



APPROVED APC HEARING BOARD
DATE: 8/6/2025
BY: Sherry Rogge
Board Secretary

Minutes

Regular Meeting of the Clark County Air Pollution Control Hearing Board

April 8, 2025

Clark County Building Services
Presentation Room
4701 West Russell Road
Las Vegas, NV

1. CALL TO ORDER

Chair Sanders called the meeting of the Air Pollution Control Hearing Board to order at the hour of 10:02 a.m. A quorum was present, and Affidavits of Posting of the agenda were provided as required by the Nevada Open Meeting Law. The Affidavits will be incorporated into the official record.

PRESENT: Daniel Sanders, Chair
Ryan L. Dennett, Vice-Chair*
Daniel Bartlett
Donald Bordelove
Amy Lahav

ABSENT: Troy Hildreth
*Ryan L. Dennett, Vice Chair – left the meeting at 10:07 a.m.

HEARING BOARD
COUNSEL: Nichole Kazimirovicz, Deputy District Attorney

DAQ STAFF: Marci Henson, Director
Anna Sutowska, Air Quality Supervisor
Sherrie Rogge, Administrative Secretary

DEPARTMENT
COUNSEL: Timothy J. Allen, Deputy District Attorney

2. PUBLIC COMMENT

Chair Sanders asked if there were any persons present in the audience wishing to be heard. There being no one, Chair Sanders closed the public comments.

3. APPROVAL OF MINUTES OF THE JANUARY 28, 2025, MEETING (For possible action)

Chair Sanders called for comments, changes, or corrections to the January 28, 2025 minutes. Being none, he called for a motion.

FINAL ACTION: It was moved by Board Member Dennett, seconded by Board Member Lahav, that the subject minutes be approved.

Motion carried by the following vote:

Voting Aye: Daniel Sanders, Ryan Dennett, Daniel Bartlett, Donald Bordelove, Amy Lahav
Voting Nay: None
Abstaining: None
Absent: Troy Hildreth

4. ACCEPT HEARING BOARD ORDERS

Review competing hearing board orders from the 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.

Mr. Joseph Yakubik, representative for appellants, was not in attendance when this item was called, and had not submitted competing hearing board orders for the Board to review.

Vice-Chair Dennett stated that per Board's Counsel, Yakubik is in disagreement with the proposed orders submitted by Catherine Jorgenson, former Deputy District Attorney, and that Yakubik had indicated he would be submitting competing orders or appear at today's hearing.

FINAL ACTION: It was moved by Board Member Dennett, seconded by Board Member Lahav to approve the Hearing Board Orders 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.

Motion carried by the following vote:

Voting Aye: Daniel Sanders, Ryan Dennett, Daniel Bartlett, Donald Bordelove, Amy Lahav
Voting Nay: 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)

Russell G. Gubler, State Bar No. 10889, 8831 West Sahara Avenue, Las Vegas NV 89117, Attorney for the Respondent, Mitchell “Moe” Truman, ETON Transportation Corp., Environmental Transportation of Nevada, LLC d/b/a ETON.

Timothy Allen, Deputy District Attorney, State Bar No. 14818, 500 South Grand Central Parkway, Las Vegas NV 89155, Attorney for Clark County Department of Environment and Sustainability, Division of Air Quality (Air Quality).

Mr. Allen stated that he and Mr. Gubler had discussed briefly before the hearing as to whether or not it would be amendable to the Board to submit the transcripts from the prior Hearing Officer meetings and not have to present all of the prior evidence de novo, and then have some new testimony presented that’s different from those transcriptions.

Based upon the Board's agreement to accept the transcriptions, Mr. Allen requested the transcripts of the October 29, 2024, and November 5, 2024, Hearing Officer Meetings – Exhibits 30 and 31 of Respondents' Pre-Hearing Brief dated March 28, 2025 (bates number 242 through 418) be admitted into the record.

Mr. Gubler requested that the Clark County employees in the room that previously testified be sequestered during the hearing.

Mr. Allen requested that Air Quality Supervisor Anna Sutowska be allowed to stay in the room for these hearings as she represents the Division of Air Quality at these meetings and provides testimony in regard to the final penalties of a Notice of Violation. There was no objection to this request.

Chair Sanders asked that David Dean, Katrinka Byers, Andrew Kirk, Canduella Rowsell, and Noel Crandall leave the room until called for testimony.

Mr. Gubler presented his client's case.

Mr. Gubler called Mr. Truman to testify.

Chair Sanders swore the following person in for questioning by Mr. Gubler and Mr. Allen:

Mitchell Wade Truman, ETON Transportation Corp., 2596 Stratford Ave., Las Vegas

Mr. Gubler and Mr. Allen questioned Mr. Truman.

Mr. Gubler requested the following documents be entered as exhibits: Exhibit 32-photos of the Formula 1 Tropicana Yard taken on 4/7/2025; Exhibit 33-Bills of Lading for Expedite Las Vegas Corp and Omaha Track from 3/18/2024, 2/27/2025, 3/14/2025, and 3/18/2025; and Exhibit 34-photos of the ETON property taken on 3/27/2025.

Mr. Allen presented Air Quality's case for NOV #9994 and called Ms. Sutowska to testify.

Chair Sanders swore the following person in for questioning:

Anna Sutowska, Air Quality Supervisor, Enforcement Section

Mr. Allen questioned Ms. Sutowska. Mr. Gubler didn't have any questions for the witness.

General discussion ensued amongst the Board.

FINAL ACTION: It was moved by Board Member Sanders, seconded by Board Member Lahav, to deny the appeal and affirm the Hearing Officer Order in the matter of NOV #9994 as it relates to the findings of violation.

Motion carried by the following vote:

Voting Aye: Daniel Sanders, Daniel Bartlett, Donald Bordelove, Amy Lahav

Voting Nay: None
Abstaining: None
Absent: Ryan Dennett, Troy Hildreth

FINAL ACTION: It was moved by Board Member Sanders, seconded by Board Member Lahav to affirm the Hearing Officer Order in the matter of NOV #9994 for the assessment of an administrative penalty in the amount of \$3,500.00.

Motion carried by the following vote:

Voting Aye: Daniel Sanders, Daniel Bartlett, Donald Bordelove, Amy Lahav
Voting Nay: None
Abstaining: None
Absent: Ryan Dennett, Troy Hildreth

Chair Sanders asked whether Mr. Gubler and Mr. Allen had additional arguments for NOV #10078.

Mr. Gubler made a statement that there is a Fourth Amendment issue on violation two and referred back to the arguments made in his brief.

Mr. Allen made an argument as to the presentment of credentials.

Neither party had questions for the witnesses.

FINAL ACTION: It was moved by Board Member Lahav, seconded by Board Member Bartlett, to deny the appeal and affirm the Hearing Officer Order in the matter of NOV #10078 as it relates to the findings of violation.

Motion carried by the following vote:

Voting Aye: Daniel Sanders, Daniel Bartlett, Donald Bordelove, Amy Lahav
Voting Nay: None
Abstaining: None
Absent: Ryan Dennett, Troy Hildreth

Discussion ensued amongst the Board in regard to the assessment of a penalty.

FINAL ACTION: It was moved by Board Member Lahav, seconded by Board Member Bartlett, to modify the Hearing Officer Order as to the penalty assessed from \$17,250.00 to \$31,562.50 in the matter of NOV #10078.

Motion carried by the following vote:

Voting Aye: Daniel Bartlett, Donald Bordelove, Amy Lahav
Voting Nay: Danny Sanders
Abstaining: None
Absent: Ryan Dennett, Troy Hildreth

6. IDENTIFY EMERGING ISSUES TO BE DISCUSSED BY THE BOARD AT FUTURE MEETINGS

There were no emerging issues identified by the Board.

7. PUBLIC COMMENT

Chair Sanders asked if there were any persons present in the audience wishing to be heard.

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

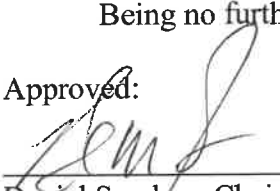
Mr. Allen stated he would meet with Mr. Truman and his Counsel about access to his site going forward so any issues can be resolved.

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's 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

Being no further business, Chair Sanders adjourned the meeting at 12:09 p.m.

Approved:



Daniel Sanders, Chair



Date