



Agenda

Clark County Air Pollution Control Hearing Board

Wednesday, August 12, 2020 – 1:30 P.M.

Clark County Building Department

Presentation Room

4701 West Russell Road

Las Vegas, NV

Note:

- Social distancing will be practiced during this meeting. Attendees will be asked to keep appropriate spacing (six (6) feet) away from each other. The use of masks/face coverings by all attendees during the meeting is required.
- 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 twenty-four (24) 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
- To request a copy of the supporting materials for an agenda item, please contact Sherrie Rogge at sherrie.rogge@clarkcountynv.gov or (702) 455-0354. Supporting material is/will be available or on our website at: http://www.clarkcountynv.gov/AirQuality/compliance/Pages/Compliance_EnforcementNotices.aspx.
- If you do not wish to attend the meeting in person but desire to provide written general public comment or public comment on an individual agenda item, please submit your comments prior to **10:00 AM, AUGUST 12, 2020**. You can submit your comments to AQEnforcement@ClarkCountyNV.gov. Be sure to include your name, address, the agenda item number on which you are providing comment, and your comment. Comments will not be read into the record, but will be included as back-up materials for the record. All comments received will be compiled into a document and shared with members of the public body, meeting attendees, and on the public body's website.



Hearing Board Members

Daniel Sanders, Chair
Elsbeth Cordua
Ryan L. Dennett, Esq.
Tom Foster, P.E.
William Kremer
Lauren Rosenblatt

Deputy District Attorney

Catherine Jorgenson

Air Quality Staff

Marci Henson, Director 
Shibi Paul, Compliance & Enforcement Manager 
Anna Sutowska, Air Quality Supervisor
Sherrie Rogge, Administrative Secretary

1. **CALL TO ORDER**

2. **PUBLIC COMMENT**

No action may be taken upon a matter raised under this item until the matter itself has been specifically included on an agenda. Public comments may be considered on specific agenda items. Please clearly state your name and address for the record. Speaking time will be limited to five (5) minutes per person.

If you do not wish to attend the meeting in person but desire to provide written public comment on an individual agenda item, please submit your comments prior to **10:00 AM, AUGUST 12, 2020**. You can submit your comments to AQEnforcement@ClarkCountyNV.gov. Be sure to include your name, address, the agenda item on which you are providing comment, and your comment. Comments will not be read into the record, but will be included as back-up materials for the record. All comments received will be compiled into a document and shared with the members of the public body, meeting attendees, and on the department's website at: [http://www.clarkcountynv.gov/AirQuality/compliance/Pages/Compliance EnforcementNotices.aspx](http://www.clarkcountynv.gov/AirQuality/compliance/Pages/Compliance%20EnforcementNotices.aspx).

3. **APPROVAL OF MINUTES**

Approval of December 11, 2019 meeting minutes.
(For possible action)

4. **APPEALS OF HEARING OFFICER DECISIONS**

A. **M.P. TRUST AND MICHAEL PERRY (Project #191086)**

NOV #9394 – On June 25, 2020, the Hearing Officer found M.P. Trust and Michael Perry in violation of 40 CFR 61, Subpart M, Parts 61.145(a), 61.145(b)(1), 61.145(b)(3)(i), 61.145(c)(8), 61.145(c)(6)(i), 61.150(a)(1)(iii) and 61.150(a)(1)(iv) (adopted by reference in Section 13.1 of the Air Quality Regulations) for failing to thoroughly inspect the Facility for the presence of asbestos-containing materials prior to conducting renovations activities; for failing to notify Air Quality 10 days prior to the removal of regulated asbestos-containing material (RACM) from the facility; for failing to have at least one onsite representative trained in the provisions of the National Emission Standards for Hazardous Air Pollutants asbestos regulations and the means of complying with them; for failing to adequately wet all removed RACM and ensure it remained wet; for failing to seal all asbestos-containing waste material in leak tight containers while wet; and for failing to label waste containers with warning labels, as identified during inspections by Air Quality Specialist Kevin Adoor beginning on November 15, 2019, at a facility operated by M.P. Trust and Michael Perry located at 1430 East Desert Inn Road, in Clark County, Nevada. An \$11,600 penalty was assessed. M.P. Trust and Michael Perry appealed the Air Pollution Control Hearing Officer's Order.

(For possible action)

Appeals of Hearing Officer Decisions (Continued)

B. M.P. TRUST AND MICHAEL PERRY (Project #201010)

NOV #9409 – On June 25, 2020, the Hearing Officer found M.P. Trust and Michael Perry in violation of 40 CFR 61, Subpart M, Parts 61.145(b)(1), 61.145(b)(3)(i), 61.145(c)(1), 61.145(c)(6)(i), 61.145(c)(8), and 61.150(a)(1)(iii) (adopted by reference in Section 13.1 of the Air Quality Regulations) for failing to notify Air Quality 10 working days prior to the removal of regulated asbestos-containing material (RACM) from the facility in quantities greater than 160 square feet and/or 35 cubic feet; for failing to remove all RACM from the Facility prior to renovation; for failing to adequately wet all removed RACM and ensure it remained wet; for failing to have at least one onsite representative trained in the provisions of the National Emission Standards for Hazardous Air Pollutants asbestos regulations and the means of complying with them; and for failing to seal all asbestos-containing waste material in leak tight containers while wet, as identified by Air Quality Specialist Kevin Adoor while performing a routine patrol on February 11, 2020 at an apartment building located at 1430 East Desert Inn Road, in Clark County, Nevada. A \$22,500 penalty was assessed. M.P. Trust and Michael Perry appealed the Air Pollution Control Hearing Officer's Order.

(For possible action)

5. DISCUSS AND RECOMMEND AMENDMENT OF AQR SECTION 44

Discuss and recommend amendment of AQR Section 44 with the following changes: 1) make the exemption process an administrative process instead of requiring Board approval; 2) require DNA tree testing by the nurseries with a COE at the time of application/renewal as proof the trees are low or non-pollinating; 3) require nurseries with COEs to provide one additional DNA test during the exemption period to ensure the cultivar is true to type; and, 4) require Air Quality to inspect plant staging areas at developments nearing final completion and at various landscaping projects to ensure the only type of olive trees being planted are those with a COE. (Requested by former Board Member Wishengrad)

(For possible action)

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

7. **PUBLIC COMMENT**

No action may be taken upon a matter raised under this item until the matter itself has been specifically included on an agenda. Public comments may be considered on specific agenda items. Please clearly state your name and address for the record. Speaking time will be limited to five (5) minutes per person.

If you do not wish to attend the meeting in person but desire to provide written public comment on an individual agenda item, please submit your comments prior to **10:00 AM, AUGUST 12, 2020**. You can submit your comments to AQEnforcement@ClarkCountyNV.gov. Be sure to include your name, address, the agenda item on which you are providing comment, and your comment. Comments will not be read into the record, but will be included as back-up materials for the record. All comments received will be compiled into a document and shared with the members of the public body, meeting attendees, and on the department's website at:

http://www.clarkcountynv.gov/AirQuality/compliance/Pages/Compliance_EnforcementNotices.aspx.

8. **ADJOURNMENT**

The Presentation Room is accessible to individuals with disabilities. With twenty-four (24) 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 notice and agenda was posted or caused to be posted at the following locations:

- Clark County Operations Center, West, 4701 W. Russell Road, Las Vegas, Nevada
- Las Vegas City Hall, 495 S. Main Street, Las Vegas, Nevada
- Henderson City Hall, 240 S. Water Street, Henderson, Nevada
- North Las Vegas City Hall 2250 Las Vegas Blvd. North Las Vegas, Nevada
- Boulder City, City Hall, 401 California Avenue, Boulder City, Nevada
- Mesquite City Hall, 10 E. Mesquite Boulevard, Mesquite, Nevada
- CC Government Center, 500 S. Grand Central Parkway, Las Vegas, Nevada



Minutes

Regular Meeting of the Clark County Air Pollution Control Hearing Board

December 11, 2019

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

1. OATH OF OFFICE

- A. George T. Foster, P.E. (Professional Engineer Member)
Term of Office: 10/2/19 through 10/1/22

FINAL ACTION: Air Quality Supervisor Sutowska administered the oath of office to George T. Foster.

2. CALL TO ORDER

Chair Sanders called the meeting of the Air Pollution Control Hearing Board to order at the hour of 1:33 p.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
Evan S. Wishengrad, Esq., Vice-Chair
Ryan L. Dennett, Esq.
Tom Foster, P.E.
William Kremer
Lauren Rosenblatt

ABSENT: Elspeth Cordua

LEGAL COUNSEL: Jason Patchett, Deputy District Attorney

DAQ STAFF: Marci Henson, Director
 Shibi Paul, Compliance and Enforcement Manager
 Anna Sutowska, Air Quality Supervisor
 Sherrie Rogge, Administrative Secretary

3. 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.

4. APPROVAL OF MINUTES OF THE AUGUST 14, 2019 MEETING (For possible action)

Chair Sanders called for comments, changes, or corrections to the August 14, 2019 minutes. Being none, he called for a motion.

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

Motion carried by the following vote:

Voting Aye: Ryan Dennett, Tom Foster, William Kremer, Lauren Rosenblatt, Daniel Sanders
Voting Nay: None
Abstaining: Evan Wishengrad
Absent: Elspeth Cordua

5. REPORT BY DEPARTMENT OF AIR QUALITY STAFF

A. General update

DISCUSSION: Following introduction of the item, Director Marci Henson shared an update on the activities of the Department of Air Quality (Air Quality) for the period August 2019 through November 2019. During the update, Vice-Chair Wishengrad inquired about the number of Notices of Violation (NOVs) that are contested. Compliance and Enforcement Manager Shibi Paul reported that based on the November Hearing Officer docket, approximately 80% of the cases were not contested and of the 20% that were contested only 2% of the cases contested the penalty portion of the NOV. Vice-Chair Wishengrad inquired as to where the gas station suppliers fall into the regulations in terms of permitting, if the trucks are permitted separately, and how they are enforced. Mr. Paul reported there are three terminals in Las Vegas where the trucks get their fuel. Those terminals are permitted separately from the gas stations. Each time a delivery is made the station is required to perform a full inspection of the vapor recovery system. It is these records that Air Quality staff inspects for compliance.

B. Presentation by UNLV – Pollen Monitoring Program

DISCUSSION: Following introduction of the item, Professor Mark Buttner and Lab Supervisor Asma Tahir gave a presentation on UNLV's Pollen Monitoring Program. The program itself is a collaboration between the Clark County School District (CCSD) and Air Quality which started in 2014 and has been operating annually since then. The goal of the program is to monitor pollen and mold in the Las Vegas valley on a daily basis in addition to providing educational opportunities for CCSD students. UNLV provides the daily pollen and mold counts to the National Allergy Bureau (NAB), CCSD, and to three meteorologists at weather.com who also serve as the source of information for the local media when they are inquiring about pollen and mold counts.

Ms. Tahir reviewed how pollen and mold samples are gathered and counted. There are six collection sites in Clark County; however, the UNLV location is the only certified site by NAB. Ms. Tahir presented UNLV's website (www.unlv.edu/publichealth/pollen) for the pollen monitoring program and how the public can access the annual summarized reports. These reports list the four (4) CCSD collection sites and show what the pollen level was for each day of the year. The website is updated every 7 days. Ms. Tahir also showed the Board where to locate media interviews and presentations on UNLV's website.

The Board discussed and inquired of UNLV if they look at the Wilsonii and Swan Hill trees to determine if they really are non-pollinating trees or if UNLV mainly focuses on the pollen counts valley wide; if there is any documentation that shows what the trees are doing 7 years down the road in regards to whether they are producing pollen or not, and in what quantities; if there could be additional studies performed by UNLV to monitor the olive trees that are being planted now so that in 10-15 years there would be data to show if the pollen in the valley had decreased or simply stabilized; where in the valley are pollen counts the highest; if Air Quality Regulations (AQRs) should be amended to ban all pollinating trees and only permit non-pollinating trees; and the possibility of having additional studies funded.

Dr. Buttner and Ms. Tahir responded to the Board questions and comments stating that UNLV only monitors the pollen and mold in the air, not whether a tree is low- or non-pollinating, which is why their allergists stand by their recommendation that only non-pollinating olive species be permitted in the valley. Ms. Tahir explained that pollen counts are higher in older neighborhoods. Pollinating trees are banned from being planted, but existing trees were not required to be removed and can cause higher pollen counts as they grow. UNLV's primary purpose is to collect the historical data on pollen and mold counts. Additional studies to monitor planted trees would be helpful, but at this time the funding they receive is only to monitor pollen and mold counts in the air.

Director Henson explained that funding for this program comes from the penalty funds collected by Air Quality. Air Quality transfers those funds to CCSD on an annual basis. Since the school district has a partnership with UNLV, a portion of those designated funds go to UNLV. There are specific requirements for the funding under the Nevada Revised Statutes, but staff will look into whether the funds can be used for additional studies as proposed by the Board.

C. Informational session from Air Quality on the process and procedures for investigating and enforcing the rules associated with Certificates of Exemption for low or no-pollinating Fruitless

Mulberry or European Olive trees, chain of custody from growers and distributors to nurseries, and local nurseries obligations. (Requested by Chair Sanders and Board Member Rosenblatt)

DISCUSSION: Following introduction of the item, Air Quality Specialist Patricia Ringgenberg gave a PowerPoint presentation on Air Quality's inspection and enforcement procedures associated with Certificates of Exemption (COEs) in relation to AQR Section 44. The Clean Air Act does not contain provisions to regulate pollen or trees; in 1991 the Health District adopted Section 44 of the AQRs to prohibit the planting or selling of fruitless mulberry and traditional European olive trees; no COEs exist for Fruitless Mulberry trees as there are no known low pollinating Fruitless Mulberry trees; cultivars of low pollinating European Olive may be deemed exempt if a COE is granted; periodic and random inspections of commercial nurseries and home improvement stores are performed by Air Quality staff; inspections are also performed if the department receives a complaint. In regards to enforcement, if trees are found without tags and are on the selling floor, the nursery is instructed to remove the plant/tree if it comes from a nursery that does not have a COE; inspectors may request to see invoices or other documentation for the trees to check for tag numbers. If a tree is from a nursery without a COE, the nursery manager is informed the tree can't be sold, is given information about Section 44, and informed that enforcement action in the form of a NOV will be recommended.

Compliance and Enforcement Manager Shibi Paul outlined for the Board possible enforcement activities for the Board to consider in the future: 1) require recent DNA tree testing on nurseries with COEs at time of application/renewal and once during the exemption period to ensure the cultivar is true to type. These requirements would be included in the Hearing Board Orders; and 2) expand the inspection program to include plant staging areas at developments nearing final completion and at various landscaping projects.

There are some administrative challenges with this program since it is a carry-over from the Health District and pollen is not a regulated pollutant. Since the program is on the books, Air Quality fully intends to inspect and enforce as much as our priorities and resources will allow us to do. AQR Section 7 has a variance provision which is what staff has been using to present these COEs to the Board. This includes advertising the public hearing notice in the local newspaper, requesting comments, and then preparing the report for the Board. The process has become very burdensome for staff due to the fact the current holders of COEs do not submit the required information and ultimately when it is submitted it is still missing parts which requires staff to follow-up with the nurseries to get that information. Mr. Paul reported that staff has submitted to the Board of County Commissioners, for their approval, an amendment to AQR Section 7 that will streamline the variance process which includes removing the public hearing requirement.

The Board discussed the item and inquired if it would be possible to make the COE process an entirely administrative process and not have the Board consider these exemptions.

Director Henson reported that at the time this program was started, the Board of County Commissioners wanted the Hearing Board to consider these types of hearings keeping both the low- and non-pollinating groups satisfied and yet still offering a venue for those who want to apply for an exemption to sell low and non-pollinating olive trees. Ms. Henson suggested the Board request an action item for the next meeting asking staff to amend AQR Section 44 with proposed changes.

FINAL ACTION: No action was taken by the Board.

6. PUBLIC HEARINGS - REQUEST FOR CERTIFICATE OF EXEMPTION

1. **DESERT FORREST NURSERY, LLC** – Request for renewal of a Certificate of Exemption for distributing and marketing low or no-pollinating olive trees (*Wilsonii*) for the next three (3) years. The current Certificate expires on December 8, 2019. (For possible action)

Chair Sanders asked if the representative from Desert Forrest Nursery, LLC would approach the testimony table. Forrest Wald, Owner of Desert Forrest Nursery, LLC, 16835 West Olive Avenue, Waddell AZ 85355, was sworn in.

DISCUSSION: Chair Sanders inquired of Mr. Wald if he had a presentation for the Board to consider. Mr. Wald stated he did not, other than what the Board had received in their packet.

Chair Sanders opened the public hearing and asked if there were any persons present in the audience wishing to be heard on the matter.

SPEAKER(S): None

There being no persons present in the audience wishing to be heard on the matter, Chair Sanders closed the public hearing.

FINAL ACTION ITEM 6.1: It was moved by Board Member Rosenblatt, seconded by Vice-Chair Wishengrad to approve the request for a Certificate of Exemption for the next three years.

Motion carried by the following vote:

Voting Aye: Ryan Dennett, Tom Foster, Lauren Rosenblatt, Daniel Sanders, Evan Wishengrad
Voting Nay: William Kremer
Abstaining: None
Absent: Elspeth Cordua

2. **PONTO NURSERY, INC.** – Request for renewal of a Certificate of Exemption for distributing and marketing low or no-pollinating olive trees (*Wilsonii*) for the next three (3) years. The current Certificate expires on December 8, 2019. (For possible action)

Chair Sanders asked if the representative from Ponto Nursery, Inc., would approach the testimony table. Judy Ponto, Owner/Operator of Ponto Nursery, Inc., P.O. Box 536, Vista, CA 92085, was sworn in.

DISCUSSION: Chair Sanders inquired of Ms. Ponto if she had a presentation for the Board to consider. Ms. Ponto stated she is sympathetic to the Board's concerns about pollen and the impact it has on allergies. Ponto Nursery grows over 100 different varieties of trees and their first *Wilsonii*

was purchased from Easy Pace Nursery. She went on to state they ship trees to Arizona, California, Oregon, Washington, Texas and Nevada and have never had an issue with their trees. San Diego County has implemented a "blue tag" program whereby Ponto Nursery is required to contact the Department of Agriculture whenever shipping trees to northern California. In turn, once the trees reach their destination, then the receiver must contact the Department of Agriculture letting them know the shipment was received. Ms. Ponto commented this may be something the Board would want to implement in Clark County.

Chair Sanders opened the public hearing and asked if there were any persons present in the audience wishing to be heard on the matter.

SPEAKER(S): None

There being no persons present in the audience wishing to be heard on the matter, Chair Sanders closed the public hearing.

FINAL ACTION: It was moved by Vice-Chair Wishengrad, seconded by Board Member Dennett to approve the request for a Certificate of Exemption for the next three years.

Motion carried by the following vote:

Voting Aye: Ryan Dennett, Tom Foster, Lauren Rosenblatt, Daniel Sanders, Evan Wishengrad

Voting Nay: William Kremer

Abstaining: None

Absent: Elspeth Cordua

3. **VALLEY CREST TREE COMPANY dba BRIGHT VIEW TREE COMPANY** – Request for renewal of a Certificate of Exemption for distributing and marketing low or no-pollinating olive trees (Wilsonii) for the next three (3) years. The current Certificate expires on February 22, 2020. (For possible action)
4. **VALLEY CREST TREE COMPANY dba BRIGHT VIEW TREE COMPANY** – Request for renewal of a Certificate of Exemption for distributing and marketing low or no-pollinating olive trees (Swan Hill[®]) for the next three (3) years. The current Certificate expires on February 22, 2020. (For possible action)

Chair Sanders announced that Items 6.3 and 6.4 would be heard at the same time since it is the same applicant.

Chair Sanders asked if the representative from Valley Crest Tree Company would approach the testimony table. Robert Crudup, President of BrightView Tree Company, 3200 W. Telegraph Road, Fillmore CA 93015, was sworn in.

DISCUSSION: Mr. Crudup provided a brief history of the Wilsonii and Swan Hill[®] trees they produce. The Swan Hill[®] is a true non-pollinating olive tree and BrightView is the only producer of this tree and therefore the direct source for selling this tree. There has been a great deal of research

on the Swan Hill® by UC Davis in regards to its DNA and determined that it was a non-pollinating olive. The Board and Mr. Crudup discussed the importance of field testing the trees that have already been sold and distributed throughout the Las Vegas valley to determine if they still maintain their original characteristics. The studies conducted by UC Davis were discussed and how that data is still available, but just needs to be refreshed.

Chair Sanders opened the public hearing for both items and asked if there were any persons present in the audience wishing to be heard on the matter.

SPEAKER(S): None

There being no persons present in the audience wishing to be heard on the matter, Chair Sanders closed the public hearing.

FINAL ACTION 6.3: It was moved by Board Member Foster, seconded by Board Member Dennett to approve the request for a Certificate of Exemption for the next three years.

Motion carried by the following vote:

Voting Aye: Ryan Dennett, Tom Foster, Lauren Rosenblatt, Daniel Sanders, Evan Wishengrad
Voting Nay: William Kremer
Abstaining: None
Absent: Elspeth Cordua

FINAL ACTION 6.4: It was moved by Board Member Rosenblatt, seconded by Vice-Chair Wishengrad to approve the request for a Certificate of Exemption for the next three years.

Motion carried by the following vote:

Voting Aye: Ryan Dennett, Tom Foster, Lauren Rosenblatt, Daniel Sanders, Evan Wishengrad
Voting Nay: William Kremer
Abstaining: None
Absent: Elspeth Cordua

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

DISCUSSION: Vice Chair Wishengrad requested an item be placed on a future agenda to request Air Quality staff to amend AQR Section 44 with the following changes: 1) make the exemption process an administrative process instead of requiring Board approval; 2) require DNA tree testing by the nurseries with a COE at the time of application/renewal as proof the trees are low or non-pollinating; 3) require nurseries with COEs to provide one additional DNA test during the exemption period to ensure the cultivar is true to type; and, 4) require Air Quality to inspect plant staging areas at developments nearing final completion and at various landscaping projects to ensure the only type of olive trees being planted are those with a COE.

FINAL ACTION: No action was taken by the Board.

8. 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.

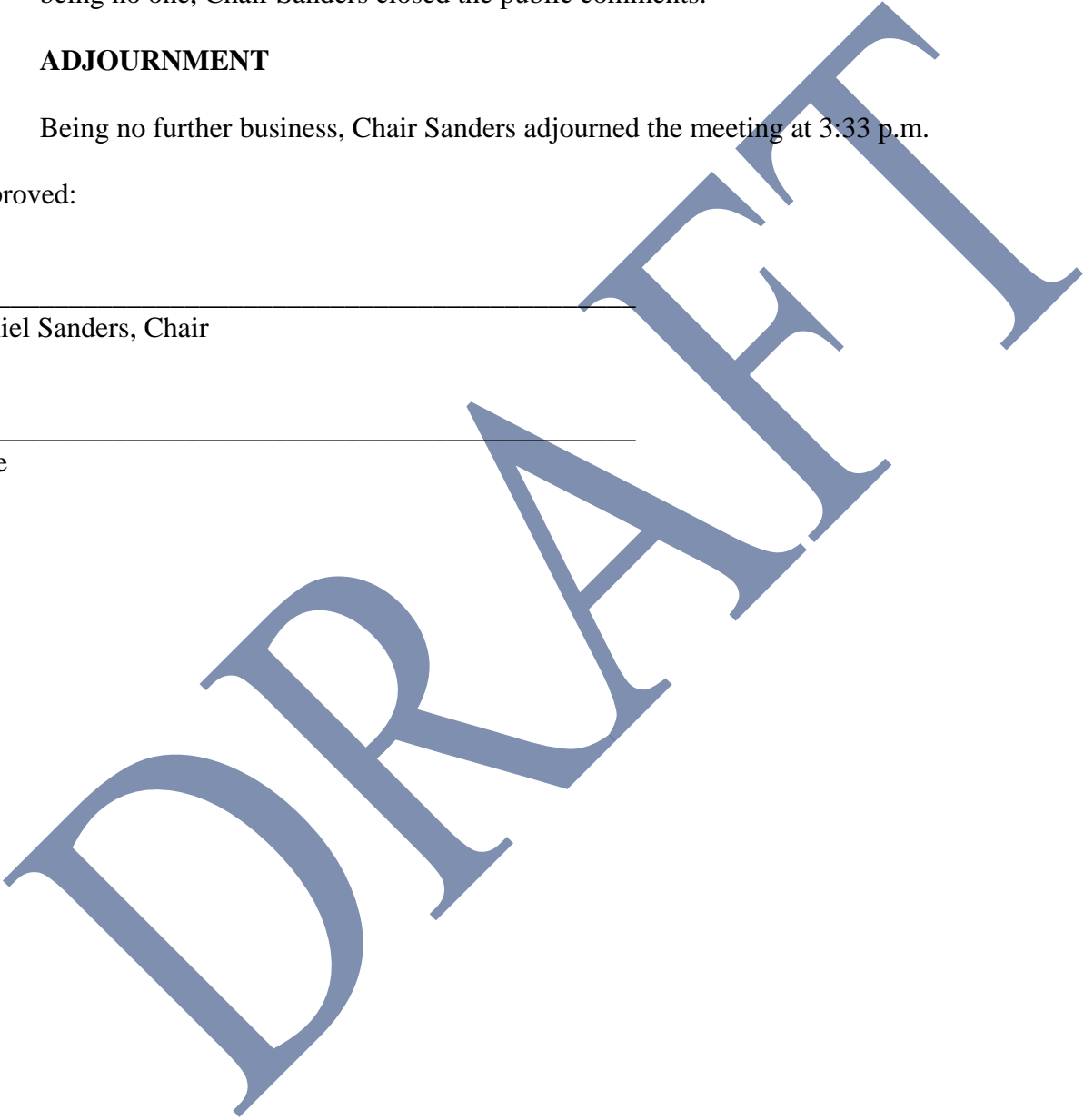
9. ADJOURNMENT

Being no further business, Chair Sanders adjourned the meeting at 3:33 p.m.

Approved:

Daniel Sanders, Chair

Date



M.P. Trust and Michael Perry (Project #191086)

Appeal of NOV #9394

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REQUEST FOR HEARING BEFORE THE
CLARK COUNTY AIR POLLUTION CONTROL
HEARING BOARD

RECEIVED CC DAQ
2020 JUL 30 AM 9:45

Appeal of Hearing Officer's Order

Postmarked JK
7/29/2020

1. Date of Appeal: 7/03/2020
(Must be within 10 days of receipt of Hearing Officer Order)

Notice of Violation # 9394 Hearing Date: 06/30/2020

Hearing Officer: CHRISTINE T SMITH

2. Name, address, telephone number of Appellant:

Name: M P TRUST
(Please print)

Address: 2980 S RAINBOW BLVD LAS VEGAS NV 89146

Telephone: 702-812-8357 Fax: N/A

Email: SNMC.MPERRY@GMAIL.COM

3. Other person or persons authorized to receive service of notice:

Name:
(Please print)

Address:

Telephone: Fax:

Email:

4. Type of business or activity and location of activity involved in the request:

1430 E DESERT INN RD LAS VEGAS NV 89169
UNIT #1&3

5. Reason for appeal: [] Facts alleged [] Penalty assessed [X] Both

Provide a detailed explanation of the reason for your appeal:

I do not agree the violations charged against me are fact and

I did not receive a fair hearing due the hearing office not allow

detailed ample time to go through each violation

6. An application filing fee of \$140.00 must accompany this application. This fee is non-refundable. Please make check payable to the Department of Air Quality and mail to 4701 W. Russell Road, Suite 200, Las Vegas, NV 89118.

The appellant or a representative of the appellant must be present at the hearing board meeting to answer any questions by the Air Pollution Control Hearing Board Members. **Please include any supporting documentation with this form for distribution to the respective board members.**

I affirm that all statements made on this application are true and complete to the best of my knowledge.

Signature:  Date: 07/03/2020

Printed Name: M P TRUST

Title: Trustee

FOR OFFICE USE ONLY

Application Received on 7/29/2020

Application Fee \$140.00 Check / Cash # 182

Received Date: 7/29/2020


DAQ Admin Secy



Clark County Nevada Department of Environment and Sustainability
 4701 W Russell Road, Suite 200, Las Vegas, NV 89118
 Phone (702) 455-5942 Fax (702) 383-9994
 AirQuality@clarkcountynv.gov

RECEIPT

MP TRUST
 2980 S. RSAINBOW BLVD
 LAS VEGAS NV 89146

Invoice #	Invoice Date	Invoice By	Invoice Type	Due Date
044635	7/29/2020	HELENBS	AIR QUALITY OTHER ENFORCEMENT	7/29/2020

Quantity	Description	Fee Code	Fee	Total
1	HEARING BOARD REQUEST	AGHB01	\$140.00	\$140.00
	07/30/2020 CHECK (0182)	PAYMENT		(\$140.00)

Notes: NOV 9394, MP Trust, submitted 7/29/2020

Subtotal:	\$140.00
Paid:	(\$140.00)
Adjustments:	\$0.00
Balance Due:	\$0.00

1 BEFORE THE AIR POLLUTION CONTROL HEARING OFFICER
2 CLARK COUNTY, NEVADA

3
4 In the Matter of the Notice of Violation #9394)
5 Issued to)
6 M.P. TRUST and MICHAEL PERRY,)
7 Respondents.)

ORDER

8
9 The above-entitled matter was heard on June 25, 2020, before Hearing Officer Christine
10 T. Smith on the Contested Docket. Representatives of both the Clark County Department of
11 Environment and Sustainability, Division of Air Quality (**Air Quality**) and M.P. TRUST
12 (**MPT**) and MICHAEL PERRY (**PERRY**) appeared, testified and submitted evidence for
13 consideration by the Hearing Officer. Having considered the evidence presented at the hearing,
14 the Hearing Officer hereby finds and orders as follows:

15 1. Notice of Violation (**NOV**) #9394 was issued by Air Quality to Respondents
16 MPT and PERRY on February 21, 2020 for alleged violation(s) of the Clark County Air
17 Quality Regulations (**AQRs**) at a facility (Project #191086) located at 1430 East Desert Inn
18 Road, in Clark County, Nevada. The violation(s) alleged in the NOV include:

19 (a) Violation of AQR Section 13.1 and 40 CFR 61 Subpart M, §61.145(a)
20 for failure to thoroughly inspect the facility for the presence of asbestos-containing
21 materials prior to commencing renovation activities;

22 (b) Violation of AQR Section 13.1 and 40 CFR 61 Subpart M, §61.145(b)(1)
23 and §61.145(b)(3)(i) for failure to notify Air Quality 10 working days prior to
24 demolition activities at the facility;

25 (c) Violation of AQR Section 13.1 and 40 CFR 61 Subpart M, §61.145(c)(8)
26 for failure to have at least one onsite representative trained in the provisions of the
27 NESHAP asbestos regulations and the means of complying with them;

28 (d) Violation of AQR Section 13.1 and 40 CFR 61 Subpart M,

1 §61.145(c)(6)(i) for failure to adequately wet all removed regulated asbestos-
2 containing material and ensure it remained wet;

3 (e) Violation of AQR Section 13.1 and 40 CFR 61 Subpart M,
4 §61.150(a)(1)(iii) for failure to seal all the asbestos-containing waste material in leak
5 tight containers while wet; and

6 (f) Violation of AQR Section 13.1 and 40 CFR 61 Subpart M,
7 §61.150(a)(1)(iv) for failure to label asbestos waste containers with warning labels.

8 2. The penalty recommended by Air Quality in NOV #9394 was \$11,600.00.

9 3. The Hearing Officer finds that the violation(s) alleged in NOV #9394 occurred
10 in that MPT and PERRY violated AQR Section 13.1 and 40 CFR 61 Subpart M, §61.145(a),
11 §61.145(b)(1), §61.145(b)(3)(i), §61.145(c)(8), §61.145(c)(6)(i), §61.150(a)(1)(iii), and
12 §61.150(a)(1)(iv).

13 4. **IT IS HEREBY ORDERED** that MPT and PERRY pay a penalty of Eleven
14 Thousand Six Hundred and no/100 Dollars (\$11,600.00) within 30 days of the date of this
15 ORDER, by check or money order payable to the Clark County DAQ, and submitted to DAQ,
16 4701 West Russell Road, Suite 200, Las Vegas, Nevada 89118.

17 5. MPT and PERRY have the right to appeal this ORDER to the Clark County Air
18 Pollution Control Hearing Board. Any appeal of this ORDER shall be: (1) in writing
19 specifying the reasons for the appeal, (2) accompanied by a filing fee of One Hundred Forty
20 and no/100 Dollars (\$140.00), and (3) received by Air Quality within ten (10) days of MPT
21 and PERRY's receipt of this ORDER.

22 DATED this 30th day of June, 2020.

23
24
25 Christine T. Smith
26 Christine T. Smith
27 Hearing Officer
28

Notice of Violation Response Form

Issued to: M.P. Trust and Michael Perry, individually

NOV #: 9394 Return form by: 3/9/2020

Items below are to be completed by the Respondent


Responsible
Official: Michael Perry
Title: Leasee
Phone Number: 702-812-8357
Email Address: snmc.mperry@gmail.com

Please check applicable boxes below

- We do not contest the Notice of Violation (Attendance is not required)**
We accept responsibility for this violation. Instructions for payment of the recommended penalty will be provided after the Hearing Officer meeting.
- We are contesting the Notice of Violation and request to appear before the Hearing Officer (Attendance by the Responsible Official or a representative of the company is strongly recommended to contest the violation)**
Please attach a written explanation, including supporting documentation, of why you are contesting the NOV. This information will be provided to the Hearing Officer prior to the Hearing.

We will be contesting the:

- Violation
 Penalty
 Both


Signature of Authorized Person
Date: 3/9/2020

Completed forms can be submitted to Pam Thompson via mail at the Clark County Department of Environment and Sustainability, Division of Air Quality, 4701 West Russell Road, Suite 200, Las Vegas, NV 89118-2231, fax at (702) 383-9994, or email at pamela.thompson@clarkcountynv.gov.

March 5, 2020

Michael Perry
M.P. Trust
2980 S. Rainbow Blvd. #100-F
Las Vegas, NV 89146

Air Quality
Dept of Air Quality
4701 W. Russell Road, Suite 200
Las Vegas, NV 89118

Re: Violation #9394, Hearing set for March 19, 2020, at 9 a.m.

Marci Henson or Whom it May Concern:

After reading the NOTICE OF VIOLATION, I feel compelled to make this written response.

I am a private owner and I purchased the fourplex at 1430 E. Desert Inn Road, Las Vegas, Nevada, after two of the units sustained fire damage. I admit I am a regular citizen, and not trained in the provisions of 'NESHAP asbestos regulations.' In fact, I have never heard of NESHAP before.

After purchasing the building, which is an eyesore, I went about to repair and upgrade the entire property. I was not aware of the possibility of asbestos, when I had someone begin to remove debris in the residence.

Upon contact with Mr. Adoor, after informing me of possible asbestos issues, I was appalled that within five minutes of conversation, he called me a "slum lord" and treated me very negatively. There was absolutely no reason for his unprofessionalism.

I have never had dealings with Air Quality in the past, and was trying to comply with what Mr. Adoor indicated needed to be done. However, this required me to communicate with, and rely on others to get things done. I live out of town, and travel frequently. Perhaps this project was a little ambitious for me, but I wanted to complete the renovation and live in one of the units while renting the others. Thus, I was very offended at being called a 'slum lord.'

The communications with Mr. Adoor were documented in the NOTICE OF VIOLATION #9394, dated February 21, 2020. This communication evidences that I did comply with the directives of Mr. Adoor, and even had to go back out and replace the cover and the signage a few times. This was out of my control. One would assume the public would avoid a cover dumpster and warning signs. But when disturbed, the cover and signs were replaced. I responded as soon as I could, to the best of my ability, from where ever I might be at the time. This was NOT instant soup.

I will therefore focus my response on the alleged violations:

Violation 1:

“By failing to thoroughly inspect the Facility for the presence of asbestos-containing materials prior to conducting renovation activities, MPT and Perry violated 40 CFR §61.145(a), adopted by reference in AQR Section 13.1.”

Response: I am a private owner, and I was not aware of the possibility of the existence in asbestos in the building I bought. You have a copy of my lease option agreement, and I was never informed of the asbestos, which I would have thought would be a mandatory disclosure if there were an issue or concern.

Therefore, any failure to have an inspection was not willful, and there was no intent to violate any law.

Violation 2:

“By failing to notify Air Quality 10 working days prior to the removal of RACM from the Facility in quantities greater than 160 square feet and/or 35 cubic veed, MPT and Perry violation 40 CFR §61.141(b)(1) and 40 CFR 61.145(b)(3)(i), adopted by reference in AQR Section 13.1.”

Response: Since I am a private owner, and was unaware of the possibility of the existence of asbestos, I had no knowledge of the requirement to notify Air Quality 10 working days prior to the removal of RACM. This was not willful, and where the possible existence of such material was not disclosed, there was no intent to violate Section 13.1.

Violation 3:

“By failing to have at least one onsite representative trained in the provisions of the NSEHAP asbestos regulations and the means of complying with them, MPT and Perry violated 40 CFR 61.145(c)(8), adopted by reference in AQR Section 13.1.”

Response: I am a private owner, and do not have a “staff” or “one onsite representative trained in the provisions of NSEHAP asbestos regulations...” Once informed of issues with the possibility of asbestos, I took appropriate action to the best of my ability. I contacted who needed to be contact, and I had to wait for others to assist.

Violation 4:

“By failing to adequately wet all removed RACM and ensure it remained wet, MPT and Perry violated 40 CFR 61.145(c)(6)(i), adopted by reference in AQR Section 13.1.”

Response: Upon being directed to wet the material, I did wet the material. It would dry, and I would wet it again. It would continue to dry. Thus, it was always on ongoing issue with Mr. Adoor. The material was covered and signage was posted. It would be tore open and uncovered, and when I became aware of it, I would re-cover it, and post signs again. Therefore, I do not believe that I violated this section.

Violation 5:

“By failing to seal all asbestos-containing waste material in leak tight containers while wet, MPT and Perry violated 40 CFR 61.150(a)(1)(iii), adopted by reference in AQR Section 13.1.”

Response: Upon being directed to seal the material, I did seal the material. It had been tore open and replaced several times, which is each time I have been informed about it being opened. The material was covered and signage was posted. Therefore, I do not believe that I violated this section.

Violation 6:

“By failing to label waste containers with warning labels, MPT and Perry violated 40 CFR 61.150(a)(1)(iv), adopted by reference in AQR Section 13.1.

Response: Upon confirmation of the asbestos, I put signage as directed, and upon being informed the signs were torn down, I would replace them. I do not believe I was in violation of this section.

In summary, I have never been involved with the Department of Air Quality in the past, and nothing was done willfully.

This all began on November 15, 2019, when I was notified by phone at 2:45 p.m., which was a **FRIDAY**. This was followed up with a phone call at 3:45 p.m. I followed up with Mr. Adoor on Monday, November 18, 2019, informing him that an asbestos survey had been performed by Larry Carter, asbestos consultant for MSE Environmental.

During the first weekend, apparently there was a fire in the dumpster. Therefore, I did not believe there was any asbestos material in the dumpster at that time, and I asked to remove the dumpster, which was costing more each day. There was no evidence of the presence of asbestos after the fire - only the presumption of asbestos.

Mr. Adoor told me the results of the testing on November 20, 2019. I did not receive the documentation until November 22 - which was again a **FRIDAY**.

This was also the time around the holidays - Thanksgiving and Christmas, and not everyone was available to respond when contacted. Mr. Carter, asbestos consultant for MSE Environmental. I needed a determination from him prior to moving further. I complied to the best of my ability at all times.

Page 5

I respectfully request that any proposed find in this matter be abated. I am told that Air Quality has the ability to waive the first offense, and these are significant mitigating factors.

Sincerely,



MICHAEL PERRY

February 21, 2020

CERTIFIED MAIL #9489 0090 0027 6122 1980 10

Michael Perry, individually and as Trustee of

M. P. Trust

E-mail: swf.mperry@gmail.com and snmc.mperry@gmail.com

2980 South Rainbow Boulevard, Suite 100-F

Las Vegas, NV 89146

CERTIFIED MAIL #9489 0090 0027 6122 1980 27

2980 South Rainbow Boulevard, Suite 200-J

Las Vegas, NV 89146

NOTICE OF VIOLATION #9394

Clark County Department of Environment and Sustainability, Division of Air Quality (**Air Quality**) provides this notice to M.P. Trust (**MPT**) and Michael Perry (**Perry**), individually, of the violations of the Clark County Air Quality Regulations (**AQRs**) as alleged below and proposes to assess a civil penalty of Eleven Thousand Six Hundred and no/100 Dollars (\$11,600.00) as shown in the Penalty Calculation Table attached hereto as **Exhibit A** and incorporated herein.

I. FACTS

The building located at 1430 East Desert Inn Road, Las Vegas, Nevada, is a “facility” per the Environmental Protection Agency’s (**EPA**) National Emission Standards for Hazardous Air Pollutants (**NESHAP**) asbestos regulations found in 40 CFR Part 61, Subpart M, which have been adopted by reference in Section 13.1 of the **AQRs**.

On November 15, 2019, at approximately 1:20 p.m., Air Quality Specialist II Kevin Adoor (**Adoor**) was on routine patrol when he observed a 16 cubic yard dumpster (**Dumpster**) adjacent to a four unit apartment building located at 1430 East Desert Inn Road, Las Vegas, Nevada 89169 (**Facility**). Adoor stopped to investigate and conduct an inspection. Adoor’s inspection report is attached hereto as **Exhibit B** and incorporated herein. Adoor noted that Units 1 and 3 of the Facility were fire damaged and the Dumpster contained fire damaged debris including acoustic ceiling texture (**Exh. B, Att. 4, Photos 1 and 2**). Acoustic ceiling texture is a suspect Regulated Asbestos-Containing Material (**RACM**). Adoor also noted that plywood used to secure the front doors and

patio doors of Units 1 and 3 had been removed (**Exh. B, Att. 4, Photos 1 and 5**), but there were no workers onsite. Adoor inspected Units 1 and 3 and noted they contained two bedrooms each, a north bedroom (**North Room**) and a west bedroom (**West Room**). Adoor also noted the following:

1. The North Rooms of both units were fire/smoke damaged with sections of the ceiling missing.
 - a. Nearly all of the acoustic ceiling texture was missing from the ceilings of the two North Rooms (**Exh. B, Att. 4, Photos 9 and 11**).
 - b. Nearly all of the fire/smoke damaged acoustic ceiling texture debris that was once present on the ceilings of the two North Rooms had been removed from the Facility. The floors of the two North Rooms were relatively free of large pieces of debris but were covered with a fine powder/ash (**Exh. B, Att. 4, Photos 6 and 11**).
2. A section of the ceiling, including acoustic ceiling texture, had been removed from the West Room of Unit 3 which was also smoke damaged (**Exh. B, Att. 4, Photo 18**).
3. A wide mouthed shovel and a broom were present in the North Room of Unit 3 (**Exh. B, Att. 4, Photo 12**).
4. Waste bins were present in each of the North Rooms of Units 1 and 3 (**Exh. B, Att. 4, Photos 6 and 12**).

Adoor obtained one sample of fire damaged acoustic ceiling texture debris from inside of the Dumpster (**Exh. B, Att. 4 Photos 3 and 4**), and two samples of fire damaged acoustic ceiling texture debris from Units 1 and 3 (**Exh. B, Att. 4, Photos 7, 8, 14, and 15**). The sample obtained from the Dumpster, #191086-1, was later determined to contain 2% Chrysotile Asbestos. The two samples obtained from Units 1 and 3, #191086-2 and #191086-3, were later determined to contain 10% Chrysotile Asbestos (**Exh. B, Att. 5, Page 2**).

At approximately 2:45 p.m., Adoor called Perry, the individual who had rented the Dumpster from Lunas Construction (**Exh. B, Att. 3, Page 4**). Perry was also the trustee of MPT, the tenant who was renting the Facility with an option to purchase (**Exh. B, Att. 2**). Perry stated an asbestos survey had not been performed. Perry further stated his intent to fully renovate the two fire damaged apartments and that the removal of the fire/smoke damaged materials was part of that process. Adoor informed Perry there should be no further disturbance of any suspect asbestos-containing materials, including the removal of debris, and the Dumpster should remain on site until the asbestos content of the debris was determined through the performance of an asbestos survey. Adoor also informed Perry that the debris in the Dumpster and on the patio was in an area accessible to the public. Adoor further informed Perry that the debris should be lightly wetted and covered with plastic sheeting to minimize the potential for public exposure to asbestos fibers should the materials be determined to contain asbestos. Perry stated he understood what was required. The phone call ended at approximately 2:52 p.m. (**Exh. B, Att. 6**).

At approximately 2:54 p.m., Perry called Lunas and tried to have the Dumpster containing Asbestos-Containing Waste Materials (ACWM) removed (**Exh. B, Att. 3, Pages 2 and 3**).

At approximately 3:15 p.m., Adoor noted that a worker had entered the Facility and was working in the West Room of Unit 3. Adoor met with the worker, Alexander Bishop (**Bishop**), who stated he had been hired by Perry to remove all of the fire damaged materials from the Facility. Adoor asked Bishop if the fire damaged debris included acoustic ceiling texture and Bishop responded affirmatively. Adoor noted that Bishop was not wearing a respirator or any other type of protection. Adoor informed Bishop of his conversation with Perry. Adoor also asked Bishop if Perry had recently called to warn him of the potential danger of asbestos or instructed him to stop working. Bishop checked his phone and stated that Perry had not contacted him. Adoor provided Bishop with water to wash himself as there was no water at the Facility. Bishop then made a phone call. After the phone call, Bishop stated he was going home for the day and would secure the Facility with the plywood prior to leaving.

At approximately 3:45 p.m., Adoor sent an email to Perry at snmc.mperry@gmail.com and swfmperry@gmail.com regarding their conversation. In the email, Adoor also reiterated the need to lightly wet the fire damaged debris in and around the Dumpster and to cover it with plastic sheeting (**Exh. B, Att. 8, Pages 20 through 23**). Adoor also included information regarding the regulatory requirements.

On November 18, 2019, at approximately 12:40 p.m., Adoor returned to the Facility and noted that the suspect ACWM previously located on the patio of Unit 1 had been removed. Adoor also noted the Dumpster was full of fire damaged debris and it appeared there had been a fire in the Dumpster. The Dumpster was not covered (**Exh. B, Att. 4, Photo 20**). Adoor called Perry and left a message inquiring if an asbestos survey had been performed since they last spoke. Adoor also informed Perry of his observations and reiterated that the debris in the Dumpster should be lightly wetted and covered with plastic sheeting to minimize the potential for public exposure to asbestos fibers should the debris be determined to contain asbestos. At approximately 1:30 p.m., Adoor sent an email to Perry reiterating what he had stated on Perry's voicemail.

At approximately 1:50 p.m., Adoor received a call from Perry who stated an asbestos survey had been performed by Larry Carter (**Carter**), asbestos consultant for MSE Environmental. Adoor again informed Perry that the debris in the Dumpster should be lightly wetted and covered with plastic sheeting until the asbestos content of the debris was determined. Perry stated he understood what was required.

At approximately 2:25 p.m., Adoor received an email from Perry denying there were any building materials in the Dumpster and asserting that he should be allowed to remove it (**Exh. B, Att. 8, Pages 18 and 19**).

At approximately 2:45 p.m., Adoor sent an email to Perry informing him that debris from building materials and other debris that may have been contaminated with asbestos were present in the Dumpster. Adoor again reiterated that the debris in the Dumpster should be lightly wetted and the Dumpster should be covered until the asbestos content of the debris was determined (**Exh. B, Att. 8, Page 18**).

On November 19, 2019, at approximately 12:35 p.m., Adoor received a call from Carter who stated the samples of acoustic ceiling texture he had obtained from the Facility were determined to contain 5% Chrysotile Asbestos. Carter also stated that samples of wall texture debris were determined to contain < 1% Chrysotile Asbestos. Carter stated that Perry did not want the laboratory to point count the samples of wall texture as required by the asbestos NESHAP and would exercise his option to treat the material as RACM. Carter stated the debris in and around the Dumpster would have to be abated as it was either RACM or contaminated with asbestos.

At approximately 12:45 p.m., Adoor returned to the Facility to perform an inspection and to take measurements of the interior. Adoor noted the Dumpster remained uncovered (**Exh. B, Att. 4, Photo 22**). Adoor met with Perry and informed him that the Dumpster needed to be sealed and posted with asbestos warning signs until it could be abated of all ACWM by a licensed asbestos abatement contractor. Perry again denied there were any building materials from the Facility that were placed in the Dumpster. Adoor inspected the Facility and determined that at least 100 square feet of acoustic ceiling texture had been removed from the North Room of Unit 1 (**Exh. B, Att. 4, Photo 9**). Adoor also determined that at least 100 square feet of acoustic ceiling texture had also been removed from the North Room of Unit 3 (**Exh. B, Att. 4, Photos 11 and 16**). Adoor further determined that at least 30 square feet of acoustic ceiling texture had been removed from the West Room of Unit 3 (**Exh. B, Att. 4, Photo 18**). During the course of the inspection, Adoor obtained three samples, #191086-6 through 191086-8, of residual acoustic ceiling texture from the North Room of Unit 1 (**Exh. B, Att. 4, Photos 9 and 10**), the West Room of Unit 3 (**Exh. B, Att. 4, Photos 18 and 19**), and the North Room of Unit 3 (**Exh. B, Att. 4, Photos 16 and 17**). All three samples were determined to contain 3% to 4% Chrysotile Asbestos by point count analysis using polarized light microscopy (**Exh. B, Att. 10, Page 3**).

On November 20, 2019, at approximately 10:55 a.m., Adoor sent an email to Perry informing him of the sample results from the materials sampled on Friday, November 15, 2019, and Tuesday, November 19, 2019. Adoor also informed Perry a sample of ACT debris obtained from the Dumpster on Friday, November 15, 2019, was determined to contain 2% Chrysotile Asbestos and the Dumpster needed to be abated by a licensed asbestos abatement contractor. Adoor included copies of the analytical reports in the email. Adoor again informed Perry the Dumpster needed to be sealed with plastic sheeting and posted with asbestos warning signs. Adoor also asked Perry to start making all arrangements to have the Dumpster abated as soon as possible due to its presence in an area accessible to the public. Adoor further informed Perry that Air Quality would grant an emergency waiver of the mandatory 10 working day waiting period to allow the abatement of the Dumpster to occur as soon as possible (**Exh. B, Att. 8, Pages 15 and 16**).

At approximately 12:50 p.m., Mr. Adoor returned to the Facility and noted the Dumpster remained uncovered and no asbestos warning signs were posted (**Exh. B, Att. 4, Photo 23**).

On November 21, 2019, at approximately 11:30 a.m., Adoor returned to the Facility and noted the Dumpster remained uncovered and no asbestos warning signs were posted (**Exh. B, Att. 4, Photo 24**). Adoor called Perry and left a message informing him of his observation and requesting a return call.

At approximately 12:20 p.m., Adoor sent an email to Perry regarding his observations and informed Perry that each day the Dumpster was not sealed and posted with asbestos warning signs was a violation of the AQRs (**Exh. B, Att. 8, Page 14**).

On November 22, 2019, at approximately 8:55 a.m., Adoor received an email from Carter which included a copy of the asbestos survey report. Adoor reviewed the report and noted the following:

- Acoustic ceiling texture in Units 1 and 3 was determined to contain 4% - 5% Chrysotile Asbestos by PLM (**Exh. B, Att. 11, Page 16**).
- Wall texture, joint compound, and stucco cement were all determined to contain < 1% asbestos by PLM (**Exh. B, Att. 11, Page 18, and 27 through 32**).

Adoor noted the report also offered the following comments regarding an inspection of the interior contents (**Exh. B, Att. 11, Page 19**):

“A visual inspection of the structures interior contents were assessed during the asbestos survey to determine if the fire's non-airborne dust/charr settled and affected the hard and soft contents. **Based on the visual inspection, all hard and soft contents within the multi-family residence were affected by the fire that damaged the multi-family residence.**”

- Friable asbestos containing building materials affecting soft product contents are typically disposed of. Hard product contents can typically be cleaned depending on damage.
- Non-friable asbestos containing building materials such as charred or burnt joint compound in wall and ceiling systems in excess of one percent (1%) by weight may become friable and soft product contents are typically disposed of. Hard product contents can typically be cleaned depending on damage.
- MSE Environmental can verify soft or hard product contents are contaminated beyond a visual inspection by performing microvac sampling of non-airborne settled dust.
- Hard product contents abated by the asbestos abatement contractor need to have microvac post asbestos abatement sampling performed to verify the decontamination process was successful.”

The report also included a comment stating materials determined to contain < 1% by PLM were considered asbestos-containing materials unless their asbestos content was confirmed through point counting (**Exh. B, Att. 11, Page 22**).

At approximately 12:05 p.m., Adoor sent an email to Perry which included digital photographs taken on November 15, 19, 20, and 21, 2019 (**Exh. B, Att. 8, Page 11**).

At approximately 12:25 p.m., Adoor returned to the Facility and noted the Dumpster had been sealed but no asbestos warning signs were posted (**Exh. B, Att. 4, Photo 26**).

At approximately 2:00 p.m., Adoor sent an email to Perry informing him of his observations and reiterating that the Dumpster needed to be posted with asbestos warning signs (**Exh. B, Att. 8, Page 10**).

On November 25, 2019 at approximately 8:35 a.m., Adoor received an email from Perry which included photographs of asbestos warning signs posted on the Dumpster and the fire damaged apartments (**Exh. B, Att. 8, Page 9**).

On November 26, 2019, at approximately 9:20 a.m., Adoor sent an email to Perry and informed him that it was his responsibility to ensure the Dumpster remained sealed and posted with asbestos warning signs until it could be abated of all ACWM by a licensed asbestos abatement contractor (**Exh. B, Att. 8, Pages 8 and 9**).

On December 2, 2019, at approximately 1:00 p.m., Adoor returned to the Facility and noted the Dumpster was no longer sealed (**Exh. B, Att. 4, Photo 27**). Adoor called Perry and informed him the Dumpster needed to be resealed.

On December 3, 2019, at approximately 11:15 a.m., Adoor returned to the Facility and noted the Dumpster had been resealed and asbestos warning signs were present.

On December 5, 2019, at approximately 1:15 p.m., Adoor returned to the Facility and noted the Dumpster was no longer sealed and debris had been removed from its south end (**Exh. B, Att. 4, Photo 28**). Adoor called Perry and informed him of his observations and that the Dumpster needed to be resealed.

At 2:05 p.m., Adoor sent an email to Perry reiterating their telephone conversation. Adoor also informed Perry that abatement of the Dumpster needed to begin no later than Wednesday, December 10, 2019 (**Exh. B, Att. 8, Page 8**).

On December 6, 2019, at approximately 1:00 p.m., Adoor returned to the Facility and noted the Dumpster was sealed and posted with asbestos warning signs.

On December 10, 2019, at approximately 9:55 a.m., Adoor returned to the Facility and noted the Dumpster was no longer sealed (**Exh. B, Att. 4, Photo 29**). While onsite, Adoor sent an email to Perry informing him of his observations and informing him the Dumpster needed to be resealed (**Exh. B, Att. 8, Page 5**).

On December 11, 2019, at approximately 12:00 p.m., Adoor returned to the Facility and noted the Dumpster remained unsealed (**Exh. B, Att. 4, Photo 30**). While on site, Adoor sent an email to Perry informing him of his observations and reiterating that the Dumpster needed to be resealed (**Exh. B, Att. 8, Page 4**).

On December 12, 2019, at approximately 10:50 a.m., Adoor returned to the Facility and noted the Dumpster had been resealed.

On December 30, 2019, at approximately 2:30 p.m., Air Quality received a NESHAP Notification of Asbestos Abatement from A&I Industries (**A&I**) for the abatement of the ACWM from the Dumpster and the surrounding area. The start date on the notification was identified as January 2, 2020.

On January 2, 2020, at approximately 8:00 a.m., Adoor returned to the Facility and met with Kent Shank, manager for A&I, and Jacobo Torres, supervisor for A&I. Adoor observed A&I as they set up a containment enclosure in preparation for the abatement of ACWM from the Dumpster (**Exh. B, Att.4, Photo 31**).

On January 3, 2020, at approximately 9:45 a.m., Adoor returned to the Facility and confirmed the Dumpster had been abated of all ACWM.

II. APPLICABLE LAW

According to the definitions in the National Emission Standards for Hazardous Air Pollutants asbestos regulations found in 40 CFR Part 61, Subpart M, adopted by reference in AQR Section 13.1, the structure described above meets the definition of a “Facility”. Additionally, MPT and Perry meet the definition in 40 CFR §61.141 of “owner or operator of a demolition or renovation activity.” AQR Section 8.1 provides that “All persons owning, operating, or in control of any equipment or property who shall cause, permit, or participate in, any violation of [the Clark County Air Quality] Regulations shall be individually and collectively liable to any penalty or punishment imposed by and under these Regulations.”

Pursuant to 40 CFR §61.145(a)(4) and AQR Section 13.1, all requirements in 40 CFR §61.145(a) §61.145(b) and 40 CFR §61.145(c) apply to the renovation of the Facility. Additionally, pursuant to 40 CFR §61.150, all requirements in §61.150(a) and §61.150(d) apply to the renovation of the Facility.

III. VIOLATIONS

Violation 1:

By failing to thoroughly inspect the Facility for the presence of asbestos-containing materials prior to conducting renovation activities, MPT and Perry violated 40 CFR §61.145(a), adopted by reference in AQR Section 13.1.

40 CFR §61.145(a) states:

“Applicability. To determine which requirements of paragraphs (a), (b), and (c) of this section apply to the owner or operator of a demolition or renovation activity and prior to the commencement of the demolition or renovation, thoroughly inspect the affected facility or part of the facility where the demolition or renovation operation will occur for the presence of asbestos, including Category I and Category II nonfriable ACM. The requirements of

paragraphs (b) and (c) of this section apply to each owner or operator of a demolition or renovation activity, including the removal of RACM as follows: ...”

Violation 2:

By failing to notify Air Quality 10 working days prior to the removal of RACM from the Facility in quantities greater than 160 square feet and/or 35 cubic feet, MPT and Perry violated 40 CFR §61.145(b)(1) and 40 CFR §61.145(b)(3)(i), adopted by reference in AQR Section 13.1.

40 CFR 40 CFR §61.145(b)(1) and 40 CFR §61.145(b)(3)(i) state:

“(b) Notification requirements. Each owner or operator of a demolition or renovation activity to which this section applies shall:

- (1) Provide the Administrator with written notice of intention to demolish or renovate. Delivery of the notice by U.S. Postal Service, commercial delivery service, or hand delivery is acceptable.

...

- (3) Postmark or deliver the notice as follows:

- (i) At least 10 working days before asbestos stripping or removal work or any other activity begins (such as site preparation that would break up, dislodge or similarly disturb asbestos material), if the operation is described in paragraphs (a) (1) and (4) (except (a)(4)(iii) and (a)(4)(iv)) of this section. If the operation is as described in paragraph (a)(2) of this section, notification is required 10 working days before demolition begins.”

Violation 3:

By failing to have at least one onsite representative trained in the provisions of the NESHAP asbestos regulations and the means of complying with them, MPT and Perry violated 40 CFR §61.145(c)(8), adopted by reference in AQR Section 13.1.

40 CFR §61.145(c)(8) states:

“(c) Procedures for asbestos emission control. Each owner or operator of a demolition or renovation activity to whom this paragraph applies, according to paragraph (a) of this section, shall comply with the following procedures:

- (8) Effective 1 year after promulgation of this regulation, no RACM shall be stripped, removed, or otherwise handled or disturbed at a facility regulated by this section unless at least one onsite representative, such as a foreman or management-level person or other authorized representative, trained in the provisions of this regulation and the means of complying with them, is present. Every 2 years, the trained onsite individual shall receive

refresher training in the provisions of this regulation. The required training shall include as a minimum: applicability; notifications; material identification; control procedures for removals including, at least, wetting, local exhaust ventilation, negative pressure enclosures, glove-bag procedures, and High Efficiency Particulate Air (HEPA) filters; waste disposal work practices; reporting and recordkeeping; and asbestos hazards and worker protection. Evidence that the required training has been completed shall be posted and made available for inspection by the Administrator at the demolition or renovation site.”

Violation 4:

By failing to adequately wet all removed RACM and ensure it remained wet, MPT and Perry violated 40 CFR §61.145(c)(6)(i), adopted by reference in AQR Section 13.1.

40 CFR §61.145(c)(6)(i) states:

“(6) For all RACM, including material that has been removed or stripped:

(i) Adequately wet the material and ensure that it remains wet until collected and contained or treated in preparation for disposal in accordance with § 61.150; ...”

Violation 5:

By failing to seal all asbestos-containing waste material in leak tight containers while wet, MPT and Perry violated 40 CFR §61.150(a)(1)(iii), adopted by reference in AQR Section 13.1.

40 CFR §61.150(a)(1)(iii) states:

“(a) Discharge no visible emissions to the outside air during the collection, processing (including incineration), packaging, or transporting of any asbestos-containing waste material generated by the source, or use one of the emission control and waste treatment methods specified in paragraphs (a) (1) through (4) of this section.

(1) Adequately wet asbestos-containing waste material as follows:

...

(iii) After wetting, seal all asbestos containing waste material in leak tight containers while wet; or, for materials that will not fit into containers without additional breaking, put materials into leak-tight wrapping;”

Violation 6:

By failing to label waste containers with warning labels, MPT and Perry violated 40 CFR §61.150(a)(1)(iv), adopted by reference in AQR Section 13.1.

40 CFR §61.150(a)(1)(iv) states:

“(a) Discharge no visible emissions to the outside air during the collection, processing (including incineration), packaging, or transporting of any asbestos-containing waste material generated by the source, or use one of the emission control and waste treatment methods specified in paragraphs (a) (1) through (4) of this section.

(1) Adequately wet asbestos-containing waste material as follows:

(iv) Label the containers or wrapped materials specified in paragraph (a)(1)(iii) of this section using warning labels specified by Occupational Safety and Health Standards of the Department of Labor, Occupational Safety and Health Administration (OSHA) under 29 CFR 19.10.1001(j)(4) or 1926.1101(k)(8). The labels shall be printed in letters of sufficient size and contrast so as to be readily visible and legible.”

IV. RECOMMENDED CIVIL PENALTY

Pursuant to AQR Section 9.1, any person who violates any provision of the AQRs, including any permit condition; is guilty of a civil offense and shall pay a civil penalty not to exceed \$10,000 per violation. Each day of violation constitutes a separate offense.

Air Quality considered the following in calculating the recommended penalty:

- The owner/operator was deceptive and misleading.
 - After acknowledging he understood that the Dumpster needed to remain onsite until the asbestos content of the materials inside were determined, the owner/operator attempted to have the Dumpster removed.
 - After acknowledging he understood that there should be no further disturbance or removal of any suspect asbestos-containing materials, the owner/operator removed ACWM from the patio of Unit 1.
- The owner/operator was slow to act once notified of the violations.
 - The owner/operator allowed the Dumpster with ACWM to remain uncovered for seven days from November 15, 2019 through November 21, 2019 despite multiple warnings by Air Quality.
 - The owner/operator did not post asbestos warning signs until November 25, 2019, six days after he was notified of the Dumpster contained ACWM despite multiple warnings by Air Quality.

- On four separate occasions after the Dumpster was sealed, Air Quality discovered the seal had been broken and on one occasion, materials were removed from the Dumpster.
- The Dumpster was not abated until January 2, 2020.

Air Quality recommends a civil penalty in the amount of \$11,600.00 (**Exh. A**).

V. HEARING

Air Quality has scheduled a hearing for **Thursday, March 19, 2020, at 9:00 a.m.** before the Air Pollution Control Hearing Officer to adjudicate the alleged violation(s) and, if appropriate, to levy the recommended penalty. Please complete the enclosed "**Notice of Violation Response Form**" and return it to Air Quality by March 5, 2020. At the hearing, the Hearing Officer will hear evidence on the alleged violation(s) and render a decision. The hearing will be held at the Clark County Building Services Presentation Room, located at 4701 West Russell Road, Las Vegas, Nevada.

If you intend to present any documentary evidence at the hearing, please provide copies of your evidence to Air Quality with the completed Notice of Violation Response Form. If you fail to provide copies of your evidence prior to the hearing, please be advised that Air Quality may request a continuance to have time to review the evidence you brought, which will result in the hearing being postponed and rescheduled to a later date.

If the Hearing Officer finds you in violation and levies a penalty, Air Quality staff will mail the Hearing Officer's order to you along with instructions on remittance of the penalty.



Marci Henson
Control Officer

Exhibits:

- A. Penalty Calculation Table, NOV #9394
- B. Air Quality Asbestos Site Inspection Form, dated November 15, 2019

kpa

Exhibit A

NOV # 9394

Penalty Calculation Table

M. P. Trust and Michael Perry

Viol.	Date(s)	Violation Description	AQR Section	Exhibit / Evidence	Base Penalty ¹		Days	Aggravating Description	Agg Factor	Agg Amount	Penalty
					Description	Amount					
1	11/15/2019	Failed to perform a thorough inspection for asbestos prior to activity.	40 CFR 61.145(a)	Exh.B, Att. 4 Photos 1-19	Minor / Major	\$ 1,000	1	1) Deceptive/Misleading (+30%) 2) Slow to Act (+15%)	45%	\$ 450	\$ 1,450
2	11/15/2019	Failure to notify 10 days prior to commencing removal of RACM.	40 CFR 61.145(b)(1) & (b)(3)(i)	Exh.B, Att. 4 Photos 1 -19, and 20	Minor / Major	\$ 1,000	1	1) Deceptive/Misleading (+30%) 2) Slow to Act (+15%)	45%	\$ 450	\$ 1,450
3	11/15 and 11/18/2019	Failed to have at least one onsite representative trained in the provisions and means of complying with them.	40 CFR 61.145(c)(8)	Exh.B, Att. 4 Photos 1 -19, and 20	Minor / Moderate	\$ 500	2	1) Deceptive/Misleading (+30%) 2) Slow to Act (+15%)	45%	\$ 450	\$ 1,450
4	11/15 and 11/18/2019	Failed to adequately wet and ensure it remained wet, all removed RACM.	40 CFR 61.145(c)(6)(i)	Exh.B, Att. 4 Photos 1 -19, and 20	Minor / Major	\$ 1,000	2	1) Deceptive/Misleading (+30%) 2) Slow to Act (+15%)	45%	\$ 900	\$ 2,900
5	11/15 and 11/21/2019	Failed to seal ACWM in leak tight containers.	40 CFR 61.150 (a)(1)(iii)	Exh.B, Att. 4 Photos 2, 24, 25 and 28	Minor / Major	\$ 1,000	2	1) Deceptive/Misleading (+30%) 2) Slow to Act (+15%)	45%	\$ 900	\$ 2,900
6	11/15 and 11/21/2019	Failed to label asbestos waste containers.	40 CFR 61.150 (a)(1)(iv)	Exh.B, Att. 4 Photos 1 and 24	Minor / Moderate	\$ 500	2	1) Deceptive/Misleading (+30%) 2) Slow to Act (+15%)	45%	\$ 450	\$ 1,450

Total Penalty: \$ 11,600

Extent of Deviation from Requirement				
Amount of Asbestos	Major			
	Major	\$4,000	\$2,000	\$1,500
	Mod	\$2,500	\$1,250	\$750
	Minor	\$1,000	\$500	\$375

Regulatory maximum: \$10,000 per day, per violation
 [AQR Section 9.1 & NRS 445B.270(2)]

ASBESTOS SITE INSPECTION FORM

Exhibit B

Date: 11/15/2019 Arrival: 1:20 pm Departure: 3:50 pm Air Quality Specialist: Kevin Adoor

Facility Name or Description: Apartment Building

Site Address: 1430 East Desert Inn Road City: Las Vegas State: Nevada Zip: 89169

Abatement/Demolition Company: M. P. Trust / Michael Perry

Project Start Date: _____ Project #: 191086

Project Stop Date: _____ Complaint #: _____

Purpose of Inspection: Unannounced/Routine

A. ON-SITE RECORD REVIEW

1. Evidence of on-site rep NESHAP training? Yes No N/A Not Observed
 Name of on-site supervisor: _____

B. WORKSITE

- | | | | | |
|---|---|--|---|--|
| 1. Is activity as described on the notification? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> N/A | <input type="checkbox"/> Not Observed |
| 2. Does amount on notification agree with observed amount (within 20%)? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> N/A | <input type="checkbox"/> Not Observed |
| 3. Warning signs posted? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | <input type="checkbox"/> N/A | <input type="checkbox"/> Not Observed |
| 4. Containment intact? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | <input type="checkbox"/> N/A | <input type="checkbox"/> Not Observed |
| 5. RACM adequately wet? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | <input type="checkbox"/> N/A | <input type="checkbox"/> Not Observed |
| 6. Functional decontamination unit? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | <input type="checkbox"/> N/A | <input type="checkbox"/> Not Observed |
| 7. Are there visible emissions? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A | <input type="checkbox"/> Not Observed |
| 8. Dust/debris outside removal area? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A | <input type="checkbox"/> Not Observed |
| 9. Negative air machines operating? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | <input type="checkbox"/> N/A | <input type="checkbox"/> Not Observed |
| 10. Is non-friable ACM in good condition? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A | <input checked="" type="checkbox"/> Not Observed |

C. WASTE PACKAGING AND DISPOSAL

- | | | | | |
|---|------------------------------|--|------------------------------|---------------------------------------|
| 1. Are bags appropriately labeled (OSHA warning label and generator label)? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | <input type="checkbox"/> N/A | <input type="checkbox"/> Not Observed |
| 2. Are contents adequately wet? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | <input type="checkbox"/> N/A | <input type="checkbox"/> Not Observed |
| 3. ACWM placed in leak-tight containers? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | <input type="checkbox"/> N/A | <input type="checkbox"/> Not Observed |
| 4. Are waste containers/dumpsters properly labeled? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | <input type="checkbox"/> N/A | <input type="checkbox"/> Not Observed |

Samples taken? Yes No

Photographs taken? Yes No

Inspection Fees to Be Assessed: None

Notes:

Contacts:

Alexander Bishop = Laborer hired by Michael Perry to remove fire damaged debris at 1430 East Desert Inn Road: (702) 712-8464
 Derek Moellinger = Manager of Vice Realty Group, LLC which was managing 1430 E. Desert Inn Road: (702) 250-7480
 Fire Camp Property, LLC = Owner of the property located at 1430 E. Desert Inn Road
 Larry Carter = A licensed asbestos abatement consultant for MSE Environmental
 M. P. Trust = Tenant leasing a property located 1430 East Desert Inn Road with an option to purchase
 Michael Perry = Trustee of M. P. Trust and operator in control of the renovations occurring at 1430 East Desert Inn Road:
 (702) 812-8357

List of Acronyms:

ACM = Asbestos-Containing Material
 ACT = Acoustic Ceiling Texture
 ACWM = Asbestos-Containing Waste Material
 DAQ = Department of Air Quality
 CFR = Code of Federal Regulations
 NESHAP = National Emission Standards for Hazardous Air Pollutants
 PAPR = Powered Air Purifying Respirator
 PLM = Polarized Light Microscopy
 RACM = Regulated Asbestos Containing Material

Approved by: AS

Date: 1/7/2020



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ASBESTOS SITE INSPECTION FORM Page 2 – Additional Notes

Date: 11/15/2019 Air Quality Specialist: Kevin Adoor Project #: 191086 Complaint #: _____

Facility Name or Description: Apartment Building

Site Address: 1430 East Desert Inn Road City: Las Vegas State: Nevada Zip: 89169

Abatement/Demolition Company: M. P. Trust / Michael Perry

Important Definitions from 40 CFR 61.141:

Adequately Wet means sufficiently mix or penetrate with liquid to prevent the release of particulates. If visible emissions are observed coming from asbestos-containing material, then that material has not been adequately wetted. However, the absence of visible emissions is not sufficient evidence of being adequately wet.

Asbestos-Containing Waste Material (ACWM) ...As applied to demolition and renovation operations, this term also includes regulated asbestos-containing material waste and materials contaminated with asbestos including disposable equipment and clothing.

Facility means any institutional, commercial, public, industrial, or residential structure, installation, or building (including any structure, installation, or building containing condominiums or individual dwelling units operated as a residential cooperative, but excluding residential buildings having four or fewer dwelling units); any ship; and any active or inactive waste disposal site. For purposes of this definition, any building, structure, or installation that contains a loft used as a dwelling is not considered a residential structure, installation, or building. Any structure, installation or building that was previously subject to this subpart is not excluded, regardless of its current use or function.

Facility Component means any part of a facility including equipment.

Friable Asbestos Material means any material containing more than 1 percent asbestos as determined using the method specified in appendix E, subpart E, 40 CFR part 763, section 1, Polarized Light Microscopy, that, when dry, can be crumbled, pulverized, or reduced to powder by hand pressure. If the asbestos content is less than 10 percent as determined by a method other than point counting by polarized light microscopy (PLM), verify the asbestos content by point counting using PLM.

Installation means any building or structure or any group of buildings or structures at a single demolition or renovation site that are under the control of the same owner or operator.

Leak-Tight means that solids or liquids cannot escape or spill out. It also means dust-tight.

Owner/Operator of a demolition or renovation activity means any person who owns, leases, operates, controls, or supervises the facility being demolished or renovated or any person who owns, leases, operates, controls, or supervises the demolition or renovation operation, or both.

Regulated Asbestos-Containing Material (RACM) means (a) Friable asbestos material, (b) Category I nonfriable ACM that has become friable, (c) Category I nonfriable ACM that will be or has been subjected to sanding, grinding, cutting, or abrading, or (d) Category II nonfriable ACM that has a high probability of becoming or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations regulated by this subpart.

Remove means to take out RACM or facility components that contain or are covered with RACM from any facility.

Renovation means altering a facility or one or more facility components in any way, including the stripping or removal of RACM from a facility component. Operations in which load-supporting structural members are wrecked or taken out are demolitions.

Violations Observed:

- 40 CFR 61.145(a): Failure to thoroughly inspect for the presence of asbestos (asbestos survey) prior to renovations at a regulated structure.



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ASBESTOS SITE INSPECTION FORM Page 3 – Additional Notes

Date: 11/15/2019 Air Quality Specialist: Kevin Adoor Project #: 191086 Complaint #: _____

Facility Name or Description: Apartment Building

Site Address: 1430 East Desert Inn Road City: Las Vegas State: Nevada Zip: 89169

Abatement/Demolition Company: M. P. Trust / Michael Perry

- 40 CFR 61.145(b)(1) and (b)(3)(i): Failure to notify the DAQ in writing at least 10 working days prior to the removal of RACM.
- 40 CFR 61.145(c)(6): Failure to ensure that all RACM that was removed or stripped remained in a wet condition until collected and contained in preparation for disposal.
- 40 CFR 61.145(c)(8): Failure to have a person trained in the provisions of the asbestos NESHAP on site at all times during the removal of RACM.
- 40 CFR 61.150(a) and Part 61.150(a)(1)(iii): Failure to seal all asbestos-containing waste material in leak tight containers.
- 40 CFR 61.150(a)(1)(iv): Failure to affix asbestos warning labels on containers with asbestos-containing waste material.

Recommendation: Issuance of a Notice of Violation (NOV) to M. P. Trust and Michael Perry (Perry)

On Friday, November 15, 2019, Air Quality Specialist II Kevin Adoor (Adoor) discovered fire damaged debris in a 16 cubic yard dumpster (Dumpster) and on an adjacent patio of a 1st floor apartment located at 1430 East Desert Inn Road (Facility). The debris on the patio and inside the Dumpster was located in an area that was accessible to the public and within a few feet of a parking space used by a family residing at 1416 East Desert Inn Road. There was no water at the Facility and the debris was removed and deposited in the Dumpster while in a dry condition. The debris originated from Units 1 and 3 of the Facility and was later determined to be Asbestos-Containing Waste Material (ACWM). The Facility was under the control of M P Trust and Michael Perry (Perry), the trustee of M P Trust, and an asbestos survey had not been performed prior to the renovations. While onsite, Adoor informed Perry of the requirement for an asbestos survey. Adoor also informed Perry that there should be no further disturbance of any suspect asbestos containing materials, including the removal of debris, and the Dumpster should remain onsite until the results on an asbestos survey were available. Adoor further informed Perry that the debris on the patio and in the Dumpster should be lightly wetted and covered with plastic sheeting until the results of an asbestos survey were known. Approximately two minutes after speaking with Adoor, Perry called Lunas Construction Cleanup, Inc. (Lunas), the company that provided the Dumpster, and tried to have the Dumpster removed. However, Perry did not contact Alexander Bishop, a worker who had removed the debris from the Facility, to warn him of the potential danger. Bishop returned to the Facility while Adoor was onsite and resumed work inside one of the contaminated apartments before Adoor discovered he was inside and informed him of the potential danger. Moreover, the debris on the patio was removed sometime after Adoor left the Facility on Friday, November 15, 2019, and his return to the Facility on Monday, November 18, 2019. Perry was slow to act after being contacted by Adoor on November 15, 2019. Perry allowed the Dumpster containing ACWM to remain uncovered and without asbestos warning signs for 7 days, from November 15, 2019 through November 21, 2019. The Dumpster remained without asbestos warning signs for 3 additional days until November 24, 2019. For thirteen days, from November 19, 2019, the day Perry was informed the Dumpster contained ACWM, through at least December 2, 2019, Perry had not met with a licensed asbestos abatement contractor. During this time, Perry claimed he had "made a few calls but no one had called him back." After the Dumpster was sealed on November 22, 2019, Adoor discovered the plastic sheeting covering the Dumpster was torn open on for separate occasions, December 2, 5, 10, and 11, 2019. On or about December 5, 2019, at least one person had entered into the Dumpster and removed ACWM which may have resulted in exposure to asbestos fibers. The Dumpster remained onsite as a potential hazard to the public for 48 days, from November 15, 2019 through the morning of January 2, 2020 when A & I Industries LLC (A&I), a licensed asbestos abatement contractor, began abatement of the Dumpster. At the time the Dumpster was abated of all ACWM, there was significantly less material inside than what was present when the Dumpster was first sealed with plastic sheeting on November 22, 2019.

Timeline of Relevant Facts Supporting the Issuance of a Notice of Violation:

The apartment buildings located in the subdivision named Continental Park #2 and on Desert Inn Road, from 1332 to 1486 East Desert Inn Road, were all under common ownership from the time of construction in 1963 until at least 1984 when they were all...



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ASBESTOS SITE INSPECTION FORM
Page 4 – Additional Notes

Date: 11/15/2019 Air Quality Specialist: Kevin Adoor Project #: 191086 Complaint #: _____

Facility Name or Description: Apartment Building

Site Address: 1430 East Desert Inn Road City: Las Vegas State: Nevada Zip: 89169

Abatement/Demolition Company: M. P. Trust / Michael Perry

...owned by Richard W. Aley. During this time, the buildings were part of an apartment complex and met the definition of a facility. The buildings were also subject to the provisions of 40 CFR 61 subpart M of the National Emission Standards for Hazardous Air Pollutants (Asbestos NESHAP). The definition of facility under the Asbestos NESHAP states that “Any structure, installation or building that was previously subject to this subpart is not excluded, regardless of its current use or function.” Any building or group of buildings meeting the definition of facility are regulated under the provisions of the Asbestos NESHAP. Additionally, the property located at 1430 East Desert Inn Road and an adjacent property located at 1423 Sombrero Drive were under common ownership by Fire Camp Properties, LLC at the time the violations were discovered by Adoor. The two properties under common ownership meets the definition of a facility.

On or about June 28, 2019, the Facility was damaged by a fire in Units 1 and 3 (Att. 1, Fox News Report).

On Thursday, August 1, 2019, Adoor and Air Quality Specialist II Whitney Francis (Francis) met with Derek Moellinger (Moellinger) at a property across the alley from the Facility. Moellinger was the property manager of the Facility and a manager of Vice Realty, LLC (Vice Realty). During the meeting, Adoor and Francis informed Moellinger of the requirement for an asbestos survey prior to renovations or demolition. Adoor and Francis also informed Moellinger of the likelihood that asbestos-containing materials (ACM), most likely acoustic ceiling texture (ACT), was present in the Facility. During Adoor and Francis’s meeting with Moellinger, the Facility was boarded up and secured. Moellinger stated to Adoor and Francis that it had been boarded up since the fire and there were no plans for renovations.

On Sunday, August 28, 2019, Perry, acting as a trustee of M P Trust, signed a lease agreement with the option to purchase the Facility (Att. 2, Lease Agreement). Section (2) of the lease agreement stated the term of the lease was from September 2019 through September 2020. Section (5)(B) of the lease agreement stated the tenant agreed to “...conform to and obey all laws, ordinances, rules, regulations and orders of all Federal, State, and local government authorities, agencies, departments, bureaus, boards or officials, respecting the use of the property.” Section (11) of the lease agreement stated “The tenant/buyer shall henceforth be responsible for all maintenance and repair upon said property, both interior and exterior.”

Note 1: Moellinger provided Adoor with a copy of the lease agreement on November 19, 2019.

On Friday, November 15, 2019, at approximately 1:20 p.m., Adoor was on routine patrol when he observed the Dumpster at the Facility. Perry rented the Dumpster from Lunas (Att. 3, Email Correspondence with Lunas; Pages 3 and 4). Adoor noted that fire damaged debris was present in the Dumpster and on the patio of Unit 1 (Att. 4, Digital Photographs; Photos 1 and 2). The debris included building materials that were suspect Regulated Asbestos-Containing Materials (RACM) and other fire damaged debris that was suspected of being contaminated with asbestos. RACM debris and materials contaminated with asbestos are ACWM. Adoor estimated the Dumpster was 33% full of fire damaged debris at the time of the inspection. Adoor noted that plywood used to secure the front doors and patio doors of Units 1 and 3 had been removed or were unsecured and leaning up against the walls (Att. 4, Photos 1 and 5). Adoor also noted the Facility was vacant at the time of his arrival.

Adoor inspected the Facility after donning a protective suit, a powered air purifying respirator (PAPR), and gloves. Adoor noted that Units 1 and 3 contained two bedrooms each, a north bedroom (North Room) and west bedroom (West Room). Adoor noted the...



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ASBESTOS SITE INSPECTION FORM Page 5 – Additional Notes

Date: 11/15/2019 Air Quality Specialist: Kevin Adoor Project #: 191086 Complaint #: _____

Facility Name or Description: Apartment Building

Site Address: 1430 East Desert Inn Road City: Las Vegas State: Nevada Zip: 89169

Abatement/Demolition Company: M. P. Trust / Michael Perry

...following during his inspection:

1. The ceilings of the living rooms and hallways of both apartments were smoke damaged.
2. The North Rooms of both units were fire/smoke damaged with sections of the ceiling missing.
 - a. Nearly all of the ACT was missing from the ceilings of the two North Rooms (Att. 4, Photos 9 and 11).
 - b. Nearly all of the fire/smoke damaged ACT that was once present on the ceilings of the two North Rooms had been removed from the building. The floors of the two North Rooms were relatively free of large pieces of debris but were covered with a fine powder/ash (Att. 4, Photos 6 and 11).
3. A section of the ceiling, including ACT, had been removed from the West Room of Unit 3 which was also smoke damaged (Att. 4, Photo 18).
4. A wide mouthed shovel and a broom were present in the North Room of Unit 3 (Att. 4, Photo 12).
5. Waste bins were present in each of the North Rooms of Units 1 and 3 (Att. 4, Photos 6 and 12).

During the course of Adoor's inspection he obtained the following five samples of suspect RACM debris with the following analytical results (Att. 5, COC and Lab Report for Samples 191086-1 through 191086-5):

- Sample #191086-1 Fire Damaged ACT Debris in the 16 Cubic Yard Dumpster, 2% Chrysotile Asbestos (Att. 4, Photos 3 and 4)
- Sample #191086-2 Fire Damaged ACT Debris on the Floor of the North Room of Unit 1, 10% Chrysotile Asbestos (Att. 4, Photos 7 and 8)
- Sample #191086-3 Fire Damaged ACT Debris on the Floor of the North Room of Unit 3, 10% Chrysotile Asbestos (Att. 4, Photos 14 and 15)
- Sample #191086-4 Fire Damaged Wall Texture Debris in the North Room of Unit 3, No Asbestos Detected
- Sample #191086-5 Fire Damaged Debris in the 16 Cubic Yard Dumpster, No Asbestos Detected

At 2:45 p.m. Adoor called Perry who stated an asbestos survey was not performed prior to the removal of the fire damaged materials. Perry explained that his intent was to fully renovate the two fire damaged apartments and the removal of all of the fire/smoke damaged materials was part of that process. Adoor informed Perry of the likelihood that ACM was present in the Facility and the fire damaged debris in the Dumpster was likely contaminated with asbestos. Adoor further informed Perry there should be no further disturbance of any suspect ACM, including the removal of debris, and the Dumpster should remain on-site until the asbestos content of the debris was determined through the performance of an asbestos survey. Adoor also informed Perry the debris in and around the Dumpster was in an area accessible to the public and that an asbestos survey needed to be performed as soon as possible but no later than the following business day, Monday, November 18, 2019. Adoor further informed Perry that the Dumpster and debris outside should be lightly wetted and covered with plastic sheeting to minimize the potential for public exposure to asbestos, if present, until the asbestos content of the debris was determined. Perry stated he understood what was required. The phone call ended at approximately 2:52 p.m. (Att. 6, Phone Record with Perry).

At 2:54 p.m., Perry called Lunas and asked to have the Dumpster containing the suspect ACWM removed from the property in a willful attempt to circumvent the AQ Regulations (Att. 3, Pages 2 and 3).



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ASBESTOS SITE INSPECTION FORM Page 6 – Additional Notes

Date: 11/15/2019 Air Quality Specialist: Kevin Adoor Project #: 191086 Complaint #: _____

Facility Name or Description: Apartment Building

Site Address: 1430 East Desert Inn Road City: Las Vegas State: Nevada Zip: 89169

Abatement/Demolition Company: M. P. Trust / Michael Perry

At 2:54 p.m., Adoor called Moellinger who stated Perry was purchasing the Facility from Fire Camp Property and was leasing it until the close of escrow at the end of the month. Moellinger was uncertain if he had informed Perry of the requirement for an asbestos survey or the potential for ACM in the Facility. However, Moellinger explained that he had directed Perry not to remove any materials or perform any work at the Facility until the close of escrow. Moellinger stated he would contact Perry and direct him to immediately stop all work and to address the matter.

Note 2: On Monday, November 18, 2019, Adoor sent an email to Moellinger asking him to confirm that Adoor had correctly documented their conversation. On Tuesday, November 19, 2019, Adoor received an email from Moellinger correcting Adoor's account by stating that Perry was notified of the presence of asbestos in the building (Att. 7, Email Correspondence with Moellinger; Pages 3 and 4). A copy of the lease agreement was included in the email.

Note 3: On November 20, 2019, Adoor sent an email to Moellinger asking if the fire damaged debris was removed prior to Perry taking control of the Facility. Moellinger responded the same day stating nothing was removed prior to Perry taking control of the Facility (Att. 7, Pages 1 and 2).

At approximately 3:15 p.m., Adoor noted that a worker had entered the Facility and was working in the West Room of Unit 3. Adoor met with the worker who stated his name was Alexander Bishop (Bishop) and he had been hired by Perry to remove all of the fire damaged materials from the Facility. Bishop was not wearing a respirator or any other type of protection. Adoor asked Bishop if the fire damaged debris included ACT and Bishop answered affirmatively. Adoor informed Bishop of his conversation with Perry. Adoor also asked if Perry had recently called to warn him of the potential danger of asbestos or instructed him to stop working. Bishop checked his phone and stated that Perry had not recently contacted him.

Note 4: Perry called Lunas and tried to have the Dumpster removed approximately two minutes after speaking with Adoor. However, Perry did not call Bishop to warn him of the potential danger.

Adoor provided Bishop with water to wash himself as there was no water at the Facility. Bishop then made a phone call. After the phone call, Bishop stated he was going home for the day and would secure the Facility with the plywood prior to leaving.

At 3:43 p.m., Adoor sent an email to Perry at snmc.mpperry@gmail.com and swfmperry@gmail.com regarding their conversation. In the email, Adoor also reiterated the need to lightly wet the fire damaged debris in and around the Dumpster and to cover it with plastic sheeting until the asbestos content of the materials were determined in order to minimize the potential for public exposure to asbestos fibers if asbestos was present (Att. 8, Email Correspondence with Perry; Pages 20 - 23). Adoor also included information regarding the regulatory requirements.

On Monday, November 18, 2019, at approximately 12:40 p.m., Adoor returned to the Facility and noted that the suspect ACWM previously located on the patio of Unit #1 had been removed. Adoor also noted the Dumpster was full of fire damaged debris and it appeared there had been a fire in the Dumpster. The Dumpster was not covered (Att. 4, Photograph 20). Adoor called Perry and left a message inquiring if an asbestos survey had been performed since they last spoke. Adoor also informed Perry of his observations and reiterated that the debris in the Dumpster should be lightly wetted and covered with plastic sheeting to minimize the potential for public exposure to asbestos fibers should the debris be determined to contain asbestos.

At 1:32 p.m., Adoor sent an email to Perry informing him of his observations and repeating the relevant portions of the email sent to Perry on Friday, November 15, 2019. Adoor also requested an update regarding the performance of an asbestos survey (Att. 8, Pages 19 and 20).



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ASBESTOS SITE INSPECTION FORM Page 7 – Additional Notes

Date: 11/15/2019 Air Quality Specialist: Kevin Adoor Project #: 191086 Complaint #: _____
Facility Name or Description: Apartment Building
Site Address: 1430 East Desert Inn Road City: Las Vegas State: Nevada Zip: 89169
Abatement/Demolition Company: M. P. Trust / Michael Perry

At 1:49 p.m., Adoor received a call from Perry who stated the Dumpster had been covered but someone set it on fire the previous day, Sunday.

Note 5: Adoor did not observe any evidence the Dumpster or debris on the patio had been covered when he visited the Facility earlier in the day.

Perry also stated that Larry Carter (Carter), a licensed asbestos-abatement consultant for MSE Environmental, had performed an asbestos survey earlier in the day and the results would be available in a few days. Adoor again informed Perry that the debris in the Dumpster should be lightly wetted and covered with plastic sheeting until the asbestos content of the debris was determined. Perry again stated he understood what was required.

At 2:26 p.m., Adoor received an email from Perry denying there were any building materials in the Dumpster and asserting that he should be allowed to remove it (Att. 8, Pages 18 and 19).

Note 6: Perry's statement was inconsistent with Adoor's observations on Friday, November 15, 2019 before the Dumpster was set on fire. At that time, Adoor observed building materials and personal belongings in the Dumpster that were all fire damaged (Att. 4, Photos 2, 3, and 13). Adoor also inspected Units 1 and 3, and noted that almost all of the drywall that was removed from those units originated from the North Rooms which were fire damaged. Adoor also noted that nearly all of the drywall removed from the North Rooms was previously covered with ACT.

At 2:47 p.m., Adoor sent an email to Perry informing him that debris from building materials and other debris that may have been contaminated with asbestos were present in the Dumpster. Adoor again reiterated that the debris in the Dumpster should be lightly wetted and the Dumpster should be covered until the asbestos content of the debris was determined (Att. 8, Page 18).

On Tuesday, November 19, 2019, at 12:36 p.m., Adoor received a call from Carter who stated the ACT samples he obtained were determined to contain 5% Chrysotile Asbestos. He also stated that samples of wall texture debris were determined to contain < 1% Chrysotile Asbestos. Carter stated Perry did not want the laboratory to point count the samples of wall texture as required by the asbestos NESHAP and would exercise his option to treat the material as RACM. Carter stated the debris in and around the Dumpster would have to be abated as it was either RACM or contaminated with asbestos.

At approximately 12:45 p.m., Adoor arrived at the property and met with Perry who again denied there were any building materials in the Dumpster. Perry further claimed that all of the debris in the Dumpster was fire damaged after the Dumpster was lit on fire over the weekend. Perry also claimed that all of the materials in the Dumpster were removed from Units 2 and 4. Perry then stated there was no asbestos in the Dumpster and that he needed to remove it from the property.

Note 7: Some of the additional personal belongings that were placed in the Dumpster after Adoor left the Facility on Friday, November 15, 2019, may have originated from Units 2 and 4. However, Perry's statement that all of the debris in the Dumpster originated from Units 2 and 4 was false. Fire damaged debris was present in the Dumpster on November 15, 2019, before the fire in the Dumpster. When Adoor inspected Units 2 and 4 there was no evidence of fire or smoke damage to building materials or the personal belongings inside.

Adoor informed Perry the Dumpster contained debris from building materials including textured drywall and ACT. Adoor then showed Perry the debris in the Dumpster. Perry first claimed the drywall was really just furniture that burned after it was placed in the Dumpster. Later, while wearing a protective suit and respirator, Adoor uncovered multiple pieces of fire damaged drywall that was present in the Dumpster and showed it to Perry (Att. 9, Adoor and Perry). At that time, Perry acknowledged the debris was drywall...



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ASBESTOS SITE INSPECTION FORM

Page 8 – Additional Notes

Date: 11/15/2019 Air Quality Specialist: Kevin Adoor Project #: 191086 Complaint #: _____
Facility Name or Description: Apartment Building
Site Address: 1430 East Desert Inn Road City: Las Vegas State: Nevada Zip: 89169
Abatement/Demolition Company: M. P. Trust / Michael Perry

...but claimed it was too thin to have originated from the Facility. Perry continued to claim that everything in the Dumpster originated from Units 2 and 4 which were not fire damaged. Adoor informed Perry that he had observed fire damaged debris in the Dumpster on Friday afternoon before the Dumpster was lit on fire. Adoor also informed Perry that any fire damaged debris removed from Units 1 and 3 were considered contaminated with asbestos and would have to be abated by a licensed asbestos abatement contractor. Adoor and Perry then spoke by telephone with Carter using the speaker phone feature on Adoor's telephone. Carter also informed Perry that any materials in the fire damaged apartments were considered to be contaminated with asbestos. Adoor also informed Perry that EPA had issued a letter of determination affirming that materials were considered contaminated with asbestos if they were located in an area of a building with ACM that was fire damaged. However, Perry continued to claim that all of the debris had originated from Unit #s 2 and 4 that weren't fire damaged. Francis arrived at the property at the conclusion of Adoor's conversation with Perry and Carter. Adoor again informed Perry the Dumpster needed to be sealed and posted with asbestos warning signs.

Adoor then inspected Units 1 and 3 while wearing a protective suit, a PAPR, and gloves. During the inspection, Adoor used a tape measure to determine the following amounts of ACT that were removed from the Facility:

- Unit 1, North Room: The room was 10' x 13' (130 square feet) and at least 100 square feet of ACT had been removed (Att. 4, Photo 9).
- Unit 3, North Room: The room was 10' x 13' (130 square feet) and at least 100 square feet of ACT had been removed (Att. 4, Photos 11 and 16).
- Unit 3, West Room: At least 30 square feet of ACT had been removed (Att. 4, Photo 18).

During the course of Adoor's inspection he obtained the following four samples of suspect RACM with the following lab results (Att. 10, COC and Lab Reports for Samples 191086-6 through 191086-9):

- Sample 191086-6 Residual ACT in the North Room of Unit #1, 3% Chrysotile Asbestos by Point Counting (Att. 4, Photos 8 and 9)
- Sample 191086-7 Residual ACT in the West Room of Unit #3, 4% Chrysotile Asbestos by Point Counting (Att. 4, Photos 18 and 19)
- Sample 191086-8 Residual ACT in the North Room of Unit #3, 4% Chrysotile Asbestos by Point Counting (Att. 4, Photos 16 and 17)
- Sample 191086-9 Fire Damaged Debris at the South End of the Dumpster, No Asbestos Detected

On Wednesday, November 20, 2019, at 10:54 a.m., Adoor sent an email to Perry informing him of the sample results from the materials sampled on Friday, November 15, 2019, and Monday, November 19, 2019. Adoor also informed Perry a sample of ACT debris obtained from the Dumpster on Friday, November 15, 2019, was determined to contain 2% Chrysotile Asbestos and the Dumpster needed to be abated by a licensed asbestos abatement contractor. Adoor included copies of the analytical reports in the email. Adoor again informed Perry the Dumpster needed to be sealed with plastic sheeting and posted with asbestos warning signs. Adoor also asked Perry to start making all arrangements to have the Dumpster abated as soon as possible due to its presence in an area accessible to the public. Adoor further informed Perry that DAQ would grant an emergency waiver of the mandatory 10 working day waiting period to allow the abatement of the Dumpster to occur as soon as possible (Att. 8, Pages 15 and 16).

At approximately 12:45 p.m., Mr. Adoor returned to the Facility and noted the Dumpster remained uncovered and no asbestos...



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ASBESTOS SITE INSPECTION FORM Page 9 – Additional Notes

Date: 11/15/2019 Air Quality Specialist: Kevin Adoor Project #: 191086 Complaint #: _____

Facility Name or Description: Apartment Building

Site Address: 1430 East Desert Inn Road City: Las Vegas State: Nevada Zip: 89169

Abatement/Demolition Company: M. P. Trust / Michael Perry

...warning signs were posted (Att. 4, Photo 23).

On Thursday, November 21, 2019, at approximately 11:30 a.m., Adoor returned to the Facility and noted the Dumpster remained uncovered and no asbestos warning signs were posted (Att. 4, Photo 24). Adoor called Perry and left a message informing him of his observation and requesting a return call.

At 12:22 p.m., Adoor sent an email to Perry regarding his observations and informed Perry that each day the Dumpster was not sealed and posted with asbestos warning signs was a violation of the AQ Regulations (Att. 8, Page 14).

At 12:27 p.m., Adoor received an email from Perry stating "As per our conversation today the Dumpster will be sealed up we have been watering it down daily for the past day It is now ready to be sealed" (Att. 8, Page 13).

Note 8: Adoor thought it was odd that Perry claimed to be watering the Dumpster that day due to the fact it had been raining throughout the previous day. Adoor also noted that Perry referred to a conversation between Perry and Adoor that never occurred, "As per our conversation today...".

At 12:33 p.m., Adoor sent an email to Perry requesting an update regarding Perry's efforts to hire an asbestos abatement contractor for the clean-up (Att. 8, Page 13).

At 2:25 p.m., Adoor received an email from Perry stating "I'm working on it today and will keep you abreast". Perry also stated "please send the report findings for the sample taken from the dumpster on 11-19-19 also please send pics from your sample finding on 11-15-19 and report if possible" (Att. 8, Page 12).

At 3:23 p.m., Adoor sent an email to Perry which included the analytical reports and chain of custody documents for the samples obtained on November 15 and 19, 2019.

Note 9: Adoor had already provided copies of the laboratory reports to Perry in an email sent on November 20, 2019.

Adoor also informed Perry that photographs would be provided no later than the following afternoon. Adoor further informed Perry the report would not be completed until the conclusion of the enforcement action but it would be provided as soon as possible thereafter (Att. 8, Page 12).

At 4:19 p.m., Adoor received an email from Perry acknowledging receipt of the laboratory reports and chain of custody documents. Perry also asked if there was a witness present when Adoor obtained his samples on November 15, 2019 (Att. 8, Page 11).

On November 22, 2019, at 8:54 a.m., Adoor received an email from Carter which included a copy of the asbestos survey report. Adoor reviewed the report and noted the following:

- The report identified the customer as Double 007 Properties (Att. 11, Asbestos Survey Report; Page 1).

Note 10: A search of a database at the website of the Nevada Secretary of State did not produce a business entity named "Double 007 Properties". However, the search did return a company named 007 Properties, LLC whose status was described as permanently revoked. Perry was listed as the sole managing member/officer (Att. 12, 007 Properties, LLC).



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ASBESTOS SITE INSPECTION FORM
Page 10 – Additional Notes

Date: 11/15/2019 Air Quality Specialist: Kevin Adoor Project #: 191086 Complaint #: _____

Facility Name or Description: Apartment Building

Site Address: 1430 East Desert Inn Road City: Las Vegas State: Nevada Zip: 89169

Abatement/Demolition Company: M. P. Trust / Michael Perry

- ACT in Units 1 and 3 was determined to contain 4% - 5% Chrysotile Asbestos by PLM (Att. 11, Page 16).
- Wall texture, joint compound, and stucco cement were all determined to contain < 1% asbestos by PLM (Att. 11, Page 18, and Attached Lab Reports Pages 1 -6).

Adoor noted the report also offered the following comments regarding an inspection of the interior contents (Att. 11, Page 19):
“A visual inspection of the structures interior contents were assessed during the asbestos survey to determine if the fire's non-airborne dust/charr settled and affected the hard and soft contents. Based on the visual inspection, all hard and soft contents within the multi-family residence were affected by the fire that damaged the multi-family residence.

- Friable asbestos containing building materials affecting soft product contents are typically disposed of. Hard product contents can typically be cleaned depending on damage.
- Non-friable asbestos containing building materials such as charred or burnt joint compound in wall and ceiling systems in excess of one percent (1%) by weight may become friable and soft product contents are typically disposed of. Hard product contents can typically be cleaned depending on damage.
- MSE Environmental can verify soft or hard product contents are contaminated beyond a visual inspection by performing microvac sampling of non-airborne settled dust.
- Hard product contents abated by the asbestos abatement contractor need to have microvac post asbestos abatement sampling performed to verify the decontamination process was successful.”

The report also included a comment stating materials determined to contain < 1% by PLM were considered asbestos-containing materials unless their asbestos content was confirmed through point counting (Att. 11, Page 22).

At 12:06 p.m., Adoor sent an email to Perry which included digital photographs taken on November 15, 19, 20, and 21, 2019 (Att. 8, Page 11).

At approximately 1:30 p.m., Adoor returned to the Facility and noted the Dumpster had been sealed but no asbestos warning signs were posted (Att. 4, Photo 26).

At 2:01 p.m., Adoor sent an email to Perry informing him of his observations and reiterated that the Dumpster needed to be posted with asbestos warning signs (Att. 8, Page 10).

At 11:28 p.m., Adoor received an email from Perry stating he was in the process of getting the signs and would post them over the weekend (Att. 8, Pages 9 and 10).

//

On Monday, November 25, 2019 at 8:37 a.m., Adoor received an email from Perry which included photographs of asbestos warning signs posted on the Dumpster and the fire damaged apartments (Att. 8, Page 9).

//

On Tuesday, November 26, 2019, at 9:18 a.m., Adoor sent an email to Perry and requested an update regarding Perry's efforts to hire a licensed asbestos abatement contractor for the clean-up. Adoor also informed Perry that it was his responsibility to ensure the...



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ASBESTOS SITE INSPECTION FORM Page 11 – Additional Notes

Date: 11/15/2019 Air Quality Specialist: Kevin Adoor Project #: 191086 Complaint #: _____

Facility Name or Description: Apartment Building

Site Address: 1430 East Desert Inn Road City: Las Vegas State: Nevada Zip: 89169

Abatement/Demolition Company: M. P. Trust / Michael Perry

...Dumpster remained sealed and posted with asbestos warning signs until it could be abated of all ACWM by a licensed asbestos abatement contractor (Att. 8, Pages 8 and 9).

On Monday, December 2, 2019, at approximately 1:00 p.m., Adoor returned to the Facility and noted the Dumpster was no longer sealed (Att. 4, Photo 27). Adoor called Perry and informed him the Dumpster needed to be resealed. Perry replied that he would reseal the Dumpster before the end of the day. Adoor then requested an update regarding Perry's efforts to hire an asbestos abatement contractor to abate the Dumpster. Perry stated he had made a few phone calls but no one had gotten back to him. Note 11: Perry was first informed that the Dumpster contained ACWM and required abatement of those materials as soon as possible on November 19, 2019. Perry was also aware the Dumpster was located in an area accessible to the public and within a few feet of a parking space used by a family residing at an adjacent property. Thirteen days later on December 2, 2019, Perry still had not met with a licensed asbestos abatement contractor to obtain a bid for the clean-up.

On Tuesday, December 3, 2019, at approximately 11:15 a.m., Adoor returned to the Facility and noted the Dumpster had been resealed and asbestos warning signs were present.

On Thursday, December 5, 2019, at approximately 1:15 p.m., Adoor returned to the Facility and noted the Dumpster was no longer sealed and debris had been removed from the south end of it (Att. 4, Photo 28). Adoor called Perry and informed him of his observations and that the Dumpster needed to be resealed. Perry stated he was out of state but would have someone reseal the Dumpster.

At 2:05 p.m., Adoor sent an email to Perry reiterating their telephone conversation. Adoor also informed Perry that abatement of the Dumpster needed to begin no later than Wednesday, December 10, 2019 (Att. 8, Page 8).

At 3:45 p.m., Adoor received an email from Perry stating he was obtaining bids for the clean-up (Att. 8, Page 7).

On Friday, December 6, 2019, at approximately 1:00 p.m., Adoor returned to the Facility and noted the Dumpster was sealed and posted with asbestos warning signs.

On Monday, December 9, 2019, at 11:51 a.m., Adoor received an email from Perry stating he had received bids and would be talking to contractors to see if he could "lower the building." Perry further stated in the email that he "may need to extend this out" as he was not "expecting this type of bill." Perry also asked what he needed to do to extend the time of removal (Att. 8, Page 7).

On Tuesday, December 10, 2019, at 7:17 a.m., Adoor sent an email to Perry informing him he wasn't sure what Perry meant when he stated "lower the building." Adoor also stated that the abatement of the ACWM in the Dumpster was the immediate concern due to reasons previously discussed. Adoor further stated that the timeline for the abatement of the ACWM inside of the building could be



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ASBESTOS SITE INSPECTION FORM Page 12 – Additional Notes

Date: 11/15/2019 Air Quality Specialist: Kevin Adoor Project #: 191086 Complaint #: _____

Facility Name or Description: Apartment Building

Site Address: 1430 East Desert Inn Road City: Las Vegas State: Nevada Zip: 89169

Abatement/Demolition Company: M. P. Trust / Michael Perry

...discussed once the Dumpster had been addressed (Att. 8, Page 6).

At 7:27 a.m., Adoor received an email from Perry stating he did not have the money to have the Dumpster abated and asked what he needed to do to get an extension (Att. 8, Page 6).

At 9:00 a.m., Adoor sent an email to Perry informing him an extension of the deadline would not be granted. Adoor explained that Perry had already demonstrated his inability to ensure the Dumpster remained sealed. Adoor further explained that at least one person had entered into the Dumpster and removed debris possibly resulting in their exposure to asbestos fibers. Adoor reminded Perry that the Dumpster was located directly adjacent to the parking space of a family residing at the building to the west of the Facility (Att. 8, Pages 5 and 6).

At approximately 9:55 a.m., Adoor returned to the Facility and noted the Dumpster was no longer sealed (Att. 4, Photograph 29). While onsite, Adoor sent an email to Perry informing him of his observations and informing him the Dumpster needed to be resealed (Att. 8, Page 5).

At 10:49 a.m., Adoor received an email from Perry stating he would stop by in an hour to reseal the Dumpster (Att. 8, Page 5).

At 12:12 p.m., Perry sent an email to Adoor claiming the Dumpster was sealed and that he couldn't find where it had been torn open (Att. 8, Email Correspondence with Perry Page 4).

Note 12: Perry's email was held up by the Clark County Security System and Adoor did not receive the email until the following afternoon.

On Wednesday, December 11, 2019, at approximately 12:00 p.m., Adoor returned to the Facility and noted the Dumpster remained unsealed (Att. 4, Photograph 30). While on site, Adoor sent an email to Perry informing him of his observations and reiterated that the Dumpster needed to be resealed (Att. 8, Page 4).

At approximately 1:55 p.m., Adoor received Perry's email from the previous day.

At 1:56 p.m., Adoor sent an email to Perry stating the area that needed to be resealed was the obvious hole on top near the east edge of the Dumpster (Att. 8, Page 3).

On December 12, 2019, at approximately 10:50 a.m., Adoor returned to the Facility and noted the Dumpster had been resealed.

On Monday, December 16, 2019, at 3:06 p.m., Adoor received an email from Perry stating he had signed a contract with A & I Industries (A&I) for the abatement of the Dumpster. Perry also stated in his email that the abatement of the Dumpster may not occur until after the end of the year (Att. 8, Page 3).

On Tuesday, December 17, 2019, Air Quality Supervisor, Anna Sutowska (Sutowska) sent an email to Perry informing him that...



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ASBESTOS SITE INSPECTION FORM
Page 13 – Additional Notes

Date: 11/15/2019 Air Quality Specialist: Kevin Adoor Project #: 191086 Complaint #: _____

Facility Name or Description: Apartment Building

Site Address: 1430 East Desert Inn Road City: Las Vegas State: Nevada Zip: 89169

Abatement/Demolition Company: M. P. Trust / Michael Perry

...Adoor was out of the office until December 26, 2019. Sutowska also reiterated Adoor's email to Perry sent on November 20, 2019 stating the DAQ would grant an emergency waiver of the mandatory 10 working day waiting period to allow the abatement of the Dumpster to occur as soon as possible. Sutowska further stated the abatement should be scheduled immediately (Att. 8, Page 2).

On Monday, December 23, 2019, Adoor was copied on an email from Perry to Kent Shank (Shank), a project Manager for A&I indicating the abatement of the Dumpster would begin on January 2, 2020 (Att. 13, Email from Perry 12/23/2019).

On Monday, December 30, 2019, at 1:17 p.m., Adoor was copied on an email from Perry to Shank confirming that the abatement of the dumpster would begin on January 2, 2020 (Att. 14, Email with Perry 12/30/2019).

At 2:28 p.m., DAQ received a NESHAP Notification of Asbestos Abatement from A&I for the abatement of the RACM debris from the Dumpster and the surrounding area. The start date on the notification was identified as January 2, 2020.

On Thursday, January 2, 2020, at approximately 8:00 a.m., Adoor returned to the Facility and met with Shank and Jacobo Torres (Torres), a supervisor for A&I. Adoor observed A&I as they set up a containment enclosure in preparation for the abatement of ACWM from the Dumpster (Att.4 Photo 31).

On Friday, January 3, 2020, at approximately 9:45 a.m., Adoor returned to the Facility and confirmed the Dumpster had been abated of all ACWM.

At 10:13 a.m., Adoor sent an email to Perry informing him the Dumpster had been abated of all ACWM. Adoor also informed Perry that ACWM remained in Units 1 and 3 and that the two apartments needed to be secured until they were decontaminated. Adoor further informed Perry that a copy of his report would be provided to him no later than the end of the following week (Att. 8, Pages 1 and 2).

Attachments

1. Fox News Report
2. Lease Agreement
3. Email Correspondence with Lunas
4. Digital Photographs
5. COC & Lab Report for Samples 191086-1 through 191086-5
6. Phone Record with Perry 11/15/2019
7. Email Correspondence with Moellinger
8. Email Correspondence with Perry
9. Adoor and Perry
10. COC & Lab Report for Samples 191086-6 through 191086-9
11. Asbestos Survey Report
12. 007 Properties, LLC
13. Email from Perry 12/23/2019
14. Email from Perry 12/30/2019

Attachment 1
Fox News Report

Attachment 1 Fox News Report

6/28/2019



LAS VEGAS (FOX5) -- Fire crews battled a blaze at a central valley apartment building Friday morning.



© Lee Ortlieb/FOX5

Clark County Fire Department crews respond to a structure fire at 1430 E. Desert Inn Road, Friday morning, June 28, 2019.

Just after 7 a.m. Friday, the Clark County Fire Department responded to a structure fire on East Desert Inn Road, near the intersection with Maryland Parkway.

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Attachment 2
Lease Agreement

Attachment 2 Lease Agreement

Lease Agreement with Option to Purchase Real Estate

This LEASE AGREEMENT WITH OPTION TO PURCHASE REAL ESTATE (hereinafter referred to as the Lease/Option) is made this 15th day of August, 2019, by and between the following parties: FIRE CAMP PROPERTY L.L.C.

located at 1430 E DESERT INN RD WINCHESTER, NV 89109 (hereinafter referred to as the Tenant/Buyer); and
M. P. TRUST

located at 2990 S RAINBOW BLVD ST# 100-F LAS VEGAS NV 89146 (hereinafter referred to as the Landlord/Seller).

In consideration of the mutual promises and covenants hereinafter stipulated, the parties hereby agree as follows

(1) **DESCRIPTION:** The Landlord/Seller agrees to lease, and, the Tenant/Buyer agrees to rent the real property and improvements, hereinafter called property; located at: 1430 E DESERT INN RD WINCHESTER, NV 89109 as more fully described as follows:
APN # 162-11-410-076

CONTINENTAL PARK #2 PLAT BOOK 9 PAGE 2 LOT 5 BLOCK 1

(2) **TERM:** The term of this Lease/Option shall be for a period of 12 months commencing on SEPT, 2019, and ending on SEP 2020. The term will be automatically extended for periods of months, unless the Tenant/Buyer gives notice to the Landlord/Seller of its intent to terminate this Lease/Option, by mailing a written notice to the last provided address of the Landlord/Seller. Liability for payment will not extend beyond notice to terminate this agreement. Possession shall be given to Tenant/Buyer on

(3) **RENT:** Tenant/Buyer agrees to pay to the Landlord/Seller, the sum of \$ 700 per month, with the first payment beginning SEP 2019 as rent for the property, for the term of this Lease/Option, and during any extensions thereof. All rental payments shall be due and payable in advance on the 10th day of each and every month. An amount equal to \$ 0 for each month in which rent was paid, shall be credited to the Tenant/Buyer and applied to the purchase price of the property in the event that the Tenant/Buyer exercises its option hereunder; otherwise, this credit shall be non-refundable and considered forfeited if the option is not exercised.

(4) **OPTION TO PURCHASE:** The Tenant/Buyer, as part of the consideration herein, is hereby granted the exclusive right, option and privilege of purchasing property at any time during the term of this Lease/Option agreement or any extension thereof. The Tenant/Buyer shall notify the Landlord/Seller in writing of the exercise of this option at least ten (10) days prior to the expiration of the initial term of this Lease/Option or the expiration of any extension thereof, by mail to the last-provided address of Landlord/Seller. UPON SALE OF 1423 SOMBRERO

(5) **COVENANTS OF TENANT/BUYER:** Commencing with and during the term of this agreement, including extensions, the Tenant/Buyer hereby covenants and agrees as follows:

(A) That the Tenant/Buyer will pay all utility charges and bills, including, but not limited to, water, sewer, gas, oil, and electric, which may be assessed or charged against the property;

(B) That the Tenant/Buyer will not use the property for any unlawful purpose; and that the Tenant/Buyer will conform to and obey all laws, ordinances, rules, regulations, requirements and orders of all Federal, State, and Local governmental authorities, agencies, departments, bureaus, boards or officials, respecting the use of the property; and

(C) That the Tenant/Buyer will surrender and deliver up the property, at the end of the term or any extensions thereof, should the option herein not be exercised, in as good order and condition as the same now exists, reasonable use and natural wear and tear excepted.

TENANT/BUYER

(6) **COVENANTS OF LANDLORD/SELLER:** The ~~Landlord/Seller~~ hereby covenants and agrees as follows:

(A) That the Landlord/Seller shall pay for and maintain fire and extended coverage insurance on said property in the minimum amount of \$ 150/PER MONTH. The Tenant/Buyer shall be named as an additional insured or loss-payee on the insurance policy and copy of which shall be provided to Tenant/Buyer.

(B) That the Tenant/Buyer shall peaceably and quietly hold, occupy, use and enjoy the property, without any let, hindrance or molestation by Landlord/Seller or any person associated therewith.

(7) **BREACH BY TENANT/BUYER:** If the Tenant/Buyer shall fail to keep and perform any of the covenants, agreements, or provisions of this Lease/Option, or if the Tenant/Buyer shall abandon the property; it shall be lawful for the Landlord/Seller to enter into said property and again have, repossess, and enjoy the same as if this Lease/Option had not been made, and thereupon this Lease/Option and everything herein contained on the part of the Landlord/Seller to be done and performed shall cease, determine and be utterly void, except as set forth in paragraph (8), below. The commencement of a proceeding or suit in forcible entry and detainer or in ejectment, or otherwise after any default by the Tenant/Buyer, shall be equivalent in every respect to actual entry by the Landlord/Seller.

(8) **COSTS OF IMPROVEMENTS:** In the event the Tenant/Buyer exercises the option to purchase set forth in paragraph (4), above, and through no fault of the Tenant/Buyer, the Landlord/Seller fails to convey said property to Tenant/Buyer in accordance with the terms of this Lease/Option, the Tenant/Buyer, in addition to any other rights which Tenant/Buyer may have in law or equity for the enforcement of Tenant/Buyer's option to purchase, shall be entitled to reimbursement for the cost of all repairs, maintenance and improvements.

(9) **FURTHER ENCUMBRANCES:** The Landlord/Seller hereby warrants that the total of the leases, options, mortgages, liens, and any other encumbrances against the property, whether of public record or not, are as follows:

(A) A first mortgage in favor of PRIVATE LENDER in the approximate amount of \$ 402,000.00

Attachment 2 Lease Agreement

(B) Current taxes for 2020 in the amount of \$ 797.02 due on _____
(C) The Landlord/Seller agrees not to lease to another third party, nor to assign, sell, option, transfer, pledge or otherwise to convey any or all rights or interests had by Landlord/Seller in the property or in this Lease/Option agreement, nor to further encumber the property nor allow the same to occur. All third parties are hereby put on notice that any leases, assignments by the Landlord/Seller, liens, options, mortgages or any other conveyances or transfers occurring subsequent to the date of this Lease/Option are hereby declared by the Landlord/Seller to be null and void and of no force and effect. The Landlord/Seller further agrees to keep all mortgages, liens, taxes or other encumbrances on the property, current and in good standing. Tenant/Buyer shall have the right to make payments on same in the event that Landlord/Seller becomes non-current or otherwise defaults thereon and said payments will be deducted from any equity due seller or recovered from future rent due seller.

(10) **RIGHT OF ASSIGNMENT:** The Tenant/Buyer shall have the unqualified right to sublet the property, and/or to assign, sell, transfer, pledge or otherwise convey any or all rights or interests which the Tenant/Buyer may have in the property or in this Lease/Option Agreement. Any such assignment will release original Tenant/Buyer from liability and substitute assignee in his/her or its place.

(11) **MAINTENANCE AND REPAIRS:** The Tenant/Buyer accepts the property "as is" on the date of execution of this Lease/Option except for items listed in paragraph (13). The Tenant/Buyer shall henceforth be responsible for all maintenance and repair upon said property, both interior and exterior. The Tenant/Buyer shall have the right to make such repairs, maintenance, and improvements as Tenant/Buyer shall deem necessary proper or desirable. The Tenant/Buyer shall be solely liable for payment for said improvements and shall hold the Landlord/Seller nameless there from, except that any electric, plumbing, heating or cooling system that is out of order or any repairs exceeding \$ N/A at the commencement of this lease or within 30 days thereafter will be repaired by the landlord/Seller at his/her expense. If the landlord/Seller can not or will not make the repairs necessary the Tenant/Buyer will have the option of either voiding this agreement by written notice to the landlord/Seller or making such repairs and, a) receiving a reimbursement from the next monthly payment or payments due the Landlord/Seller or, b) receiving a credit against the purchase price plus interest at 10% per annum from date of payment.

(12) **BINDING AGREEMENTS:** The parties hereto agree that this Lease/Option comprises the entire agreement of the parties and that no other representation or agreements have been made or relied upon, and that this Lease/Option agreement shall inure to the benefit of and shall be binding upon the parties, their heirs, executors, administrators, personal representatives, successors or assigns.

(13) SPECIAL PROVISIONS:

(A) The landlord/Seller will complete the following by _____ N/A _____ or this Lease/Option will become null and void and all monies disbursed by Tenant/Buyer will be immediately refunded by Landlord/Seller or, at Tenant/Buyers option, these items will be completed by Tenant/Buyer and the cost of same will be recovered as provided for in paragraph (11) in which case this lease will continue in force. _____ provisions
Other _____

(B) A TITLE SEARCH will be ordered immediately by the Tenant/Buyer. This cost will be borne by the Tenant/Buyer unless it is discovered that Landlord/Seller has unmarketable title in which case the Landlord/Seller will reimburse Tenant/Buyer the cost of the search. If the title is unmarketable the Tenant/Buyer will then have the option to void this agreement or proceed as agreed herewith.

(C) A WOOD DESTROYING ORGANISM REPORT will be ordered by the Tenant/Buyer within N/A days after execution of this agreement. If live wood destroying organisms or rotten wood or damage exceeding \$ _____ is found Landlord/Seller agrees to repair and have treated at his/her expense. If Landlord/Seller cannot or will not pay for the repairs and treatment, Tenant/Buyer may elect to do so or void this agreement and receive a rebate for cost incurred.

OPTION TO PURCHASE TERMS

(14) **PRICE AND TERMS:** The Tenant/Buyer agrees to pay for said property the sum of \$ 190,000.00 MINUS \$10,000.00 DEPOSIT TOTAL \$180,000.00 PAYOFF less any sums for which the Tenant/Buyer is entitled to claim reimbursement or offset in accordance with this agreement; the net sum to be paid in cash, certified check, or cashiers check at closing.

(15) **INCLUDED IN THE PURCHASE:** The property shall also include all land, together with all improvements thereon, all appurtenant rights, privileges, easements, buildings, fixtures, heating, electrical, plumbing and air conditioning fixtures and facilities, window shades, venetian blinds, awnings, curtain rods, screens, storm windows and doors, affixed mirrors, wall to wall carpeting, stair carpeting, built in kitchen appliances, bath-room fixtures, radio and television aenials, landscaping and shrubbery, water softeners, garage door openers and operating devices, and all utility or storage buildings or sheds, range and refrigerator. The property shall also include the following items: _____

(16) **TITLE:** The Landlord/Seller shall convey marketable title to the property with the above described inclusions, by good and sufficient General Warranty Deed in fee simple absolute, on or before closing; said title to be free, clear, and unencumbered except existing mortgages restrictions and easements of record shown in paragraph (9). Title to be conveyed to the Tenant/Buyer and/or assigns.

(17) **CLOSING:** The deed shall be delivered and the purchase money shall be paid at the lending institution's, or other office, of Tenant/Buyer's choice, no later than sixty (60) days after notification to the Landlord/Seller of the Tenant/Buyer's exercise of the option.

(18) **COSTS AND PRORATIONS:** There shall be prorated between the landlord/Seller and the Tenant/Buyer, as of date of closing, the following items: (a) All real estate taxes and assessments; (b) Interest on encumbrances assumed or taken over by Tenant/Buyer with the Tenant/Buyer having responsibility for such items as follows:

Landlord/Seller will pay: _____

Tenant/Buyer will pay: _____

Attachment 2 Lease Agreement

(19) **INSURANCE:** While this option shall remain executory and up until the time of closing, the Landlord/Seller shall maintain fire and extended coverage upon the property, and immediately convert the owner occupied (if applicable) policy to a non owner occupied policy. In the event of loss or destruction in whole or in part of said property, the Tenant/Buyer shall have the option to proceed with the closing and accept the insurance proceeds for said damage, or to declare this Lease/Option null and void, releasing both parties from any obligations hereunder, except for the return of reimbursable expenses previously paid by Tenant/Buyer which amounts shall become immediately due and payable from the insurance proceeds. Upon closing, the Tenant/Buyer shall be responsible for fire and extended coverage from that date forward.

(20) In the event this agreement is placed in the hands of an attorney for enforcement the prevailing party shall be entitled to recover court costs and attorney fees.

IN WITNESS WHEREOF: the parties hereto, have set their hands to this Lease/Option Agreement on this 29 day of August, 2019

WITNESS:

Landlord/Seller

Tenant/Buyer

Landlord/Seller

Tenant/Buyer

Attachment 3

Email with Lunas

Attachment 3

From: [Kevin Adoor](#)
To: [DANIEL MADRIGAL](#)
Subject: RE: Dumpster info
Date: Monday, November 18, 2019 9:21:00 AM

Thank you.

Kevin Adoor

Air Quality Specialist II
Clark County Department of Air Quality
4701 W Russell Road, Suite 200
Las Vegas, NV 89118
(702) 218-9867

From: DANIEL MADRIGAL [mailto:DANIEL@LUNASINC.COM]
Sent: Monday, November 18, 2019 9:20 AM
To: Kevin Adoor <ADOOR@ClarkCountyNV.gov>
Subject: RE: Dumpster info

Morning,

The dumpster volume on site is 16 cubic yard.

From: Kevin Adoor [mailto:ADOOR@ClarkCountyNV.gov]
Sent: Monday, November 18, 2019 9:02 AM
To: DANIEL MADRIGAL <DANIEL@LUNASINC.COM>
Subject: RE: Dumpster info

Good morning Daniel,

Can you confirm if the dumpster's volume is 15 or 20 cubic yards?

Thank you,

Kevin Adoor

Air Quality Specialist II
Clark County Department of Air Quality
4701 W Russell Road, Suite 200
Las Vegas, NV 89118
(702) 218-9867

From: Kevin Adoor
Sent: Friday, November 15, 2019 3:34 PM

Attachment 3

To: DANIEL MADRIGAL <DANIEL@LUNASINC.COM>

Subject: RE: Dumpster info

Daniel,

Thank you for your assistance.

Regards,

Kevin Adoor

Air Quality Specialist II
Clark County Department of Air Quality
4701 W Russell Road, Suite 200
Las Vegas, NV 89118
(702) 218-9867

From: DANIEL MADRIGAL [<mailto:DANIEL@LUNASINC.COM>]

Sent: Friday, November 15, 2019 3:32 PM

To: Kevin Adoor <ADOOR@ClarkCountyNV.gov>

Subject: RE: Dumpster info

Per our conversation, here is the information requested.

Phone number 7028128357 – Michael Perry – called into Lunas main office at 2:54 PM on 11/15/19 requesting removal of dumpster at 1430 East Desert Inn, Las Vegas, NV 89169.

Daniel Madrigal
702.303.8431

From: Kevin Adoor [<mailto:ADOOR@ClarkCountyNV.gov>]

Sent: Friday, November 15, 2019 3:05 PM

To: DANIEL MADRIGAL <DANIEL@LUNASINC.COM>

Subject: RE: Dumpster info

Importance: High

Daniel,

Thank you for the update. An asbestos survey has not been performed and the dumpster contains suspect Regulated Asbestos Containing Materials (RACM). The dumpster should not be removed until an asbestos survey is performed and the asbestos content of the materials are determined. Can you please provide the exact time he called for the pick-up?

Thank you,

Attachment 3

Kevin Adoor

Air Quality Specialist II
Clark County Department of Air Quality
4701 W Russell Road, Suite 200
Las Vegas, NV 89118
(702) 218-9867

From: DANIEL MADRIGAL [<mailto:DANIEL@LUNASINC.COM>]

Sent: Friday, November 15, 2019 3:00 PM

To: Kevin Adoor <ADOOR@ClarkCountyNV.gov>

Subject: RE: Dumpster info

Customer called in for removal of bin. Advise what you find out and let me know if we can remove. I won't send until I hear back from you.

Daniel M.
702.303.8431

From: Kevin Adoor [<mailto:ADOOR@ClarkCountyNV.gov>]

Sent: Friday, November 15, 2019 2:45 PM

To: DANIEL MADRIGAL <DANIEL@LUNASINC.COM>

Subject: RE: Dumpster info

Good afternoon Daniel,

Thank you for providing the contact information for the dumpster located at 1430 East Desert Inn, Las Vegas, NV 89169. Is the dumpster a 15 cubic yard or a 20 cubic yard dumpster?

Thank you,

Kevin Adoor

Air Quality Specialist II
Clark County Department of Air Quality
4701 W Russell Road, Suite 200
Las Vegas, NV 89118
(702) 218-9867

From: DANIEL MADRIGAL [<mailto:DANIEL@LUNASINC.COM>]

Sent: Friday, November 15, 2019 2:42 PM

To: Kevin Adoor <ADOOR@ClarkCountyNV.gov>

Subject: Dumpster info

Attachment 3

1430 E Desert Inn Rd.

Customer info: Michael Perry (702) 812-8357

Daniel M.
702.303.8431

Attachment 4

Digital Photographs



Photograph 1: November 15, 2019, at approximately 1:29 PM - View of the west side of 1480 E. Desert Inn Road, fire damaged debris on the ground, and a 16 cubic yard dumpster. The fire damaged debris included suspect asbestos-containing building materials. The dumpster was rented by Michael Perry who was also leasing the building.



Photograph 2: November 15, 2019, at approximately 1:30 PM - View of fire damaged building materials in a 16 cubic yard dumpster. The debris was in a dry condition with no evidence of moisture.



Photograph 3: November 15, 2019, at approximately 1:51 PM - View of fire damaged acoustic ceiling texture (ACT) debris in the 16 cubic yard dumpster. The ACT debris was sampled and later determined to contain 2% Chrysotile Asbestos. The ACT debris was in a dry condition.



Photograph 4: November 15, 2019, at approximately 1:53 PM - View of Sample #191086-1 obtained from the ACT depicted in Photograph #3.



Photograph 5: November 15, 2019, at approximately 1:35 PM – View of the front door to Unit #1 which was open and the board securing it was removed.



Photograph 6: November 15, 2019, at approximately 1:55 PM - View of a waste bin in the north room (Master Bedroom) of Unit 1. Note the lack of a significant amount of debris on the floor.



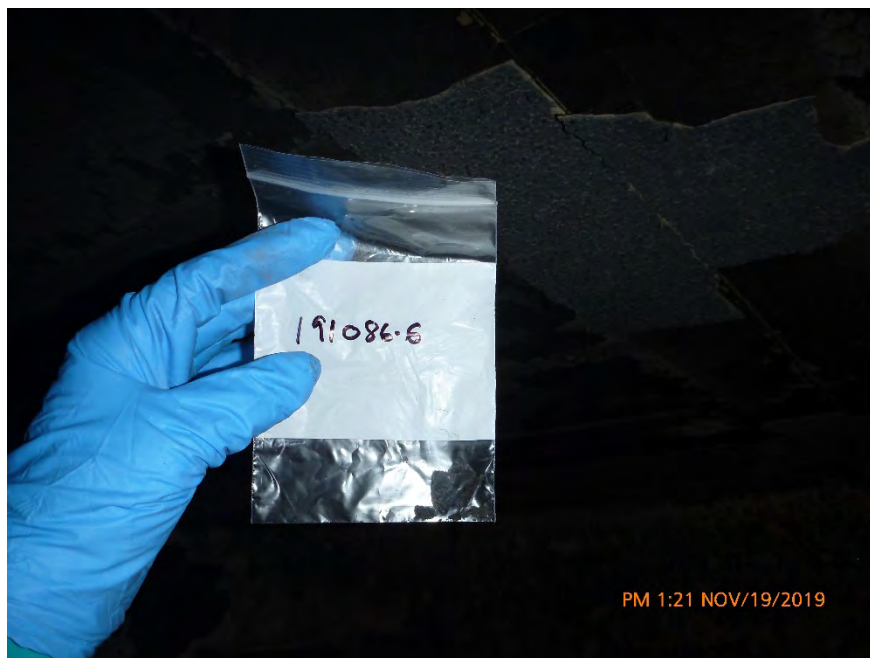
Photograph 7: November 15, 2019, at approximately 1:56 PM – Dry ACT debris on the floor of the north room of Unit #1. The material was sampled and later determined to contain 10% Chrysotile Asbestos.



Photograph 8: November 15, 2019, at approximately 1:57 PM - View of Sample #191086-2 obtained from the material depicted in Photograph #7.



Photograph 9: November 19, 2019, at approximately 1:20 PM – View of the north room of Unit #1. Nearly all of the ACT is missing and there are several holes in the ceiling. Despite the missing materials, the floor of the north room in Unit #1 contained almost no debris (See Photograph #'s 6 & 7). The material was sampled and later determined to contain 5% Chrysotile Asbestos.



Photograph 10: November 19, 2019, at approximately 1:21 PM – View of Sample #191086-6 obtained from the material depicted in Photograph #9.



Photograph 11: November 15, 2019, at approximately 1:59 PM – View of the north room (master bedroom) of Unit #3. Nearly all of the ACT is missing and there are several holes in the ceiling. Despite the missing materials, the floor of the north room in Unit #3 contained almost no debris.



Photograph 12: November 15, 2019, at approximately 1:59 PM – View of a waste bin, a wide mouth shovel, and a broom in the north room of Unit #3. Note the absence of fire damaged debris in the photograph. Shovels like the one depicted in the photograph are typically used for the removal of materials such as soil, ash, ACT debris, etc...



Photograph 13: November 15, 2019, at approximately 2:00 PM - View of the balcony of the north room of Unit #3 overlooking the 16 cubic yard dumpster. Note the accumulation of fire damaged debris along the bottom edge of the guard rail which suggests the fire damaged debris was swept over the edge. Also note the presence of fire damaged drywall on the pavement adjacent to the dumpster.



Photograph 14: November 15, 2019, at approximately 2:01 PM – View of ACT debris on the floor of the north room of Unit #3. The material was sampled and determined to contain 10% Chrysotile Asbestos.



Photograph 15: November 15, 2019, at approximately 2:01 PM – View of Sample #191086-3 obtained from the material depicted in Photograph #14.



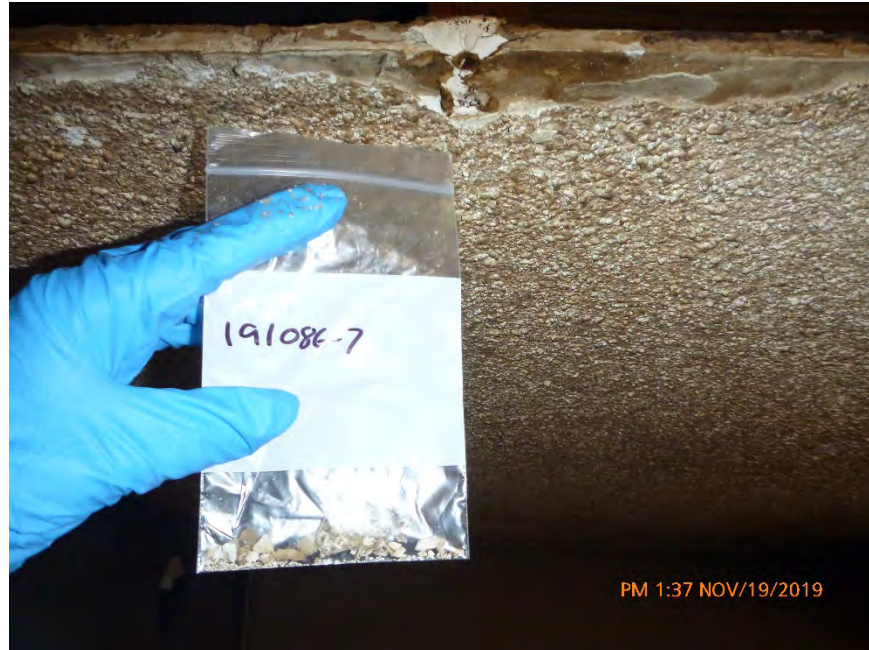
Photograph 16: November 19, 2019, at approximately 1:39 PM – View of Residual ACT on the ceiling of the north room of Unit #3. The material was sampled and determined to contain 5% Chrysotile Asbestos.



Photograph 17: November 19, 2019, at approximately 1:40 PM – View of Sample #191086-8 obtained from the material depicted in Photograph #16.



Photograph 18: November 19, 2019, at approximately 1:32 PM – View of ACT on the ceiling of the west room of Unit #3. The material was sampled and determined to contain 5% Chrysotile Asbestos.



Photograph 19: November 19, 2019, at approximately 1:37 PM – View of Sample #191086-7 obtained from the material depicted in Photograph #18.



Photograph 20: November 18, 2019, at approximately 12:45 PM – View of the west side of the building and the 16 cubic yard dumpster. All of the fire damaged debris present in Photograph #'s 1 and 13 has been removed. On November 15, 2019, Mr. Adoor warned Mr. Perry there should be no further disturbance of any suspect asbestos-containing materials, including the removal of debris. There are also burn marks on the dumpster from a fire that occurred sometime after Mr. Adoor's visit on November 15, 2019, and his return visit to the property on November 18, 2019 (See Photograph #1 where the dumpster is free of burn marks).



Photograph 21: November 18, 2019, at approximately 12:45 PM – View of the 16 cubic yard dumpster with significantly more material than what was documented on November 15, 2019 (See Photograph #2). The condition of the additional material at the time it was placed in the dumpster is unknown. However, it was fire damaged at the time of the photograph. The dumpster contains asbestos-containing waste materials (ACWM) and is not covered. On November 15, 2019, Mr. Adoor informed Mr. Perry the dumpster should be covered with plastic sheeting due to the potential presence of asbestos-containing materials, and to minimize the potential for public exposure if such materials were present.



Photograph 22: November 19, 2019, at approximately 12:47 PM - View of the 16 cubic yard dumpster which contains ACWM. The dumpster remains uncovered.



Photograph 23: November 20, 2019, at approximately 12:49 PM - View of the 16 cubic yard dumpster which contains ACWM. The dumpster remains uncovered and is not posted with asbestos warning signs.



Photograph 24: November 21, 2019, at approximately 11:30 AM - View of the 16 cubic yard dumpster which contains ACWM. The dumpster remains uncovered and is not posted with asbestos warning signs.



Photograph 25: November 15, 2019 at approximately 2:39 PM – View of the parking space of a family, including a child, that resides at the building to the direct west of 1430 East Desert Inn Road. The family’s vehicle is parked less than 10 feet away from the dumpster containing ACWM. Mr. Adoor repeatedly asked Mr. Perry to cover the dumpster on November 15 and 18, 2019. On November 19, 20 and 21, 2019, Mr. Adoor directed Mr. Perry to seal the dumpster with plastic sheeting and to post asbestos warning signs.



Photograph 26: November 22, 2019, at approximately 12:23 PM - View of the 16 cubic yard dumpster which contains ACWM. The dumpster is sealed but asbestos warning signs are not posted.



Photograph 27: December 2, 2019, at approximately 1:03 PM - View of the 16 cubic yard dumpster which contains ACWM. The dumpster is no longer sealed.



Photograph 28: December 5, 2019, at approximately 1:24 PM - View of the 16 cubic yard dumpster which contains ACWM. The dumpster is no longer sealed and debris has been removed (See Photograph #24 regarding the amount of material that was previously in the dumpster).



Photograph 29: December 10, 2019, at approximately 9:59 AM - View of the 16 cubic yard dumpster which contains ACWM. The dumpster is no longer sealed.



Photograph 30: December 11, 2019, at approximately 1:20 PM - View of the 16 cubic yard dumpster which contains ACWM. The dumpster remains unsealed.



Photograph 31: January 2, 2020, at approximately 10:50 AM - View of an asbestos worker setting up containment in preparation for the abatement of the 16 cubic yard dumpster which contained ACWM.

Attachment 5

Chain of Custody and Laboratory Reports for Samples 191086-1 through 191086-5

Attachment 5



Analysis Request Form (COC)

Client Name & Address: Clark County Department of Air Quality 4701 W. Russell Road, Suite 200 Las Vegas, NV 89118	Client No.:	PO / Job#: 4500307754-010	Date: 11/15/2019
Contact: Kevin Adoor		Phone: (702) 218-9867	
E-mail: adoor@clarkcountynv.gov		Turn Around Time: Same Day / <input checked="" type="checkbox"/> 1Day / 2Day / 3Day / 4Day / 5Day	
Site Name: 191086		<input type="checkbox"/> PCM: <input type="checkbox"/> NIOSH 7400A / <input type="checkbox"/> NIOSH 7400B <input type="checkbox"/> Rotometer <input type="checkbox"/> PLM: <input type="checkbox"/> Standard / <input type="checkbox"/> Point Count 400-1000 / <input type="checkbox"/> CARB 435	
Site Location: 1430 E Desert Inn Road		<input type="checkbox"/> TEM Air: <input type="checkbox"/> AHERA / <input type="checkbox"/> Yamate2 / <input type="checkbox"/> NIOSH 7402 <input type="checkbox"/> TEM Bulk: <input type="checkbox"/> Quantitative / <input type="checkbox"/> Qualitative / <input type="checkbox"/> Chatfield <input type="checkbox"/> TEM Water: <input type="checkbox"/> Potable / <input type="checkbox"/> Non-Potable / <input type="checkbox"/> Weight % <input type="checkbox"/> TEM Microvac: <input type="checkbox"/> Qual / <input type="checkbox"/> D5755(str/area) / <input type="checkbox"/> D5756(str/mass)	
Comments:		<input type="checkbox"/> IAQ Particle Identification (PLM LAB) <input type="checkbox"/> PLM Opaques/Soot <input type="checkbox"/> Particle Identification (TEM LAB) <input type="checkbox"/> Special Project <input type="checkbox"/> Metals Analysis Matrix: Method: Analytes:	

	<input type="checkbox"/> Silica in Air <input type="checkbox"/> w/Gravimetry <input type="checkbox"/> Quartz Only
--	--

Sample ID	Date / Time	Sample Location / Description	FOR AIR SAMPLES ONLY				Sample Area / Air Volume
			Type	Time On/Off	Avg LPM	Total Time	
191086-1	11/15/19 1:53PM+	In Dumpster / Friable Fire Damaged Debris	A P C				
191086-2	11/15/19 1:57 PM+	North Room of Unit 1 / Friable ACT Debris	A P C				
191086-3	11/15/19 2:01PM+	North Room of Unit 3 / Friable ACT Debns	A P C				
191086-4	11/15/19 2:07PM+	North Room of Unit 3 / Friable Wall Texture Debris	A P C				
191086-5	11/15/19 2:07PM+	In Dumpster / Friable Fire Damaged Debris	A P C				
			A P C				
			A P C				
			A P C				
			A P C				

Sampled By: Kevin Adoor		Date/Time: 11/15/19		Shipped Via: <input type="checkbox"/> Fed Ex <input type="checkbox"/> UPS <input type="checkbox"/> US Majl <input type="checkbox"/> Courier <input type="checkbox"/> Drop Off <input type="checkbox"/> Other:			
Relinquished By: <i>[Signature]</i>		Relinquished By:		Relinquished By:			
Date / Time: 11/15/19 1614		Date / Time:		Date / Time:			
Received By: <i>[Signature]</i>		Received By:		Received By:			
Date / Time: 11/15/19 1617		Date / Time:		Date / Time:			
Condition Acceptable? <input type="checkbox"/> Yes <input type="checkbox"/> No		Condition Acceptable? <input type="checkbox"/> Yes <input type="checkbox"/> No		Condition Acceptable? <input type="checkbox"/> Yes <input type="checkbox"/> No			

SGS Forensic Laboratories may subcontract client samples to other SGSFL locations to meet client requests.
 San Francisco Office: 3777 Depot Road, Suite 409, Hayward, CA 94545-2761 • Phone: 510/887-8828 • 800/827-3274
 Los Angeles Office: 2959 Pacific Commerce Drive, Rancho Dominguez, CA 90221 • Phone: 310/763-2374 • 888/813-9417
 Las Vegas Office: 6765 S. Eastern Avenue, Suite 3, Las Vegas, NV 89119 • Phone: 702/784-0040

Bulk Asbestos Analysis

(EPA Method 40CFR, Part 763, Appendix E to Subpart E and EPA 600/R-93-116, Visual Area Estimation)
NVLAP Lab Code: 200908-0

Clark County Air Quality Management
Kevin Adoor
Dept. of Air Quality
4701 W. Russell Road, Ste 200
Las Vegas, NV 89118

Client ID: 4239
Report Number: B296137
Date Received: 11/15/19
Date Analyzed: 11/18/19
Date Printed: 11/20/19
First Reported: 11/18/19

Job ID/Site: 4500307754-010, 191086, 1430 E Desert Inn Road

SGSFL Job ID: 4239
Total Samples Submitted: 5
Total Samples Analyzed: 5

Date(s) Collected: 11/15/2019

Sample ID	Lab Number	Asbestos Type	Percent in Layer	Asbestos Type	Percent in Layer	Asbestos Type	Percent in Layer
191086-1	01232590						
Layer: Off-White Drywall			ND				
Layer: Grey Semi-Fibrous Material		Chrysotile	2 %				
Layer: Black Debris			ND				
Total Composite Values of Fibrous Components:		Asbestos (Trace)					
Cellulose (20 %) Fibrous Glass (10 %)							
Comment: Wipe/Microvac/Debris sample: Quantitative data may not be repeatable or represent the entire sample.							
191086-2	01232591						
Layer: Grey Semi-Fibrous Material		Chrysotile	10 %				
Layer: Paint			ND				
Total Composite Values of Fibrous Components:		Asbestos (10%)					
Cellulose (Trace)							
191086-3	01232592						
Layer: Grey Semi-Fibrous Material		Chrysotile	10 %				
Layer: Paint			ND				
Total Composite Values of Fibrous Components:		Asbestos (10%)					
Cellulose (Trace)							
191086-4	01232593						
Layer: Multi-Layer Paint			ND				
Layer: Grey Texture			ND				
Layer: Paint			ND				
Total Composite Values of Fibrous Components:		Asbestos (ND)					
Cellulose (Trace)							
191086-5	01232594						
Layer: Off-White Drywall			ND				
Layer: Multi-Layer Paint			ND				
Layer: Grey Texture/ Debris			ND				
Total Composite Values of Fibrous Components:		Asbestos (ND)					
Cellulose (25 %)							
Comment: Wipe/Microvac/Debris sample: Quantitative data may not be repeatable or represent the entire sample.							

Attachment 5

Client Name: Clark County Air Quality Management

Report Number: B296137

Date Printed: 11/20/19

Sample ID	Lab Number	Asbestos Type	Percent in Layer	Asbestos Type	Percent in Layer	Asbestos Type	Percent in Layer
-----------	------------	---------------	------------------	---------------	------------------	---------------	------------------

Ryan Sutcliffe, Laboratory Supervisor, Las Vegas Laboratory

Note: Limit of Quantification ('LOQ') = 1%. 'Trace' denotes the presence of asbestos below the LOQ. 'ND' = 'None Detected'.

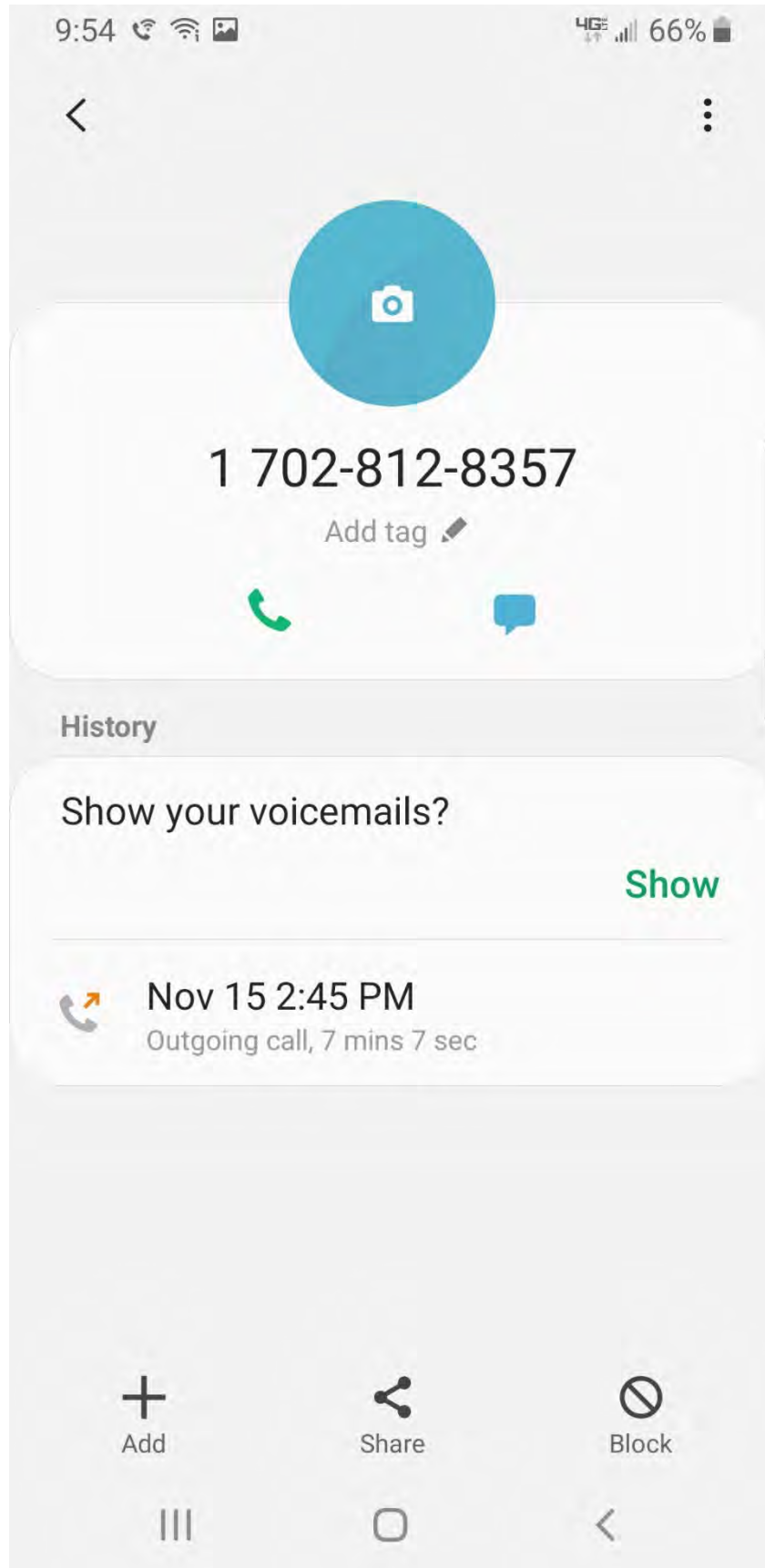
Analytical results and reports are generated by SGS Forensic Laboratories (SGSFL) at the request of and for the exclusive use of the person or entity (client) named on such report. Results, reports or copies of same will not be released by SGSFL to any third party without prior written request from client. This report applies only to the sample(s) tested. Supporting laboratory documentation is available upon request. This report must not be reproduced except in full, unless approved by SGSFL. The client is solely responsible for the use and interpretation of test results and reports requested from SGSFL. SGSFL is not able to assess the degree of hazard resulting from materials analyzed. SGS Forensic Laboratories reserves the right to dispose of all samples after a period of thirty (30) days, according to all state and federal guidelines, unless otherwise specified. All samples were received in acceptable condition unless otherwise noted.



Attachment 6

Telephone Record w/ Perry 11/15/2019

Attachment 6 Phone Record with Perry 11/15/2019



Attachment 7
Email Correspondence with Moellinger

Attachment 7

From: [Kevin Adoor](#)
To: [Derek Moellinger](#)
Subject: RE: 1430 East Desert Inn
Date: Wednesday, November 20, 2019 4:37:00 PM

Thank you Derek.

Kevin Adoor
Air Quality Specialist II
Clark County Department of Air Quality
4701 W Russell Road, Suite 200
Las Vegas, NV 89118
(702) 218-9867

-----Original Message-----

From: Derek Moellinger [<mailto:derek@vicerealtygroup.com>]
Sent: Wednesday, November 20, 2019 4:36 PM
To: Kevin Adoor <ADOOR@ClarkCountyNV.gov>
Subject: RE: 1430 East Desert Inn
Importance: High

That's correct.

On Wed, November 20, 2019 11:55 am, Kevin Adoor wrote:

> Good morning Derek,
>
>
> After reading your response, I believe you are saying nothing was
> removed prior to Mr. Perry signing the lease agreement and taking
> control of the property. Is this correct?

>
> Regards,
>
>
> Kevin Adoor
> Air Quality Specialist II
> Clark County Department of Air Quality
> 4701 W Russell Road, Suite 200
> Las Vegas, NV 89118
> (702) 218-9867

>
>
> -----Original Message-----
> From: Derek Moellinger [<mailto:derek@vicerealtygroup.com>]
> Sent: Wednesday, November 20, 2019 9:51 AM
> To: Kevin Adoor <ADOOR@ClarkCountyNV.gov>
> Subject: RE: 1430 East Desert Inn
> Importance: High

>
>
> Kevin,
>
>
> Nothing was removed the fire department hired a company to come out
> and board everything up the day of the fire.

Attachment 7

>
> Thank you,
>
>
> Derek
>
>
> On Wed, November 20, 2019 10:07 am, Kevin Adoor wrote:
>
>> Good morning Derek,
>>
>>
>>
>> I have one last question. After the fire which occurred on or about
>> June 28, 2019, did the fire damaged debris in Unit #'s 1 and 3 remain
>> in the building or was the debris removed prior to Mr. Perry signing
>> the lease agreement on August 29, 2019?
>>
>> Thank you,
>>
>>
>>
>> Kevin Adoor
>> Air Quality Specialist II
>> Clark County Department of Air Quality
>> 4701 W Russell Road, Suite 200
>> Las Vegas, NV 89118
>> (702) 218-9867
>>
>>
>>
>> -----Original Message-----
>> From: Kevin Adoor
>> Sent: Tuesday, November 19, 2019 3:06 PM
>> To: Derek Moellinger <derek@vicerealtygroup.com>
>> Subject: RE: 1430 East Desert Inn
>>
>>
>>
>> Derek,
>>
>>
>>
>> Thank you for the correction and for providing a copy of the lease
>> agreement.
>>
>> Regards,
>>
>>
>>
>> Kevin Adoor
>> Air Quality Specialist II
>> Clark County Department of Air Quality
>> 4701 W Russell Road, Suite 200
>> Las Vegas, NV 89118
>> (702) 218-9867
>>

Attachment 7

>>

>>

>> -----Original Message-----

>> From: Derek Moellinger [<mailto:derek@vicerealtygroup.com>]

>> Sent: Tuesday, November 19, 2019 2:30 PM

>> To: Kevin Adoor <ADOOR@ClarkCountyNV.gov>

>> Subject: Re: 1430 East Desert Inn

>> Importance: High

>>

>>

>>

>> Kevin,

>>

>>

>>

>> Most of your information is correct except for statement 3, I did

>> tell Michael not perform any work as you would be coming for him if he did.

>> He was made aware that the building had asbestos and is also renting

>> with the intent to purchase the building "as is." I have attached the

>> lease agreement with option to purchase per your request.

>>

>> Derek

>>

>>

>>

>>

>> On Mon, November 18, 2019 5:49 pm, Kevin Adoor wrote:

>>

>>

>>> Good afternoon Derek,

>>>

>>>

>>>

>>>

>>> Can you please confirm if the following are correct:

>>>

>>>

>>>

>>>

>>>

>>> 1. Vice Realty Group, LLC is managing the property located at

>>> 1430

>>> East Desert Inn Road which is currently owned by Fire Camp

>>> Properties, LLC.

>>>

>>>

>>>

>>>

>>> 2. Michael Perry is currently leasing the property located at

>>> 1430

>>> East Desert Inn Road and is also in a contract with Fire Camp

>>> Properties, LLC to purchase the property. The close of escrow is

>>> expected to be on or about November 30, 2019.

>>>

>>> 3. When Mr. Perry signed the lease he was not informed by Vice

>>> Realty Group, LLC that the building may contain asbestos or that an

>>> asbestos survey was required prior to any renovations.

Attachment 7

>>>
>>> 4. Prior to the signing of the lease agreement or at the time
>>> of signing, you informed Mr. Perry there should be no renovations or
>>> work at the property until the close of escrow and his purchase of
>>> the property was complete.

>>>
>>> Can you also provide a copy of the lease agreement?

>>>
>>>
>>>
>>>

>>> Your cooperation is greatly appreciated.

>>>
>>>
>>>
>>>

>>> Regards,

>>>
>>>
>>>
>>>

>>> Kevin Adoor
>>> Air Quality Specialist II
>>> Clark County Department of Air Quality
>>> 4701 W Russell Road, Suite 200
>>> Las Vegas, NV 89118
>>> (702) 218-9867

>>>
>>>
>>>
>>>
>>>

>>
>
>
>

Attachment 8
Email Correspondence with Perry

Attachment 8

From: Kevin Adoor
Sent: Friday, January 3, 2020 11:43 AM
To: Michael Perry <snmc.mperry@gmail.com>
Cc: Anna Sutowska <Anna.Sutowska@ClarkCountyNV.gov>; Michael Perry <swf.mperry@gmail.com>; swfmperry@gmail.com; Derek Moellinger <derek@vicerealtygroup.com>; Larry Carter <larry@msenational.com>; Whitney Francis <FRANCISW@ClarkCountyNV.gov>
Subject: RE: 1430 E. Desert Inn Road

Good afternoon Mr. Perry,

At this time, removal of the 16 cubic yard would not be in violation of the Air Quality Regulations so long as no asbestos-containing waste materials were placed inside since I left the facility this morning.

Regards,

Kevin Adoor
Air Quality Specialist II
Clark County Department of Air Quality
4701 W Russell Road, Suite 200
Las Vegas, NV 89118
(702) 218-9867

//

From: Michael Perry [<mailto:snmc.mperry@gmail.com>]
Sent: Friday, January 3, 2020 10:52 AM
To: Kevin Adoor <ADOOR@ClarkCountyNV.gov>
Cc: Anna Sutowska <Anna.Sutowska@ClarkCountyNV.gov>; Michael Perry <swf.mperry@gmail.com>; swfmperry@gmail.com; Derek Moellinger <derek@vicerealtygroup.com>; Larry Carter <larry@msenational.com>; Whitney Francis <FRANCISW@ClarkCountyNV.gov>
Subject: Re: 1430 E. Desert Inn Road

Thank you sir I'll be by the property later on today.
Am I free to have the dumpster removed
I will also secure the plywood today

thank you for your help throughout this let me gather up some more cash and we will work on units one and three and I'll be in touch

Sent from my iPhone

//

From: Kevin Adoor
Sent: Friday, January 3, 2020 10:13 AM
To: Anna Sutowska <Anna.Sutowska@ClarkCountyNV.gov>; Michael Perry <swf.mperry@gmail.com>
Cc: Michael Perry <snmc.mperry@gmail.com>; swfmperry@gmail.com; Derek Moellinger <derek@vicerealtygroup.com>; Larry Carter <larry@msenational.com>; Whitney Francis

Attachment 8

<FRANCISW@ClarkCountyNV.gov>
Subject: RE: 1430 E. Desert Inn Road
Importance: High

Good morning Mr. Perry,

I just visited the property and confirmed that the dumpster has been abated of all asbestos-containing waste material (ACWM). However, ACWM remains in Units 1 and 3. Please ensure that these two apartments are secured until they are decontaminated of all ACWM. As of the writing of this email, the plywood securing the patio entrance to the master bedroom of Unit 1 is no longer secured to the building. Plywood securing the front entrances of Unit 1 facing Desert Inn Road also appears to be unsecured.

Per my email sent to you on November 21, 2019, my report will now be finalized and you will be provided a copy as soon as it is available. The report should be completed by the end of next week, January 10, 2020.

Regards,

Kevin Adoor
Air Quality Specialist II
Clark County Department of Air Quality
4701 W Russell Road, Suite 200
Las Vegas, NV 89118
(702) 218-9867

////////////////////////////////////

From: Anna Sutowska
Sent: Tuesday, December 17, 2019 8:35 AM
To: Michael Perry <swf.mperry@gmail.com>; Kevin Adoor <ADOOR@ClarkCountyNV.gov>
Cc: Michael Perry <snmc.mperry@gmail.com>; swfmperry@gmail.com; Derek Moellinger <derek@vicerealtygroup.com>; Larry Carter <larry@msenational.com>; Whitney Francis <FRANCISW@ClarkCountyNV.gov>
Subject: RE: 1430 E. Desert Inn Road

Good morning Mr. Perry,
Kevin is out of the office until December 26, 2019.

As stated in his email to you on November 20, 2019, "DAQ will grant an emergency waiver of the mandatory 10 working day waiting period to allow for the abatement of ACWM from the 16 cubic yard dumpster to occur as soon as possible. *Please start making all arrangements necessary to abate the 16 cubic yard dumpster of all ACWM due to its presence in areas that are accessible to the public and experience frequent pedestrian traffic.*"

Once, the abatement contractor submits the notifications for the material in the dumpster, Air Quality Specialist Whitney Francis will provide them with the approval in Kevin's place. The abatement should be scheduled immediately.

Attachment 8

Regards,

Anna Sutowska
Air Quality Supervisor
Clark County Department of Air Quality
4701 W. Russell Rd., Suite 200
Las Vegas, NV 89118

Office: 702-455-0666
Cell: 702-378-9780
Fax: 702-383-9994

For any dust permit information or forms, please go to the link posted below.

http://www.clarkcountynv.gov/airquality/compliance/Pages/Compliance_DustForms.aspx

//

From: Michael Perry [<mailto:swf.mperry@gmail.com>]
Sent: Monday, December 16, 2019 3:06 PM
To: Kevin Adoor <ADOOR@ClarkCountyNV.gov>
Cc: Michael Perry <snmc.mperry@gmail.com>; swfmperry@gmail.com; Derek Moellinger <derek@vicerealtygroup.com>; Anna Sutowska <Anna.Sutowska@ClarkCountyNV.gov>; Larry Carter <larry@msenational.com>; Whitney Francis <FRANCISW@ClarkCountyNV.gov>
Subject: Re: 1430 E. Desert Inn Road

hi guys just giving you a heads up I contracted with A&i asbestos removal comyothey will be emptying out the dumpster and should be contacting you shortly to coordinate Permits and planning I hope this suffices I'm not sure of the timeline on this but it may be into 2020 please let me know if this is OK or if any fees are going to occur so I'm prepared and can go to the money tree talk to you soon thanks

Sent from my iPhone

//

On Dec 11, 2019, at 1:56 PM, Kevin Adoor <ADOOR@clarkcountynv.gov> wrote:

Good afternoon Mr. Perry,

The county security system withheld your message sent yesterday afternoon at 12:12 p.m. (inserted below) and I just received it. The area of the plastic sheeting that needs to be re-sealed is the obvious hole on top, near the east edge of the dumpster. I apologize for the delayed response.

Regards,

Kevin Adoor
Air Quality Specialist II

Attachment 8

Clark County Department of Air Quality
4701 W Russell Road, Suite 200
Las Vegas, NV 89118
(702) 218-9867

////////////////////////////////////

From: Kevin Adoor
Sent: Wednesday, December 11, 2019 12:07 PM
To: Michael Perry <snmc.mperry@gmail.com>
Cc: Michael Perry <swf.mperry@gmail.com>; swfmperry@gmail.com; Derek Moellinger <derek@vicerealtygroup.com>; Anna Sutowska <Anna.Sutowska@ClarkCountyNV.gov>; Larry Carter <larry@msenational.com>; Whitney Francis <FRANCISW@ClarkCountyNV.gov>
Subject: RE: 1430 E. Desert Inn Road
Importance: High

Good afternoon Mr. Perry,

I just returned to the property and noted the tear in the plastic sheeting covering the dumpster has not been repaired. Please re-seal the dumpster and ensure that it remains sealed until it is abated by a licensed asbestos abatement contractor.

- Each day the dumpster remains unsealed is a violation of 40 CFR 61.150(a) &(a)(1)(iii).

Regards,

Kevin Adoor
Air Quality Specialist II
Clark County Department of Air Quality
4701 W Russell Road, Suite 200
Las Vegas, NV 89118
(702) 218-9867

////////////////////////////////////

From: Michael Perry [<mailto:snmc.mperry@gmail.com>]
Sent: Tuesday, December 10, 2019 12:12 PM
To: Kevin Adoor <ADOOR@ClarkCountyNV.gov>
Cc: Michael Perry <swf.mperry@gmail.com>; swfmperry@gmail.com; Derek Moellinger <derek@vicerealtygroup.com>; Anna Sutowska <Anna.Sutowska@ClarkCountyNV.gov>; Larry Carter <larry@msenational.com>; Whitney Francis <FRANCISW@ClarkCountyNV.gov>
Subject: Re: 1430 E. Desert Inn Road

Kevin I'm here at the property and the dumpster is sealed I'm not sure where you're seeing it's not if you like to meet me here or you could just come by and let me know how much more you want it sealed

Sent from my iPhone

Attachment 8

Please click below to apply
<https://www.blink.mortgage/app/signup/p/southwindfinancialinc/mperry>

////////////////////////////////////

On Nov 21, 2019, at 12:33 PM, Kevin Adoor <ADOOR@clarkcountynv.gov> wrote:

Mr. Perry,

Thank you for your response. For the record, we did not speak with each other today; however, I did leave you a message on your voice mail. Can you also provide an update regarding your efforts to hire a licensed asbestos abatement contractor for the clean-up?

Regards,

Kevin Adoor
Air Quality Specialist II
Clark County Department of Air Quality
4701 W Russell Road, Suite 200
Las Vegas, NV 89118
(702) 218-9867

////////////////////////////////////

From: SNMC [<mailto:snmc.mperry@gmail.com>]
Sent: Thursday, November 21, 2019 12:27 PM
To: Kevin Adoor <ADOOR@ClarkCountyNV.gov>
Cc: Michael Perry <swf.mperry@gmail.com>; swfmperry@gmail.com; Derek Moellinger <derek@vicerealtygroup.com>; Anna Sutowska <Anna.Sutowska@ClarkCountyNV.gov>; Larry Carter <larry@msenational.com>; Whitney Francis <FRANCISW@ClarkCountyNV.gov>
Subject: Re: 1430 E. Desert Inn Road

As per our conversation today the dumpster will be sealed up we have been watering it down daily for the past day It is now ready to be sealed

Michael Perry
Loan Officer
swf.mperry@gmail.com
[702-812-8357](tel:702-812-8357)
Fax: 702-446-0331
MNLS# 371644 MLD 437

Please click below to apply

Attachment 8

From: Kevin Adoor
Sent: Wednesday, November 20, 2019 10:54 AM
To: Michael Perry <swf.mperry@gmail.com>
Cc: SNMC <snmc.mperry@gmail.com>; swfmperry@gmail.com; Derek Moellinger <derek@vicerealtygroup.com>; Anna Sutowska <Anna.Sutowska@ClarkCountyNV.gov>; Larry Carter <larry@msenational.com>; Whitney Francis <FRANCISW@ClarkCountyNV.gov>
Subject: RE: 1430 E. Desert Inn Road
Importance: High

Good morning Mr. Perry,

Yesterday afternoon, I spoke over the telephone with Larry Carter, your asbestos abatement consultant, who stated the acoustic ceiling texture (ACT) throughout Unit #'s 1 and 3 was determined to contain 5% Chrysotile Asbestos. Mr. Carter further stated the wall texture was determined to contain 1% asbestos or less by polarized light microscopy (PLM) but was not further analyzed by point counting using PLM. Unless the wall texture is further analyzed by point counting, it must be assumed to be an asbestos-containing material and treated accordingly. Mr. Carter's sample results of the ACT are consistent with the laboratory results of the samples of ACT I obtained from debris and residue in the fire damaged bedrooms of Unit #'s 1 and 3, and the 16 cubic yard dumpster (2%, 5% & 10% Chrysotile Asbestos). These samples were obtained last Friday, November 15th, and Tuesday, November 19th. The ACT has been determined to be a Regulated Asbestos Containing Material (RACM). The debris from the ACT and all materials contaminated with asbestos from the uncontrolled disturbance of the ACT are Asbestos-Containing Waste Materials (ACWM).

40 CFR 61.141 defines ACWM as follows: **Asbestos-containing waste materials means** mill tailings or any waste that contains commercial asbestos and is generated by a source subject to the provisions of this subpart. This term includes filters from control devices, friable asbestos waste material, and bags or other similar packaging contaminated with commercial asbestos. **As applied to demolition and renovation operations, this term also includes regulated asbestos-containing material waste and materials contaminated with asbestos including disposable equipment and clothing.**

Additionally, since you last spoke with my supervisor, Anna Sutowska, I received a laboratory report from a sample of fire damaged ACT debris in the dumpster which was determined to contain 2% Chrysotile Asbestos (Sample #191086-1, Reports Attached). Therefore, the 16 cubic yard dumpster must be abated of all ACWM, including asbestos contaminated materials, by a licensed asbestos-abatement contractor. Please have the dumpster sealed with plastic sheeting and posted with asbestos warning signs. Please ensure the dumpster remains sealed and posted with asbestos warning signs until it is abated. Regarding the interior of Unit #'s 1 and 3, a licensed asbestos abatement contractor is required to remove all ACWM, including asbestos contaminated materials. Please ensure the property is secured and posted with asbestos warning signs until the ACWM are abated.

DAQ will grant an emergency waiver of the mandatory 10 working day waiting period to allow for the abatement of ACWM from the 16 cubic yard dumpster to occur as soon as possible. Please start making all arrangements necessary to abate the 16 cubic yard dumpster of all ACWM due to its presence in areas that are accessible to the public and experience frequent pedestrian traffic.

Attachment 8

Kevin let our conversation today the dumpster was covered the homeless people lite the dumpster on fire I had an inspector come out today to give a asbestos survey should have a back later on this week in the meantime In the dumpsters there were no building materials inside of the dumpster so we should be fine to remove that as soon as possible before they lighted on fire again As for the inside it will remain close that I will be renting out the other two as soon as possible sorry for the discernment

Michael Perry
Loan Officer
swf.mperry@gmail.com
[702-812-8357](tel:702-812-8357)
Fax: 702-446-0331
MNLS# 371644 MLD 437

Please click below to apply
<https://www.blink.mortgage/app/signup/p/southwindfinancialinc/mperry>

////////////////////////////////////

On Nov 18, 2019, at 1:32 PM, Kevin Adoor <ADOOR@clarkcountynv.gov> wrote:

Good afternoon Mr. Perry,

I just returned to the property and noted that fire damaged debris consisting of suspect asbestos-containing materials were removed from the patio and placed in the 16 cubic yard dumpster (Lunas #1605N) after I left the property Friday afternoon. I also noted the dumpster has not been covered and the suspect asbestos-containing debris inside remains dry. Per the email sent to you on Friday, November 18, 2019, at 3:43 p.m.:

“... the dumpster (Lunas #1605N) should not be removed/emptied and **there should be no further disturbance of any suspect asbestos-containing materials**, including the removal of debris, until an asbestos survey is performed and the asbestos content of the materials being disturbed as part of the renovations are determined. Any material that is not glass, metal or wood is a suspect asbestos-containing material.

The dumpster containing suspect asbestos-containing materials is in an area that is accessible to the public. It is important that an asbestos survey is performed as soon as possible but no later than the next business day. In the meantime, the debris in and around the dumpster should be lightly wetted and covered with plastic sheeting to help minimize the potential for public exposure to asbestos fibers in the event the debris is determined to contain asbestos”.

Attachment 8

Please provide an update regarding the performed of an asbestos survey. If an asbestos survey has been performed, please provide the name of the company who performed it. If an asbestos survey has not been performed please have one performed no later than the end of the day.

Regards,

Kevin Adoor
Air Quality Specialist II
Clark County Department of Air Quality
4701 W Russell Road, Suite 200
Las Vegas, NV 89118
(702) 218-9867

////////////////////////////////////

From: Kevin Adoor
Sent: Friday, November 15, 2019 3:55 PM
To: Derek Moellinger <derek@vicerealtygroup.com>
Subject: FW: 1430 E. Desert Inn Road

Good afternoon Derek,

Please see the email below that was sent to your tenant, Michael Perry, regarding the property located at 1430 East Desert Inn Road.

Regards,

Kevin Adoor
Air Quality Specialist II
Clark County Department of Air Quality
4701 W Russell Road, Suite 200
Las Vegas, NV 89118
(702) 218-9867

////////////////////////////////////

From: Kevin Adoor
Sent: Friday, November 15, 2019 3:43 PM
To: snmc.mperry@gmail.com; swfmperry@gmail.com
Subject: 1430 E. Desert Inn Road

Good afternoon Mr. Perry,

Thank you for speaking with me regarding the renovations occurring at 1430 E Desert Inn Road, Las Vegas, Nevada 89169. Per our discussion, the dumpster (Lunas #1605N) should not be removed/emptied and there should be no further disturbance of any suspect asbestos-

Attachment 8

containing materials, including the removal of debris, until an asbestos survey is performed and the asbestos content of the materials being disturbed as part of the renovations are determined. Any material that is not glass, metal or wood is a suspect asbestos-containing material.

The dumpster containing suspect asbestos-containing materials is in an area that is accessible to the public. It is important that an asbestos survey is performed as soon as possible but no later than the next business day. In the meantime, the debris in and around the dumpster should be lightly wetted and covered with plastic sheeting to help minimize the potential for public exposure to asbestos fibers in the event the debris is determined to contain asbestos.

- You can contact the Clark County DAQ Small Business Assistance Group at (702) 455-5942 or AQSBAP@clarkcountynv.gov if you need assistance locating a company providing asbestos consulting services.
- Please provide a copy of the asbestos survey report as soon as it is available so I can verify that a thorough inspection was performed inclusive of all materials disturbed during the course of renovations. Additionally, it is recommended that you discuss the results of the asbestos survey with your asbestos consultant who should be able to provide you with guidance regarding the regulatory requirements.

The attached document is a preliminary guide to addressing asbestos related issues at rental properties that are regulated by the Clark County Department of Air Quality.

The following information is for general reference:

Section 13.1 of the Clark County Air Quality Regulations incorporates by reference 40 CFR 61 Subpart M of the National Emission Standards for Hazardous Air Pollutants (NESHAP). **This regulation applies to all commercial and industrial structures, any structure that has more than 4 living units, and any single-family dwelling that has been or will be used for commercial purposes. Two or more buildings in the same vicinity and under common control are also subject to these regulations regardless of the amount of living units.** The regulation does not apply to any stand-alone, non-commercial single-family structure with less than 5 living units per building (e.g., individually owned townhouse or condo building) where an individual owns the building and the living space.

If renovation and/or demolition will be done on a commercial or other regulated structure, 40 CFR 61.145(a) states that:

“[t]o determine which requirements...of this section apply to the owner or operator of a demolition or renovation activity and prior to the commencement of the demolition or renovation, thoroughly inspect the affected facility or part of the facility where the demolition or renovation operation will occur for the presence of asbestos, including Category I and Category II nonfriable ACM” [asbestos-containing material].

Attachment 8

An asbestos inspection must be performed on all regulated structures before renovation or demolition begins; this includes all tenant improvements, renovations, and demolitions, regardless of the age of the building. The inspector must be licensed by the Nevada Occupational Safety and Health Administration.

Whenever more than 160 square feet, 260 linear feet, or 35 cubic feet of regulated asbestos-containing material will be abated or disturbed in a regulated structure, a NESHAP Notification of Asbestos Abatement form must be submitted to the Department of Air Quality (DAQ) at least 10 working days before abatement begins. Any demolition—i.e., wrecking or removal of load-bearing structures, or intentional burning of a structure—of NESHAP-regulated structures requires the submittal of a Demolition Notification to DAQ at least 10 working days before activities begin, even if no asbestos is found inside. If the structure being demolished is 1,000 square feet or more, or if ¼ acre of land or more will be disturbed, a Dust Control Permit must also be submitted to DAQ.

Only an asbestos contractor licensed by the Nevada Occupational Safety and Health Administration may perform asbestos removal.

The EPA has more information regarding asbestos at:

<http://www2.epa.gov/asbestos>.

It is also recommended that you contact the State of Nevada OSHA and the Southern Nevada Health District regarding their requirements for the disturbance of asbestos containing materials and the transportation of asbestos containing waste.

State of Nevada OSHA: <http://4safenv.state.nv.us/>

Southern Nevada Health District: <http://www.southernnevadahealthdistrict.org/solid-waste/asbestos-transportation-permit.php>

Regards,

Kevin Adoor

Air Quality Specialist II
Clark County Department of Air Quality
4701 W Russell Road, Suite 200
Las Vegas, NV 89118
(702) 218-9867

<B296137_REP01.pdf>

<B296259_REP01.pdf>

<B296137_COC01.pdf>

<B296259_COC01.pdf>

Attachment 8

Attachment 9
Adoor & Perry

Attachment 9 Adoor & Perry



Photograph by Air Quality Specialist II Whitney Francis on November 19, 2019 of Air Quality Specialist II Kevin Adoor locating fire damaged building materials in the dumpster and showing them to Michael Perry

Attachment 10

Chain of Custody and Laboratory Report for Samples 191086-6 through 191086-9

Attachment 10



Analysis Request Form (COC)

Client Name & Address: Clark County Department of Air Quality 4701 W. Russell Road, Suite 200 Las Vegas, NV 89118	Client No.:	PO / Job#: 4500307754-010	Date: <u>11/19/2019</u> 11/15/2019 (B) CW
Contact: Kevin Adoor Phone: (702) 218-9867		Turn Around Time: <input checked="" type="checkbox"/> Same Day / <input checked="" type="checkbox"/> 1Day / <input type="checkbox"/> 2Day / <input type="checkbox"/> 3Day / <input type="checkbox"/> 4Day / <input type="checkbox"/> 5Day	
E-mail: adoor@clarkcountynv.gov		<input type="checkbox"/> PCM: <input type="checkbox"/> NIOSH 7400A / <input type="checkbox"/> NIOSH 7400B <input type="checkbox"/> Rotometer	
Site Name: 191086		<input type="checkbox"/> PLM: <input type="checkbox"/> Standard / <input type="checkbox"/> Point Count 400-1000 / <input type="checkbox"/> CARB 435	
Site Location: 1430 E Desert Inn Road		<input type="checkbox"/> TEM Air: <input type="checkbox"/> AHERA / <input type="checkbox"/> Yamate2 / <input type="checkbox"/> NIOSH 7402 <input type="checkbox"/> TEM Bulk: <input type="checkbox"/> Quantitative / <input type="checkbox"/> Qualitative / <input type="checkbox"/> Chatfield <input type="checkbox"/> TEM Water: <input type="checkbox"/> Potable / <input type="checkbox"/> Non-Potable / <input type="checkbox"/> Weight % <input type="checkbox"/> TEM Microvac: <input type="checkbox"/> Qual / <input type="checkbox"/> D5755(str/area) / <input type="checkbox"/> D5756(str/mass)	
Comments:		<input type="checkbox"/> IAQ Particle Identification (PLM LAB) <input type="checkbox"/> PLM Opaques/Soot <input type="checkbox"/> Particle Identification (TEM LAB) <input type="checkbox"/> Special Project <input type="checkbox"/> Metals Analysis Matrix: Method: Analytes:	

Silica in Air w/Gravimetry
 Quartz Only

Sample ID	Date / Time	Sample Location / Description	FOR AIR SAMPLES ONLY				Sample Area / Air Volume
			Type	Time On/Off	Avg LPM	Total Time	
191086-6	11/19/19 1:21PM	North Room of Unit 1 / ACT	A P C				
191086-7	11/19/19 1:37PM	West Room of Unit 3 / ACT	A P C				
191086-8	11/19/19 1:40PM	North Room of Unit 3 / ACT	A P C				
191086-9	11/15/19 2:14PM	In Dumpster / Friable Fire Damaged Debris	A P C				
		I	A P C				
			A P C				
			A P C				
			A P C				
			A P C				
			A P C				

Sampled By: Kevin Adoor Date/Time: 11/19/19		Shipped Via: <input type="checkbox"/> Fed Ex <input type="checkbox"/> UPS <input checked="" type="checkbox"/> US Mail <input type="checkbox"/> Courier <input type="checkbox"/> Drop Off <input type="checkbox"/> Other:	
Relinquished By: <i>[Signature]</i>	Relinquished By:	Relinquished By:	
Date / Time: 11/19/2019 1535	Date / Time:	Date / Time:	
Received By: <i>[Signature]</i>	Received By:	Received By:	
Date / Time: 11/19/19 1535	Date / Time:	Date / Time:	
Condition Acceptable? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Condition Acceptable? <input type="checkbox"/> Yes <input type="checkbox"/> No	Condition Acceptable? <input type="checkbox"/> Yes <input type="checkbox"/> No	

SGS Forensic Laboratories may subcontract client samples to other SGSFL locations to meet client requests.
 San Francisco Office: 3777 Depot Road, Suite 409, Hayward, CA 94545-2761 • Phone: 510/887-8828 • 800/827-3274
 Los Angeles Office: 2959 Pacific Commerce Drive, Rancho Dominguez, CA 90221 • Phone: 310/763-2374 • 888/813-9417
 Las Vegas Office: 6765 S. Eastern Avenue, Suite 3, Las Vegas, NV 89119 • Phone: 702/784-0040



Bulk Asbestos Analysis

(EPA Method 40CFR, Part 763, Appendix E to Subpart E and EPA 600/R-93-116, Visual Area Estimation)
 NVLAP Lab Code: 200908-0

Clark County Air Quality Management
 Kevin Adoor
 Dept. of Air Quality
 4701 W. Russell Road, Ste 200
 Las Vegas, NV 89118

Client ID: 4239
Report Number: B296259
Date Received: 11/19/19
Date Analyzed: 11/19/19
Date Printed: 11/19/19
First Reported: 11/19/19

Job ID/Site: 4500307754-010, 191086, 1430 E Desert Inn Road

SGSFL Job ID: 4239
Total Samples Submitted: 4
Total Samples Analyzed: 4

Date(s) Collected: 11/19/2019

Sample ID	Lab Number	Asbestos Type	Percent in Layer	Asbestos Type	Percent in Layer	Asbestos Type	Percent in Layer
191086-6	01233050						
Layer: Drywall Backing			ND				
Layer: Black Semi-Fibrous Material		Chrysotile	5 %				
Layer: Paint			ND				
Total Composite Values of Fibrous Components:		Asbestos (4%)					
Cellulose (10 %)							
191086-7	01233051						
Layer: Drywall Backing			ND				
Layer: Off-White Semi-Fibrous Material		Chrysotile	5 %				
Layer: Paint			ND				
Total Composite Values of Fibrous Components:		Asbestos (4%)					
Cellulose (10 %)							
191086-8	01233052						
Layer: Drywall Backing			ND				
Layer: Black Semi-Fibrous Material		Chrysotile	5 %				
Layer: Paint			ND				
Total Composite Values of Fibrous Components:		Asbestos (4%)					
Cellulose (10 %)							
191086-9	01233053						
Layer: Black Debris			ND				
Total Composite Values of Fibrous Components:		Asbestos (ND)					
Cellulose (Trace)							
Comment: Wipe/Microvac/Debris sample: Quantitative data may not be repeatable or represent the entire sample.							

Ryan Sutcliffe, Laboratory Supervisor, Las Vegas Laboratory

Note: Limit of Quantification ('LOQ') = 1%. 'Trace' denotes the presence of asbestos below the LOQ. 'ND' = 'None Detected'.

Analytical results and reports are generated by SGS Forensic Laboratories (SGSFL) at the request of and for the exclusive use of the person or entity (client) named on such report. Results, reports or copies of same will not be released by SGSFL to any third party without prior written request from client. This report applies only to the sample(s) tested. Supporting laboratory documentation is available upon request. This report must not be reproduced except in full, unless approved by SGSFL. The client is solely responsible for the use and interpretation of test results and reports requested from SGSFL. SGSFL is not able to assess the degree of hazard resulting from materials analyzed. SGS Forensic Laboratories reserves the right to dispose of all samples after a period of thirty (30) days, according to all state and federal guidelines, unless otherwise specified. All samples were received in acceptable condition unless otherwise noted.



Bulk Asbestos Point Count Analysis

(NESHAP Final Rule, 40 CFR, Part 61)

Clark County Air Quality Management
 Kevin Adoor
 Dept. of Air Quality
 4701 W. Russell Road, Ste 200
 Las Vegas, NV 89118

Client ID: 4239
Report Number: N012501
Date Received: 11/19/19
Date Analyzed: 11/25/19
Date Printed: 11/25/19

Job ID/Site: 4500307754-010, 191086, 1430 E Desert Inn Road

SGSFL Job ID: 4239

PLM Report Number: B296259

Total Samples Submitted: 3
Total Samples Analyzed: 3

Sample Preparation and Analysis:

The NESHAP Final Rule does not define the preparation method for multi-layered samples. In order to determine the composite quantity of asbestos, the volume percent of each layer is determined, the asbestos containing layers are analyzed by point counting and the composite quantity of asbestos is calculated. The NESHAP Final Rule can not be applied to matrices that dissolve in refractive index liquid. This includes tar, mastic or adhesive typically found on the back of floor tiles. According to the NESHAP Final Rule, point count data is only necessary when the visual estimate of asbestos is below 10%.

Sample ID	Lab Number	Layer Description
191086-6	01233050	Black Semi-Fibrous Material
<i>Point Count Results:</i>		
Number of asbestos points counted:		13
Number of non-empty points:		400
Layer percentage of entire sample:		85
Percent asbestos in layer:		3
Asbestos type(s) detected:		Chrysotile
Comment:		
191086-7	01233051	Off-White Semi-Fibrous Material
<i>Point Count Results:</i>		
Number of asbestos points counted:		14
Number of non-empty points:		400
Layer percentage of entire sample:		85
Percent asbestos in layer:		4
Asbestos type(s) detected:		Chrysotile
Comment:		
191086-8	01233052	Black Semi-Fibrous Material
<i>Point Count Results:</i>		
Number of asbestos points counted:		15
Number of non-empty points:		400
Layer percentage of entire sample:		85
Percent asbestos in layer:		4
Asbestos type(s) detected:		Chrysotile
Comment:		



Bulk Asbestos Point Count Analysis

(NESHAP Final Rule, 40 CFR, Part 61)

Clark County Air Quality Management
 Kevin Adoor
 Dept. of Air Quality
 4701 W. Russell Road, Ste 200
 Las Vegas, NV 89118

Client ID: 4239
Report Number: N012501
Date Received: 11/19/19
Date Analyzed: 11/25/19
Date Printed: 11/25/19

Job ID/Site: 4500307754-010, 191086, 1430 E Desert Inn Road

SGSFL Job ID: 4239

PLM Report Number: B296259

Total Samples Submitted: 3

Total Samples Analyzed: 3

Sample Preparation and Analysis:

The NESHAP Final Rule does not define the preparation method for multi-layered samples. In order to determine the composite quantity of asbestos, the volume percent of each layer is determined, the asbestos containing layers are analyzed by point counting and the composite quantity of asbestos is calculated. The NESHAP Final Rule can not be applied to matrices that dissolve in refractive index liquid. This includes tar, mastic or adhesive typically found on the back of floor tiles. According to the NESHAP Final Rule, point count data is only necessary when the visual estimate of asbestos is below 10%.

Sample ID	Lab Number	Layer Description
-----------	------------	-------------------

Note: Point count results are reported to the nearest percent per EPA method.

A handwritten signature in black ink, appearing to read "Ryan Sutcliffe".

Ryan Sutcliffe, Laboratory Supervisor, Las Vegas Laboratory

Note: Limit of Quantification (LOQ) = 1%. Trace denotes the presence of asbestos below the LOQ. ND = None Detected.

Analytical results and reports are generated by SGS Forensic Laboratories (SGSFL) at the request of and for the exclusive use of the person or entity (client) named on such report. Results, reports or copies of same will not be released by SGSFL to any third party without prior written request from client. This report applies only to the sample(s) tested. Supporting laboratory documentation is available upon request. This report must not be reproduced except in full, unless approved by SGSFL. The client is solely responsible for the use and interpretation of test results and reports requested from SGSFL. SGSFL is not able to assess the degree of hazard resulting from materials analyzed. SGS Forensic Laboratories reserves the right to dispose of all samples after a period of thirty (30) days, according to all state and federal guidelines, unless otherwise specified. All samples were received in acceptable condition unless otherwise noted.

Attachment 11
Asbestos Survey Report



Limited Asbestos Survey Investigation Report

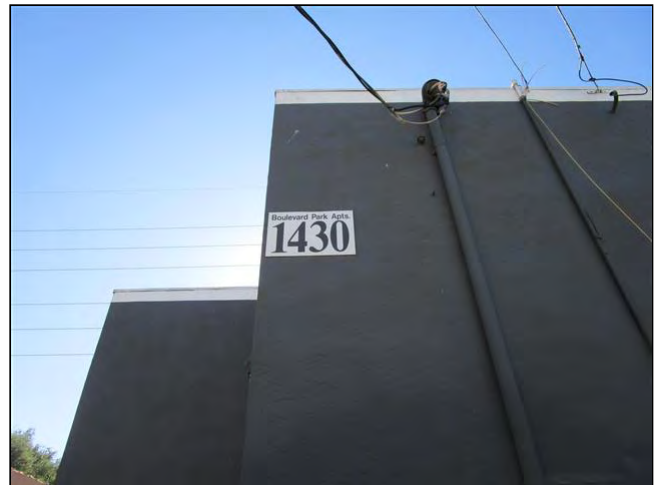
6000 S Eastern Ave Ste 2A
Las Vegas, NV 89119
Tel: 702.255.2457 | Fax: 702.953.0286
msenational.com | info@msenational.com

Customer

Double 007 Properties

Address

1430 E Desert Inn Rd #1 & #3
Las Vegas NV 89169



Inspection Date: 11/18/2019

Inspected By: Larry Carter

Asbestos Survey Results: > 1% Asbestos FOUND (HOT)

Inspection Start Time: 11:00 AM

Project ID: 191118WO37295

Attachment 11

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Attachment 11

Pre-Inspection Agreement statement

Pursuant to your request, MSE Environmental (MSE) was retained by **Double 007 Properties**, (referred to hereunder as the client/customer) to conduct/perform a **Limited Asbestos Survey Investigation** at **SUBJECT** premises located at **1430 E Desert Inn Rd #1 & #3, Las Vegas, NV 89169** on **11/18/2019** at **11:00 AM**. This inspection was performed in accordance with and under the terms of the **MSE Environmental Service Contract Agreement**. The agreement was dated and signed **11/18/2019** and agreed upon before the preparation of this report and a signed copy of the agreement is available upon request. An unsigned copy of the agreement may be attached to this report for your information.

The Limited Asbestos Survey Investigation included professional service of **Larry Carter**, consultant of MSE Environmental.

Attachment 11

Date: 11/18/2019	Time: 11:00 AM	Project ID: 191118WO37295
Address: 1430 E Desert Inn Rd #1 & #3 Las Vegas NV 89169		Customer: Double 007 Properties

Inspection Service:

Limited Asbestos Survey Investigation

Agreement Type:

MSE Environmental Service Contract
Agreement

Asbestos Survey Results:

> 1% Asbestos FOUND (HOT)

Structure Faces:

South

1. SCOPE OF SERVICES

1.0 SCOPE OF SERVICES

Comments: Include

Purpose. The purpose of Limited Asbestos Survey is to detect and identify the presence of friable and non-friable Asbestos Containing Materials (ACM) in the Subject Property.

Scope of Limited Asbestos Survey. The Limited Asbestos Survey consisted of a visual survey to classify accessible suspect ACM by condition and location to determine homogeneous areas for bulk sample collection as well as assessing problems in area(s) designated the client. Bulk sample collection/analysis was conducted in these designated area(s). A homogeneous area is an area of surfacing material, thermal surface insulation or miscellaneous material that is uniform in color and texture.

2. PROJECT SITE DESCRIPTION

2.0 PROJECT SITE DESCRIPTION

Comments: Include

The project site description consists of a multi-family residence built in 1963. The owner requested an asbestos survey prior to demolition and/or renovation of the structures buildings materials from a fire that damaged the multi-family residence.

The following client defined areas of the structure where photo documented to note homogeneous building materials and the current condition of the structure when the asbestos survey was performed.

Structures Interior Unit 1 (Picture 1-12)



2.0 (Picture 1)



2.0 (Picture 2)



2.0 (Picture 3)



2.0 (Picture 4)

Attachment 11



2.0 (Picture 5)



2.0 (Picture 6)



2.0 (Picture 7)



2.0 (Picture 8)

Attachment 11



2.0 (Picture 9)



2.0 (Picture 10)



2.0 (Picture 11)



2.0 (Picture 12)

Structures Interior Unit 3 (Picture 13-26)

Attachment 11



2.0 (Picture 13)



2.0 (Picture 14)



2.0 (Picture 15)



2.0 (Picture 16)



2.0 (Picture 17)



2.0 (Picture 18)

Attachment 11



2.0 (Picture 19)



2.0 (Picture 20)



2.0 (Picture 21)



2.0 (Picture 22)

Attachment 11



2.0 (Picture 23)



2.0 (Picture 24)



2.0 (Picture 25)



2.0 (Picture 26)

Structures Exterior & Dumpster (Picture 27-40)

Attachment 11



2.0 (Picture 27)



2.0 (Picture 28)



2.0 (Picture 29)



2.0 (Picture 30)



2.0 (Picture 31)



2.0 (Picture 32)

Attachment 11



2.0 (Picture 33)



2.0 (Picture 34)



2.0 (Picture 35)



2.0 (Picture 36)

Attachment 11



2.0 (Picture 37)



2.0 (Picture 38)



2.0 (Picture 39)



2.0 (Picture 40)

3. METHODS

3.0 METHODS

Comments: Include

Bulk Asbestos Samples: Bulk samples were analyzed by EMLab P&K of Norcross, GA. EMLab P&K is a participant in the National Voluntary Laboratory Accreditation Program. EMLab P&K is an accredited PLM laboratory under the NVLAP (No 201060-0.) samples were to delivered to EMLab P&K using their chain-of-custody procedures for bulk analysis.

Bulk samples were collected using the current industries methods and used within this report. Bulk samples are collected by wetting the sample area with a surfactant/water mixture, cut with a sharp decontaminated knife or cored with an asbestos cutter sleeve and placed in a labeled zip-lock bag for laboratory analysis. Bulk samples were submitted for Polarized Light Microscopy (PLM).

4. ASBESTOS SURVEY FINDINGS

4.0 ASBESTOS SURVEY FINDINGS

Comments: Include

The assessment of suspect ACM was limited to the structures interior and exterior and consisted of the following:

- Drywall
- Joint Compound
- Wall Texture
- Acoustic Ceiling Spray
- Stucco Cement
- Debris Ash

Based on the visual survey of the subject structure, a total of (15) bulk samples were collected at the site areas representing the homogeneous use of suspect building materials.

4.1 LABORATORY SAMPLE RESULTS

Comments: Include

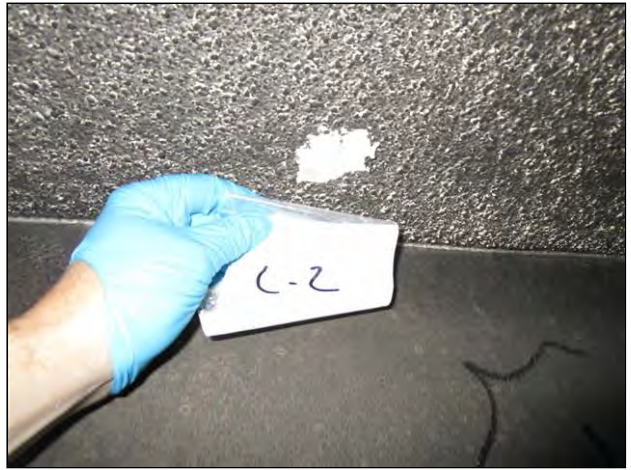
The results of the laboratory bulk sampling (attached report title EMLab P&K Asbestos PLM Report) are described in the table below:

Sample ID	Sample Description	Location	Category/Condition	Quantity (SF)	Asbestos Content (%)
C-1	Acoustic Ceiling Spray	#1 Living Room	Friable/Damaged	<1000	Chrysotile 5% (Picture 1)
C-2	Acoustic Ceiling Spray	#1 Bedroom 1	Friable/Damaged	<1000	Chrysotile 4% (Picture 2)
C-3	Acoustic Ceiling Spray	#1 Master Bedroom	Friable/Damaged	<1000	Chrysotile 4% (Picture 3)
C-4	Acoustic Ceiling Spray	#3 Dining Room	Friable/Damaged	<1000	Chrysotile 4% (Picture 4)
C-5	Acoustic Ceiling Spray	#3 Bedroom 1	Friable/Damaged	<1000	Chrysotile 5% (Picture 5)
C-6	Acoustic Ceiling Spray	#3 Master Bedroom	Friable/Damaged	<1000	Chrysotile 5% (Picture 6)

Attachment 11



4.1 (Picture 1)



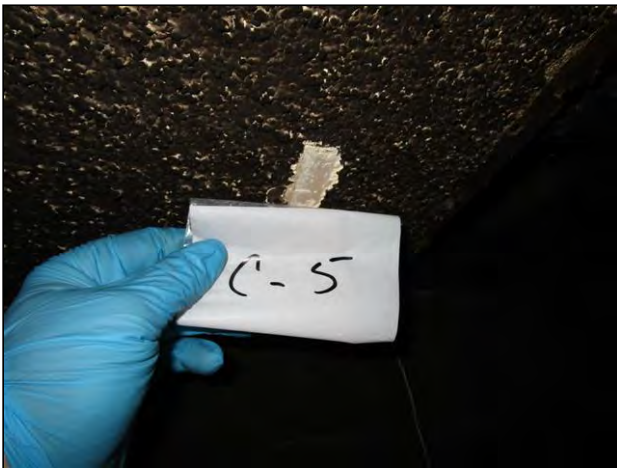
4.1 (Picture 2)



4.1 (Picture 3)



4.1 (Picture 4)



4.1 (Picture 5)



4.1 (Picture 6)

The results of the laboratory bulk sampling (attached report title EMLab P&K Asbestos PLM Report) are described in the paragraph below:

Attachment 11

Based on the survey and analytical laboratory tests results reported, building materials Wall Texture, Joint Compound, and Stucco Cement were less than (<1%) **Asbestos Found (Trace)**.

5. PROJECT SITE INTERIOR CONTENTS

5.0 PROJECT SITE INTERIOR CONTENTS

Comments: Include

A visual inspection of the structures interior contents were assessed during the asbestos survey to determine if the fire's non-airborne dust/charr settled and affected the hard and soft contents. Based on the visual inspection, all hard and soft contents within the multi-family residence were affected by the fire that damaged the multi-family residence.

- Friable asbestos containing building materials affecting soft product contents are typically disposed of. Hard product contents can typically be cleaned depending on damage.
- Non-friable asbestos containing building materials such as charred or burnt joint compound in wall and ceiling systems in excess of one percent (1%) by weight may become friable and soft product contents are typically disposed of. Hard product contents can typically be cleaned depending on damage
- MSE Environmental can verify soft or hard product contents are contaminated beyond a visual inspection by performing microvac sampling of non-airborne settled dust.
- Hard product contents abated by the asbestos abatement contractor need to have microvac post asbestos abatement sampling performed to verify the decontamination process was successful.
- **THESE COMMENTS ARE NOT AN ASBESTOS ABATEMENT SCOPE OF WORK OR PROJECT DESIGN, JUST CONTENTS GUIDELINES.**

Friable asbestos-containing material is defined as any material containing asbestos in excess of one percent (1%) by weight which can be crushed, pulverized, or reduced to powder by hand pressure when dry.

6. ASBESTOS REGULATORY REQUIREMENTS

6.0 NESHAP - EPA

Comments: Include

EPA Regulations

Current asbestos regulations contained within the EPA's National Emission Standards for Hazardous Air Pollutants (NESHAPS 40 CFR, Subpart M, November 20, 1990 revision) define a regulated asbestos-containing material (RACM) as:

- a) Friable asbestos material
- b) Category I non-friable ACBM that may become friable
- c) Category I non-friable ACBM that will be or has been subject to sanding, grinding, cutting, or abrading, or
- d) Category II non-friable ACBM that has a high probability of becoming or has been crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations regulated under this subpart.

Friable - any material containing more than 1 percent asbestos as determined using the method specified in appendix E, subpart E, 40 CFR part 763, section 1, Polarized Light Microscopy, that, when dry, can be crumbled, pulverized, or reduced to powder by hand pressure. If the asbestos content is less than 10 percent as determined by a method other than point counting by polarized light microscopy (PLM), verify the asbestos content by point counting using PLM.

(MSE Environmental Note: Point Counting Friable samples is not included in this report and those services are quoted separately.)

6.1 OSHA

Comments: Include

OSHA Regulations

Class I Asbestos Work - means activities involving the removal of TSI and surfacing ACM and PACM.

Class II Asbestos Work - means activities involving the removal of ACM which is not thermal system insulation or surfacing material. This includes, but is not limited to, the removal of asbestos-containing wallboard, floor tile and sheeting, roofing and siding shingles, and construction mastics.

Class III Asbestos Work - means repair and maintenance operations, where "ACM," including TSI and surfacing ACM and PACM, may be disturbed.

Class IV Asbestos Work - means maintenance and custodial construction activities during which employees

Attachment 11

contact but do not disturb ACM or PACM and activities to clean up dust, waste and debris resulting from Class I, II and III activities.

Asbestos-Containing Material (ACM) - means any material containing more than one percent asbestos.

Presumed Asbestos-Containing Material (PACM) - means thermal system insulation and surfacing material found in buildings constructed no later than 1984. The designation of a material as "PACM" may be rebutted following procedures specified in the standard.

Surfacing ACM - means material that is sprayed, troweled-on or otherwise applied to surfaces (such as acoustical plaster on ceilings and fireproofing materials on structural members, or other materials on surfaces for acoustical, fireproofing, and other purposes) and that contains more than 1% asbestos.

Thermal System Insulation (TSI) ACM - means ACM applied to pipes, fittings, boilers, breeching, tanks, ducts or other structural components to prevent heat loss or gain and that contains more than 1% asbestos.

7. CONCLUSIONS

7.0 CONCLUSIONS

Comments: Include

Based on the survey and analytical laboratory tests results reported, building materials containing asbestos at quantities greater than (>1%) **Asbestos Found (HOT)** in the:

Sample Description	Areas	OSHA Class	EPA NESHAP
Acoustic Ceiling Spray	Throughout the multi family residence interior	CLASS I	RACM

NA - Not applicable

These asbestos containing materials are known as (ACM) and must be removed by a certified asbestos abatement contractor licensed in Nevada in accordance with all applicable laws and regulations.

The following requirements are recommended to be followed with Trace materials:

OSHA Special Note Regarding (<1%) Asbestos Found (Trace) Requirements

The OSHA Construction Standard (29 CFR 1926.1101) are applicable to installed building materials that contain >1% asbestos known as ACM. The Standard also contains requirements that apply whenever worker exposure(s) exceed either (or both) of the PELs (Permissible Exposure Limits) regardless to the amount of asbestos in the building materials involved. the requirements are as follows:

- Asbestos Exposure Assessment by a competent person
- All applicable work practices in the OSHA Standard must be implemented
- All applicable prohibitions in the OSHA Standard must be adhered to.
- If either PEL is exceeded (or a negative exposure assessment is not available), all applicable requirements of the Standard must be adhered to.
- All other applicable laws, rules and regulations must be followed.

NESHAP - EPA Special Note Regarding (<1%) Asbestos Found (Trace) Requirements

EPA does not recognize asbestos samples resulting in <1% (Trace Asbestos). EPA requires point counting of trace asbestos samples for multi family, commercial, and facilities to verify if samples are above or below the regulated 1% . If the customer does not have trace asbestos samples point counted, EPA considers them asbestos containing and regulated.

If any additional suspect asbestos containing materials (ACM) in inaccessible or concealed spaces are revealed during the demolition activities, then all such unidentified materials should be treated as Presumed Asbestos Containing Materials (PACM) in accordance with 29 CFR 1926.1101 and 1910.1001. It's recommended that PACM's be sampled to determine the presence of asbestos prior to continuation of demolition activities.

MSE Environmental requires after the customer has contacted a professional asbestos abatement company and their removal activities have been completed, MSE Environmental comes back and represents the

Attachment 11

customers interests in performing the required Post Abatement Asbestos Clearance Testing Investigation to determine the success of the abatement efforts. This is required by state and local governing agencies regulating asbestos removal.

MSE Environmental would like to thank you for the opportunity to serve you. If you have any questions or comments regarding this report, please do not hesitate to call us at 702.255.2457.

8. CONSULTANT LICENSES & SIGNATURE

8.0 CONSULTANT LICENSES

Comments: Include

Written By:

MSE Environmental



Larry Carter

Senior Project Manager

AHERA-Certified Building Inspector, Project Monitor, Project Designer, Management Planner

No. IJPM1852

9. WARRANTIES, LEGAL DISCLAIMERS AND LIMITATIONS

9.0 WARRANTIES, LEGAL DISCLAIMERS AND LIMITATIONS

Comments: Include

These professional services have been performed by MSE Environmental using the current standard of care and skill ordinarily exercised under similar circumstances by reputable environmental consultants practicing asbestos surveys. No other warranty, expressed or implied, is made. The professional services performed do not guarantee compliance with Federal, State, or Local laws.

The professional services provided and judgments rendered on this project meet current professional standards and do not carry any other guarantee. MSE Environmental accepts no responsibility or liability to any person or organization for any claim, for loss or damage (including attorneys' fees) caused, or believed to be caused, directly or indirectly by; conditions not revealed by the laboratory analyses performed; failure to perform other chemical analyses or utilize different test methods; or failure to locate or install additional sample points.

I hereby certify that I am responsible for the services described in this document. The services described in this document have been provided in a manner consistent with the current standards of the profession and to the best of my knowledge comply with all applicable federal, state and local statutes, regulations and ordinances.

**10. LABORATORY REPORTS & CHAIN OF CUSTODY
FORMS**

Attachment 11



EMLab P&K

Report for:

Mr. Larry Carter
MSE Environmental
6000 S. Eastern Ave
Suite 2A
Las Vegas, NV 89119

Regarding: Project: 191118WO37295; 1430 E Desert Inn Rd #1, #3
EML ID: 2299799

Approved by:

A handwritten signature in cursive script that reads "Tracy Garcia".

Approved Signatory
Tracy Garcia

Dates of Analysis:
Asbestos PLM: 11-19-2019

Service SOPs: Asbestos PLM (EPA 40CFR App E to Sub E of Part 763 & EPA METHOD 600/R-93-116, SOP EM-AS-S-1267)

All samples were received in acceptable condition unless noted in the Report Comments portion in the body of the report. The results relate only to the samples as received. The results include an inherent uncertainty of measurement associated with estimating percentages by polarized light microscopy. Measurement uncertainty data for sample results with >1% asbestos concentration can be provided when requested.

Eurofins EMLab P&K ("the Company") shall have no liability to the client or the client's customer with respect to decisions or recommendations made, actions taken or courses of conduct implemented by either the client or the client's customer as a result of or based upon the Test Results. In no event shall the Company be liable to the client with respect to the Test Results except for the Company's own willful misconduct or gross negligence nor shall the Company be liable for incidental or consequential damages or lost profits or revenues to the fullest extent such liability may be disclaimed by law, even if the Company has been advised of the possibility of such damages, lost profits or lost revenues. In no event shall the Company's liability with respect to the Test Results exceed the amount paid to the Company by the client therefor.

EMLab ID: 2299799, Page 1 of 6

Attachment 11

Eurofins EMLab P&K

6500 McDonough Dr, Suite C-10, Norcross, GA 30093
(866) 871-1984 Fax (954) 776-8485 www.emlab.com

Client: MSE Environmental
C/O: Mr. Larry Carter
Re: 191118WO37295; 1430 E Desert Inn Rd #1, #3

Date of Sampling: 11-18-2019
Date of Receipt: 11-19-2019
Date of Report: 11-19-2019

ASBESTOS PLM REPORT

Total Samples Submitted: 15

Total Samples Analyzed: 15

Total Samples with Layer Asbestos Content > 1%: 6

Location: W-1, #1 Kitchen W Wall - DW/JC/WT

Lab ID-Version‡: 10938191-1

Sample Layers	Asbestos Content
White Compound with Gray Paint	ND
Off-White Texture with Yellow Paint	< 1% Chrysotile
Cream Tape	ND
Off-White Joint Compound	< 1% Chrysotile
Pink Drywall with Brown Paper	ND
Composite Asbestos Fibrous Content:	< 1% Asbestos
Composite Non-Asbestos Content:	15% Cellulose
Sample Composite Homogeneity:	Moderate

Comments: Composite asbestos content provided is only for Drywall/Joint compound. Composite content provided for this analysis has been performed by following the NESHAP guidelines.

Location: W-2, #1 Bathroom S Wall - DW/JC/WT

Lab ID-Version‡: 10938192-1

Sample Layers	Asbestos Content
White Compound with Gray Paint	ND
Off-White Texture with Yellow Paint	< 1% Chrysotile
Cream Tape	ND
Off-White Joint Compound	< 1% Chrysotile
Pink Drywall with Brown Paper	ND
Composite Asbestos Fibrous Content:	< 1% Asbestos
Composite Non-Asbestos Content:	15% Cellulose
Sample Composite Homogeneity:	Moderate

Comments: Composite asbestos content provided is only for Drywall/Joint compound. Composite content provided for this analysis has been performed by following the NESHAP guidelines.

The test report shall not be reproduced except in full, without written approval of the laboratory. The report must not be used by the client to claim product certification, approval, or endorsement by any agency of the federal government. Eurofins EMLab P&K reserves the right to dispose of all samples after a period of thirty (30) days, according to all state and federal guidelines, unless otherwise specified.

Inhomogeneous samples are separated into homogeneous subsamples and analyzed individually. ND means no fibers were detected. When detected, the minimum detection and reporting limit is less than 1% unless point counting is performed. Floor tile samples may contain large amounts of interference material and it is recommended that the sample be analyzed by gravimetric point count analysis to lower the detection limit and to aid in asbestos identification.

‡ A "Version" indicated by "-x" after the Lab ID# with a value greater than 1 indicates a sample with amended data. The revision number is reflected by the value of "x".

Attachment 11

Eurofins EMLab P&K

6500 McDonough Dr, Suite C-10, Norcross, GA 30093
(866) 871-1984 Fax (954) 776-8485 www.emlab.com

Client: MSE Environmental
C/O: Mr. Larry Carter
Re: 191118WO37295; 1430 E Desert Inn Rd #1, #3

Date of Sampling: 11-18-2019
Date of Receipt: 11-19-2019
Date of Report: 11-19-2019

ASBESTOS PLM REPORT

Location: W-3, #1 M Bathroom S Wall - DW/JC/WT

Lab ID-Version‡: 10938193-1

Sample Layers	Asbestos Content
White Compound with Black Paint	ND
Off-White Texture with Yellow Paint	< 1% Chrysotile
Cream Tape	ND
Off-White Joint Compound	< 1% Chrysotile
Pink Drywall with Brown Paper	ND
Composite Asbestos Fibrous Content:	< 1% Asbestos
Composite Non-Asbestos Content:	15% Cellulose
Sample Composite Homogeneity:	Moderate

Comments: Composite asbestos content provided is only for Drywall/Joint compound. Composite content provided for this analysis has been performed by following the NESHAP guidelines.

Location: C-1, #1 Living Room - ACS

Lab ID-Version‡: 10938194-1

Sample Layers	Asbestos Content
Cream Popcorn Ceiling with Dark Gray Paint	4% Chrysotile
Sample Composite Homogeneity:	Good

The test report shall not be reproduced except in full, without written approval of the laboratory. The report must not be used by the client to claim product certification, approval, or endorsement by any agency of the federal government. Eurofins EMLab P&K reserves the right to dispose of all samples after a period of thirty (30) days, according to all state and federal guidelines, unless otherwise specified.

Inhomogeneous samples are separated into homogeneous subsamples and analyzed individually. ND means no fibers were detected. When detected, the minimum detection and reporting limit is less than 1% unless point counting is performed. Floor tile samples may contain large amounts of interference material and it is recommended that the sample be analyzed by gravimetric point count analysis to lower the detection limit and to aid in asbestos identification.

‡ A "Version" indicated by "-x" after the Lab ID# with a value greater than 1 indicates a sample with amended data. The report number is reflected by the value of "x".

Attachment 11

Eurofins EMLab P&K

6500 McDonough Dr, Suite C-10, Norcross, GA 30093
(866) 871-1984 Fax (954) 776-8485 www.emlab.com

Client: MSE Environmental
C/O: Mr. Larry Carter
Re: 191118WO37295; 1430 E Desert Inn Rd #1, #3

Date of Sampling: 11-18-2019
Date of Receipt: 11-19-2019
Date of Report: 11-19-2019

ASBESTOS PLM REPORT

Location: C-2, #1 Bedroom 1 - ACS

Lab ID-Version‡: 10938195-1

Sample Layers	Asbestos Content
Cream Popcorn Ceiling with Dark Gray Paint	4% Chrysotile
Sample Composite Homogeneity:	Good

Location: C-3, #1 Master BR - ACS

Lab ID-Version‡: 10938196-1

Sample Layers	Asbestos Content
Beige Popcorn Ceiling	4% Chrysotile
Sample Composite Homogeneity:	Poor

Comments: Sample possibly contains heat altered asbestos.

Location: W-4, #3 Living RM W Wall - DW/JC/WT

Lab ID-Version‡: 10938197-1

Sample Layers	Asbestos Content
White Compound with Black Paint	ND
Off-White Texture with Yellow Paint	< 1% Chrysotile
Cream Tape	ND
Off-White Joint Compound	< 1% Chrysotile
Pink Drywall with Brown Paper	ND
Composite Asbestos Fibrous Content:	< 1% Asbestos
Composite Non-Asbestos Content:	15% Cellulose
Sample Composite Homogeneity:	Moderate

Comments: Composite asbestos content provided is only for Drywall/Joint compound. Composite content provided for this analysis has been performed by following the NESHAP guidelines.

Location: W-5, #3 Hall Bath S Wall - DW/JC/WT

Lab ID-Version‡: 10938198-1

Sample Layers	Asbestos Content
White Compound with Brown Paint	ND
Off-White Texture with Yellow Paint	< 1% Chrysotile
Cream Tape	ND
Off-White Joint Compound	< 1% Chrysotile
Pink Drywall with Brown Paper	ND
Composite Asbestos Fibrous Content:	< 1% Asbestos
Composite Non-Asbestos Content:	15% Cellulose
Sample Composite Homogeneity:	Moderate

Comments: Composite asbestos content provided is only for Drywall/Joint compound. Composite content provided for this analysis has been performed by following the NESHAP guidelines.

The test report shall not be reproduced except in full, without written approval of the laboratory. The report must not be used by the client to claim product certification, approval, or endorsement by any agency of the federal government. Eurofins EMLab P&K reserves the right to dispose of all samples after a period of thirty (30) days, according to all state and federal guidelines, unless otherwise specified.

Inhomogeneous samples are separated into homogeneous subsamples and analyzed individually. ND means no fibers were detected. When detected, the minimum detection and reporting limit is less than 1% unless point counting is performed. Floor tile samples may contain large amounts of interference material and it is recommended that the sample be analyzed by gravimetric point count analysis to lower the detection limit and to aid in asbestos identification.

‡ A "Version" indicated by "-x" after the Lab ID# with a value greater than 1 indicates a sample with amended data. The revision number is reflected by the value of "x".

Attachment 11

Eurofins EMLab P&K

6500 McDonough Dr, Suite C-10, Norcross, GA 30093
(866) 871-1984 Fax (954) 776-8485 www.emlab.com

Client: MSE Environmental
C/O: Mr. Larry Carter
Re: 191118WO37295; 1430 E Desert Inn Rd #1, #3

Date of Sampling: 11-18-2019
Date of Receipt: 11-19-2019
Date of Report: 11-19-2019

ASBESTOS PLM REPORT

Location: W-6, #3 Bedroom 1 N Wall - DW/JC/WT

Lab ID-Version‡: 10938199-1

Sample Layers	Asbestos Content
White Compound with Brown Paint	ND
Off-White Texture with Yellow Paint	< 1% Chrysotile
Cream Tape	ND
Off-White Joint Compound	< 1% Chrysotile
Pink Drywall with Brown Paper	ND
Composite Asbestos Fibrous Content:	< 1% Asbestos
Composite Non-Asbestos Content:	15% Cellulose
Sample Composite Homogeneity:	Moderate

Comments: Composite asbestos content provided is only for Drywall/Joint compound. Composite content provided for this analysis has been performed by following the NESHAP guidelines.

Location: C-4, #3 Dining RM - ACS

Lab ID-Version‡: 10938200-1

Sample Layers	Asbestos Content
White Popcorn Ceiling with Gray Paint	4% Chrysotile
Brown Tape	ND
Composite Non-Asbestos Content:	15% Cellulose
Sample Composite Homogeneity:	Moderate

Location: C-5, #3 Bedroom 1 - ACS

Lab ID-Version‡: 10938201-1

Sample Layers	Asbestos Content
Cream Popcorn Ceiling with Black Paint	5% Chrysotile
Sample Composite Homogeneity:	Good

Location: C-6, #3 Master BR - ACS

Lab ID-Version‡: 10938202-1

Sample Layers	Asbestos Content
Dark Brown Popcorn Ceiling	5% Chrysotile
Sample Composite Homogeneity:	Poor

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Inhomogeneous samples are separated into homogeneous subsamples and analyzed individually. ND means no fibers were detected. When detected, the minimum detection and reporting limit is less than 1% unless point counting is performed. Floor tile samples may contain large amounts of interference material and it is recommended that the sample be analyzed by gravimetric point count analysis to lower the detection limit and to aid in asbestos identification.

‡ A "Version" indicated by "-x" after the Lab ID# with a value greater than 1 indicates a sample with amended data. The revision number is reflected by the value of "x".

Attachment 11

Eurofins EMLab P&K

6500 McDonough Dr, Suite C-10, Norcross, GA 30093
(866) 871-1984 Fax (954) 776-8485 www.emlab.com

Client: MSE Environmental

C/O: Mr. Larry Carter

Re: 191118WO37295; 1430 E Desert Inn Rd #1, #3

Date of Sampling: 11-18-2019

Date of Receipt: 11-19-2019

Date of Report: 11-19-2019

ASBESTOS PLM REPORT

Location: D-1, Dumpster Debris - Ash Debris

Lab ID-Version‡: 10938203-1

Sample Layers	Asbestos Content
Multicolored Debris	ND
Composite Non-Asbestos Content:	20% Cellulose
Sample Composite Homogeneity:	Poor

Location: D-2, Dumpster Debris - Ash Debris

Lab ID-Version‡: 10938204-1

Sample Layers	Asbestos Content
Multicolored Debris	ND
Composite Non-Asbestos Content:	20% Cellulose
Sample Composite Homogeneity:	Poor

Location: S-1, W Exterior - Stucco Cement

Lab ID-Version‡: 10938205-1

Sample Layers	Asbestos Content
Gray Stucco	< 1% Chrysotile
Sample Composite Homogeneity:	Good

The test report shall not be reproduced except in full, without written approval of the laboratory. The report must not be used by the client to claim product certification, approval, or endorsement by any agency of the federal government. Eurofins EMLab P&K reserves the right to dispose of all samples after a period of thirty (30) days, according to all state and federal guidelines, unless otherwise specified.

Inhomogeneous samples are separated into homogeneous subsamples and analyzed individually. ND means no fibers were detected. When detected, the minimum detection and reporting limit is less than 1% unless point counting is performed. Floor tile samples may contain large amounts of interference material and it is recommended that the sample be analyzed by gravimetric point count analysis to lower the detection limit and to aid in asbestos identification.

‡ A "Version" indicated by "-x" after the Lab ID# with a value greater than 1 indicates a sample with amended data. The revision number is reflected by the value of "x".

EMLab P&K, LLC

EMLab ID: 2299799, Page 6 of 6

Page 32 of 36



ASBESTOS CHAIN OF CUSTODY

002299799

MSE Environmental Consultant	Larry Carter	Consultants Tel No.	702-426-1242
		Consultants Email:	larry@msenational.com
MSE Location: (circle) AZ CA CO ID NV NM OR TX UT WA	NV	Email Results To:	results@msenational.com

PROJECT INFORMATION		REQUESTED TURN AROUND TIME (circle)	
Project ID:	19118WD37295	RUSH	3 hour 6 hour
Project Location:	1430 E Desert Inn Rd #1, #3	<u>SAME DAY</u>	BY 5:00 PM
City / ZIP	Las Vegas NV 89169	NEXT DAY -	24 HOUR
Project Date	11 / 12 / 19	STANDARD -	3 DAY
Project Time (circle)	11:00 AM PM	★ MANDATORY NUMBER OF SAMPLES <u>0</u> ★	

SAMPLE ID	SAMPLE LOCATION	MATERIAL DESCRIPTION	SAMPLE TYPE	CONDITION G-F-P	MATERIAL QTY	FRIABILITY Y/N	TOTAL VOLUME
W-1	#1 Kitchen W Wall	Du/TC/WT	B	B	<1000	Y	
W-2	#1 Bathroom S Wall						
W-3	#1 M Bathroom S Wall						
C-1	#1 Living Room	ACS					
C-2	#1 Bedroom 1						
C-3	#1 Master BR						
W-4	#3 Living RM W Wall	Du/TC/WT					
W-5	#3 Hall/Bath S Wall						
W-6	#3 Bedroom 1 N Wall						
C-4	#3 Dining RM	ACS					
C-5	#3 Bedroom 1						
C-6	#3 Master BR						
D-1	Dumpster Debris	Ash Debris					
D-2	Dumpster Debris						

Fiber Count (NIOSH 7400)
 TEM AHERA
 EPA Method 600/R-837116
 EPA Point Count (400 Point Count)
 TEM Microvac ASTM D-9765

SAMPLE TYPE CODES	RELINQUISHED BY: <i>[Signature]</i>	DATE	11/12/19	TIME	5:00
A - Air	RECEIVED BY: <i>[Signature]</i>	DATE	11.19.19	TIME	9:07 AM
W - Wipe	Billing Address (check) <input checked="" type="checkbox"/>	6000 S Eastern Ave Suite 2403 Las Vegas NV 89119 O: 702-255-2457 F: 702-953-0286 www.msenational.com 18444 N 25th Ave, Suite 420 Phoenix, Az 85023 O: 602-388-1089 F: 602-792-0470 info@msenational.com			
B - Bulk					
T - Tape					
D - Dust					
MV					
SO - Soil					
PCM/TEM					

Page 33 of 36



ASBESTOS CHAIN OF CUSTODY

002299799

MSE Environmental Consultant	Larry Carter	Consultants Tel No.	702-426-1242
		Consultants Email:	larry@msonational.com
MSE Location: (circle)	AZ CA CO ID NV NM OR TX UT WA	Email Results To:	results@msonational.com

PROJECT INFORMATION		REQUESTED TURN AROUND TIME (circle)	
Project ID:	19118 19118WO37295	RUSH	3 hour 6 hour
Project Location:	1430 E Desert Inn Rd #1, #3	<u>SAME DAY</u>	BY 5:00 PM
City / ZIP	Las Vegas NV 89149	NEXT DAY	24 HOUR
Project Date	11 / 18 / 19	STANDARD	3 DAY
Project Time (circle)	11:00 AM PM	★ MANDATORY NUMBER OF SAMPLES <u>15</u> ★	

SAMPLE ID	SAMPLE LOCATION	MATERIAL DESCRIPTION	SAMPLE TYPE	CONDITION G-F-P	MATERIAL QTY	FRIABILITY Y/N	TOTAL VOLUME
S-1	W Exterior	Stucco Cement	B	F	1000	N	

Fiber Count (NIOSH 7400)
 TEM AHERA
 EPA Method 600/R-93/116
 EPA Point Count (400 Point Count)
 TEM Microvac ASTM D-5755

SAMPLE TYPE CODES		RELINQUISHED BY:	DATE	TIME
A - Air	W - Wipe	<i>[Signature]</i>	11/18/19	5:00
B - Bulk	T - Tape	RECEIVED BY:	DATE	TIME
D - Dust	MV	<i>[Signature]</i>	11.19.19	9:07AM
SO - Soil	PCM/TEM	Billing Address (check) <input checked="" type="checkbox"/> 6000 S Eastern Ave Suite 2403 Las Vegas NV 89119 O: 702-255-2457 F: 702-953-0286 www.msenational.com 18444 N 25th Ave, Suite 420 Phoenix, Az 85023 O: 602-388-1089 F: 602-792-0470 info@msonational.com		

11. MSE ENVIRONMENTAL CONSULTANT CERTIFICATES

STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF INDUSTRIAL RELATIONS
Occupational Safety and Health Administration
Asbestos Control Program

Certifies That Larry Carter

is Licensed As Asbestos Abatement Consultant

License No. IJPM-1852

Expiration Date 04/24/2020

Signature Of Licensee



Attachment 12
007 Properties, LLC

ENTITY INFORMATION

ENTITY INFORMATION

Entity Name:

007 PROPERTIES, LLC

Entity Number:

LLC12945-2004

Entity Type:

Domestic Limited-Liability Company (86)

Entity Status:

Permanently Revoked

Formation Date:

06/14/2004

NV Business ID:

NV20041131867

Termination Date:

6/14/2504

Annual Report Due Date:

6/30/2009

Series LLC:

Restricted LLC:

REGISTERED AGENT INFORMATION

Name of Individual or Legal Entity:

Attachment 12

12/27/2019

Nevada eSOS

LAW OFFICES OF KURT A. JOHNSON, ESQ. P.C.

Status:

Active

CRA Agent Entity Type:

CRA - CORPORATION

Registered Agent Type:

Commercial Registered Agent

NV Business ID:

NV20121011006

Office or Position:

Jurisdiction:

NEVADA

Street Address:

6980 S CIMARRON RD STE 110, LAS VEGAS, NV, 89113, USA

Email Address:

admin@trustedepa.com

Mailing Address:

Individual with Authority to Act:

Blake B. Johnson

Contact Phone Number:

Fictitious Website or Domain Name:

kurtajohnsonlaw.com , trustedepa.com

PRINCIPAL OFFICE ADDRESS

Address:

Mailing Address:

Attachment 12

12/27/2019

Nevada eSOS

OFFICER INFORMATION

VIEW HISTORICAL DATA

Title	Name	Address	Last Updated	Status
Manager	MICHAEL PERRY	2620 S MARYLAND PKWY #14-308, LAS VEGAS, NV, 89109, USA	06/18/2008	Active

Page 1 of 1, records 1 to 1 of 1

[Filing History](#)

[Name History](#)

[Mergers/Conversions](#)

[Return to Search](#)

[Return to Results](#)

Attachment 13
Email from Perry 12/23/2019

Attachment 13

From: [Michael Perry](#)
To: office@aandiindustries.com
Cc: [a_bernal](#); k_schank@aandiindustries.com; [Kevin Adoor](#); [Anna Sutowska](#)
Subject: 1430 desert inn rd Scheduled services Appointment
Date: Monday, December 23, 2019 2:25:01 PM

OK this sounds great I've CCed air quality control to this email please keep me posted

Sent from my iPhone

On Dec 23, 2019, at 12:50 PM, "office@aandiindustries.com" <office@aandiindustries.com> wrote:

Good afternoon,

We will be scheduled to perform services at 1430 E Desert Inn Las Vegas, NV on Thursday, 01/02/20. If there's any inconvenience or any questions please contact Kent.

Mercedes Wallace
Administrative Assistant
<image001.jpg>
5965 S. Procyon St.
Las Vegas, NV 89118
Office: 702-436-0123
Fax: 702-436-2556

Attachment 14
Email from Perry 12/30/2019

Attachment 14

From: [Michael Perry](#)
To: k_schank@aandiindustries.com
Cc: [Kevin Adoor](#)
Subject: Re: 1430 E Desert Inn Rd - ANALYTICAL REPORTS
Date: Monday, December 30, 2019 1:17:26 PM

Ok Thank you see below

Sent from my iPhone

On Dec 30, 2019, at 10:37 AM, "k_schank@aandiindustries.com" <k_schank@aandiindustries.com> wrote:

We got everything submitted. We will be starting on Thursday morning. My guys will be there between 7 and 8. I will also meet them on site.

From: Michael Perry <swf.mperry@gmail.com>
Sent: Monday, December 30, 2019 10:08 AM
To: k_schank@aandiindustries.com; Michael Perry <swf.mperry@gmail.com>
Subject: 1430 E Desert Inn Rd - ANALYTICAL REPORTS

Please see attached reports received from air quality control

--

From: [Michael Perry](#)
To: [Pamela Thompson](#)
Subject: Fwd: NOTICE OF VIOLATION RESPONSE, Letter requesting continuance of hearing; and Letter objecting to violation and penalty
Date: Thursday, March 5, 2020 4:22:51 PM
Attachments: [CCF 000069.pdf](#)
[CCF 000070.pdf](#)
[CCF 000071.pdf](#)

Pamela please find attached notice Violation response formr
Request for continuance
And my answers to the violations please let me know if there's anything else needed or any
documentation you may need please feel free to call me 702-812-8357 thank you

Sent from my iPhone

Begin forwarded message:

From: erstev@aol.com
Date: March 5, 2020 at 4:13:59 PM PST
To: snmc.mperry@gmail.com
Subject: NOTICE OF VIOLATION RESPONSE, Letter requesting
continuance of hearing; and Letter objecting to violation and penalty

March 5, 2020

Michael Perry
M.P. Trust
2980 S. Rainbow Blvd. #100-F
Las Vegas, NV 89146

Air Quality
Dept of Air Quality
4701 W. Russell Road, Suite 200
Las Vegas, NV 89118

Re: **REQUEST FOR CONTINUANCE**
Violation #9394, Hearing set for March 19, 2020, at 9 a.m.

Marci Henson or Whom it May Concern:

I have been provided a NOTICE OF VIOLATION, and am informed there is a hearing scheduled for March 19, 2020.

I am respectfully requesting that this matter be CONTINUED, as I will be out of town at that time. I apologize for any inconvenience that may cause, but I am taking this matter very seriously, and desire to be present and prepared to respond at the time of hearing. Unfortunately, I have prior scheduled obligations.

In good faith, I am providing the NOTICE OF VIOLATION RESPONSE FORM you requested. A detailed response shall be forthcoming.

Please confirm receipt of this request within five (5) days.

Sincerely,



MICHAEL PERRY

Notice of Violation Response Form

Issued to: M.P. Trust and Michael Perry, individually

NOV #: 9394

Return form by: 3/9/2020

Items below are to be completed by the Respondent

Responsible Official: Michael Perry

Title: Leasee

Phone Number: 702-812-8357

Email Address: snmc.mperry@gmail.com

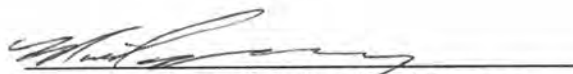
Please check applicable boxes below

We do not contest the Notice of Violation (Attendance is not required)
We accept responsibility for this violation. Instructions for payment of the recommended penalty will be provided after the Hearing Officer meeting.

We are contesting the Notice of Violation and request to appear before the Hearing Officer (Attendance by the Responsible Official or a representative of the company is strongly recommended to contest the violation)
Please attach a written explanation, including supporting documentation, of why you are contesting the NOV. This information will be provided to the Hearing Officer prior to the Hearing.

We will be contesting the:

- Violation
 Penalty
 Both


Signature of Authorized Person

Date: 3/9/2020

Completed forms can be submitted to Pam Thompson via mail at the Clark County Department of Environment and Sustainability, Division of Air Quality, 4701 West Russell Road, Suite 200, Las Vegas, NV 89118-2231, fax at (702) 383-9994, or email at pamela.thompson@clarkcountynv.gov.

M.P. Trust and Michael Perry (Project #201010)

Appeal of NOV #9409

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Hearing Officer’s Order signed June 30, 2020	4
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REQUEST FOR HEARING BEFORE THE
CLARK COUNTY AIR POLLUTION CONTROL
HEARING BOARD

RECEIVED CC DAQ
2020 JUL 30 AM 9:46

Postmarked AR.
7/29/2020

Appeal of Hearing Officer's Order

1. Date of Appeal: 7/03/2020
(Must be within 10 days of receipt of Hearing Officer Order)

Notice of Violation # 9409 Hearing Date: 06/30/2020

Hearing Officer: CHRISTINE T SMITH

2. Name, address, telephone number of Appellant:

Name: M P TRUST
(Please print)

Address: 2980 S RAINBOW BLVD LAS VEGAS NV 89146

Telephone: 702-812-8357 Fax: N/A

Email: SNMC.MPERRY@GMAIL.COM

3. Other person or persons authorized to receive service of notice:

Name:
(Please print)

Address:

Telephone: Fax:

Email:

4. Type of business or activity and location of activity involved in the request:

1430 E DESERT INN RD LAS VEGAS NV 89169

UNIT #1&3

5. Reason for appeal: [] Facts alleged [] Penalty assessed [x] Both

Provide a detailed explanation of the reason for your appeal:

I do not agree the violations charged against me are fact and

I did not receive a fair hearing due the hearing office not allow

detailed ample time to go through each violation

- 6. An application filing fee of \$140.00 must accompany this application. This fee is non-refundable. Please make check payable to the Department of Air Quality and mail to 4701 W. Russell Road, Suite 200, Las Vegas, NV 89118.

The appellant or a representative of the appellant must be present at the hearing board meeting to answer any questions by the Air Pollution Control Hearing Board Members. Please include any supporting documentation with this form for distribution to the respective board members.

I affirm that all statements made on this application are true and complete to the best of my knowledge.

Signature: *[Handwritten Signature]*

Date: 07/03/2020

Printed Name: M P TRUST

Title: Trustee

FOR OFFICE USE ONLY

Application Received on 7/29/2020

Application Fee \$140.00 - Check /Cash #183

Received Date: 7/29/2020

[Handwritten Signature]
DAQ Admin Secy.



Clark County Nevada Department of Environment and Sustainability
 4701 W Russell Road, Suite 200, Las Vegas, NV 89118
 Phone (702) 455-5942 Fax (702) 383-9994
 AirQuality@clarkcountynv.gov

RECEIPT

MP TRUST
 2980 S RAINBOW BLVD.
 LAS VEGAS NV 89146

Invoice #	Invoice Date	Invoice By	Invoice Type	Due Date
044636	7/29/2020	HELENBS	DUST CONTROL ENFORCEMENT	7/29/2020

Quantity	Description	Fee Code	Fee	Total
1	HEARING BOARD REQUEST	AGHB01	\$140.00	\$140.00
	07/30/2020 CHECK (0183)	PAYMENT		(\$140.00)

Notes: NOV #9409, MP Trust, Submitted 7/29/2020

Subtotal:	\$140.00
Paid:	(\$140.00)
Adjustments:	\$0.00
Balance Due:	\$0.00

1 BEFORE THE AIR POLLUTION CONTROL HEARING OFFICER
2 CLARK COUNTY, NEVADA
3

4 In the Matter of the Notice of Violation #9409) ORDER
5 Issued to)
6 M.P. TRUST and MICHAEL PERRY,)
7 Respondents.)

8
9 The above-entitled matter was heard on June 25, 2020, before Hearing Officer Christine
10 T. Smith on the Contested Docket. Representatives of both the Clark County Department of
11 Environment and Sustainability, Division of Air Quality (**Air Quality**) and M.P. TRUST
12 (**MPT**) and MICHAEL PERRY (**PERRY**) appeared, testified and submitted evidence for
13 consideration by the Hearing Officer. Having considered the evidence presented at the hearing,
14 the Hearing Officer hereby finds and orders as follows:

15 1. Notice of Violation (**NOV**) #9409 was issued by Air Quality to Respondents
16 MPT and PERRY on May 21, 2020 for alleged violation(s) of the Clark County Air Quality
17 Regulations (**AQRs**) at a facility (Project #201010) located at 1430 East Desert Inn Road, in
18 Clark County, Nevada. The violation(s) alleged in the NOV include:

19 (a) Violation of AQR Section 13.1 and 40 CFR 61 Subpart M, §61.145(b)(1)
20 and §61.145(b)(3)(i) for failure to notify Air Quality 10 working days prior to the
21 removal of regulated asbestos-containing material (**RACM**) from the facility in
22 quantities greater than 160 square feet and/or 35 cubic feet;

23 (b) Violation of AQR Section 13.1 and 40 CFR 61 Subpart M, §61.145(c)(1)
24 for failure to remove all RACM prior to renovation;

25 (c) Violation of AQR Section 13.1 and 40 CFR 61 Subpart M,
26 §61.145(c)(6)(i) for failure to adequately wet all removed RACM and ensure it
27 remained wet during renovation activities;

28 (d) Violation of AQR Section 13.1 and 40 CFR 61 Subpart M, §61.145(c)(8)

1 for failure to have at least one onsite representative trained in the provisions of the
2 NESHAP asbestos regulations and the means of complying with them; and

3 (e) Violation of AQR Section 13.1 and 40 CFR 61 Subpart M,
4 §61.150(a)(1)(iii) for failure to seal all the asbestos-containing waste materials in leak
5 tight containers while wet.

6 2. The penalty recommended by Air Quality in NOV #9409 was \$22,500.00.

7 3. The Hearing Officer finds that the violation(s) alleged in NOV #9409 occurred
8 in that MPT and PERRY violated AQR Section 13.1 and 40 CFR 61 Subpart M, §61.145(b)(1),
9 §61.145(b)(3)(i), §61.145(c)(1), §61.145(c)(6)(i), §61.145(c)(8), and §61.150(a)(1)(iii).

10 4. **IT IS HEREBY ORDERED** that MPT and PERRY pay a penalty of Twenty
11 Two Thousand Five Hundred and no/100 Dollars (\$22,500.00) within 30 days of the date of
12 this ORDER, by check or money order payable to the Clark County DAQ, and submitted to
13 DAQ, 4701 West Russell Road, Suite 200, Las Vegas, Nevada 89118.

14 5. MPT and PERRY have the right to appeal this ORDER to the Clark County Air
15 Pollution Control Hearing Board. Any appeal of this ORDER shall be: (1) in writing
16 specifying the reasons for the appeal, (2) accompanied by a filing fee of One Hundred Forty
17 and no/100 Dollars (\$140.00), and (3) received by Air Quality within ten (10) days of MPT
18 and PERRY's receipt of this ORDER.

19 DATED this 30th day of June, 2020.

21 

22 _____
23 Christine T. Smith
24 Hearing Officer
25
26
27
28



4701 W. Russell Road 2nd Floor
 Las Vegas, NV 89118-2231
 Phone: (702) 455-5942 • Fax: (702) 383-9994
 Marci Henson, Director

Notice of Violation Response Form

Issued to: M.P. Trust and Michael Perry, individually

NOV #: 9409

Return form by: 6/11/2020

Items below are to be completed by the Respondent

Responsible Official: Michael Perry

Title: Property Owner

Phone Number: 702-812-8357

Email Address: snmc.mperry@gmail.com

Please check applicable boxes below

We do not contest the Notice of Violation (Attendance is not required)
 We accept responsibility for this violation. Instructions for payment of the recommended penalty will be provided after the Hearing Officer meeting.

We are contesting the Notice of Violation and request to appear before the Hearing Officer (Attendance by the Responsible Official or a representative of the company is strongly recommended to contest the violation)
 Please attach a written explanation, including supporting documentation, of why you are contesting the NOV. This information will be provided to the Hearing Officer prior to the Hearing.

We will be contesting the:

- Violation
- Penalty
- Both

Signature of Authorized Person

Date: 6-19-2020

Completed forms can be submitted to Pam Thompson via mail at the Clark County Department of Environment and Sustainability, Division of Air Quality, 4701 West Russell Road, Suite 200, Las Vegas, NV 89118-2231, fax at (702) 383-9994, or email at pamela.thompson@clarkcountynv.gov.

Date: 6/10/2020

Time: 11:00 AM

Project ID: 200610WO38173

Address:

1430 E. Desert Inn Rd #1,#3
Las Vegas Nevada 89169

Customer:

Michael Perry

Inspection Service:

Post Abatement Asbestos Clearance Testing Investigation

Agreement Type:

MSE Environmental Service Contract

Post Abatement Asbestos Result:

PASS with reoccupancy

Asbestos Abatement Company:

A & I Industries

Pumps Used:

Staplex EC-45 5-port Econometric Air
Sampler

June 17, 2020

Michael Perry
M.P. Trust
2980 S. Rainbow Blvd. #100-F
Las Vegas, NV 89146

Air Quality
Dept of Air Quality
4701 W. Russell Road, Suite 200
Las Vegas, NV 89118

Re: Violation #9409, Hearing set for June 25, 2020, at 9 a.m.

Marci Henson or Whom it May Concern:

After reading the above referenced NOTICE OF VIOLATION, I feel compelled to make this written response.

I am a private owner and I purchased the fourplex at 1430 E. Desert Inn Road, Las Vegas, Nevada, after two of the units sustained fire damage. I admit I am a regular citizen, and not trained in the provisions of 'NESHAP asbestos regulations.' In fact, I have never heard of NESHAP before purchasing this fourplex.

It is my understanding that the prior violation (Violation #9394) will be heard concurrently with this matter. I have provided my response to the first notice, and herein respond to the second notice.

After purchasing the building, which is an eyesore, I went about to repair and upgrade the property.

Two of the units had been damaged by fire, primarily in the master bedrooms. The other two units, however, had personal belongings from previous tenants in them and needed to be cleaned out. While I had someone clean the personal belongings out to the dumpster, I went about getting the debris out of the two damaged units piled in the middle of the master bedrooms of the two damaged units so that I could get to the electric wiring and determine how to get power to the units to proceed with proper removal of all burned drywall, including what needed to be removed by the asbestos company. The photographs show the walls were bare, and piled in the center of the room of the damaged units. This was NOT the debris in the dumpster.

As I previously indicated, my first contact with Mr. Adoor, within five minutes of conversation, he called me a "slum lord" and treated me very negatively. There was absolutely no reason for his unprofessionalism. What I was doing in mediating the fire damage, was fixing an eye sore in the community.

I have never had dealings with Air Quality in the past, and was trying to comply with what Mr. Adoor indicated needed to be done. However, this required me to communicate with, and rely on others to get things done. I live out of town, and travel frequently. Perhaps this project was a little ambitious for me, but I wanted to complete the renovation and live in one of the units while renting the others. Thus, I was very offended at being called a 'slum lord.'

I herein focus my response on the alleged violations:

Violation 1:

"By failing to notify Air Quality 10 working days prior to the removal of RACM from the Facility in quantities greater than 160 square feet and/or 35 cubic feet, MPT and Perry violated 40 CFR §61.145(b)(1) and 40 CFR §61.145(b)(3)(i), adopted by reference I AQR Section 13.1."

Response: Please note that this Violation was already stated in the initial NOTICE OF VIOLATION (#9394), as Violation 2. It is not appropriate that I be charged twice with the violation of failing to notify Air Quality in 10 working days.

I reiterate: I am a private owner, and I was not aware of the requirement to notify Air Quality. I do not know that the removal consisted of more than 160 sq. feet, as it was primarily the master bedroom in two units that were affected. Further, I have provided this office a copy of my lease option agreement, and I was never informed of the asbestos, which I would have thought would be a **mandatory disclosure** if there were an issue or concern.

Therefore, any failure to contact Air Quality prior to removal was not willful, and there was no intent to violate any law, **as no debris or asbestos was ever removed from the two units containing the asbestos.**

Violation 2:

"By failing to remove all RACM from the Facility prior to renovation, MPT and Perry violated 40 CFR §61.145(c)(1), adopted by reference in AQR Section 13.1."

Response: I had just obtained the lease option agreement for the property, and am a private owner that has never purchased a fire damaged building before, I was not aware of the requirement to removal all RACM material prior to renovation.

Violation 3:

“By failing to adequately wet all removed RACM and ensure it remained wet, MPT and Perry violated 40 CFR §61.145(c)(6)(i), adopted by reference in AQR Section 13.1.

Response: This was already cited as a VIOLATION #4 in the Notice of Violation #9394, and I do not believe it is appropriate that I be charged twice for the same violation.

I reiterate my prior response: Upon being directed to wet the material, I did wet the material. It would dry, and I would wet it again. It would continue to dry. Thus, it was always on ongoing issue with Mr. Adoor. The material was covered and signage was posted. It would be tore open and uncovered, and when I became aware of it, I would re-cover it, and post signs again. Therefore, I do not believe that I violated this section.

Violation 4:

“By failing to have at least one onsite representative trained in the provisions of the NSEHAP asbestos regulations and the means of complying with them, MPT and Perry violated 40 CFR 61.145(c)(8), adopted by reference in AQR Section 13.1.”

Response: This was already cited as VIOLATION #3 in Notice of Violation #9394.

I reiterate: I am a private owner, and do not have a “staff” or “one onsite representative trained in the provisions of NSEHAP asbestos regulations....” Once informed of issues with the possibility of asbestos, I took appropriate action to the best of my ability. I contacted who needed to be contact, and I had to wait for others to assist.

Violation 5:

“By failing to seal all asbestos-containing waste material in leak tight containers while wet, MPT and Perry violated 40 CFR 61.150(a)(1)(iii), adopted by reference in AQR Section 13.1.”

Response: This was already cited as VIOLATION #5 in Notice of Violation #9394.

I reiterate: Upon being directed to seal the material, I did seal the material. It had been tore open and replaced several times, which is each time I have been informed about it being opened. The material was covered and signage was posted. Therefore, I do not believe that I violated this section. The wind, at the time, was extreme, and this was just a small puncture hole in the covering.

I want Air Quality to know that I have followed through on everything possible and at this time, I have obtained an **ABSESTOS CLEARANCE TESTING REPORT** which received a PASS with REOCCUPANCY this property, which resolves all concerns in this matter.

I want it known that I have never been involved with the Department of Air Quality until the purchase of this building, and nothing was done willfully.

My contact by Air Quality began on November 15, 2019, when I was notified by phone at 2:45 p.m., which was a **FRIDAY**. I made every effort to communicate and correct any issues that were brought to my attention. The initial call was followed up with a phone call at 3:45 p.m. I followed up with Mr. Adoor on Monday, November 18, 2019, informing him that an asbestos survey had been performed by Larry Carter, asbestos consultant for MSE Environmental.

During the first weekend, apparently there was a fire in the dumpster. Therefore, I did not believe there was any asbestos material in the dumpster at that time, and I asked to remove the dumpster, which was costing more each day. There was no evidence of the presence of asbestos after the fire - only the presumption of asbestos.

Mr. Adoor told me the results of the testing on November 20, 2019. I did not receive the documentation until November 22 - which was again a FRIDAY.

This was also the time around the holidays - Thanksgiving and Christmas, and not everyone was available to respond when contacted. Mr. Carter, asbestos consultant for MSE Environmental was contacted. I needed a determination from him prior to moving further. I complied to the best of my ability at all times. There were no delays on my part.

Page 5

I respectfully request that any proposed find in this matter be abated. I am told that Air Quality has the ability to waive or reduce recommended fees. My money has been tied up in trying to do this correctly, and quickly, so as to remove the eyesore in the neighborhood. Set forth herein are significant mitigating factors.

Sincerely,

MICHAEL PERRY



4701 W. Russell Road 2nd Floor
Las Vegas, NV 89118-2231
Phone: (702) 455-5942 • Fax: (702) 383-9994
Marci Henson, Director

May 21, 2020

CERTIFIED MAIL #9489 0090 0027 6122 1980 58

Michael Perry, Individually and as Trustee of
M. P. Trust

E-mail: swf.mperry@gmail.com and snmc.mperry@gmail.com

2980 South Rainbow Boulevard, Suite 100-F
Las Vegas, NV 89146

CERTIFIED MAIL #9489 0090 0027 6122 1980 65

2980 South Rainbow Boulevard, Suite 200-J
Las Vegas, NV 89146

NOTICE OF VIOLATION #9409

Clark County Department of Environment and Sustainability, Division of Air Quality (**Air Quality**) provides this notice to M.P. Trust (**MPT**) and Michael Perry (**Perry**), individually, for the violations of the Clark County Air Quality Regulations (**AQRs**) as alleged below and recommends a civil penalty of Twenty Two Thousand Five Hundred and no/100 Dollars (\$22,500.00) be assessed as shown in the Penalty Calculation Table attached hereto as **Exhibit A** and incorporated herein.

I. FACTS

The building located at 1430 East Desert Inn Road, Las Vegas, Nevada, is a “facility” per the Environmental Protection Agency’s (**EPA**) National Emission Standards for Hazardous Air Pollutants (**NESHAP**) asbestos regulations found in 40 CFR Part 61, Subpart M, which have been adopted by reference in Section 13.1 of the **AQRs**.

On February 11, 2020, Air Quality Specialist II Kevin Adoor (**Adoor**) was on routine patrol when he noted that plywood boards used to secure a fire damaged apartment building had been removed. Adoor also noted the presence of debris piles inside of the building. Adoor stopped to investigate and conduct an inspection. Adoor’s inspection report is attached hereto as **Exhibit B** and incorporated herein. The apartment building is located at 1430 East Desert Inn Road, Las Vegas, NV 89169 (**Facility**). The Facility is owned by MPT and Perry, Trustee of MPT (**Exh. B, Att. 1**). The plywood boards were removed from the patio entrances of the north bedrooms of Units 1 and 3. Adoor noted a debris pile inside of the north bedroom of Unit 1, which consisted of textured drywall, including acoustic ceiling texture (**ACT**) (**Exh. B, Att. 2, Photos 1 through 3**).

Adoor further noted textured drywall had been removed from all of the walls and ceilings of the north bedroom of Unit 1.

Adoor was familiar with the Facility, MPT, and Perry from a previous enforcement action initiated on November 15, 2019 (**Exh. B, Att. 8**). During the inspection that led to the previous enforcement action, Adoor discovered Regulated Asbestos-Containing Materials (**RACM**) had been improperly removed from Units 1 and 3 in violation of the AQRs. Following the discovery, Adoor provided Perry with information regarding the regulatory requirements (**Exh. B, Att. 8, Sub-Att. 8, Pages 20 through 23**). As a result of Adoor's discovery, Perry hired a licensed asbestos abatement consultant, Larry Carter (**Carter**), to perform an asbestos survey. The asbestos survey report (**Survey**) identified ACT throughout the Facility as RACM and required a licensed asbestos abatement contractor for removal (**Exh. B, Att. 8, Sub-Att. 11, Page 22**). The Survey also stated the wall texture in the Facility contained < 1% Chrysotile Asbestos but was assumed to be RACM unless the asbestos content of the material was confirmed through a more accurate analytical method called point counting (**Exh. B, Att. 8, Sub-Att. 11, Pages 18 and 22**). Perry hired A & I Industries, LLC (**A&I**), a licensed asbestos abatement contractor, to abate all Asbestos-Containing Waste Material (**ACWM**) from a 16 cubic yard dumpster located at the Facility. Following the abatement of all ACWM from the 16 cubic yard dumpster, Perry informed Adoor the abatement of asbestos-containing materials from the interior would begin at a later date due to a lack of funds (**Exh. B, Att. 8, Sub-Att. 8, Page 1**). The enforcement action resulted in the issuance of Notice of Violation #9394 to MPT and Perry.

Adoor inspected the interior of Unit 1 while wearing a protective suit, powered air purifying respirator, and gloves. Once inside, Adoor noted that textured drywall had also been removed from the walls and ceilings of a hallway leading to the north bedroom (**Exh. B, Att. 2, Photo 4**). Adoor noted that all of the debris was in a visibly dry condition with no evidence of moisture. Adoor, using a tape measure, determined that at least 448 square feet of textured drywall had been removed from the ceilings and walls of the north bedroom and hallway (**Exh. B, Att. 4**). Adoor also obtained eight samples of what appeared to be textured drywall, from the north bedroom, the hallway, and the south/living room patio (**Exh. B, Att. 2, Photos 5 through 20**). Adoor noted that all of the samples accepted water when wetted using a spray bottle. Eight of the ten samples were determined to contain > 1% Chrysotile Asbestos, which confirmed that all of the textured materials removed/disturbed in Unit 1 were RACM (**Exh. B, Att. 5, Samples 201010-1 through 201010-10; and Exh. B, Att. 6, Pages 1 through 7**).

Following the inspection, Adoor spoke by telephone with Perry and inquired about the renovations. Perry stated he had removed the drywall from the walls and ceilings of Units 1 and 3 on Sunday, February 9, 2020. Perry further stated he had performed the work himself in order to save some money and claimed he intended to hire A&I to remove the debris when he was finished. Adoor then made arrangements to meet with Perry the following day to inspect Unit 3.

At approximately 12:25 p.m., Adoor called Kent Shank (**Shank**), manager for A&I, who stated he did not have a contract with Perry for the removal of any debris from the interior of the Facility. Shank denied having any conversation with Perry involving a scenario where Perry would remove RACM from the walls and ceilings to receive a lower price.

At approximately 12:50 p.m., Adoor called Larry Carter (**Carter**), Perry's asbestos abatement consultant, who stated the asbestos content of samples of wall texture obtained by Carter during the course of an asbestos survey performed on November 18, 2019, were never confirmed through point counting. Carter reiterated a statement he made to Adoor on November 19, 2019, that Perry did not want the laboratory to point count the samples of wall texture as required by the asbestos NESHAP. Carter explained that Perry chose to exercise his option to treat the material as RACM (**Exh. B, Att. 8, Page 7**). Carter further stated he had informed Perry that an asbestos abatement contractor was required to remove any of the textured materials in the Facility.

On February 12, 2020, at approximately 12:00 p.m., Adoor returned to the Facility and met with Perry who provided Adoor access to Unit 3. Adoor inquired if there was water available at the Facility and Perry stated there wasn't. Perry then acknowledged that he understood he shouldn't perform any additional renovations involving the removal of the textured walls and ceilings. Perry also acknowledged that a licensed asbestos abatement contractor was required for the clean-up and removal of RACM from the Facility. Adoor then inspected the interior of Unit 3 while wearing a protective suit, a powered air purifying respirator, and gloves. During the course of the inspection, Adoor noted that all of the textured drywall had been removed from the walls and ceilings of the north bedroom. Adoor also noted that all of the textured drywall had been removed from the ceiling of a hallway leading to the north bedroom (**Exh. B, Att. 2, Photo 21**). Adoor further noted the presence of a large debris pile in the north bedroom and that all of the debris was in a visibly dry condition with no evidence of moisture (**Exh. B, Att. 2, Photo 22**). Adoor, using a tape measure, determined at least 414 square feet of drywall had been removed from ceilings and walls of the north bedroom and hallway (**Exh. B, Att. 4**). Adoor also obtained ten samples of what appeared to be textured drywall from the north bedroom and an exterior staircase. Adoor noted that all of the samples accepted water when wetted using a spray bottle. Seven of the ten samples were later determined to contain > 1% Chrysotile Asbestos, which confirmed that all of the textured materials removed/disturbed in Unit 3 were RACM (**Exh. B, Att. 2, Photos 23 through 36; Att. 5, Samples 201010-11 through 201010-20; Att. 6, Pages 8 through 15**).

II. APPLICABLE LAW

According to the definitions in the National Emission Standards for Hazardous Air Pollutants asbestos regulations found in 40 CFR Part 61, Subpart M, adopted by reference in AQR Section 13.1, the structure described above meets the definition of a "Facility". Additionally, MPT and Perry meet the definition in 40 CFR §61.141 of "owner or operator of a demolition or renovation activity." AQR Section 8.1 provides that "All persons owning, operating, or in control of any equipment or property who shall cause, permit, or participate in, any violation of [the Clark County Air Quality] Regulations shall be individually and collectively liable to any penalty or punishment imposed by and under these Regulations."

Pursuant to 40 CFR §61.145(a)(4) and AQR Section 13.1, all requirements in 40 CFR §61.145(a) §61.145(b) and 40 CFR §61.145(c) apply to the renovation of the Facility. Additionally, pursuant to 40 CFR §61.150, all requirements in §61.150(a) and §61.150(d) apply to the renovation of the Facility.

III. VIOLATIONS

Violation 1:

By failing to notify Air Quality 10 working days prior to the removal of RACM from the Facility in quantities greater than 160 square feet and/or 35 cubic feet, MPT and Perry violated 40 CFR §61.145(b)(1) and 40 CFR §61.145(b)(3)(i), adopted by reference in AQR Section 13.1.

40 CFR 40 CFR §61.145(b)(1) and 40 CFR §61.145(b)(3)(i) state:

“(b) Notification requirements. Each owner or operator of a demolition or renovation activity to which this section applies shall:

(1) Provide the Administrator with written notice of intention to demolish or renovate. Delivery of the notice by U.S. Postal Service, commercial delivery service, or hand delivery is acceptable.

...

(3) Postmark or deliver the notice as follows:

(i) At least 10 working days before asbestos stripping or removal work or any other activity begins (such as site preparation that would break up, dislodge or similarly disturb asbestos material), if the operation is described in paragraphs (a) (1) and (4) (except (a)(4)(iii) and (a)(4)(iv)) of this section. If the operation is as described in paragraph (a)(2) of this section, notification is required 10 working days before demolition begins.”

Violation 2:

By failing to remove all RACM from the Facility prior to renovation, MPT and Perry violated 40 CFR §61.145(c)(1), adopted by reference in AQR Section 13.1.

40 CFR §61.145(c)(1) states:

“(c) Procedures for asbestos emission control. Each owner or operator of a demolition or renovation activity to whom this paragraph applies, according to paragraph (a) of this section, shall comply with the following procedures:

(i) Remove all RACM from a facility being demolished or renovated before any activity begins that would break up, dislodge, or similarly disturb the material or preclude access to the material for subsequent removal.”

Violation 3:

By failing to adequately wet all removed RACM and ensure it remained wet, MPT and Perry violated 40 CFR §61.145(c)(6)(i), adopted by reference in AQR Section 13.1.

40 CFR §61.145(c)(6)(i) states:

“(6) For all RACM, including material that has been removed or stripped:

- (i) Adequately wet the material and ensure that it remains wet until collected and contained or treated in preparation for disposal in accordance with § 61.150; ...”

Violation 4:

By failing to have at least one onsite representative trained in the provisions of the NESHAP asbestos regulations and the means of complying with them, MPT and Perry violated 40 CFR §61.145(c)(8), adopted by reference in AQR Section 13.1.

40 CFR §61.145(c)(8) states:

“(c) Procedures for asbestos emission control. Each owner or operator of a demolition or renovation activity to whom this paragraph applies, according to paragraph (a) of this section, shall comply with the following procedures:

- (8) Effective 1 year after promulgation of this regulation, no RACM shall be stripped, removed, or otherwise handled or disturbed at a facility regulated by this section unless at least one onsite representative, such as a foreman or management-level person or other authorized representative, trained in the provisions of this regulation and the means of complying with them, is present. Every 2 years, the trained onsite individual shall receive refresher training in the provisions of this regulation. The required training shall include as a minimum: applicability; notifications; material identification; control procedures for removals including, at least, wetting, local exhaust ventilation, negative pressure enclosures, glove-bag procedures, and High Efficiency Particulate Air (HEPA) filters; waste disposal work practices; reporting and recordkeeping; and asbestos hazards and worker protection. Evidence that the required training has been completed shall be posted and made available for inspection by the Administrator at the demolition or renovation site.”

Violation 5:

By failing to seal all asbestos-containing waste material in leak tight containers while wet, MPT and Perry violated 40 CFR §61.150(a)(1)(iii), adopted by reference in AQR Section 13.1.

40 CFR §61.150(a)(1)(iii) states:

“(a) Discharge no visible emissions to the outside air during the collection, processing (including incineration), packaging, or transporting of any asbestos-containing waste material generated by the source, or use one of the emission control and waste treatment methods specified in paragraphs (a) (1) through (4) of this section.

(1) Adequately wet asbestos-containing waste material as follows:

...

(iii) After wetting, seal all asbestos containing waste material in leak tight containers while wet; or, for materials that will not fit into containers without additional breaking, put materials into leak-tight wrapping;”

IV. RECOMMENDED CIVIL PENALTY

Pursuant to AQR Section 9.1, any person who violates any provision of the AQRs, including any permit condition; is guilty of a civil offense and shall pay a civil penalty not to exceed \$10,000 per violation. Each day of violation constitutes a separate offense.

Air Quality considered the following in calculating the recommended penalty:

- The owner/operator knew they were not complying with the AQRs; and
- The improper removal of RACM was a continuation of the renovations first discovered on November 15, 2019. The cumulative total amount of RACM improperly removed was at least 860 square feet.

Air Quality recommends a civil penalty in the amount of \$22,500.00 (**Exh. A**).

V. HEARING

Air Quality has scheduled a hearing for **Thursday, June 25, 2020, at 9:00 a.m.** before the Air Pollution Control Hearing Officer to adjudicate the alleged violation(s) and, if appropriate, to levy the recommended penalty. Please complete the enclosed “**Notice of Violation Response Form**” and return it to Air Quality by June 11, 2020. At the hearing, the Hearing Officer will hear evidence on the alleged violation(s) and render a decision. The hearing will be held at the Clark County Building Services Presentation Room, located at 4701 West Russell Road, Las Vegas, Nevada.

If you intend to present any documentary evidence at the hearing, please provide copies of your evidence to Air Quality with the completed Notice of Violation Response Form. If you fail to provide copies of your evidence prior to the hearing, please be advised that Air Quality may request a continuance to have time to review the evidence you brought, which will result in the hearing being postponed and rescheduled to a later date.

If the Hearing Officer finds you in violation and levies a penalty, Air Quality staff will mail the Hearing Officer's order to you along with instructions on remittance of the penalty.



for

Marci Henson
Control Officer

Exhibits:

- A. Penalty Calculation Table, NOV #9409
- B. Air Quality Asbestos Site Inspection Form, dated February 11, 2020

kpa



4701 W. Russell Road 2nd Floor
 Las Vegas, NV 89118-2231
 Phone: (702) 455-5942 • Fax: (702) 383-9994
 Marci Henson, Director

Exhibit A

NOV # 9409

Penalty Calculation Table

M.P. Trust and Michael Perry

Viol.	Date(s)	Violation Description	AQR Section	Exhibit / Evidence	Base Penalty ¹		Days	Aggravating Description	Agg Factor	Agg Amount	Penalty
					Description	Amount					
1	2/11/2020	Failed to notify 10 days prior to commencing removal of RACM.	40 CFR §61.145(b)(1) & (b)(3)(i)	Exh.B	Moderate/Major	\$ 2,500	1	Willful ² (+100%)	100%	\$ 2,500	\$ 5,000
2	2/11/2020	Failed to remove all RACM prior to renovation.	40 CFR §61.145(c)(1)	Exh.B	Moderate/Major	\$ 2,500	1	Willful ² (+100%)	100%	\$ 2,500	\$ 5,000
3	2/11/2020	Failed to wet all RACM and ensure it remained wet.	40 CFR §61.145(c)(6)(i)	Exh.B	Moderate/Major	\$ 2,500	1	Willful ² (+100%)	100%	\$ 2,500	\$ 5,000
4	2/11/2020	Failed to have at least one onsite representative trained in the provisions and means of complying with them.	40 CFR §61.145(c)(8)	Exh.B	Moderate/Moderate	\$ 1,250	1	Willful ² (+100%)	100%	\$ 1,250	\$ 2,500
5	2/11/2020	Failed to seal ACWM in leak tight containers.	40 CFR §61.150(a) & (a)(1)(iii)	Exh.B	Moderate/Major	\$ 2,500	1	Willful ² (+100%)	100%	\$ 2,500	\$ 5,000

Total Penalty: \$ 22,500

1 Extent of Deviation from Requirement					
Amount of Asbestos			Major	Mod	Minor
	Major		\$4,000	\$2,000	\$1,500
	Mod		\$2,500	\$1,250	\$750
	Minor		\$1,000	\$500	\$375

Regulatory maximum: \$10,000 per day, per violation
 [AQR Section 9.1 & NRS 445B.270(2)]

² The owner/operator was aware of the requirements prior to the violation.



CLARK COUNTY • DEPARTMENT OF AIR QUALITY

4701 W. Russell Rd., Suite 200 • 2nd Floor • Las Vegas, NV 89118-2231
(702) 455-5942 • Fax (702) 383-9994

ASBESTOS SITE INSPECTION FORM

Exhibit B

Date: 2/11/2020 Arrival: 12:30 pm Departure: 2:15 pm Air Quality Specialist: Kevin Adoor

Facility Name or Description: Apartment Building

Site Address: 1430 East Desert Inn Road City: Las Vegas State: Nevada Zip: 89169

Abatement/Demolition Company: M P Trust / Michael Perry

Project Start Date: _____ Project #: 201010

Project Stop Date: _____ Complaint #: _____

Purpose of Inspection: Unannounced/Routine

A. ON-SITE RECORD REVIEW

- 1. Evidence of on-site rep NESHAP training? Yes No N/A Not Observed
Name of on-site supervisor: Michael Perry - Trustee of M P Trust

B. WORKSITE

- 1. Is activity as described on the notification? Yes No N/A Not Observed
- 2. Does amount on notification agree with observed amount (within 20%)? Yes No N/A Not Observed
- 3. Warning signs posted? Yes No N/A Not Observed
- 4. Containment intact? Yes No N/A Not Observed
- 5. RACM adequately wet? Yes No N/A Not Observed
- 6. Functional decontamination unit? Yes No N/A Not Observed
- 7. Are there visible emissions? Yes No N/A Not Observed
- 8. Dust/debris outside removal area? Yes No N/A Not Observed
- 9. Negative air machines operating? Yes No N/A Not Observed
- 10. Is non-friable ACM in good condition? Yes No N/A Not Observed

C. WASTE PACKAGING AND DISPOSAL

- 1. Are bags appropriately labeled (OSHA warning label and generator label)? Yes No N/A Not Observed
- 2. Are contents adequately wet? Yes No N/A Not Observed
- 3. ACWM placed in leak-tight containers? Yes No N/A Not Observed
- 4. Are waste containers/dumpsters properly labeled? Yes No N/A Not Observed

Samples taken? Yes No

Photographs taken? Yes No

Inspection Fees to Be Assessed: None

Notes:

Contacts:

Larry Carter = A licensed asbestos abatement consultant for MSE Environmental

M. P. Trust = Owner of a property located 1430 East Desert Inn Road

Michael Perry = Trustee of M. P. Trust and operator in control of the renovations occurring at 1430 East Desert Inn Road: (702) 812-8357

List of Acronyms:

- ACM = Asbestos-Containing Material
- ACT = Acoustic Ceiling Texture
- ACWM = Asbestos-Containing Waste Material
- CFR = Code of Federal Regulations
- NESHAP = National Emission Standards for Hazardous Air Pollutants
- PAPR = Powered Air Purifying Respirator
- PLM = Polarized Light Microscopy
- RACM = Regulated Asbestos Containing Material

Relevant Definitions from 40 CFR 61.141:

Adequately Wet means sufficiently mix or penetrate with liquid to prevent the release of particulates. If visible emissions are

Approved by: AS

Date: 3/2/20 021



CLARK COUNTY • DEPARTMENT OF AIR QUALITY

4701 W. Russell Rd., Suite 200 • 2nd Floor • Las Vegas, NV 89118-2231
(702) 455-5942 • Fax (702) 383-9994

ASBESTOS SITE INSPECTION FORM Page 2 – Additional Notes

Date: 2/11/2020 Air Quality Specialist: Kevin Adoor Project #: 201010 Complaint #: _____

Facility Name or Description: Apartment Building

Site Address: 1430 East Desert Inn Road City: Las Vegas State: Nevada Zip: 89169

Abatement/Demolition Company: M P Trust / Michael Perry

observed coming from asbestos-containing material, then that material has not been adequately wetted. However, the absence of visible emissions is not sufficient evidence of being adequately wet.

Asbestos-Containing Waste Material (ACWM) ...As applied to demolition and renovation operations, this term also includes regulated asbestos-containing material waste and materials contaminated with asbestos including disposable equipment and clothing.

Facility means any institutional, commercial, public, industrial, or residential structure, installation, or building (including any structure, installation, or building containing condominiums or individual dwelling units operated as a residential cooperative, but excluding residential buildings having four or fewer dwelling units); any ship; and any active or inactive waste disposal site. For purposes of this definition, any building, structure, or installation that contains a loft used as a dwelling is not considered a residential structure, installation, or building. Any structure, installation or building that was previously subject to this subpart is not excluded, regardless of its current use or function.

Facility Component means any part of a facility including equipment.

Friable Asbestos Material means any material containing more than 1 percent asbestos as determined using the method specified in appendix E, subpart E, 40 CFR part 763, section 1, Polarized Light Microscopy, that, when dry, can be crumbled, pulverized, or reduced to powder by hand pressure. If the asbestos content is less than 10 percent as determined by a method other than point counting by polarized light microscopy (PLM), verify the asbestos content by point counting using PLM.

Installation means any building or structure or any group of buildings or structures at a single demolition or renovation site that are under the control of the same owner or operator.

Leak-Tight means that solids or liquids cannot escape or spill out. It also means dust-tight.

Owner/Operator of a demolition or renovation activity means any person who owns, leases, operates, controls, or supervises the facility being demolished or renovated or any person who owns, leases, operates, controls, or supervises the demolition or renovation operation, or both.

Regulated Asbestos-Containing Material (RACM) means (a) Friable asbestos material, (b) Category I nonfriable ACM that has become friable, (c) Category I nonfriable ACM that will be or has been subjected to sanding, grinding, cutting, or abrading, or (d) Category II nonfriable ACM that has a high probability of becoming or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations regulated by this subpart.

Remove means to take out RACM or facility components that contain or are covered with RACM from any facility.

Renovation means altering a facility or one or more facility components in any way, including the stripping or removal of RACM from a facility component. Operations in which load-supporting structural members are wrecked or taken out are demolitions.

Violations Observed:

- 40 CFR 61.145(b)(1) and (b)(3)(i): Failure to notify the DAQ in writing at least 10 working days prior to the removal of RACM.
- 40 CFR §61.145(c)(1): Failure to remove all Regulated Asbestos-Containing Materials (RACM) from a facility being renovated before any activity begins that would break up, dislodge or similarly disturb the material.



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ASBESTOS SITE INSPECTION FORM Page 3 – Additional Notes

Date: 2/11/2020 Air Quality Specialist: Kevin Adoor Project #: 201010 Complaint #: _____

Facility Name or Description: Apartment Building

Site Address: 1430 East Desert Inn Road City: Las Vegas State: Nevada Zip: 89169

Abatement/Demolition Company: M P Trust / Michael Perry

- 40 CFR 61.145(c)(6)(i): Failure to ensure that all RACM that was removed or stripped remained in a wet condition until collected and contained in preparation for disposal.
- 40 CFR 61.145(c)(8): Failure to have a person trained in the provisions of the asbestos NESHAP on site at all times during the removal of RACM.
- 40 CFR 61.150(a) and Part 61.150(a)(1)(iii): Failure to seal all asbestos-containing waste material in leak tight containers.

Recommendation: Issuance of a Notice of Violation (NOV) to M. P. Trust (MPT) and Michael Perry (Perry)

On February 11, 2020, Air Quality Specialist II Kevin Adoor (Adoor) discovered the previously cited violations at 1430 East Desert Inn Road where a fire damaged apartment building (Facility) was undergoing renovations and under operational control of MPT and Perry. These very same violations were also documented by Adoor less than four months prior on the 15th of November, 2019. The violations observed on the 15th of November, 2019, occurred at the same Facility and while it was under the operational control of MPT and Perry. On January 20, 2020, Perry was provided a copy of Adoor’s inspection report from November 15, 2019, which cited the violations documented. The current violations represent a continuation of the renovations observed on November 15, 2019, and a willful attempt to circumvent the Clark County Air Quality Regulations. The cumulative total of RACM removed/disturbed as part of the renovations from November 15, 2019 through February 11, 2020, was at least 868 square feet.

Timeline of Relevant Facts Supporting the Issuance of a Notice of Violation:

The apartment buildings located in the subdivision named Continental Park #2 and on Desert Inn Road, from 1332 to 1486 East Desert Inn Road, were all under common ownership from the time of construction in 1963 until at least 1984 when they were all owned by Richard W. Aley. During this time, the buildings were part of an apartment complex and met the definition of a facility subject to the provisions of 40 CFR 61 subpart M of the National Emission Standards for Hazardous Air Pollutants (Asbestos NESHAP). The definition of facility under the Asbestos NESHAP states that “Any structure, installation or building that was previously subject to this subpart is not excluded, regardless of its current use or function.” Any building or group of buildings meeting the definition of facility are regulated under the provisions of the Asbestos NESHAP.

On Tuesday, February 11, 2020, at approximately 12:30 p.m., Adoor was on routine patrol when he noted that plywood boards used to secure a fire damaged apartment building had been removed from the Facility located at 1430 East Desert Inn Road, Las Vegas, NV 89169, owned by MPT. Perry was the trustee of MPT (Attachment 1, Assessor’s Information). The plywood boards were removed from the patio entrances of the north bedrooms of Units 1 and 3. Adoor also noted the presence of debris piles consisting of textured drywall, including acoustic ceiling texture (ACT), in the north bedrooms of Units 1 and 3. Adoor further noted that textured drywall had been removed from all of the walls and ceilings of the north bedroom of Unit 1 (Attachment 2, Digital Photographs 1 – 3).

Note 1: Adoor was familiar with the Facility and had previously inspected Units 1 and 3 on November 15, 2019, and November 19, 2019 (Attachment 8, Inspection Report 191086). During those inspections, Adoor noted the vast majority of drywall was secured to the framing of the ceilings and walls of Units 1 and 3. During those inspections, Adoor obtained samples of ACT from the north bedrooms of Units 1 and 3. The ACT was sent to a laboratory for analysis and the ACT was determined to be RACM, (Attachment 5, Table of Laboratory Results; Attachment 8, Inspection Report 191086, Sub-Attachment 4, Photographs 5 – 17; Sub-Attachment 11, Asbestos Survey Report, Pages 8 and 11, Pictures 9, 10, 23, and 25; Sub-Attachment 5, Laboratory Reports for Samples 1 – 5, Pages 1 – 3; Sub-Attachment 10, Laboratory Reports for Samples 6 – 9, Pages 1 – 4). During the course of Adoor’s inspection, he also discovered that ACT debris had been removed from the Facility and placed in a 16 cubic yard dumpster. Adoor informed Perry that a licensed asbestos abatement



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ASBESTOS SITE INSPECTION FORM Page 4 – Additional Notes

Date: 2/11/2020 Air Quality Specialist: Kevin Adoor Project #: 201010 Complaint #: _____

Facility Name or Description: Apartment Building

Site Address: 1430 East Desert Inn Road City: Las Vegas State: Nevada Zip: 89169

Abatement/Demolition Company: M P Trust / Michael Perry

contractor was required to remove RACM (Attachment 8, Inspection Report 191086, Sub-Attachment 8, Email Correspondence with Perry, Pages 20 – 22). Perry had an asbestos survey performed by a licensed asbestos abatement consultant that confirmed the ACT was RACM. The asbestos survey report also stated the wall texture in Units 1 and 3 contained asbestos and should be considered an asbestos-containing material unless the asbestos content was confirmed through point counting (Attachment 8, Inspection Report 191086, Sub-Attachment 11, Asbestos Survey Report, Pages 16, 22, 27 and 29). Perry hired A & I Industries, LLC (A&I), a licensed asbestos abatement contractor, for the abatement of all Asbestos-Containing Waste Material (ACWM) from the 16 cubic yard dumpster. All ACWM was removed from the 16 cubic yard dumpster on January 2, 2020. The abatement of RACM from the interior of Units 1 and 3 was delayed due to Perry's claim of a lack of funds (Attachment 8, Inspection Report 191086, Sub-Attachment 8, Email Correspondence with Perry, Page 1). Perry was provided a copy of Adoor's inspection report which cited the violations documented on January 7, 2020 (Attachment 3, Email to Perry January 7, 2020).

Adoor then inspected the interior of Unit 1 while wearing a protective suit, powered air purifying respirator, and gloves. Once inside, Adoor noted that textured drywall had also been removed from the walls and ceilings of a hallway leading to the north bedroom from the living room (Attachment 2, Digital Photograph 4). Adoor noted that all of the debris was in a visibly dry condition with no evidence of moisture. Adoor, using a tape measure, determined that at least 448 square feet of textured drywall had been removed from ceilings and walls of the north bedroom and hallway (Attachment 4, Measurements). Adoor also obtained eight samples of what appeared to be textured drywall, from the north bedroom, the hallway, and the south/living room patio (Attachment 2, Photographs 5 – 20). Adoor noted that all of the samples accepted water when wetted using a spray bottle. Eight of the ten samples were determined to contain > 1% Chrysotile Asbestos which confirmed that all of the textured materials removed/disturbed in Unit 1 were RACM (Attachment 5, Table of Laboratory Results, Samples 201010-1 through 201010-10; Attachment 6, Laboratory Reports and Chain of Custody Documents 2020, Pages 1 – 7).

Following the inspection, Adoor called Perry and inquired about the renovations. Perry stated that he had removed the drywall from the walls and ceilings of Units 1 and 3 on Sunday, February 9, 2020. Perry stated that he performed the work himself in order to save some money and claimed that he intended to hire A&I to remove the debris when he was finished. Adoor then made arrangements to meet with Perry the following day to inspect Unit 3.

At 12:25 p.m., Adoor called Kent Shank (Shank), manager for A&I, who stated he did not have a contract with Perry for the removal of any debris from the interior of the Facility. Shank denied having any conversation with Perry involving a scenario where Perry would remove RACM from the walls and ceilings to receive a lower price.

At 12:52 p.m., Adoor called Larry Carter (Carter), Perry's asbestos abatement consultant, who stated the asbestos content of samples of wall texture obtained by Carter during the course of an asbestos survey performed on November 18, 2019, were never confirmed through point counting. Carter reiterated a statement he made to Adoor on November 19, 2019, at approximately 12:36 p.m., that Perry did not want the laboratory to point count the samples of wall texture as required by the asbestos NESHAP and would exercise his option to treat the material as RACM (Attachment 8, Inspection Report 191086, Page 7). Carter also stated he had informed Perry that an asbestos abatement contractor was required to remove any of the textured materials in the Facility.

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On Wednesday, February 12, 2020, at approximately 12:00 p.m., Adoor returned to the Facility and met with Perry who provided Adoor access to Unit 3. Adoor inquired if there was water available at the Facility and Perry stated there wasn't. Perry then acknowledged that he understood he shouldn't perform any additional renovations involving the removal of the walls and ceilings. Perry also acknowledged that a licensed asbestos abatement contractor was required for the clean-up and removal of RACM from the Facility. Adoor then inspected the interior of Unit 3 while wearing a protective suit, a powered air purifying respirator, and gloves. During the course of the inspection, Adoor noted that all of the textured drywall had been removed from the walls and ceilings of the



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ASBESTOS SITE INSPECTION FORM Page 5 – Additional Notes

Date: 2/11/2020 Air Quality Specialist: Kevin Adoor Project #: 201010 Complaint #: _____

Facility Name or Description: Apartment Building

Site Address: 1430 East Desert Inn Road City: Las Vegas State: Nevada Zip: 89169

Abatement/Demolition Company: M P Trust / Michael Perry

north bedroom. Adoor also noted that all of the textured drywall had been removed from the ceiling of a hallway leading to the north bedroom from the living room (Attachment 2, Digital Photograph 21). Adoor further noted the presence of a large debris pile in the north bedroom and that all of the debris was in a visibly dry condition with no evidence of moisture (Attachment 2, Digital Photograph 22). Adoor, using a tape measure, determined that at least 414 square feet of drywall had been removed from ceilings and walls of the north bedroom and hallway (Attachment 4, Measurements). Adoor also obtained ten samples of what appeared to be textured drywall from the north bedroom and an exterior staircase. Adoor noted that all of the samples accepted water when wetted using a spray bottle. Seven of the ten samples were later determined to contain > 1% Chrysotile Asbestos which confirmed that all of the textured materials removed/disturbed in Unit 3 were RACM (Attachment 2, Photographs 23 – 36; Attachment 5, Table of Laboratory Results, Samples 201010-11 through 201010-20; Attachment 6, Laboratory Reports and Chain of Custody Documents 2020, Pages 8 – 15).

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On Thursday, February 13, 2020, at 12:51 p.m., Adoor sent an email to Perry and reiterated the ACT was RACM, and the wall texture was assumed to be RACM based upon previous sampling by his asbestos abatement consultant. Adoor also reiterated that a licensed asbestos abatement contractor was required for the removal of the debris and any additional RACM (Attachment 6, Email to Perry, Pages 1 – 3).

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On Saturday, February 15, 2020, at 7:49 a.m., Adoor received an email from Perry stating “I can assure you I will not be removing any of the drywall I have it stacked up nice and neat for a&i to come and properly dispose I will inform you once I have the funds to do that in the next coming weeks” (Attachment 6, Email to Perry, Page 1).

Attachments

1. Assessor's Information
2. Digital Photographs
3. Email to Perry January 7, 2020
4. Measurements
5. Table of Laboratory Results
6. Laboratory Reports and Chain of Custody Documents
7. Email with Perry February 12, 2020
8. Inspection Report 191086

Attachment 1

Assessor's Information

Attachment 1, Assessor's Information

GENERAL INFORMATION	
PARCEL NO.	162-11-410-076
OWNER AND MAILING ADDRESS	M P TRUST PERRY MICHAEL TRS 2980 S RAINBOW BLVD ST # 100-F LAS VEGAS NV 89146
LOCATION ADDRESS CITY/UNINCORPORATED TOWN	1430 E DESERT INN RD WINCHESTER
ASSESSOR DESCRIPTION	CONTINENTAL PARK #2 PLAT BOOK 9 PAGE 2 LOT 5 BLOCK 1
RECORDED DOCUMENT NO.	* 20200121:02819
RECORDED DATE	Jan 21 2020
VESTING	NS

*Note: Only documents from September 15, 1999 through present are available for viewing.

ASSESSMENT INFORMATION AND VALUE EXCLUDED FROM PARTIAL ABATEMENT	
TAX DISTRICT	410
APPRAISAL YEAR	2019
FISCAL YEAR	2020-21
SUPPLEMENTAL IMPROVEMENT VALUE	0
INCREMENTAL LAND	0
INCREMENTAL IMPROVEMENTS	0

REAL PROPERTY ASSESSED VALUE		
FISCAL YEAR	2019-20	2020-21
LAND	24150	26250
IMPROVEMENTS	26602	27352
PERSONAL PROPERTY	0	0
EXEMPT	0	0
GROSS ASSESSED (SUBTOTAL)	50752	53602
TAXABLE LAND+IMP (SUBTOTAL)	145006	153149
COMMON ELEMENT ALLOCATION ASSD	0	0
TOTAL ASSESSED VALUE	50752	53602
TOTAL TAXABLE VALUE	145006	153149

ESTIMATED LOT SIZE AND APPRAISAL INFORMATION	
ESTIMATED SIZE	0.16 Acres
ORIGINAL CONST. YEAR	1963
LAST SALE PRICE MONTH/YEAR SALE TYPE	150000 1/2020 R - Recorded Value
LAND USE	32.140 - MF Res 3 to 4 Units. Fourplex
DWELLING UNITS	4

Attachment 1, Assessor's Information

PRIMARY RESIDENTIAL STRUCTURE					
1ST FLOOR SQ. FT.	1716	CASITA SQ. FT.	0	ADDN/CONV	
2ND FLOOR SQ. FT.	1716	CARPORT SQ. FT.	0	POOL	NO
3RD FLOOR SQ. FT.	0	STYLE	Four Plex	SPA	NO
UNFINISHED BASEMENT SQ. FT.	0	BEDROOMS	8	TYPE OF CONSTRUCTION	Frame-Stucco
FINISHED BASEMENT SQ. FT.	0	BATHROOMS	7 FULL	ROOF TYPE	Built-Up
BASEMENT GARAGE SQ. FT.	0	FIREPLACE	0		
TOTAL GARAGE SQ. FT.	0				

Attachment 2

Digital Photographs

Attachment 2, Digital Photographs by Kevin Adoor



Photograph 1: February 11, 2020, at approximately 12:41 PM - View of the patio entrance to Unit 1. Plywood boards used to secure the entrance have been removed and no asbestos warning signs are posted. The Asbestos-Containing Waste Material inside is exposed to the outside air and is accessible to the public.



Photograph 2: February 11, 2020, at approximately 12:41 PM - View of Asbestos-Containing Waste Material (ACWM) inside of the north room of Unit 1. The ACWM was in a dry condition with no evidence of moisture. Textured drywall, including acoustic ceiling texture, had been removed from all of the walls and ceilings. The texture on the walls and ceilings were Regulated Asbestos-Containing Materials.

Attachment 2, Digital Photographs by Kevin Adoor



Photograph 3: February 11, 2020, at approximately 12:59 PM - View of the patio entrance to Unit 3. Plywood boards used to secure the entrance have been removed and no asbestos warning signs are posted. The Asbestos-Containing Waste Material inside is exposed to the outside air.



Photograph 4: February 11, 2020, at approximately 1:13 PM - View of a hallway in Unit 1 where textured drywall, including acoustic ceiling texture, had been removed from the west wall and ceiling. The texture on the walls and ceilings were Regulated Asbestos-Containing Materials.

Attachment 2, Digital Photographs by Kevin Adoor



Photograph 5: February 11, 2020, at approximately 1:18 PM - View of textured drywall in a debris pile inside the north room of Unit 1. The material was sampled and later determined to contain 3% Chrysotile Asbestos by the point count method using polarized light microscopy. The material was in a dry condition with no evidence of moisture.



Photograph 6: February 11, 2020, at approximately 1:19 PM - View of Sample #201010-1 obtained from the material depicted in Photograph #5.

Attachment 2, Digital Photographs by Kevin Adoor



Photograph 7: February 11, 2020, at approximately 1:18 PM - View of textured drywall in a debris pile inside the north room of Unit 1. The material was sampled and later determined to contain 2% Chrysotile Asbestos by the point count method using polarized light microscopy. The material was in a dry condition with no evidence of moisture.



Photograph 8: February 11, 2020, at approximately 1:19 PM - View of Sample #201010-2 obtained from the material depicted in Photograph #7.

Attachment 2, Digital Photographs by Kevin Adoor



Photograph 9: February 11, 2020, at approximately 1:29 PM – View of textured drywall on a hallway wall in Unit 1. The material was sampled and later determined to contain 2% Chrysotile Asbestos by the point count method using polarized light microscopy.



Photograph 10: February 11, 2020, at approximately 1:30 PM - View of Sample #201010-4 obtained from the material depicted in Photograph #9.

Attachment 2, Digital Photographs by Kevin Adoor



Photograph 11: February 11, 2020, at approximately 1:33 PM - View of textured drywall in a debris pile inside the north room of Unit 1. The material was sampled and later determined to contain 3% Chrysotile Asbestos by the point count method using polarized light microscopy. The material was in a dry condition with no evidence of moisture.



Photograph 12: February 11, 2020, at approximately 1:34 PM - View of Sample #201010-5 obtained from the material depicted in Photograph #11.

Attachment 2, Digital Photographs by Kevin Adoor



Photograph 13: February 11, 2020, at approximately 1:40 PM - View of textured drywall in a debris pile inside the north room of Unit 1. The material was sampled and later determined to contain 4% Chrysotile Asbestos by the point count method using polarized light microscopy. The material was in a dry condition with no evidence of moisture.



Photograph 14: February 11, 2020, at approximately 1:41 PM - View of Sample #201010-7 obtained from the material depicted in Photograph #13.

Attachment 2, Digital Photographs by Kevin Adoor



Photograph 15: February 11, 2020, at approximately 1:48 PM – View of textured drywall on the east wall of a hallway in Unit 1. The material was sampled and later determined to contain 2% Chrysotile Asbestos by the point count method using polarized light microscopy.



Photograph 16: February 11, 2020, at approximately 1:50 PM - View of Sample #201010-8 obtained from the material depicted in Photograph #15.

Attachment 2, Digital Photographs by Kevin Adoor



Photograph 17: February 11, 2020, at approximately 2:13 PM – View of textured drywall debris on the south/living room patio of Unit 1. The material was sampled and later determined to contain 2% Chrysotile Asbestos by polarized light microscopy. The material was in a dry condition with no evidence of moisture.



Photograph 18: February 11, 2020, at approximately 2:14 PM - View of Sample #201010-9 obtained from the material depicted in Photograph #17.

Attachment 2, Digital Photographs by Kevin Adoor



Photograph 19: February 11, 2020, at approximately 2:14 PM – View of textured drywall debris on the south/living room patio of Unit 1. The material was sampled and later determined to contain 2% Chrysotile Asbestos by polarized light microscopy. The material was in a dry condition with no evidence of moisture.



Photograph 20: February 11, 2019, at approximately 2:15 PM - View of Sample #201010-10 obtained from the material depicted in Photograph #19.

Attachment 2, Digital Photographs by Kevin Adoor

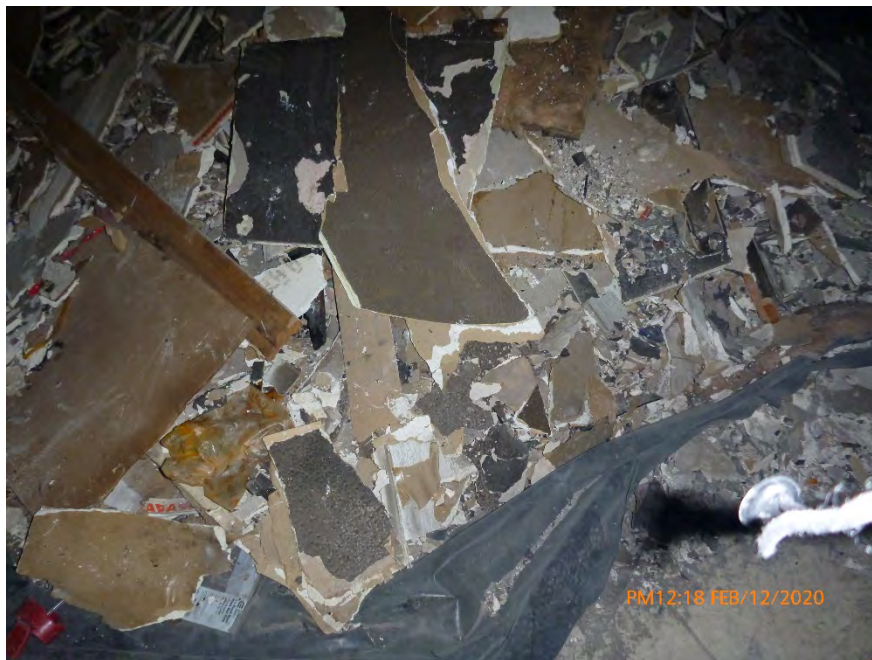


Photograph 21: February 12, 2020, at approximately 12:10 PM - View of a hallway in Unit 3 where acoustic ceiling texture (**ACT**) had been removed from the ceiling. The ACT on the ceiling was a Regulated Asbestos-Containing Material.



Photograph 22: February 12, 2020, at approximately 12:10 PM - View of Asbestos-Containing Waste Material (**ACWM**) inside of the north room of Unit 3. The ACWM was in a dry condition with no evidence of moisture. Textured drywall, including acoustic ceiling texture, had been removed from all of the walls and ceilings. The texture on the walls and ceilings were Regulated Asbestos-Containing Materials.

Attachment 2, Digital Photographs by Kevin Adoor



Photograph 23: February 12, 2020, at approximately 12:18 PM - View of textured drywall in a debris pile inside the north room of Unit 3. The material was sampled and later determined to contain 2% Chrysotile Asbestos by the point count method using polarized light microscopy. The material was in a dry condition with no evidence of moisture.



Photograph 24: February 12, 2020, at approximately 12:19 PM - View of Sample #201010-11 obtained from the material depicted in Photograph #23.

Attachment 2, Digital Photographs by Kevin Adoor



Photograph 25: February 12, 2020, at approximately 12:20 PM - View of textured drywall in a debris pile inside the north room of Unit 3. The material was sampled and later determined to contain 3% Chrysotile Asbestos by the point count method using polarized light microscopy. The material was in a dry condition with no evidence of moisture.



Photograph 26: February 12, 2020, at approximately 12:22 PM - View of Sample #201010-12 obtained from the material depicted in Photograph #25.

Attachment 2, Digital Photographs by Kevin Adoor



Photograph 27: February 12, 2020, at approximately 12:29 PM - View of textured drywall in a debris pile inside the north room of Unit 3. The material was sampled and later determined to contain 2% Chrysotile Asbestos by the point count method using polarized light microscopy. The material was in a dry condition with no evidence of moisture.



Photograph 28: February 12, 2020, at approximately 12:29 PM - View of Sample #201010-15 obtained from the material depicted in Photograph #27.

Attachment 2, Digital Photographs by Kevin Adoor



Photograph 29: February 12, 2020, at approximately 12:32 PM - View of textured drywall in a debris pile inside the north room of Unit 3. The material was sampled and later determined to contain 2% Chrysotile Asbestos by the point count method using polarized light microscopy. The material was in a dry condition with no evidence of moisture.



Photograph 30: February 12, 2020, at approximately 12:33 PM - View of Sample #201010-16 obtained from the material depicted in Photograph #29.

Attachment 2, Digital Photographs by Kevin Adoor



Photograph 31: February 12, 2020, at approximately 12:30 PM - View of textured drywall in a debris pile inside the north room of Unit 3. The material was sampled and later determined to contain 2% Chrysotile Asbestos by the point count method using polarized light microscopy. The material was in a dry condition with no evidence of moisture.



Photograph 32: February 12, 2020, at approximately 12:31 PM - View of Sample #201010-17 obtained from the material depicted in Photograph #31.

Attachment 2, Digital Photographs by Kevin Adoor



Photograph 33: February 12, 2020, at approximately 12:20 PM - View of textured drywall in a debris pile inside the north room of Unit 3. The material was sampled and later determined to contain 2% Chrysotile Asbestos by the point count method using polarized light microscopy. The material was in a dry condition with no evidence of moisture.



Photograph 34: February 12, 2020, at approximately 12:36 PM - View of Sample #201010-18 obtained from the material depicted in Photograph #33.

Attachment 2, Digital Photographs by Kevin Adoor



Photograph 35: February 12, 2020, at approximately 12:38 PM - View of textured drywall in a debris pile inside the north room of Unit 3. The material was sampled and later determined to contain 3% Chrysotile Asbestos by the point count method using polarized light microscopy. The material was in a dry condition with no evidence of moisture.



Photograph 36: February 12, 2020, at approximately 12:40 PM - View of Sample #201010-19 obtained from the material depicted in Photograph #35.

Attachment 3
Email to Perry January 7, 2020

Attachment 3, Email to Perry January 7, 2020

Kevin Adoor

From: Kevin Adoor
Sent: Tuesday, January 7, 2020 10:17 AM
To: Michael Perry
Cc: Michael Perry; Anna Sutowska
Subject: RE: 1430 E. Desert Inn Road
Attachments: 191086_20191115_INS.pdf

Good morning Mr. Perry,

Please see the attached inspection report.

Regards,

Kevin Adoor

Air Quality Specialist II
Clark County Department of Air Quality
4701 W Russell Road, Suite 200
Las Vegas, NV 89118
(702) 218-9867

From: Michael Perry [mailto:swf.mperry@gmail.com]
Sent: Friday, January 3, 2020 12:57 PM
To: Kevin Adoor <ADOOR@ClarkCountyNV.gov>
Cc: Michael Perry <snmc.mperry@gmail.com>; Anna Sutowska <Anna.Sutowska@ClarkCountyNV.gov>; swfmperry@gmail.com; Derek Moellinger <derek@vicerealtygroup.com>; Larry Carter <larry@msenational.com>; Whitney Francis <FRANCISW@ClarkCountyNV.gov>
Subject: Re: 1430 E. Desert Inn Road

OK thank you sir

Sent from my iPhone

On Jan 3, 2020, at 11:43 AM, Kevin Adoor <ADOOR@clarkcountynv.gov> wrote:

Good afternoon Mr. Perry,

At this time, removal of the 16 cubic yard would not be in violation of the Air Quality Regulations so long as no asbestos-containing waste materials were placed inside since I left the facility this morning.

Regards,

Kevin Adoor

Air Quality Specialist II
Clark County Department of Air Quality
4701 W Russell Road, Suite 200
Las Vegas, NV 89118

Attachment 4

Measurements

Measurements

Unit 1 Measurements

North Room

- N Wall $10.0 \times 7.5 = 75 \text{ feet}^2$
- S Wall $4.5 \times 7.5 = 34 \text{ feet}^2$
- E Wall $13.0 \times 7.5 = 98 \text{ feet}^2$
- W Wall $6.0 \times 7.5 = 45 \text{ feet}^2$
- Ceiling $10.0 \times 13.0 = 130 \text{ feet}^2$

Hall

- E Wall $5.5 \times 6.5 = 34$
- Ceiling $10.5 \times 3.0 = 32$

Total Amount of Drywall Removed from Unit 1 = At least 448 feet²

Unit 3 Measurements

North Room

- N Wall $10.0 \times 7.5 = 75 \text{ feet}^2$
- S Wall $4.5 \times 7.5 = 34 \text{ feet}^2$
- E Wall $13.0 \times 7.5 = 98 \text{ feet}^2$
- W Wall $6.0 \times 7.5 = 45 \text{ feet}^2$
- Ceiling $10.0 \times 13.0 = 130 \text{ feet}^2$

Hall

- Ceiling $10.5 \times 3.0 = 32 \text{ feet}^2$

Total Amount of Drywall Removed from Unit 3 = At least 414 feet²

Total Amount of Drywall Removed from Units 1 and 3 = 862 feet²

Note 1: All measurements were made using a tape measure.

Note 2: All calculations were made using significant figures.

Note 3: The measurements do not include drywall that was removed from the bathrooms of Units 1 and 2.

Note 4: The total amount of drywall removed includes all drywall that had been removed and placed in a 16 cubic yard dumpster that was discovered on November 15, 2019.

Attachment 5
Table of Laboratory Results

Attachment 5, Table of Laboratory Results

Sample ID	Location	Material	Asbestos Content
191086-2	Unit 1, N. Bedroom	Grey Semi-Fibrous /ACT	10% by PLM
191086-6	Unit 1, N. Bedroom	Black Semi-Fibrous /ACT	3% by Point Count Method
201010-1	Unit 1, N. Bedroom	Beige Texture	3% by Point Count Method
201010-2	Unit 1, N. Bedroom	Beige Texture	2% by Point Count Method
201010-3	Unit 1, N. Bedroom	Paint	None Detected
201010-4	Unit 1, Hallway	Beige Texture	2% by Point Count Method
201010-5	Unit 1, N. Bedroom	Beige Texture	3% by Point Count Method
201010-6	Unit 1, N. Bedroom	Off-White / Beige Texture	None Detected
201010-7	Unit 1, N. Bedroom	Beige Texture	3% by Point Count Method
201010-8	Unit 1, Hallway	Beige Texture	2% by Point Count Method
201010-9	Unit 1, On S. Patio	Off-White Texture	2% by PLM / Insufficient Material for Point Count
201010-10	Unit 1, On S. Patio	Off-White Texture	2% by PLM / Insufficient Material for Point Count
191086-3	Unit 3, N. Bedroom	Grey Semi-Fibrous /ACT	10% by PLM
191086-4	Unit 3, N. Bedroom	Grey Texture	None Detected
191086-7	Unit 3, W. Bedroom	Off-White Semi-Fibrous /ACT	4% by Point Count Method
191086-8	Unit 3, N. Bedroom	Black Semi-Fibrous /ACT	4% by Point Count Method
201010-11	Unit 3, N. Bedroom	Beige Texture	2% by Point Count Method
201010-12	Unit 3, N. Bedroom	Beige Texture	3% by Point Count Method
201010-13	Unit 3, N. Bedroom	Beige Texture	None Detected
201010-14	Unit 3, N. Bedroom	Beige Texture	None Detected
201010-15	Unit 3, N. Bedroom	Beige Texture	2% by Point Count Method
201010-16	Unit 3, N. Bedroom	Off-White Skim-Coat/Joint Compound	2% by Point Count Method
201010-17	Unit 3, N. Bedroom	Off-White Skim-Coat/Joint Compound	2% by Point Count Method
201010-18	Unit 3, N. Bedroom	Off-White Skim-Coat/Joint Compound	2% by Point Count Method
201010-19	Unit 3, N. Bedroom	Beige Texture	3% by Point Count Method
201010-20	Exterior Staircase	Off-White Texture	None Detected

- Sample Numbers 191086 were obtained on from Units 1 and 3 on the 15th and 19th of November, 2019.
- Sample Numbers 201010-1 through 201010-10 were obtained from Unit 1 on February 11, 2020.
- Sample Numbers 201010-11 through 201010-20 were obtained from Unit 3 on February 12, 2020.

Attachment 6
Laboratory Results and Chain of Custody
Documents

Attachment 6, Laboratory Reports and Chain of Custody Documents



**FORENSIC
LABORATORIES**

Analysis Request Form (COC)

Client Name & Address: Clark County Department of Air Quality 4701 W. Russell Road, Suite 200 Las Vegas, NV 89118		Client No.:	PO / Job#: 4500307754-010	Date: 2/11/2020			
Contact: Kevin Adoor		Phone: (702) 218-9867	Turn Around Time: Same Day / <input checked="" type="checkbox"/> 1Day / 2Day / 3Day / 4Day / 5Day				
E-mail: adoor@clarkcountynv.gov		<input type="checkbox"/> PCM: <input type="checkbox"/> NIOSH 7400A / <input type="checkbox"/> NIOSH 7400B <input type="checkbox"/> Rotometer <input type="checkbox"/> PLM: <input type="checkbox"/> Standard / <input type="checkbox"/> Point Count 400-1000 / <input type="checkbox"/> CARB 435					
Site Name: 201010		<input type="checkbox"/> TEM Air: <input type="checkbox"/> AHERA / <input type="checkbox"/> Yamate2 / <input type="checkbox"/> NIOSH 7402 <input type="checkbox"/> TEM Bulk: <input type="checkbox"/> Quantitative / <input type="checkbox"/> Qualitative / <input type="checkbox"/> Chatfield <input type="checkbox"/> TEM Water: <input type="checkbox"/> Potable / <input type="checkbox"/> Non-Potable / <input type="checkbox"/> Weight % <input type="checkbox"/> TEM Microvac: <input type="checkbox"/> Qual / <input type="checkbox"/> D5755(str/area) / <input type="checkbox"/> D5756(str/mass)					
Site Location: 1430 East Desert Inn Road		<input type="checkbox"/> IAQ Particle Identification (PLM LAB) <input type="checkbox"/> PLM Opaques/Soot <input type="checkbox"/> Particle Identification (TEM LAB) <input type="checkbox"/> Special Project Metals Analysis Matrix: Method: Analytes:					
Comments:		<input type="checkbox"/> Silica in Air <input type="checkbox"/> w/Gravimetry <input type="checkbox"/> Quartz Only					
Sample ID	Date / Time	Sample Location / Description	FOR AIR SAMPLES ONLY				Sample Area / Air Volume
			Type	Time On/Off	Avg LPM	Total Time	
201010-1	2/11/20 1:20 PM	North Room Unit 1 / Textured Debris	A P C	-----			
201010-2	2/11/20 1:22 PM	North Room Unit 1 / Textured Debris	A P C	-----			
201010-3	2/11/20 1:26 PM	North Room Unit 1 / Textured Debris	A P C	-----			
201010-4	2/11/20 1:30 PM	Hallway of Unit 1 / Wall Texture	A P C	-----			
201010-5	2/11/20 1:34 PM	North Room of Unit 1 / Textured Debris	A P C	-----			
201010-6	2/11/20 1:39 PM	North Room of Unit 1 / Textured Debris	A P C	-----			
201010-7	2/11/20 1:41 PM	North Room of Unit 1 / Textured Debris	A P C	-----			
201010-8	2/11/20 1:50 PM	Hallway of Unit 1 / Wall Texture	A P C	-----			
201010-9	2/11/20 2:14 PM	Outside S. Patio of Unit 1 / Textured Debris	A P C	-----			
201010-10	2/11/20 2:15 PM	Outside S. Patio of Unit 1 / Textured Debris	A P C	-----			
Sampled By: Kevin Adoor		Date/Time: 2/11/2020	Shipped Via: <input type="checkbox"/> Fed Ex <input type="checkbox"/> UPS <input type="checkbox"/> US Mail <input type="checkbox"/> Courier <input type="checkbox"/> Drop Off <input type="checkbox"/> Other:				
Relinquished By: <i>[Signature]</i>		Relinquished By:	Relinquished By:				
Date / Time: 2/11/2020 1527		Date / Time:	Date / Time:				
Received By: <i>[Signature]</i>		Received By:	Received By:				
Date / Time: 2/11/20		Date / Time:	Date / Time:				
Condition Acceptable? <input type="checkbox"/> Yes <input type="checkbox"/> No		Condition Acceptable? <input type="checkbox"/> Yes <input type="checkbox"/> No	Condition Acceptable? <input type="checkbox"/> Yes <input type="checkbox"/> No				

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 Los Angeles Office: 2959 Pacific Commerce Drive, Rancho Dominguez, CA 90221 • Phone: 310/763-2374 • 888/813-9417
 Las Vegas Office: 6765 S. Eastern Avenue, Suite 3, Las Vegas, NV 89119 • Phone: 702/784-0040



Bulk Asbestos Analysis

(EPA Method 40CFR, Part 763, Appendix E to Subpart E and EPA 600/R-93-116, Visual Area Estimation)
 NVLAP Lab Code: 200908-0

Clark County Air Quality Management
 Kevin Adoor
 Dept. of Air Quality
 4701 W. Russell Road, Ste 200
 Las Vegas, NV 89118

Client ID: 4239
Report Number: B299901
Date Received: 02/11/20
Date Analyzed: 02/12/20
Date Printed: 02/12/20
First Reported: 02/12/20

Job ID/Site: 4500307754-010, 201010, 1430 East Desert Inn Road

SGSFL Job ID: 4239
Total Samples Submitted: 10
Total Samples Analyzed: 10

Date(s) Collected: 02/11/2020

Sample ID	Lab Number	Asbestos Type	Percent in Layer	Asbestos Type	Percent in Layer	Asbestos Type	Percent in Layer
201010-1	01239926						
Layer: Drywall Backing			ND				
Layer: Beige Texture		Chrysotile	3 %				
Layer: Multi-Layer Paint			ND				
Layer: Tan/ Black Debris			ND				
Total Composite Values of Fibrous Components:		Asbestos (Trace)					
Cellulose (30 %)							
201010-2	01239927						
Layer: Tan Fibrous Material			ND				
Layer: Drywall Backing			ND				
Layer: Beige Texture		Chrysotile	3 %				
Layer: Multi-Layer Paint			ND				
Layer: Tan/ Black Debris			ND				
Total Composite Values of Fibrous Components:		Asbestos (Trace)					
Cellulose (50 %)							
201010-3	01239928						
Layer: Drywall Backing			ND				
Layer: Multi-Layer Paint			ND				
Layer: Tan/ Black Debris			ND				
Total Composite Values of Fibrous Components:		Asbestos (ND)					
Cellulose (50 %)							
201010-4	01239929						
Layer: Off-White Drywall			ND				
Layer: Beige Texture		Chrysotile	3 %				
Layer: Paint			ND				
Layer: Off-White Texture			ND				
Layer: Paint			ND				
Layer: Off-White Texture			ND				
Layer: Paint			ND				
Total Composite Values of Fibrous Components:		Asbestos (Trace)					
Cellulose (20 %) Fibrous Glass (10 %)							

Attachment 6, Laboratory Reports and Chain of Custody Documents

Report Number: B299901

Date Printed: 02/12/20

Client Name: Clark County Air Quality Management

Sample ID	Lab Number	Asbestos Type	Percent in Layer	Asbestos Type	Percent in Layer	Asbestos Type	Percent in Layer
201010-5	01239930						
Layer: Drywall Backing			ND				
Layer: Beige Texture		Chrysotile	3 %				
Layer: Paint			ND				
Layer: Off-White Texture			ND				
Layer: Paint			ND				
Total Composite Values of Fibrous Components:		Asbestos (Trace)					
Cellulose (20 %)	Fibrous Glass (5 %)						
201010-6	01239931						
Layer: Drywall Backing			ND				
Layer: Off-White/ Beige Texture			ND				
Layer: Multi-Layer Paint			ND				
Total Composite Values of Fibrous Components:		Asbestos (ND)					
Cellulose (35 %)							
201010-7	01239932						
Layer: Drywall Backing			ND				
Layer: Beige Texture		Chrysotile	3 %				
Layer: Paint			ND				
Layer: Off-White Texture			ND				
Layer: Paint			ND				
Total Composite Values of Fibrous Components:		Asbestos (Trace)					
Cellulose (20 %)	Fibrous Glass (5 %)						
201010-8	01239933						
Layer: Yellow Woven Material			ND				
Layer: Beige Texture		Chrysotile	3 %				
Layer: Off-White Texture			ND				
Layer: Paint			ND				
Total Composite Values of Fibrous Components:		Asbestos (Trace)					
Cellulose (Trace)							
201010-9	01239934						
Layer: White Drywall			ND				
Layer: Off-White Texture		Chrysotile	2 %				
Layer: Paint			ND				
Layer: Off-White Texture			ND				
Layer: Paint			ND				
Total Composite Values of Fibrous Components:		Asbestos (Trace)					
Cellulose (20 %)	Fibrous Glass (10 %)						
201010-10	01239935						
Layer: White Drywall			ND				
Layer: Off-White Texture		Chrysotile	2 %				
Layer: Paint			ND				
Layer: Off-White Texture			ND				
Layer: Paint			ND				
Total Composite Values of Fibrous Components:		Asbestos (Trace)					
Cellulose (20 %)	Fibrous Glass (10 %)						

Attachment 6, Laboratory Reports and Chain of Custody Documents

Client Name: Clark County Air Quality Management

Report Number: B299901

Date Printed: 02/12/20

Sample ID	Lab Number	Asbestos Type	Percent in Layer	Asbestos Type	Percent in Layer	Asbestos Type	Percent in Layer
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Ryan Sutcliffe, Laboratory Supervisor, Las Vegas Laboratory

Note: Limit of Quantification ('LOQ') = 1%. 'Trace' denotes the presence of asbestos below the LOQ. 'ND' = 'None Detected'.

Analytical results and reports are generated by SGS Forensic Laboratories (SGSFL) at the request of and for the exclusive use of the person or entity (client) named on such report. Results, reports or copies of same will not be released by SGSFL to any third party without prior written request from client. This report applies only to the sample(s) tested. Supporting laboratory documentation is available upon request. This report must not be reproduced except in full, unless approved by SGSFL. The client is solely responsible for the use and interpretation of test results and reports requested from SGSFL. SGSFL is not able to assess the degree of hazard resulting from materials analyzed. SGS Forensic Laboratories reserves the right to dispose of all samples after a period of thirty (30) days, according to all state and federal guidelines, unless otherwise specified. All samples were received in acceptable condition unless otherwise noted.

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3 of 3

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Bulk Asbestos Point Count Analysis

(NESHAP Final Rule, 40 CFR, Part 61)

Clark County Air Quality Management
 Kevin Adoor
 Dept. of Air Quality
 4701 W. Russell Road, Ste 200
 Las Vegas, NV 89118

Client ID: 4239
Report Number: N012739
Date Received: 02/11/20
Date Analyzed: 02/19/20
Date Printed: 02/19/20

Job ID/Site: 4500307754-010, 201010, 1430 East Desert Inn Road

SGSFL Job ID: 4239
Total Samples Submitted: 8
Total Samples Analyzed: 6

PLM Report Number: B299901

Sample Preparation and Analysis:

The NESHAP Final Rule does not define the preparation method for multi-layered samples. In order to determine the composite quantity of asbestos, the volume percent of each layer is determined, the asbestos containing layers are analyzed by point counting and the composite quantity of asbestos is calculated. The NESHAP Final Rule can not be applied to matrices that dissolve in refractive index liquid. This includes tar, mastic or adhesive typically found on the back of floor tiles. According to the NESHAP Final Rule, point count data is only necessary when the visual estimate of asbestos is below 10%.

Sample ID	Lab Number	Layer Description
201010-1	01239926	Beige Texture
<i>Point Count Results:</i>		
Number of asbestos points counted:		10
Number of non-empty points:		400
Layer percentage of entire sample:		30
Percent asbestos in layer:		3
Asbestos type(s) detected:		Chrysotile
Comment:		
201010-2	01239927	Beige Texture
<i>Point Count Results:</i>		
Number of asbestos points counted:		8
Number of non-empty points:		400
Layer percentage of entire sample:		20
Percent asbestos in layer:		2
Asbestos type(s) detected:		Chrysotile
Comment:		
201010-4	01239929	Beige Texture
<i>Point Count Results:</i>		
Number of asbestos points counted:		9
Number of non-empty points:		400
Layer percentage of entire sample:		10
Percent asbestos in layer:		2
Asbestos type(s) detected:		Chrysotile
Comment:		



Bulk Asbestos Point Count Analysis

(NESHAP Final Rule, 40 CFR, Part 61)

Clark County Air Quality Management
 Kevin Adoor
 Dept. of Air Quality
 4701 W. Russell Road, Ste 200
 Las Vegas, NV 89118

Client ID: 4239
Report Number: N012739
Date Received: 02/11/20
Date Analyzed: 02/19/20
Date Printed: 02/19/20

Job ID/Site: 4500307754-010, 201010, 1430 East Desert Inn Road

SGSFL Job ID: 4239
Total Samples Submitted: 8
Total Samples Analyzed: 6

PLM Report Number: B299901

Sample Preparation and Analysis:

The NESHAP Final Rule does not define the preparation method for multi-layered samples. In order to determine the composite quantity of asbestos, the volume percent of each layer is determined, the asbestos containing layers are analyzed by point counting and the composite quantity of asbestos is calculated. The NESHAP Final Rule can not be applied to matrices that dissolve in refractive index liquid. This includes tar, mastic or adhesive typically found on the back of floor tiles. According to the NESHAP Final Rule, point count data is only necessary when the visual estimate of asbestos is below 10%.

Sample ID	Lab Number	Layer Description
201010-5	01239930	Beige Texture
<i>Point Count Results:</i>		
Number of asbestos points counted:		11
Number of non-empty points:		400
Layer percentage of entire sample:		30
Percent asbestos in layer:		3
Asbestos type(s) detected:		Chrysotile
Comment:		
201010-7	01239932	Beige Texture
<i>Point Count Results:</i>		
Number of asbestos points counted:		10
Number of non-empty points:		400
Layer percentage of entire sample:		30
Percent asbestos in layer:		3
Asbestos type(s) detected:		Chrysotile
Comment:		
201010-8	01239933	Beige Texture
<i>Point Count Results:</i>		
Number of asbestos points counted:		9
Number of non-empty points:		400
Layer percentage of entire sample:		23
Percent asbestos in layer:		2
Asbestos type(s) detected:		Chrysotile
Comment:		



Bulk Asbestos Point Count Analysis

(NESHAP Final Rule, 40 CFR, Part 61)

Clark County Air Quality Management
Kevin Adoor
Dept. of Air Quality
4701 W. Russell Road, Ste 200
Las Vegas, NV 89118

Client ID: 4239
Report Number: N012739
Date Received: 02/11/20
Date Analyzed: 02/19/20
Date Printed: 02/19/20

Job ID/Site: 4500307754-010, 201010, 1430 East Desert Inn Road

SGSFL Job ID: 4239
Total Samples Submitted: 8
Total Samples Analyzed: 6

PLM Report Number: B299901

Sample Preparation and Analysis:

The NESHAP Final Rule does not define the preparation method for multi-layered samples. In order to determine the composite quantity of asbestos, the volume percent of each layer is determined, the asbestos containing layers are analyzed by point counting and the composite quantity of asbestos is calculated. The NESHAP Final Rule can not be applied to matrices that dissolve in refractive index liquid. This includes tar, mastic or adhesive typically found on the back of floor tiles. According to the NESHAP Final Rule, point count data is only necessary when the visual estimate of asbestos is below 10%.

Sample ID	Lab Number	Layer Description
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Note: Point count results are reported to the nearest percent per EPA method.

Ryan Sutcliffe, Laboratory Supervisor, Las Vegas Laboratory

Note: Limit of Quantification (LOQ) = 1%. Trace denotes the presence of asbestos below the LOQ. ND = None Detected. Analytical results and reports are generated by SGS Forensic Laboratories (SGSFL) at the request of and for the exclusive use of the person or entity (client) named on such report. Results, reports or copies of same will not be released by SGSFL to any third party without prior written request from client. This report applies only to the sample(s) tested. Supporting laboratory documentation is available upon request. This report must not be reproduced except in full, unless approved by SGSFL. The client is solely responsible for the use and interpretation of test results and reports requested from SGSFL. SGSFL is not able to assess the degree of hazard resulting from materials analyzed. SGS Forensic Laboratories reserves the right to dispose of all samples after a period of thirty (30) days, according to all state and federal guidelines, unless otherwise specified. All samples were received in acceptable condition unless otherwise noted.

Attachment 6, Laboratory Reports and Chain of Custody Documents



Analysis Request Form (COC)

Client Name & Address: Clark County Department of Air Quality 4701 W. Russell Road, Suite 200 Las Vegas, NV 89118		Client No.:	PO / Job#: 4500307754-010	Date: 2/12/2020
Contact: Kevin Adoor		Phone: (702) 218-9867	Turn Around Time: Same Day / <input checked="" type="checkbox"/> 1Day / 2Day / 3Day / 4Day / 5Day	
E-mail: adoor@clarkcountynv.gov		<input type="checkbox"/> PCM: <input type="checkbox"/> NIOSH 7400A / <input type="checkbox"/> NIOSH 7400B <input type="checkbox"/> Rotameter <input type="checkbox"/> PLM: <input type="checkbox"/> Standard / <input type="checkbox"/> Point Count 400-1000 / <input type="checkbox"/> CARB 435		
Site Name: 201010		<input type="checkbox"/> TEM Air: <input type="checkbox"/> AHERA / <input type="checkbox"/> Yamate2 / <input type="checkbox"/> NIOSH 7402 <input type="checkbox"/> TEM Bulk: <input type="checkbox"/> Quantitative / <input type="checkbox"/> Qualitative / <input type="checkbox"/> Chatfield <input type="checkbox"/> TEM Water: <input type="checkbox"/> Potable / <input type="checkbox"/> Non-Potable / <input type="checkbox"/> Weight % <input type="checkbox"/> TEM Microvac: <input type="checkbox"/> Qual / <input type="checkbox"/> D5755(str/area) / <input type="checkbox"/> D5756(str/mass)		
Site Location: 1430 East Desert Inn Road		<input type="checkbox"/> IAQ Particle Identification (PLM LAB) <input type="checkbox"/> PLM Opaques/Soot <input type="checkbox"/> Particle Identification (TEM LAB) <input type="checkbox"/> Special Project <input type="checkbox"/> Metals Analysis Matrix: Method: Analytes:		
Comments:		<input type="checkbox"/> Silica in Air <input type="checkbox"/> w/Gravimetry <input type="checkbox"/> Quartz Only		

Sample ID	Date / Time	Sample Location / Description	FOR AIR SAMPLES ONLY				Sample Area / Air Volume
			Type	Time On/Off	Avg LPM	Total Time	
201010-11	2/12/20 12:19P	North Room Unit 3 / Textured Debris	A P C				
201010-12	2/12/20 12:22P	North Room Unit 3 / Textured Debris	A P C				
201010-13	2/12/20 12:24P	North Room Unit 3 / Textured Debris	A P C				
201010-14	2/12/20 12:26P	North Room Unit 3 / Textured Debris	A P C				
201010-15	2/12/20 12:29P	North Room Unit 3 / Textured Debris	A P C				
201010-16	2/12/20 12:33P	North Room Unit 3 / Textured Debris	A P C				
201010-17	2/12/20 12:31P	North Room of Unit 3 / Textured Debris	A P C				
201010-18	2/12/20 12:36P	North Room Unit 3 / Textured Debris	A P C				
201010-19	2/12/20 12:40P	North Room Unit 3 / Textured Debris	A P C				
201010-20	2/12/20 12:42P	On Exterior Staircase / Textured Debris	A P C				

Sampled By: Kevin Adoor		Date/Time: 2/12/2020	Shipped Via: <input type="checkbox"/> Fed Ex <input type="checkbox"/> UPS <input type="checkbox"/> US Mail <input type="checkbox"/> Courier <input type="checkbox"/> Drop Off <input type="checkbox"/> Other:	
Relinquished By: <i>[Signature]</i>	Relinquished By:	Relinquished By:		
Date / Time: 2/12/20 13:56	Date / Time:	Date / Time:		
Received By: <i>[Signature]</i>	Received By:	Received By:		
Date / Time: 2/12/20	Date / Time:	Date / Time:		
Condition Acceptable? <input type="checkbox"/> Yes <input type="checkbox"/> No	Condition Acceptable? <input type="checkbox"/> Yes <input type="checkbox"/> No	Condition Acceptable? <input type="checkbox"/> Yes <input type="checkbox"/> No		

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 Los Angeles Office: 2959 Pacific Commerce Drive, Rancho Dominguez, CA 90221 • Phone: 310/763-2374 • 888/813-9417
 Las Vegas Office: 6765 S. Eastern Avenue, Suite 3, Las Vegas, NV 89119 • Phone: 702/784-0040



Bulk Asbestos Analysis

(EPA Method 40CFR, Part 763, Appendix E to Subpart E and EPA 600/R-93-116, Visual Area Estimation)
 NVLAP Lab Code: 200908-0

Clark County Air Quality Management
 Kevin Adoor
 Dept. of Air Quality
 4701 W. Russell Road, Ste 200
 Las Vegas, NV 89118

Client ID: 4239
Report Number: B299984
Date Received: 02/12/20
Date Analyzed: 02/13/20
Date Printed: 02/13/20
First Reported: 02/13/20

Job ID/Site: 4500307754-010, 201010, 1430 East Desert Inn Road

SGSFL Job ID: 4239
Total Samples Submitted: 10
Total Samples Analyzed: 10

Date(s) Collected: 02/12/2020

Sample ID	Lab Number	Asbestos Type	Percent in Layer	Asbestos Type	Percent in Layer	Asbestos Type	Percent in Layer
201010-11	01240124						
Layer: Beige Texture		Chrysotile	3 %				
Layer: Paint			ND				
Total Composite Values of Fibrous Components:		Asbestos (3%)					
Cellulose (Trace)							
Comment: Location;							
201010-12	01240125						
Layer: Beige Texture		Chrysotile	3 %				
Layer: Paint			ND				
Total Composite Values of Fibrous Components:		Asbestos (3%)					
Cellulose (Trace)							
Comment: Location;							
201010-13	01240126						
Layer: Paint			ND				
Layer: Beige Texture			ND				
Layer: Paint			ND				
Total Composite Values of Fibrous Components:		Asbestos (ND)					
Cellulose (Trace)							
Comment: Location;							
201010-14	01240127						
Layer: Paint			ND				
Layer: Beige Texture			ND				
Layer: Paint			ND				
Total Composite Values of Fibrous Components:		Asbestos (ND)					
Cellulose (Trace)							
Comment: Location;							
201010-15	01240128						
Layer: Off-White Skimcoat/Joint Compound		Chrysotile	3 %				
Layer: Off-White Tape			ND				
Layer: Beige Texture		Chrysotile	3 %				
Layer: Paint			ND				
Total Composite Values of Fibrous Components:		Asbestos (2%)					
Cellulose (Trace)							
Comment: Location;							

Attachment 6, Laboratory Reports and Chain of Custody Documents

Report Number: B299984

Date Printed: 02/13/20

Client Name: Clark County Air Quality Management

Sample ID	Lab Number	Asbestos Type	Percent in Layer	Asbestos Type	Percent in Layer	Asbestos Type	Percent in Layer
201010-16	01240129						
Layer: Drywall Backing			ND				
Layer: Off-White Skimcoat/Joint Compound		Chrysotile	3 %				
Layer: Paint			ND				
Layer: Off-White Texture			ND				
Layer: Paint			ND				
Total Composite Values of Fibrous Components:		Asbestos (Trace)					
Cellulose (30 %)							
Comment: Location;							
201010-17	01240130						
Layer: White Drywall			ND				
Layer: Off-White Skimcoat/Joint Compound		Chrysotile	3 %				
Layer: Paint			ND				
Layer: Off-White Texture			ND				
Layer: Paint			ND				
Total Composite Values of Fibrous Components:		Asbestos (Trace)					
Cellulose (30 %)							
Comment: Location;							
201010-18	01240131						
Layer: White Drywall			ND				
Layer: Off-White Skimcoat/Joint Compound		Chrysotile	3 %				
Layer: Paint			ND				
Layer: Off-White Texture			ND				
Layer: Paint			ND				
Total Composite Values of Fibrous Components:		Asbestos (Trace)					
Cellulose (30 %)							
Comment: Location;							
201010-19	01240132						
Layer: White Drywall			ND				
Layer: Beige Texture		Chrysotile	3 %				
Layer: Paint			ND				
Total Composite Values of Fibrous Components:		Asbestos (Trace)					
Cellulose (30 %)							
Comment: Location;							
201010-20	01240133						
Layer: Paint			ND				
Layer: Off-White Texture			ND				
Layer: Paint			ND				
Total Composite Values of Fibrous Components:		Asbestos (ND)					
Cellulose (Trace)							
Comment: Location;							

Attachment 6, Laboratory Reports and Chain of Custody Documents

Client Name: Clark County Air Quality Management

Report Number: B299984

Date Printed: 02/13/20

Sample ID	Lab Number	Asbestos Type	Percent in Layer	Asbestos Type	Percent in Layer	Asbestos Type	Percent in Layer
-----------	------------	---------------	------------------	---------------	------------------	---------------	------------------



Ryan Sutcliffe, Laboratory Supervisor, Las Vegas Laboratory

Note: Limit of Quantification ('LOQ') = 1%. 'Trace' denotes the presence of asbestos below the LOQ. 'ND' = 'None Detected'.

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Bulk Asbestos Point Count Analysis

(NESHAP Final Rule, 40 CFR, Part 61)

Clark County Air Quality Management
 Kevin Adoor
 Dept. of Air Quality
 4701 W. Russell Road, Ste 200
 Las Vegas, NV 89118

Client ID: 4239
Report Number: N012718
Date Received: 02/13/20
Date Analyzed: 02/19/20
Date Printed: 02/19/20

Job ID/Site: 4500307754-010, 201010, 1430 East Desert Inn Road

SGSFL Job ID: 4239
Total Samples Submitted: 4
Total Samples Analyzed: 4

PLM Report Number: B299984

Sample Preparation and Analysis:

The NESHAP Final Rule does not define the preparation method for multi-layered samples. In order to determine the composite quantity of asbestos, the volume percent of each layer is determined, the asbestos containing layers are analyzed by point counting and the composite quantity of asbestos is calculated. The NESHAP Final Rule can not be applied to matrices that dissolve in refractive index liquid. This includes tar, mastic or adhesive typically found on the back of floor tiles. According to the NESHAP Final Rule, point count data is only necessary when the visual estimate of asbestos is below 10%.

Sample ID	Lab Number	Layer Description
201010-11	01240124	Beige Texture
<i>Point Count Results:</i>		
Number of asbestos points counted:		8
Number of non-empty points:		400
Layer percentage of entire sample:		90
Percent asbestos in layer:		2
Asbestos type(s) detected:		Chrysotile
Comment:		
201010-12	01240125	Beige Texture
<i>Point Count Results:</i>		
Number of asbestos points counted:		10
Number of non-empty points:		400
Layer percentage of entire sample:		90
Percent asbestos in layer:		3
Asbestos type(s) detected:		Chrysotile
Comment:		
201010-15	01240128	Beige Texture
<i>Point Count Results:</i>		
Number of asbestos points counted:		9
Number of non-empty points:		400
Layer percentage of entire sample:		60
Percent asbestos in layer:		2
Asbestos type(s) detected:		Chrysotile
Comment:		



Bulk Asbestos Point Count Analysis

(NESHAP Final Rule, 40 CFR, Part 61)

Clark County Air Quality Management
Kevin Adoor
Dept. of Air Quality
4701 W. Russell Road, Ste 200
Las Vegas, NV 89118

Client ID: 4239
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Sample ID	Lab Number	Layer Description
201010-19	01240132	Beige Texture
<i>Point Count Results:</i>		
Number of asbestos points counted:	11	
Number of non-empty points:	400	
Layer percentage of entire sample:	10	
Percent asbestos in layer:	3	
Asbestos type(s) detected:	Chrysotile	
Comment:		

Note: Point count results are reported to the nearest percent per EPA method.

Ryan Sutcliffe, Laboratory Supervisor, Las Vegas Laboratory

Note: Limit of Quantification (LOQ) = 1%. Trace denotes the presence of asbestos below the LOQ. ND = None Detected. Analytical results and reports are generated by SGS Forensic Laboratories (SGSFL) at the request of and for the exclusive use of the person or entity (client) named on such report. Results, reports or copies of same will not be released by SGSFL to any third party without prior written request from client. This report applies only to the sample(s) tested. Supporting laboratory documentation is available upon request. This report must not be reproduced except in full, unless approved by SGSFL. The client is solely responsible for the use and interpretation of test results and reports requested from SGSFL. SGSFL is not able to assess the degree of hazard resulting from materials analyzed. SGS Forensic Laboratories reserves the right to dispose of all samples after a period of thirty (30) days, according to all state and federal guidelines, unless otherwise specified. All samples were received in acceptable condition unless otherwise noted.



Bulk Asbestos Point Count Analysis

(NESHAP Final Rule, 40 CFR, Part 61)

Clark County Air Quality Management
 Kevin Adoor
 Dept. of Air Quality
 4701 W. Russell Road, Ste 200
 Las Vegas, NV 89118

Client ID: 4239
Report Number: N012749
Date Received: 02/12/20
Date Analyzed: 02/21/20
Date Printed: 02/21/20

Job ID/Site: 4500307754-010, 201010, 1430 East Desert Inn Road

SGSFL Job ID: 4239
Total Samples Submitted: 3
Total Samples Analyzed: 3

PLM Report Number: B299984

Sample Preparation and Analysis:

The NESHAP Final Rule does not define the preparation method for multi-layered samples. In order to determine the composite quantity of asbestos, the volume percent of each layer is determined, the asbestos containing layers are analyzed by point counting and the composite quantity of asbestos is calculated. The NESHAP Final Rule can not be applied to matrices that dissolve in refractive index liquid. This includes tar, mastic or adhesive typically found on the back of floor tiles. According to the NESHAP Final Rule, point count data is only necessary when the visual estimate of asbestos is below 10%.

Sample ID	Lab Number	Layer Description
201010-16	01240129	Off-White Skimcoat/Joint Compound
<i>Point Count Results:</i>		
Number of asbestos points counted: 8		
Number of non-empty points: 400		
Layer percentage of entire sample: 10		
Percent asbestos in layer: 2		
Asbestos type(s) detected: Chrysotile		
Comment:		
201010-17	01240130	Off-White Skimcoat/Joint Compound
<i>Point Count Results:</i>		
Number of asbestos points counted: 9		
Number of non-empty points: 400		
Layer percentage of entire sample: 10		
Percent asbestos in layer: 2		
Asbestos type(s) detected: Chrysotile		
Comment:		
201010-18	01240131	Off-White Skimcoat/Joint Compound
<i>Point Count Results:</i>		
Number of asbestos points counted: 9		
Number of non-empty points: 400		
Layer percentage of entire sample: 10		
Percent asbestos in layer: 2		
Asbestos type(s) detected: Chrysotile		
Comment:		



Bulk Asbestos Point Count Analysis

(NESHAP Final Rule, 40 CFR, Part 61)

Clark County Air Quality Management
 Kevin Adoor
 Dept. of Air Quality
 4701 W. Russell Road, Ste 200
 Las Vegas, NV 89118

Client ID: 4239
Report Number: N012749
Date Received: 02/12/20
Date Analyzed: 02/21/20
Date Printed: 02/21/20

Job ID/Site: 4500307754-010, 201010, 1430 East Desert Inn Road

SGSFL Job ID: 4239
Total Samples Submitted: 3
Total Samples Analyzed: 3

PLM Report Number: B299984

Sample Preparation and Analysis:

The NESHAP Final Rule does not define the preparation method for multi-layered samples. In order to determine the composite quantity of asbestos, the volume percent of each layer is determined, the asbestos containing layers are analyzed by point counting and the composite quantity of asbestos is calculated. The NESHAP Final Rule can not be applied to matrices that dissolve in refractive index liquid. This includes tar, mastic or adhesive typically found on the back of floor tiles. According to the NESHAP Final Rule, point count data is only necessary when the visual estimate of asbestos is below 10%.

Sample ID	Lab Number	Layer Description
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Note: Point count results are reported to the nearest percent per EPA method.

Ryan Sutcliffe, Laboratory Supervisor, Las Vegas Laboratory

Note: Limit of Quantification (LOQ) = 1%. Trace denotes the presence of asbestos below the LOQ. ND = None Detected. Analytical results and reports are generated by SGS Forensic Laboratories (SGSFL) at the request of and for the exclusive use of the person or entity (client) named on such report. Results, reports or copies of same will not be released by SGSFL to any third party without prior written request from client. This report applies only to the sample(s) tested. Supporting laboratory documentation is available upon request. This report must not be reproduced except in full, unless approved by SGSFL. The client is solely responsible for the use and interpretation of test results and reports requested from SGSFL. SGSFL is not able to assess the degree of hazard resulting from materials analyzed. SGS Forensic Laboratories reserves the right to dispose of all samples after a period of thirty (30) days, according to all state and federal guidelines, unless otherwise specified. All samples were received in acceptable condition unless otherwise noted.

Attachment 7
Email to Perry February 13, 2020

Attachment 7, Email to Perry February 13, 2020

From: [Michael Perry](#)
To: [Kevin Adoor](#)
Cc: [Michael Perry](#); [Anna Sutowska](#)
Subject: Re: 1430 E Desert Inn Road /
Date: Saturday, February 15, 2020 7:49:16 AM

Thank you Kevin and I can assure you I will not be removing any of the drywall I have it stacked up nice and neat for a&i to come and properly dispose I will inform you once I have the funds to do that in the next coming weeks Thanks for your understanding

Sent from my iPhone

On Feb 13, 2020, at 12:50 PM, Kevin Adoor <ADOOR@clarkcountynv.gov> wrote:

Mr. Perry,

In the email below, I incorrectly stated that I visited the facility on December 11, 2020. The correct date is February 11, 2020.

Thank you,

Kevin Adoor

Air Quality Specialist II
Clark County Department of Environmental Sustainability Division of Air Quality
4701 W Russell Road, Suite 200
Las Vegas, NV 89118
(702) 218-9867

From: Kevin Adoor
Sent: Thursday, February 13, 2020 12:46 PM
To: Michael Perry <swf.mperry@gmail.com>; Michael Perry <snmc.mperry@gmail.com>
Cc: Anna Sutowska <Anna.Sutowska@ClarkCountyNV.gov>
Subject: 1430 E Desert Inn Road /

Good afternoon Mr. Perry,

On December 11, 2020, I visited your property and noted that drywall had been removed from the framing of the north bedroom/master bedroom and hallway of Unit 1. A subsequent inspection performed on February 12, 2020, revealed that drywall had also been removed from the framing of the north bedroom/master bedroom and hallway of Unit 3. In both instances, the drywall was covered in

Attachment 6, Email to Perry February 13, 2020

acoustic ceiling texture (**ACT**) and/or wall texture at the time it was removed from the framing.

As you are aware, the ACT was identified as a Regulated Asbestos-Containing Material (**RACM**) in your asbestos consultant's report dated 11/18/2019. These results were further confirmed by samples I obtained during inspections on 11/15/2019 and 11/19/2019. Additionally, your asbestos consultant's report identified the wall texture as containing < 1% asbestos by polarized light microscopy (**PLM**). However, these results were not confirmed through a more accurate analytical method called point counting which was required by the regulations. Section 7.0 of your asbestos consultant's report included the following statement regarding the matter:

“NESHEP - EPA Special Note Regarding (< 1%) Asbestos Found (Trace) Requirements

EPA does not recognize asbestos samples resulting in < 1% (Trace Asbestos). EPA requires point counting of trace asbestos samples for multi family, commercial, and facilities to verify if samples are above or below the regulated 1% . If the customer does not have trace asbestos samples point counted, EPA considers them asbestos containing and regulated.”

Section 7.0 further stated the ACT must be removed by a certified asbestos abatement contractor.

On November 15, 2019, I also sent you an email stating that asbestos-containing materials (**ACM**) could only be removed by a licensed asbestos abatement contractor.

On November 20, 2019, I sent you an email regarding the matter of the sample results of the wall texture. In that email, I reiterated that the wall texture would have to be assumed to be ACM and treated accordingly if the samples were not further analyzed by point counting. I also informed you that a licensed asbestos abatement contractor was required to remove all the Asbestos-Containing Waste Materials (**ACWM**) remaining in Units 1 and 3. Note, at that time the vast majority of drywall remained on the walls and ceilings of Units 1 and 3.

Moreover, on January 7, 2020, I provided you with a copy of my inspection report which identified several violations regarding the improper removal of RACM and ACWM at the facility. The violations were documented late last year. The list of violations included the following:

Attachment 6, Email to Perry February 13, 2020

- **40 CFR 61.145(a):** Failure to thoroughly inspect for the presence of asbestos (asbestos survey) prior to renovations at a regulated structure.
- **40 CFR 61.145(b)(1) and (b)(3)(i):** Failure to notify the DAQ in writing at least 10 working days prior to the removal of RACM.
- **40 CFR 61.145(c)(6):** Failure to ensure that all RACM that was removed or stripped remained in a wet condition until collected and contained in preparation for disposal.
- **40 CFR 61.145(c)(8):** Failure to have a person trained in the provisions of the asbestos NESHAP on site at all times during the removal of RACM.
- **40 CFR 61.150(a) and Part 61.150(a)(1)(iii):** Failure to seal all asbestos-containing waste material in leak tight containers.
- **40 CFR 61.150(a)(1)(iv):** Failure to affix asbestos warning labels on containers with asbestos-containing waste material.

Many of these violations, if not all, have been repeated. When I discovered the most recent violations on February 11, 2020, the plywood securing the patio entrances to the north bedrooms/master bedrooms of Units 1 and 3 were no longer in place. The ACWM inside was open to the outside air and accessible to the public.

Please ensure there is no further disturbance of any known or suspect ACM, including the removal of debris from the facility. A licensed asbestos abatement contractor is required for the clean-up of the debris and the removal of any additional RACM. Please ensure that Units 1 and 3 are secured and asbestos warning signs are posted.

Regards,

Kevin Adoor

Air Quality Specialist II

Clark County Department of Environmental Sustainability, Division of Air Quality

4701 W Russell Road, Suite 200

Las Vegas, NV 89118

(702) 218-9867

Attachment 8
Inspection Report 191086



CLARK COUNTY • DEPARTMENT OF AIR QUALITY

4701 W. Russell Rd., Suite 200 • 2nd Floor • Las Vegas, NV 89118-2231
(702) 455-5942 • Fax (702) 383-9994

ASBESTOS SITE INSPECTION FORM

Date: 11/15/2019 Arrival: 1:20 pm Departure: 3:50 pm Air Quality Specialist: Kevin Adoor

Facility Name or Description: Apartment Building

Site Address: 1430 East Desert Inn Road City: Las Vegas State: Nevada Zip: 89169

Abatement/Demolition Company: M. P. Trust / Michael Perry

Project Start Date: _____ Project #: 191086

Project Stop Date: _____ Complaint #: _____

Purpose of Inspection: Unannounced/Routine

A. ON-SITE RECORD REVIEW

1. Evidence of on-site rep NESHAP training? Yes No N/A Not Observed
Name of on-site supervisor: _____

B. WORKSITE

- 1. Is activity as described on the notification? Yes No N/A Not Observed
- 2. Does amount on notification agree with observed amount (within 20%)? Yes No N/A Not Observed
- 3. Warning signs posted? Yes No N/A Not Observed
- 4. Containment intact? Yes No N/A Not Observed
- 5. RACM adequately wet? Yes No N/A Not Observed
- 6. Functional decontamination unit? Yes No N/A Not Observed
- 7. Are there visible emissions? Yes No N/A Not Observed
- 8. Dust/debris outside removal area? Yes No N/A Not Observed
- 9. Negative air machines operating? Yes No N/A Not Observed
- 10. Is non-friable ACM in good condition? Yes No N/A Not Observed

C. WASTE PACKAGING AND DISPOSAL

- 1. Are bags appropriately labeled (OSHA warning label and generator label)? Yes No N/A Not Observed
- 2. Are contents adequately wet? Yes No N/A Not Observed
- 3. ACWM placed in leak-tight containers? Yes No N/A Not Observed
- 4. Are waste containers/dumpsters properly labeled? Yes No N/A Not Observed

Samples taken? Yes No Photographs taken? Yes No

Inspection Fees to Be Assessed: None

Notes:
 Contacts:
 Alexander Bishop = Laborer hired by Michael Perry to remove fire damaged debris at 1430 East Desert Inn Road: (702) 712-8464
 Derek Moellinger = Manager of Vice Realty Group, LLC which was managing 1430 E. Desert Inn Road: (702) 250-7480
 Fire Camp Property, LLC = Owner of the property located at 1430 E. Desert Inn Road
 Larry Carter = A licensed asbestos abatement consultant for MSE Environmental
 M. P. Trust = Tenant leasing a property located 1430 East Desert Inn Road with an option to purchase
 Michael Perry = Trustee of M. P. Trust and operator in control of the renovations occurring at 1430 East Desert Inn Road:
 (702) 812-8357

List of Acronyms:
 ACM = Asbestos-Containing Material
 ACT = Acoustic Ceiling Texture
 ACWM =Asbestos-Containing Waste Material
 DAQ = Department of Air Quality
 CFR = Code of Federal Regulations
 NESHAP = National Emission Standards for Hazardous Air Pollutants
 PAPR = Powered Air Purifying Respirator
 PLM = Polarized Light Microscopy
 RACM = Regulated Asbestos Containing Material

Approved by: AS
Date: 1/7/2020
076



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ASBESTOS SITE INSPECTION FORM Page 2 – Additional Notes

Date: 11/15/2019 Air Quality Specialist: Kevin Adoor Project #: 191086 Complaint #: _____

Facility Name or Description: Apartment Building

Site Address: 1430 East Desert Inn Road City: Las Vegas State: Nevada Zip: 89169

Abatement/Demolition Company: M. P. Trust / Michael Perry

Important Definitions from 40 CFR 61.141:

Adequately Wet means sufficiently mix or penetrate with liquid to prevent the release of particulates. If visible emissions are observed coming from asbestos-containing material, then that material has not been adequately wetted. However, the absence of visible emissions is not sufficient evidence of being adequately wet.

Asbestos-Containing Waste Material (ACWM) ...As applied to demolition and renovation operations, this term also includes regulated asbestos-containing material waste and materials contaminated with asbestos including disposable equipment and clothing.

Facility means any institutional, commercial, public, industrial, or residential structure, installation, or building (including any structure, installation, or building containing condominiums or individual dwelling units operated as a residential cooperative, but excluding residential buildings having four or fewer dwelling units); any ship; and any active or inactive waste disposal site. For purposes of this definition, any building, structure, or installation that contains a loft used as a dwelling is not considered a residential structure, installation, or building. Any structure, installation or building that was previously subject to this subpart is not excluded, regardless of its current use or function.

Facility Component means any part of a facility including equipment.

Friable Asbestos Material means any material containing more than 1 percent asbestos as determined using the method specified in appendix E, subpart E, 40 CFR part 763, section 1, Polarized Light Microscopy, that, when dry, can be crumbled, pulverized, or reduced to powder by hand pressure. If the asbestos content is less than 10 percent as determined by a method other than point counting by polarized light microscopy (PLM), verify the asbestos content by point counting using PLM.

Installation means any building or structure or any group of buildings or structures at a single demolition or renovation site that are under the control of the same owner or operator.

Leak-Tight means that solids or liquids cannot escape or spill out. It also means dust-tight.

Owner/Operator of a demolition or renovation activity means any person who owns, leases, operates, controls, or supervises the facility being demolished or renovated or any person who owns, leases, operates, controls, or supervises the demolition or renovation operation, or both.

Regulated Asbestos-Containing Material (RACM) means (a) Friable asbestos material, (b) Category I nonfriable ACM that has become friable, (c) Category I nonfriable ACM that will be or has been subjected to sanding, grinding, cutting, or abrading, or (d) Category II nonfriable ACM that has a high probability of becoming or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations regulated by this subpart.

Remove means to take out RACM or facility components that contain or are covered with RACM from any facility.

Renovation means altering a facility or one or more facility components in any way, including the stripping or removal of RACM from a facility component. Operations in which load-supporting structural members are wrecked or taken out are demolitions.

Violations Observed:

- 40 CFR 61.145(a): Failure to thoroughly inspect for the presence of asbestos (asbestos survey) prior to renovations at a regulated structure.



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ASBESTOS SITE INSPECTION FORM Page 3 – Additional Notes

Date: 11/15/2019 Air Quality Specialist: Kevin Adoor Project #: 191086 Complaint #: _____

Facility Name or Description: Apartment Building

Site Address: 1430 East Desert Inn Road City: Las Vegas State: Nevada Zip: 89169

Abatement/Demolition Company: M. P. Trust / Michael Perry

- 40 CFR 61.145(b)(1) and (b)(3)(i): Failure to notify the DAQ in writing at least 10 working days prior to the removal of RACM.
- 40 CFR 61.145(c)(6): Failure to ensure that all RACM that was removed or stripped remained in a wet condition until collected and contained in preparation for disposal.
- 40 CFR 61.145(c)(8): Failure to have a person trained in the provisions of the asbestos NESHAP on site at all times during the removal of RACM.
- 40 CFR 61.150(a) and Part 61.150(a)(1)(iii): Failure to seal all asbestos-containing waste material in leak tight containers.
- 40 CFR 61.150(a)(1)(iv): Failure to affix asbestos warning labels on containers with asbestos-containing waste material.

Recommendation: Issuance of a Notice of Violation (NOV) to M. P. Trust and Michael Perry (Perry)

On Friday, November 15, 2019, Air Quality Specialist II Kevin Adoor (Adoor) discovered fire damaged debris in a 16 cubic yard dumpster (Dumpster) and on an adjacent patio of a 1st floor apartment located at 1430 East Desert Inn Road (Facility). The debris on the patio and inside the Dumpster was located in an area that was accessible to the public and within a few feet of a parking space used by a family residing at 1416 East Desert Inn Road. There was no water at the Facility and the debris was removed and deposited in the Dumpster while in a dry condition. The debris originated from Units 1 and 3 of the Facility and was later determined to be Asbestos-Containing Waste Material (ACWM). The Facility was under the control of M P Trust and Michael Perry (Perry), the trustee of M P Trust, and an asbestos survey had not been performed prior to the renovations. While onsite, Adoor informed Perry of the requirement for an asbestos survey. Adoor also informed Perry that there should be no further disturbance of any suspect asbestos containing materials, including the removal of debris, and the Dumpster should remain onsite until the results on an asbestos survey were available. Adoor further informed Perry that the debris on the patio and in the Dumpster should be lightly wetted and covered with plastic sheeting until the results of an asbestos survey were known. Approximately two minutes after speaking with Adoor, Perry called Lunas Construction Cleanup, Inc. (Lunas), the company that provided the Dumpster, and tried to have the Dumpster removed. However, Perry did not contact Alexander Bishop, a worker who had removed the debris from the Facility, to warn him of the potential danger. Bishop returned to the Facility while Adoor was onsite and resumed work inside one of the contaminated apartments before Adoor discovered he was inside and informed him of the potential danger. Moreover, the debris on the patio was removed sometime after Adoor left the Facility on Friday, November 15, 2019, and his return to the Facility on Monday, November 18, 2019. Perry was slow to act after being contacted by Adoor on November 15, 2019. Perry allowed the Dumpster containing ACWM to remain uncovered and without asbestos warning signs for 7 days, from November 15, 2019 through November 21, 2019. The Dumpster remained without asbestos warning signs for 3 additional days until November 24, 2019. For thirteen days, from November 19, 2019, the day Perry was informed the Dumpster contained ACWM, through at least December 2, 2019, Perry had not met with a licensed asbestos abatement contractor. During this time, Perry claimed he had "made a few calls but no one had called him back." After the Dumpster was sealed on November 22, 2019, Adoor discovered the plastic sheeting covering the Dumpster was torn open on for separate occasions, December 2, 5, 10, and 11, 2019. On or about December 5, 2019, at least one person had entered into the Dumpster and removed ACWM which may have resulted in exposure to asbestos fibers. The Dumpster remained onsite as a potential hazard to the public for 48 days, from November 15, 2019 through the morning of January 2, 2020 when A & I Industries LLC (A&I), a licensed asbestos abatement contractor, began abatement of the Dumpster. At the time the Dumpster was abated of all ACWM, there was significantly less material inside than what was present when the Dumpster was first sealed with plastic sheeting on November 22, 2019.

Timeline of Relevant Facts Supporting the Issuance of a Notice of Violation:

The apartment buildings located in the subdivision named Continental Park #2 and on Desert Inn Road, from 1332 to 1486 East Desert Inn Road, were all under common ownership from the time of construction in 1963 until at least 1984 when they were all...



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ASBESTOS SITE INSPECTION FORM
Page 4 – Additional Notes

Date: 11/15/2019 Air Quality Specialist: Kevin Adoor Project #: 191086 Complaint #: _____

Facility Name or Description: Apartment Building

Site Address: 1430 East Desert Inn Road City: Las Vegas State: Nevada Zip: 89169

Abatement/Demolition Company: M. P. Trust / Michael Perry

...owned by Richard W. Aley. During this time, the buildings were part of an apartment complex and met the definition of a facility. The buildings were also subject to the provisions of 40 CFR 61 subpart M of the National Emission Standards for Hazardous Air Pollutants (Asbestos NESHAP). The definition of facility under the Asbestos NESHAP states that "Any structure, installation or building that was previously subject to this subpart is not excluded, regardless of its current use or function." Any building or group of buildings meeting the definition of facility are regulated under the provisions of the Asbestos NESHAP. Additionally, the property located at 1430 East Desert Inn Road and an adjacent property located at 1423 Sombrero Drive were under common ownership by Fire Camp Properties, LLC at the time the violations were discovered by Adoor. The two properties under common ownership meets the definition of a facility.

On or about June 28, 2019, the Facility was damaged by a fire in Units 1 and 3 (Att. 1, Fox News Report).

On Thursday, August 1, 2019, Adoor and Air Quality Specialist II Whitney Francis (Francis) met with Derek Moellinger (Moellinger) at a property across the alley from the Facility. Moellinger was the property manager of the Facility and a manager of Vice Realty, LLC (Vice Realty). During the meeting, Adoor and Francis informed Moellinger of the requirement for an asbestos survey prior to renovations or demolition. Adoor and Francis also informed Moellinger of the likelihood that asbestos-containing materials (ACM), most likely acoustic ceiling texture (ACT), was present in the Facility. During Adoor and Francis's meeting with Moellinger, the Facility was boarded up and secured. Moellinger stated to Adoor and Francis that it had been boarded up since the fire and there were no plans for renovations.

On Sunday, August 28, 2019, Perry, acting as a trustee of M P Trust, signed a lease agreement with the option to purchase the Facility (Att. 2, Lease Agreement). Section (2) of the lease agreement stated the term of the lease was from September 2019 through September 2020. Section (5)(B) of the lease agreement stated the tenant agreed to "...conform to and obey all laws, ordinances, rules, regulations and orders of all Federal, State, and local government authorities, agencies, departments, bureaus, boards or officials, respecting the use of the property." Section (11) of the lease agreement stated "The tenant/buyer shall henceforth be responsible for all maintenance and repair upon said property, both interior and exterior."

Note 1: Moellinger provided Adoor with a copy of the lease agreement on November 19, 2019.

On Friday, November 15, 2019, at approximately 1:20 p.m., Adoor was on routine patrol when he observed the Dumpster at the Facility. Perry rented the Dumpster from Lunas (Att. 3, Email Correspondence with Lunas; Pages 3 and 4). Adoor noted that fire damaged debris was present in the Dumpster and on the patio of Unit 1 (Att. 4, Digital Photographs; Photos 1 and 2). The debris included building materials that were suspect Regulated Asbestos-Containing Materials (RACM) and other fire damaged debris that was suspected of being contaminated with asbestos. RACM debris and materials contaminated with asbestos are ACWM. Adoor estimated the Dumpster was 33% full of fire damaged debris at the time of the inspection. Adoor noted that plywood used to secure the front doors and patio doors of Units 1 and 3 had been removed or were unsecured and leaning up against the walls (Att. 4, Photos 1 and 5). Adoor also noted the Facility was vacant at the time of his arrival.

Adoor inspected the Facility after donning a protective suit, a powered air purifying respirator (PAPR), and gloves. Adoor noted that Units 1 and 3 contained two bedrooms each, a north bedroom (North Room) and west bedroom (West Room). Adoor noted the...



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ASBESTOS SITE INSPECTION FORM Page 5 – Additional Notes

Date: 11/15/2019 Air Quality Specialist: Kevin Adoor Project #: 191086 Complaint #: _____

Facility Name or Description: Apartment Building

Site Address: 1430 East Desert Inn Road City: Las Vegas State: Nevada Zip: 89169

Abatement/Demolition Company: M. P. Trust / Michael Perry

...following during his inspection:

1. The ceilings of the living rooms and hallways of both apartments were smoke damaged.
2. The North Rooms of both units were fire/smoke damaged with sections of the ceiling missing.
 - a. Nearly all of the ACT was missing from the ceilings of the two North Rooms (Att. 4, Photos 9 and 11).
 - b. Nearly all of the fire/smoke damaged ACT that was once present on the ceilings of the two North Rooms had been removed from the building. The floors of the two North Rooms were relatively free of large pieces of debris but were covered with a fine powder/ash (Att. 4, Photos 6 and 11).
3. A section of the ceiling, including ACT, had been removed from the West Room of Unit 3 which was also smoke damaged (Att. 4, Photo 18).
4. A wide mouthed shovel and a broom were present in the North Room of Unit 3 (Att. 4, Photo 12).
5. Waste bins were present in each of the North Rooms of Units 1 and 3 (Att. 4, Photos 6 and 12).

During the course of Adoor's inspection he obtained the following five samples of suspect RACM debris with the following analytical results (Att. 5, COC and Lab Report for Samples 191086-1 through 191086-5):

- Sample #191086-1 Fire Damaged ACT Debris in the 16 Cubic Yard Dumpster, 2% Chrysotile Asbestos (Att. 4, Photos 3 and 4)
- Sample #191086-2 Fire Damaged ACT Debris on the Floor of the North Room of Unit 1, 10% Chrysotile Asbestos (Att. 4, Photos 7 and 8)
- Sample #191086-3 Fire Damaged ACT Debris on the Floor of the North Room of Unit 3, 10% Chrysotile Asbestos (Att. 4, Photos 14 and 15)
- Sample #191086-4 Fire Damaged Wall Texture Debris in the North Room of Unit 3, No Asbestos Detected
- Sample #191086-5 Fire Damaged Debris in the 16 Cubic Yard Dumpster, No Asbestos Detected

At 2:45 p.m. Adoor called Perry who stated an asbestos survey was not performed prior to the removal of the fire damaged materials. Perry explained that his intent was to fully renovate the two fire damaged apartments and the removal of all of the fire/smoke damaged materials was part of that process. Adoor informed Perry of the likelihood that ACM was present in the Facility and the fire damaged debris in the Dumpster was likely contaminated with asbestos. Adoor further informed Perry there should be no further disturbance of any suspect ACM, including the removal of debris, and the Dumpster should remain on-site until the asbestos content of the debris was determined through the performance of an asbestos survey. Adoor also informed Perry the debris in and around the Dumpster was in an area accessible to the public and that an asbestos survey needed to be performed as soon as possible but no later than the following business day, Monday, November 18, 2019. Adoor further informed Perry that the Dumpster and debris outside should be lightly wetted and covered with plastic sheeting to minimize the potential for public exposure to asbestos, if present, until the asbestos content of the debris was determined. Perry stated he understood what was required. The phone call ended at approximately 2:52 p.m. (Att. 6, Phone Record with Perry).

At 2:54 p.m., Perry called Lunas and asked to have the Dumpster containing the suspect ACWM removed from the property in a willful attempt to circumvent the AQ Regulations (Att. 3, Pages 2 and 3).



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ASBESTOS SITE INSPECTION FORM Page 6 – Additional Notes

Date: 11/15/2019 Air Quality Specialist: Kevin Adoor Project #: 191086 Complaint #: _____

Facility Name or Description: Apartment Building

Site Address: 1430 East Desert Inn Road City: Las Vegas State: Nevada Zip: 89169

Abatement/Demolition Company: M. P. Trust / Michael Perry

At 2:54 p.m., Adoor called Moellinger who stated Perry was purchasing the Facility from Fire Camp Property and was leasing it until the close of escrow at the end of the month. Moellinger was uncertain if he had informed Perry of the requirement for an asbestos survey or the potential for ACM in the Facility. However, Moellinger explained that he had directed Perry not to remove any materials or perform any work at the Facility until the close of escrow. Moellinger stated he would contact Perry and direct him to immediately stop all work and to address the matter.

Note 2: On Monday, November 18, 2019, Adoor sent an email to Moellinger asking him to confirm that Adoor had correctly documented their conversation. On Tuesday, November 19, 2019, Adoor received an email from Moellinger correcting Adoor's account by stating that Perry was notified of the presence of asbestos in the building (Att. 7, Email Correspondence with Moellinger; Pages 3 and 4). A copy of the lease agreement was included in the email.

Note 3: On November 20, 2019, Adoor sent an email to Moellinger asking if the fire damaged debris was removed prior to Perry taking control of the Facility. Moellinger responded the same day stating nothing was removed prior to Perry taking control of the Facility (Att. 7, Pages 1 and 2).

At approximately 3:15 p.m., Adoor noted that a worker had entered the Facility and was working in the West Room of Unit 3. Adoor met with the worker who stated his name was Alexander Bishop (Bishop) and he had been hired by Perry to remove all of the fire damaged materials from the Facility. Bishop was not wearing a respirator or any other type of protection. Adoor asked Bishop if the fire damaged debris included ACT and Bishop answered affirmatively. Adoor informed Bishop of his conversation with Perry. Adoor also asked if Perry had recently called to warn him of the potential danger of asbestos or instructed him to stop working. Bishop checked his phone and stated that Perry had not recently contacted him.

Note 4: Perry called Lunas and tried to have the Dumpster removed approximately two minutes after speaking with Adoor. However, Perry did not call Bishop to warn him of the potential danger.

Adoor provided Bishop with water to wash himself as there was no water at the Facility. Bishop then made a phone call. After the phone call, Bishop stated he was going home for the day and would secure the Facility with the plywood prior to leaving.

At 3:43 p.m., Adoor sent an email to Perry at snmc.mpperry@gmail.com and swfmperry@gmail.com regarding their conversation. In the email, Adoor also reiterated the need to lightly wet the fire damaged debris in and around the Dumpster and to cover it with plastic sheeting until the asbestos content of the materials were determined in order to minimize the potential for public exposure to asbestos fibers if asbestos was present (Att. 8, Email Correspondence with Perry; Pages 20 - 23). Adoor also included information regarding the regulatory requirements.

On Monday, November 18, 2019, at approximately 12:40 p.m., Adoor returned to the Facility and noted that the suspect ACWM previously located on the patio of Unit #1 had been removed. Adoor also noted the Dumpster was full of fire damaged debris and it appeared there had been a fire in the Dumpster. The Dumpster was not covered (Att. 4, Photograph 20). Adoor called Perry and left a message inquiring if an asbestos survey had been performed since they last spoke. Adoor also informed Perry of his observations and reiterated that the debris in the Dumpster should be lightly wetted and covered with plastic sheeting to minimize the potential for public exposure to asbestos fibers should the debris be determined to contain asbestos.

At 1:32 p.m., Adoor sent an email to Perry informing him of his observations and repeating the relevant portions of the email sent to Perry on Friday, November 15, 2019. Adoor also requested an update regarding the performance of an asbestos survey (Att. 8, Pages 19 and 20).



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ASBESTOS SITE INSPECTION FORM
Page 7 – Additional Notes

Date: 11/15/2019 Air Quality Specialist: Kevin Adoor Project #: 191086 Complaint #: _____
Facility Name or Description: Apartment Building
Site Address: 1430 East Desert Inn Road City: Las Vegas State: Nevada Zip: 89169
Abatement/Demolition Company: M. P. Trust / Michael Perry

At 1:49 p.m., Adoor received a call from Perry who stated the Dumpster had been covered but someone set it on fire the previous day, Sunday.

Note 5: Adoor did not observe any evidence the Dumpster or debris on the patio had been covered when he visited the Facility earlier in the day.

Perry also stated that Larry Carter (Carter), a licensed asbestos-abatement consultant for MSE Environmental, had performed an asbestos survey earlier in the day and the results would be available in a few days. Adoor again informed Perry that the debris in the Dumpster should be lightly wetted and covered with plastic sheeting until the asbestos content of the debris was determined. Perry again stated he understood what was required.

At 2:26 p.m., Adoor received an email from Perry denying there were any building materials in the Dumpster and asserting that he should be allowed to remove it (Att. 8, Pages 18 and 19).

Note 6: Perry's statement was inconsistent with Adoor's observations on Friday, November 15, 2019 before the Dumpster was set on fire. At that time, Adoor observed building materials and personal belongings in the Dumpster that were all fire damaged (Att. 4, Photos 2, 3, and 13). Adoor also inspected Units 1 and 3, and noted that almost all of the drywall that was removed from those units originated from the North Rooms which were fire damaged. Adoor also noted that nearly all of the drywall removed from the North Rooms was previously covered with ACT.

At 2:47 p.m., Adoor sent an email to Perry informing him that debris from building materials and other debris that may have been contaminated with asbestos were present in the Dumpster. Adoor again reiterated that the debris in the Dumpster should be lightly wetted and the Dumpster should be covered until the asbestos content of the debris was determined (Att. 8, Page 18).

On Tuesday, November 19, 2019, at 12:36 p.m., Adoor received a call from Carter who stated the ACT samples he obtained were determined to contain 5% Chrysotile Asbestos. He also stated that samples of wall texture debris were determined to contain < 1% Chrysotile Asbestos. Carter stated Perry did not want the laboratory to point count the samples of wall texture as required by the asbestos NESHAP and would exercise his option to treat the material as RACM. Carter stated the debris in and around the Dumpster would have to be abated as it was either RACM or contaminated with asbestos.

At approximately 12:45 p.m., Adoor arrived at the property and met with Perry who again denied there were any building materials in the Dumpster. Perry further claimed that all of the debris in the Dumpster was fire damaged after the Dumpster was lit on fire over the weekend. Perry also claimed that all of the materials in the Dumpster were removed from Units 2 and 4. Perry then stated there was no asbestos in the Dumpster and that he needed to remove it from the property.

Note 7: Some of the additional personal belongings that were placed in the Dumpster after Adoor left the Facility on Friday, November 15, 2019, may have originated from Units 2 and 4. However, Perry's statement that all of the debris in the Dumpster originated from Units 2 and 4 was false. Fire damaged debris was present in the Dumpster on November 15, 2019, before the fire in the Dumpster. When Adoor inspected Units 2 and 4 there was no evidence of fire or smoke damage to building materials or the personal belongings inside.

Adoor informed Perry the Dumpster contained debris from building materials including textured drywall and ACT. Adoor then showed Perry the debris in the Dumpster. Perry first claimed the drywall was really just furniture that burned after it was placed in the Dumpster. Later, while wearing a protective suit and respirator, Adoor uncovered multiple pieces of fire damaged drywall that was present in the Dumpster and showed it to Perry (Att. 9, Adoor and Perry). At that time, Perry acknowledged the debris was drywall...



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ASBESTOS SITE INSPECTION FORM Page 8 – Additional Notes

Date: 11/15/2019 Air Quality Specialist: Kevin Adoor Project #: 191086 Complaint #: _____

Facility Name or Description: Apartment Building

Site Address: 1430 East Desert Inn Road City: Las Vegas State: Nevada Zip: 89169

Abatement/Demolition Company: M. P. Trust / Michael Perry

...but claimed it was too thin to have originated from the Facility. Perry continued to claim that everything in the Dumpster originated from Units 2 and 4 which were not fire damaged. Adoor informed Perry that he had observed fire damaged debris in the Dumpster on Friday afternoon before the Dumpster was lit on fire. Adoor also informed Perry that any fire damaged debris removed from Units 1 and 3 were considered contaminated with asbestos and would have to be abated by a licensed asbestos abatement contractor. Adoor and Perry then spoke by telephone with Carter using the speaker phone feature on Adoor's telephone. Carter also informed Perry that any materials in the fire damaged apartments were considered to be contaminated with asbestos. Adoor also informed Perry that EPA had issued a letter of determination affirming that materials were considered contaminated with asbestos if they were located in an area of a building with ACM that was fire damaged. However, Perry continued to claim that all of the debris had originated from Unit #s 2 and 4 that weren't fire damaged. Francis arrived at the property at the conclusion of Adoor's conversation with Perry and Carter. Adoor again informed Perry the Dumpster needed to be sealed and posted with asbestos warning signs.

Adoor then inspected Units 1 and 3 while wearing a protective suit, a PAPR, and gloves. During the inspection, Adoor used a tape measure to determine the following amounts of ACT that were removed from the Facility:

- Unit 1, North Room: The room was 10' x 13' (130 square feet) and at least 100 square feet of ACT had been removed (Att. 4, Photo 9).
- Unit 3, North Room: The room was 10' x 13' (130 square feet) and at least 100 square feet of ACT had been removed (Att. 4, Photos 11 and 16).
- Unit 3, West Room: At least 30 square feet of ACT had been removed (Att. 4, Photo 18).

During the course of Adoor's inspection he obtained the following four samples of suspect RACM with the following lab results (Att. 10, COC and Lab Reports for Samples 191086-6 through 191086-9):

- Sample 191086-6 Residual ACT in the North Room of Unit #1, 3% Chrysotile Asbestos by Point Counting (Att. 4, Photos 8 and 9)
- Sample 191086-7 Residual ACT in the West Room of Unit #3, 4% Chrysotile Asbestos by Point Counting (Att. 4, Photos 18 and 19)
- Sample 191086-8 Residual ACT in the North Room of Unit #3, 4% Chrysotile Asbestos by Point Counting (Att. 4, Photos 16 and 17)
- Sample 191086-9 Fire Damaged Debris at the South End of the Dumpster, No Asbestos Detected

On Wednesday, November 20, 2019, at 10:54 a.m., Adoor sent an email to Perry informing him of the sample results from the materials sampled on Friday, November 15, 2019, and Monday, November 19, 2019. Adoor also informed Perry a sample of ACT debris obtained from the Dumpster on Friday, November 15, 2019, was determined to contain 2% Chrysotile Asbestos and the Dumpster needed to be abated by a licensed asbestos abatement contractor. Adoor included copies of the analytical reports in the email. Adoor again informed Perry the Dumpster needed to be sealed with plastic sheeting and posted with asbestos warning signs. Adoor also asked Perry to start making all arrangements to have the Dumpster abated as soon as possible due to its presence in an area accessible to the public. Adoor further informed Perry that DAQ would grant an emergency waiver of the mandatory 10 working day waiting period to allow the abatement of the Dumpster to occur as soon as possible (Att. 8, Pages 15 and 16).

At approximately 12:45 p.m., Mr. Adoor returned to the Facility and noted the Dumpster remained uncovered and no asbestos...



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ASBESTOS SITE INSPECTION FORM Page 9 – Additional Notes

Date: 11/15/2019 Air Quality Specialist: Kevin Adoor Project #: 191086 Complaint #: _____

Facility Name or Description: Apartment Building

Site Address: 1430 East Desert Inn Road City: Las Vegas State: Nevada Zip: 89169

Abatement/Demolition Company: M. P. Trust / Michael Perry

...warning signs were posted (Att. 4, Photo 23).

On Thursday, November 21, 2019, at approximately 11:30 a.m., Adoor returned to the Facility and noted the Dumpster remained uncovered and no asbestos warning signs were posted (Att. 4, Photo 24). Adoor called Perry and left a message informing him of his observation and requesting a return call.

At 12:22 p.m., Adoor sent an email to Perry regarding his observations and informed Perry that each day the Dumpster was not sealed and posted with asbestos warning signs was a violation of the AQ Regulations (Att. 8, Page 14).

At 12:27 p.m., Adoor received an email from Perry stating "As per our conversation today the Dumpster will be sealed up we have been watering it down daily for the past day It is now ready to be sealed" (Att. 8, Page 13).

Note 8: Adoor thought it was odd that Perry claimed to be watering the Dumpster that day due to the fact it had been raining throughout the previous day. Adoor also noted that Perry referred to a conversation between Perry and Adoor that never occurred, "As per our conversation today...".

At 12:33 p.m., Adoor sent an email to Perry requesting an update regarding Perry's efforts to hire an asbestos abatement contractor for the clean-up (Att. 8, Page 13).

At 2:25 p.m., Adoor received an email from Perry stating "I'm working on it today and will keep you abreast". Perry also stated "please send the report findings for the sample taken from the dumpster on 11-19-19 also please send pics from your sample finding on 11-15-19 and report if possible" (Att. 8, Page 12).

At 3:23 p.m., Adoor sent an email to Perry which included the analytical reports and chain of custody documents for the samples obtained on November 15 and 19, 2019.

Note 9: Adoor had already provided copies of the laboratory reports to Perry in an email sent on November 20, 2019.

Adoor also informed Perry that photographs would be provided no later than the following afternoon. Adoor further informed Perry the report would not be completed until the conclusion of the enforcement action but it would be provided as soon as possible thereafter (Att. 8, Page 12).

At 4:19 p.m., Adoor received an email from Perry acknowledging receipt of the laboratory reports and chain of custody documents. Perry also asked if there was a witness present when Adoor obtained his samples on November 15, 2019 (Att. 8, Page 11).

On November 22, 2019, at 8:54 a.m., Adoor received an email from Carter which included a copy of the asbestos survey report. Adoor reviewed the report and noted the following:

- The report identified the customer as Double 007 Properties (Att. 11, Asbestos Survey Report; Page 1).

Note 10: A search of a database at the website of the Nevada Secretary of State did not produce a business entity named "Double 007 Properties". However, the search did return a company named 007 Properties, LLC whose status was described as permanently revoked. Perry was listed as the sole managing member/officer (Att. 12, 007 Properties, LLC).



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ASBESTOS SITE INSPECTION FORM
Page 10 – Additional Notes

Date: 11/15/2019 Air Quality Specialist: Kevin Adoor Project #: 191086 Complaint #: _____

Facility Name or Description: Apartment Building

Site Address: 1430 East Desert Inn Road City: Las Vegas State: Nevada Zip: 89169

Abatement/Demolition Company: M. P. Trust / Michael Perry

- ACT in Units 1 and 3 was determined to contain 4% - 5% Chrysotile Asbestos by PLM (Att. 11, Page 16).
- Wall texture, joint compound, and stucco cement were all determined to contain < 1% asbestos by PLM (Att. 11, Page 18, and Attached Lab Reports Pages 1 -6).

Adoor noted the report also offered the following comments regarding an inspection of the interior contents (Att. 11, Page 19):
“A visual inspection of the structures interior contents were assessed during the asbestos survey to determine if the fire's non-airborne dust/charr settled and affected the hard and soft contents. Based on the visual inspection, all hard and soft contents within the multi-family residence were affected by the fire that damaged the multi-family residence.

- Friable asbestos containing building materials affecting soft product contents are typically disposed of. Hard product contents can typically be cleaned depending on damage.
- Non-friable asbestos containing building materials such as charred or burnt joint compound in wall and ceiling systems in excess of one percent (1%) by weight may become friable and soft product contents are typically disposed of. Hard product contents can typically be cleaned depending on damage.
- MSE Environmental can verify soft or hard product contents are contaminated beyond a visual inspection by performing microvac sampling of non-airborne settled dust.
- Hard product contents abated by the asbestos abatement contractor need to have microvac post asbestos abatement sampling performed to verify the decontamination process was successful.”

The report also included a comment stating materials determined to contain < 1% by PLM were considered asbestos-containing materials unless their asbestos content was confirmed through point counting (Att. 11, Page 22).

At 12:06 p.m., Adoor sent an email to Perry which included digital photographs taken on November 15, 19, 20, and 21, 2019 (Att. 8, Page 11).

At approximately 1:30 p.m., Adoor returned to the Facility and noted the Dumpster had been sealed but no asbestos warning signs were posted (Att. 4, Photo 26).

At 2:01 p.m., Adoor sent an email to Perry informing him of his observations and reiterated that the Dumpster needed to be posted with asbestos warning signs (Att. 8, Page 10).

At 11:28 p.m., Adoor received an email from Perry stating he was in the process of getting the signs and would post them over the weekend (Att. 8, Pages 9 and 10).

//

On Monday, November 25, 2019 at 8:37 a.m., Adoor received an email from Perry which included photographs of asbestos warning signs posted on the Dumpster and the fire damaged apartments (Att. 8, Page 9).

//

On Tuesday, November 26, 2019, at 9:18 a.m., Adoor sent an email to Perry and requested an update regarding Perry's efforts to hire a licensed asbestos abatement contractor for the clean-up. Adoor also informed Perry that it was his responsibility to ensure the...



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ASBESTOS SITE INSPECTION FORM
Page 11 – Additional Notes

Date: 11/15/2019 Air Quality Specialist: Kevin Adoor Project #: 191086 Complaint #: _____

Facility Name or Description: Apartment Building

Site Address: 1430 East Desert Inn Road City: Las Vegas State: Nevada Zip: 89169

Abatement/Demolition Company: M. P. Trust / Michael Perry

...Dumpster remained sealed and posted with asbestos warning signs until it could be abated of all ACWM by a licensed asbestos abatement contractor (Att. 8, Pages 8 and 9).

On Monday, December 2, 2019, at approximately 1:00 p.m., Adoor returned to the Facility and noted the Dumpster was no longer sealed (Att. 4, Photo 27). Adoor called Perry and informed him the Dumpster needed to be resealed. Perry replied that he would reseal the Dumpster before the end of the day. Adoor then requested an update regarding Perry's efforts to hire an asbestos abatement contractor to abate the Dumpster. Perry stated he had made a few phone calls but no one had gotten back to him. Note 11: Perry was first informed that the Dumpster contained ACWM and required abatement of those materials as soon as possible on November 19, 2019. Perry was also aware the Dumpster was located in an area accessible to the public and within a few feet of a parking space used by a family residing at an adjacent property. Thirteen days later on December 2, 2019, Perry still had not met with a licensed asbestos abatement contractor to obtain a bid for the clean-up.

On Tuesday, December 3, 2019, at approximately 11:15 a.m., Adoor returned to the Facility and noted the Dumpster had been resealed and asbestos warning signs were present.

On Thursday, December 5, 2019, at approximately 1:15 p.m., Adoor returned to the Facility and noted the Dumpster was no longer sealed and debris had been removed from the south end of it (Att. 4, Photo 28). Adoor called Perry and informed him of his observations and that the Dumpster needed to be resealed. Perry stated he was out of state but would have someone reseal the Dumpster.

At 2:05 p.m., Adoor sent an email to Perry reiterating their telephone conversation. Adoor also informed Perry that abatement of the Dumpster needed to begin no later than Wednesday, December 10, 2019 (Att. 8, Page 8).

At 3:45 p.m., Adoor received an email from Perry stating he was obtaining bids for the clean-up (Att. 8, Page 7).

On Friday, December 6, 2019, at approximately 1:00 p.m., Adoor returned to the Facility and noted the Dumpster was sealed and posted with asbestos warning signs.

On Monday, December 9, 2019, at 11:51 a.m., Adoor received an email from Perry stating he had received bids and would be talking to contractors to see if he could "lower the building." Perry further stated in the email that he "may need to extend this out" as he was not "expecting this type of bill." Perry also asked what he needed to do to extend the time of removal (Att. 8, Page 7).

On Tuesday, December 10, 2019, at 7:17 a.m., Adoor sent an email to Perry informing him he wasn't sure what Perry meant when he stated "lower the building." Adoor also stated that the abatement of the ACWM in the Dumpster was the immediate concern due to reasons previously discussed. Adoor further stated that the timeline for the abatement of the ACWM inside of the building could be



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ASBESTOS SITE INSPECTION FORM Page 12 – Additional Notes

Date: 11/15/2019 Air Quality Specialist: Kevin Adoor Project #: 191086 Complaint #: _____

Facility Name or Description: Apartment Building

Site Address: 1430 East Desert Inn Road City: Las Vegas State: Nevada Zip: 89169

Abatement/Demolition Company: M. P. Trust / Michael Perry

...discussed once the Dumpster had been addressed (Att. 8, Page 6).

At 7:27 a.m., Adoor received an email from Perry stating he did not have the money to have the Dumpster abated and asked what he needed to do to get an extension (Att. 8, Page 6).

At 9:00 a.m., Adoor sent an email to Perry informing him an extension of the deadline would not be granted. Adoor explained that Perry had already demonstrated his inability to ensure the Dumpster remained sealed. Adoor further explained that at least one person had entered into the Dumpster and removed debris possibly resulting in their exposure to asbestos fibers. Adoor reminded Perry that the Dumpster was located directly adjacent to the parking space of a family residing at the building to the west of the Facility (Att. 8, Pages 5 and 6).

At approximately 9:55 a.m., Adoor returned to the Facility and noted the Dumpster was no longer sealed (Att. 4, Photograph 29). While onsite, Adoor sent an email to Perry informing him of his observations and informing him the Dumpster needed to be resealed (Att. 8, Page 5).

At 10:49 a.m., Adoor received an email from Perry stating he would stop by in an hour to reseal the Dumpster (Att. 8, Page 5).

At 12:12 p.m., Perry sent an email to Adoor claiming the Dumpster was sealed and that he couldn't find where it had been torn open (Att. 8, Email Correspondence with Perry Page 4).

Note 12: Perry's email was held up by the Clark County Security System and Adoor did not receive the email until the following afternoon.

On Wednesday, December 11, 2019, at approximately 12:00 p.m., Adoor returned to the Facility and noted the Dumpster remained unsealed (Att. 4, Photograph 30). While on site, Adoor sent an email to Perry informing him of his observations and reiterated that the Dumpster needed to be resealed (Att. 8, Page 4).

At approximately 1:55 p.m., Adoor received Perry's email from the previous day.

At 1:56 p.m., Adoor sent an email to Perry stating the area that needed to be resealed was the obvious hole on top near the east edge of the Dumpster (Att. 8, Page 3).

On December 12, 2019, at approximately 10:50 a.m., Adoor returned to the Facility and noted the Dumpster had been resealed.

On Monday, December 16, 2019, at 3:06 p.m., Adoor received an email from Perry stating he had signed a contract with A & I Industries (A&I) for the abatement of the Dumpster. Perry also stated in his email that the abatement of the Dumpster may not occur until after the end of the year (Att. 8, Page 3).

On Tuesday, December 17, 2019, Air Quality Supervisor, Anna Sutowska (Sutowska) sent an email to Perry informing him that...



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ASBESTOS SITE INSPECTION FORM Page 13 – Additional Notes

Date: 11/15/2019 Air Quality Specialist: Kevin Adoor Project #: 191086 Complaint #: _____

Facility Name or Description: Apartment Building

Site Address: 1430 East Desert Inn Road City: Las Vegas State: Nevada Zip: 89169

Abatement/Demolition Company: M. P. Trust / Michael Perry

...Adoor was out of the office until December 26, 2019. Sutowska also reiterated Adoor's email to Perry sent on November 20, 2019 stating the DAQ would grant an emergency waiver of the mandatory 10 working day waiting period to allow the abatement of the Dumpster to occur as soon as possible. Sutowska further stated the abatement should be scheduled immediately (Att. 8, Page 2).

On Monday, December 23, 2019, Adoor was copied on an email from Perry to Kent Shank (Shank), a project Manager for A&I indicating the abatement of the Dumpster would begin on January 2, 2020 (Att. 13, Email from Perry 12/23/2019).

On Monday, December 30, 2019, at 1:17 p.m., Adoor was copied on an email from Perry to Shank confirming that the abatement of the dumpster would begin on January 2, 2020 (Att. 14, Email with Perry 12/30/2019).

At 2:28 p.m., DAQ received a NESHAP Notification of Asbestos Abatement from A&I for the abatement of the RACM debris from the Dumpster and the surrounding area. The start date on the notification was identified as January 2, 2020.

On Thursday, January 2, 2020, at approximately 8:00 a.m., Adoor returned to the Facility and met with Shank and Jacobo Torres (Torres), a supervisor for A&I. Adoor observed A&I as they set up a containment enclosure in preparation for the abatement of ACWM from the Dumpster (Att.4 Photo 31).

On Friday, January 3, 2020, at approximately 9:45 a.m., Adoor returned to the Facility and confirmed the Dumpster had been abated of all ACWM.

At 10:13 a.m., Adoor sent an email to Perry informing him the Dumpster had been abated of all ACWM. Adoor also informed Perry that ACWM remained in Units 1 and 3 and that the two apartments needed to be secured until they were decontaminated. Adoor further informed Perry that a copy of his report would be provided to him no later than the end of the following week (Att. 8, Pages 1 and 2).

Attachments

1. Fox News Report
2. Lease Agreement
3. Email Correspondence with Lunas
4. Digital Photographs
5. COC & Lab Report for Samples 191086-1 through 191086-5
6. Phone Record with Perry 11/15/2019
7. Email Correspondence with Moellinger
8. Email Correspondence with Perry
9. Adoor and Perry
10. COC & Lab Report for Samples 191086-6 through 191086-9
11. Asbestos Survey Report
12. 007 Properties, LLC
13. Email from Perry 12/23/2019
14. Email from Perry 12/30/2019

Attachment 1
Fox News Report

Attachment 1 Fox News Report

6/28/2019



LAS VEGAS (FOX5) -- Fire crews battled a blaze at a central valley apartment building Friday morning.



© Lee Ortlieb/FOX5
Clark County Fire Department crews respond to a structure fire at 1430 E. Desert Inn Road, Friday morning, June 28, 2019.

Just after 7 a.m. Friday, the Clark County Fire Department responded to a structure fire on East Desert Inn Road, near the intersection with Maryland Parkway.

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Attachment 2
Lease Agreement

Attachment 2 Lease Agreement

Lease Agreement with Option to Purchase Real Estate

This LEASE AGREEMENT WITH OPTION TO PURCHASE REAL ESTATE (hereinafter referred to as the Lease/Option) is made this 15th day of August, 2019, by and between the following parties: FIRE CAMP PROPERTY L.L.C.

located at 1430 E DESERT INN RD WINCHESTER, NV 89109 (hereinafter referred to as the Tenant/Buyer); and
M. P. TRUST

located at 2990 S RAINBOW BLVD ST# 100-F LAS VEGAS NV 89146 (hereinafter referred to as the Landlord/Seller).

In consideration of the mutual promises and covenants hereinafter stipulated, the parties hereby agree as follows

(1) **DESCRIPTION:** The Landlord/Seller agrees to lease, and, the Tenant/Buyer agrees to rent the real property and improvements, hereinafter called property; located at: 1430 E DESERT INN RD WINCHESTER, NV 89109 as more fully described as follows:
APN # 162-11-410-076

CONTINENTAL PARK #2 PLAT BOOK 9 PAGE 2 LOT 5 BLOCK 1

(2) **TERM:** The term of this Lease/Option shall be for a period of 12 months commencing on SEPT, 2019, and ending on SEP 2020. The term will be automatically extended for periods of months, unless the Tenant/Buyer gives notice to the Landlord/Seller of its intent to terminate this Lease/Option, by mailing a written notice to the last provided address of the Landlord/Seller. Liability for payment will not extend beyond notice to terminate this agreement. Possession shall be given to Tenant/Buyer on .

(3) **RENT:** Tenant/Buyer agrees to pay to the Landlord/Seller, the sum of \$ 700 per month, with the first payment beginning SEP 2019 as rent for the property, for the term of this Lease/Option, and during any extensions thereof. All rental payments shall be due and payable in advance on the 10th day of each and every month. An amount equal to \$ 0 for each month in which rent was paid, shall be credited to the Tenant/Buyer and applied to the purchase price of the property in the event that the Tenant/Buyer exercises its option hereunder; otherwise, this credit shall be non-refundable and considered forfeited if the option is not exercised.

(4) **OPTION TO PURCHASE:** The Tenant/Buyer, as part of the consideration herein, is hereby granted the exclusive right, option and privilege of purchasing property at any time during the term of this Lease/Option agreement or any extension thereof. The Tenant/Buyer shall notify the Landlord/Seller in writing of the exercise of this option at least ten (10) days prior to the expiration of the initial term of this Lease/Option or the expiration of any extension thereof, by mail to the last-provided address of Landlord/Seller. UPON SALE OF 1423 SOMBRERO

(5) **COVENANTS OF TENANT/BUYER:** Commencing with and during the term of this agreement, including extensions, the Tenant/Buyer hereby covenants and agrees as follows:

(A) That the Tenant/Buyer will pay all utility charges and bills, including, but not limited to, water, sewer, gas, oil, and electric, which may be assessed or charged against the property;

(B) That the Tenant/Buyer will not use the property for any unlawful purpose; and that the Tenant/Buyer will conform to and obey all laws, ordinances, rules, regulations, requirements and orders of all Federal, State, and Local governmental authorities, agencies, departments, bureaus, boards or officials, respecting the use of the property; and

(C) That the Tenant/Buyer will surrender and deliver up the property, at the end of the term or any extensions thereof, should the option herein not be exercised, in as good order and condition as the same now exists, reasonable use and natural wear and tear excepted.

TENANT/BUYER

(6) **COVENANTS OF LANDLORD/SELLER:** The ~~Landlord/Seller~~ hereby covenants and agrees as follows:

(A) That the Landlord/Seller shall pay for and maintain fire and extended coverage insurance on said property in the minimum amount of \$ 150/PER MONTH. The Tenant/Buyer shall be named as an additional insured or loss-payee on the insurance policy and copy of which shall be provided to Tenant/Buyer.

(B) That the Tenant/Buyer shall peaceably and quietly hold, occupy, use and enjoy the property, without any let, hindrance or molestation by Landlord/Seller or any person associated therewith.

(7) **BREACH BY TENANT/BUYER:** If the Tenant/Buyer shall fail to keep and perform any of the covenants, agreements, or provisions of this Lease/Option, or if the Tenant/Buyer shall abandon the property; it shall be lawful for the Landlord/Seller to enter into said property and again have, repossess, and enjoy the same as if this Lease/Option had not been made, and thereupon this Lease/Option and everything herein contained on the part of the Landlord/Seller to be done and performed shall cease, determine and be utterly void, except as set forth in paragraph (8), below. The commencement of a proceeding or suit in forcible entry and detainer or in ejectment, or otherwise after any default by the Tenant/Buyer, shall be equivalent in every respect to actual entry by the Landlord/Seller.

(8) **COSTS OF IMPROVEMENTS:** In the event the Tenant/Buyer exercises the option to purchase set forth in paragraph (4), above, and through no fault of the Tenant/Buyer, the Landlord/Seller fails to convey said property to Tenant/Buyer in accordance with the terms of this Lease/Option, the Tenant/Buyer, in addition to any other rights which Tenant/Buyer may have in law or equity for the enforcement of Tenant/Buyer's option to purchase, shall be entitled to reimbursement for the cost of all repairs, maintenance and improvements.

(9) **FURTHER ENCUMBRANCES:** The Landlord/Seller hereby warrants that the total of the leases, options, mortgages, liens, and any other encumbrances against the property, whether of public record or not, are as follows:

(A) A first mortgage in favor of PRIVATE LENDER in the approximate amount of \$ 402,000.00

Attachment 2 Lease Agreement

(B) Current taxes for 2020 in the amount of \$ 797.02 due on _____
(C) The Landlord/Seller agrees not to lease to another third party, nor to assign, sell, option, transfer, pledge or otherwise to convey any or all rights or interests had by Landlord/Seller in the property or in this Lease/Option agreement, nor to further encumber the property nor allow the same to occur. All third parties are hereby put on notice that any leases, assignments by the Landlord/Seller, liens, options, mortgages or any other conveyances or transfers occurring subsequent to the date of this Lease/Option are hereby declared by the Landlord/Seller to be null and void and of no force and effect. The Landlord/Seller further agrees to keep all mortgages, liens, taxes or other encumbrances on the property, current and in good standing. Tenant/Buyer shall have the right to make payments on same in the event that Landlord/Seller becomes non-current or otherwise defaults thereon and said payments will be deducted from any equity due seller or recovered from future rent due seller.

(10) **RIGHT OF ASSIGNMENT:** The Tenant/Buyer shall have the unqualified right to sublet the property, and/or to assign, sell, transfer, pledge or otherwise convey any or all rights or interests which the Tenant/Buyer may have in the property or in this Lease/Option Agreement. Any such assignment will release original Tenant/Buyer from liability and substitute assignee in his/her or its place.

(11) **MAINTENANCE AND REPAIRS:** The Tenant/Buyer accepts the property "as is" on the date of execution of this Lease/Option except for items listed in paragraph (13). The Tenant/Buyer shall henceforth be responsible for all maintenance and repair upon said property, both interior and exterior. The Tenant/Buyer shall have the right to make such repairs, maintenance, and improvements as Tenant/Buyer shall deem necessary proper or desirable. The Tenant/Buyer shall be solely liable for payment for said improvements and shall hold the Landlord/Seller nameless there from, except that any electric, plumbing, heating or cooling system that is out of order or any repairs exceeding \$ N/A at the commencement of this lease or within 30 days thereafter will be repaired by the landlord/Seller at his/her expense. If the landlord/Seller can not or will not make the repairs necessary the Tenant/Buyer will have the option of either voiding this agreement by written notice to the landlord/Seller or making such repairs and, a) receiving a reimbursement from the next monthly payment or payments due the Landlord/Seller or, b) receiving a credit against the purchase price plus interest at 10% per annum from date of payment.

(12) **BINDING AGREEMENTS:** The parties hereto agree that this Lease/Option comprises the entire agreement of the parties and that no other representation or agreements have been made or relied upon, and that this Lease/Option agreement shall inure to the benefit of and shall be binding upon the parties, their heirs, executors, administrators, personal representatives, successors or assigns.

(13) **SPECIAL PROVISIONS:**

(A) The landlord/Seller will complete the following by N/A or this Lease/Option will become null and void and all monies disbursed by Tenant/Buyer will be immediately refunded by Landlord/Seller or, at Tenant/Buyers option, these items will be completed by Tenant/Buyer and the cost of same will be recovered as provided for in paragraph (11) in which case this lease will continue in force. provisions
Other

(B) A TITLE SEARCH will be ordered immediately by the Tenant/Buyer. This cost will be borne by the Tenant/Buyer unless it is discovered that Landlord/Seller has unmarketable title in which case the Landlord/Seller will reimburse Tenant/Buyer the cost of the search. If the title is unmarketable the Tenant/Buyer will then have the option to void this agreement or proceed as agreed herewith.

(C) A WOOD DESTROYING ORGANISM REPORT will be ordered by the Tenant/Buyer within N/A days after execution of this agreement. If live wood destroying organisms or rotten wood or damage exceeding \$ _____ is found Landlord/Seller agrees to repair and have treated at his/her expense. If Landlord/Seller cannot or will not pay for the repairs and treatment, Tenant/Buyer may elect to do so or void this agreement and receive a rebate for cost incurred.

OPTION TO PURCHASE TERMS

(14) **PRICE AND TERMS:** The Tenant/Buyer agrees to pay for said property the sum of \$ 190,000.00 MINUS \$10,000.00 DEPOSIT TOTAL \$180,000.00 PAYOFF less any sums for which the Tenant/Buyer is entitled to claim reimbursement or offset in accordance with this agreement; the net sum to be paid in cash, certified check, or cashiers check at closing.

(15) **INCLUDED IN THE PURCHASE:** The property shall also include all land, together with all improvements thereon, all appurtenant rights, privileges, easements, buildings, fixtures, heating, electrical, plumbing and air conditioning fixtures and facilities, window shades, venetian blinds, awnings, curtain rods, screens, storm windows and doors, affixed mirrors, wall to wall carpeting, stair carpeting, built in kitchen appliances, bath-room fixtures, radio and television aenials, landscaping and shrubbery, water softeners, garage door openers and operating devices, and all utility or storage buildings or sheds, range and refrigerator. The property shall also include the following items:

(16) **TITLE:** The Landlord/Seller shall convey marketable title to the property with the above described inclusions, by good and sufficient General Warranty Deed in fee simple absolute, on or before closing; said title to be free, clear, and unencumbered except existing mortgages restrictions and easements of record shown in paragraph (9). Title to be conveyed to the Tenant/Buyer and/or assigns.

(17) **CLOSING:** The deed shall be delivered and the purchase money shall be paid at the lending institution's, or other office, of Tenant/Buyer's choice, no later than sixty (60) days after notification to the Landlord/Seller of the Tenant/Buyer's exercise of the option.

(18) **COSTS AND PRORATIONS:** There shall be prorated between the landlord/Seller and the Tenant/Buyer, as of date of closing, the following items: (a) All real estate taxes and assessments; (b) Interest on encumbrances assumed or taken over by Tenant/Buyer with the Tenant/Buyer having responsibility for such items as follows:

Landlord/Seller will pay:

Tenant/Buyer will pay:

Attachment 2 Lease Agreement

(19) **INSURANCE:** While this option shall remain executory and up until the time of closing, the Landlord/Seller shall maintain fire and extended coverage upon the property, and immediately convert the owner occupied (if applicable) policy to a non owner occupied policy. In the event of loss or destruction in whole or in part of said property, the Tenant/Buyer shall have the option to proceed with the closing and accept the insurance proceeds for said damage, or to declare this Lease/Option null and void, releasing both parties from any obligations hereunder, except for the return of reimbursable expenses previously paid by Tenant/Buyer which amounts shall become immediately due and payable from the insurance proceeds. Upon closing, the Tenant/Buyer shall be responsible for fire and extended coverage from that date forward.

(20) In the event this agreement is placed in the hands of an attorney for enforcement the prevailing party shall be entitled to recover court costs and attorney fees.

IN WITNESS WHEREOF: the parties hereto, have set their hands to this Lease/Option Agreement on this 29 day of August, 2019

WITNESS:

Landlord/Seller

Tenant/Buyer

Landlord/Seller

08-28-19

Tenant/Buyer

Attachment 3
Email with Lunas

Attachment 3

From: [Kevin Adoor](#)
To: [DANIEL MADRIGAL](#)
Subject: RE: Dumpster info
Date: Monday, November 18, 2019 9:21:00 AM

Thank you.

Kevin Adoor

Air Quality Specialist II
Clark County Department of Air Quality
4701 W Russell Road, Suite 200
Las Vegas, NV 89118
(702) 218-9867

From: DANIEL MADRIGAL [mailto:DANIEL@LUNASINC.COM]
Sent: Monday, November 18, 2019 9:20 AM
To: Kevin Adoor <ADOOR@ClarkCountyNV.gov>
Subject: RE: Dumpster info

Morning,

The dumpster volume on site is 16 cubic yard.

From: Kevin Adoor [mailto:ADOOR@ClarkCountyNV.gov]
Sent: Monday, November 18, 2019 9:02 AM
To: DANIEL MADRIGAL <DANIEL@LUNASINC.COM>
Subject: RE: Dumpster info

Good morning Daniel,

Can you confirm if the dumpster's volume is 15 or 20 cubic yards?

Thank you,

Kevin Adoor

Air Quality Specialist II
Clark County Department of Air Quality
4701 W Russell Road, Suite 200
Las Vegas, NV 89118
(702) 218-9867

From: Kevin Adoor
Sent: Friday, November 15, 2019 3:34 PM

Attachment 3

To: DANIEL MADRIGAL <DANIEL@LUNASINC.COM>

Subject: RE: Dumpster info

Daniel,

Thank you for your assistance.

Regards,

Kevin Adoor

Air Quality Specialist II
Clark County Department of Air Quality
4701 W Russell Road, Suite 200
Las Vegas, NV 89118
(702) 218-9867

From: DANIEL MADRIGAL [<mailto:DANIEL@LUNASINC.COM>]

Sent: Friday, November 15, 2019 3:32 PM

To: Kevin Adoor <ADOOR@ClarkCountyNV.gov>

Subject: RE: Dumpster info

Per our conversation, here is the information requested.

Phone number 7028128357 – Michael Perry – called into Lunas main office at 2:54 PM on 11/15/19 requesting removal of dumpster at 1430 East Desert Inn, Las Vegas, NV 89169.

Daniel Madrigal
702.303.8431

From: Kevin Adoor [<mailto:ADOOR@ClarkCountyNV.gov>]

Sent: Friday, November 15, 2019 3:05 PM

To: DANIEL MADRIGAL <DANIEL@LUNASINC.COM>

Subject: RE: Dumpster info

Importance: High

Daniel,

Thank you for the update. An asbestos survey has not been performed and the dumpster contains suspect Regulated Asbestos Containing Materials (RACM). The dumpster should not be removed until an asbestos survey is performed and the asbestos content of the materials are determined. Can you please provide the exact time he called for the pick-up?

Thank you,

Attachment 3

Kevin Adoor

Air Quality Specialist II
Clark County Department of Air Quality
4701 W Russell Road, Suite 200
Las Vegas, NV 89118
(702) 218-9867

From: DANIEL MADRIGAL [<mailto:DANIEL@LUNASINC.COM>]

Sent: Friday, November 15, 2019 3:00 PM

To: Kevin Adoor <ADOOR@ClarkCountyNV.gov>

Subject: RE: Dumpster info

Customer called in for removal of bin. Advise what you find out and let me know if we can remove. I won't send until I hear back from you.

Daniel M.
702.303.8431

From: Kevin Adoor [<mailto:ADOOR@ClarkCountyNV.gov>]

Sent: Friday, November 15, 2019 2:45 PM

To: DANIEL MADRIGAL <DANIEL@LUNASINC.COM>

Subject: RE: Dumpster info

Good afternoon Daniel,

Thank you for providing the contact information for the dumpster located at 1430 East Desert Inn, Las Vegas, NV 89169. Is the dumpster a 15 cubic yard or a 20 cubic yard dumpster?

Thank you,

Kevin Adoor

Air Quality Specialist II
Clark County Department of Air Quality
4701 W Russell Road, Suite 200
Las Vegas, NV 89118
(702) 218-9867

From: DANIEL MADRIGAL [<mailto:DANIEL@LUNASINC.COM>]

Sent: Friday, November 15, 2019 2:42 PM

To: Kevin Adoor <ADOOR@ClarkCountyNV.gov>

Subject: Dumpster info

Attachment 3

1430 E Desert Inn Rd.

Customer info: Michael Perry (702) 812-8357

Daniel M.
702.303.8431

Attachment 4

Digital Photographs



Photograph 1: November 15, 2019, at approximately 1:29 PM - View of the west side of 1480 E. Desert Inn Road, fire damaged debris on the ground, and a 16 cubic yard dumpster. The fire damaged debris included suspect asbestos-containing building materials. The dumpster was rented by Michael Perry who was also leasing the building.



Photograph 2: November 15, 2019, at approximately 1:30 PM - View of fire damaged building materials in a 16 cubic yard dumpster. The debris was in a dry condition with no evidence of moisture.



Photograph 3: November 15, 2019, at approximately 1:51 PM - View of fire damaged acoustic ceiling texture (ACT) debris in the 16 cubic yard dumpster. The ACT debris was sampled and later determined to contain 2% Chrysotile Asbestos. The ACT debris was in a dry condition.



Photograph 4: November 15, 2019, at approximately 1:53 PM - View of Sample #191086-1 obtained from the ACT depicted in Photograph #3.



Photograph 5: November 15, 2019, at approximately 1:35 PM – View of the front door to Unit #1 which was open and the board securing it was removed.



Photograph 6: November 15, 2019, at approximately 1:55 PM - View of a waste bin in the north room (Master Bedroom) of Unit 1. Note the lack of a significant amount of debris on the floor.



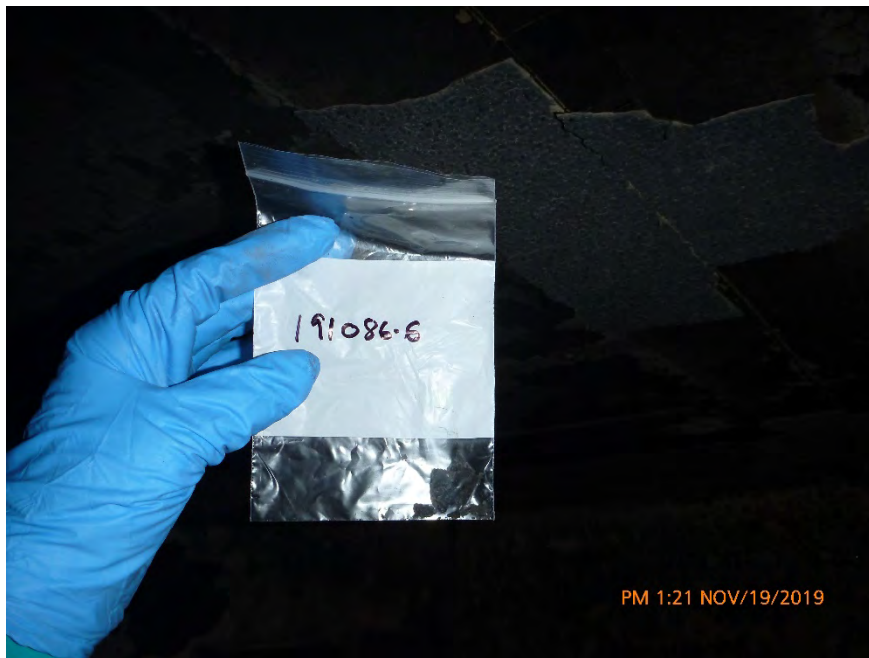
Photograph 7: November 15, 2019, at approximately 1:56 PM – Dry ACT debris on the floor of the north room of Unit #1. The material was sampled and later determined to contain 10% Chrysotile Asbestos.



Photograph 8: November 15, 2019, at approximately 1:57 PM - View of Sample #191086-2 obtained from the material depicted in Photograph #7.



Photograph 9: November 19, 2019, at approximately 1:20 PM – View of the north room of Unit #1. Nearly all of the ACT is missing and there are several holes in the ceiling. Despite the missing materials, the floor of the north room in Unit #1 contained almost no debris (See Photograph #'s 6 & 7). The material was sampled and later determined to contain 5% Chrysotile Asbestos.



Photograph 10: November 19, 2019, at approximately 1:21 PM – View of Sample #191086-6 obtained from the material depicted in Photograph #9.



Photograph 11: November 15, 2019, at approximately 1:59 PM – View of the north room (master bedroom) of Unit #3. Nearly all of the ACT is missing and there are several holes in the ceiling. Despite the missing materials, the floor of the north room in Unit #3 contained almost no debris.



Photograph 12: November 15, 2019, at approximately 1:59 PM – View of a waste bin, a wide mouth shovel, and a broom in the north room of Unit #3. Note the absence of fire damaged debris in the photograph. Shovels like the one depicted in the photograph are typically used for the removal of materials such as soil, ash, ACT debris, etc...



Photograph 13: November 15, 2019, at approximately 2:00 PM - View of the balcony of the north room of Unit #3 overlooking the 16 cubic yard dumpster. Note the accumulation of fire damaged debris along the bottom edge of the guard rail which suggests the fire damaged debris was swept over the edge. Also note the presence of fire damaged drywall on the pavement adjacent to the dumpster.



Photograph 14: November 15, 2019, at approximately 2:01 PM – View of ACT debris on the floor of the north room of Unit #3. The material was sampled and determined to contain 10% Chrysotile Asbestos.



Photograph 15: November 15, 2019, at approximately 2:01 PM – View of Sample #191086-3 obtained from the material depicted in Photograph #14.



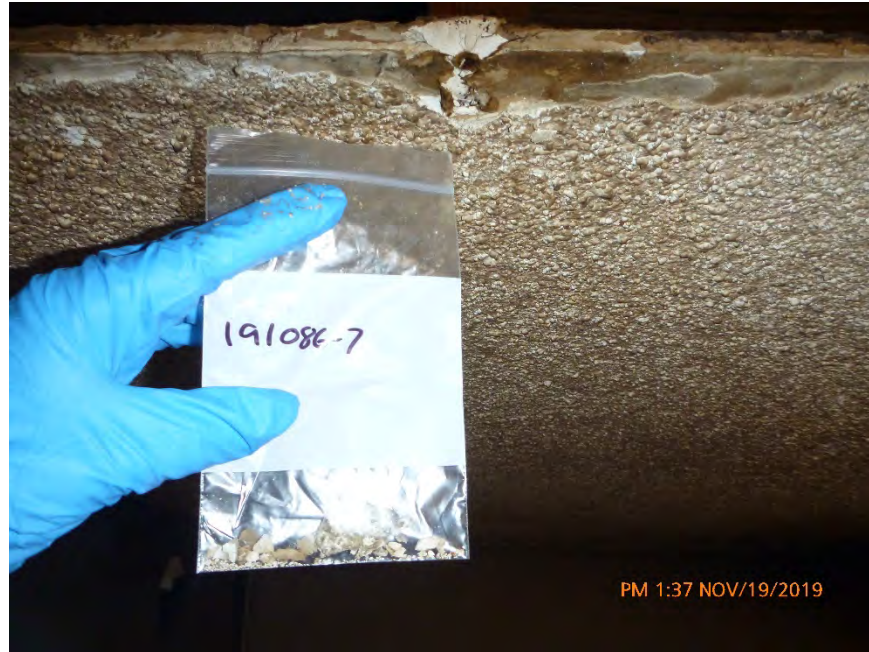
Photograph 16: November 19, 2019, at approximately 1:39 PM – View of Residual ACT on the ceiling of the north room of Unit #3. The material was sampled and determined to contain 5% Chrysotile Asbestos.



Photograph 17: November 19, 2019, at approximately 1:40 PM – View of Sample #191086-8 obtained from the material depicted in Photograph #16.



Photograph 18: November 19, 2019, at approximately 1:32 PM – View of ACT on the ceiling of the west room of Unit #3. The material was sampled and determined to contain 5% Chrysotile Asbestos.



Photograph 19: November 19, 2019, at approximately 1:37 PM – View of Sample #191086-7 obtained from the material depicted in Photograph #18.



Photograph 20: November 18, 2019, at approximately 12:45 PM – View of the west side of the building and the 16 cubic yard dumpster. All of the fire damaged debris present in Photograph #'s 1 and 13 has been removed. On November 15, 2019, Mr. Adoor warned Mr. Perry there should be no further disturbance of any suspect asbestos-containing materials, including the removal of debris. There are also burn marks on the dumpster from a fire that occurred sometime after Mr. Adoor's visit on November 15, 2019, and his return visit to the property on November 18, 2019 (See Photograph #1 where the dumpster is free of burn marks).



Photograph 21: November 18, 2019, at approximately 12:45 PM – View of the 16 cubic yard dumpster with significantly more material than what was documented on November 15, 2019 (See Photograph #2). The condition of the additional material at the time it was placed in the dumpster is unknown. However, it was fire damaged at the time of the photograph. The dumpster contains asbestos-containing waste materials (ACWM) and is not covered. On November 15, 2019, Mr. Adoor informed Mr. Perry the dumpster should be covered with plastic sheeting due to the potential presence of asbestos-containing materials, and to minimize the potential for public exposure if such materials were present.



Photograph 22: November 19, 2019, at approximately 12:47 PM - View of the 16 cubic yard dumpster which contains ACWM. The dumpster remains uncovered.



Photograph 23: November 20, 2019, at approximately 12:49 PM - View of the 16 cubic yard dumpster which contains ACWM. The dumpster remains uncovered and is not posted with asbestos warning signs.



Photograph 24: November 21, 2019, at approximately 11:30 AM - View of the 16 cubic yard dumpster which contains ACWM. The dumpster remains uncovered and is not posted with asbestos warning signs.



Photograph 25: November 15, 2019 at approximately 2:39 PM – View of the parking space of a family, including a child, that resides at the building to the direct west of 1430 East Desert Inn Road. The family’s vehicle is parked less than 10 feet away from the dumpster containing ACWM. Mr. Adoor repeatedly asked Mr. Perry to cover the dumpster on November 15 and 18, 2019. On November 19, 20 and 21, 2019, Mr. Adoor directed Mr. Perry to seal the dumpster with plastic sheeting and to post asbestos warning signs.



Photograph 26: November 22, 2019, at approximately 12:23 PM - View of the 16 cubic yard dumpster which contains ACWM. The dumpster is sealed but asbestos warning signs are not posted.



Photograph 27: December 2, 2019, at approximately 1:03 PM - View of the 16 cubic yard dumpster which contains ACWM. The dumpster is no longer sealed.



Photograph 28: December 5, 2019, at approximately 1:24 PM - View of the 16 cubic yard dumpster which contains ACWM. The dumpster is no longer sealed and debris has been removed (See Photograph #24 regarding the amount of material that was previously in the dumpster).



Photograph 29: December 10, 2019, at approximately 9:59 AM - View of the 16 cubic yard dumpster which contains ACWM. The dumpster is no longer sealed.



Photograph 30: December 11, 2019, at approximately 1:20 PM - View of the 16 cubic yard dumpster which contains ACWM. The dumpster remains unsealed.



Photograph 31: January 2, 2020, at approximately 10:50 AM - View of an asbestos worker setting up containment in preparation for the abatement of the 16 cubic yard dumpster which contained ACWM.

Attachment 5

Chain of Custody and Laboratory Reports for Samples 191086-1 through 191086-5

Attachment 5



Analysis Request Form (COC)

Client Name & Address: Clark County Department of Air Quality 4701 W. Russell Road, Suite 200 Las Vegas, NV 89118	Client No.:	PO / Job#: 4500307754-010	Date: 11/15/2019
Contact: Kevin Adoor		Phone: (702) 218-9867	
E-mail: adoor@clarkcountynv.gov		Turn Around Time: Same Day / <input checked="" type="checkbox"/> 1Day / 2Day / 3Day / 4Day / 5Day	
Site Name: 191086		<input type="checkbox"/> PCM: <input type="checkbox"/> NIOSH 7400A / <input type="checkbox"/> NIOSH 7400B <input type="checkbox"/> Rotometer <input type="checkbox"/> PLM: <input type="checkbox"/> Standard / <input type="checkbox"/> Point Count 400-1000 / <input type="checkbox"/> CARB 435	
Site Location: 1430 E Desert Inn Road		<input type="checkbox"/> TEM Air: <input type="checkbox"/> AHERA / <input type="checkbox"/> Yamate2 / <input type="checkbox"/> NIOSH 7402 <input type="checkbox"/> TEM Bulk: <input type="checkbox"/> Quantitative / <input type="checkbox"/> Qualitative / <input type="checkbox"/> Chatfield <input type="checkbox"/> TEM Water: <input type="checkbox"/> Potable / <input type="checkbox"/> Non-Potable / <input type="checkbox"/> Weight % <input type="checkbox"/> TEM Microvac: <input type="checkbox"/> Qual / <input type="checkbox"/> D5755(str/area) / <input type="checkbox"/> D5756(str/mass)	
Comments:		<input type="checkbox"/> IAQ Particle Identification (PLM LAB) <input type="checkbox"/> PLM Opaques/Soot <input type="checkbox"/> Particle Identification (TEM LAB) <input type="checkbox"/> Special Project <input type="checkbox"/> Metals Analysis Matrix: Method: Analytes:	

	<input type="checkbox"/> Silica in Air <input type="checkbox"/> w/Gravimetry <input type="checkbox"/> Quartz Only
--	--

Sample ID	Date / Time	Sample Location / Description	FOR AIR SAMPLES ONLY				Sample Area / Air Volume
			Type	Time On/Off	Avg LPM	Total Time	
191086-1	11/15/19 1:53PM+	In Dumpster / Friable Fire Damaged Debris	A P C				
191086-2	11/15/19 1:57 PM+	North Room of Unit 1 / Friable ACT Debris	A P C				
191086-3	11/15/19 2:01PM+	North Room of Unit 3 / Friable ACT Debns	A P C				
191086-4	11/15/19 2:07PM+	North Room of Unit 3 / Friable Wall Texture Debris	A P C				
191086-5	11/15/19 2:07PM+	In Dumpster / Friable Fire Damaged Debris	A P C				
			A P C				
			A P C				
			A P C				
			A P C				

Sampled By: Kevin Adoor	Date/Time: 11/15/19	Shipped Via: <input type="checkbox"/> Fed Ex <input type="checkbox"/> UPS <input type="checkbox"/> US Majl <input type="checkbox"/> Courier <input type="checkbox"/> Drop Off <input type="checkbox"/> Other:
-------------------------	---------------------	---

Relinquished By: <i>[Signature]</i>	Relinquished By:	Relinquished By:
Date / Time: 11/15/19 1614	Date / Time:	Date / Time:

Received By: <i>[Signature]</i>	Received By:	Received By:
Date / Time: 11/15/19 1617	Date / Time:	Date / Time:
Condition Acceptable? <input type="checkbox"/> Yes <input type="checkbox"/> No	Condition Acceptable? <input type="checkbox"/> Yes <input type="checkbox"/> No	Condition Acceptable? <input type="checkbox"/> Yes <input type="checkbox"/> No

SGS Forensic Laboratories may subcontract client samples to other SGSFL locations to meet client requests.
 San Francisco Office: 3777 Depot Road, Suite 409, Hayward, CA 94545-2761 • Phone: 510/887-8828 • 800/827-3274
 Los Angeles Office: 2959 Pacific Commerce Drive, Rancho Dominguez, CA 90221 • Phone: 310/763-2374 • 888/813-9417
 Las Vegas Office: 6765 S. Eastern Avenue, Suite 3, Las Vegas, NV 89119 • Phone: 702/784-0040

Bulk Asbestos Analysis

(EPA Method 40CFR, Part 763, Appendix E to Subpart E and EPA 600/R-93-116, Visual Area Estimation)
NVLAP Lab Code: 200908-0

Clark County Air Quality Management
Kevin Adoor
Dept. of Air Quality
4701 W. Russell Road, Ste 200
Las Vegas, NV 89118

Client ID: 4239
Report Number: B296137
Date Received: 11/15/19
Date Analyzed: 11/18/19
Date Printed: 11/20/19
First Reported: 11/18/19

Job ID/Site: 4500307754-010, 191086, 1430 E Desert Inn Road

SGSFL Job ID: 4239
Total Samples Submitted: 5
Total Samples Analyzed: 5

Date(s) Collected: 11/15/2019

Sample ID	Lab Number	Asbestos Type	Percent in Layer	Asbestos Type	Percent in Layer	Asbestos Type	Percent in Layer
191086-1	01232590						
Layer: Off-White Drywall			ND				
Layer: Grey Semi-Fibrous Material		Chrysotile	2 %				
Layer: Black Debris			ND				
Total Composite Values of Fibrous Components:		Asbestos (Trace)					
Cellulose (20 %) Fibrous Glass (10 %)							
Comment: Wipe/Microvac/Debris sample: Quantitative data may not be repeatable or represent the entire sample.							
191086-2	01232591						
Layer: Grey Semi-Fibrous Material		Chrysotile	10 %				
Layer: Paint			ND				
Total Composite Values of Fibrous Components:		Asbestos (10%)					
Cellulose (Trace)							
191086-3	01232592						
Layer: Grey Semi-Fibrous Material		Chrysotile	10 %				
Layer: Paint			ND				
Total Composite Values of Fibrous Components:		Asbestos (10%)					
Cellulose (Trace)							
191086-4	01232593						
Layer: Multi-Layer Paint			ND				
Layer: Grey Texture			ND				
Layer: Paint			ND				
Total Composite Values of Fibrous Components:		Asbestos (ND)					
Cellulose (Trace)							
191086-5	01232594						
Layer: Off-White Drywall			ND				
Layer: Multi-Layer Paint			ND				
Layer: Grey Texture/ Debris			ND				
Total Composite Values of Fibrous Components:		Asbestos (ND)					
Cellulose (25 %)							
Comment: Wipe/Microvac/Debris sample: Quantitative data may not be repeatable or represent the entire sample.							

Attachment 5

Client Name: Clark County Air Quality Management

Report Number: B296137

Date Printed: 11/20/19

Sample ID	Lab Number	Asbestos Type	Percent in Layer	Asbestos Type	Percent in Layer	Asbestos Type	Percent in Layer
-----------	------------	---------------	------------------	---------------	------------------	---------------	------------------



Ryan Sutcliffe, Laboratory Supervisor, Las Vegas Laboratory

Note: Limit of Quantification ('LOQ') = 1%. 'Trace' denotes the presence of asbestos below the LOQ. 'ND' = 'None Detected'.

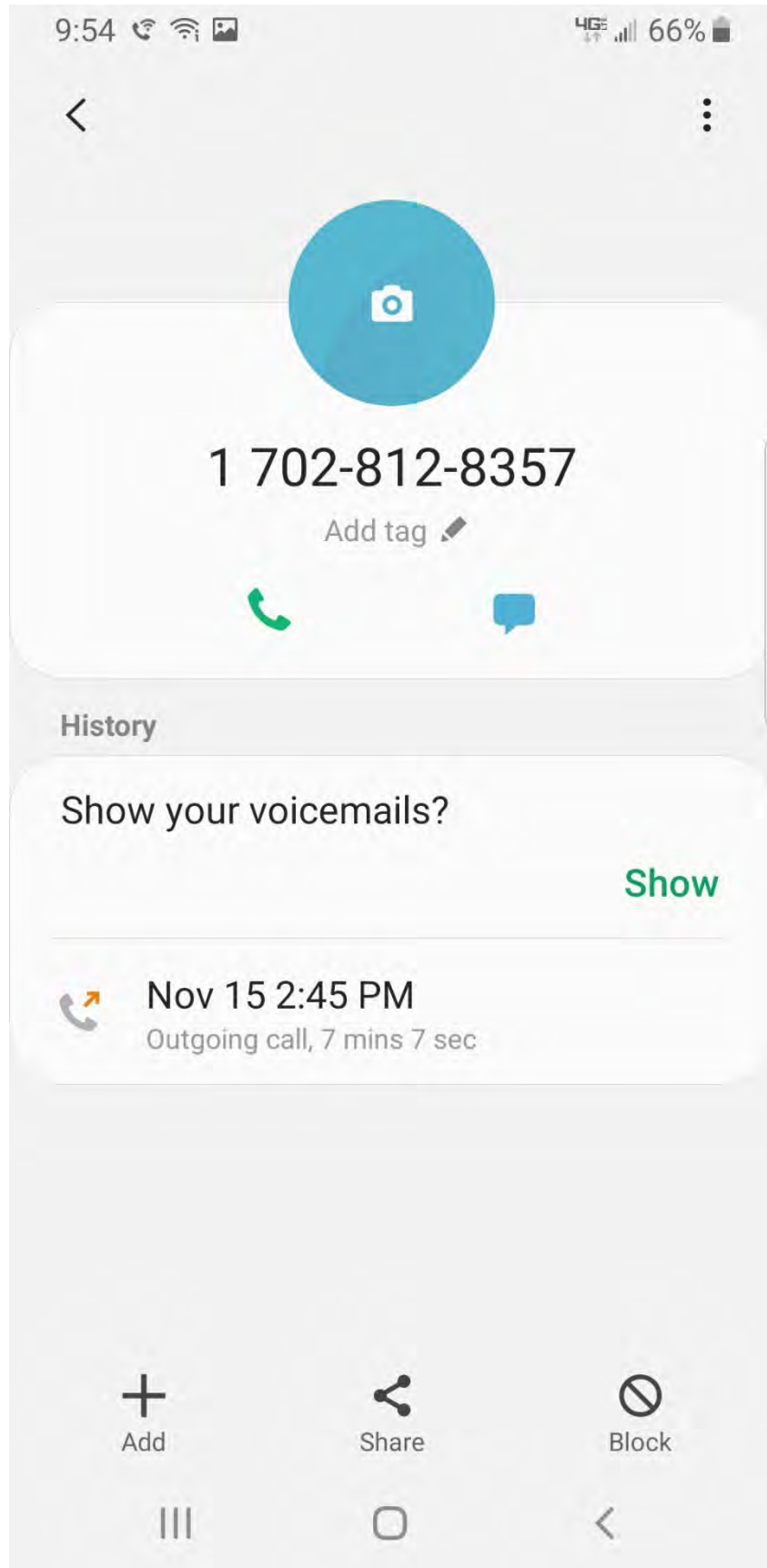
Analytical results and reports are generated by SGS Forensic Laboratories (SGSFL) at the request of and for the exclusive use of the person or entity (client) named on such report. Results, reports or copies of same will not be released by SGSFL to any third party without prior written request from client. This report applies only to the sample(s) tested. Supporting laboratory documentation is available upon request. This report must not be reproduced except in full, unless approved by SGSFL. The client is solely responsible for the use and interpretation of test results and reports requested from SGSFL. SGSFL is not able to assess the degree of hazard resulting from materials analyzed. SGS Forensic Laboratories reserves the right to dispose of all samples after a period of thirty (30) days, according to all state and federal guidelines, unless otherwise specified. All samples were received in acceptable condition unless otherwise noted.

2 of 2

Attachment 6

Telephone Record w/ Perry 11/15/2019

Attachment 6 Phone Record with Perry 11/15/2019



Attachment 7
Email Correspondence with Moellinger

Attachment 7

From: [Kevin Adoor](#)
To: [Derek Moellinger](#)
Subject: RE: 1430 East Desert Inn
Date: Wednesday, November 20, 2019 4:37:00 PM

Thank you Derek.

Kevin Adoor
Air Quality Specialist II
Clark County Department of Air Quality
4701 W Russell Road, Suite 200
Las Vegas, NV 89118
(702) 218-9867

-----Original Message-----

From: Derek Moellinger [<mailto:derek@vicerealtygroup.com>]
Sent: Wednesday, November 20, 2019 4:36 PM
To: Kevin Adoor <ADOOR@ClarkCountyNV.gov>
Subject: RE: 1430 East Desert Inn
Importance: High

That's correct.

On Wed, November 20, 2019 11:55 am, Kevin Adoor wrote:

> Good morning Derek,
>
>
> After reading your response, I believe you are saying nothing was
> removed prior to Mr. Perry signing the lease agreement and taking
> control of the property. Is this correct?

>
> Regards,
>
>
> Kevin Adoor
> Air Quality Specialist II
> Clark County Department of Air Quality
> 4701 W Russell Road, Suite 200
> Las Vegas, NV 89118
> (702) 218-9867

>
>
> -----Original Message-----
> From: Derek Moellinger [<mailto:derek@vicerealtygroup.com>]
> Sent: Wednesday, November 20, 2019 9:51 AM
> To: Kevin Adoor <ADOOR@ClarkCountyNV.gov>
> Subject: RE: 1430 East Desert Inn
> Importance: High

>
>
> Kevin,
>
>
> Nothing was removed the fire department hired a company to come out
> and board everything up the day of the fire.

Attachment 7

>
> Thank you,
>
>
> Derek
>
>
> On Wed, November 20, 2019 10:07 am, Kevin Adoor wrote:
>
>> Good morning Derek,
>>
>>
>>
>> I have one last question. After the fire which occurred on or about
>> June 28, 2019, did the fire damaged debris in Unit #'s 1 and 3 remain
>> in the building or was the debris removed prior to Mr. Perry signing
>> the lease agreement on August 29, 2019?
>>
>> Thank you,
>>
>>
>>
>> Kevin Adoor
>> Air Quality Specialist II
>> Clark County Department of Air Quality
>> 4701 W Russell Road, Suite 200
>> Las Vegas, NV 89118
>> (702) 218-9867
>>
>>
>>
>> -----Original Message-----
>> From: Kevin Adoor
>> Sent: Tuesday, November 19, 2019 3:06 PM
>> To: Derek Moellinger <derek@vicerealtygroup.com>
>> Subject: RE: 1430 East Desert Inn
>>
>>
>>
>> Derek,
>>
>>
>>
>> Thank you for the correction and for providing a copy of the lease
>> agreement.
>>
>> Regards,
>>
>>
>>
>> Kevin Adoor
>> Air Quality Specialist II
>> Clark County Department of Air Quality
>> 4701 W Russell Road, Suite 200
>> Las Vegas, NV 89118
>> (702) 218-9867
>>

Attachment 7

>>

>>

>> -----Original Message-----

>> From: Derek Moellinger [<mailto:derek@vicerealtygroup.com>]

>> Sent: Tuesday, November 19, 2019 2:30 PM

>> To: Kevin Adoor <ADOOR@ClarkCountyNV.gov>

>> Subject: Re: 1430 East Desert Inn

>> Importance: High

>>

>>

>>

>> Kevin,

>>

>>

>>

>> Most of your information is correct except for statement 3, I did

>> tell Michael not perform any work as you would be coming for him if he did.

>> He was made aware that the building had asbestos and is also renting

>> with the intent to purchase the building "as is." I have attached the

>> lease agreement with option to purchase per your request.

>>

>> Derek

>>

>>

>>

>>

>> On Mon, November 18, 2019 5:49 pm, Kevin Adoor wrote:

>>

>>

>>> Good afternoon Derek,

>>>

>>>

>>>

>>>

>>> Can you please confirm if the following are correct:

>>>

>>>

>>>

>>>

>>>

>>> 1. Vice Realty Group, LLC is managing the property located at

>>> 1430

>>> East Desert Inn Road which is currently owned by Fire Camp

>>> Properties, LLC.

>>>

>>>

>>>

>>>

>>> 2. Michael Perry is currently leasing the property located at

>>> 1430

>>> East Desert Inn Road and is also in a contract with Fire Camp

>>> Properties, LLC to purchase the property. The close of escrow is

>>> expected to be on or about November 30, 2019.

>>>

>>> 3. When Mr. Perry signed the lease he was not informed by Vice

>>> Realty Group, LLC that the building may contain asbestos or that an

>>> asbestos survey was required prior to any renovations.

Attachment 7

>>>
>>> 4. Prior to the signing of the lease agreement or at the time
>>> of signing, you informed Mr. Perry there should be no renovations or
>>> work at the property until the close of escrow and his purchase of
>>> the property was complete.

>>>
>>> Can you also provide a copy of the lease agreement?

>>>
>>>
>>>
>>>

>>> Your cooperation is greatly appreciated.

>>>
>>>
>>>
>>>

>>> Regards,

>>>
>>>
>>>
>>>

>>> Kevin Adoor
>>> Air Quality Specialist II
>>> Clark County Department of Air Quality
>>> 4701 W Russell Road, Suite 200
>>> Las Vegas, NV 89118
>>> (702) 218-9867

>>>
>>>
>>>
>>>
>>>

>>
>
>
>

Attachment 8
Email Correspondence with Perry

Attachment 8

//

From: Michael Perry [<mailto:snmc.mperry@gmail.com>]
Sent: Tuesday, December 10, 2019 10:49 AM
To: Kevin Adoor <ADOOR@ClarkCountyNV.gov>
Cc: Michael Perry <swf.mperry@gmail.com>; swfmperry@gmail.com; Derek Moellinger <derek@vicerealtygroup.com>; Anna Sutowska <Anna.Sutowska@ClarkCountyNV.gov>; Larry Carter <larry@msenational.com>; Whitney Francis <FRANCISW@ClarkCountyNV.gov>
Subject: Re: 1430 E. Desert Inn Road

I'll be by with in the hour to re seal

Sent from my iPhone

//

On Dec 10, 2019, at 10:02 AM, Kevin Adoor <ADOOR@clarkcountynv.gov> wrote:

Good morning Mr. Perry,

I just stopped by the property and noted that the plastic sheeting on the dumpster has been torn open. Please ensure the dumpster is re-sealed.

Regards,

Kevin Adoor
Air Quality Specialist II
Clark County Department of Air Quality
4701 W Russell Road, Suite 200
Las Vegas, NV 89118
(702) 218-9867

//

From: Kevin Adoor
Sent: Tuesday, December 10, 2019 9:00 AM
To: Michael Perry <swf.mperry@gmail.com>
Cc: Michael Perry <snmc.mperry@gmail.com>; swfmperry@gmail.com; Derek Moellinger <derek@vicerealtygroup.com>; Anna Sutowska <Anna.Sutowska@ClarkCountyNV.gov>; Larry Carter <larry@msenational.com>; Whitney Francis <FRANCISW@ClarkCountyNV.gov>
Subject: RE: 1430 E. Desert Inn Road

Good morning Mr. Perry,

No extensions will be granted. You have already demonstrated your inability to ensure the dumpster remains sealed and at least one person has entered into the dumpster to remove debris which may have resulted in exposure to asbestos fibers. As you are aware, the dumpster is also located in close proximity to a parking space used by a family in the adjacent property to the west of the dumpster. Please ensure

Attachment 8

the dumpster is abated of all ACWM in order to ensure there is no further potential for public exposure to asbestos fibers originating from the dumpster. Moreover, please ensure the dumpster is abated of all ACWM to avoid additional violations relating to the ACWM in the dumpster.

Regards,

Kevin Adoor
Air Quality Specialist II
Clark County Department of Air Quality
4701 W Russell Road, Suite 200
Las Vegas, NV 89118
(702) 218-9867

////////////////////////////////////
From: Michael Perry [<mailto:swf.mperry@gmail.com>]
Sent: Tuesday, December 10, 2019 7:27 AM
To: Kevin Adoor <ADOOR@ClarkCountyNV.gov>
Cc: Michael Perry <snmc.mperry@gmail.com>; swfmperry@gmail.com; Derek Moellinger <derek@vicerealtygroup.com>; Anna Sutowska <Anna.Sutowska@ClarkCountyNV.gov>; Larry Carter <larry@msenational.com>; Whitney Francis <FRANCISW@ClarkCountyNV.gov>
Subject: Re: 1430 E. Desert Inn Road

Sorry Kevin spellcheck lower the bill not the building I received the bids And do not have the money at this time to clean the dumpster out I'm going to need an extension for removal of material in dumpster how do I go about Asking for an extension to remove the dumpster material

Sent from my iPhone

////////////////////////////////////
On Dec 10, 2019, at 7:17 AM, Kevin Adoor <ADOOR@clarkcountynv.gov> wrote:

Good morning Mr. Perry,

I'm not sure what you mean by "lower the building" but the asbestos-containing waste material (ACWM) in the dumpster is the immediate concern for the reasons previously discussed. We can discuss the timeline for the abatement of the ACWM inside of the building once the dumpster has been addressed.

Regards,

Kevin Adoor
Air Quality Specialist II
Clark County Department of Air Quality
4701 W Russell Road, Suite 200
Las Vegas, NV 89118
(702) 218-9867

Attachment 8

Yes sir I am in the process of getting the signs and will have them on Over the weekend

Michael Perry
Loan Officer
swf.mperry@gmail.com
[702-812-8357](tel:702-812-8357)
Fax: 702-446-0331
MNLS# 371644 MLD 437

Please click below to apply
<https://www.blink.mortgage/app/signup/p/southwindfinancialinc/mperry>

//

From: Kevin Adoor
Sent: Friday, November 22, 2019 2:01 PM
To: SNMC <snmc.mperry@gmail.com>
Cc: Michael Perry <swf.mperry@gmail.com>; swfmperry@gmail.com; Derek Moellinger <derek@vicerealtygroup.com>; Anna Sutowska <Anna.Sutowska@ClarkCountyNV.gov>; Larry Carter <larry@msenational.com>; Whitney Francis <FRANCISW@ClarkCountyNV.gov>
Subject: RE: 1430 E. Desert Inn Road
Importance: High

Good afternoon Mr. Perry,

At approximately 1:30 p.m., this afternoon, I returned to the property and noted the dumpster had been sealed. However, the dumpster was not posted with asbestos warning signs. The purpose of posting the asbestos warning signs is to alert the public to the potential danger posed by the presence of asbestos-containing waste material.

- Each day the dumpster is not posted with asbestos warning signs is a violation of 40 CFR 61.150(a)(1)(iv).

Please note that the dumpster must remain sealed and posted with asbestos warning signs until all asbestos-containing waste material (ACWM) is abated from it by a licensed asbestos abatement contractor.

Regards,

Kevin Adoor
Air Quality Specialist II
Clark County Department of Air Quality
4701 W Russell Road, Suite 200
Las Vegas, NV 89118

Attachment 8

https://www.blink.mortgage/app/signup/p/southwindfinancialinc/mperry

////////////////////////////////////

On Nov 21, 2019, at 3:23 PM, Kevin Adoor <ADOOR@clarkcountynv.gov> wrote:

Good afternoon Mr. Perry,

Please see the attached analytical reports for the samples obtained from the facility on Friday, November 15, 2019 and Tuesday, November 19, 2019. These reports were previously provided in an email sent yesterday morning at 10:54 a.m. Sample #191086-1 is the identification number of the sample obtained from the dumpster. I have also included the chain of custody documents for these samples. Photographs will be provided no later than tomorrow afternoon. The report will not be available until the conclusion of this enforcement action. The report will be provided as soon as it is available.

Regards,

Kevin Adoor
Air Quality Specialist II
Clark County Department of Air Quality
4701 W Russell Road, Suite 200
Las Vegas, NV 89118
(702) 218-9867

////////////////////////////////////

From: SNMC [mailto:snmc.mperry@gmail.com]
Sent: Thursday, November 21, 2019 2:25 PM
To: Kevin Adoor <ADOOR@ClarkCountyNV.gov>
Cc: Michael Perry <swf.mperry@gmail.com>; swfmperry@gmail.com; Derek Moellinger <derek@vicerealtygroup.com>; Anna Sutowska <Anna.Sutowska@ClarkCountyNV.gov>; Larry Carter <larry@msenational.com>; Whitney Francis <FRANCISW@ClarkCountyNV.gov>
Subject: Re: 1430 E. Desert Inn Road

I'm working on it today and will keep you abreast please send the report findings for the sample taken from the dumpster on 11-19-19 also please send pics from your sample finding on 11-15-19 and report if possible

Michael Perry
Loan Officer
swf.mperry@gmail.com
702-812-8357
Fax: 702-446-0331
MNLS# 371644 MLD 437

Attachment 8

Please click below to apply
<https://www.blink.mortgage/app/signup/p/southwindfinancialinc/mperry>

////////////////////////////////////

On Nov 21, 2019, at 12:33 PM, Kevin Adoor <ADOOR@clarkcountynv.gov> wrote:

Mr. Perry,

Thank you for your response. For the record, we did not speak with each other today; however, I did leave you a message on your voice mail. Can you also provide an update regarding your efforts to hire a licensed asbestos abatement contractor for the clean-up?

Regards,

Kevin Adoor
Air Quality Specialist II
Clark County Department of Air Quality
4701 W Russell Road, Suite 200
Las Vegas, NV 89118
(702) 218-9867

////////////////////////////////////

From: SNMC [<mailto:snmc.mperry@gmail.com>]
Sent: Thursday, November 21, 2019 12:27 PM
To: Kevin Adoor <ADOOR@ClarkCountyNV.gov>
Cc: Michael Perry <swf.mperry@gmail.com>; swfmperry@gmail.com; Derek Moellinger <derek@vicerealtygroup.com>; Anna Sutowska <Anna.Sutowska@ClarkCountyNV.gov>; Larry Carter <larry@msenational.com>; Whitney Francis <FRANCISW@ClarkCountyNV.gov>
Subject: Re: 1430 E. Desert Inn Road

As per our conversation today the dumpster will be sealed up we have been watering it down daily for the past day It is now ready to be sealed

Michael Perry
Loan Officer
swf.mperry@gmail.com
[702-812-8357](tel:702-812-8357)
Fax: 702-446-0331
MNLS# 371644 MLD 437

Please click below to apply

Attachment 8

<https://www.blink.mortgage/app/signup/p/southwindfinancialinc/mperry>

//

On Nov 21, 2019, at 12:22 PM, Kevin Adoor <ADOOR@clarkcountynv.gov> wrote:

Good afternoon Mr. Perry,

I just visited the property and noted the dumpster was not sealed nor were asbestos warning signs posted on the dumpster or the building. Per our conversation on Tuesday, November 19, 2019, and the email I sent you yesterday morning, Wednesday, November 20, 2019, the dumpster must be sealed and posted with asbestos warning signs. You can contact a licensed asbestos abatement contractor if you require assistance sealing the dumpster and posting asbestos warning signs.

- The dumpster is located in an area accessible to the public.
- During visits to the property on November 18, 19 and 20, 2019, I noted the dumpster was not covered despite repeated requests.
- Each day the dumpster remains unsealed is a violation of 40 CFR 61.150(a) &(a)(1)(iii).
- Each day the dumpster is not posted with asbestos warning signs is a violation of 40 CFR 61.150(a)(1)(iv).
- A Notice of Violation with a civil penalty up to \$10,000 per day per violation may be issued.

You can contact the Clark County DAQ Small Business Assistance Group at (702) 455-5942 or AQSBAP@clarkcountynv.gov if you need assistance locating a company a licensed asbestos abatement contractor. Additionally, your licensed asbestos abatement contractor should be able to provide you with guidance regarding the regulatory requirements. Mr. Carter has been copied on this email.

Please notify me once the dumpster has been sealed and posted with asbestos warning signs. Please ensure that the dumpster remains sealed and posted with asbestos warning signs until it has been abated of all ACWM.

Additionally, please provide an update regarding your efforts to hire a licensed asbestos abatement contractor to abate the Asbestos-Containing Waste Material (ACWM), including asbestos contaminated material, from the dumpster and the interior of the building.

Regards,

Kevin Adoor
 Air Quality Specialist II
 Clark County Department of Air Quality
 4701 W Russell Road, Suite 200
 Las Vegas, NV 89118
 (702) 218-9867

//

Attachment 8

From: Kevin Adoor
Sent: Wednesday, November 20, 2019 10:54 AM
To: Michael Perry <swf.mperry@gmail.com>
Cc: SNMC <snmc.mperry@gmail.com>; swfmperry@gmail.com; Derek Moellinger <derek@vicerealtygroup.com>; Anna Sutowska <Anna.Sutowska@ClarkCountyNV.gov>; Larry Carter <larry@msenational.com>; Whitney Francis <FRANCISW@ClarkCountyNV.gov>
Subject: RE: 1430 E. Desert Inn Road
Importance: High

Good morning Mr. Perry,

Yesterday afternoon, I spoke over the telephone with Larry Carter, your asbestos abatement consultant, who stated the acoustic ceiling texture (ACT) throughout Unit #'s 1 and 3 was determined to contain 5% Chrysotile Asbestos. Mr. Carter further stated the wall texture was determined to contain 1% asbestos or less by polarized light microscopy (PLM) but was not further analyzed by point counting using PLM. Unless the wall texture is further analyzed by point counting, it must be assumed to be an asbestos-containing material and treated accordingly. Mr. Carter's sample results of the ACT are consistent with the laboratory results of the samples of ACT I obtained from debris and residue in the fire damaged bedrooms of Unit #'s 1 and 3, and the 16 cubic yard dumpster (2%, 5% & 10% Chrysotile Asbestos). These samples were obtained last Friday, November 15th, and Tuesday, November 19th. The ACT has been determined to be a Regulated Asbestos Containing Material (RACM). The debris from the ACT and all materials contaminated with asbestos from the uncontrolled disturbance of the ACT are Asbestos-Containing Waste Materials (ACWM).

40 CFR 61.141 defines ACWM as follows: **Asbestos-containing waste materials means** mill tailings or any waste that contains commercial asbestos and is generated by a source subject to the provisions of this subpart. This term includes filters from control devices, friable asbestos waste material, and bags or other similar packaging contaminated with commercial asbestos. **As applied to demolition and renovation operations, this term also includes regulated asbestos-containing material waste and materials contaminated with asbestos including disposable equipment and clothing.**

Additionally, since you last spoke with my supervisor, Anna Sutowska, I received a laboratory report from a sample of fire damaged ACT debris in the dumpster which was determined to contain 2% Chrysotile Asbestos (Sample #191086-1, Reports Attached). Therefore, the 16 cubic yard dumpster must be abated of all ACWM, including asbestos contaminated materials, by a licensed asbestos-abatement contractor. Please have the dumpster sealed with plastic sheeting and posted with asbestos warning signs. Please ensure the dumpster remains sealed and posted with asbestos warning signs until it is abated. Regarding the interior of Unit #'s 1 and 3, a licensed asbestos abatement contractor is required to remove all ACWM, including asbestos contaminated materials. Please ensure the property is secured and posted with asbestos warning signs until the ACWM are abated.

DAQ will grant an emergency waiver of the mandatory 10 working day waiting period to allow for the abatement of ACWM from the 16 cubic yard dumpster to occur as soon as possible. Please start making all arrangements necessary to abate the 16 cubic yard dumpster of all ACWM due to its presence in areas that are accessible to the public and experience frequent pedestrian traffic.

Attachment 8

Regards,

Kevin Adoor

Air Quality Specialist II
Clark County Department of Air Quality
4701 W Russell Road, Suite 200
Las Vegas, NV 89118
(702) 218-9867

//

From: SNMC [<mailto:snmc.mperry@gmail.com>]
Sent: Monday, November 18, 2019 4:50 PM
To: Kevin Adoor <ADOOR@ClarkCountyNV.gov>
Cc: swfmperry@gmail.com; Derek Moellinger <derek@vicerealtygroup.com>
Subject: Re: 1430 E. Desert Inn Road

anytime in the morning after 11 pm

Michael Perry
Loan Officer
swf.mperry@gmail.com
[702-812-8357](tel:702-812-8357)
Fax: 702-446-0331
MNLS# 371644 MLD 437

Please click below to apply
<https://www.blink.mortgage/app/signup/p/southwindfinancialinc/mperry>

//

On Nov 18, 2019, at 3:32 PM, Kevin Adoor <ADOOR@clarkcountynv.gov> wrote:

Good afternoon Mr. Perry,

Due to the potential violations of the AQ Regulations, I require access to the interior of the two (2) fire damaged apartments, Unit #'s 1 and 3, to perform an inspection. Is there a time tomorrow or the

Attachment 8

Kevin let our conversation today the dumpster was covered the homeless people lite the dumpster on fire I had an inspector come out today to give a asbestos survey should have a back later on this week in the meantime In the dumpsters there were no building materials inside of the dumpster so we should be fine to remove that as soon as possible before they lighted on fire again As for the inside it will remain close that I will be renting out the other two as soon as possible sorry for the discernment

Michael Perry
Loan Officer
swf.mperry@gmail.com
[702-812-8357](tel:702-812-8357)
Fax: 702-446-0331
MNLS# 371644 MLD 437

Please click below to apply
<https://www.blink.mortgage/app/signup/p/southwindfinancialinc/mperry>



On Nov 18, 2019, at 1:32 PM, Kevin Adoor <ADOOR@clarkcountynv.gov> wrote:

Good afternoon Mr. Perry,

I just returned to the property and noted that fire damaged debris consisting of suspect asbestos-containing materials were removed from the patio and placed in the 16 cubic yard dumpster (Lunas #1605N) after I left the property Friday afternoon. I also noted the dumpster has not been covered and the suspect asbestos-containing debris inside remains dry. Per the email sent to you on Friday, November 18, 2019, at 3:43 p.m.:

“... the dumpster (Lunas #1605N) should not be removed/emptied and **there should be no further disturbance of any suspect asbestos-containing materials**, including the removal of debris, until an asbestos survey is performed and the asbestos content of the materials being disturbed as part of the renovations are determined. Any material that is not glass, metal or wood is a suspect asbestos-containing material.

The dumpster containing suspect asbestos-containing materials is in an area that is accessible to the public. It is important that an asbestos survey is performed as soon as possible but no later than the next business day. In the meantime, the debris in and around the dumpster should be lightly wetted and covered with plastic sheeting to help minimize the potential for public exposure to asbestos fibers in the event the debris is determined to contain asbestos”.

Attachment 8

Please provide an update regarding the performed of an asbestos survey. If an asbestos survey has been performed, please provide the name of the company who performed it. If an asbestos survey has not been performed please have one performed no later than the end of the day.

Regards,

Kevin Adoor

Air Quality Specialist II
Clark County Department of Air Quality
4701 W Russell Road, Suite 200
Las Vegas, NV 89118
(702) 218-9867

//

From: Kevin Adoor
Sent: Friday, November 15, 2019 3:55 PM
To: Derek Moellinger <derek@vicerealtygroup.com>
Subject: FW: 1430 E. Desert Inn Road

Good afternoon Derek,

Please see the email below that was sent to your tenant, Michael Perry, regarding the property located at 1430 East Desert Inn Road.

Regards,

Kevin Adoor

Air Quality Specialist II
Clark County Department of Air Quality
4701 W Russell Road, Suite 200
Las Vegas, NV 89118
(702) 218-9867

//

From: Kevin Adoor
Sent: Friday, November 15, 2019 3:43 PM
To: snmc.mpperry@gmail.com; swfmperry@gmail.com
Subject: 1430 E. Desert Inn Road

Good afternoon Mr. Perry,

Thank you for speaking with me regarding the renovations occurring at 1430 E Desert Inn Road, Las Vegas, Nevada 89169. Per our discussion, the dumpster (Lunas #1605N) should not be removed/emptied and there should be no further disturbance of any suspect asbestos-

Attachment 8

containing materials, including the removal of debris, until an asbestos survey is performed and the asbestos content of the materials being disturbed as part of the renovations are determined. Any material that is not glass, metal or wood is a suspect asbestos-containing material.

The dumpster containing suspect asbestos-containing materials is in an area that is accessible to the public. It is important that an asbestos survey is performed as soon as possible but no later than the next business day. In the meantime, the debris in and around the dumpster should be lightly wetted and covered with plastic sheeting to help minimize the potential for public exposure to asbestos fibers in the event the debris is determined to contain asbestos.

- You can contact the Clark County DAQ Small Business Assistance Group at (702) 455-5942 or AQSBAP@clarkcountynv.gov if you need assistance locating a company providing asbestos consulting services.
- Please provide a copy of the asbestos survey report as soon as it is available so I can verify that a thorough inspection was performed inclusive of all materials disturbed during the course of renovations. Additionally, it is recommended that you discuss the results of the asbestos survey with your asbestos consultant who should be able to provide you with guidance regarding the regulatory requirements.

The attached document is a preliminary guide to addressing asbestos related issues at rental properties that are regulated by the Clark County Department of Air Quality.

The following information is for general reference:

Section 13.1 of the Clark County Air Quality Regulations incorporates by reference 40 CFR 61 Subpart M of the National Emission Standards for Hazardous Air Pollutants (NESHAP). **This regulation applies to all commercial and industrial structures, any structure that has more than 4 living units, and any single-family dwelling that has been or will be used for commercial purposes. Two or more buildings in the same vicinity and under common control are also subject to these regulations regardless of the amount of living units.** The regulation does not apply to any stand-alone, non-commercial single-family structure with less than 5 living units per building (e.g., individually owned townhouse or condo building) where an individual owns the building and the living space.

If renovation and/or demolition will be done on a commercial or other regulated structure, 40 CFR 61.145(a) states that:

“[t]o determine which requirements...of this section apply to the owner or operator of a demolition or renovation activity and prior to the commencement of the demolition or renovation, thoroughly inspect the affected facility or part of the facility where the demolition or renovation operation will occur for the presence of asbestos, including Category I and Category II nonfriable ACM” [asbestos-containing material].

Attachment 8

An asbestos inspection must be performed on all regulated structures before renovation or demolition begins; this includes all tenant improvements, renovations, and demolitions, regardless of the age of the building. The inspector must be licensed by the Nevada Occupational Safety and Health Administration.

Whenever more than 160 square feet, 260 linear feet, or 35 cubic feet of regulated asbestos-containing material will be abated or disturbed in a regulated structure, a NESHAP Notification of Asbestos Abatement form must be submitted to the Department of Air Quality (DAQ) at least 10 working days before abatement begins. Any demolition—i.e., wrecking or removal of load-bearing structures, or intentional burning of a structure—of NESHAP-regulated structures requires the submittal of a Demolition Notification to DAQ at least 10 working days before activities begin, even if no asbestos is found inside. If the structure being demolished is 1,000 square feet or more, or if ¼ acre of land or more will be disturbed, a Dust Control Permit must also be submitted to DAQ.

Only an asbestos contractor licensed by the Nevada Occupational Safety and Health Administration may perform asbestos removal.

The EPA has more information regarding asbestos at:

<http://www2.epa.gov/asbestos>.

It is also recommended that you contact the State of Nevada OSHA and the Southern Nevada Health District regarding their requirements for the disturbance of asbestos containing materials and the transportation of asbestos containing waste.

State of Nevada OSHA: <http://4safenv.state.nv.us/>

Southern Nevada Health District: <http://www.southernnevadahealthdistrict.org/solid-waste/asbestos-transportation-permit.php>

Regards,

Kevin Adoor

Air Quality Specialist II
Clark County Department of Air Quality
4701 W Russell Road, Suite 200
Las Vegas, NV 89118
(702) 218-9867

<B296137_REP01.pdf>

<B296259_REP01.pdf>

<B296137_COC01.pdf>

<B296259_COC01.pdf>

Attachment 8

Attachment 9
Adoor & Perry

Attachment 9 Adoor & Perry



Photograph by Air Quality Specialist II Whitney Francis on November 19, 2019 of Air Quality Specialist II Kevin Adoor locating fire damaged building materials in the dumpster and showing them to Michael Perry

Attachment 10

Chain of Custody and Laboratory Report for Samples 191086-6 through 191086-9

Attachment 10



Analysis Request Form (COC)

Client Name & Address: Clark County Department of Air Quality 4701 W. Russell Road, Suite 200 Las Vegas, NV 89118	Client No.:	PO / Job#: 4500307754-010 Turn Around Time: <input checked="" type="checkbox"/> Same Day / <input checked="" type="checkbox"/> 1Day / <input type="checkbox"/> 2Day / <input type="checkbox"/> 3Day / <input type="checkbox"/> 4Day / <input type="checkbox"/> 5Day <input type="checkbox"/> PCM: <input type="checkbox"/> NIOSH 7400A / <input type="checkbox"/> NIOSH 7400B <input type="checkbox"/> Rotometer <input type="checkbox"/> PLM: <input type="checkbox"/> Standard / <input type="checkbox"/> Point Count 400 - 1000 / <input type="checkbox"/> CARB 435	Date: <u>11/19/2019</u> 11/15/2019
Contact: Kevin Adoor E-mail: adoor@clarkcountynv.gov	Phone: (702) 218-9867	<input type="checkbox"/> TEM Air: <input type="checkbox"/> AHERA / <input type="checkbox"/> Yamate2 / <input type="checkbox"/> NIOSH 7402 <input type="checkbox"/> TEM Bulk: <input type="checkbox"/> Quantitative / <input type="checkbox"/> Qualitative / <input type="checkbox"/> Chatfield <input type="checkbox"/> TEM Water: <input type="checkbox"/> Potable / <input type="checkbox"/> Non-Potable / <input type="checkbox"/> Weight % <input type="checkbox"/> TEM Microvac: <input type="checkbox"/> Qual / <input type="checkbox"/> D5755(str/area) / <input type="checkbox"/> D5756(str/mass)	<i>ADW</i>
Site Name: 191086 Site Location: 1430 E Desert Inn Road	<input type="checkbox"/> IAQ Particle Identification (PLM LAB) <input type="checkbox"/> PLM Opaques/Soot <input type="checkbox"/> Particle Identification (TEM LAB) <input type="checkbox"/> Special Project <input type="checkbox"/> Metals Analysis Matrix: Method:		
Comments:		<input type="checkbox"/> Silica in Air <input type="checkbox"/> w/Gravimetry <input type="checkbox"/> Quartz Only	

Sample ID	Date / Time	Sample Location / Description	FOR AIR SAMPLES ONLY				Sample Area / Air Volume
			Type	Time On/Off	Avg LPM	Total Time	
191086-6	11/19/19 1:21PM	North Room of Unit 1 / ACT	A P C				
191086-7	11/19/19 1:37PM	West Room of Unit 3 / ACT	A P C				
191086-8	11/19/19 1:40PM	North Room of Unit 3 / ACT	A P C				
191086-9	11/15/19 2:14PM	In Dumpster / Friable Fire Damaged Debris	A P C				
		I	A P C				
			A P C				
			A P C				
			A P C				
			A P C				

Sampled By: Kevin Adoor Date/Time: 11/19/19		Shipped Via: <input type="checkbox"/> Fed Ex <input type="checkbox"/> UPS <input checked="" type="checkbox"/> US Mail <input type="checkbox"/> Courier <input type="checkbox"/> Drop Off <input type="checkbox"/> Other:	
Relinquished By: <i>[Signature]</i> Date / Time: 11/19/2019 1535	Relinquished By: Date / Time:	Relinquished By: Date / Time:	
Received By: <i>[Signature]</i> Date / Time: 11/19/19 1535 Condition Acceptable? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Received By: Date / Time: Condition Acceptable? <input type="checkbox"/> Yes <input type="checkbox"/> No	Received By: Date / Time: Condition Acceptable? <input type="checkbox"/> Yes <input type="checkbox"/> No	

SGS Forensic Laboratories may subcontract client samples to other SGSFL locations to meet client requests.
 San Francisco Office: 3777 Depot Road, Suite 409, Hayward, CA 94545-2761 • Phone: 510/887-8828 • 800/827-3274
 Los Angeles Office: 2959 Pacific Commerce Drive, Rancho Dominguez, CA 90221 • Phone: 310/763-2374 • 888/813-9417
 Las Vegas Office: 6765 S. Eastern Avenue, Suite 3, Las Vegas, NV 89119 • Phone: 702/784-0040



Bulk Asbestos Analysis

(EPA Method 40CFR, Part 763, Appendix E to Subpart E and EPA 600/R-93-116, Visual Area Estimation)
 NVLAP Lab Code: 200908-0

Clark County Air Quality Management
 Kevin Adoor
 Dept. of Air Quality
 4701 W. Russell Road, Ste 200
 Las Vegas, NV 89118

Client ID: 4239
Report Number: B296259
Date Received: 11/19/19
Date Analyzed: 11/19/19
Date Printed: 11/19/19
First Reported: 11/19/19

Job ID/Site: 4500307754-010, 191086, 1430 E Desert Inn Road

SGSFL Job ID: 4239
Total Samples Submitted: 4
Total Samples Analyzed: 4

Date(s) Collected: 11/19/2019

Sample ID	Lab Number	Asbestos Type	Percent in Layer	Asbestos Type	Percent in Layer	Asbestos Type	Percent in Layer
191086-6	01233050						
Layer: Drywall Backing			ND				
Layer: Black Semi-Fibrous Material		Chrysotile	5 %				
Layer: Paint			ND				
Total Composite Values of Fibrous Components:		Asbestos (4%)					
Cellulose (10 %)							
191086-7	01233051						
Layer: Drywall Backing			ND				
Layer: Off-White Semi-Fibrous Material		Chrysotile	5 %				
Layer: Paint			ND				
Total Composite Values of Fibrous Components:		Asbestos (4%)					
Cellulose (10 %)							
191086-8	01233052						
Layer: Drywall Backing			ND				
Layer: Black Semi-Fibrous Material		Chrysotile	5 %				
Layer: Paint			ND				
Total Composite Values of Fibrous Components:		Asbestos (4%)					
Cellulose (10 %)							
191086-9	01233053						
Layer: Black Debris			ND				
Total Composite Values of Fibrous Components:		Asbestos (ND)					
Cellulose (Trace)							
Comment: Wipe/Microvac/Debris sample: Quantitative data may not be repeatable or represent the entire sample.							

Ryan Sutcliffe, Laboratory Supervisor, Las Vegas Laboratory

Note: Limit of Quantification ('LOQ') = 1%. 'Trace' denotes the presence of asbestos below the LOQ. 'ND' = 'None Detected'.

Analytical results and reports are generated by SGS Forensic Laboratories (SGSFL) at the request of and for the exclusive use of the person or entity (client) named on such report. Results, reports or copies of same will not be released by SGSFL to any third party without prior written request from client. This report applies only to the sample(s) tested. Supporting laboratory documentation is available upon request. This report must not be reproduced except in full, unless approved by SGSFL. The client is solely responsible for the use and interpretation of test results and reports requested from SGSFL. SGSFL is not able to assess the degree of hazard resulting from materials analyzed. SGS Forensic Laboratories reserves the right to dispose of all samples after a period of thirty (30) days, according to all state and federal guidelines, unless otherwise specified. All samples were received in acceptable condition unless otherwise noted.



Bulk Asbestos Point Count Analysis

(NESHAP Final Rule, 40 CFR, Part 61)

Clark County Air Quality Management
Kevin Adoor
Dept. of Air Quality
4701 W. Russell Road, Ste 200
Las Vegas, NV 89118

Client ID: 4239
Report Number: N012501
Date Received: 11/19/19
Date Analyzed: 11/25/19
Date Printed: 11/25/19

Job ID/Site: 4500307754-010, 191086, 1430 E Desert Inn Road**SGSFL Job ID:** 4239**PLM Report Number:** B296259**Total Samples Submitted:** 3**Total Samples Analyzed:** 3**Sample Preparation and Analysis:**

The NESHAP Final Rule does not define the preparation method for multi-layered samples. In order to determine the composite quantity of asbestos, the volume percent of each layer is determined, the asbestos containing layers are analyzed by point counting and the composite quantity of asbestos is calculated. The NESHAP Final Rule can not be applied to matrices that dissolve in refractive index liquid. This includes tar, mastic or adhesive typically found on the back of floor tiles. According to the NESHAP Final Rule, point count data is only necessary when the visual estimate of asbestos is below 10%.

Sample ID	Lab Number	Layer Description
191086-6	01233050	Black Semi-Fibrous Material
<i>Point Count Results:</i>		
Number of asbestos points counted: 13		
Number of non-empty points: 400		
Layer percentage of entire sample: 85		
Percent asbestos in layer: 3		
Asbestos type(s) detected: Chrysotile		
Comment:		
191086-7	01233051	Off-White Semi-Fibrous Material
<i>Point Count Results:</i>		
Number of asbestos points counted: 14		
Number of non-empty points: 400		
Layer percentage of entire sample: 85		
Percent asbestos in layer: 4		
Asbestos type(s) detected: Chrysotile		
Comment:		
191086-8	01233052	Black Semi-Fibrous Material
<i>Point Count Results:</i>		
Number of asbestos points counted: 15		
Number of non-empty points: 400		
Layer percentage of entire sample: 85		
Percent asbestos in layer: 4		
Asbestos type(s) detected: Chrysotile		
Comment:		



Bulk Asbestos Point Count Analysis

(NESHAP Final Rule, 40 CFR, Part 61)

Clark County Air Quality Management
 Kevin Adoor
 Dept. of Air Quality
 4701 W. Russell Road, Ste 200
 Las Vegas, NV 89118

Client ID: 4239
Report Number: N012501
Date Received: 11/19/19
Date Analyzed: 11/25/19
Date Printed: 11/25/19

Job ID/Site: 4500307754-010, 191086, 1430 E Desert Inn Road

SGSFL Job ID: 4239
Total Samples Submitted: 3
Total Samples Analyzed: 3

PLM Report Number: B296259

Sample Preparation and Analysis:

The NESHAP Final Rule does not define the preparation method for multi-layered samples. In order to determine the composite quantity of asbestos, the volume percent of each layer is determined, the asbestos containing layers are analyzed by point counting and the composite quantity of asbestos is calculated. The NESHAP Final Rule can not be applied to matrices that dissolve in refractive index liquid. This includes tar, mastic or adhesive typically found on the back of floor tiles. According to the NESHAP Final Rule, point count data is only necessary when the visual estimate of asbestos is below 10%.

Sample ID	Lab Number	Layer Description
-----------	------------	-------------------

Note: Point count results are reported to the nearest percent per EPA method.

Ryan Sutcliffe, Laboratory Supervisor, Las Vegas Laboratory

Note: Limit of Quantification (LOQ) = 1%. Trace denotes the presence of asbestos below the LOQ. ND = None Detected.

Analytical results and reports are generated by SGS Forensic Laboratories (SGSFL) at the request of and for the exclusive use of the person or entity (client) named on such report. Results, reports or copies of same will not be released by SGSFL to any third party without prior written request from client. This report applies only to the sample(s) tested. Supporting laboratory documentation is available upon request. This report must not be reproduced except in full, unless approved by SGSFL. The client is solely responsible for the use and interpretation of test results and reports requested from SGSFL. SGSFL is not able to assess the degree of hazard resulting from materials analyzed. SGS Forensic Laboratories reserves the right to dispose of all samples after a period of thirty (30) days, according to all state and federal guidelines, unless otherwise specified. All samples were received in acceptable condition unless otherwise noted.

Attachment 11
Asbestos Survey Report



Limited Asbestos Survey Investigation Report

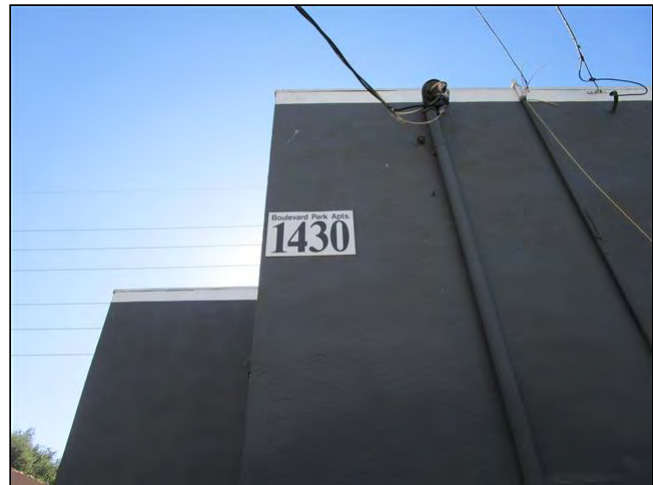
6000 S Eastern Ave Ste 2A
Las Vegas, NV 89119
Tel: 702.255.2457 | Fax: 702.953.0286
msenational.com | info@msenational.com

Customer

Double 007 Properties

Address

1430 E Desert Inn Rd #1 & #3
Las Vegas NV 89169



Inspection Date: 11/18/2019

Inspected By: Larry Carter

Asbestos Survey Results: > 1% Asbestos FOUND (HOT)

Inspection Start Time: 11:00 AM

Project ID: 191118WO37295

Attachment 11

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Attachment 11

Pre-Inspection Agreement statement

Pursuant to your request, MSE Environmental (MSE) was retained by **Double 007 Properties**, (referred to hereunder as the client/customer) to conduct/perform a **Limited Asbestos Survey Investigation** at **SUBJECT** premises located at **1430 E Desert Inn Rd #1 & #3, Las Vegas, NV 89169** on **11/18/2019** at **11:00 AM**. This inspection was performed in accordance with and under the terms of the **MSE Environmental Service Contract Agreement**. The agreement was dated and signed **11/18/2019** and agreed upon before the preparation of this report and a signed copy of the agreement is available upon request. An unsigned copy of the agreement may be attached to this report for your information.

The Limited Asbestos Survey Investigation included professional service of **Larry Carter**, consultant of MSE Environmental.

Attachment 11

Date: 11/18/2019	Time: 11:00 AM	Project ID: 191118WO37295
Address: 1430 E Desert Inn Rd #1 & #3 Las Vegas NV 89169		Customer: Double 007 Properties

Inspection Service:

Limited Asbestos Survey Investigation

Agreement Type:

MSE Environmental Service Contract
Agreement

Asbestos Survey Results:

> 1% Asbestos FOUND (HOT)

Structure Faces:

South

1. SCOPE OF SERVICES

1.0 SCOPE OF SERVICES

Comments: Include

Purpose. The purpose of Limited Asbestos Survey is to detect and identify the presence of friable and non-friable Asbestos Containing Materials (ACM) in the Subject Property.

Scope of Limited Asbestos Survey. The Limited Asbestos Survey consisted of a visual survey to classify accessible suspect ACM by condition and location to determine homogeneous areas for bulk sample collection as well as assessing problems in area(s) designated the client. Bulk sample collection/analysis was conducted in these designated area(s). A homogeneous area is an area of surfacing material, thermal surface insulation or miscellaneous material that is uniform in color and texture.

2. PROJECT SITE DESCRIPTION

2.0 PROJECT SITE DESCRIPTION

Comments: Include

The project site description consists of a multi-family residence built in 1963. The owner requested an asbestos survey prior to demolition and/or renovation of the structures buildings materials from a fire that damaged the multi-family residence.

The following client defined areas of the structure where photo documented to note homogeneous building materials and the current condition of the structure when the asbestos survey was performed.

Structures Interior Unit 1 (Picture 1-12)



2.0 (Picture 1)



2.0 (Picture 2)



2.0 (Picture 3)



2.0 (Picture 4)

Attachment 11



2.0 (Picture 5)



2.0 (Picture 6)



2.0 (Picture 7)



2.0 (Picture 8)

Attachment 11



2.0 (Picture 9)



2.0 (Picture 10)



2.0 (Picture 11)



2.0 (Picture 12)

Structures Interior Unit 3 (Picture 13-26)

Attachment 11



2.0 (Picture 13)



2.0 (Picture 14)



2.0 (Picture 15)



2.0 (Picture 16)



2.0 (Picture 17)



2.0 (Picture 18)

Attachment 11



2.0 (Picture 19)



2.0 (Picture 20)



2.0 (Picture 21)



2.0 (Picture 22)

Attachment 11



2.0 (Picture 23)



2.0 (Picture 24)



2.0 (Picture 25)



2.0 (Picture 26)

Structures Exterior & Dumpster (Picture 27-40)

Attachment 11



2.0 (Picture 27)



2.0 (Picture 28)



2.0 (Picture 29)



2.0 (Picture 30)



2.0 (Picture 31)



2.0 (Picture 32)

Attachment 11



2.0 (Picture 33)



2.0 (Picture 34)



2.0 (Picture 35)



2.0 (Picture 36)

Attachment 11



2.0 (Picture 37)



2.0 (Picture 38)



2.0 (Picture 39)



2.0 (Picture 40)

3. METHODS

3.0 METHODS

Comments: Include

Bulk Asbestos Samples: Bulk samples were analyzed by EMLab P&K of Norcross, GA. EMLab P&K is a participant in the National Voluntary Laboratory Accreditation Program. EMLab P&K is an accredited PLM laboratory under the NVLAP (No 201060-0.) samples were to delivered to EMLab P&K using their chain-of-custody procedures for bulk analysis.

Bulk samples were collected using the current industries methods and used within this report. Bulk samples are collected by wetting the sample area with a surfactant/water mixture, cut with a sharp decontaminated knife or cored with an asbestos cutter sleeve and placed in a labeled zip-lock bag for laboratory analysis. Bulk samples were submitted for Polarized Light Microscopy (PLM).

4. ASBESTOS SURVEY FINDINGS

4.0 ASBESTOS SURVEY FINDINGS

Comments: Include

The assessment of suspect ACM was limited to the structures interior and exterior and consisted of the following:

- Drywall
- Joint Compound
- Wall Texture
- Acoustic Ceiling Spray
- Stucco Cement
- Debris Ash

Based on the visual survey of the subject structure, a total of (15) bulk samples were collected at the site areas representing the homogeneous use of suspect building materials.

4.1 LABORATORY SAMPLE RESULTS

Comments: Include

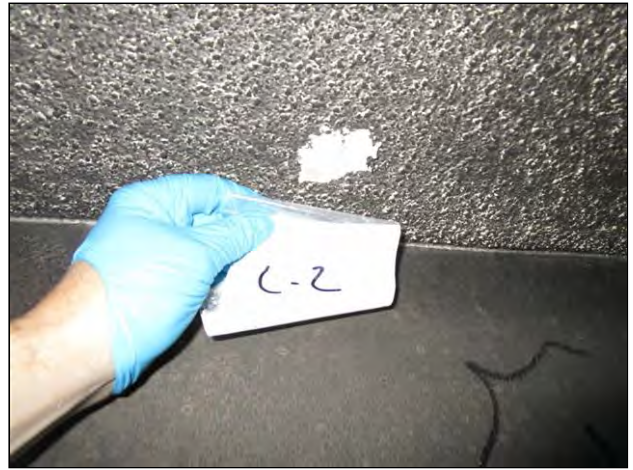
The results of the laboratory bulk sampling (attached report title EMLab P&K Asbestos PLM Report) are described in the table below:

Sample ID	Sample Description	Location	Category/Condition	Quantity (SF)	Asbestos Content (%)
C-1	Acoustic Ceiling Spray	#1 Living Room	Friable/Damaged	<1000	Chrysotile 5% (Picture 1)
C-2	Acoustic Ceiling Spray	#1 Bedroom 1	Friable/Damaged	<1000	Chrysotile 4% (Picture 2)
C-3	Acoustic Ceiling Spray	#1 Master Bedroom	Friable/Damaged	<1000	Chrysotile 4% (Picture 3)
C-4	Acoustic Ceiling Spray	#3 Dining Room	Friable/Damaged	<1000	Chrysotile 4% (Picture 4)
C-5	Acoustic Ceiling Spray	#3 Bedroom 1	Friable/Damaged	<1000	Chrysotile 5% (Picture 5)
C-6	Acoustic Ceiling Spray	#3 Master Bedroom	Friable/Damaged	<1000	Chrysotile 5% (Picture 6)

Attachment 11



4.1 (Picture 1)



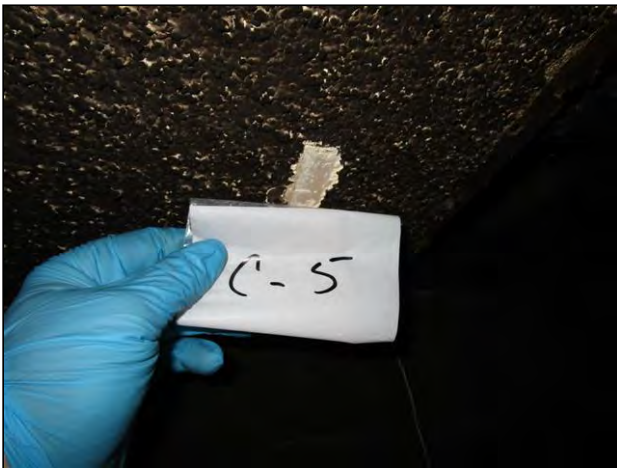
4.1 (Picture 2)



4.1 (Picture 3)



4.1 (Picture 4)



4.1 (Picture 5)



4.1 (Picture 6)

The results of the laboratory bulk sampling (attached report title EMLab P&K Asbestos PLM Report) are described in the paragraph below:

Attachment 11

Based on the survey and analytical laboratory tests results reported, building materials Wall Texture, Joint Compound, and Stucco Cement were less than (<1%) **Asbestos Found (Trace)**.

5. PROJECT SITE INTERIOR CONTENTS

5.0 PROJECT SITE INTERIOR CONTENTS

Comments: Include

A visual inspection of the structures interior contents were assessed during the asbestos survey to determine if the fire's non-airborne dust/charr settled and affected the hard and soft contents. Based on the visual inspection, all hard and soft contents within the multi-family residence were affected by the fire that damaged the multi-family residence.

- Friable asbestos containing building materials affecting soft product contents are typically disposed of. Hard product contents can typically be cleaned depending on damage.
- Non-friable asbestos containing building materials such as charred or burnt joint compound in wall and ceiling systems in excess of one percent (1%) by weight may become friable and soft product contents are typically disposed of. Hard product contents can typically be cleaned depending on damage
- MSE Environmental can verify soft or hard product contents are contaminated beyond a visual inspection by performing microvac sampling of non-airborne settled dust.
- Hard product contents abated by the asbestos abatement contractor need to have microvac post asbestos abatement sampling performed to verify the decontamination process was successful.
- **THESE COMMENTS ARE NOT AN ASBESTOS ABATEMENT SCOPE OF WORK OR PROJECT DESIGN, JUST CONTENTS GUIDELINES.**

Friable asbestos-containing material is defined as any material containing asbestos in excess of one percent (1%) by weight which can be crushed, pulverized, or reduced to powder by hand pressure when dry.

6. ASBESTOS REGULATORY REQUIREMENTS

6.0 NESHAP - EPA

Comments: Include

EPA Regulations

Current asbestos regulations contained within the EPA's National Emission Standards for Hazardous Air Pollutants (NESHAPS 40 CFR, Subpart M, November 20, 1990 revision) define a regulated asbestos-containing material (RACM) as:

- a) Friable asbestos material
- b) Category I non-friable ACBM that may become friable
- c) Category I non-friable ACBM that will be or has been subject to sanding, grinding, cutting, or abrading, or
- d) Category II non-friable ACBM that has a high probability of becoming or has been crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations regulated under this subpart.

Friable - any material containing more than 1 percent asbestos as determined using the method specified in appendix E, subpart E, 40 CFR part 763, section 1, Polarized Light Microscopy, that, when dry, can be crumbled, pulverized, or reduced to powder by hand pressure. If the asbestos content is less than 10 percent as determined by a method other than point counting by polarized light microscopy (PLM), verify the asbestos content by point counting using PLM.

(MSE Environmental Note: Point Counting Friable samples is not included in this report and those services are quoted separately.)

6.1 OSHA

Comments: Include

OSHA Regulations

Class I Asbestos Work - means activities involving the removal of TSI and surfacing ACM and PACM.

Class II Asbestos Work - means activities involving the removal of ACM which is not thermal system insulation or surfacing material. This includes, but is not limited to, the removal of asbestos-containing wallboard, floor tile and sheeting, roofing and siding shingles, and construction mastics.

Class III Asbestos Work - means repair and maintenance operations, where "ACM," including TSI and surfacing ACM and PACM, may be disturbed.

Class IV Asbestos Work - means maintenance and custodial construction activities during which employees

Attachment 11

contact but do not disturb ACM or PACM and activities to clean up dust, waste and debris resulting from Class I, II and III activities.

Asbestos-Containing Material (ACM) - means any material containing more than one percent asbestos.

Presumed Asbestos-Containing Material (PACM) - means thermal system insulation and surfacing material found in buildings constructed no later than 1984. The designation of a material as "PACM" may be rebutted following procedures specified in the standard.

Surfacing ACM - means material that is sprayed, troweled-on or otherwise applied to surfaces (such as acoustical plaster on ceilings and fireproofing materials on structural members, or other materials on surfaces for acoustical, fireproofing, and other purposes) and that contains more than 1% asbestos.

Thermal System Insulation (TSI) ACM - means ACM applied to pipes, fittings, boilers, breeching, tanks, ducts or other structural components to prevent heat loss or gain and that contains more than 1% asbestos.

7. CONCLUSIONS

7.0 CONCLUSIONS

Comments: Include

Based on the survey and analytical laboratory tests results reported, building materials containing asbestos at quantities greater than (>1%) **Asbestos Found (HOT)** in the:

Sample Description	Areas	OSHA Class	EPA NESHAP
Acoustic Ceiling Spray	Throughout the multi family residence interior	CLASS I	RACM

NA - Not applicable

These asbestos containing materials are known as (ACM) and must be removed by a certified asbestos abatement contractor licensed in Nevada in accordance with all applicable laws and regulations.

The following requirements are recommended to be followed with Trace materials:

OSHA Special Note Regarding (<1%) Asbestos Found (Trace) Requirements

The OSHA Construction Standard (29 CFR 1926.1101) are applicable to installed building materials that contain >1% asbestos known as ACM. The Standard also contains requirements that apply whenever worker exposure(s) exceed either (or both) of the PELs (Permissible Exposure Limits) regardless to the amount of asbestos in the building materials involved. the requirements are as follows:

- Asbestos Exposure Assessment by a competent person
- All applicable work practices in the OSHA Standard must be implemented
- All applicable prohibitions in the OSHA Standard must be adhered to.
- If either PEL is exceeded (or a negative exposure assessment is not available), all applicable requirements of the Standard must be adhered to.
- All other applicable laws, rules and regulations must be followed.

NESHAP - EPA Special Note Regarding (<1%) Asbestos Found (Trace) Requirements

EPA does not recognize asbestos samples resulting in <1% (Trace Asbestos). EPA requires point counting of trace asbestos samples for multi family, commercial, and facilities to verify if samples are above or below the regulated 1% . If the customer does not have trace asbestos samples point counted, EPA considers them asbestos containing and regulated.

If any additional suspect asbestos containing materials (ACM) in inaccessible or concealed spaces are revealed during the demolition activities, then all such unidentified materials should be treated as Presumed Asbestos Containing Materials (PACM) in accordance with 29 CFR 1926.1101 and 1910.1001. It's recommended that PACM's be sampled to determine the presence of asbestos prior to continuation of demolition activities.

MSE Environmental requires after the customer has contacted a professional asbestos abatement company and their removal activities have been completed, MSE Environmental comes back and represents the

Attachment 11

customers interests in performing the required Post Abatement Asbestos Clearance Testing Investigation to determine the success of the abatement efforts. This is required by state and local governing agencies regulating asbestos removal.

MSE Environmental would like to thank you for the opportunity to serve you. If you have any questions or comments regarding this report, please do not hesitate to call us at 702.255.2457.

8. CONSULTANT LICENSES & SIGNATURE

8.0 CONSULTANT LICENSES

Comments: Include

Written By:

MSE Environmental



Larry Carter

Senior Project Manager

AHERA-Certified Building Inspector, Project Monitor, Project Designer, Management Planner

No. IJPM1852

9. WARRANTIES, LEGAL DISCLAIMERS AND LIMITATIONS

9.0 WARRANTIES, LEGAL DISCLAIMERS AND LIMITATIONS

Comments: Include

These professional services have been performed by MSE Environmental using the current standard of care and skill ordinarily exercised under similar circumstances by reputable environmental consultants practicing asbestos surveys. No other warranty, expressed or implied, is made. The professional services performed do not guarantee compliance with Federal, State, or Local laws.

The professional services provided and judgments rendered on this project meet current professional standards and do not carry any other guarantee. MSE Environmental accepts no responsibility or liability to any person or organization for any claim, for loss or damage (including attorneys' fees) caused, or believed to be caused, directly or indirectly by; conditions not revealed by the laboratory analyses performed; failure to perform other chemical analyses or utilize different test methods; or failure to locate or install additional sample points.

I hereby certify that I am responsible for the services described in this document. The services described in this document have been provided in a manner consistent with the current standards of the profession and to the best of my knowledge comply with all applicable federal, state and local statutes, regulations and ordinances.

**10. LABORATORY REPORTS & CHAIN OF CUSTODY
FORMS**



EMLab P&K

Report for:

Mr. Larry Carter
MSE Environmental
6000 S. Eastern Ave
Suite 2A
Las Vegas, NV 89119

Regarding: Project: 191118WO37295; 1430 E Desert Inn Rd #1, #3
EML ID: 2299799

Approved by:

A handwritten signature in black ink that reads "Tracy Garcia".

Approved Signatory
Tracy Garcia

Dates of Analysis:
Asbestos PLM: 11-19-2019

Service SOPs: Asbestos PLM (EPA 40CFR App E to Sub E of Part 763 & EPA METHOD 600/R-93-116, SOP EM-AS-S-1267)

All samples were received in acceptable condition unless noted in the Report Comments portion in the body of the report. The results relate only to the samples as received. The results include an inherent uncertainty of measurement associated with estimating percentages by polarized light microscopy. Measurement uncertainty data for sample results with >1% asbestos concentration can be provided when requested.

Eurofins EMLab P&K ("the Company") shall have no liability to the client or the client's customer with respect to decisions or recommendations made, actions taken or courses of conduct implemented by either the client or the client's customer as a result of or based upon the Test Results. In no event shall the Company be liable to the client with respect to the Test Results except for the Company's own willful misconduct or gross negligence nor shall the Company be liable for incidental or consequential damages or lost profits or revenues to the fullest extent such liability may be disclaimed by law, even if the Company has been advised of the possibility of such damages, lost profits or lost revenues. In no event shall the Company's liability with respect to the Test Results exceed the amount paid to the Company by the client therefor.

EMLab ID: 2299799, Page 1 of 6

Attachment 11

Eurofins EMLab P&K

6500 McDonough Dr, Suite C-10, Norcross, GA 30093
(866) 871-1984 Fax (954) 776-8485 www.emlab.com

Client: MSE Environmental
C/O: Mr. Larry Carter
Re: 191118WO37295; 1430 E Desert Inn Rd #1, #3

Date of Sampling: 11-18-2019
Date of Receipt: 11-19-2019
Date of Report: 11-19-2019

ASBESTOS PLM REPORT

Total Samples Submitted: 15

Total Samples Analyzed: 15

Total Samples with Layer Asbestos Content > 1%: 6

Location: W-1, #1 Kitchen W Wall - DW/JC/WT

Lab ID-Version‡: 10938191-1

Sample Layers	Asbestos Content
White Compound with Gray Paint	ND
Off-White Texture with Yellow Paint	< 1% Chrysotile
Cream Tape	ND
Off-White Joint Compound	< 1% Chrysotile
Pink Drywall with Brown Paper	ND
Composite Asbestos Fibrous Content:	< 1% Asbestos
Composite Non-Asbestos Content:	15% Cellulose
Sample Composite Homogeneity:	Moderate

Comments: Composite asbestos content provided is only for Drywall/Joint compound. Composite content provided for this analysis has been performed by following the NESHAP guidelines.

Location: W-2, #1 Bathroom S Wall - DW/JC/WT

Lab ID-Version‡: 10938192-1

Sample Layers	Asbestos Content
White Compound with Gray Paint	ND
Off-White Texture with Yellow Paint	< 1% Chrysotile
Cream Tape	ND
Off-White Joint Compound	< 1% Chrysotile
Pink Drywall with Brown Paper	ND
Composite Asbestos Fibrous Content:	< 1% Asbestos
Composite Non-Asbestos Content:	15% Cellulose
Sample Composite Homogeneity:	Moderate

Comments: Composite asbestos content provided is only for Drywall/Joint compound. Composite content provided for this analysis has been performed by following the NESHAP guidelines.

The test report shall not be reproduced except in full, without written approval of the laboratory. The report must not be used by the client to claim product certification, approval, or endorsement by any agency of the federal government. Eurofins EMLab P&K reserves the right to dispose of all samples after a period of thirty (30) days, according to all state and federal guidelines, unless otherwise specified.

Inhomogeneous samples are separated into homogeneous subsamples and analyzed individually. ND means no fibers were detected. When detected, the minimum detection and reporting limit is less than 1% unless point counting is performed. Floor tile samples may contain large amounts of interference material and it is recommended that the sample be analyzed by gravimetric point count analysis to lower the detection limit and to aid in asbestos identification.

‡ A "Version" indicated by "-x" after the Lab ID# with a value greater than 1 indicates a sample with amended data. The revision number is reflected by the value of "x".

Attachment 11

Eurofins EMLab P&K

6500 McDonough Dr, Suite C-10, Norcross, GA 30093
(866) 871-1984 Fax (954) 776-8485 www.emlab.com

Client: MSE Environmental
C/O: Mr. Larry Carter
Re: 191118WO37295; 1430 E Desert Inn Rd #1, #3

Date of Sampling: 11-18-2019
Date of Receipt: 11-19-2019
Date of Report: 11-19-2019

ASBESTOS PLM REPORT

Location: W-3, #1 M Bathroom S Wall - DW/JC/WT

Lab ID-Version‡: 10938193-1

Sample Layers	Asbestos Content
White Compound with Black Paint	ND
Off-White Texture with Yellow Paint	< 1% Chrysotile
Cream Tape	ND
Off-White Joint Compound	< 1% Chrysotile
Pink Drywall with Brown Paper	ND
Composite Asbestos Fibrous Content:	< 1% Asbestos
Composite Non-Asbestos Content:	15% Cellulose
Sample Composite Homogeneity:	Moderate

Comments: Composite asbestos content provided is only for Drywall/Joint compound. Composite content provided for this analysis has been performed by following the NESHAP guidelines.

Location: C-1, #1 Living Room - ACS

Lab ID-Version‡: 10938194-1

Sample Layers	Asbestos Content
Cream Popcorn Ceiling with Dark Gray Paint	4% Chrysotile
Sample Composite Homogeneity:	Good

The test report shall not be reproduced except in full, without written approval of the laboratory. The report must not be used by the client to claim product certification, approval, or endorsement by any agency of the federal government. Eurofins EMLab P&K reserves the right to dispose of all samples after a period of thirty (30) days, according to all state and federal guidelines, unless otherwise specified.

Inhomogeneous samples are separated into homogeneous subsamples and analyzed individually. ND means no fibers were detected. When detected, the minimum detection and reporting limit is less than 1% unless point counting is performed. Floor tile samples may contain large amounts of interference material and it is recommended that the sample be analyzed by gravimetric point count analysis to lower the detection limit and to aid in asbestos identification.

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Attachment 11

Eurofins EMLab P&K

6500 McDonough Dr, Suite C-10, Norcross, GA 30093
(866) 871-1984 Fax (954) 776-8485 www.emlab.com

Client: MSE Environmental
C/O: Mr. Larry Carter
Re: 191118WO37295; 1430 E Desert Inn Rd #1, #3

Date of Sampling: 11-18-2019
Date of Receipt: 11-19-2019
Date of Report: 11-19-2019

ASBESTOS PLM REPORT

Location: C-2, #1 Bedroom 1 - ACS

Lab ID-Version‡: 10938195-1

Sample Layers	Asbestos Content
Cream Popcorn Ceiling with Dark Gray Paint	4% Chrysotile
Sample Composite Homogeneity: Good	

Location: C-3, #1 Master BR - ACS

Lab ID-Version‡: 10938196-1

Sample Layers	Asbestos Content
Beige Popcorn Ceiling	4% Chrysotile
Sample Composite Homogeneity: Poor	

Comments: Sample possibly contains heat altered asbestos.

Location: W-4, #3 Living RM W Wall - DW/JC/WT

Lab ID-Version‡: 10938197-1

Sample Layers	Asbestos Content
White Compound with Black Paint	ND
Off-White Texture with Yellow Paint	< 1% Chrysotile
Cream Tape	ND
Off-White Joint Compound	< 1% Chrysotile
Pink Drywall with Brown Paper	ND
Composite Asbestos Fibrous Content:	< 1% Asbestos
Composite Non-Asbestos Content:	15% Cellulose
Sample Composite Homogeneity:	Moderate

Comments: Composite asbestos content provided is only for Drywall/Joint compound. Composite content provided for this analysis has been performed by following the NESHAP guidelines.

Location: W-5, #3 Hall Bath S Wall - DW/JC/WT

Lab ID-Version‡: 10938198-1

Sample Layers	Asbestos Content
White Compound with Brown Paint	ND
Off-White Texture with Yellow Paint	< 1% Chrysotile
Cream Tape	ND
Off-White Joint Compound	< 1% Chrysotile
Pink Drywall with Brown Paper	ND
Composite Asbestos Fibrous Content:	< 1% Asbestos
Composite Non-Asbestos Content:	15% Cellulose
Sample Composite Homogeneity:	Moderate

Comments: Composite asbestos content provided is only for Drywall/Joint compound. Composite content provided for this analysis has been performed by following the NESHAP guidelines.

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Inhomogeneous samples are separated into homogeneous subsamples and analyzed individually. ND means no fibers were detected. When detected, the minimum detection and reporting limit is less than 1% unless point counting is performed. Floor tile samples may contain large amounts of interference material and it is recommended that the sample be analyzed by gravimetric point count analysis to lower the detection limit and to aid in asbestos identification.

‡ A "Version" indicated by "-x" after the Lab ID# with a value greater than 1 indicates a sample with amended data. The revision number is reflected by the value of "x".

Attachment 11

Eurofins EMLab P&K

6500 McDonough Dr, Suite C-10, Norcross, GA 30093
(866) 871-1984 Fax (954) 776-8485 www.emlab.com

Client: MSE Environmental
C/O: Mr. Larry Carter
Re: 191118WO37295; 1430 E Desert Inn Rd #1, #3

Date of Sampling: 11-18-2019
Date of Receipt: 11-19-2019
Date of Report: 11-19-2019

ASBESTOS PLM REPORT

Location: W-6, #3 Bedroom 1 N Wall - DW/JC/WT

Lab ID-Version‡: 10938199-1

Sample Layers	Asbestos Content
White Compound with Brown Paint	ND
Off-White Texture with Yellow Paint	< 1% Chrysotile
Cream Tape	ND
Off-White Joint Compound	< 1% Chrysotile
Pink Drywall with Brown Paper	ND
Composite Asbestos Fibrous Content:	< 1% Asbestos
Composite Non-Asbestos Content:	15% Cellulose
Sample Composite Homogeneity:	Moderate

Comments: Composite asbestos content provided is only for Drywall/Joint compound. Composite content provided for this analysis has been performed by following the NESHAP guidelines.

Location: C-4, #3 Dining RM - ACS

Lab ID-Version‡: 10938200-1

Sample Layers	Asbestos Content
White Popcorn Ceiling with Gray Paint	4% Chrysotile
Brown Tape	ND
Composite Non-Asbestos Content:	15% Cellulose
Sample Composite Homogeneity:	Moderate

Location: C-5, #3 Bedroom 1 - ACS

Lab ID-Version‡: 10938201-1

Sample Layers	Asbestos Content
Cream Popcorn Ceiling with Black Paint	5% Chrysotile
Sample Composite Homogeneity:	Good

Location: C-6, #3 Master BR - ACS

Lab ID-Version‡: 10938202-1

Sample Layers	Asbestos Content
Dark Brown Popcorn Ceiling	5% Chrysotile
Sample Composite Homogeneity:	Poor

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Inhomogeneous samples are separated into homogeneous subsamples and analyzed individually. ND means no fibers were detected. When detected, the minimum detection and reporting limit is less than 1% unless point counting is performed. Floor tile samples may contain large amounts of interference material and it is recommended that the sample be analyzed by gravimetric point count analysis to lower the detection limit and to aid in asbestos identification.

‡ A "Version" indicated by "-x" after the Lab ID# with a value greater than 1 indicates a sample with amended data. The revision number is reflected by the value of "x".

Attachment 11

Eurofins EMLab P&K

6500 McDonough Dr, Suite C-10, Norcross, GA 30093
(866) 871-1984 Fax (954) 776-8485 www.emlab.com

Client: MSE Environmental
C/O: Mr. Larry Carter
Re: 191118WO37295; 1430 E Desert Inn Rd #1, #3

Date of Sampling: 11-18-2019
Date of Receipt: 11-19-2019
Date of Report: 11-19-2019

ASBESTOS PLM REPORT

Location: D-1, Dumpster Debris - Ash Debris

Lab ID-Version‡: 10938203-1

Sample Layers	Asbestos Content
Multicolored Debris	ND
Composite Non-Asbestos Content:	20% Cellulose
Sample Composite Homogeneity:	Poor

Location: D-2, Dumpster Debris - Ash Debris

Lab ID-Version‡: 10938204-1

Sample Layers	Asbestos Content
Multicolored Debris	ND
Composite Non-Asbestos Content:	20% Cellulose
Sample Composite Homogeneity:	Poor

Location: S-1, W Exterior - Stucco Cement

Lab ID-Version‡: 10938205-1

Sample Layers	Asbestos Content
Gray Stucco	< 1% Chrysotile
Sample Composite Homogeneity:	Good

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Inhomogeneous samples are separated into homogeneous subsamples and analyzed individually. ND means no fibers were detected. When detected, the minimum detection and reporting limit is less than 1% unless point counting is performed. Floor tile samples may contain large amounts of interference material and it is recommended that the sample be analyzed by gravimetric point count analysis to lower the detection limit and to aid in asbestos identification.

‡ A "Version" indicated by "-x" after the Lab ID# with a value greater than 1 indicates a sample with amended data. The revision number is reflected by the value of "x".



ASBESTOS CHAIN OF CUSTODY

002299799

MSE Environmental Consultant	Larry Carter	Consultants Tel No.	702-426-1242
		Consultants Email:	larry@msonational.com
MSE Location: (circle)	AZ CA CO ID <u>NV</u> NM OR TX UT WA	Email Results To:	results@msonational.com

PROJECT INFORMATION		REQUESTED TURN AROUND TIME (circle)	
Project ID:	19118WD37295	RUSH	3 hour 6 hour
Project Location:	1430 E Desert Inn Rd #1, #3	<u>SAME DAY</u>	BY 5:00 PM
City / ZIP	Las Vegas NV 89169	NEXT DAY -	24 HOUR
Project Date	11 / 12 / 19	STANDARD -	3 DAY
Project Time (circle)	11:00 <u>AM</u> PM	★ MANDATORY NUMBER OF SAMPLES <u>0</u> ★	

SAMPLE ID	SAMPLE LOCATION	MATERIAL DESCRIPTION	SAMPLE TYPE	CONDITION G-F-P	MATERIAL QTY	FRIABILITY Y/N	TOTAL VOLUME
W-1	#1 Kitchen W Wall	Du/PC/WT	B	P	<1000	Y	
W-2	#1 Bathroom S Wall						
W-3	#1 M Bathroom S Wall						
C-1	#1 Living Room	ACS					
C-2	#1 Bedroom 1						
C-3	#1 Master BR						
W-4	#3 Living RM W Wall	Du/PC/WT					
W-5	#3 Hall/Bath S Wall						
W-6	#3 Bedroom 1 N Wall						
C-4	#3 Dining RM	ACS					
C-5	#3 Bedroom 1						
C-6	#3 Master BR						
D-1	Dumpster Debris	Ash Debris					
D-2	Dumpster Debris						

Fiber Count (NIOSH 7400)
 TEM AHERA
 EPA Method 600/R-837116
 EPA Point Count (400 Point Count)
 TEM Microvac ASTM D-9765

SAMPLE TYPE CODES	RELINQUISHED BY:	DATE	11/12/19	TIME	5:00
A - Air	RECEIVED BY:	DATE	11.19.19	TIME	9:07 AM
W - Wipe					
B - Bulk	Billing Address (check) <input checked="" type="checkbox"/>				
T - Tape	6000 S Eastern Ave Suite 2403 Las Vegas NV 89119	O: 702-255-2457	F: 702-953-0286	www.msonational.com	
D - Dust	18444 N 25th Ave, Suite 420 Phoenix, Az 85023	O: 602-388-1089	F: 602-792-0470	info@msonational.com	
MV					
SO - Soil					
PCM/TEM					

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ASBESTOS CHAIN OF CUSTODY

002299799

MSE Environmental Consultant	Larry Carter	Consultants Tel No.	702-426-1242
MSE Location: (circle) AZ CA CO ID NV NM OR TX UT WA		Consultants Email:	larry@msonational.com
		Email Results To:	results@msonational.com

PROJECT INFORMATION		REQUESTED TURN AROUND TIME (circle)	
Project ID:	19118 19118W037295	RUSH	3 hour 6 hour
Project Location:	1430 E Desert Inn Rd #1, #3	<u>SAME DAY</u>	BY 5:00 PM
City / ZIP	Las Vegas NV 89149	NEXT DAY	24 HOUR
Project Date	11 / 18 / 19	STANDARD	3 DAY
Project Time (circle)	11:00 AM PM	★ MANDATORY NUMBER OF SAMPLES <u>15</u> ★	

SAMPLE ID	SAMPLE LOCATION	MATERIAL DESCRIPTION	SAMPLE TYPE	CONDITION G-F-P	MATERIAL QTY	FRIABILITY Y/N	TOTAL VOLUME
S-1	W Exterior	Stucco Cement	B	F	1000	N	

Fiber Count (NIOSH 7400)

TEM AHERA

EPA Method 600/R-93/116

EPA Point Count (400 Point Count)

TEM Microvac ASTM D-5755

SAMPLE TYPE CODES	
A - Air	W - Wipe
B - Bulk	T - Tape
D - Dust	MV
S0 - Soil	PCM/TEM

RELINQUISHED BY:	[Signature]	DATE	11/18/19	TIME	5:00
RECEIVED BY:	[Signature]	DATE	11.19.19	TIME	9:07AM

Billing Address (check)

6000 S Eastern Ave Suite 2403 Las Vegas NV 89119 O: 702-255-2457 F: 702-953-0286 www.msenational.com

18444 N 25th Ave, Suite 420 Phoenix, Az 85023 O: 602-388-1089 F: 602-792-0470 info@msonational.com

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11. MSE ENVIRONMENTAL CONSULTANT CERTIFICATES

STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF INDUSTRIAL RELATIONS
Occupational Safety and Health Administration
Asbestos Control Program

Certifies That Larry Carter

is Licensed As Asbestos Abatement Consultant

License No. IJPM-1852

Expiration Date 04/24/2020

Signature Of Licensee



Attachment 12
007 Properties, LLC

ENTITY INFORMATION

ENTITY INFORMATION

Entity Name:

007 PROPERTIES, LLC

Entity Number:

LLC12945-2004

Entity Type:

Domestic Limited-Liability Company (86)

Entity Status:

Permanently Revoked

Formation Date:

06/14/2004

NV Business ID:

NV20041131867

Termination Date:

6/14/2504

Annual Report Due Date:

6/30/2009

Series LLC:

Restricted LLC:

REGISTERED AGENT INFORMATION

Name of Individual or Legal Entity:

Attachment 12

12/27/2019

Nevada eSOS

LAW OFFICES OF KURT A. JOHNSON, ESQ. P.C.

Status:

Active

CRA Agent Entity Type:

CRA - CORPORATION

Registered Agent Type:

Commercial Registered Agent

NV Business ID:

NV20121011006

Office or Position:

Jurisdiction:

NEVADA

Street Address:

6980 S CIMARRON RD STE 110, LAS VEGAS, NV, 89113, USA

Email Address:

admin@trustedepa.com

Mailing Address:

Individual with Authority to Act:

Blake B. Johnson

Contact Phone Number:

Fictitious Website or Domain Name:

kurtajohnsonlaw.com , trustedepa.com

PRINCIPAL OFFICE ADDRESS

Address:

Mailing Address:

Attachment 12

12/27/2019

Nevada eSOS

OFFICER INFORMATION

VIEW HISTORICAL DATA

Title	Name	Address	Last Updated	Status
Manager	MICHAEL PERRY	2620 S MARYLAND PKWY #14-308, LAS VEGAS, NV, 89109, USA	06/18/2008	Active

Page 1 of 1, records 1 to 1 of 1

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Attachment 13
Email from Perry 12/23/2019

Attachment 13

From: [Michael Perry](#)
To: office@aandiindustries.com
Cc: [a_bernal](#); k_schank@aandiindustries.com; [Kevin Adoor](#); [Anna Sutowska](#)
Subject: 1430 desert inn rd Scheduled services Appointment
Date: Monday, December 23, 2019 2:25:01 PM

OK this sounds great I've CCed air quality control to this email please keep me posted

Sent from my iPhone

On Dec 23, 2019, at 12:50 PM, "office@aandiindustries.com" <office@aandiindustries.com> wrote:

Good afternoon,

We will be scheduled to perform services at 1430 E Desert Inn Las Vegas, NV on Thursday, 01/02/20. If there's any inconvenience or any questions please contact Kent.

Mercedes Wallace
Administrative Assistant
<image001.jpg>
5965 S. Procyon St.
Las Vegas, NV 89118
Office: 702-436-0123
Fax: 702-436-2556

Attachment 14
Email from Perry 12/30/2019

Attachment 14

From: [Michael Perry](#)
To: k_schank@aandiindustries.com
Cc: [Kevin Adoor](#)
Subject: Re: 1430 E Desert Inn Rd - ANALYTICAL REPORTS
Date: Monday, December 30, 2019 1:17:26 PM

Ok Thank you see below

Sent from my iPhone

On Dec 30, 2019, at 10:37 AM, "k_schank@aandiindustries.com" <k_schank@aandiindustries.com> wrote:

We got everything submitted. We will be starting on Thursday morning. My guys will be there between 7 and 8. I will also meet them on site.

From: Michael Perry <swf.mperry@gmail.com>
Sent: Monday, December 30, 2019 10:08 AM
To: k_schank@aandiindustries.com; Michael Perry <swf.mperry@gmail.com>
Subject: 1430 E Desert Inn Rd - ANALYTICAL REPORTS

Please see attached reports received from air quality control

--



June 11, 2020

Dear pamela NOV9409a:

The following is in response to your request for proof of delivery on your item with the tracking number:
9489 0090 0027 6122 1980 58.

Item Details

Status:	Delivered, Front Desk/Reception/Mail Room
Status Date / Time:	May 28, 2020, 10:52 am
Location:	LAS VEGAS, NV 89146
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™ Return Receipt Electronic

Shipment Details

Weight:	1.0oz
----------------	-------

Recipient Signature

Signature of Recipient:	F BARDEN Tr 7679 204
Address of Recipient:	2980 Binn

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004

June 11, 2020

Dear pamela NOV9409b:

The following is in response to your request for proof of delivery on your item with the tracking number:
9489 0090 0027 6122 1980 65.

Item Details

Status:	Delivered, Front Desk/Reception/Mail Room
Status Date / Time:	June 1, 2020, 12:50 pm
Location:	LAS VEGAS, NV 89146
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™ Return Receipt Electronic

Shipment Details

Weight:	1.0oz
----------------	-------

Recipient Signature

Signature of Recipient:	J. T. 4674 Cond 14
Address of Recipient:	2900 N Boulder #2012

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004