



**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, May 9, 2024

SNHD STAFF PRESENT:

Donna Houston, Sr. EH Specialist
Jennifer Luther, Sr. Admin Assistant
Edward Wynder, Associate General Counsel
Linly Hazlett, Sr. EH Specialist
Taliba Abdul-Wahid, Law Clerk

Lynn Cintron, Sr. Admin Assistant
Bruno Stephani, EH Supervisor
Rebecca Dunne, EH Specialist
Nick Bieser, EH Specialist
Itchel Santos-Perez, EH Specialist

PUBLIC PRESENT:

Tabitha Kast – SW24-414/T8

James Allen Dillard – SW24-414/T8

I. CALL TO ORDER:

The Hearing Officer, Henry Melton, called the meeting to order at 9:00 a.m.

II. PUBLIC COMMENT: None

III. MATTERS REQUIRING HEARING OFFICER ACTION:

A. APPROVAL OF MINUTES FOR HEARING OFFICER MEETINGS

1. April 11, 2024 SWMA Hearing – *MINUTES APPROVED*

B. NOTICES OF VIOLATION WITH CONTESTED FACTS:

1. **Marjen Enterprises, LLC** – NOV #SW24-232/D5 - For 1) operating a disposal site in Clark County, Nevada without a permit issued by the Solid Waste Management Authority on or about September 27, 2023; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the 0.47 acre vacant parcel located southeast of Clark Street and Stephanie Street, Clark County, Nevada on or about September 27, 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 Marjen Enterprises, LLC in violation of 2) and imposed an administrative penalty of \$1,000. 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. **James Allen Dillard** – NOV #24-414/T8- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the Solid Waste Management Authority on or about December 26, 2023; and 2) placing, depositing or dumping or causing to be

placed, deposited or dumped solid waste upon the property located at 5600 Wiesner Way, Clark County, Nevada on or about December 26, 2023.

The Health District called Environmental Health Specialist Itchel Santos-Perez. EHS Santos-Perez testified regarding receipt of a complaint of illegal dumping and her investigation that followed. EHS Santos-Perez testified that she spoke with a citizen witness regarding the complaint and the citizen witness provided photographs and a signed voluntary statement indicating that she saw an individual remove furniture from the back of a pickup truck and place it on the ground in a desert lot near a park where the citizen witness had been walking her dog. EHS Santos-Perez testified that she conducted a site inspection, but was unable to locate the solid waste identified by the citizen witness. The Health District called Tabith Kast to provide testimony. Ms. Kast testified that she was at a public park when she saw a man drive a white pickup truck past the park and onto an undeveloped lot. Ms. Kast testified that she saw what appeared to be furniture in the back of the pickup truck and that she suspected the driver of the pickup truck might be intending to dump the furniture onto the lot (where she had seen dumping had been done before. Ms. Kast testified that she got into her vehicle and followed the pickup truck and that she saw the driver of the pickup truck exit the vehicle and remove furniture from the pickup truck, place it on the ground, and then leave. Ms. Kast testified that she did not take photographs at that time, that she followed the truck to take a picture of the license plate, and that she then returned to the lot to take pictures of the furniture she saw the man place on the ground. Ms. Kast testified that she provided these photographs to the Health District. Ms. Kast's photos and voluntary statement were entered as exhibits. The Health District rested. Respondent provided testimony that he did not dump any furniture and that he regularly visited the lot to drive a remote control car or fly a drone for personal recreation. He testified that he was there that day on a break from work to eat his lunch and drive his remote control car. Respondent testified that on that day he ate his lunch, drove his remote control car, and after 20 minutes or so, left. He testified that upon leaving he noticed he was being followed by a vehicle – the citizen witness. Respondent rested. Hearing Officer Melton stated that he found respondent and citizen witness had provided credible testimony. After reviewing the totality of the testimony provided, including the lack of photos showing any dumping, Hearing Officer Melton found that the Health District did not carry its burden of proof and found no violation against James Allen Dillard.

3. **Ladonna Marie Gamas** – NOV #SW24-424/Z3- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the Solid Waste Management Authority on or about January 3, 2024; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the property located at 3260 North Durango Drive, Las Vegas, Clark County, Nevada on or about January 3, 2024.

The case was continued to the June 13, 2024 Hearing.

C. NON-CONTESTED NOTICES OF VIOLATION:

1. **Ismael Betancourt Navarro** – NOV #SW24-274/K6- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the Solid Waste Management Authority on or about October 25, 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 October 25, 2023.

The respondent did not contest the Notice of Violation, agreeing to the facts alleged and accepting the proposed penalty. Hearing Officer Melton found Ismael Betancourt Navarro in violation of 1) and 2), and imposed an administrative penalty of \$1,000 for each violation for a total administrative penalty of \$2,000. 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.

2. **REALTY HOLDINGS, LTD. d/b/a Halloween Town** – NOV #SW24-300/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 25, 2023; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the properties located at and adjacent to the I-15 northbound Public Right-of-Way between East Cheyenne Avenue and North Lamb Boulevard, North Las Vegas, Clark County, Nevada on or about October 25, 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 REALTY HOLDINGS, LTD. d/b/a Halloween Town in violation of 1) and 2), and imposed an administrative penalty of \$500 for each violation for total administrative penalties of \$1,000. 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. A Cease and Desist order 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. Failure to comply will result in the original penalty of \$2,000 as initially sought in the Notice of Violation.

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 10:56 A.M.*