

**CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY  
WASTE TIRE HAULER/MANIFESTING VIOLATIONS  
STIPULATION, DECISION, AND ORDER**

Complainant, the California Department of Resources Recycling and Recovery (CDRRR) and Respondent(s) hereby agree that the stipulation will be a final resolution of the violations and the parties stipulate to the following facts and violations of law: **RECEIVED**

**CDRRR ENFORCEMENT ORDER NUMBER:** 2013-000440-PEN

MAR 13 2013

**RESPONDENT:** Express Tire Service  
10902 I Ave Ste C2  
Hesperia, CA 92345

**BY ACCOUNTING**

**PUBLIC RESOURCES CODE (PRC) SECTION VIOLATED:** §42956 (a) and 42961.5 (c)(1)

**TITLE 14, CALIFORNIA CODE OF REGULATIONS (CCR) VIOLATED:** N/A

**DESCRIPTION OF VIOLATIONS:**

On January 15, 2013, the operator of **Express Tire Service**, who was issued a valid 2013 waste tire hauler registration and was hauling 10 or more waste/used tires at the time of this occurrence, failed to have his waste tire hauler registration certificate in his possession as well as the current year CDRRR tire hauler decal affixed to the vehicle which is a violation of PRC §42956 (a). Further, the operator of **Express Tire Service** failed to have a manifest document in his possession showing the transportation of waste or used tires which is a violation of PRC 42961.5 (c) (1).

Pursuant to PRC § 42956 (a), upon approval of an application submitted pursuant to Section 42955, the Department shall issue a waste and used tire hauler registration to be carried in the vehicle and a waste and used tire hauler decal to be permanently affixed to the lower right hand corner of the windshield.

Pursuant to PRC 42961.5.(c)(1) Any waste and used tire hauler shall have the California Uniform Waste and Used Tire Manifest in his or her possession while transporting waste or used tires. The manifest shall be shown upon demand to any representative of the board (Department), any officer of the California Highway Patrol, any peace officer, as defined in Section 830.1 or 830.2 of the Penal Code, or any local public officer designated by the board (Department).

**DATE(S) OF VIOLATION:** January 15, 2013

**STIPULATION DUE DATE:** 15 DAYS FROM THE DATE OF SERVICE

**TOTAL MONETARY PENALTY:** \$100      **NUMBER OF COUNTS:** 2

**STATEMENT BY RESPONDENT(S):**

I acknowledge that the violation(s) of the Public Resources Code and/or Title 14, California Code of Regulations (CCR) described above and on Exhibit 1 attached, have occurred and request that the California Department of Resources Recycling and Recovery resolve this matter by imposition of the monetary penalty specified above. I acknowledge receipt of the *Statement of Respondent's Rights* at the bottom of this form and voluntarily waive any and all procedural rights to contest this matter in an Administrative Hearing. I have enclosed a check or money order made payable to the California Department of Resources Recycling and Recovery in the amount of the penalty described above. I understand that if there are not sufficient funds in my bank account when the check is deposited, CDRRR has the discretion to determine that this agreement is null and void, and can prosecute this allegation as if no agreement has been executed.

RESPONDENT has freely and voluntarily entered into this Stipulation, Decision, and Order (hereinafter "Stipulation"), and has been afforded the opportunity to consult with counsel prior to entering into this Stipulation. It is expressly understood and agreed that no representations or promises of any kind, other than as contained herein, have been made by any party to induce any other party to enter into this Stipulation, and that said Stipulation may not be altered, amended, modified, or otherwise changed except by a writing executed by each of the parties hereto.

This Stipulation constitutes the entire understanding of the parties concerning the settlement of this proceeding. There are no restrictions, promises, warranties, covenants, undertakings, or representations other than those expressly set forth herein or contained in separate written documents delivered or to be delivered pursuant hereto, and each party expressly acknowledges that it has not relied upon any restrictions, promises, warranties, covenants, undertakings, or representations other than those expressly contained herein.

If necessary, this Stipulation may be executed in counterparts, each of which shall be an original, and all together shall form one agreement. In addition, for purposes of this Stipulation, facsimile signatures will be treated as originals until the applicable page(s) bearing non-facsimile signatures have been received by the parties.

The effective date of this Stipulation, Decision, and Order, is the date that the Department Director signs it.

Dated: 03-10-13 Signature: \_\_\_\_\_



Printed Name: NAHUM EDUARDO FLORES

Job Title: OWNER

Name and Address of Business Entity: 10902 I AVE HESPERIA CA. 92345

Any DBAs: EXPRESS TIRE SERVICE

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**For California Department of Resources Recycling and Recovery Use Only**

**STATEMENT BY DIRECTOR:**

The foregoing stipulation has been adopted by the California Department of Resources Recycling and Recovery as its final decision and order and is effective upon execution below by the Director of the California Department of Resources Recycling and Recovery.

**IT IS SO ORDERED:**

Dated: 3/14/13

  
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Mark de Bie, Deputy Director  
Waste Permitting, Compliance and Mitigation Division  
California Department of Resources Recycling and Recovery