



Public Health Update

Solid Waste Management Authority Hearing Officer Meeting – February 17, 2010

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 February 17, 2010 the following cases were adjudicated:

I. MATTERS REQUIRING HEARING OFFICER ACTION

A. NOTICES OF VIOLATION WITH CONTESTED FACTS:

1. **Arturo G. Banuelos** – NOV #SW09-1064/57- For 1) operating a disposal site in Clark County, Nevada, 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 20, 2009.

Hearing officer found Arturo G. Banuelos in violation of 1) and imposed a penalty of \$750.

2. **Mary Bartsas 15, LLC** – NOV #SW09-1221/60- For 1) operating a disposal site in Clark County, Nevada, 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 August 24, 2009.

Item continued to March 17, 2010 docket.

3. **Makea Savonne Turner** – NOV #SW09-1351/C0- For 1) operating a disposal site in Clark County, Nevada, 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 7315 West Warm Springs Road, Clark County, Nevada on or about September 21, 2009.

Hearing officer found Makea Savonne Turner in violation of 2) and imposed a penalty of \$750. Failure to comply will result in the original penalty of \$1,800 as initially sought in the Notice of Violation.

4. **Gina Chavez Avila** – NOV #SW09-1421/G9- For 1) operating a disposal site in Clark County, Nevada, 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 1560 North Eastern Avenue, Unit 1, Las Vegas, Clark County, Nevada on or about October 6, 2009.

Hearing officer found Gina Chavez Avila in violation of 2) and imposed a penalty of \$500.

5. **James Rowland Stoner** – NOV #SW08-533/E0- For 1) operating a disposal site in Clark County, Nevada, 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 3949 Monthill Avenue, Clark County, Nevada on or about March 10, 2008.

Hearing officer found James Rowland Stoner in violation and imposed a penalty of \$500 for each of 1) and 2).

6. **Patrick Michael Marigliano** – NOV #SW09-1303/E0- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; 2) causing or allowing sewage or accumulation of human excreta to overflow upon the property located on the west side of South Commerce Street located across the street from 1551 South Commerce Street, Las Vegas, Clark County, Nevada on or about August 13, 2009 and various other times during the months of June, July, August and September 2009; and 3) causing or allowing sewage or accumulation of human excreta to overflow on property located on the east side of South Fairfield Avenue approximately 120 feet south of the intersection of West Utah Avenue and South Fairfield Avenue, Las Vegas, Clark County, Nevada on or about September 14, 2009.

Hearing officer found Patrick Michael Marigliano in violation and imposed a penalty of \$1,800 for 1) and a penalty of \$3,600 for 3). A Cease and Desist order is issued to stop operating a solid waste disposal site without a permit from the solid waste management authority at this location or any other in Clark County, Nev.

7. **Nicholas Anthony Tortu and Dino Louis Tortu** – NOV #SW09-1377/A0- For 1) operating a disposal site in Clark County, Nevada, 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 north of Helena Avenue and west of Campbell Road, Clark County, Nevada on or about September 25, 2009.

Hearing officer found Nicholas Anthony Tortu and Dino Louis Tortu in violation and imposed a penalty of \$4,000 for each of 1) and 2). Corrective action of removal and proper disposal of waste is ordered. A Cease and Desist order is issued to stop operating a solid waste disposal site without a permit from the solid waste management authority at this location or any other in Clark County, Nev.

8. **Gentry Equipment, LC., Race Gentry and Deborah Gentry** – NOV #SW08-1965/C6- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; 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; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on December 30, 2008.

Item continued to March 17, 2010 docket.

9. **Peter Chang and David Lo** – NOV #SW09-1142/G7- For 1) operating a disposal site in Clark County, Nevada, 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 August 3, 2009.

Hearing officer found Peter Chang and David Lo in violation and imposed a penalty of \$1,800 for 1) and a penalty of \$900 for 2). Corrective action of removal and proper disposal of waste is ordered. A Cease and Desist order is issued to stop operating a solid waste disposal site without a permit from the solid waste management authority at this location or any other in Clark County, Nev.

10. **Hoot Klan 101, LLC and Peyman Masachi** – NOV #SW09-349/A0- For 1) operating a disposal site in Clark County, Nevada, 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 20, 2009.

Hearing officer found Hoot Klan 101, LLC and Peyman Masachi in violation of 2) and imposed a penalty of \$900. Corrective action of removal and proper disposal of waste is ordered. A Cease and Desist order is issued to stop operating a solid waste disposal site without a permit from the solid waste management authority at this location or any other in Clark County, Nev. Failure to comply will result in the original penalty of \$1,800 as initially sought in the Notice of Violation.

11. **Aliante Commons, LLC and Michael Kennedy** – NOV #SW09-945/A0- For 1) operating a disposal site in Clark County, Nevada, 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 August 25, 2009.

Hearing officer found Aliante Commons, LLC and Michael Kennedy 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 Cease and Desist order is issued to stop operating a solid waste disposal site without a permit from the solid waste management authority at this location or any other in Clark County, Nev.

12. **Joel M D Ira Davidson and Premier Trust Nevada Custodian** – NOV #SW09-799/C6- For 1) operating a disposal site in Clark County, Nevada, 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 21, 2009.

Item continued to March 17, 2010 docket.

13. **Giovanni G. Galecio and Yamileth Bohorquez-Acosta** – NOV #SW09-430/C6/23- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on June 17, 2009.

Hearing officer found Giovanni G. Galecio and Yamileth Bohorquez-Acosta in violation and imposed a penalty of \$2,300. Corrective action of removal and proper disposal of waste is ordered.

14. **Charley Ray Marble, Jr. a.k.a. Charley Marble** – NOV #SW08-476/47/C6/23- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on April 15, 2009.

Hearing officer found Charley Ray Marble, Jr. a.k.a. Charley Marble in violation and imposed a penalty of \$5,500. Corrective action of removal and proper disposal of waste is ordered.

15. **Low Ridge L.L.C.** – NOV #SW08-855/C6/23- 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. **Abel Segovia** – NOV #SW09-1353/G7- For 1) operating a disposal site in Clark County, Nevada, 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 347 West Sunset Road, Henderson, Clark County, Nevada on or about September 19, 2009.

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

2. **New Star, Inc.** – NOV #SW09-1058/G7- For operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority.

Hearing officer found New Star, Inc. in violation and imposed a penalty of \$1,000.

3. **Knock-Em-Out Tree Service, Inc. and Mark Howell** – NOV #SW09-1419/C0- For 1) operating a disposal site in Clark County, Nevada, 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 on the west side of Red Rock Street, between Palmyra Avenue and Coley Avenue, Clark County, Nevada on or about October 6, 2009.

Hearing officer found Knock-Em Out Tree Service, Inc. and Mark Howell in violation of 2) and imposed a penalty of \$900. Failure to comply will result in the original penalty of \$1,800 as initially sought in the Notice of Violation.

4. **Tdiddy Enterprises, LLC dba 1-800-GOT-JUNK** – NOV #SW09-1051/G7- For operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority.

Hearing officer found Tdiddy Enterprises, LLC dba 1-800-GOT-JUNK in violation and imposed a penalty of \$900.

5. **Carolyn Swann and Angus Swann** – NOV #SW09-1082/C6- For 1) operating a disposal site in Clark County, Nevada, 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 27, 2009.

Hearing officer found Carolyn Swann and Angus Swann in violation of 2) and imposed a penalty of \$750. 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.

6. **Smith's Food and Drug Centers, Inc. and Smith's Food and Drug #332** – NOV #SW09-1369/E0- For 1) operating a disposal site in Clark County, Nevada, 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 7130 North Durango Drive, Las Vegas, Clark County, Nevada on or about September 28, 2009; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on September 28, 2009.

Hearing officer found Smith's Food and Drug Centers, Inc. and Smith's Food and Drug #332 in violation of 3) 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 \$4,800 as initially sought in the Notice of Violation.

C. NOTICES OF VIOLATION – FURTHER PROCEEDINGS

1. **The Ridges III 1, LLC** – NOV #SW08-1482/60- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; 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; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on October 30, 2008.

Hearing office order of February 18, 2009 is vacated.

2. **The Ridges III 1, LLC** – NOV #SW08-1482/60/23- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on February 18, 2009.

Hearing officer order of June 17, 2009 is vacated.

3. **John L. Counseller** – NOV #SW08-533/E0- For 1) operating a disposal site in Clark County, Nevada, 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 3949 Monthill Avenue, Clark County, Nevada on or about March 10, 2008.

Hearing officer order of September 17, 2008 is vacated.