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8 STATE OF CALIFORNIA

9 CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

10 IN THE MATTER OF:

11 BOB TAULBEE AKA ROBERT TAULBEE  
12 AND GERARD YOUNG DBA ALL TIRE  
13 RECYCLING

14 RESPONDENTS

15 TPID NO: 1512772  
16  
17

} SUPPLEMENTAL ADMINISTRATIVE  
DECISION PURSUANT TO  
STIPULATION FOR THE DENIAL OF  
WASTE AND USED TIRE HAULER  
REGISTRATION

} PUBLIC RESOURCES CODE SECTION  
42960

} AGENCY NO. 2008-000039-DEN

18 PROCEDURAL HISTORY

19 Pursuant to Public Resources Code (PRC) section 42850(b), the California Integrated  
20 Waste Management Board ("CIWMB") served a Statement of Issues for the Denial of the  
21 Waste and Used Tire Hauler Registration dated November 25, 2008. RESPONDENTS  
22 requested a hearing on December 9, 2008. A hearing was scheduled for January 30, 2009, in  
23 Oakland, California and was heard by Administrative Law Judge Ruth S. Astle. Submission of  
24 the matter was deferred to February 10, 2009, for final arguments. The matter was submitted  
25 on February 10, 2009, and a Proposed Decision was rendered on March 3, 2009. On March  
26 26, 2009, the CIWMB served RESPONDENTS a CIWMB NOTICE OF NONADOPTION OF  
27 PROPOSED DECISION. RESPONDENTS were advised that the CIWMB considered, but did  
28 not adopt, the Proposed Decision and the case was referred to the Office of Administrative  
hearing to have an administrative law judge take additional evidence in this case. The CIWMB  
requested a new hearing and the hearing was set for June 11, 2009, in Oakland, California.

1 To avoid the uncertainties of litigation, RESPONDENTS entered into a Stipulation For  
2 Issuance of Administrative Decision for the Denial of Waste and Used Tire Hauler Registration  
3 (Stipulation) on June 8, 2009, to resolve the allegations in the Statement of Issues for the  
4 Denial of Waste and Used Tire Hauler Registration. The Stipulation was adopted by the Board  
5 in its June 16, 2009 Decision. In accordance with the Stipulation, the Board ordered  
6 RESPONDENTS to serve a one year suspension with three months held in abeyance, and  
7 imposed a ten thousand dollar penalty which was also held in abeyance. A default  
8 determination by the Board would cause RESPONDENTS to owe the amounts held in  
9 abeyance.

10 On August 5, 2009, RESPONDENTS were notified by letter that they were in default of  
11 the terms of the Stipulation. CIWMB issued RESPONDENTS were given the reasons for the  
12 default and notified that they have fifteen (15) days from the date of the August 5, 2009, letter  
13 to respond to the violations. RESPONDENTS provided oral statements and financial  
14 statements in an attempt to mitigate the default, and the Board met in closed session to  
15 deliberate.

16 Pursuant to the Stipulation, and good cause appearing therefore, the following Factual  
17 Findings and Conclusions of Law are made, and the following Order is issued.

### 18 **FACTUAL FINDINGS AND DETERMINATIONS OF LAW**

- 19 1. Paragraph 24 of the June 8, 2009, Stipulation provides that RESPONDENTS are  
20 in default of the Stipulation if RESPONDENTS, or a business, corporation, partnership, or  
21 limited liability company operated or owned by RESPONDENTS, do any of the following:
- 22 a) transport, haul, or otherwise direct any waste or used tires from one location to  
23 another location during the period of suspension; or
  - 24 b) during the period of temporary registration prior to July 14th, and during the three  
25 month abeyance period, transport waste or used tires to a facility that is not  
26 permitted, excluded, exempted, or otherwise authorized by the board to accept  
27 waste and used tires;
  - 28 c) haul used or waste tires without a valid CIWMB waste and used tire registration  
issued to RESPONDENTS;
  - d) fail to manifest any load of used or waste tires.

