

Public Health Update

Solid Waste Management Authority Hearing Officer Meeting – September 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 September 21, 2005 meeting, the following cases were adjudicated:

A. NON-CONTESTED NOTICES OF VIOLATION:

1. **Rhonda Molden** - NOV #SW05-167/B6- 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 1034 Palm Street, Clark County; on or about February 8, 2005; 3) disposing of, abandoning or dumping a motor vehicle battery, motor vehicle tire or motor oil at a site which has not been issued a permit for the purpose on or about February 8, 2005; and 4) failure to comply with the Order issued by the Solid Waste Management Authority on February 24, 2005.

The hearing officer found Rhonda Molden in violation of 3), ordering an administrative penalty of \$500. In addition, the party must provide proof of proper removal and disposal of the waste. Failure to comply will result in an increase in the penalty to \$3,600, as originally sought in the notice of violation.

2. **Rosa Vizcarra and Jose Tejada** - NOV #SW05-409/B6- 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 southeast of Hollywood Boulevard and Vegas Valley Drive, Clark County; on or about April 4, 2005; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on May 6, 2005.

The hearing officer found Rosa Vizcarra and Jose Tejada in violation of 2), ordering the party to properly remove and dispose of the waste. Failure to comply will result in an increase in the penalty to \$2,700, as originally sought in the notice of violation.

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3. **Romeo Investments, Inc.** - NOV #SW05-485/A8- For 1) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste on property located at 3895 Palos Verdes Street, Clark County; on or about April 13, 2005 and May 23, 2005; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on May 2, 2005.

The hearing officer found Romeo Investments, Inc. in violation of 2), ordering an administrative penalty of \$750.

4. **Benny Mistretta, Jr. and Young Buck Services** - NOV #SW05-609B/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 South Buffalo Drive and Laredo Street and onto the Clark County Public Right-of-Way on Laredo Street, Clark County; on or about May 16, 2005.

The hearing officer Benny Mistretta, Jr. and Young Buck Services in violation of 2), ordering an administrative penalty of \$750. Failure to comply will result in an increase in the penalty to \$3,000, as originally sought in the notice of violation.

5. **Independent Landscape Services, LLC** - NOV #SW05-759/24- 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 2813 Sunridge Heights Parkway, Henderson, Clark County; on or about June 27, 2005.

The hearing officer found Independent Landscape Services, LLC in violation of 2), ordering an administrative penalty of \$1,800. In addition, the party is required to properly remove and dispose of the waste. Failure to comply will result in an increase in the penalty to \$4,100, as originally sought in the notice of violation.

6. **Fastrack Unlimited, Inc.** - NOV #SW05-766/A8- 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 on the east side of Industrial Road between Somerset Hills Avenue and Irvin Avenue, Clark County; on or about June 24, 2005.

The hearing officer found Fastrack Unlimited, Inc. in violation 2), ordering an administrative penalty of \$2,500. In addition, the party is required to properly remove and dispose of the waste. Failure to comply will result in an increase in the penalty to \$6,775, as originally sought in the notice of violation.

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7. **Scott M. Slocum** - NOV #SW05-345B/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 1210 Matthew Avenue, Clark County; on or about March 25, 2005.

The hearing officer found Scott M. Slocum in violation of 2), ordering an administrative penalty of \$500. Failure to comply will result in an increase in the penalty to \$1,800, as originally sought in the notice of violation.

8. **Regal Materials, Incorporated** - NOV #SW05-561/23- 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 at the northeast corner of Diablo Drive and Torrey Pines Drive, Clark County; on or about May 3, 2005.

The hearing officer found Regal Materials, Incorporated 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, as originally sought in the notice of violation.

B. NOTICES OF VIOLATION WITH CONTESTED PENALTIES:

1. **Phebe Huntsman** - NOV #SW05-369/21- 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 north of 6350 Howdy Wells, Clark County; on or about April 4, 2005.

The hearing officer found Phebe Huntsman in violation, ordering an administrative penalty of \$500. In addition, the party must properly remove and dispose of the waste. Failure to comply will result in an increase in the penalty to \$2,500, as originally sought in the notice of violation.

2. **Enrico Escamilla** - NOV #SW05-501/A8- For failure to comply with the Order issued by the Solid Waste Management Authority on May 2, 2005.

The hearing officer found Enrico Escamilla in violation, ordering an administrative penalty of \$500. Failure to comply will result in an increase in the penalty to \$900, as originally sought in the notice of violation.

C. NOTICES OF VIOLATION WITH CONTESTED FACTS:

1. **Laguna Pool & Spa, Inc. and Duane Forte** - NOV #SW05-752/24- 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

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be placed, deposited or dumped solid waste on property located at northeast parcel on Arville Street and Mesa Verde Lane, Las Vegas, Clark County; on or about June 23, 2005 and June 24, 2005.

The hearing officer found Laguna Pool & Spa, Inc. and Duane Forte in violation of 2), ordering an administrative penalty of \$2,000. In addition, the parties are required to properly remove and dispose of the waste. Failure to comply will result in an increase in the penalty to \$4,900, as originally sought in the notice of violation.

2. **Juan Jose Gutierrez** - NOV #SW05-405/B6- 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 on the east side of Hollywood Boulevard south of Sahara Avenue, Clark County; on or about April 9, 2005; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on May 5, 2005.

The hearing officer found Juan Jose Gutierrez in violation of 2) and 3), ordering an administrative penalty of \$500 per violation, for a total 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 \$2,700, as originally sought in the notice of violation.

3. **Jose B. Portillo** - NOV #SW05-680/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 triangle parcel at the southeast corner of Granite Ridge Drive and Flamingo Road, Clark County; on or about June 9, 2005.

The hearing officer found Jose B. Portillo in violation, ordering an administrative penalty of \$1,250 per violation, for a total penalty of \$2,500. In addition, the party must properly remove and dispose of the waste.

4. **Southern Nevada Pools, LLC** - NOV #SW05-758/24- 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 2813 Sunridge Heights Parkway, Henderson, Clark County; on or about June 15, 2005.

The hearing officer found Southern Nevada Pools, LLC in violation, ordering an administrative penalty of \$1,400 per violation, for a total penalty of \$2,800. In addition, the party must properly remove and dispose of the waste.

5. **Jose L. Jau** - NOV #SW05-550/24- 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

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waste on property located at the southwest parcel of Windmill Lane and Sorrel Street, Clark County; on or about April 30, 2005.

The hearing officer found Jose L. Jau in violation, ordering an administrative penalty of \$1,800 per violation, for a total penalty of \$3,600. In addition, the party must properly remove and dispose of the waste.

6. **Michael Demich and Joni Demich** - NOV #SW05-801/A8- For failure to comply with the Order issued by the Solid Waste Management Authority on July 11, 2005.

The hearing officer found Michael Demich and Joni Demich in violation, ordering an administrative penalty of \$1,000. In addition, the parties must remediate the area affected by the sewage overflow. Failure to comply will result in an increase in the penalty to \$1,800, as originally sought in the notice of violation.

7. **Angelo Falconi** - NOV #SW04-077A/74/74- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on July 21, 2004.

The hearing officer found Angelo Falconi in violation, ordering an administrative penalty of \$1,250. In addition, the party must provide proof of proper disposal of waste. Failure to comply will result in an increase in the penalty to \$2,500, as originally sought in the notice of violation.

8. **Disabled Mobility Systems, LLC** - NOV #SW04-077B/74/74- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on July 21, 2004.

The hearing officer found Disabled Mobility Systems, LLC in violation, ordering an administrative penalty of \$500.

9. **Robert Foss and Barbara Foss** - NOV #SW05-566/21- For 1) causing or allowing sewage or accumulation of human excreta to overflow on property located at Mini Mobile II, 3388 North Pecos Road, Clark County, on or about May 4, 2005; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on May 4, 2005.

The hearing officer found Robert Foss and Barbara Foss in violation of 2), ordering an administrative penalty of \$1,800. In addition, the parties must properly remove and dispose of the sewage, and remediate the area affected by the overflow. Failure to comply will result in an increase in the penalty to \$9,000, as originally sought in the notice of violation.

10. **Conrado Medina and Emelia Medina** - NOV #SW05-461/A8- For failure to comply with the Order issued by the Solid Waste Management Authority on May 2, 2005.

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The hearing officer found Conrado Medina and Emelia Medina in violation, ordering an administrative penalty of \$500.

11. **Audra Evans and Jeremy V. Evans** - NOV #SW05-659/24- 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 2813 Sunridge Heights Parkway, Henderson, Clark County; on or about June 6, 2005.

The hearing officer found Audra Evans and Jeremy V. Evans in violation of 2) ordering an administrative penalty of \$4,500. In addition, the parties must properly remove and dispose of the waste. Failure to comply will result in an increase in the penalty to \$9,000, as originally sought in the notice of violation.

12. **Carollo's Tropicana Motors, Inc.** - NOV #SW05-560A/23- For 1) operating a disposal site without a permit issued by the solid waste management authority; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on May 9, 2005.

The hearing officer found Carollo's Tropicana Motors, Inc. in violation, ordering an administrative penalty of \$900 per violation, for a total penalty of \$1,800.

13. **Odell Carter and Valesha Whitehead** - NOV #SW04-1004/45- 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 3013 Peridot Street, Las Vegas, Clark County; on or about September 28, 2004; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on October 5, 2004.

The hearing officer found Odell Carter and Valesha Whitehead in violation of 3), ordering an administrative penalty of 750. Failure to comply will result in an increase in the penalty to \$2,250, as originally sought in the notice of violation.

14. **Sergio Lopez** - NOV #SW04-525/21/74- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on December 15, 2004.

The hearing officer found Sergio Lopez in violation, ordering an administrative penalty of \$2,500. In addition, the party is required to provide proof of removal and proper disposal of the waste.

15. **American Investment Properties, LLC** - NOV #SW05-105/A8/74- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on April 20, 2005.

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The hearing officer found American Investment Properties, LLC in violation, ordering an administrative penalty of \$2,500. In addition, the party is required to provide proof of current trash disposal service.

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