

1 ELLIOT BLOCK SBN 116999  
2 Chief Counsel  
3 WENDY BRECKON SBN 182952  
4 Senior Staff Counsel  
5 Attorneys for Complainant  
6 CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD  
7 1001 I Street, 23<sup>rd</sup> Floor  
8 P. O. Box 4025  
9 Sacramento, CA 95812-4025  
10 Telephone: (916) 341-6068  
11 Facsimile: (916) 341-6082

12 BEFORE THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD  
13 STATE OF CALIFORNIA

14 In the Matter of:

15 MIKE DEMIRJIAN a/k/a MICHAEL  
16 DEMIRJIAN; MIKE DEMIRJIAN  
17 TRUCKING SERVICE, INC., STATEWIDE  
18 EXCAVATION, INC.; UNREGISTERED  
19 WASTE TIRE HAULERS  
20 TPID NO: 1336677-01

21 } ADMINISTRATIVE DECISION FOR  
22 } WASTE TIRE HAULER  
23 } ADMINISTRATIVE PENALTIES

24 } AGENCY NO. 2007-010965-ADC

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RESPONDENTS

The California Integrated Waste Management Board ("CIWMB") served an Administrative Complaint and Request for Hearing form on MIKE DEMIRJIAN a/k/a MICHAEL DEMIRJIAN; MIKE DEMIRJIAN TRUCKING SERVICE, INC., STATEWIDE EXCAVATION, INC. (RESPONDENTS), on July 8, 2007. RESPONDENTS requested a hearing, however they negotiated a Stipulation for Issuance of Administrative Decision ("Stipulation") with the CIWMB to resolve the issues in the Administrative Complaint before the hearing was scheduled. The Board Members of the CIWMB hereby adopt the Stipulation. Pursuant to the Stipulation, and good cause appearing therefore, the

1 following Stipulated Factual Findings and Legal Conclusions are made, and the  
2 following Order is issued:

3 **STIPULATED FACTUAL FINDINGS**

4 1. The CIWMB has authority to regulate and conduct enforcement actions  
5 regarding Waste Tire Storage Facilities and Waste Tire Haulers within the State of  
6 California under Public Resources Code (PRC) sections 42850 and 42962 et seq. and  
7 attendant regulations contained in Title 14 of the California Code of Regulations (CCR).

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

10 3. RESPONDENTS, without being registered, unlawfully hauled more than 9  
11 (nine) used or waste tires on or about April 14, 2006, September 18, 2006, and  
12 March 29, 2007.

13 4. RESPONDENTS continued to haul waste tires illegally despite CIWMB  
14 letters of violation sent to MIKE DEMIRJIAN on April 20, 2006, and October 31, 2006.

15 **LEGAL CONCLUSIONS**

16 5. RESPONDENTS are in violation of PRC section 42951 for hauling more  
17 than 9 (nine) used and waste tires without a CIWMB used and waste tire registration.

18 6. The CIWMB's authority to assess administrative penalties against  
19 RESPONDENTS as a waste tire hauler is set forth in PRC section 42962 and in Title 14  
20 of the California Code of Regulations section 18464.

21 7. Pursuant to 14 California Code of Regulations section 18464, the waste  
22 and used tire hauler penalty tables, the negotiated penalty of two thousand five hundred  
23 dollars (\$2,500.00), for the violations set forth in the Administrative Complaint is within  
24 CIWMB's discretion. One thousand five hundred dollars (\$1,500.00), of this  
25 administrative penalty will be stayed for a period of two (2) years, and such amount to  
26 be extinguished following the two year period absent a default as described below. If  
27 RESPONDENTS default on any terms or conditions of this STIPULATION, the stay will  
28

1 be lifted and RESPONDENTS will owe the CIWMB two thousand five hundred dollars  
2 (\$2,500.00) less any payments already received.

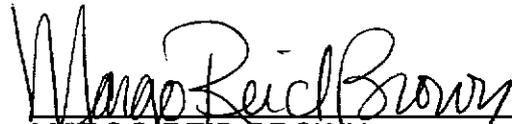
3 **ORDER**

4 The CIWMB approves of the terms of the Stipulation and the following order is  
5 hereby made:

6 MIKE DEMIRJIAN a/k/a MICHAEL DEMIRJIAN; MIKE DEMIRJIAN TRUCKING  
7 SERVICE, INC., STATEWIDE EXCAVATION, INC. are ordered to pay an administrative  
8 penalty of \$1,000.00 (one thousand dollars) to the CIWMB according to the terms of the  
9 Stipulation.

10  
11 This DECISION shall become effective August 22, 2007

12  
13 Dated this 22<sup>nd</sup> day of August, 2007.

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17 MARGO REID BROWN  
18 Chair  
19 CALIFORNIA INTEGRATED WASTE  
20 MANAGEMENT BOARD