



Annotated Agenda

Clark County Air Pollution Control Hearing Board

Clark County Building Department

Presentation Room

4701 West Russell Road

Las Vegas, NV 89118

April 8, 2025 – 10:00 A.M.

Note:

- Items on the agenda may be taken out of order.
- The Air Pollution Control Hearing Board may combine two (2) or more agenda items for consideration.
- The Air Pollution Control Hearing Board may remove an item from the agenda or delay discussion relating to an item at any time.
- No action may be taken on any matter not listed on the posted agenda.
- Please turn off or mute all cell phones and other electronic devices.
- Please take all private conversations outside the room.
- With a forty-eight (48) hour advance request, a sign language interpreter or other reasonable efforts to assist and accommodate persons with physical disabilities, may be made available by calling (702) 455-0354, TDD at (702) 385-7486, or Relay Nevada toll-free at (800) 326-6868, TD/TDD
- Supporting material provided to the Board members for this meeting may be requested from Sherrie Rogge, Administrative Secretary, at sherrie.rogge@clarkcountynv.gov or (702) 455-0354.
- Supporting material is also available at the Clark County Department of Environment & Sustainability, 4701 West Russell Road, 2nd Floor, Las Vegas NV 89118.
- Supporting material is/will be available on the Department's website at:
https://www.clarkcountynv.gov/government/departments/environment_and_sustainability/compliance/enforcement_notices.php

Hearing Board Members

Daniel Sanders, Chair
Ryan L. Dennett, Esq., Vice-Chair*
Daniel Bartlett
Donald Bordelove (Joined via MS Teams)
Troy Hildreth (Absent)
Amy Lahav
*Ryan L. Dennett, Vice-Chair, left the meeting at 10:07 a.m.

Hearing Board Counsel

Nichole Kazimirovicz

Air Quality Staff

Marci Henson, Director
Anna Sutowska, Air Quality Supervisor

Department Counsel

Timothy J. Allen

Administrative Secretary

Sherrie Rogge, Phone: 702-455-0354; Email sherrie.rogge@clarkcountynv.gov
Business Address: Clark County Department of Environment & Sustainability,
4701 W. Russell Road, 2nd Floor, Las Vegas NV 89118

1. **CALL TO ORDER** 10:02 a.m.

2. **PUBLIC COMMENT**
NONE

3. **APPROVAL OF MINUTES**
Approval of January 28, 2025 meeting minutes.
(For possible action)

ACTION: APPROVED MINUTES OF JANUARY 28, 2025, MEETING AS RECOMMENDED
BY: Board Member Dennett
SECOND: Board Member Lahav
VOTE: 5-0
VOTING AYE: Daniel Sanders, Ryan Dennett, Daniel Bartlett, Donald Bordelove, Amy Lahav
VOTING NOE: None
ABSTAINING: None
ABSENT: Troy Hildreth

4. **ACCEPT HEARING BOARD ORDERS**

Review competing hearing board orders from hearings conducted on January 28, 2025, in the matter of Notices of Violation: #9907 issued to Assured Development, Inc. and Joseph Yakubik; #9946, #9979, and #10008 issued to Atlas Holdings International LLC and Joseph Yakubik, and decide which proposed orders, or parts thereof, to accept.
(For possible action)

MR. YAKUBIK (YAKUBIK), REPRESENTATIVE FOR APPELLANTS, WAS NOT IN ATTENDANCE WHEN THE ITEM WAS CALLED, AND HAD NOT SUBMITTED COMPETING HEARING BOARD ORDERS FOR THE BOARD TO REVIEW.

ACTION: APPROVED THE HEARING BOARD ORDERS, AS SUBMITTED BY AIR QUALITY, FROM THE JANUARY 28, 2025, MEETING IN THE MATTER OF NOTICES OF VIOLATION: #9907 ISSUED TO ASSURED DEVELOPMENT, INC., AND JOSEPH YAKUBIK; #9946, #9979, AND #10008 ISSUED TO ATLAS HOLDINGS INTERNATIONAL LLC AND JOSEPH YAKUBIK.
BY: Board Member Dennett
SECOND: Board Member Lahav
VOTE: 5-0
VOTING AYE: Daniel Sanders, Ryan Dennett, Daniel Bartlett, Donald Bordelove, Amy Lahav
VOTING NOE: None
ABSTAINING: None
ABSENT: Troy Hildreth

5. APPEAL OF HEARING OFFICER DECISION

Vice-Chair Dennett recused himself from NOV #9994 and NOV #10078 due to a potential conflict of interest.

Mr. Dennett left the meeting at 10:07 a.m.

A. ETON TRANSPORTATION CORP. (DCOP #57148)

NOV #9994 – On November 5, 2024, the Hearing Officer found ETON Transportation Corp. in violation of Sections 94.13(a) and (b) for failing to employ Best Available Control Measures and comply with soil stabilization standards 24 hours a day, seven days a week, as identified by Air Quality Specialist Canduella Rowsell, Senior Air Quality Specialists Katrinka Byers and Andrew Kirk, and Air Quality Supervisor David Dean during a routine inspection on January 8, 2024, and follow-up inspections on January 9 and 17, 2024 at the Stratford-1 construction project, located at 2596 Stratford Avenue, in Clark County, Nevada. The Hearing Officer assessed a penalty amount of \$3,500.00. Respondent appealed.

Conduct Hearing and Render Decision
(For possible action)

B. ETON TRANSPORTATION CORP., ENVIRONMENTAL TRANSPORTATION OF NEVADA, LLC D/B/A ETON, AND MOE TRUMAN, INDIVIDUALLY (DCOP #57148)

NOV #10078 – On November 5, 2024, the Hearing Officer found ETON Transportation Corp., Environmental Transportation of Nevada, LLC d/b/a ETON, and Moe Truman, individually, in violation of Sections 94.13(a) and (b) for failing to employ Best Available Control Measures and comply with soil stabilization standards 24 hours a day, seven days a week, and Section 4.1(d)(1) for refusing entry or access to the Control Officer who requests entry for purposes of inspection, as identified by Air Quality Specialists Canduella Rowsell and Noel Crandall, and Senior Air Quality Specialist Andrew Kirk during a routine inspection on July 17, 2024, and follow-up inspections on July 25 and 31, 2024, and August 7 and 14, 2024, at the Stratford-1 construction project, located at 2596 Stratford Avenue, in Clark County Nevada. The Hearing Officer assessed a penalty amount of \$17,250.00. Respondents appealed.

Conduct Hearing and Render Decision
(For possible action)

The Board approved the November 5, 2024 Air Pollution Control Hearing Officer meeting transcript be used in lieu of testimony already provided. Any new information provided would require new testimony.

Appellants submitted exhibits 32, 33, and 34 as additional evidence.

ACTION: DENIED THE APPEAL. AFFIRMED THE HEARING OFFICER ORDER IN THE MATTER OF NOV #9994 AS IT RELATES TO THE FINDINGS OF VIOLATION.

BY: Board Member Sanders

SECOND: Board Member Lahav

VOTE: 4-0

VOTING AYE: Daniel Sanders, Daniel Bartlett, Donald Bordelove, Amy Lahav

VOTING NOE: None

ABSTAINING: None

ABSENT: Ryan Dennett, Troy Hildreth

ACTION: AFFIRMED THE HEARING OFFICER ORDER IN THE MATTER OF NOV #9994 FOR THE ASSESSMENT OF AN ADMINISTRATIVE PENALTY IN THE AMOUNT OF \$3,500.00.

BY: Board Member Sanders

SECOND: Board Member Lahav

VOTE: 4-0

VOTING AYE: Daniel Sanders, Daniel Bartlett, Donald Bordelove, Amy Lahav

VOTING NOE: None

ABSTAINING: None

ABSENT: Ryan Dennett, Troy Hildreth

ACTION: DENIED THE APPEAL. AFFIRMED THE HEARING OFFICER ORDER IN THE MATTER OF NOV #10078 AS IT RELATES TO THE FINDINGS OF VIOLATION.

BY: Board Member Lahav

SECOND: Board Member Bartlett

VOTE: 4-0

VOTING AYE: Daniel Sanders, Daniel Bartlett, Donald Bordelove, Amy Lahav

VOTING NOE: None

ABSTAINING: None

ABSENT: Ryan Dennett, Troy Hildreth

ACTION: MODIFIED THE HEARING OFFICER ORDER AS TO THE PENALTY ASSESSED FROM \$17,250.00 TO \$31,562.50 IN THE MATTER OF NOV #10078 .

BY: Board Member Lahav

SECOND: Board Member Bartlett

VOTE: 3-1

VOTING AYE: Daniel Bartlett, Donald Bordelove, Amy Lahav

VOTING NOE: Daniel Sanders

ABSTAINING: None

ABSENT: Ryan Dennett, Troy Hildreth

6. **IDENTIFY EMERGING ISSUES TO BE DISCUSSED BY THE BOARD AT A FUTURE MEETING**

NONE

7. **PUBLIC COMMENT**

Mr. Truman asked the Board what can be done about his civil rights in regard to having inspectors on his property.

Mr. Allen stated he would meet with Mr. Truman and his Counsel about access to his site going forward so any issues can be resolved.

Director of Environment and Sustainability, Marci Henson, made a public comment that after reaching out to the Building Official about the badges their inspectors use, it was confirmed that Air Quality inspectors' badges are the same as the building inspectors. Ms. Henson also stated that she would be meeting with staff to review Air Quality's policies on accessing properties during inspections, and she would report back to the Board at a future meeting.

8. **ADJOURNMENT** **12:09 p.m.**

The Presentation Room is accessible to individuals with disabilities. Within forty-eight (48) hour advanced request, a sign language interpreter may be made available by contacting (702) 455-0354 or TDD (702) 385-7486 or Nevada Relay toll-free (800) 326-6868, TT/TDD. Assistive listening devices are available upon request.

This meeting has been properly noticed and posted online at: https://clarkcountynv.gov/government/departments/environment_and_sustainability/compliance/enforcement/notices.php and Nevada Public Notice at <https://notice.nv.gov/> and in the following location:

Clark County Operations Center, West, 4701 W. Russell Road, Las Vegas, Nevada (Principal Office)