

1 ELLIOT BLOCK SBN 116999  
Acting Chief Counsel  
2 WENDY BRECKON SBN182952  
Senior Staff Counsel  
3 Attorneys for Complainant  
4 CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD  
1001 I Street, 23<sup>rd</sup> Floor  
5 P. O. Box 4025  
6 Sacramento, CA 95812-4025  
Telephone: (916) 341-6068  
7 Facsimile: (916) 341-6082

8  
9 STATE OF CALIFORNIA

10 CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

11 In the matter of:

12 FRANCISCO DOMINGUEZ a/k/a  
13 FRANCISCO RODRIGUEZ,  
14 INDIVIDUALLY AND d/b/a PEOPLE'S  
15 TIRE SHOP #2 , OPERATOR  
16 TPID NO: 1003769

17  
18  
19 RESPONDENT.

ADMINISTRATIVE DECISION  
FOR WASTE TIRE HAULER  
ADMINISTRATIVE PENALTIES,

AGENCY No: 2005-010931-ADC

20  
21 The California Integrated Waste Management Board ("CIWMB") served an  
22 Administrative Complaint and Request for Hearing form on FRANCISCO DOMINGUEZ  
23 a/k/a FRANCISCO RODRIGUEZ INDIVIDUALLY AND d/b/a PEOPLE'S TIRE SHOP  
24 #2, an unregistered Waste and Used Tire Hauler ("RESPONDENT"), on June 23, 2006.  
25 RESPONDENT did not file a Request for Hearing. The matter shall be determined as a  
26 default pursuant to 14 CCR 18466 and Government Code section 11520. The CIWMB  
27 takes action against RESPONDENT based upon evidence and affidavits that may be  
28 used without any notice to RESPONDENT.

1 **FACTUAL FINDINGS**

2 1. The Administrative Complaint was executed by WENDY BRECKON,  
3 Senior Staff Counsel, CWIMB, 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 3. On or about February 2, 2006, RESPONDENT hauled at least 1.3 tons of  
7 waste tires without being registered as a waste or used tire hauler by the CIWMB.

8 4. No manifests were submitted to the CIWMB for the February 2, 2006, load  
9 of waste tires, or any other load of waste tires hauled by RESPONDENT in 2006.

10 **LEGAL CONCLUSIONS**

11 5. RESPONDENT FRANCISCO DOMINGUEZ a/k/a FRANCISCO  
12 RODRIGUEZ INDIVIDUALLY AND d/b/a PEOPLE'S TIRE SHOP #2 is in violation of  
13 Public Resources Code (PRC) section 42951, which makes it unlawful, on or after  
14 January 1, 1995, to engage in the transportation of waste or used tires unless holding a  
15 valid Waste Tire Hauler Registration, unless exempted as specified in PRC section  
16 42954.

17 6. RESPONDENT FRANCISCO DOMINGUEZ a/k/a FRANCISCO  
18 RODRIGUEZ INDIVIDUALLY AND d/b/a PEOPLE'S TIRE SHOP #2 is in violation of  
19 Public Resources Code (PRC) section 42961.5, failure to manifest waste tires hauled by  
20 RESPONDENT.

21 7. The CIWMB's authority to assess administrative penalties against  
22 RESPONDENT as a waste tire hauler is set forth in PRC section 42962 and in Title 14  
23 of the California Code of Regulations (CCR) section 18464.

24 8. Pursuant to 14 CCR section 18464, the waste and used tire hauler penalty  
25 tables, the requested penalty of \$2,500.00 (two thousand five hundred dollars) is within  
26 the CIWMB's discretion.

27 9. No evident of mitigation, extenuation or rehabilitation is offered.

28 ///

1 **ORDER**

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

4 THE FOLLOWING ORDER is hereby made:

5 RESPONDENT, FRANCISCO DOMINGUEZ a/k/a FRANCISCO RODRIGUEZ  
6 INDIVIDUALLY AND d/b/a PEOPLE'S TIRE SHOP #2, is ordered to pay an  
7 administrative penalty of \$2,500.00 (two thousand five hundred dollars) to the California  
8 Integrated Waste Management Board within 30 (thirty) days of the date of this decision.

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

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

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

18 This DECISION shall become effective July 24, 2006.

20 Dated this 24<sup>th</sup> day of July 2006.

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