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9 STATE OF CALIFORNIA  
10 CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

11 In the matter of:

12 JOE SANTINI, d/b/a STS TIRE & WHEEL  
13 Unregistered Hauler  
14 TPID NO: 1437125-01

15  
16  
17 RESPONDENT.

AMENDED ADMINISTRATIVE DECISION  
PURSUANT TO DEFAULT OF  
STIPULATION FOR WASTE TIRE  
HAULER ADMINISTRATIVE PENALTIES

AGENCY No: 2006-010943-ADC

18  
19 The California Integrated Waste Management Board (CIWMB) served an  
20 Administrative Complaint and Request for Hearing form on JOE SANTINI, d/b/a STS  
21 TIRE & WHEEL (RESPONDENT), on September 6, 2006. RESPONDENT did not file a  
22 Request for Hearing. The matter was determined as a default pursuant to Title 14  
23 California Code of Regulations (CCR) section 18466 and Government Code section  
24 11520 and an ADMINISTRATIVE DECISION by default was issued on October 2, 2006.  
25 In February 2007, the CIWMB received a communication from RESPONDENT  
26 requesting reconsideration of the DECISION based on financial hardship. Thereafter, a  
27 Stipulation for Issuance of Administrative Decision was negotiated, and a CIWMB  
28 Amended Decision adopting the Stipulation was issued on May 22, 2007.

**FACTUAL FINDINGS**

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

4 2. RESPONDENT is responsible for the transportation of waste tires by a  
5 person not holding a valid waste tire hauler registration from the CIWMB.  
6 RESPONDENT, without being registered, unlawfully hauled loads of more than 100  
7 used or waste tires on or about December 13, 2005, December 13, 2005, January 12,  
8 2006, and February 17, 2006.

9 3. On or about June 21, 2006, RESPONDENT represented to an inspector of  
10 CIWMB that he understood the waste tire hauler laws prior to starting his waste tire  
11 hauling business.

12 4. On September 6, 2006, an administrative complaint was served on  
13 RESPONDENT seeking \$4,000.00 in administrative penalties. RESPONDENT was  
14 advised that he had 15 days to request a hearing. No request for hearing was received  
15 by the CIWMB.

16 5. On October 24, 2006, RESPONDENT was served with the Decision by  
17 Default ordering him to pay the sum of \$4,000.00.

18 6. In January 2007, RESPONDENT sent a letter to the CIWMB requesting a  
19 reduction in the amount of the penalty due to financial hardship. RESPONDENT  
20 explained that he had sought to secure a bond for the purposes of waste tire hauling,  
21 but that due to his youth, he had not been successful in that endeavor. RESPONDENT  
22 represented that he had lost his business. RESPONDENT had not made a payment  
23 towards his debt owed.

24 7. RESPONDENT negotiated a stipulation with CIWMB staff: \$1,000 due within  
25 30 days of the Stipulated Agreement with the remaining \$3,000.00 held in abeyance for  
26 a period of 2 years.

27 8. An Amended Administrative Decision Pursuant to Stipulation for Waste Tire  
28 Hauler Administrative Penalties was issued on May 22, 2007. The Amended Decision,

1 along with a copy of the executed Stipulation, was mailed to RESPONDENT by certified  
2 mail, return receipt requested, on May 23, 2007. RESPONDENT signed for the certified  
3 mail and the receipt, with RESPONDENT'S signature, was returned to the CIWMB by  
4 the Post Office, date stamped June 1, 2007.

5 9. RESPONDENT has failed to make any payments pursuant to the terms of the  
6 Stipulation.

### 7 LEGAL CONCLUSIONS

8 1. RESPONDENT is in violation of Public Resources Code (PRC) section  
9 42951, which makes it unlawful to engage in the transportation of more than nine waste  
10 tires unless holding a valid Waste Tire Hauler Registration.

11 2. The CIWMB's authority to assess administrative penalties against  
12 RESPONDENT as a waste tire hauler is set forth in PRC section 42962 and in CCR  
13 section 18464.

14 3. Pursuant to 14 CCR section 18464, the waste and used tire hauler penalty  
15 tables, the requested penalty of \$4,000.00 (four thousand dollars) is within the CIWMB's  
16 discretion.

17 4. RESPONDENT has defaulted on the terms of the May 22, 2007  
18 Stipulation. Paragraph 5 of the Stipulation provides that failure to remit payment by the  
19 due date, June 21, 2007, is a default of the Stipulation. In addition, defaulting on the  
20 terms of the Stipulation will result in the lifting of the stay of the remaining \$3,000 in  
21 penalties sought in the Administrative Complaint.

22 5. On July 16, 2007, a letter was sent to RESPONDENT advising him that he  
23 was in default of the Stipulation and advising him that if the CIWMB did not receive his  
24 payment of \$1,000.00 by August 1, 2007, a Second Amended Decision would be issued  
25 and he would owe the sum of \$4,000.00 in administrative penalties. To date, no  
26 subsequent payment has been received by the CIWMB.

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1 **ORDER**

2 Good cause appearing, the following ORDER is hereby made:

3 RESPONDENT, JOE SANTINI, d/b/a STS TIRE & WHEEL, is ordered to pay an  
4 administrative penalty of \$4,000.00 (four thousand dollars) to the California Integrated  
5 Waste Management Board within 30 (thirty) days of the date of this Decision.

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7 **RESPONDENT'S RIGHT TO FILE WRITTEN MOTION**

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

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

18 This DECISION shall become effective November 30, 2007.

19 Dated this 30<sup>th</sup> day of November, 2007.

20   
21 Margo Reid Brown  
22 CHAIR  
23 California Integrated Waste  
24 Management Board  
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