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8
9 STATE OF CALIFORNIA

10 DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

11 In the matter of:

12 ANGELICA OGANYAN AND JACK
13 OGANYAN DBA JACK'S TIRE
14 RECYCLING

15 TPID NO: 1641837-01

16
17 RESPONDENTS

) CASE NO: IH14-004-TIR

)
) SUPPLEMENTAL ADMINISTRATIVE
) DECISION FOR WASTE TIRE HAULER
) ADMINISTRATIVE PENALTIES

) AGENCY NO: 2013-011155-ADC
)
)

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20 **INTRODUCTION**

21 The Department of Resources Recycling and Recovery (CALRECYCLE) served an
22 Administrative Complaint for Waste Tire Hauler Administrative Penalties (Complaint) on
23 RESPONDENT Jack Oganyan on April 28, 2014 and RESPONDENT Angelica Oganyan
24 on April 29, 2014. RESPONDENT JACK OGANYAN, requested a hearing on April 29,
25 2014 and RESPONDENT ANGELICA OGANYAN requested a hearing on May 6, 2014.
26 An AMENDED ADMINISTRATIVE COMPLAINT FOR WASTE TIRE HAULER
27 PENALTIES was served on RESPONDENTS on May 6, 2014. A hearing was scheduled
28 for June 18, 2014, in Los Angeles, California.

1 CALRECYCLE and RESPONDENTS (hereafter, referred to collectively as “the
2 Parties”) agreed to settle the matter in order to avoid the cost and uncertainties attendant
3 with litigation and documented the terms of the settlement in a STIPULATION FOR
4 ISSUANCE OF ADMINISTRATIVE DECISION FOR WASTE TIRE HAULER
5 ADMINISTRATIVE PENALTIES (hereafter, “Stipulation”) signed by RESPONDENTS on
6 June 17, 2014. The Administrative Decision issued pursuant to the Stipulation was signed
7 by Mark De Bie, Deputy Director on June 17, 2014.

8 CALRECYCLE is issuing this Supplemental Administrative Decision for Waste Tire
9 Hauler Administrative Penalties ordering RESPONDENTS to pay to CALRECYCLE the
10 stipulated abeyance amount of \$139,000 based on the following factual findings.

11 12 FACTUAL FINDINGS

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14 1. Pursuant to paragraph 15(c) of the Stipulation, RESPONDENTS agreed to
15 “reduce the amount of waste tires onsite within 30 days of the issuance of the
16 [Administrative] Decision, and maintain a waste tire count of 4,999 or less at 11365
17 Pendleton St., Sun Valley, California 91352.”

18 2. Pursuant to paragraph 17 of the Stipulation, “[u]nless otherwise specified in
19 the subsections above, failure to comply with any of the above terms shall constitute a full
20 default of [the] Stipulation and the full abeyance amount less any money already paid to
21 CALRECYCLE shall become immediately due and payable.” As no other type of default
22 was described in paragraph 15 of the Stipulation, failure to comply with that paragraph
23 constitutes a full default as described in paragraph 17.

24 3. Paragraph 16 of the Stipulation describes the procedure for CALRECYCLE
25 to notify RESPONDENTS if a default of the Stipulation is observed:

26 Default: If RESPONDENTS default under any of the terms of this
27 Stipulation, CALRECYCLE shall send a Notice of Default to RESPONDENTS; said
28 Notice of Default shall state the paragraphs or provisions of this Stipulation of which
RESPONDENTS are in default and the abeyance amount owed. RESPONDENTS
shall have 15 days from the date of the issuance of the Notice of Default to provide

1 evidence refuting CALRECYCLE's claim of default. After a review of the evidence
2 provided by RESPONDENTS, CALRECYCLE shall make a determination regarding
3 the default and, if appropriate, shall issue a Supplemental Decision regarding any
4 remaining penalties due.

4 4. On August 21, 2014, more than 30 days after the issuance of the
5 Administrative Decision, Steven Dolan, inspector for CALRECYCLE, observed 16, 700
6 waste tires at 11365 Pendleton St., Sun Valley, California 91352, as documented in Waste
7 Tire Survey and Inspection Report number I1-1157094, that constituted a full default of the
8 Stipulation.

9 5. On September 12, 2014, CALRECYCLE issued RESPONDENTS a Notice of
10 Default, setting forth the paragraphs and provisions of the Stipulation of which
11 RESPONDENTS were in default. RESPONDENTS were provided 15 days from the date
12 of receipt of the Notice of Default to respond to the violations and provide any evidence
13 refuting CALRECYCLE's allegations that a default of the Stipulation occurred.
14 RESPONDENTS were also provided 15 days from the date of receipt of the Notice of
15 Default to cure the default and reduce the waste tire count onsite to 4,999 or less.

16 6. Although CALRECYCLE and RESPONDENTS communicated multiple times
17 between September 12, 2014, and September 29, 2014 (15 days after receipt of the
18 Notice of Default), RESPONDENTS failed to provide evidence refuting the default.

19 7. On October 13, 2014, Inspector Dolan observed 8, 500 waste tires at 11365
20 Pendleton St., Sun Valley, California 91352, as described in Waste Tire Survey and
21 Inspection Report number I1-1185044; RESPONDENTS had failed to cure the default
22 within the allowed 15 day-period.

23 CONCLUSIONS OF LAW

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25 8. CALRECYCLE has the authority and discretion to determine whether a
26 default of the Stipulation occurred, to review evidence submitted by RESPONDENTS
27 refuting the allegations contained in the Notice of Default, and to make a final
28 determination of default.

