

**BEFORE THE  
DEPARTMENT OF RESOURCES, RECYCLING & RECOVERY  
OF THE STATE OF CALIFORNIA**

**IN THE MATTER OF:**

RecyclocityLA, LLC – Jose Arturo Figueroa

Address: 1015 West 43<sup>rd</sup> Street  
Los Angeles, CA

Type of Entity: Recycling Center Certificate Revocation

**File No.: IH24-009-BCR**

**Certificate Nos.: RC305710.001**

**PRECEDENTIAL DECISION No.: 25-01**

**Designation of decision as precedential under Government  
Code Section 11425.60**

Pursuant to Government Code Section 11425.60, the Department of Resources, Recycling and Recovery hereby designates as precedential, paragraphs 45 through 48 as of its decision, dated April 10, 2025, in the above-referenced action.

This designation as precedential is effective September 15, 2025,  
Sacramento, California.

Dated: September 15, 2025.

As approved by Zoe Heller on September 15, 2025,  
Department of Resources, Recycling & Recovery.



**BEFORE THE  
DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY  
STATE OF CALIFORNIA**

**In the Matter of:**

**RECYCLOCITYLA, LLC, and  
JOSE ARTURO FIGUEROA, RC305710.001**

**File No. IH24-009-BCR**

**DECISION AND ORDER**

**I.oo Introduction**

1.oo The Division of Recycling (Division) of the Department of Resourcesoo Recycling and Recovery (Department or CalRecycle) issued a notice to RecycloCityLA, LLC, (Respondent) and Jose Arturo Figueroa (Figueroa) dated July 23, 2024, immediately revoking Respondent's probationary certificate to operate a recycling center at 1015 West 43rd Street in Los Angeles, California (RC).

2.oo Respondent filed a timely request for hearing challenging the revocationoo pursuant to California Code of Regulations (CCR), title 14, section 2130.

3.oo A hearing was conducted on February 4, 2025, in Sacramento, Californiaoo via videoconference.

4.oo Sarah Zelcer, Senior Staff Counsel, appeared on behalf of the Division.oo John Gugliotta, Esq., appeared on behalf of Respondent and Figueroa.

5.oo Douglas C. Jensen, Attorney IV, presided over the hearing under aoo delegation of authority from CalRecycle's Director, Zoe Heller.



## **II. Issue**

6. Whether the Division's decision to revoke Respondent's probationary certification to operate the RC shall be sustained, modified, or reversed.

## **III. Evidentiary Matters**

### **a. Exhibits**

7. The Parties stipulated to the admission of Division Exhibit Numbers 1–7, 9, and 13–17.

8. Division Exhibit Number 8 was admitted over Respondent's objection as to relevance.

9. Division Exhibit Number 11 was admitted over Respondent's objection as to foundation.

10. Division Exhibit Numbers 10, 12, and 15 were admitted without objection.

### **b. Witnesses**

11. The Division presented testimony from Monique Johnson (Johnson), a CalRecycle Associate Management Auditor. Johnson conducts operational reviews of recycling centers as part of her regular job duties. She testified regarding her review of the RC's recycling operations in February 2023.

12. The Division presented testimony from Nikki Ho (Ho), a CalRecycle Special Investigator. Ho surveils and inspects recycling centers and issues reports and findings notices as part of her regular job duties. She testified regarding an inspection of the RC she conducted in 2023.

13. The Division presented testimony from John Jacob (Jacob), a Senior Management Auditor for the Division. Jacob testified regarding a letter sent to Figueroa and Respondent that he reviewed and signed.



#### **IV. Findings of Fact**

##### **a. Application and Certification**

14. On March 12, 2021, Figueroa applied to the Division for certification to operate the RC (Application). The Application identified RecycloCityLA, LLC, as the organization to which payment would be made and Figueroa as the organization's contact person. The Application indicated that the RC would store its records at 6312 Home Avenue in Bell, California (Record Storage Location).

15. On June 28, 2021, the Division approved the Application and issued a probationary certificate (No. RC305710.001) with a probation end date of May 31, 2023. The Certificate identified RecycloCityLA, LLC as the organization and "Facility/DBA", while Figueroa was identified as Respondent's contact person.

##### **b. February 2023 Operational Review and Restitution**

16. On February 1, 2023, the Division conducted a review of the RC's operations. It found that: 1) Respondent failed to consistently include the customer's printed name and signature on receipts; and 2) Respondent improperly paid and claimed refund value for purchases made over the 100-pound daily limit for aluminum and plastic.

17. On April 24, 2023, the Division demanded restitution from Respondent in the amount of \$360.77 for purchases made over the 100-pound daily limit (Demand). The Demand stated: "If you disagree with any of the violations, you should respond in writing detailing the areas of disagreement and provide recordation that supports your position." Respondent did not dispute the Division's findings and on May 24, 2023, paid \$360.77 to the Division.

##### **c. April 2023 Covert Customer Count**

18. On April 15, 2023, the Division covertly surveilled the RC and counted the number of customer transactions.



19. Subsequently, the Division contacted Figueroa and requested the RC's receipts, daily summaries, and weight tickets for April 2023. The Division gave him the choice of making the records available at the Record Storage Location or delivering the records to the Division's Cerrito field office (Field Office). Figueroa chose to drop the records off at the Field Office.

20. Figueroa delivered the RC's April 2023 receipts, daily summaries, and weight tickets to the Field Office. The Division reviewed the RC records for April 15, 2023, and found receipts for transactions that were not observed during the covert surveillance.

21. On May 23, 2023, the Division notified Respondent that the probationary status of the certificate would be extended to May 31, 2024. The Division listed four distinct violations: 1) Respondent claimed California Refund Value (CRV) for loads over the daily load limit; 2) Respondent failed to obtain customer's printed name and signature; 3) Respondent failed to accept and pay CRV; and 4) Respondent's scale was not sealed.

d. Request for Access to March 2023, May 2023, and October 2021  
Records

22. In Spring 2023, the Division asked Figueroa to provide access to the RC's weight tickets, daily summaries, and receipts for March and May 2023. He indicated that he would deliver the records to the Field Office in the coming weeks.

23. On November 16, 2023, the Division made a written request for the March and May 2023 records. It repeated its request by email on December 27, 2023.

24. On January 10, 2024, the Division again emailed Figueroa its request for the RC's March and May 2023 records. Figueroa agreed to drop the records off at the Field Office on January 19, 2024.



25. On January 19, 2024, Figueroa failed to deliver the records to the Field Office.

26. On January 26, 2024, the Division emailed Figueroa a "Findings Notice" for failure to deliver the requested records.

27. On January 31, 2024, the Division visited the RC and hand-delivered a copy of the Findings Notice to the attendant. Figueroa was not present, but the Division reached him by telephone. The Division reiterated its record request and additionally requested the RC's records from October 2021. Figueroa promised to deliver the requested records.

28. On February 1, 2024, the Division emailed Figueroa a "Program Record Request," which requested the RC's original shipping reports, weight tickets, daily summaries, and logs for October 2021, March 2023, and May 2023. The Division demanded that the records be made available by February 8, 2024. Figueroa did not respond.

29. On May 4, 2024, the Department served a subpoena Duces Tecum on Respondent demanding delivery of the records to the Field Office by May 15, 2024. Figueroa did not deliver the records or otherwise make them available by the deadline.

e. Request for Access to October 2023 Records

30. On December 28, 2023, the Division requested by phone and email that Respondent make available the RC's receipts or logs, daily summaries, shipping reports, and weight tickets for October 2023. Figueroa agreed to make the records available at the RC on January 4, 2024.

31. On January 4, 2024, the Division visited the RC. The requested records were not available. The Division reached Figueroa by phone, and he agreed to deliver the records to the Field Office on January 8, 2024.



32. On January 9, 2024, Figueroa emailed the Division and indicated that he would deliver the records on January 12, 2024.

33. On January 12, 2024, Figueroa delivered the RC's purchase receipts and daily summaries for October 2023. However, he failed to produce the RC's October 2023 shipping reports, weight tickets, and six daily summaries (for October 8, 14, 16, 19, 20, and 21).

34. On September 4, 2024, the Division notified Figueroa of the findings stemming from its review of the RC's October 2023 records. It found: 1) Respondent failed to provide immediate access to records necessary to verify compliance; and 2) Respondent failed to prepare, maintain, or provide records.

f. Revocation of Probationary Certificate

35. On May 20, 2024, the Division notified Respondent that it was extending the probationary status of its certificate to May 31, 2025, for failing to provide access to records.

36. On July 23, 2024, the Division notified Respondent that its certificate to operate a recycling center was revoked for: 1) failing to make records available for inspection; and 2) violations discovered during the February 1, 2023, probationary review. The violations included failing to obtain a printed name and signature of the customer and paying refund value on material delivered in excess of the 100-pound daily limit.

37. On July 30, 2024, Respondent and Figueroa timely requested a hearing to challenge the revocation pursuant to CCR, title 14, section 2130.

38. On September 4, 2024, the Division mailed Figueroa a findings letter stemming from its review of Respondent's October 2023 records. The letter identified two findings: 1) Respondent failed to provide access to records necessary to verify



compliance with the Act and Regulations and 2) Respondent failed to prepare and maintain records.

39. On October 7, 2024, the Division amended its July 23 revocation letter. The amended letter included an additional basis for the revocation: that Respondent failed to prepare and maintain records.

## **V. Conclusions of Law**

### **a. Certification and Revocation under the California Beverage Container Recycling and Litter Reduction Act**

40. The Division is charged with enforcing the California Beverage Container Recycling and Litter Reduction Act (Act), section 14500 of the Public Resources Code (PRC) et seq., and related regulations found at CCR, title 14, section 2000 et seq. (Regulations). The Division is further charged with the duty of protecting the integrity of the California Beverage Container Recycling Fund (Fund). (PRC, § 14552.)

41. To be certified, the operator of a recycling center must demonstrate to the Division's satisfaction that it will operate in accordance with the Act and Regulations. (PRC, § 14538, subd. (b)(1).)

42. The Division may issue a probationary certificate to operate a recycling center so long as the probationary period does not exceed two years. (PRC, § 14541, subd. (b).) Before the end of the probationary period, the Division may: 1) issue a non-probationary certificate; 2) extend the probationary period for not more than one year; or 3) revoke the probationary certificate. (*Ibid.*)

43. After the revocation of a probationary certificate, the former certificate holder may request a hearing before the Director of CalRecycle. (*Ibid.*; CCR, tit. 14, § 2130.)



b. Burden of Proof for Revocation

44. In an action to revoke a certification to operate a recycling center, the Division has the burden of proof. (Evid. Code (EC), § 500 ["Except as otherwise provided by law, a party has the burden of proof as to each fact the existence or nonexistence of which is essential to the claim for relief or defense that he is asserting."].) Absent a statute or other authority fixing a different standard, the burden of proof requires proof by a preponderance of the evidence. (EC, § 115.) Therefore, the Division must meet its burden of proof by establishing the alleged violations by a preponderance of the evidence.

c. Failure to Make Records Available for Inspection

45. The Division is broadly authorized to conduct inspections of certified recycling facilities, including their operations and records. (PRC, § 14552, subd. (c).) A recycling center must provide the Division with "immediate access" to its facilities during normal business hours and to any relevant record that the Division determines is necessary to verify compliance with the Act and Regulations. (*Ibid.*) Records must be kept at the business address identified in the certification application and maintained for at least five years following their preparation. (CCR, tit. 14, § 2085, subds. (a)–(b).)

46. Here, the Division requested access to Respondent's receipts, daily summaries, shipping reports, and weight tickets for October 2021, and March, May, and October 2023—records that the Act and Regulations required Respondent to prepare and maintain. (PRC, § 14538, subd. (d)(7)(A–H); CCR, tit. 14, §§ 2525, subd. (i); 2530, subd. (b).) The Division offered to inspect the records at the Record Storage Location, but Respondent instead offered to deliver them to the Field Office.

47. Ultimately, Respondent largely failed to deliver the requested records, producing only records for October 2023. Even that limited production was incomplete, missing all weight tickets and shipping reports, as well as six daily summaries.



48. Respondent correctly argues that the Act only requires Respondent to provide access to the records, not to deliver them. However, it was Respondent who requested to deliver them instead of an on-site inspection. Every time the Division requested access to records, it offered to inspect them at the Record Storage Location. Each time, Respondent promised to deliver the records to the Field Office instead of having Division staff access them on-site. It was reasonable for the Division to offer Respondent the choice to deliver the records, and it was reasonable for the Division to rely on Respondent's promise to do so. By failing to uphold its promise to deliver relevant records, Respondent failed to provide the access required by PRC section 14552, subsection (c).

d. Failure to Prepare and Maintain Records

49. A certified recycling center must prepare and maintain daily summaries, shipping reports, and weight tickets for five years following their creation. (PRC, § 14538, subd. (d)(7), CCR, tit. 14, §§ 2085, subd. (b); 2525, subd. (i).) Here, Respondent failed to deliver its October 2023 weight tickets, shipping reports, and six daily summaries. The Division therefore concludes that Respondent failed to prepare and maintain the missing records.

50. As explained above, the Division has established that Respondent failed to provide access to the missing records in violation of section 14552, subsection (c). Failure to provide access to relevant records is a serious violation that, in this instance, subsumes Respondent's obligation to prepare and maintain records.

e. Failure to Obtain Printed Name and Signature; Purchases Made over the 100-Pound Daily Limit

51. Recycling centers must prepare and maintain receipts (or logs for purchases under \$100) for any purchase or donation of empty beverage containers. (CCR, tit. 14, § 2525, subds. (a), (b).) For purchases in the amount of \$100 or more, the receipt shall include the printed name and signature of the person selling or donating the material, or a statement explaining why the recycling center could not



obtain the name and signature. (CCR, tit. 14, § 2525, subd. (a)(6).) A recycling center may not pay or claim refund value for any material received from any person delivering a load of aluminum or plastic exceeding 100 pounds. (CCR, tit. 14, § 2535, subd. (f).)

52. In February 2023, the Division conducted an operational review of the RC, finding that Respondent failed to obtain the printed name and signature of customers for purchases over \$100. It further found that Respondent made purchases over the 100-pound daily limit for aluminum and plastic. In April 2023, the Division demanded restitution of \$360.77 for purchases exceeding the 100-pound daily limit. Respondent was informed that it could contest the Division's findings in writing if it disagreed. However, it did not contest the findings and paid the \$360.77 restitution.

53. The Division has established by the preponderance of the evidence that Respondent violated CCR, title 14, sections 2525, subdivisions (a) and (b), and 2535, subdivision (f).

## **VI. Conclusion**

54. Recordkeeping is the linchpin to the Division's duty to enforce the Act and Regulations and to protect the integrity of the Fund. While the Division is authorized to inspect certified recycling facilities, it cannot be everywhere at once. It relies on thorough and accurate recordkeeping to identify and address failures to comply with the Act and Regulations.

55. Here, Respondent failed to provide access to several months of weight tickets, shipping reports, receipts, and daily summaries—records that the Act and Regulations required Respondent to prepare and maintain.

56. The records requested here go to the core of a certified recycling center's duties and responsibilities. Critical compliance issues, such as proper payment of CRV, adherence to daily load limits, and customer identification, can be revealed and addressed through review of a recycling center's receipts and daily



summaries. Weight tickets and shipping reports may include indicators that a certified entity is improperly claiming payments from the Fund or is engaged in fraud.

57. Failing to provide immediate access to relevant records is a serious violation. When a certified recycling center fails to produce relevant records such as the ones requested here, the Division is deprived of one of its most powerful enforcement mechanisms. Therefore, Respondent's failure to provide access to relevant records is a critical violation warranting immediate revocation.

## **VII. Order**

58. The Division's decision to immediately revoke Respondent's certificate to operate the RC is **SUSTAINED**.

**IT IS SO ORDERED.**

DATE: 4/10/2025



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Zoe Heller  
Director

Department of Resources Recycling  
and Recovery (CalRecycle)