

1 MARIE W. CARTER, CHIEF COUNSEL, SBN# 070403
2 WENDY BRECKON, STAFF COUNSEL, SBN# 182952
3 Attorneys for Complainant
4 CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
5 1001 I Street, 23rd Floor
6 P. O. Box 4025
7 Sacramento, CA 95814
8 Telephone: (916) 341-6068
9 Facsimile: (916) 341-6082

7 STATE OF CALIFORNIA

8 CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

9 In the Matter of:

10 MICHAEL ARAKELIAN, INDIVIDUALLY AND AS
11 AN OFFICER OF ARAKELIAN ENTERPRISES,
12 INC.; RON ARAKELIAN, JR., INDIVIDUALLY
13 AND AS AN OFFICER OF ARAKELIAN
14 ENTERPRISES, INC.; KEVIN HANIFIN,
15 INDIVIDUALLY AND AS AN OFFICER OF
16 ARAKELIAN ENTERPRISES, INC.; AND
17 ARAKELIAN ENTERPRISES, INC., D/B/A A.D.S.
18 (A/K/A ART'S DISPOSAL SERVICE, A/K/A
19 ATHENS SERVICES), OPERATORS
20 TPID NO: 1323441-01

21 RESPONDENTS.

ADMINISTRATIVE DECISION FOR
WASTE TIRE HAULER PENALTIES
PURSUANT TO STIPULATION FOR
ISSUANCE OF ADMINISTRATIVE
DECISION

OAH Case No. L2005100357

CWIMB No: AC-2005-00001

23 **PROCEDURAL HISTORY**

24 The California Integrated Waste Management Board (CIWMB) served an
25 Administrative Complaint and Request for Hearing form on MICHAEL ARAKELIAN,
26 INDIVIDUALLY AND AS AN OFFICER OF ARAKELIAN ENTERPRISES, INC.; RON
27 ARAKELIAN, JR., INDIVIDUALLY AND AS AN OFFICER OF ARAKELIAN
28 ENTERPRISES, INC.; AND KEVIN HANIFIN, INDIVIDUALLY AND AS AN OFFICER

1 OF ARAKELIAN ENTERPRISES, INC. of ARAKELIAN ENTERPRISES, INC.
2 (hereinafter "RESPONDENTS") on September 13, 2005. RESPONDENTS negotiated
3 a Stipulation For Issuance of Administrative Decision (Stipulation) with the CIWMB
4 instead of attending the administrative hearing scheduled for November 16, 2005.
5 Pursuant to the Stipulation dated November 15, 2005, entered into by the the CIWMB
6 and RESPONDENTS and good cause appearing therefore, the following Stipulated
7 Factual Findings and Conclusions of Law are made, and the following Stipulated Order
8 is issued.

9
10 **STIPULATED FACTS AND VIOLATIONS OF LAW**

11 The CIWMB and RESPONDENTS have entered into a settlement of the
12 complaint herein, pursuant to which they hereby stipulate to the following facts and
13 violations of law:

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

18 2. RESPONDENTS are responsible for the transportation of waste or used
19 tires by a person not holding a valid waste tire hauler registration from the CIWMB.

20 3. On June 1, 2004, RESPONDENTS first became registered as a Waste
21 Tire Hauler with the CIWMB. The hauler registration Tire Program Identification (TPID)
22 number issued to it was 1323441-01.

23 4. According to CIWMB, on July 9, 2004, the CIWMB Waste Tire Hauler
24 Registration & Manifest Program was contacted by FRANK GUTIERREZ who
25 represented himself as an agent for Art's Disposal Service (TPID 1000255-01) located
26 at 127 Van Norman Road, Montebello, CA 90640. He requested that the
27 CIWMB close the business account for Art's Disposal Service, a registered CIWMB
28 waste tire hauler, showing that the business no longer existed and was no longer liable

1 for hauling waste tires. MR. GUTIERREZ stated that the business had been sold to
2 ARAKELIAN ENTERPRISES, INC.

3 5. On that same date, the CIWMB called MR. CHRISTEN WARNER of
4 ARAKELIAN ENTERPRISES, INC. after being informed by MR. GUTIERREZ that
5 ARAKELIAN ENTERPRISES, INC. had purchased Art's Disposal Service. MR.
6 WARNER acknowledged that a transaction took place on or about June 15, 2004.
7 CIWMB staff told MR. WARNER to remove all existing decals from the trucks
8 purchased from Art's Disposal Service and to replace them with the new decals issued
9 to the ARAKELIAN ENTERPRISES, INC. MR. WARNER acknowledged that he had
10 the new registration certificates in his possession.

11 6. A letter of violation was issued by the CIWMB Waste Tire Hauler
12 Registration & Manifest Program on October 4, 2004 to CHRISTIAN WARNER,
13 ARAKELIAN ENTERPRISES INC. for incorrect usage of the CIWMB decals because
14 ARAKELIAN ENTERPRISES, INC. was using A.D.S.'s cancelled decals.

15 7. Pursuant to 14 CCR 18455(b), all waste tire hauler registrations expire
16 annually on January 1st. No waste tire hauler renewal application was received by the
17 CIWMB by January 1, 2005.

18 8. On January 13, 2005, the CIWMB Waste Tire Hauler Registration &
19 Manifest Program cancelled ARAKELIAN ENTERPRISES, INC. for failing to renew the
20 waste tire hauler registration for the 2005 calendar year. CIWMB asserts a
21 cancellation letter was sent to RESPONDENTS advising them of this cancellation.

22 9. On March 24, 2005 RESPONDENTS submitted a valid Waste Tire hauler
23 renewal application which was received by the CIWMB Waste Tire Hauler Program.

24 10. During the time that RESPONDENTS were not registered with the
25 CIWMB, RESPONDENTS continued to haul waste or used tires in disregard of the
26 applicable waste tire hauler registration requirements. RESPONDENTS hauled at
27 least 26 loads of waste tires. The following manifests and dates reflect these
28 transactions:

	<u>Manifest Number</u>	<u>Date of Transaction</u>
1		
2	M6-1630799	1/07/2005
3	M7-1630800	1/07/2005
4	M- (missing number)	1/07/05
5	M6-1439159	1/07/2005
6	M8-1439160	1/14/2005
7	M2-1630779	1/14/2005
8	M1-1630803	1/18/2005
9	M2-1917804	1/21/2005
10	M4-1630806	1/25/2005
11	M5-1630807	1/26/2005
12	M7-1630809	1/26/2005
13	M9-1630810	1/26/2005
14	M4-1630814	2/03/2005
15	M2-1630820	2/07/2005
16	M3-1917532	2/07/2005
17	M6-1630816	2/09/2005
18	M4-1630822	2/14/2005
19	M5-1630823	2/22/2005
20	M6-1630824	2/22/2005
21	M7-1630825	2/26/2005
22	M8-1630826	2/25/2005
23	M4-1630830	3/01/2005
24	M5-1630831	3/11/2005
25	M2-1439163	3/11/2005
26	M9-1439161	3/11/2005
27	M6-1630832	3/14/2005
28		

1 11. The CIWMB issues specific decals for waste and used tire hauler
2 vehicles listed by the registered haulers in their applications for registration.

3 12. RESPONDENTS filed the following manifest forms with CIWMB using
4 cancelled decal numbers of Art's Disposal Service:

<u>Manifest Number</u>	<u>Date of Transaction</u>	<u>Decal Number</u>
M6-1630799	1/07/2005	04-02964
M7-1630800	1/07/2005	04-02964
M- (missing number)	1/07/2005	04-02964
M6-1439159	1/07/2005	04-02964
M8-1439160	1/14/2005	04-02964
M2-1630779	1/14/2005	04-02964
M1-1630803	1/18/2005	04-02964
M2-1917804	1/21/2005	04-02964
M5-1630807	1/26/2005	04-02475
M7-1630809	1/26/2005	04-02965
M9-1630810	1/26/2005	04-02965
M4-1630814	2/03/2005	04-02965
M2-1630820	2/07/2005	04-02974
M6-1630816	2/09/2005	04-02965
M5-1630823	2/22/2005	04-02964
M6-1630824	2/22/2005	04-02964
M7-1630825	2/26/2005	04-02975
M8-1630826	2/25/2005	04-02964
M4-1630830	3/01/2005	04-02974
M5-1630831	3/11/2005	04-02964
M2-1439163	3/11/2005	04-02964
M9-1439161	3/11/2005	04-02964

1 13. RESPONDENTS violated PRC section 42951, which makes it unlawful
2 on or after January 1, 1995, to engage in the transportation of waste tires unless
3 holding a valid Waste Tire Hauler Registration, unless exempted as specified in PRC
4 section 45954.

5 14. RESPONDENTS violated PRC 42956(a), which requires that waste and
6 used tire haulers are to permanently affix decals issued by the CIWMB to the lower
7 right hand corner of the windshield.

8 15. RESPONDENTS state that the above-mentioned violations were
9 administrative errors that did not result in financial gain, that all other regulations were
10 complied with, and that no health and safety violations occurred.

11
12 **STIPULATED LEGAL CONCLUSIONS**

13 16. RESPONDENTS are in violation of Public Resources Code (PRC)
14 section 42951, which makes it unlawful, on or after January 1, 1995, to engage in the
15 transportation of waste tires unless holding a valid Waste Tire Hauler Registration,
16 unless exempted as specified in PRC section 42954; and PRC 42956(a), which
17 requires that waste and used tire haulers are to permanently affix decals issued by the
18 CIWMB to the lower right hand corner of the windshield.

19 17. The CIWMB's authority to assess administrative penalties against
20 MICHAEL ARAKELIAN, INDIVIDUALLY AND AS AN OFFICER OF ARAKELIAN
21 ENTERPRISES, INC.; RON ARAKELIAN, JR., INDIVIDUALLY AND AS AN OFFICER
22 OF ARAKELIAN ENTERPRISES, INC.; AND KEVIN HANIFIN, INDIVIDUALLY AND
23 AS AN OFFICER OF ARAKELIAN ENTERPRISES, INC. of ARAKELIAN
24 ENTERPRISES, INC. as a waste tire hauler is set forth in PRC section 42962 (c) and
25 Title 14 of the California Code of Regulations (CCR) section 18464.

26 18. The negotiated penalty of \$5,000.00 (Five Thousand Dollars) is within the
27 CIWMB's discretion pursuant to 14 CCR section 18465.
28

1 **ORDER**

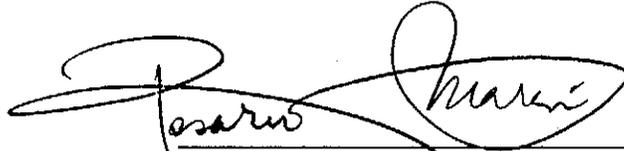
2 Good cause appearing. THE FOLLOWING ORDER is hereby made:

3 RESPONDENTS are ordered to pay an administrative penalty of \$5,000.00

4 (Five Thousand Dollars) within 30 (thirty) days of the date of this Decision.

5 This DECISION shall become effective December 13, 2005.

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7
8 Dated: 12.13.05



9 ROSARIO MARIN
10 Chair
11 CALIFORNIA INTEGRATED WASTE
12 MANAGEMENT BOARD
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