



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

Southern Nevada Health District  
280 South Decatur Boulevard, Las Vegas, Nevada 89107  
Red Rock Trail Conference Room  
9:00 AM – Thursday, September 14, 2023

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**SNHD STAFF PRESENT:**

Donna Houston, Sr. EH Specialist  
Jennifer Luther, Sr. Admin Assistant  
Edward Wynder, Associate General Counsel  
Linly Hazlett, Sr. EH Specialist  
Darren Zinser, EH Specialist  
Talibah Abdul-Wahid, Law Clerk  
Will Thompson, EH Supervisor  
Lynn Cintron, Sr. Admin Assistant

Andy Chaney, EH Supervisor  
Bruno Stephani, EH Supervisor  
Raine Harris, EH Specialist  
Jason Garcia, EH Specialist  
Nick Bieser, EH Specialist  
Rebecca Dunne, EH Specialist  
Nick Pizano, EH Specialist

**PUBLIC PRESENT:**

Jose Bernabe (SW23-582/C6)  
Ashley Kolaczynski (SW23-494/67)  
Daylin Sigler, CCWQ

Donald Moore (SW23-582/C6)  
Samantha Rupert (SW23-494/67)  
Owen Ondrisko (SW23-636/H3)

I. **CALL TO ORDER:**

The Hearing Officer, Henry Melton, called the meeting to order at 9:04 a.m.

II. **PUBLIC COMMENT:** None

III. **MATTERS REQUIRING HEARING OFFICER ACTION:**

A. APPROVAL OF MINUTES FOR HEARING OFFICER MEETINGS

1. July 13, 2023 SWMA Hearing – *MINUTES APPROVED*

B. NOTICES OF VIOLATION WITH CONTESTED FACTS:

1. **Stampco Concrete, Inc. d/b/a Stampco Concrete and Masonry** – NOV #SW23-636/H3 - For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the Solid Waste Management Authority on or about March 21, 2023; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the vacant parcel located at 2325 Torino Avenue, Clark County, Nevada on or about March 21, 2023.

The case was withdrawn by SNHD.

2. **Jose Jesus Bernabe** – NOV #SW23-582/C6 - For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the Solid Waste Management Authority on or about February 27, 2023; and 2) placing, depositing or dumping or causing to be

placed, deposited or dumped solid waste upon the property located at 5576 West Rochelle Avenue, Clark County, Nevada on or about February 27, 2023.

Case called. Respondent, Jose Bernabe, sworn in. SNHD called Bruno Stephani who testified that he supervised this investigation by EHS Nadereh Ghamssari. Mr. Stephani verified Notice of Violation, EHS photos, and information regarding respondent found through DMV and Accurant searches. The NOV, photos, and Assessors map were submitted as exhibits. Mr. Stephani explained the violations and the concerns of theft of service dumping. Citizen witness called and sworn in. Witness verified photos and statement which were then submitted as exhibits. Witness details the course of events, and confirmed Mr. Bernabe was not the person he spoke with on the day of the dumping. Respondent testified that he and his wife own a condo at the property and they were in the process of remodeling. Mr. Bernabe said the HOA was aware of the remodel and gave permission to dump construction debris in the complex dumpsters, but that he was not the person in the photos dumping cabinets. Mr. Bernabe claimed that he tried contact SNHD to resolve the issue but his phone calls and emails were never returned. Mr. Bernabe was not able to produce any documentary evidence of condo ownership, permission to dump from the HOA, or emails when requested by Hearing Officer Melton. After summation, Hearing Officer rendered decision. Hearing Officer found Jose Jesus Bernabe in violation of 1) and 2) and imposed a penalty of \$750 for each violation for a total administrative penalty of \$1,500. The Hearing Officer further ordered respondent to cease and desist 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, and 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.

3. **Rio Properties, LLC d/b/a Rio Suites Hotel and Casino** – NOV #SW23-306/C6- For failure to comply with the Order issued by the Solid Waste Management Authority of October 27, 2022, with extension of the Order to April 12, 2023.

The respondent did not contest the Notice of Violation, agreeing to the facts alleged and accepting the proposed penalty. Hearing Officer Melton found Rio Properties, LLC d/b/a Rio Suites Hotel and Casino in violation and imposed a penalty of \$2,000. Corrective action of removal and proper disposal of waste is ordered.

4. **Desert Palace, LLC d/b/a Caesars Palace** – NOV #SW23-511/C6- For 1) causing or allowing sewage or accumulation of human excreta to overflow on property located at 3570 South Las Vegas Boulevard, Clark County, Nevada on or about January 24, 2023; 2) causing or allowing sewage or accumulation of human excreta to overflow on property located at 3570 South Las Vegas Boulevard, Clark County, Nevada on or about January 26, 2023; 3) causing or allowing sewage or accumulation of human excreta to overflow on property located at 3570 South Las Vegas Boulevard, Clark County, Nevada on or about March 1, 2023; 4) causing or allowing sewage or accumulation of human excreta to overflow on property located at 3570 South Las Vegas Boulevard, Clark County, Nevada on or about May 6, 2023; and 5) failure to comply with the Order issued by the Solid Waste Management Authority on January 23, 2023, with extension of the Order to February 15, 2023.

The respondent did not contest the Notice of Violation, agreeing to the facts alleged and accepting the proposed penalty. Hearing Officer Melton found Desert Palace, LLC d/b/a Caesars Palace in violation of 1), 2), 3), 4), and 5), and imposed a penalty of \$1,000 for each violation for a total administrative penalty of \$5,000. The Hearing

Officer further ordered remediation of area affected by sewage overflow, to cease and desist 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, and to cease and desist 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.

5. **Red Leaf Management L.L.C.** – NOV #SW23-097/G4- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the Solid Waste Management Authority on or about December 12, 2022; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on December 16, 2022 with extensions of the Order deadline to March 14, 2023.

SNHD and the respondent reached a compromised settlement of the case. The details of the agreement were stated on the record and approved and ordered by Hearing Officer Melton. Hearing officer found Red Leaf Management L.L.C. in violation of 1) and 2), and imposed a penalty of \$500 for each violation for a total administrative penalty of \$1,000. 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 issued by the solid waste management authority at this location or anywhere else in Clark County, Nevada.

6. **The Vista Commons Center, LLC** – NOV #SW23-494/67- For 1) failure to comply with the Order issued by the Solid Waste Management Authority on January 20, 2023, with extension of the Order deadline to March 28, 2023; and 2) failure to provide proper removal of all solid waste accumulated at the premises on or about March 28, 2023.

Case Called. Representatives for The Vista Commons Center, LLC, Samantha Rupert and Ashley Kolaczynski, were sworn in. SNHD called Donna Houston who testified that she supervised this investigation by EHS Melissa Gilbert. Ms. Houston verified the Notice of Violation, EHS photos, Order, and Assessors map which were submitted as exhibits with no objections. Ms. Houston explained the basis for the investigation and described what was photographed. She then detailed EHS Gilbert's follow-up site visit and the additional debris in the photographs. Ms. Houston testified that an Order for corrective action was sent to the property owner and a subsequent Order Reminder letter was sent extending the original deadline. Follow up photos and Order Reminder letter were submitted as exhibits. EHS Houston explained the allegations in the Notice of Violation and why they are health concerns. The respondents verified the NOV Response Form and photos that were emailed to SNHD, which were then submitted as exhibits. Respondents testified that the property management company was not aware of the original order or order reminder until the Respondent/Property owner informed them in August. Upon receiving the Notice of Violation, they expanded their existing porter service to five days per week to keep the property clean and recommended the Respondent/Property Owner increase the frequency of pressure washing, as well as working with tenants to ensure grease bins are maintained. Proposed contract for quarterly power washing and Ms. Kolaczynski's recommendation to increase to weekly power washing submitted as exhibits. Ms. Kolaczynski explained that they want to keep the area cleaned and maintained, and acknowledged the severity of the issues. She requested a lower or waived penalty. Ms. Rupert detailed that the porter is to send daily photos of the enclosures and property to ensure cleanliness. She explained that the property manager will secure waste grease contracts from tenants and will ensure the pressure washing company contains and properly disposes of waste water. After summation, Hearing Officer rendered decision. Hearing Officer found The Vista

Commons Center, LLC in violation of 1) and 2) and imposed a penalty of \$500 for each violation for a total administrative penalty of \$1,000. Corrective action of removal and proper disposal of waste is ordered. The Hearing Officer further ordered respondent to notify tenants in writing on the proper placement of trash and waste food grease, grease bin maintenance, grease spill clean up, and washing of restaurant equipment with proof submitted to SNHD within 30 days. Failure to comply will result in the original penalty of \$2,000 as initially sought in the Notice of Violation.

C. NON-CONTESTED NOTICES OF VIOLATION:

1. **Marybeth Lynn McCardle** – NOV #SW23-550/T8- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the Solid Waste Management Authority on or about February 9, 2023; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the Private Right-of-Way located 460 feet north on Captone Academy Way from East Cactus Avenue, Clark County, Nevada on or about February 9, 2023.

SNHD and the respondent reached a compromised settlement of the case. The details of the agreement were stated on the record and approved and ordered by Hearing Officer Melton. Hearing officer found Marybeth Lynn McCardle 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.

2. **Victor Hugo Mercado-Huerta** – NOV #SW23-770/56- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the Solid Waste Management Authority on or about May 15, 2023; 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 May 15, 2023.

SNHD and the respondent reached a compromised settlement of the case. The details of the agreement were stated on the record and approved and ordered by Hearing Officer Melton. Hearing Officer found Victor Hugo Mercado-Huerta 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.

3. **K&M Diversified, Inc.** – NOV #SW23-311/K5- For 1) operating or authorizing the operation of a Solid Waste Management Facility outside of the approved conditions of the Solid Waste Management Permit issued by the Solid Waste Management Authority on or about September 22, 2022; 2) operating or authorizing the operation of a Solid Waste Management Facility outside of the approved conditions of the Solid Waste Management Permit issued by the Solid Waste Management Authority on or about October 25, 2022; 3) operating or authorizing the operation of a Solid Waste Management Facility outside of the approved conditions of the Solid Waste Management Permit issued by the Solid Waste Management Authority on or about March 29, 2023; and 4) failure to comply with the Order issued by the Solid Waste

Management Authority on October 26, 2022, with extensions of the Order deadline to March 27, 2023.

The respondent did not contest the Notice of Violation, agreeing to the facts alleged and accepting the proposed penalty. Hearing Officer Melton found K&M Diversified, Inc. in violation of 1), 2), 3), and 4), and imposed a penalty of \$1,000 for each violation for a total administrative penalty of \$4,000. A Cease and Desist order is issued to stop operating a solid waste disposal site outside of the conditions approved in the permit issued by the Solid Waste Management Authority at this location or anywhere else in Clark County, Nevada.

D. NOTICES OF VIOLATION – FURTHER PROCEEDINGS:

None

IV. REPORT TO HEARING OFFICER

None

V. Public Comment: None

VI. ADJOURNMENT – *ADJOURNED BY THE HEARING OFFICER AT 11:42 A.M.*