



Public Health Update

Solid Waste Management Authority Hearing Officer Meeting – March 18, 2009

The Solid Waste Hearing Officer, under authority granted in Nevada Revised Statute (NRS) 444.629, conducts monthly hearings to settle cases involving illegal dumping and other solid waste matters. At the March 18, 2009, the following cases were adjudicated:

II. MATTERS REQUIRING HEARING OFFICER ACTION

A. NOTICES OF VIOLATION WITH CONTESTED FACTS:

1. **Evelyn Edward Wight** – NOV #SW08-910/A0- 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 upon the property located at 482 West Alpine Way, Clark County; on or about May 14, 2008; 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 May 14, 2008; and 4) failure to comply with the Order issued by the Solid Waste Management Authority on May 23, 2008.

Hearing officer found Evelyn Edward Wight in violation and imposed a penalty of \$750 for each of 1), 3) and 4). Corrective action of removal and proper disposal of waste is ordered. Failure to comply will result in the original penalty of \$3,600 as initially sought in the Notice of Violation.

2. **Martin Gutierrez and Elsa V. Adair** – NOV #SW08-1134/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 upon the property located approximately 1,200 feet west of Town Center Drive and 480 feet north of Flamingo Road, Clark County; on or about June 25, 2008.

Hearing officer found Martin Gutierrez and Elsa V. Adair in violation of 2) and imposed a penalty of \$500.

3. **Done Right Plumbing Incorporated** – NOV #SW08-1882/C0- 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 upon the property located at the northwest corner of Le Baron Avenue and El Capitan Way, Clark County; on or about December 11, 2008.

Hearing officer found Done Right Plumbing Incorporated in violation and imposed a penalty of \$900 for each of 1) and 2). Corrective action of removal and proper disposal of waste is ordered.

4. **Roi Shlomo** – NOV #SW08-1565/C0- 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 upon the property located just west of Las Vegas Boulevard South exit off of I-15, Las Vegas, Clark County; on or about September 21, 2008.

Hearing officer found Roi Shlomo in violation and imposed a penalty of \$1,800 penalty for each of 1) and 2). Corrective action of removal and proper disposal of waste is ordered.

5. **Nicholas A. Tortu dba Consolidated Construction Clean-Up** – NOV #SW08-1899/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 upon the property located at the intersection of West Azure Drive and North Rainbow Boulevard, Clark County; on or about October 30, 2008.

Hearing officer found Nicholas A. Tortu dba Consolidated Construction Clean-Up in violation and imposed a penalty of \$3,500 for each of 1) and 2). Corrective action of removal and proper disposal of waste is ordered. Hearing officer issued a Cease and Desist order to stop operating a disposal site without a permit.

6. **James Marin** – NOV #SW08-656/47- 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 upon the property located at 2715 Alta Drive, Las Vegas, Clark County; on or about April 4, 2008.

Hearing officer found James Marin in violation and imposed a penalty of \$900 for each of 1) and 2). Corrective action of removal and proper disposal of waste is ordered.

7. **Jose Alberto Rodriguez-Ramos** – NOV #SW08-1607/08- 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 upon property at 2929 Stewart Avenue, Las Vegas, Clark County; on or about October 3, 2008.

Item continued to April 15, 2009 agenda.

8. **Community Baptist Church** – NOV #SW08-1281/C6- 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 July 23, 2008.

Hearing officer found Community Baptist Church in violation and imposed a penalty of \$500 for 2). Failure to comply will result in the original penalty of \$1,800 as initially sought in the Notice of Violation.

9. **Karen Andrade, Robson Andrade and Andrade's Cleaning Company** – NOV #SW08-725/45/G7/G7- For 1) failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on September 24, 2008; and 2) operating a disposal site without a permit issued by the solid waste management authority.

Item continued to April 15, 2009 agenda.

10. **Victor Page and LaVerta Page** – NOV #SW08-1756/21- For 1) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the property located at 3540 South Jones Boulevard, Clark County; on or about November 12, 2008; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on November 12, 2008.

Item withdrawn by the Southern Nevada Health District.

11. **Christopher A. Tortu, Jr. and Grimey LLC** – NOV #SW08-631/45- For 1) operating a disposal site without a permit issued by the solid waste management authority.

Item continued to May 20, 2009 agenda.

12. **Kyle Acquisition Group, LLC** – NOV #SW08-1057/A0- 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 four properties located south of the intersection of Oso Blanca Road and Kyle Canyon Road, Las Vegas, Clark County; on or about June 13, 2008; 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 November 16, 2008; and 4) failure to comply with the Order issued by the Solid Waste Management Authority on July 16, 2008.

Item continued to April 15, 2009 agenda.

13. **Carol La Marca Leach** – NOV #SW08-143/C6- 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 January 31, 2008.

Hearing officer found Carol La Marca Leach in violation and imposed a penalty of \$900 for 1) and a penalty of \$1,800 for 2). Corrective action of removal and proper disposal of waste is ordered.

14. **Jesus M. Esparza** – NOV #SW08-1178/60- 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 July 28, 2008.

Hearing officer found Jesus M. Esparza in violation and imposed a penalty of \$900 for each of 1) and 2). Corrective action of removal and proper disposal of waste is ordered. A maintenance plan is ordered to implement a bi-weekly property maintenance program to prevent solid waste accumulation on the grounds and in the dumpster area(s).

15. **Vantage Lofts, LLC** – NOV #SW08-951/C6/C6- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on October 15, 2008.

Item withdrawn by the Southern Nevada Health District.

B. *NON-CONTESTED NOTICES OF VIOLATION:* The Hearing Officer may approve or disapprove the agreed resolution. Upon disapproval of the agreed resolution, the Hearing Officer will set a date for the hearing of any such Notice of Violations.

1. **Renu Oil of America, Inc.** – NOV #SW08-1364/45- For operating a disposal site without a permit issued by the solid waste management authority.

Hearing officer found Renu Oil of America, Inc. in violation and imposed a penalty of \$2,500.

2. **Michael Barry** – NOV #SW08-1972/60- 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 onto the public right-of-way located on the east side of Chocolate Street, Clark County; on or about October 8, 2008.

Hearing officer found Michael Barry in violation and imposed a penalty of \$900 for each of 1) and 2). Corrective action of removal and proper disposal of waste is ordered.

3. **Price Fencing & Railing, Inc** – NOV #SW08-1925/08- 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 upon the vacant parcel located north of East Centennial Parkway, North Las Vegas, Clark County; on or about December 22, 2008.

Hearing officer found Price Fencing & Railing, Inc. in violation of 2) and imposed a penalty of \$900. Corrective action of removal and proper disposal of waste is ordered. Failure to comply will result in the original penalty of \$1,800 as initially sought in the Notice of Violation.

4. **New Albertson's Inc.** – NOV #SW08-1553/E0- 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 Albertson's Store 6046, 1001 South Rainbow Boulevard, Las Vegas, Clark County; on or about September 23, 2008; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on September 23, 2008.

Hearing officer found New Albertson's Inc. in violation and imposed a penalty of \$1,800 for 2) and a penalty of \$900 for 3).

C. *NOTICES OF VIOLATION – FURTHER PROCEEDINGS:*

1. **Bradford Place Homeowners Association** – NOV #SW08-1704/E0- For failure to comply with the Order issued by the Solid Waste Management Authority on October 27, 2008.

Hearing officer order of January 21, 2009 is amended.