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*Attorneys for Plaintiff People of the State of
California, ex rel. Barbara A. Lee, Director,
California Department of Toxic Substances Control*

FRESNO COUNTY
SUPERIOR COURT

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF FRESNO

PEOPLE OF THE STATE OF CALIFORNIA,
ex. rel. Barbara A. Lee, Director, California
Department of Toxic Substances Control,

Plaintiff,

v.

MAW Green Energy, Inc., a suspended
California Corporation; Sean Tobin, an
individual; Joseph Litster, an individual; Carl
Johnson, an individual; and Does 1 to 10,

Defendants.

Case No. 14CECG03149

**STIPULATION OF PLAINTIFF AND
DEFENDANT SEAN TOBIN FOR
SETTLEMENT AND ENTRY OF
JUDGMENT**

Department 104
Honorable Alan M. Simpson
Action Filed: October 17, 2014

BY FAX

Plaintiff, the People of the State of California, *ex rel.* Barbara A. Lee, Director of the
Department of Toxic Substances Control ("DTSC"), and individual defendant, Sean Tobin
("Defendant," and together, "Parties"), enter into the following Stipulation for Settlement and
Entry of Judgment ("Stipulation"), in the above-captioned action, and stipulate as follows:

1. THE COMPLAINT

1.1 DTSC initiated this action on October 17, 2014, by filing a complaint against
corporate defendant MAW Green Energy, Inc. ("MAW"), and individual defendants Sean Tobin,

1 Joseph Litster, and Does 1 to 10. Therein, DTSC sought civil penalties not less than \$150,000
2 and injunctive relief against each defendant for violations of the California Hazardous Waste
3 Control Law (or "HWCL"), Chapter 6.5 of Division 20 of the California Health and Safety Code,
4 section 25100 et seq., and its implementing regulations, California Code of Regulations, title 22,
5 chapter 30, division 4. All then-named defendants (MAW, Tobin and Litster) failed to respond to
6 the complaint, and default was timely entered against them.

7 **1.2** On April 1, 2015, DTSC filed a First Amended Complaint ("Complaint"), to add a
8 fourth defendant, Carl Johnson. He also failed to respond, and default was timely entered against
9 him.

10 **1.3** By this Stipulation, DTSC settles this matter solely with individual defendant Sean
11 Tobin. DTSC concurrently seeks a court judgment by default against remaining individual
12 defendants Joseph Litster and Carl Johnson. DTSC is dismissing the case as to corporate
13 defendant MAW Green Energy Inc.

14 **2. JURISDICTION**

15 **2.1** The Parties agree this Court has subject matter jurisdiction over the matters alleged
16 in the Complaint and personal jurisdiction over Defendant.

17 **2.2** The Parties further agree that this Court has continuing jurisdiction to interpret and
18 enforce this Stipulation and/or the Judgment Pursuant to Stipulation ("Judgment"), to which this
19 Stipulation is attached as Exhibit A, and to address any other matters arising out of or regarding
20 the Stipulation and/or Judgment.

21 **3. WAIVER OF HEARING AND TRIAL**

22 Defendant acknowledges that, by his default in this action, and/or by signing and entering
23 into this Stipulation, he has waived his right to a hearing and/or trial under the Health & Safety
24 Code on the violations alleged in the Complaint.

25 **4. SETTLEMENT; ENTRY OF JUDGMENT**

26 **4.1** The Parties jointly enter into this Stipulation pursuant to a compromise and
27 settlement of disputed claims by mutually consenting to the entry by the Superior Court of the
28

1 An electronic copy (via email) or paper photocopy of the check shall be sent to each of the
2 following:

3 Maria Soria, Branch Chief
4 DTSC Enforcement and Emergency Response
5 700 Heinz Avenue
6 Berkeley, CA 94710
7 Maria.Soria@dtsc.ca.gov

8 Stephanie Lai, Staff Counsel
9 DTSC
10 700 Heinz Avenue
11 Berkeley, CA 94710
12 Stephanie.Lai@dtsc.ca.gov

13 Elizabeth Rumsey
14 Office of the Attorney General
15 1515 Clay Street, 20th Floor
16 Oakland, CA 9412-1492
17 Liz.Rumsey@doj.ca.gov

18 (b) Defendant shall make an additional payment of \$1,000 to DTSC, which
19 payment shall be made within 365 days of the effective date of this Stipulation, as set forth in
20 Section 11, unless Defendant provides to DTSC prior to the expiration of the 365-day period a
21 Certificate of Completion of a course of instruction regarding generation and/or management of
22 hazardous waste, offered through the California Compliance School
23 (<http://www.compliance.org/>). Defendant shall bear all costs of the course. Defendant shall
24 provide proof of successful completion of the course to:

25 Maria Soria, Branch Chief
26 DTSC Enforcement and Emergency Response
27 700 Heinz Avenue
28 Berkeley, CA 94710
Maria.Soria@dtsc.ca.gov

Stephanie C. Lai, Staff Counsel
DTSC
700 Heinz Avenue
Berkeley, CA 94710
Stephanie.Lai@dtsc.ca.gov

1 (c) The balance of the penalty (\$146,000) shall be stayed, provided that
2 Defendant timely makes the payments set forth above and satisfactorily completes the 10-year
3 probationary period as provided in section 5.4.

4 **5.4** For a period of ten years, Defendant shall not violate any provision of the
5 Hazardous Waste Control Law (Health and Safety Code Division 20 Chapter 6.5) or any of its
6 implementing regulations. Defendant further agrees that, for a period of ten years, he will not
7 perform any "management" of "hazardous waste" (as defined at Health & Saf. Code, §§ 25117,
8 25117.2) or "universal waste" ("UW") (as defined at Health & Saf. Code, § 25123.8) nor will he
9 hold a position in which he would have responsibility to control, oversee, or direct any
10 management of hazardous waste or UW. Notwithstanding the foregoing, this Stipulation shall not
11 be interpreted to prohibit Defendant from being employed for wages by a facility that preforms
12 management of hazardous waste or UW, provided that his job duties do not include the
13 responsibility to control, oversee, or direct management of hazardous waste or UW at the facility.

14 **6. EFFECT OF NONCOMPLIANCE**

15 **6.1** If DTSC determines that Defendant has failed to perform any obligation set forth
16 in this Stipulation, DTSC will provide Defendant with written notice of the default. Such written
17 notice constitutes Defendant's notice of its reasonable opportunity to cure the default on the terms
18 set forth therein by DTSC.

19 **6.2** Written notice shall be provided to Defendant by U.S. mail to the following
20 address:

21 Sean Tobin
22 13336 Road 36
Madera, CA 93636

23 **6.3** If Defendant fails to cure the default within ten calendar days of the date of the
24 notice, or as otherwise provided therein, then the full amount of the \$150,000 civil penalty, plus
25 interest, less any payment previously made by Defendant to DTSC, will become immediately due
26 and payable to DTSC, and DTSC may proceed to pursue all its rights and remedies to enforce
27 Judgment for that amount.

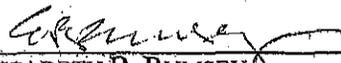
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Dated: October 30, 2015

For the Department of Toxic Substances Control

Maria Soria
State Oversight and Enforcement Branch
Department of Toxic Substances Control

KAMALA D. HARRIS
Attorney General of California
MARGARITA PADILLA
Supervising Deputy Attorney General



ELIZABETH B. RUMSEY
Deputy Attorney General
*People of the State of California, ex rel.
Barbara A. Lee, Acting Director, California
Department of Toxic Substances Control*

Dated: October ____, 2015

For Individual Defendant, Sean Tobin

Sean Tobin

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Dated: October ____, 2015

For the Department of Toxic Substances
Control

Maria Soria
State Oversight and Enforcement Branch
Department of Toxic Substances Control

KAMALA D. HARRIS
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*People of the State of California, ex rel.
Barbara A. Lee, Acting Director, California
Department of Toxic Substances Control*

Dated: October 30, 2015

For Individual Defendant, Sean Tobin

Sean Tobin

OK2014512169

EXHIBIT A

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FRESNO COUNTY
SUPERIOR COURT

1 KAMALA D. HARRIS
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Attorneys for Plaintiff People of the State of
8 California, ex rel. Barbara A. Lee, Director,
California Department of Toxic Substances Control
9

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF FRESNO

12
13 PEOPLE OF THE STATE OF CALIFORNIA,
ex. rel. Barbara A. Lee, Director, California
14 Department of Toxic Substances Control,

15 Plaintiff,

16 v.

17 MAW Green Energy, Inc., a suspended
18 California Corporation; Sean Tobin, an
individual; Joseph Litster, an individual; Carl
19 Johnson, an individual; and Does 1 to 10,

20 Defendants.

Case No. 14CECG03149

**[PROPOSED] JUDGMENT PURSUANT
TO STIPULATION**

Department 104
Honorable Alan M. Simpson
Action Filed: October 17, 2014
Amended Complaint Filed: April 1, 2015

BY FAX

21 Good cause appearing herein, the Court finds that the settlement between the Plaintiff,
22 People of the State of California, ex rel. Barbara A. Lee, Director of the Department of Toxic
23 Substances Control ("DTSC"), and individual defendant, Sean Tobin ("Defendant"), pursuant to
24 the terms and conditions set forth in the Stipulation for Settlement and Entry of Judgment
25 ("Stipulation") entered into by DTSC and Defendant and attached hereto as Exhibit A is fair and
26 in the public interest. Accordingly, the Stipulation is approved and Judgment is entered as
27 provided therein.
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SO ORDERED.

Dated: _____, 2015

Judge of the Superior Court