



Annotated Agenda

**Clark County Air Pollution Control Hearing Board
Clark County Building Department
Presentation Room
4701 West Russell Road
Las Vegas, NV 89118**

January 28, 2025 – 9:00 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 - Absent Troy Hildreth Amy Lahav
Hearing Board Counsel	Nichole Kazimirovicz
Air Quality Staff	Marci Henson, Director Shibi Paul, Compliance & Enforcement Manager Anna Sutowska, Air Quality Supervisor
Department Counsel	Catherine Jorgenson
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, 2 nd Floor, Las Vegas NV 89118

1. **CALL TO ORDER** 9:11 a.m.
2. **PUBLIC COMMENT**
NONE
3. **APPROVAL OF MINUTES**
Approval of December 4, 2024, meeting minutes.
(For possible action)

ACTION: **APPROVED MINUTES OF DECEMBER 4, 2024, MEETING AS RECOMMENDED**

BY: **Board Member Dennett**

SECOND: **Board Member Lahav**

VOTE: **5-0**

VOTING AYE: **Daniel Sanders, Ryan Dennett, Troy Hildreth, Daniel Bartlett, Amy Lahav**

VOTING NOE: **None**

ABSTAINING: **None**

ABSENT: **Donald Bordelove**

4. **APPEAL OF HEARING OFFICER DECISION**

MR. JOSEPH YAKUBIK (YAKUBIK), REPRESENTATIVE FOR APPELLANTS WAS NOT IN ATTENDANCE WHEN THE ITEMS WERE CALLED. THE BOARD AGREED TO TAKE A 15 MINUTE RECESS TO ALLOW TIME FOR MR. YAKUBIK TO ARRIVE.

RECESS: **9:15 a.m.**
RECONVENE: **9:30 a.m.**

MR. YAKUBIK ARRIVED AT 9:30 A.M., STATING HE HAD BEEN INFORMED BY MS. ROGGE THAT THE MEETING STARTED AT 10:00 A.M.

MR. YAKUBIK MADE AN ORAL MOTION THAT ALL FIVE CASES BE DISMISSED OR CONTINUED BASED ON ARGUMENTS OF DUE PROCESS.

ACTION: **DENIED APPELLANTS’ ORAL MOTION TO DISMISS OR, IN THE ALTERNATIVE, CONTINUE NOVS #9907, #9946, #9979, #10008 , AND #9981 TO A FUTURE DATE.**

BY: **Board Member Dennett**

SECOND: **Board Member Lahav**

VOTE: **5-0**

VOTING AYE: **Daniel Sanders, Ryan Dennett, Troy Hildreth, Daniel Bartlett, Amy Lahav**

VOTING NOE: **None**

ABSTAINING: **None**

ABSENT: **Donald Bordelove**

A. ASSURED DEVELOPMENT, INC. AND JOSEPH YAKUBIK, INDIVIDUALLY (DCOP #50962) – NOV #9907 – On June 17, 2024, the Hearing Officer found Assured Development, Inc. and Joseph Yakubik in violation of Sections 94.5(n)(1) and (2), and 94.13(b) of the AQRs for failure to implement control measures for long-term stabilization, as described in Best Management Practice (BMP) 11 at permit closure, as identified by Air Quality Specialist Nahulu Kahananui and Senior Air Quality Specialist Katrinka Byers during

a permit closure inspection on July 13, 2023, a complaint investigation on August 2, 2023, and follow-up inspections on August 9, 11 and 17, 2023, at the Milan Customs construction project, located at the northeast corner of Milan Street and Berlin Avenue, in Clark County, Nevada. The Hearing Officer assessed a penalty amount of \$5,000.00. This appeal is continued from the August 7, 2024, October 2, 2024, and December 4, 2024 Hearing Board meetings.

Conduct Hearing and Render Decision
(For possible action)

ACTION: DENIED REQUEST TO EXCLUDE ANNA SUTOWSKA FROM SEGREGATION OF WITNESSES FOR NOVS #9907, #9946, #9979, #10008, AND #9981.
BY: Board Member Lahav
SECOND: Board Member Dennett
VOTING AYE: Daniel Sanders, Ryan Dennett, Troy Hildreth, Daniel Bartlett, Amy Lahav
VOTING NOE: None
ABSTAINING: None
ABSENT: Donald Bordelove

RECESS: 12:02 p.m.
RECONVENE: 12:45 p.m.

ACTION: DENIED THE APPEAL. AFFIRMED THE HEARING OFFICER ORDER IN THE MATTER OF NOV #9907.
BY: Board Member Dennett
SECOND: Board Member Lahav
VOTE: 5-0
VOTING AYE: Daniel Sanders, Ryan Dennett, Troy Hildreth, Daniel Bartlett, Amy Lahav
VOTING NOE: None
ABSTAINING: None
ABSENT: Donald Bordelove

ACTION: AFFIRMED THE HEARING OFFICER ORDER FOR ASSESSMENT OF ADMINISTRATIVE PENALTY IN THE AMOUNT OF \$5,000.00 IN THE MATTER OF NOV #9907.
BY: Board Member Sanders
SECOND: Board Member Hildreth
VOTE: 5-0
VOTING AYE: Daniel Sanders, Ryan Dennett, Troy Hildreth, Daniel Bartlett, Amy Lahav
VOTING NOE: None
ABSTAINING: None
ABSENT: Donald Bordelove

ACTION: ACCEPTED THE FOLLOWING FINDINGS OF FACT AND CONCLUSIONS OF LAW IN THE MATTER OF NOV #9907: THE BOARD FINDS THAT ON JULY 13, 2023, AUGUST 2, 2023, AUGUST 9, 2023, AUGUST 11, 2023, AND AUGUST 17, 2023, AIR

QUALITY STAFF VISITED THE PERMITTED LOCATION IN RESPONSE TO NOTIFICATION FROM ASSURED DEVELOPMENT, INC. (ASSURED) AND YAKUBIK THAT THEY WERE PREPARED FOR A CLOSE OUT OF THE OUTSTANDING DCOP. ON EACH OF THOSE OCCASIONS, STAFF FOR AIR QUALITY RECOGNIZED AND DETERMINED THAT THE STANDARDS FOR CLOSURE OF THE OUTSTANDING DCOP HAD NOT BEEN MET. SPECIFICALLY, THE BOARD FINDS THAT THE DUST MITIGATION EFFORT HAD NOT BEEN APPLIED TO THE DISTURBED SOILS, AND THE PROJECT WAS NOT IN COMPLIANCE WITH BMP 11.

THE BOARD CONCLUDES THAT ASSURED AND YAKUBIK VIOLATED AQRS, SPECIFICALLY THAT SOIL WAS DISTURBED AT THE SUBJECT CONSTRUCTION SITE AND THAT ASSURED AND YAKUBIK FAILED TO STABILIZE SOILS AS REQUIRED BY BMP 11.

THE BOARD FINDS AND DETERMINES, AS DISCUSSED THROUGHOUT THE HEARING, THAT THE FOLLOWING APPLIES IN THE MATTER OF ALL FOUR ITEMS (NOVS #9907, #9946, #9979, AND #10008):

1. ASSURED AND YAKUBIK ARGUED UNDER BOTH THE UNITED STATES CONSTITUTION 14TH AMENDMENT AND NEVADA STATE LAW THAT DUE PROCESS WAS NOT AFFORDED BECAUSE OF THE ALLEGED FAILURE OF AIR QUALITY TO PROVIDE REQUESTED DOCUMENTS THROUGH SUBPOENA OR PUBLIC RECORDS REQUESTS, BECAUSE OF A PERCEIVED FAILURE OF AIR QUALITY TO GIVE TIMELY NOTICE OF THE DECEMBER 4, 2024, BOARD MEETING, AND THE INABILITY OF ASSURED AND YAKUBIK TO THEN PREPARE AND PROVIDE DOCUMENTS AND ARGUMENT AT THIS PROCEEDING.

2. AIR QUALITY ARGUED THAT ASSURED AND YAKUBIK HAD AMPLE NOTICE AND OPPORTUNITY TO PRESENT EVIDENCE, A WITNESS LIST, AND MOTION PRIOR TO THE JANUARY 28, 2025 HEARING. AIR QUALITY ARGUED IF ASSURED AND YAKUBIK TRULY WANTED THEIR ARGUMENTS CONSIDERED BY THE BOARD, THEY WOULD HAVE SUBMITTED A MOTION PRESENTING ALL THEIR ARGUMENTS TO WHICH AIR QUALITY COULD HAVE RESPONDED AND ASSURED AND YAKUBIK THEN COULD HAVE REPLIED. IN ADDITION, AIR QUALITY PRESENTED EVIDENCE THAT IT HAD PRODUCED ALL THE DOCUMENTS IN ITS POSSESSION TO ASSURED AND YAKUBIK IN ACCORDANCE WITH THE SUBPOENA AUTHORIZED BY THE BOARD AT THE OCTOBER 2, 2024, BOARD MEETING.

THE BOARD, HAVING CONSIDERED THOSE ISSUES OF POTENTIAL VIOLATION OF DUE PROCESS, FINDS AND CONCLUDES THAT THEY ARE WITHOUT MERIT AND

THAT ASSURED AND YAKUBIK HAVE FAILED TO MEET THEIR BURDEN OF PROOF WITH REGARD TO AN ALLEGED VIOLATION OF DUE PROCESS. IN ADDITION, THE BOARD CONCLUDES THAT THE MEETING WAS PROPERLY NOTICED.

THE BOARD FINDS THAT THE ADMINISTRATIVE PENALTY OF FIVE THOUSAND AND NO/100 DOLLARS (\$5,000.00) ASSESSED AGAINST ASSURED AND YAKUBIK FOR ITS VIOLATION OF THE AQRS IS REASONABLE AND APPROPRIATE.

BY: Board Member Dennett
SECOND: Board Member Sanders
VOTE: 5-0
VOTING AYE: Daniel Sanders, Ryan Dennett, Troy Hildreth, Daniel Bartlett, Amy Lahav
VOTING NOE: None
ABSTAINING: None
ABSENT: Donald Bordelove

B. ATLAS HOLDINGS INTERNATIONAL LLC AND JOSEPH YAKUBIK, INDIVIDUALLY (Construction Project #57391) – NOV #9946 – On June 17, 2024, the Hearing Officer found Atlas Holdings International LLC and Joseph Yakubik in violation of Sections 94.13(a) and (b) of the AQRs for failure to employ Best Available Control Measures and comply with soil stabilization standards 24 hours a day, seven days a week, as identified by Senior Air Quality Specialists Katrinka Byers and Andrew Kirk while performing routine patrol resulting in an initial inspection on November 8, 2023, and follow-up inspections on November 15 and 20, and December 11, 2023, at the 732 & 724 Naples | 729 Milan construction project (parcel numbers 179-04-510-004, 179-04-510-005, and 179-04-510-006), located at 732 North Naples Street, 729 North Milan Street, and 724 North Naples Street, respectively, in Clark County, Nevada. The Hearing Officer assessed a penalty amount of \$5,937.50. This appeal is continued from the August 7, 2024, October 2, 2024, and December 4, 2024 Hearing Board meetings.

Conduct Hearing and Render Decision
(For possible action)

ACTION: DENIED THE APPEAL. AFFIRMED THE HEARING OFFICER ORDER IN THE MATTER OF NOV #9946 INCLUDING THE ASSESSMENT OF AN ADMINISTRATIVE PENALTY IN THE AMOUNT OF \$5,937.50.

BY: Board Member Sanders
SECOND: Board Member Bartlett
VOTE: 5-0
VOTING AYE: Daniel Sanders, Ryan Dennett, Troy Hildreth, Daniel Bartlett, Amy Lahav
VOTING NOE: None
ABSTAINING: None
ABSENT: Donald Bordelove

ACTION:

ACCEPTED THE FOLLOWING FINDINGS OF FACT AND CONCLUSIONS OF LAW IN THE MATTER OF NOV #9946: THE BOARD FINDS THAT ATLAS HOLDINGS INTERNATIONAL LLC (ATLAS HOLDINGS) AND YAKUBIK VIOLATED AQRS FOR NOT APPLYING BEST AVAILABLE CONTROL MEASURES FOR DUST AS DOCUMENTED BY INSPECTIONS THAT WERE PERFORMED BY AIR QUALITY STAFF ON NOVEMBER 8, 2023, NOVEMBER 15, 2023, NOVEMBER 20, 2023, AND DECEMBER 11, 2023, AT 732 NORTH NAPLES STREET, 729 NORTH MILAN STREET, AND 724 NORTH NAPLES STREET IN HENDERSON, CLARK COUNTY, NEVADA.

THE BOARD FINDS THAT ATLAS HOLDINGS AND YAKUBIK ATTEMPTED TO APPLY FOR A DUST PERMIT, BUT ONE WAS NOT IN PLACE AT THE TIME. DESPITE THAT, ATLAS HOLDINGS AND YAKUBIK WERE REQUIRED TO APPLY BEST AVAILABLE CONTROL MEASURES FOR DUST AND FAILED TO DO SO.

THE BOARD FINDS AND DETERMINES, AS DISCUSSED THROUGHOUT THE HEARING, THAT THE FOLLOWING APPLIES IN THE MATTER OF ALL FOUR ITEMS (NOVS #9907, #9946, #9979, AND #10008):

1. ATLAS HOLDINGS AND YAKUBIK ARGUED UNDER BOTH THE UNITED STATES CONSTITUTION 14TH AMENDMENT AND NEVADA STATE LAW THAT DUE PROCESS WAS NOT AFFORDED BECAUSE OF THE ALLEGED FAILURE OF AIR QUALITY TO PROVIDE REQUESTED DOCUMENTS THROUGH SUBPOENA OR PUBLIC RECORDS REQUESTS, BECAUSE OF A PERCEIVED FAILURE OF AIR QUALITY TO GIVE TIMELY NOTICE OF THE DECEMBER 4, 2024, BOARD MEETING, AND THE INABILITY OF ATLAS HOLDINGS AND YAKUBIK TO THEN PREPARE AND PROVIDE DOCUMENTS AND ARGUMENT AT THIS PROCEEDING.

2. AIR QUALITY ARGUED THAT ATLAS HOLDINGS AND YAKUBIK HAD AMPLE NOTICE AND OPPORTUNITY TO PRESENT EVIDENCE, A WITNESS LIST, AND MOTION PRIOR TO THE JANUARY 28, 2025 HEARING. AIR QUALITY ARGUED IF ATLAS HOLDINGS AND YAKUBIK TRULY WANTED THEIR ARGUMENTS CONSIDERED BY THE BOARD, THEY WOULD HAVE SUBMITTED THE MOTION TO WHICH AIR QUALITY COULD HAVE RESPONDED, AND ATLAS HOLDINGS AND YAKUBIK THEN COULD HAVE REPLIED. IN ADDITION, AIR QUALITY PRESENTED EVIDENCE THAT IT HAD PRODUCED ALL THE DOCUMENTS IN ITS POSSESSION TO ATLAS HOLDINGS AND YAKUBIK IN ACCORDANCE WITH THE SUBPOENA AUTHORIZED BY THE BOARD AT THE OCTOBER 2, 2024, BOARD MEETING.

THE BOARD, HAVING CONSIDERED THOSE ISSUES OF POTENTIAL VIOLATION OF DUE PROCESS, FINDS AND CONCLUDES THAT THEY ARE WITHOUT MERIT AND THAT ATLAS HOLDINGS AND YAKUBIK HAVE FAILED TO MEET THEIR BURDEN OF PROOF WITH REGARD TO AN ALLEGED VIOLATION OF DUE PROCESS. IN ADDITION, THE BOARD CONCLUDES THAT THE MEETING WAS PROPERLY NOTICED.

THE BOARD FINDS THAT THE ADMINISTRATIVE PENALTY OF FIVE THOUSAND NINE HUNDRED THIRTY-SEVEN AND 50/100 DOLLARS (\$5,937.50) ASSESSED AGAINST ATLAS HOLDINGS AND YAKUBIK FOR ITS VIOLATION OF THE AQRs IS REASONABLE AND APPROPRIATE.

BY: Board Member Dennett
SECOND: Board Member Sanders
VOTE: 5-0
VOTING AYE: Daniel Sanders, Ryan Dennett, Troy Hildreth, Daniel Bartlett, Amy Lahav
VOTING NOE: None
ABSTAINING: None
ABSENT: Donald Bordelove

C. ATLAS HOLDINGS INTERNATIONAL LLC AND JOSEPH YAKUBIK, INDIVIDUALLY (Construction Project #57391) – NOV #9979 – On June 17, 2024, the Hearing Officer found Atlas Holdings International LLC and Joseph Yakubik in violation of Sections 94.13(a) and (b), and 94.4.1(a) of the AQRs for failure to fully implement Best Available Control Measures and comply with soil stabilization standards 24 hours a day, seven days a week; and for failing to obtain a Dust Control Operating Permit (DCOP) prior to commencing construction activities, as identified by Senior Air Quality Specialists Katrinka Byers and Andrew Kirk while performing follow-up inspections on January 10, 17, and 22, 2024, at the 732 & 724 Naples | 729 Milan construction project (parcel numbers 179-04-510-004, 179-04-510-005, and 179-04-510-006), located at 732 North Naples Street, 729 North Milan Street, and 724 North Naples Street, respectively, in Clark County, Nevada. The Hearing Officer assessed a penalty amount of \$4,000.00. This appeal is continued from the August 7, 2024, October 2, 2024, and December 4, 2024 Hearing Board meetings.

Conduct Hearing and Render Decision
(For possible action)

ACTION: DENIED THE APPEAL. AFFIRMED THE HEARING OFFICER ORDER IN THE MATTER OF NOV #9979 INCLUDING THE ASSESSMENT OF AN ADMINISTRATIVE PENALTY IN THE AMOUNT OF \$4,000.00.

BY: Board Member Dennett
SECOND: Board Member Lahav
VOTE: 5-0
VOTING AYE: Daniel Sanders, Ryan Dennett, Troy Hildreth, Daniel Bartlett, Amy Lahav
VOTING NOE: None
ABSTAINING: None

ABSENT: Donald Bordelove

ACTION: ACCEPTED THE FOLLOWING FINDINGS OF FACT AND CONCLUSIONS OF LAW IN THE MATTER OF NOV #9979: THE BOARD FINDS THAT ATLAS HOLDINGS INTERNATIONAL LLC (ATLAS HOLDINGS) AND YAKUBIK WERE REQUIRED TO OBTAIN A DCOP AND FAILED TO DO SO. THE BOARD FINDS THAT ON JANUARY 10 AND 17, 2024, AT THE SUBJECT CONSTRUCTION SITE, ATLAS HOLDINGS AND YAKUBIK FAILED TO USE BEST AVAILABLE CONTROL MEASURES AS DEMONSTRATED THROUGH DOCUMENTATION OR INSPECTIONS BY AIR QUALITY STAFF ON THOSE DATES.

THE BOARD FINDS AND DETERMINES, AS DISCUSSED THROUGHOUT THE HEARING, THAT THE FOLLOWING APPLIES IN THE MATTER OF ALL FOUR ITEMS (NOVS #9907, #9946, #9979, AND #10008):

1. ATLAS HOLDINGS AND YAKUBIK ARGUED UNDER BOTH THE UNITED STATES CONSTITUTION 14TH AMENDMENT AND NEVADA STATE LAW THAT DUE PROCESS WAS NOT AFFORDED BECAUSE OF THE ALLEGED FAILURE OF AIR QUALITY TO PROVIDE REQUESTED DOCUMENTS THROUGH SUBPOENA OR PUBLIC RECORDS REQUESTS, BECAUSE OF A PERCEIVED FAILURE OF AIR QUALITY TO GIVE TIMELY NOTICE OF THE DECEMBER 4, 2024, BOARD MEETING, AND THE INABILITY OF ATLAS HOLDINGS AND YAKUBIK TO THEN PREPARE AND PROVIDE DOCUMENTS AND ARGUMENT AT THIS PROCEEDING.

2. AIR QUALITY ARGUED THAT ATLAS HOLDINGS AND YAKUBIK HAD AMPLE NOTICE AND OPPORTUNITY TO PRESENT EVIDENCE, A WITNESS LIST, AND MOTION PRIOR TO THE JANUARY 28, 2025 HEARING. AIR QUALITY ARGUED IF ATLAS HOLDINGS AND YAKUBIK TRULY WANTED THEIR ARGUMENTS CONSIDERED BY THE BOARD, THEY WOULD HAVE SUBMITTED THE MOTION TO WHICH AIR QUALITY COULD HAVE RESPONDED, AND ATLAS HOLDINGS AND YAKUBIK THEN COULD HAVE REPLIED. IN ADDITION, AIR QUALITY PRESENTED EVIDENCE THAT IT HAD PRODUCED ALL THE DOCUMENTS IN ITS POSSESSION TO ATLAS HOLDINGS AND YAKUBIK IN ACCORDANCE WITH THE SUBPOENA AUTHORIZED BY THE BOARD AT THE OCTOBER 2, 2024, BOARD MEETING.

THE BOARD, HAVING CONSIDERED THOSE ISSUES OF POTENTIAL VIOLATION OF DUE PROCESS, FINDS AND CONCLUDES THAT THEY ARE WITHOUT MERIT AND THAT ATLAS HOLDINGS AND YAKUBIK HAVE FAILED TO MEET THEIR BURDEN OF PROOF WITH REGARD TO AN ALLEGED VIOLATION OF DUE PROCESS. IN ADDITION,

THE BOARD CONCLUDES THAT THE MEETING WAS PROPERLY NOTICED.

THE BOARD FINDS THAT THE ADMINISTRATIVE PENALTY OF FOUR THOUSAND AND NO/100 DOLLARS (\$4,000.00) ASSESSED AGAINST ATLAS HOLDINGS AND YAKUBIK FOR ITS VIOLATION OF THE AQRS IS REASONABLE AND APPROPRIATE.

BY: Board Member Dennett
SECOND: Board Member Sanders
VOTE: 5-0
VOTING AYE: Daniel Sanders, Ryan Dennett, Troy Hildreth, Daniel Bartlett, Amy Lahav
VOTING NOE: None
ABSTAINING: None
ABSENT: Donald Bordelove

RECESS: 3:10 p.m.
RECONVENE: 3:20 p.m.

D. JOSEPH YAKUBIK AND DARCIE YAKUBIK, INDIVIDUALLY (Construction Project #57592) – NOV #9981 – On June 17, 2024, the Hearing Officer dismissed the violations alleged in NOV #9981 finding Joseph Yakubik and Darcie Yakubik not in violation of Sections 94.13(a) and (b) and 94.4.1(a) of the AQRs for failing to employ Best Available Control Measures and comply with soil stabilization standards 24 hours a day, seven days a week; and for failing to obtain a Dust Control Operating Permit prior to commencing construction activities, as identified by Senior Air Quality Specialists Katrinka Byers and Andrew Kirk, and Air Quality Supervisor David Dean during a routine patrol resulting in an initial inspection on January 17, 2024, and follow-up inspections on January 19 and February 14, 2024, at the 1028 Athens Avenue construction project (parcel numbers 160-33-801-021 and 160-33-801-020), located at 1024 and 1028 Athens Avenue, in Clark County, Nevada. This appeal is continued from the August 7, 2024, October 2, 2024, and December 4, 2024 Hearing Board meetings.

Conduct Hearing and Render Decision
(For possible action)

AIR QUALITY WITHDREW THEIR APPEAL OF NOV #9981.

E. ATLAS HOLDINGS INTERNATIONAL LLC AND JOSEPH YAKUBIK, INDIVIDUALLY (Construction Project #57391) - NOV #10008 – On May 23, 2024, the Hearing Officer found Atlas Holdings International LLC and Joseph Yakubik in violation of Sections 94.13(a) and (b) of the AQRs for failure to fully implement Best Available Control Measures and comply with soil stabilization standards 24 hours a day, seven days a week, as identified by Senior Air Quality Specialists Katrinka Byers and Andrew Kirk during a follow-up inspection on March 21, 2024, at the 724 Naples & 729 Milan construction project (parcel numbers 179-04-510-005, 179-04-510-006, and 179-04-599-023), located at 724 North Naples Street and 729 North Milan Street, in Clark County, Nevada. The Hearing Officer assessed a penalty amount of \$1,250.00. This appeal is continued from the August 7, 2024, October 2, 2024, and December 4, 2024 Hearing Board meetings.

Conduct Hearing and Render Decision
(For possible action)

ACTION: DENIED THE APPEAL. AFFIRMED THE HEARING OFFICER ORDER IN THE MATTER OF NOV #10008 AS IT RELATES TO THE FINDING OF VIOLATION AND MODIFIED THE ASSESSMENT OF AN ADMINISTRATIVE PENALTY FROM \$1,250.00 TO \$1,750.00.

BY: Board Member Lahav
SECOND: Board Member Bartlett
VOTE: 5-0
VOTING AYE: Daniel Sanders, Ryan Dennett, Troy Hildreth, Daniel Bartlett, Amy Lahav
VOTING NOE: None
ABSTAINING: None
ABSENT: Donald Bordelove

ACTION: ACCEPTED THE FOLLOWING FINDINGS OF FACT AND CONCLUSIONS OF LAW IN THE MATTER OF NOV #10008: THE BOARD FINDS THAT AIR QUALITY HAS DEMONSTRATED THAT ATLAS HOLDINGS INTERNATIONAL LLC (ATLAS HOLDINGS) AND YAKUBIK, INDIVIDUALLY, FAILED TO EMPLOY BEST AVAILABLE CONTROL MEASURES FOR DUST AT THE SUBJECT CONSTRUCTION SITE.

THE BOARD FINDS AND DETERMINES, AS DISCUSSED THROUGHOUT THE HEARING, THAT THE FOLLOWING APPLIES IN THE MATTER OF ALL FOUR ITEMS (NOVS #9907, #9946, #9979, AND #10008):

1. ATLAS HOLDINGS AND YAKUBIK ARGUED UNDER BOTH THE UNITED STATES CONSTITUTION 14TH AMENDMENT AND NEVADA STATE LAW THAT DUE PROCESS WAS NOT AFFORDED BECAUSE OF THE ALLEGED FAILURE OF AIR QUALITY TO PROVIDE REQUESTED DOCUMENTS THROUGH SUBPOENA OR PUBLIC RECORDS REQUESTS, BECAUSE OF A PERCEIVED FAILURE OF AIR QUALITY TO GIVE TIMELY NOTICE OF THE DECEMBER 4, 2024, BOARD MEETING, AND THE INABILITY OF ATLAS HOLDINGS AND YAKUBIK TO THEN PREPARE AND PROVIDE DOCUMENTS AND ARGUMENT AT THIS PROCEEDING.
2. AIR QUALITY ARGUED THAT ATLAS HOLDINGS AND YAKUBIK HAD AMPLE NOTICE AND OPPORTUNITY TO PRESENT EVIDENCE, A WITNESS LIST, AND MOTION PRIOR TO THE JANUARY 28, 2025 HEARING. AIR QUALITY ARGUED IF ATLAS HOLDINGS AND YAKUBIK TRULY WANTED THEIR ARGUMENTS CONSIDERED BY THE BOARD, THEY WOULD HAVE SUBMITTED THE MOTION TO WHICH AIR QUALITY COULD HAVE RESPONDED, AND ATLAS HOLDINGS AND YAKUBIK THEN COULD HAVE

REPLIED. IN ADDITION, AIR QUALITY PRESENTED EVIDENCE THAT IT HAD PRODUCED ALL THE DOCUMENTS IN ITS POSSESSION TO ATLAS HOLDINGS AND YAKUBIK IN ACCORDANCE WITH THE SUBPOENA AUTHORIZED BY THE BOARD AT THE OCTOBER 2, 2024, BOARD MEETING.

THE BOARD, HAVING CONSIDERED THOSE ISSUES OF POTENTIAL VIOLATION OF DUE PROCESS, FINDS AND CONCLUDES THAT THEY ARE WITHOUT MERIT AND THAT ATLAS HOLDINGS AND YAKUBIK HAVE FAILED TO MEET THEIR BURDEN OF PROOF WITH REGARD TO AN ALLEGED VIOLATION OF DUE PROCESS. IN ADDITION, THE BOARD CONCLUDES THAT THE MEETING WAS PROPERLY NOTICED.

THE BOARD FINDS THAT AN ADMINISTRATIVE PENALTY OF ONE THOUSAND SEVEN HUNDRED FIFTY AND NO/100 DOLLARS (\$1,750.00) AGAINST ATLAS HOLDINGS AND YAKUBIK FOR ITS VIOLATION OF THE AQRS IS REASONABLE AND APPROPRIATE.

BY: Board Member Dennett
SECOND: Board Member Sanders
VOTE: 5-0
VOTING AYE: Daniel Sanders, Ryan Dennett, Troy Hildreth, Daniel Bartlett, Amy Lahav
VOTING NOE: None
ABSTAINING: None
ABSENT: Donald Bordelove

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

NONE

6. **PUBLIC COMMENT**

NONE

7. **ADJOURNMENT** 3:39 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)