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8  
9 STATE OF CALIFORNIA

10 CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

11 In the matter of:

12 PEDRO L. MURILLO, OWNER DBA  
13 KORITAS TIRE SHOP  
14 Unregistered Hauler  
15 TPID NO: 1007631

16  
17 RESPONDENT.

ADMINISTRATIVE DECISION  
FOR WASTE TIRE HAULER  
ADMINISTRATIVE PENALTIES,  
PUBLIC RESOURCES CODE  
SECTION 42950, ET SEQ.

AGENCY No: 2010-011116-ADC

18 **INTRODUCTION**

19 The California Department of Resources Recycling and Recovery (CALRECYCLE)  
20 served an Administrative Complaint for Waste Tire Hauler Administrative Penalties and  
21 Request for Hearing on PEDRO L. MURILLO, OWNER DBA KORITAS TIRE SHOP an  
22 unregistered waste and used tire hauler (RESPONDENT), on March 19, 2011.  
23 RESPONDENT did not file a Request for Hearing. The matter shall be determined as a default  
24 pursuant to Title 14 of the California Code of Regulations (CCR) section 18466 and  
25 Government Code section 11520. The California Integrated Waste Management Board  
26 (CIWMB) is now CALRECYCLE. CALRECYCLE succeeded to CIWMB's authority on January  
27 1, 2010, pursuant to Public Resources Code (PRC) section 40401(a)(1). CALRECYCLE takes  
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1 action against RESPONDENT based upon evidence and affidavits that may be used without  
2 any notice to RESPONDENT.

3 **FACTUAL FINDINGS**

4 1. The Administrative Complaint was executed by HEATHER L. HUNT,  
5 Staff Counsel III, CALRECYCLE, acting in her official capacity.

6 2. RESPONDENT is responsible for the transportation of waste or used tires by a  
7 person not holding a valid waste tire hauler registration from CALRECYCLE.

8 3. RESPONDENT was a registered waste and used tire hauler for at least a portion  
9 of each of the years 2002, 2003, 2004, 2005, 2006, 2007, and 2009. However,  
10 RESPONDENT routinely submitted his Waste and Used Tire Hauler Registration Applications  
11 (Application) after the required deadline.

12 4. On October 15, 2009, Keith Cambridge, Program Manager for CALRECYCLE's  
13 Waste Tire Hauler and Manifest Program, mailed to RESPONDENT correspondence notifying  
14 RESPONDENT that his current registration would expire at the end of the 2009 calendar year.  
15 The correspondence further notified RESPONDENT that a renewal application would be due  
16 by November 16, 2009. Both an English and a Spanish version of the letter were mailed to  
17 RESPONDENT.

18 5. On October 15, 2009, Mr. Cambridge, mailed to RESPONDENT correspondence  
19 notifying RESPONDENT that CALRECYCLE had a "zero-tolerance" policy towards haulers  
20 who unlawfully hauled used or waste tires after January 1, 2010, without first obtaining a  
21 registration for the 2010 calendar year. Both an English and a Spanish version of the letter  
22 were mailed to RESPONDENT.

23 6. On November 16, 2009, CALRECYCLE did not receive an application from  
24 RESPONDENT, for the 2010 calendar year.

25 7. On January 1, 2010, CALRECYCLE had not received an application from  
26 RESPONDENT for the 2010 calendar year.

27 8. On January 13, 2010, Mr. Cambridge sent correspondence to RESPONDENT  
28 notifying him that his Registration had been cancelled, because RESPONDENT had failed to



1 renew said Registration. Both an English and a Spanish version of the letter were mailed to  
2 RESPONDENT.

3 9. On January 19, 2010, Mike Murillo, a representative for RESPONDENT, spoke  
4 with Johan Pablo, Student Assistant for CALRECYCLE's Tire Hauler Compliance Unit.  
5 Mr. Pablo advised Mr. Murillo that RESPONDENT could not haul any loads of waste tires until  
6 RESPONDENT received registration decals for the 2010 calendar year.

7 10. During an inspection of RESPONDENT's tire shop in Colton, California, on  
8 August 11, 2010, and documented in Inspection Report number I1-1134592, Vance Tracy,  
9 Integrated Waste Management Specialist for CALRECYCLE's Tire Enforcement Section,  
10 observed a truck with license plate number 4X86070 with expired 2009 registration decals in  
11 the windows. Also during the inspection, an employee of RESPONDENT, who worked at  
12 RESPONDENT's San Bernardino office, showed Mr. Tracy a recent comprehensive trip log  
13 (CTL) receipt showing two deliveries of waste tires to CB Tyres Recycling Resources (CB  
14 Tyres) by RESPONDENT in 2010. Mr. Tracy also spoke with RESPONDENT Pedro Murillo by  
15 phone and provided Mr. Murillo with information regarding how to properly obtain a valid  
16 registration for the 2010 calendar year. Mr. Tracy also provided Cesar Allerano, manager of  
17 RESPONDENT's Colton, California, location, with copies of Waste and Used Tire Hauler laws,  
18 a short field guide to CTL receipts, and sample CTL receipts to demonstrate to Mr. Allerano  
19 the proper way to complete CTL receipts and submit them to CALRECYCLE.

20 11. On August 18, 2010, Mr. Tracy obtained CTL receipts from CB Tyres showing 56  
21 deliveries by RESPONDENT between January 4, 2010 and August 5, 2010, the time period for  
22 which RESPONDENT was not in possession of a valid registration, in violation of PRC section  
23 42951. The table below shows the CTL Form Number, Transaction Date and Passenger Tire  
24 Equivalents of these violations:

Comprehensive Trip Log	Date	Pickup	Delivery	Passenger Tire Equivalent	Location
3407251-C	January 4, 2010		X	213	CB Tyres, Grand Terrace, CA
3407252-A	January 4, 2010		X	214	CB Tyres, Grand Terrace, CA

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3407252-B	January 13, 2010		X	221	CB Tyres, Grand Terrace, CA
3407253-A	January 15, 2010		X	226	CB Tyres, Grand Terrace, CA
3407253-B	January 25, 2010		X	200	CB Tyres, Grand Terrace, CA
3407252-C	February ?, 2010		X	221	CB Tyres, Grand Terrace, CA
3407253-C	February ?, 2010		X	212	CB Tyres, Grand Terrace, CA
3407254-A	February 10, 2010		X	199	CB Tyres, Grand Terrace, CA
3407254-B	February 12, 2010		X	234	CB Tyres, Grand Terrace, CA
3407254-C	February 15, 2010		X	216	CB Tyres, Grand Terrace, CA
3407255-A	February 19, 2010		X	213	CB Tyres, Grand Terrace, CA
3407255-B	February 22, 2010		X	206	CB Tyres, Grand Terrace, CA
3407256-A	March 1, 2010		X	215	CB Tyres, Grand Terrace, CA
3407255-C	March 1, 2010		X	215	CB Tyres, Grand Terrace, CA
3407256-B	March 5, 2010		X	203	CB Tyres, Grand Terrace, CA
3407256-C	March 5, 2010		X	184	CB Tyres, Grand Terrace, CA
3407257-A	March 12, 2010		X	214	CB Tyres, Grand Terrace, CA
3407257-B	March 19, 2010		X	212	CB Tyres, Grand Terrace, CA
3407257-C	March 29, 2010		X	287	CB Tyres, Grand Terrace, CA
3407258-A	March 29, 2010		X	215	CB Tyres, Grand Terrace, CA
3407258-B	April 7, 2010		X	208	CB Tyres, Grand Terrace, CA
3407258-C	April 9, 2010		X	234	CB Tyres, Grand Terrace, CA
3407259-A	April 12, 2010		X	214	CB Tyres, Grand Terrace, CA
3407259-B	April 21, 2010		X	215	CB Tyres, Grand Terrace, CA
3407259-C	April 26, 2010		X	237	CB Tyres, Grand Terrace, CA
3407260-C	? 13, 2010		X	226	CB Tyres, Grand Terrace, CA
3407260-A	April, 28, 2010		X	245	CB Tyres, Grand Terrace, CA
3407260-B	May 4, 2010		X	218	CB Tyres, Grand Terrace, CA
3407261-A	May ?, 2010		X	229	CB Tyres, Grand Terrace, CA



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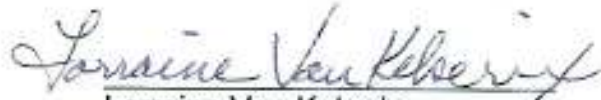
3407261-B	May 18, 2010		X	221	CB Tyres, Grand Terrace, CA
3407261-C	May 20, 2010		X	231	CB Tyres, Grand Terrace, CA
3407262-A	May 24, 2010		X	201	CB Tyres, Grand Terrace, CA
3407262-B	May 24, 2010		X	207	CB Tyres, Grand Terrace, CA
3407262-C	June 1, 2010		X	228	CB Tyres, Grand Terrace, CA
3407263-A	June 1, 2010		X	198	CB Tyres, Grand Terrace, CA
3407263-B	June 7, 2010		X	238	CB Tyres, Grand Terrace, CA
3407263-C	June 7, 2010		X	205	CB Tyres, Grand Terrace, CA
3407264-A	June 14, 2010		X	215	CB Tyres, Grand Terrace, CA
3407264-B	June 17, 2010		X	220	CB Tyres, Grand Terrace, CA
3407266-A	June 22, 2010		X	222	CB Tyres, Grand Terrace, CA
3407266-B	June 23, 2010		X	214	CB Tyres, Grand Terrace, CA
3407268-A	July 8, 2010		X	209	CB Tyres, Grand Terrace, CA
3407268-B	July 8, 2010		X	204	CB Tyres, Grand Terrace, CA
3407268-C	July 8, 2010		X	212	CB Tyres, Grand Terrace, CA
3407266-C	July 9, 2010		X	214	CB Tyres, Grand Terrace, CA
3407269-A	July 12, 2010		X	228	CB Tyres, Grand Terrace, CA
3407269-B	July 15, 2010		X	221	CB Tyres, Grand Terrace, CA
3407269-C	July 15, 2010		X	219	CB Tyres, Grand Terrace, CA
3407270-A	July 19, 2010		X	210	CB Tyres, Grand Terrace, CA
3407270-B	July 21, 2010		X	210	CB Tyres, Grand Terrace, CA
3407270-C	July 26, 2010		X	228	CB Tyres, Grand Terrace, CA
3407271-A	July 27, 2010		X	209	CB Tyres, Grand Terrace, CA
3407271-B	July 28, 2010		X	252	CB Tyres, Grand Terrace, CA
3407271-C	August 4, 2010		X	229	CB Tyres, Grand Terrace, CA
3407272-A	August 4, 2010		X	72	CB Tyres, Grand Terrace, CA
3407272-B	August 5, 2010		X	217	CB Tyres, Grand Terrace, CA



- 1 (1) Failure of the person to receive notice served pursuant to Section 11505.  
2 (2) Mistake, inadvertence, surprise, or excusable neglect.

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4 This DECISION shall become effective May 17, 2011.

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6 Dated this 17 day of May 2011.

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11 Lorraine Van Kekerix  
12 ACTING DEPUTY DIRECTOR  
13 COMPLIANCE AND  
14 ENFORCEMENT DIVISION  
15 CALRECYCLE  
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