



**Solid Waste Management Authority
Hearing Officer Administrative Hearing**

MEETING MINUTES

Southern Nevada Health District
280 South Decatur Boulevard, Las Vegas, Nevada
Red Rock Trail Conference Room
9:00 AM – Thursday, June 9, 2022

SNHD STAFF PRESENT:

Herb Sequera, Environmental Health (EH) Manager
Andy Chaney, EH Supervisor
Brian Northam, EH Supervisor
Edward Wynder, General Counsel
Bruno Stephani, Sr. EH Specialist
Donna Houston, Sr. EH Specialist
Erik Anderson, Sr. EH Specialist
Jennifer Luther, Sr. Admin Assistant
Lynn Cintron, Sr. Admin Assistant

Erik Sumera, EH Specialist
Michelle Clarke, EH Specialist
Myles Holland, EH Specialist
Nadereh Ghamssari, EH Specialist
Catherine Deocampo, EH Specialist
Jess Smith, EH Specialist
Jonathan Dalton, EH Specialist
Gary Martens, EH Specialist

FACILITY OWNERS/REPRESENTATIVES PRESENT:

Brittany Hoy, K&M Diversified, Inc., SW22-731/K5
Michael Hoy, K&M Diversified, Inc., SW22-731/K5

Jason Kelly, FCCMI, SW21-986/13

PUBLIC PRESENT:

Jennifer Tsai, SW22-328/G4
James Kent, SW21-986/13
Kelly Koning, SW21-986/13
Richard Washington, SW21-986/13
Alexis Brown, SW21-986/13

Carl Osborne, SW21-986/13
Bob Bogart, SW21-986/13
Kevin Foro, SW21-986/13
Tim Riley, SW21-986/13
Ali Usafee, SW21-986/13

CALL TO ORDER – *CALLED TO ORDER BY THE HEARING OFFICER AT 9:00 A.M.*

I. PUBLIC COMMENT:

II. MATTERS REQUIRING HEARING OFFICER ACTION

A. NOTICES OF VIOLATION WITH CONTESTED FACTS:

1. **Haroldo Rogelio Chan Lopez** – NOV #SW22-328/G4- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about October 2, 2021; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the property located at 4860 East Charleston Boulevard, Las Vegas, Clark County, Nevada on or about October 2, 2021. ***(for possible action)***

Hearing officer found Haroldo Rogelio Chan Lopez in violation and imposed a penalty of \$1,000 for 1) and a penalty of \$1,000 for 2). A Cease and Desist order is issued to stop operating a solid waste disposal site without a permit issued by the solid waste management authority at this location or anywhere else in Clark County, Nevada. A Cease and Desist order is issued to stop placing, depositing, or dumping or causing to be placed, deposited or dumped solid waste upon property other than property designated or set aside for such purpose.

Case called. Hearing Officer Melton asked if the respondent or a representative were present. No person responded. SNHD called Jennifer Luther to testify regarding service of the NOV. Ms. Luther testified that she sent the NOV to the respondent via certified mail. Proof of service and the NOV were attached as exhibits. Hearing Officer Melton determined service was satisfactory. SNHD called Jonathon Dalton who testified that he received a complaint of unauthorized dumping of solid waste, that the citizen witness who made the complaint provided video and screenshots showing the dumping and the license plate of the involved vehicle, that NV DMV records show the owner of the vehicle as the respondent. Photos were authenticated by Mr. Dalton and admitted as evidence. SNHD called citizen witness Jennifer Tsai. She testified that she represented the owner of the property, that she provided the video and screenshots previously admitted as evidence and that the respondent was not resident of the location and did not have authorization to dump solid waste there. SNHD rested. Hearing Officer Melton asked if the respondent or a representative were present. No person responded. Hearing Officer Melton asked if any members of the public had any relevant information. No person responded. After summation, Hearing Officer rendered decision noted above.

2. **Monique Renee Williams** – NOV #SW22-431/67- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about November 7, 2021; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the property located at 3600 North Rancho Drive, Las Vegas, Clark County, Nevada on or about November 7, 2021. **(for possible action)**

Hearing officer found Monique Renee Williams in violation of 2) and imposed a penalty of \$500. A Cease and Desist order is issued to stop placing, depositing, or dumping or causing to be placed, deposited or dumped solid waste upon property other than property designated or set aside for such purpose. Failure to comply will result in the original penalty of \$2,000 as initially sought in the Notice of Violation.

SNHD and the respondent reached a compromise settlement of the case. The details of the agreement were stated on the record and approved and ordered by Hearing Officer Melton.

3. **Norma Elizabeth Martinez** – NOV #SW22-303/P9- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about September 29, 2021; 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the vacant parcel located west of the intersection of South Miller Lane and Trappers Ridge Avenue, Clark County, Nevada on or about September 29, 2021; and 3) disposing of, abandoning or dumping motor vehicle battery, motor vehicle tire or motor vehicle oil at a site which has not been issued a permit for that purpose on or about September 29, 2021. **(for possible action)**

Hearing officer found Monique Renee Williams in violation of 2) and imposed a penalty of \$500. A Cease and Desist order is issued to stop placing, depositing, or dumping or causing to be placed, deposited or dumped solid waste upon property other than property designated

or set aside for such purpose. Failure to comply will result in the original penalty of \$3,000 as initially sought in the Notice of Violation.

SNHD and the respondent reached a compromise settlement of the case. The details of the agreement were stated on the record and approved and ordered by Hearing Officer Melton.

4. **Yauncay J. Lucas-Malone and Rose Lucas Miera** – NOV #SW21-1073/38- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about June 16, 2021; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on June 18, 2021. **(for possible action)**

Hearing officer found Yauncay J. Lucas-Malone and Rose Lucas Miera in violation and imposed a penalty of \$1,000 for 1) and a penalty of \$1,000 for 2). A Cease and Desist order is issued to stop operating a solid waste disposal site without a permit issued by the solid waste management authority at this location or anywhere else in Clark County, Nevada.

Case called. Hearing Officer Melton asked if the respondent or a representative were present. No person responded. SNHD called Jennifer Luther to testify regarding service of the NOV. Ms. Luther testified that she sent the NOV to the respondents via certified mail. Proof of service and the NOV were attached as exhibits. Hearing Officer Melton determined service was satisfactory. SNHD called Catherine Deocampo who testified that she received a complaint of solid waste being kept on the side of a property. Ms. Deocampo testified that she inspected the subject site and photographed solid waste on the property several times. Photos taken by Deocampo were admitted as exhibits. SNHD rested. Hearing Officer Melton asked if the respondent or a representative were present. No person responded. Hearing Officer Melton asked if any members of the public had any relevant information. No person responded. After summation, Hearing Officer rendered decision.

5. **Desert Inn Villas Homeowners Association** – NOV #SW21-986/13 FTC NOV- For 1) causing or allowing sewage or accumulation of human excreta to overflow on property located at 356 East Desert Inn Road, Clark County, Nevada on or about December 17, 2021; and 2) for failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on November 9, 2021. **(for possible action)**

Hearing officer found Desert Inn Villas Homeowners Association in violation and imposed a penalty of \$4,000 for 1) and a penalty of \$2,000 for 2). Remediation of the area affected by sewage overflow is ordered. Contract with a licensed plumber to assess sewer lines via camera and repair all deficient plumbing elements is ordered. Sewer caps are ordered. Copies of the camera assessment is ordered. A Cease and Desist is issued to stop causing or allowing to cause any sewage or accumulation of human excreta to overflow and deposit at this property or any other property in Clark County, Nevada.

Case called. Jason Kelly appeared for respondent and was sworn in. SNHD called Jennifer Luther who testified she maintains records of SW hearings and that she searched SNHD

records for exhibits for the November 9, 2021 hearing held previously in SW21-986 and produced a copy of the exhibits and order which were admitted without objection. SNHD called EHS Gary Martens who testified regarding numerous inspections showing missing sewer caps, actively overflowing sewage, and staining showing recent sewage overflows, photographs of same taken by Martens were authenticated and admitted without objection. SNHD rested. Jason Kelly testified on behalf of respondent that respondent had complied with all SNHD requirements and submitted documents including emails, photos, and an engineering report admitted without objection. Respondent called Kelly Koning who testified he was a licensed plumber and that he had inspected the site and developed a plan for repairing the common sewer line. On cross examination he testified that the sewer pipe was not intact and was discharging sewage into the ground. Respondent rested. Public comment was heard from Ali Usafee and Carl Osborne, the latter submitted photographs. After summation, Hearing Officer rendered decision noted above.

6. **Benjamin Kolodaro, Nily Kolodaro, and Gary Kolodaro** – NOV #SW22-354/32- For 1) failure to comply with the Order issued by the Solid Waste Management Authority on November 12, 2021 with extensions of the Order deadline to February 23, 2022. **(for possible action)**

Hearing officer found Benjamin Kolodaro, Nily Kolodaro, and Gary Kolodaro in violation and imposed a penalty of \$1,000. Corrective action of removal and proper disposal of waste is ordered.

Case called. Hearing Officer Melton asked if the respondent or a representative were present. No person responded. SNHD called Jennifer Luther to testify regarding service of the NOV. Ms. Luther testified that she sent the NOV to the respondents via certified mail. Proof of service and the NOV were attached as exhibits. Hearing Officer Melton determined service was satisfactory. SNHD called Michelle Clark who testified that she received a complaint of piles of solid waste on property owned by respondents. Ms. Clark testified that she inspected the subject site and photographed solid waste on the property several times. Photos taken by Clark were admitted as exhibits. Clark testified that she mailed an order to the respondents to remove all solid waste and provide proof of proper disposal. The letter and proof of service were admitted. Clark testified that solid waste was not removed and no proof of proper disposal was provided. SNHD rested. Hearing Officer Melton asked if the respondents or a representative were present. No person responded. Hearing Officer Melton asked if any members of the public had any relevant information. No person responded. After summation, Hearing Officer rendered decision.

7. **K&M Diversified, Inc.** – NOV #SW22-731/K5- For 1) failure to submit an annual recycling survey to the Solid Waste Management Authority by February 15, 2022. **(for possible action)**

Hearing officer found K&M Diversified, Inc. in violation and imposed a penalty of \$500.

Case called. Michael Hoy and Brittany Hoy appeared for respondent and were sworn in. SNHD called Erik Anderson who testified that SWMA regulation require recycling centers to provide an annual recycling report by February 15 of each year. Anderson testified regarding email communications between SNHD and the respondent and the Nevada Division of

Environmental Protection. Anderson testified that he checked the submission website and that the report was not submitted by the deadline. Emails and website printouts were admitted as exhibits without objection. Mr. Hoy and Ms. Hoy testified that they had difficulty submitting the report through the website, did not submit a written report, and did not request an extension. After summation, Hearing Officer rendered decision.

8. **Partners Preferred Yield, Ltd.** – NOV #SW22-403/Z3- For 1) failure to comply with the Order issued by the Solid Waste Management Authority on November 5, 2021 with an extension of the Order to January 20, 2022. **(for possible action)**

Hearing officer found Partners Preferred Yield, Ltd. in violation and imposed a penalty of \$1,000. Corrective action of removal and proper disposal of waste is ordered.

Case called. Hearing Officer Melton asked if the respondent or a representative were present. No person responded. SNHD called Jennifer Luther to testify regarding service of the NOV. Ms. Luther testified that she sent the NOV to the respondent via certified mail. Proof of service and the NOV were attached as exhibits. Hearing Officer Melton determined service was satisfactory. SNHD called Erik Sumera who testified that he received a complaint of the dumping and accumulation of solid waste on property owned and maintained by respondent. Sumera testified that he inspected the site several times and found solid waste on the site. Photographs of the inspection findings were authenticated and admitted without objection. Sumera testified he served an order on respondent to remove all solid waste and provide proof of proper disposal, but the solid waste was not removed in the timeline ordered and no proof of disposal was provided. The order and proof of service were admitted without objection. SNHD rested. Hearing Officer Melton asked if the respondent or a representative were present. No person responded. Hearing Officer Melton asked if any members of the public had any relevant information. No person responded. After summation, Hearing Officer rendered decision noted above.

9. **Happy Homes Searchlight LLC**– NOV #SW22-073/C6- For 1) failure to comply with the Order issued by the Solid Waste Management Authority on July 23, 2021 with extensions of the Order to January 3, 2022; and 2) disposing of, abandoning or dumping motor vehicle battery, motor vehicle tire or motor vehicle oil at a site which has not been issued a permit for that purpose on or about July 21, 2021. **(for possible action)**

Hearing officer found Happy Homes Searchlight LLC in violation and imposed a penalty of \$1,000 for 1) and a penalty of \$1,000 for 2). Corrective action of removal and proper disposal of waste is ordered.

Case called. Hearing Officer Melton asked if the respondent or a representative were present. No person responded. SNHD called Jennifer Luther to testify regarding service of the NOV. Ms. Luther testified that she sent the NOV to the respondent via certified mail. Proof of service and the NOV were attached as exhibits. Hearing Officer Melton determined service was satisfactory. SNHD called Nadereh Ghamssari who testified that she received a complaint of the dumping and accumulation of solid waste on property owned and maintained by respondent. Ghamssari testified that she inspected the site several times and found solid

waste on the site. Photographs of the inspection findings were authenticated and admitted without objection. Ghamssari testified she served an order on respondent to remove all solid waste and provide proof of proper disposal, but the solid waste was not removed and no proof of disposal was provided. The order and proof of service were admitted without objection. SNHD rested. Hearing Officer Melton asked if the respondent or a representative were present. No person responded. Hearing Officer Melton asked if any members of the public had any relevant information. No person responded. After summation, Hearing Officer rendered decision noted above.

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. **B & K Technology Solutions, Inc. dba Advanced Technology Recycling** – NOV #SW22-732/K5- For 1) failure to submit an annual recycling survey to the Solid Waste Management Authority on or about February 15, 2022. **(for possible action)**

Hearing officer found B & K Technology Solutions, Inc. dba Advanced Technology Recycling in violation and imposed a penalty of \$1,000.

SNHD and the respondent reached a compromise settlement of the case. The details of the agreement were stated on the record and approved and ordered by Hearing Officer Melton.

2. **Raul Gamboa-Enriquez, Humberto Gamboa, and Rolando D. Gamboa-Enriquez** – NOV #SW22-454/G4- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about November 7, 2021; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the property located at 4860 East Charleston Boulevard, Las Vegas, Clark County, Nevada on or about November 7, 2021. **(for possible action)**

Hearing officer found Raul Gamboa-Enriquez, Humberto Gamboa, and Rolando D. Gamboa-Enriquez in violation of 2) and imposed a penalty of \$500. A Cease and Desist order is issued to stop placing, depositing, or dumping or causing to be placed, deposited or dumped solid waste upon property other than property designated or set aside for such purpose. Failure to comply will result in the original penalty of \$2,000 as initially sought in the Notice of Violation.

SNHD and the respondent reached a compromise settlement of the case. The details of the agreement were stated on the record and approved and ordered by Hearing Officer Melton.

3. **Cesar Mendoza** – NOV #SW22-633/56- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about January 22, 2022; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped

solid waste upon the property located at 4860 East Charleston Boulevard, Clark County, Nevada on or about January 22, 2022. ***(for possible action)***

Hearing officer found Cesar Mendoza in violation of 2) and imposed a penalty of \$500. A Cease and Desist order is issued to stop placing, depositing, or dumping or causing to be placed, deposited or dumped solid waste upon property other than property designated or set aside for such purpose. Failure to comply will result in the original penalty of \$2,000 as initially sought in the Notice of Violation.

SNHD and the respondent reached a compromise settlement of the case. The details of the agreement were stated on the record and approved and ordered by Hearing Officer Melton.

C. NOTICES OF VIOLATION – FURTHER PROCEEDINGS:

None.

III. REPORT TO HEARING OFFICER

None.

IV. PUBLIC COMMENT:

V. ADJOURNMENT – *ADJOURNED BY THE HEARING OFFICER AT 2:17 P.M.*