



Public Health Update

Solid Waste Management Authority Hearing Officer Meeting – April 2005

May 24, 2005

The Solid Waste Hearing Officer, under authority granted in Nevada Revised Statute (NRS) 44.629, conducts monthly hearings to settle cases involving illegal dumping and other solid waste matters. At the April 20, 2005 meeting, the following cases were adjudicated:

A. NON-CONTESTED NOTICES OF VIOLATION (NOV):

1. **Kimberly Place Investors LLC** – NOV #SW05-086/A8- For failure to comply with the Order issued by the Solid Waste Management Authority on January 24, 2005.

The hearing officer found Kimberly Place Investors LLC in violation, ordering an administrative penalty in the amount of \$750. Failure to comply with this order will result in an increase in the penalty to \$2,000.

2. **Gustavo Mateos** – NOV #SW05-090/23- For 1) operating a disposal site without a permit issued by the solid waste management authority; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste on property located just west of 8680 Spring Mountain Road, Clark County; on or about January 24, 2005.

The hearing officer found Gustavo Mateos in violation of 2), ordering an administrative penalty in the amount of \$500. Failure to comply will result in an increase in the penalty to \$1,500.

3. **Hunsaker Family Limited Partnership** – NOV #SW04-546/A5- For 1) operating a disposal site without a permit issued by the solid waste management authority; 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste on property located at 233 South Cholla Street, Clark County; on or about May 28, 2004; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on September 27, 2004.

The hearing officer found Hunsaker Family Limited Partnership in violation of 3), ordering an administrative penalty of \$750. Failure to comply will result in an increase in the penalty to \$2,700.

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4. **Mountain Vista Apartments LLC and Haberman-Vista Investment Co LLC** – NOV #SW04-650/A5- For causing or allowing sewage or accumulation of human excreta to overflow on property located at 3950 Mountain Vista Street, Clark County, on or about June 25, 2004 to July 14, 2004.

The hearing officer found Mountain Vista Apartments LLC and Haberman-Vista Investment Co LLC in violation, ordering an administrative penalty of \$750. In addition, the companies must create a written action plan to communicate spill remediation steps to all staff, and submit a training program that incorporates sewage spill remediation steps.

5. **Thurman Avanti, LLC** – NOV #SW04-1092/24- For 1) causing or allowing sewage or accumulation of human excreta to overflow on property located at 1067 Toni Avenue, Las Vegas, Clark County, on or about October 25, 2004, October 26, 2004 October 27, 2004; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on October 25, 2004.

The hearing officer found Thurman Avanti, LLC in violation of 2), ordering an administrative penalty of \$1,500. In addition, the company must pay \$1,975 in plumbing cost reimbursement, and formalize a training program that incorporates sewage spill remediation tips.

6. **Thurman Avanti, LLC** – NOV #SW05-109/24- For 1) causing or allowing sewage or accumulation of human excreta to overflow on property located at 1067 Toni Avenue, Las Vegas, Clark County, on or about January 28, 2005; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on January 28, 2005.

The hearing officer found Thurman Avanti, LLC in violation, ordering an administrative penalty of \$5,000.

B. NOTICES OF VIOLATION WITH CONTESTED PENALTIES:

None

C. NOTICES OF VIOLATION WITH CONTESTED FACTS:

1. **Creative Choice West Limited Partnership** – NOV #SW05-001/21- For 1) operating a disposal site without a permit issued by the solid waste management authority; and 2) causing or allowing sewage or accumulation of human excreta to overflow on property located at Buena Vista Springs Apartment Complex, more specifically the building located at 1701 McDonald Court, North Las Vegas, Clark County, on or about December 27, 2004 and January 3, 2005.

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The hearing officer found Creative Choice West Limited Partnership in violation of 2), ordering an administrative penalty of \$3,000. In addition, the company must reimburse \$8,229 in plumbing costs. Further, the company must develop a preventive maintenance schedule with a licensed plumbing company for monthly service for all buildings at the apartment complex. Failure to comply will result in an increase in the administrative penalty to \$8,000.

2. **Tropicana Palms MHP Association LLC** – NOV #SW04-1251/A8- For causing or allowing sewage or accumulation of human excreta to overflow on property located at 6420 East Tropicana Avenue Unit #322, Whitney Township, Clark County, on or about December 25, 2004 and December 26, 2004.

The hearing officer found Tropicana Palms MHP Association LLC in violation, ordering an administrative penalty of \$1,000.

3. **Par-3 Investments, LTD.** – NOV #SW05-038/24- For 1) operating a disposal site without a permit issued by the solid waste management authority; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste on property located at southwest corner of Jeffreys Street and Dave Street, Clark County; on or about January 11, 2005.

The hearing officer found Par-3 Investments, LTD. in violation of 2), ordering an administrative penalty of \$1,500. In addition, the company is required to properly remove and dispose of the waste. Failure to comply will result in an increase in the penalty to \$3,000.

4. **Knight's Enterprises, Inc.** – NOV #SW05-030/21- For 1) operating a disposal site without a permit issued by the solid waste management authority; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste on property located at the intersection of Alto Avenue and Bledsoe Lane, Clark County; on or about January 11, 2005.

The hearing officer found Knight's Enterprises, Inc. in violation of 2), ordering an administrative penalty of \$900. In addition, the company must properly remove and dispose of the waste. Failure to comply will result in an increase in the penalty to \$1,800.

5. **Bullpen Construction, Inc.** – NOV #SW04-1238/21- For 1) operating a disposal site without a permit issued by the solid waste management authority; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste on the vacant lot located at southwest corner of Commerce Street and Centennial Parkway, Clark County; on or about October 15, 2004.

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The hearing officer found Bullpen Construction, Inc. in violation of 2), ordering an administrative penalty of \$1,000. In addition, the party must properly remove and dispose of the waste. Failure to comply will result in an increase in the penalty to \$2,150.

6. **Laguna Pools & Spa, Inc.** – NOV #SW04-936/27- For placing, depositing or dumping or causing to be placed, deposited or dumped solid waste on property located at directly south of the intersection of Grand Teton Drive and Garehime Street, Clark County; on or about August 26, 2004.

The hearing officer found Laguna Pools & Spa, Inc. in violation, ordering an administrative penalty of \$1,500. In addition, the company must verify stockpiling permits: if there are no permits on the parcel, the company should properly remove and dispose of the waste.

7. **Mark R. Franks, ECO Industries, Inc., and Under the Son Excavating, Inc.** – NOV #SW04-1015/27- For 1) operating a disposal site without a permit issued by the solid waste management authority; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste on property located at the southeast corner of Grand Teton Drive and Durango Drive, Clark County; on or about September 30, 2004.

The hearing officer found Mark R. Franks, ECO Industries, Inc., and Under the Son Excavating, Inc. in violation, ordering an administrative penalty of \$8,000 per violation, for a total penalty of \$16,000.

8. **Mark R. Franks, ECO Industries, Inc., and Under the Son Excavating, Inc.** – NOV #SW04-457/A0- For 1) operating a disposal site without a permit issued by the solid waste management authority; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste on property located at the northwest corner of Pioneer Way and Eldora Avenue, Clark County; on or about May 20, 2004.

The hearing officer found Mark R. Franks, ECO Industries, Inc., and Under the Son Excavating, Inc. in violation, ordering an administrative penalty of \$6,000 per violation, for a total penalty of \$12,000. In addition, the company must properly remove and dispose of the waste.

9. **Independent Landscape Services, LLC** – NOV #SW04-1088/24- For 1) operating a disposal site without a permit issued by the solid waste management authority; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste on property located at 10429 South Maryland Parkway, Las Vegas, Clark County; on or about October 21, 2004.

The hearing officer found Independent Landscape Services, LLC in violation of 2), ordering an administrative penalty of \$2,750. In addition, the company must properly remove and dispose of the waste.

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10. **Service Rock Products Corporation** – NOV #SW04-146/19/74- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on April 21, 2004.

The hearing officer found Service Rock Products Corporation in violation, ordering an administrative penalty of \$1,500. In addition, the company is required to properly remove and dispose of the waste, and develop a written action plan to prevent future occurrences.

11. **American Investment Properties LLC** – NOV #SW05-105/A8- For failure to comply with the Order issued by the Solid Waste Management Authority on February 3, 2005.

The hearing officer found American Investment Properties LLC in violation, ordering an administrative penalty of \$900. In addition, the company must provide proof of trash service, and supply an additional dumpster for the building.

12. **Richard A. Moreno** – NOV #SW04-256/74/19- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on May 19, 2004.

The hearing officer found Richard A. Moreno in violation, ordering an administrative penalty of \$2,500. In addition, the party must properly remove and dispose of the waste.

13. **Hal J. Beesley and Patricia Beesley Family LP** – NOV #SW04-539/21- For 1) operating a disposal site without a permit issued by the solid waste management authority on the vacant lot located off Madge Lane near Turtle Hill Road identified as Assessor's Parcel #140-34-310-007, Clark County, on or about June 14, 2004; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on July 8, 2004.

The hearing officer found Hal J. Beesley and Patricia Beesley Family LP in violation, ordering an administrative penalty of \$750. In addition, the party must properly remove and dispose of the waste.

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