. Tracy, performed another inspection of BAS Recycling. During this inspection, Mr. Tracy obtained copies of five (5) CTL receipts numbered 3912754A, 3912756A, 3912879A, 3912878A, and 3912856A. Mr. Tracy determined that RESPONDENT PAOLA'S TIRE had failed to submit these to CALRECYCLE as required by PRC section 42961.5.

28. On or about March 25, 2009, while inspecting the Mistubishi Cement Plant, Mr. Tracy obtained copies of six (6) CTL receipts numbered 3912886A, 3912886A, 3912815A, 3912816C, 3912874A, and 3912645A, which had not been submitted to the CALRECYCLE within the time required by PRC section 42961.5.

29. On or about March 25, 2009, Mr. Tracy also obtained Bills of Lading that showed RESPONDENT PAOLA'S TIRE used a vehicle with license plate number 9D39532 CA to haul tires on three (3) separate occasions. Said vehicle was registered through the DMV to RESPONDENT JORGE HOLGUIN, and was never registered for hauling with the CALRECYCLE, in violation of 14 CCR section 18831 form 60 and 14 CCR section 18456.2. RESPONDENT PAOLA'S TIRE failed to update its Waste Tire Hauler registration to include this vehicle in violation of 14 CCR section 18456.3.

30. On or about May 8, 2009, Joe Espericueta, Kern County Environment Health Services Department, inspected a site in Kern County and observed a truck with license plate number 8J27823 CA, that did not have its tire hauler decal in the lower right hand corner of its windshield and contained only a photocopy of the tire hauler registration instead of the original, in violation of PRC section 42956.

31. On or about August 12, 2009, Stephen Dolan and Vance Tracy Integrated Waste Management Specialists for CALRECYCLE counted over 800 tires at an unpermitted facility located at 11051 Pendleton Street, Sun Valley, California. "Paola Tires" was listed on the lease for the property, and the "use of the premises" was listed as "storage of used tires . . . and Truck parking." RESPONDENT PAOLA'S TIRE allowed the transport of waste or used tired to the unpermitted minor WTF in violation of PRC section 42834 and 42951(b).

32. On or about December 4, 2009, Mr. Dolan counted over 1,000 tires at an unpermitted facility located at 11051 Pendleton Street, Sun Valley, California. "Paola Tires" was listed on the lease for the property, and the "use of the premises" was listed as "storage of used tires . . . and Truck parking," but the facility remained unpermitted by CALRECYCLE. RESPONDENT PAOLA'S TIRE allowed the transport of waste or used tires to the unpermitted minor WTF in violation of PRC section 42834 and 42951(b).

33. On at least one occasion prior to August 12, 2009, RESPONDENT PAOLA'S TIRE failed to submit manifests to CALRECYCLE documenting the transport of waste or used tires into or out of the 11051 Pendleton Street location, in violation of PRC section 42961.5.

34. On at least one occasion from August 12, 2009 through December 4, 2009, RESPONDENT PAOLA'S TIRE failed to submit manifests to CALRECYCLE documenting the transport of waste or used tires into or out of the 11051 Pendleton Street location, in violation of PRC section 42961.5.

35. On or about March 12, 2009, CALRECYCLE executed an Administrative Decision for Denial of the Waste and Used Tire Hauler Registration for RESPONDENT LETTY'S TIRES (TPID # 1004521), denying RESPONDENT LETTY'S TIRES the use of the Waste and Used Tire Hauler Registration for a period of nine (9) months from January 1, 2009 to September 30, 2009. The corresponding Prior Stipulation required that RESPONDENT LETTY'S TIRES not allow any of its vehicles to be used by another person or business to haul waste or used tires during the denial period. RESPONDENT PAOLA'S TIRES aided and abetted RESPONDENT LETTY'S TIRES in its failure to comply with California Waste Tire Hauler Laws and the Administrative Decision.

36. RESPONDENT PAOLA'S TIRES requested that payment for tire hauling services be sent to RESPONDENT LETTY'S TIRES address. On or about January 28, 2009, Stephen Dolan, Integrated Waste Management Specialist for CALRECYCLE Tire Enforcement Section, obtained Invoice Number 439427 during a routine inspection at San Fernando Brake and Tire. The return address at the top of the invoice listed 504

North Hagar Avenue, San Fernando, California, however, the invoice requested payment be sent to 10463 Telfair Avenue, Pacoima, California, 91331, the address listed by RESPONDENT LETTY'S TIRES in its Waste and Used Tire Hauler Application.

37. Also, during the inspection on or about March 23, 2009, at 504 North Hagar, San Fernando, California, as documented in Waste Tire Survey and Inspection Report Survey Form I3-1059665, Mr. Dolan obtained an invoice on RESPONDENT PAOLA'S TIRE's letterhead, but the check attached had been made payable to RESPONDENT LETTY'S TIRES. Mr. Dolan also obtained another of RESPONDENT PAOLA'S TIRE's invoices; the text of which directed payment to the home address of RESPONDENT JORGE HOLGUIN. Moreover, at the same time, Mr. Dolan observed multiple invoices on RESPONDENT PAOLA'S TIRE's letterhead that directed payment to Post Office Box 330958 in Pacoima. Postmaster General documents indicate that same Post Office Box was obtained by RESPONDENT LETICIA ZALDIVAR AKA LETICIA HOLGUIN, wife of RESPONDENT JORGE HOLGUIN, with a physical address of 10463 Telfair Avenue, Pacoima California, the same address provided in RESPONDENT LETTY'S TIRES' Waste and Used Tire Hauler Application. When asked follow-up questions, RESPONDENT PAOLA ZALDIVAR was unable to answer questions regarding the lock mechanism on the same Post Office box, or where it was located.

38. RESPONDENT PAOLA'S TIRE and RESPONDENT LETTY'S TIRES also used the same phone number when dealing with clients. On or about February 2, 2009, Mr. Tracy inspected American Tire Depot. During that inspection, Mr. Tracy obtained CTL receipt numbered 3912749 which had been completed by RESPONDENT PAOLA'S TIRES. Mr. Tracy compared the telephone number on CTL receipt numbered 3912749, to a separate CTL receipt numbered 3579982, which had been completed by RESPONDENT LETTY'S TIRES. Both CTL receipts showed the same phone number in the box reserved for "Hauler Telephone Number," the same phone number listed in RESPONDENT LETTY'S TIRES' Waste and Used Tire Hauler Application, 818-890-3186.

39. On or about February 2, 2009, Mr. Tracy inspected BAS Recycling, Inc., located at 1400 North H Street, San Bernardino, CA. During that inspection Mr. Tracy obtained invoices, receipts and CTL receipt's demonstrating RESPONDENT PAOLA'S TIRE and RESPONDENT LETTY'S TIRES to be the same hauler for a single transaction. Three such invoices, Receiving Report Numbers 28306, 28314, and 28324 listed RESPONDENT LETTY'S TIRES in the reference section, but corresponding CTL receipts numbered 3912690, 3912671, and 3912747 listed RESPONDENT PAOLA'S TIRE's phone number, 818-219-5366. Another such invoice, Receiving Report Number 28307 listed RESPONDENT LETTY'S TIRES in the reference section, but the CTL receipt listed RESPONDENT PAOLA'S TIRE as the hauler, and listed RESPONDENT LETTY'S TIRES telephone number 818-890-3186.

40. RESPONDENT PAOLA ZALDIVAR stated that she knew very little about her business. On or about March 23, 2009, Mr. Dolan inspected RESPONDENT PAOLA'S TIRE's facility to further investigate the above-described allegations. During that inspection, as documented in Waste Tire Survey and Inspection Report Form I3-1059665. RESPONDENT PAOLA ZALDIVAR was unable to provide neither her business e-mail address, nor her log-in information. RESPONDENT PAOLA ZALDIVAR was also unable to answer Mr. Dolan's questions regarding her Surety Bond with CALRECYCLE, specifically, the cost of the Surety Bond and how it was paid for. RESPONDENT PAOLA ZALDIVAR was unable to describe the five (5) trucks that she requested be removed from her registration, and was also unable to locate the decals that had been issued by CALRECYCLE for those trucks. RESPONDENT PAOLA ZALDIVAR stated that the trucks were parked outside her house, or the house owned by her driver, Julio, when not in use. RESPONDENT PAOLA ZALDIVAR further stated that she would contact the driver to pick up tires only after she was contacted by customers, however, she later stated that she did not know how to get a hold of the driver and did not have his phone number.

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41. RESPONDENT PAOLA'S TIRE and RESPONDENT LETTY'S TIRES' information appeared on documents regarding the same hauled loads. On or about March 25, 2009, Mr. Tracy inspected Mistubishi Cement Plant in Lucerne Valley, California. During the inspection Mr. Tracy observed CTL receipts and corresponding Bills of Lading that referenced both RESPONDENT LETTY'S TIRES and RESPONDENT PAOLA'S TIRE on the same document. Mr. Tracy also observed that the vehicle license plate numbers and names of drivers listed on four (4) CTL receipts did not correspond to those listed on the Bills of Lading. In all four (4) instances, the Bills of Lading, numbers 68542, 68533, 68506, and 68507, showed that RESPONDENT PAOLA'S TIRE used a truck with license plate 9D59092 CA; a truck registered to RESPONDENT LETICIA ZALDIVAR AKA LETICIA HOLGUIN by the DMV and to RESPONDENT LETTY'S TIRES by CALRECYCLE, however the four (4) corresponding CTL receipts turned into CALRECYCLE, numbered 3912871-A, 3912718-B, 3912884-A, and 3912763-B listed a truck 8J27289 CA, in violation of PRC sections 42961.5 and 42962. The truck with license plate number 9D95092, was also listed on eleven (11) Bills of Lading, including the four above, numbered 68542, 68533, 68516, 68506, 68507, 69309, 69312, 68992, 68989, 68983, and 68975, whose corresponding CTL Receipts, numbered 3912871-A, 3912718-B, 3912886-A, 3912884-A, 3912763-B, 3912892-A, 3912891-A, 3299752-A, 3912830-C, 3912831-C, and 391233-D, listed RESPONDENT PT as the hauler, in violation of PRC section 42961.5. Additionally, three (3) Bills of Lading, numbered 69203, 69200, and 69195 listed as hauler a vehicle with license plate number 9D39532, a vehicle registered with the DMV to RESPONDENT JORGE HOLGUIN, but never registered with CALRECYCLE; the corresponding CTL receipts, numbered, 3912646-B, 3912847-C, and 3912848-C showed these loads as hauled by RESPONDENT PAOLA'S TIRE, in violation of PRC section 42961.5. RESPONDENT PAOLA'S TIRE failed to update its Waste Tire Hauler Registration to include these vehicles in violation of 14 CCR section 18456.3.

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42. On or about March 25, 2009, Julio Muro, a driver for RESPONDENT PAOLA'S TIRE, hauled used or waste tires in a vehicle that was not registered with CALRECYCLE for the purpose of hauling waste or used tires, and was registered with DMV to RESPONDENT JORGE HOLGUIN with California License Plate Number 9D39532. The vehicle displayed not decal and Mr. Muro was unable to provide law enforcement with a valid waste and used tire hauler registration in violation of PRC section 42956 and 42961.5.

Stipulated Statement of Facts in the Matters of Leticia Zaldivar aka Leticia Holguin dba B&M Tires

43. RESPONDENT LETICIA ZALDIVAR AKA LETICIA HOGUIN DBA B&M TIRES ("B&M TIRES") applied for and obtained from CALRECYCLE a 2009 Waste and Used Tire Hauler Registration, which is effective from January 22, 2009 through December 31, 2009, in accordance with PRC sections 42955 and 42956, and implementing regulations (2009 Registration).

44. RESPONDENT B&M TIRES misrepresented information on the CALRECYCLE waste tire hauler application as follows:

a. RESPONDENT B&M TIRES stated that four vehicles were registered with Department of Motor Vehicles to RESPONDENT B&M TIRES, when in fact the Department of Motor Vehicles records indicated that none of the vehicles were registered to RESPONDENT B&M TIRES. This misrepresentation was an intentional or negligent violation of a permit, rule, regulation, standard, or requirement and is therefore subject to penalties pursuant to PRC section 42962.

b. RESPONDENT LETICIA ZALDIVAR AKA LETICIA HOLGUIN represented to CALRECYCLE on the waste and used tire registration application that her name was Leticia Zaldivar when in fact her name is Leticia Zaldivar de Holguin. This misrepresentation was an intentional or negligent violation of a permit, rule, regulation, standard, or requirement and is therefore subject to

penalties pursuant to PRC section 42962.

45. RESPONDENT B&M TIRES used its 2009 Registration to collect waste or used tires from its customers, and then to illegally haul the tires to an unpermitted waste tire facility thereby creating or contributing in the creation of an unpermitted waste tire facility at 11051 Pendleton Street, Sun Valley, California. RESPONDENT LETICIA ZALDIVAR AKA LETICIA HOLGUIN allowed trucks to transport waste or used tires onto the unpermitted facility in violation of PRC section 42951(b). On July 1, 2009, RESPONDENT LETICIA ZALDIVAR AKA LETICIA HOGUIN signed a lease for the storage of used tires and initialed the pages "LH". The lease provides that its purpose is the storage of used tires not to exceed 500 and truck parking.

a. On or about August 12, 2009, RESPONDENT LETICIA ZALDIVAR AKA LETICIA HOLGUIN stored over 500 waste or used tires in various vehicles, including license plate number 8F35947, at 11051 Pendleton Street, in Sun Valley, California, creating an unpermitted minor WTF in violation of PRC section 42834.

b. On or about December 4, 2009, RESPONDENT LETICIA ZALDIVAR AKA HOLGUIN stored over 1,000 waste or used tires in various vehicles at 11051 Pendleton Street, Sun Valley, California, creating an unpermitted minor WTF in violation of PRC section 42834.

46. On at least one occasion prior to August 12, 2009, RESPONDENT LETICIA ZALDIVAR AKA LETICIA HOLGUIN failed to submit CTL receipts to CALRECYCLE manifesting the used and waste tires hauled to 11051 Pendleton Street, Sun Valley, California, in violation of PRC section 42961.5.

47. On at least one occasion from August 12, 2009 through December 4, 2009, RESPONDENT B&M TIRES failed to submit CTLs to CALRECYCLE manifesting the used and waste tires hauled to 11051 Pendleton Street, in Sun Valley, California, in violation of PRC section 42961.5.

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48. On or about June 12, 2009 to June 20, 2009, RESPONDENT B&M TIRES hauled 14 loads of waste and/or used tires to Mitsubishi Cement Plant, located at 5808 State Highway 18, Lucerne Valley, California 92313, using a vehicle with California license plate no. 9EO2438, that was not registered with CALRECYCLE. This is a violation of 14 CCR section 18831, CALRECYCLE form 60, for failure to provide this vehicle information on the waste and used tire hauler application, a violation of 14 CCR section 18454(f), in that the registration card and/or decal issued to a specific vehicle shall not be used for any vehicle not listed by the registered hauler, and a violation of 14 CCR section 18456 for failure to notify the Board of a necessary change in the waste and used tire hauler application.

49. In violation of PRC section 42961.5, RESPONDENT B&M TIRES failed to submit CTLs to CALRECYCLE indicating that RESPONDENT B&M TIRES hauled 14 loads of waste and/or used tires from June 12, 2009 to June 20, 2009, to Mitsubishi Cement Plant, located at 5808 State Highway 18, Lucerne Valley, California 92313, using a vehicle with California license plate no. 9EO2438, that was not registered with CALRECYCLE, in violation of PRC section 42961.5.

50. On or about May 20, 2010, Ziba Atai, Tire Enforcement Agent for Los Angeles County observed a truck with license plate number, 8W05036, unloading trucks at 23870 Pine Street, Newhall, California, and counted approximately 600 waste or used tires on site. The truck was registered with CALRECYCLE to RESPONDENT B&M TIRES. In phone call during the ensuing inspection, RESPONDENT LETICIA ZALDIVAR AKA LETICIA HOLGUING indicated managerial status over the property by admitting "they" had only recently moved onto the property; thus RESPONDENT B&M TIRES created an unpermitted minor WTF by allowing the transport of waste or used tires onto the property in violation of PRC section 42834 and PRC section 42951(b).

51. RESPONDENT B&M TIRES failed to submit CTLs to CALRECYCLE manifesting the used and waste tires hauled to 23870 Pine Street, Newhall, California, in violation of PRC section 42961.5.

## STIPULATED CONCLUSIONS OF LAW

52. CALRECYCLE has authority to assess administrative penalties against RESPONDENTS as set forth in PRC section 42850 and 14 CCR section 18429. CALRECYCLE has authority to RESPONDENTS' Registrations as set forth in PRC section 42960.

Stipulated Conclusions of Law in the Matters of Jorge Holguin dba Letty's Tires

53. CALRECYCLE is authorized to pursue penalties against RESPONDENT LETTY'S TIRES in an amount up to $10,000 pursuant to the terms of the Prior Stipulation.

54. RESPONDENT LETTY'S TIRES violated the terms of the Prior Stipulation by allowing RESPONDENT PAOLA'S TIRE and RESPONDENT B&M TIRES to operate as a continuation of RESPONDENT LETTY'S TIRES when RESPONDENT LETTY'S TIRES was to be suspended, and for allowing RESPONDENT PAOLA'S TIRE and RESPONDENT B&M TIRES to haul waste or used tires in trucks DMV registered to RESPONDENT HORGE HOLGUIN.

Stipulated Conclusions of Law in the Matter of Paola's Tire; Paola Zaldivar

55. On at least nineteen (19) occasions, RESPONDENT PAOLA'S TIRE intentionally or negligently violated a permit, rule, regulation, standard or requirement issued or adopted by CALRECYCLE by misrepresenting significant facts in its Waste TireHauler application or CTLs, pursuant to PRC section 42962.

56. On at least sixteen (16) separate occasions, RESPONDENT PAOLA'S TIRE violated PRC section 42961.5 by failing to submit CTLs (manifests) to CALRECYCLE either at all or within the prescribed time period.

57. On at least two (2) separate occasions RESPONDENT PAOLA'S TIRE failed to update its Waste Tire Hauler application resulting in the transport of tires in unregistered vehicles, in violation of 14 CCR section 18456.3.

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58. On multiple occasions RESPONDENT PAOLA'S TIRE violated 14 CCR section 18831, form 60, by failing to haul used and waste tires in a CALRECYCLE registered vehicle, and 14 CCR section 18456.2 by allowing tires to be hauled in vehicles without proper decals obtained from CALRECYCLE.

59. On at least two (2) occasions RESPONDENT PAOLA'S TIRE violated PRC sections 42951(b) and 42834 by transporting waste tires to a minor WTF or by accepting waste tires at a minor WTF when the operator had failed to obtain a minor WTF permit.

60. On multiple occasions RESPONDENT PAOLA'S TIRE continued to operate its business in a manner indicating that it acted unlawfully by aiding and abetting RESPONDENT LETTY'S TIRES in its failure to comply with the afore-mentioned Administrative Decision and California Tire Hauler Registration Laws, in violation of PRC section 42962.

61. On at least one (1) occasion RESPONDENT PAOLA'S TIRE violated PRC section 42956, by failing to carry the waste or used tire hauler registration in the registered vehicle; and failing to permanently affix the CALRECYCLE Tire Hauler decal to the lower right hand corner of the windshield.

62. On at least one (1) occasion RESPONDENT PAOLA'S TIRE violated PRC section 42956 by failing to provide a valid Waste Tire Hauler Registration upon demand to an authorized representative of CALRECYCLE.

Stipulated Conclusions of Law in the Matters of Leticia Zaldivar aka Leticia Holguin dba B&M Tires

63. RESPONDENT B&M TIRES violated PRC sections 42951(b) and 42834 by transporting waste tires to a minor WTF or by accepting waste tires at a minor WTF when the operator had failed to obtain a minor WTF permit.

64. RESPONDENT B&M TIRES created or operated or contributed to the creation and operation of an unpermitted waste tire facility in violation 14 CCR section 18420(a).

65. RESPONDENT B&M TIRES failed to manifest used and waste tires in violation of PRC section 42961.5.

66. RESPONDENT B&M TIRES failed to notify CALRECYCLE of necessary changes in the waste and used tire hauler application in violation of 14 CCR 18456.3.

**ORDER**

67. For the purposes of this Order, the term RESPONDENTS shall refer to any and all RESPONDENTS named in any of the above-referenced matters, jointly and severally, unless otherwise specified.

68. CALRECYCLE adopts and approves the terms of the Stipulation and the following Order is hereby made:

(a) RESPONDENTS shall surrender all Registrations and or WTF Permits currently in their possession by close of business December 7, 2010. CALRECYCLE shall also grant amnesty for any Registrations or WTF Permits surrendered during the first 30 days after the issuance of the Administrative Decision in this matter, by any other waste tire hauling or waste tire storage business owned, operated, or which cannot continue operating without the participation of the RESPONDENTS.

(b) RESPONDENTS shall pay a fine to CALRECYCLE in the amount of $75,000.00 which is a total of $53,000.00 to be held in abeyance for a period of five years and $22,000.00 paid in the following manner:

i. $5,000.00 paid within 30 days of the issuance of the Administrative Decision;

ii. Monthly payments of $500.00, on top of the amount currently being paid on the initial debt owed by Letty's Tires pursuant to the Prior Stipulation, until that initial debt is paid, then monthly payments of $1,000.00 until the total of $22,000 has been paid;

iii. The first monthly payment shall be due on January 1, 2011;

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iv. Payments shall be made to CALRECYCLE, Attn: Esther Gallegos, P.O. Box 4025, Sacramento, CA, 95812-4025, or to such other person and/or place as CALRECYCLE or its agent designates in writing;

v. Should RESPONDENTS fail to remit a payment to CALRECYCLE within 30 days of a due date CALRECYCLE shall notify RESPONDENTS of their failure to pay by the required date. RESPONDENTS shall have 30 days after the date of notification to bring their account up to date. If RESPONDENTS fail to bring its account up to date at the end of those 30 days, CALRECYCLE shall seek immediate relief by pursuing collection on each of the three Waste Tire Hauler Surety Bonds held on behalf of RESPONDENTS.

(c) $53,000.00 will be held in abeyance for five years after the issuance of the Administrative Decision at which time it will expire, be abated, and have no force or effect. Said expiration or abatement shall not cause any taxable consequence to RESPONDENTS. This amount will become immediately due and payable upon a determination of default made by either:

i. CALRECYCLE, that is not appealed to OAH by RESPONDENTS, or

ii. OAH following its decision on an appeal filed by RESPONDENTS;

(d) RESPONDENTS shall have until December 7, 2010, to remove any waste or used tires over the amount of 499 waste or used tires that are currently being stored by, or on any property owned or leased to, RESPONDENTS;

i. RESPONDENT B&M TIRES will complete and submit CTL information documenting the hauling of any tires from any property owned or leased to RESPONDENTS that has 500 or more used or waste tires on it. RESPONDENT B&M TIRES shall only deliver those tires an authorized end-use facility permitted by CALRECYCLE;

ii. RESPONDENTS shall inform CALRECYCLE of the locations of the locations at which 500 or more waste or used tires are currently being stored by, or on any property owned or leased to, RESPONDENTS, and CALRECYCLE shall issue those

sites a temporary ID number which shall be used by RESPONDENT B&M TIRES on its CTLs.

iii. CALRECYCLE shall not enforce WTF permitting violations against RESPONDENTS for those sites disclosed by RESPONDENTS through December 7, 2010;

iv. Any failure by RESPONDENT to abide by the terms of this subparagraph (c) shall constitute a default of this Stipulation by RESPONDENT.

(e) From the date of issuance of the Administrative Decision until the end of the abeyance period, RESPONDENTS shall notify CALRECYCLE in writing within one month if they transfer any vehicle or trailer listed on any of RESPONDENTS' Applications or Amended Applications for a Waste Tire Hauler Registration. Prior to selling the vehicles, RESPONDENTS shall ensure that all hauler stickers and registration are removed from the vehicles. RESPONDENTS shall provide a brief description of the vehicle, license plate number, vehicle identification number, the name of the buyer, and the sale price of the vehicle. This requirement does not apply to transfers of vehicles or trailers occurring prior to the signing of this Stipulation; RESPONDENTS shall provide CALRECYCLE with a list, signed under penalty of perjury, of vehicles or trailers, including license plate numbers and vehicle identification numbers, listed on any of Respondents' Applications or Amended Applications for A Waste Tire Hauler Registration and a statement that those vehicles or trailers were transferred prior to the date of the signing of this Stipulation.

(f) Any property owned, rented, or leased by RESPONDENTS in California may be inspected by CALRECYCLE to ensure future compliance with this agreement, the Public Resource Code, and the California Code of Regulations. RESPONDENTS agree to cooperate to the best of their ability by providing access to vehicles, outdoor areas, and non-residential facilities.

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69. Default: If RESPONDENTS are determined to be in default CALRECYCLE shall send RESPONDENTS a Notice of Default by regular and also by certified U.S. Mail, as well as providing a courtesy copy to RESPONDENTS' attorneys, the Law Offices of Lyle F. Greenberg at 6320 Canoga Avenue, Ste. 1400, Woodland Hills, CA 91367 unless written notice of another address is provided to CAL RECYCLE. The courtesy copy to Respondents' attorneys shall have no legal force and effect. Said Notice shall apprise RESPONDENTS of the provision(s) of the Stipulation of which RESPONDENTS are allegedly in default, along with supporting evidence of said default if any exists. RESPONDENTS shall have 30 days from the date of the Notice of Default to provide contrary evidence. RESPONDENTS shall have the option of having a hearing on said evidence before of the Director of CALRECYCLE, or a duly delegated agent for the Director, and shall request said hearing within the same 30-day period. CALRECYCLE shall render a Default Decision if the Director or her agent deems it necessary based on the evidence; RESPONDENTS may appeal said Default Decision to OAH within 30 days of the Issuance of the Default Decision.

(a) CALREYCLE shall deem RESPONDENTS in default if RESPONDENTS are found to be working, on a paid or volunteer basis, in any manner related to waste tire hauling or storage subject to the permitting, manifesting, or hauling requirements under California's Waste Tire Law at PRC section 42800 et. seq and attendant regulations and California's Tire Hauler Registration Law at PRC section 42950 et. seq and attendant regulations; including but not limited to, hauling or storing tires, operating a collection facility, consulting or advising another entity on the business of hauling or storing tires.

i. "Tires" includes, but is not limited to, waste tires, used tires, altered waste tires, baled tire, repairable tire, scrap tire, passenger tire equivalients and tire derived product as defined under Public Resources Code, Sections 42801.5 et seq.

(b) The following shall be prima facie evidence that RESPONDENTS are working in a manner related to waste tire hauling or storage:

i. RESPONDENTS' or their agent are found hauling tires in any vehicle in any amount regulated by the Public Resources Code (more than 9 waste or used tires);

- The term agent, for the purposes of this Stipulation, shall be defined in accordance with the definition provided by Black's Law Dictionary as "One who is authorized to act for or in place of another," and shall not include current employees or associates if that employee or associates' only connection with RESPONDENTS is the relationship between that person and RESPONDENTS prior to the issuance of the Administrative Decision. Any person who acts, impliedly or expressly, for or in place of RESPONDENTS, whether that person has been a prior or current employee or associate, after the date of the Administrative Decision may be deemed an agent for the purposes of this agreement.

ii. RESPONDENTS or their agent is found storing tires in an amount regulated by the Public Resources Code (500 or more tires);

iii. Information identifying RESPONDENTS is found on any Bill of Lading or Receipt from a tire generator or end-use facility.

- "Information identifying" RESPONDENTS includes, but is not limited to;

aa. Any name RESPONDENTS have ever used;

bb. Any derivation of any name RESPONDENTS have ever used;

cc. Any telephone number registered to, or paid for by, RESPONDENTS;

dd. Any vehicle identification number or license for any vehicle owned, rented, or leased by RESPONDENTS with the exception of any vehicle that has been sold by RESPONDENTS pursuant to subparagraph (e) above;

ee. Any address identifying property owned, rented or leased by RESPONDENTS,

ff. The social security number or taxpayer identification number of RESPONDENTS; or

gg. Any information referencing a business where RESPONDENTS have any ownership interest.

iv. Information identifying RESPONDENTS is found on any Comprehensive Trip Log

v. Information identifying RESPONDENTS is found or associated with any paperwork filed with the state, city, or county relating to any business that either hauls or stores tires an falls under the regulatory scheme of CALRECYCLE, including applying for any local or state permits upon which a hauling registration or storage permit is issued;

vi. Information identifying RESPONDENTS is found to be associated with any lease of property, real or personal, that is subsequently used by an entity that hauls or stores tires and falls under CALRECYCLE's jurisdiction;

vii. RESPONDENTS gifts, or transfers for a mere nominal sum, any asset later found to be used to haul or store tires in a manner that would be regulated by California's Tires laws.

The effective date of this ADMINISTRATIVE DECISION is the 17 of November, 2010.

TED RAUH
DEPUTY DIRECTOR
CALIFORNIA DEPARTMENT OF
RESOURCES RECYCLING AND RECOVERY

# PROOF OF SERVICE

**Code of Civil Procedure section 1013**

In the matter of: JORGE L. HOLGUIN DBA LETTY'S TIRES, AGENCY NOS. 2008-000041-DEN and 2009-011090-ADC, OAH NOS. 2009-010735 and 2009-010350

In the matter of: PAOLA'S TIRE; PAOLA ZALDIVAR, AGENCY NOS. 2009-011105-ADC and 2009-000005-REV, OAH NO. 2009-120778

In the matter of: LETICIA ZALDIVAR AKA LETICIA HOLGUIN DBA B & M TIRES, AGENCY NOS 2009-011103-ADC and 2009-000006-REV, OAH NOS. 2009-120785 and 2009-120786

I, Gloria Bell, declare:

I am over the age of 18 years and not a party to the within action. I am an employee of the California Department of Resources Recycling and Recovery, Legal Office, 1001 I Street, 23rd Floor, Sacramento, California 95814.

On November 16, 2010, I served the within document(s) regarding the above mentioned cases:

1) ADMINISTRATIVE DECISION FOR DETERMINATION OF DEFAULT OF STIPULATION FOR ISSUANCE OF ADMINISTRATIVE DECISION.

Service was made on the party(s) listed below:

Lyle F. Greenberg
Michael M. Hernandez
Attorneys at Law
6320 Canoga Ave
Suite 1400 – Trillum Tower East
Woodland Hills, Ca 91367
Email: lgreenberg@fglaw.com

Michael Scarlett,
Presiding Administrative Law Judge
Office of Administrative Hearings
320 West Fourth Street, Rm 630
Los Angeles, California 90013

[X] **By Mail:** I caused such document(s), in sealed envelope(s) with certified postage to Lyle Greenberg and regular U.S. postage to Michael Scarlett thereon fully prepaid, to be placed in the United State mail at Sacramento, California.

[] **By Facsimile:** I caused the above-named document(s) to be transmitted via facsimile to the facsimile number(s) listed above.

[ ] **By Personal Delivery:** I caused such document(s), in sealed envelope(s), to be delivered by hand to the office(s) of addressee(s).

[X] **By Email:** I caused the above-named document(s) to be transmitted via email to the email number listed above.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed by me on November 16, 2010, in Sacramento, California.

Gloria Bell

GLORIA BELL
Legal Analyst/Paralegal