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8
9 STATE OF CALIFORNIA

10 CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

11 In the matter of:

12 BENIGNO HERNANDEZ INDIVIDUALLY
13 AND ADRIAN'S TRANSPORATION, L.L.C.
14 a/k/a AD FLEET
15 TPID NO: 1437909-01

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

AGENCY No: 2006-010935-ADC

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18 RESPONDENTS.

19 The California Integrated Waste Management Board ("CIWMB") served an
20 Administrative Complaint and Request for Hearing form on BENIGNO HERNANDEZ
21 INDIVIDUALLY AND ADRIAN'S TRANSPORTATION, L.L.C. a/k/a AD FLEET, an
22 unregistered Waste and Used Tire Hauler ("RESPONDENTS"), on July 21, 2006.
23 RESPONDENTS did not file a Request for Hearing. The matter shall be determined as
24 a default pursuant to 14 CCR section 18466 and Government Code section 11520. The
25 CIWMB takes action against RESPONDENTS based upon evidence and affidavits that
26 may be used without any notice to RESPONDENTS.

27 **FACTUAL FINDINGS**

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

California Integrated Waste Management Board, Administrative Decision, Adrian's Transportation

1 6. Pursuant to 14 CCR section 18464, the waste and used tire hauler penalty
2 tables, the requested penalty of \$2,000.00 (two thousand dollars) is within the CIWMB's
3 discretion.

4 7. No evident of mitigation, extenuation or rehabilitation is offered.

5 **ORDER**

6 Good cause appearing, Complainant's motion to take action in accordance with
7 the provisions of Government Code Section 11520, subdivision (a) is granted.

8 THE FOLLOWING ORDER is hereby made:

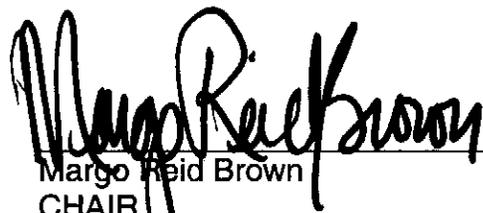
9 RESPONDENTS, BENIGNO HERNANDEZ INDIVIDUALLY AND ADRIAN'S
10 TRANSPORTATION, L.L.C. a/k/a AD FLEET, are ordered to pay an administrative
11 penalty of \$2,000.00 (two thousand dollars) to the California Integrated Waste
12 Management Board within 30 (thirty) days of the date of this decision.

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

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

23 This DECISION shall become effective August 14, 2006.

24 Dated this 14th day of August 2006.

25 
26 Margo Reid Brown
27 CHAIR
28 California Integrated Waste
Management Board