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8  
9 STATE OF CALIFORNIA

10 DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

11 In the matter of:

12  
13 KIET DUC LE DBA K & L AMERICAN  
14 RECYCLE

15  
16 RESPONDENT

17 TPID NO.: 1859068  
18

STATEMENT OF ISSUES FOR THE  
DENIAL OF THE WASTE TIRE HAULER  
REGISTRATION

PUBLIC RESOURCES CODE  
SECTION 42960, ET SEQ. and  
GOVERNMENT CODE SECTION 11503

AGENCY NO: 2016-000141-DEN

19  
20 INTRODUCTION

21 This Statement of Issues for the Denial of the Waste Tire Hauler Registration  
22 (Statement of Issues) is issued by the California Department of Resources Recycling and  
23 Recovery (CALRECYCLE) to KIET DUC LE DBA K & L AMERICAN RECYCLE  
24 (RESPONDENT) seeking the denial of the RESPONDENT'S Waste and Used Tire Hauler  
25 Registration (Registration) for five years, pursuant to Public Resources Code (PRC) section  
26 42960(b)(2) and based on the following facts:

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1 **STATEMENT OF FACTS**

2 1. CALRECYCLE has authority to regulate and conduct enforcement actions  
3 regarding Waste Tire Facilities and Waste and Used Tire Haulers within the State of California  
4 pursuant to PRC sections 42800 et seq., 42950 et seq., and attendant regulations contained in  
5 Title 14 of the California Code of Regulations (CCR), Division 7, Chapter 3 and Chapter 6.

6 2. Pursuant to PRC section 42960(b)(2), CALRECYCLE "may suspend, revoke, or  
7 deny a waste and used tire hauler registration for a period of three years to five years, or may  
8 suspend, revoke, or deny a waste and used tire hauler registration permanently, in accordance  
9 with the procedures specified in subdivision PRC section 42960(a), . . . [if t]he hauler has  
10 been previously fined pursuant to [Chapter 19] or Chapter 16 [of Part 3 of Division 30] of the  
11 PRC (commencing with section 42800)."

12 3. RESPONDENT was in possession of a Waste Tire Hauler Registration issued  
13 by CALRECYCLE for the 2012 and 2013 calendar years under the name K & L American  
14 Recycle located at 14392 Hoover Street, Suite B13, Westminster, California 92683, and a  
15 mailing address of 7908 Westminster Boulevard, Suite C, Westminster, California 92683. On  
16 June 24, 2016, RESPONDENT submitted a Waste Tire Hauler Registration Application for the  
17 2016 calendar year under the name Kiet Duc Le dba K & L American Recycle located at 7908  
18 Westminster Boulevard, Suite C, Westminster, California 92683.

19 4. On January 27, 2015, CALRECYCLE served RESPONDENT with an  
20 Administrative Complaint for Waste Tire Hauler Administrative Penalties (2015 Complaint) in  
21 the amount of \$4,950.00, pursuant to Chapter 19 of Part 3 of Division 30 of the PRC. That  
22 2015 Complaint was served on K & L American Recycle, care of Kiet Duc Le, at its location at  
23 14392 Hoover Street, Suite B13, Westminster, California 92683, as well as on Tony Le, the  
24 Agent for Service of Process listed with the California Secretary of State for K & L American  
25 Recycle, LLC, at 510 S. Western Avenue, Santa Ana, California 92703.

26 5. On February 27, 2015, CALRECYCLE served RESPONDENT with a default  
27 Administrative Decision for Waste Tire Hauler Administrative Penalties (2015 Decision)  
28 ordering RESPONDENT to pay penalties of \$4,950.00, because RESPONDENT failed to

1 request a hearing for the 2015 Complaint. That 2015 Decision was served on K & L American  
2 Recycle, care of Kiet Duc Le, at its location at 14392 Hoover Street, Suite B13, Westminster,  
3 California 92683 as well as on Tony Le, the Agent for Service of Process listed with the  
4 California Secretary of State for K & L American Recycle, LLC, at 510 S. Western Avenue,  
5 Santa Ana, California 92703.

6 6. To date, CALRECYCLE has not received payment of the \$4,950.00.  
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### 8 ALLEGATIONS OF SPECIFIC VIOLATIONS

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10 7. RESPONDENT was previously fined by CALRECYCLE pursuant to Chapter 19  
11 of Part 3 of Division 30 of the PRC, as described above. Moreover, RESPONDENT has failed  
12 to remit payment of the penalty amount ordered in the 2015 Decision.  
13

### 14 DENIAL

15 8. Based upon the facts stated above CALRECYCLE hereby denies the Waste Tire  
16 Hauler Registration for Kiet Duc Le dba K & L American Recycle, for a period of 5 years.  
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### 18 RIGHT TO HEARING

19 You are hereby notified that pursuant to the provisions of PRC sections 42961 and  
20 42961.1 you are entitled to a hearing to refute the allegations against you contained in this  
21 STATEMENT OF ISSUES FOR THE DENIAL OF THE WASTE TIRE HAULER  
22 REGISTRATION. **If you wish to have a hearing on this matter, you must complete and**  
23 **return the enclosed REQUEST FOR HEARING/ NOTICE OF DEFENSE to our Legal Office**  
24 **within 15 days of receipt of this Statement of Issues for the Denial of the Waste Tire**  
25 **Hauler Registration. Failure to complete and return the REQUEST FOR**  
26 **HEARING/NOTICE OF DEFENSE within 15 days will be deemed a waiver of your right to**  
27 **a hearing.**

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1 Pursuant to Government Code section 11507.6, discovery requests by any party must  
2 be made within 30 days after the service of this STATEMENT OF ISSUES FOR THE DENIAL  
3 OF THE WASTE TIRE HAULER REGISTRATION.

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5 Dated this 25<sup>TH</sup> day of July, 2016.

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10 Attorney for  
11 CALIFORNIA DEPARTMENT OF RESOURCES  
12 RECYCLING AND RECOVERY  
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