



## Annotated Agenda

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

**August 7, 2024 – 1:30 P.M.**

**Note:**

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

Hearing Board Members	Daniel Sanders, Chair* Ryan L. Dennett, Esq., Vice-Chair Daniel Bartlett Donald Bordelove (Absent) Elspeth Cordua (Absent) Troy Hildreth Amy Lahav *Daniel Sanders, Chair, left the meeting at 1:37 p.m.
Hearing Board Counsel	Nichole Kazimirovicz
Air Quality Staff	Jodi Bechtel, Deputy Director Shibi Paul, Compliance & Enforcement Manager Anna Sutowska, Air Quality Supervisor
Department Counsel	Catherine Jorgenson
Administrative Secretary	Sherrie Rogge, Phone: 702-455-0354; Email <a href="mailto:sherrie.rogge@clarkcountynv.gov">sherrie.rogge@clarkcountynv.gov</a> Business Address: Clark County Department of Environment & Sustainability, 4701 W. Russell Road, 2 <sup>nd</sup> Floor, Las Vegas NV 89118

1. **CALL TO ORDER** 1:33 p.m.

2. **PUBLIC COMMENT**

NONE

3. **OATHS OF OFFICE**

A. Ryan Dennett (Attorney Member)

Term of Office: 10/17/2023 through 10/16/2026

**ACTION: ANNA SUTOWSKA ADMINISTERED THE OATH OF OFFICE TO RYAN DENNETT**

4. **ELECTION OF VICE-CHAIR** (Continued from December 6, 2023)

New term – 8/7/2024 through end of term

(For possible action)

Clark County Air Quality Regulations (AQRs) Subsection 7.1(b)(1)(H) states, “The Hearing Board shall select a Chair, Vice-chair, and any other officers it deems necessary.”

**ACTION: NOMINATED BOARD MEMBER DENNETT TO SERVE AS VICE-CHAIR FOR THE PERIOD OF AUGUST 7, 2024 THROUGH OCTOBER 16, 2026**

**BY: Board Member Danny Sanders**

**SECOND: Board Member Hildreth**

**VOTE: 5-0**

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

**VOTING NAY: None**

**ABSTAINING: None**

**ABSENT: Donald Bordelove, Elspeth Cordua**

5. **APPROVAL OF MINUTES**

Approval of December 6, 2023 meeting minutes.

(For possible action)

**ACTION: APPROVED MINUTES AS RECOMMENDED**

**BY: Board Member Lahav**

**SECOND: Board Member Hildreth**

**VOTE: 4-1**

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

**VOTING NAY: None**

**ABSTAINING: Ryan Dennett**

**ABSENT: Donald Bordelove, Elspeth Cordua**

Chair Sanders excused himself from the meeting at 1:37 p.m. and Vice-Chair Dennett presided over the meeting with a quorum still present.

**6. APPEAL OF HEARING OFFICER DECISION**

**A. ASSURED DEVELOPMENT, INC. AND JOSEPH YAKUBIK, INDIVIDUALLY (DCOP #50962) – NOV #9907** – On June 17, 2024, the Hearing Officer found Assured Development, Inc. and Joseph Yakubik in violation of Sections 94.5(n)(1) and (2), and 94.13(b) of the AQRs for failure to implement control measures for long-term stabilization, as described in Best Management Practice 11 at permit closure, as identified by Air Quality Specialist Nahulu Kahananui and Senior Air Quality Specialist Katrinka Byers during a permit closure inspection on July 13, 2023, a complaint investigation on August 2, 2023, and follow-up inspections on August 9, 11 and 17, 2023, at the Milan Customs construction project, located at the northeast corner of Milan Street and Berlin Avenue, in Clark County, Nevada. The Hearing Officer assessed a penalty amount of \$5,000.00.

1. Respondents’ Amended Motion for Appeal, Discovery Opened, A Continuance, and Hearing Master Reassignment  
(For possible action)
2. Air Quality’s Motion for Issuance of Subpoena  
(For possible action)
3. Consider and Approve a Briefing Schedule  
(For possible action)
4. Conduct Hearing and Render Decision  
(For possible action)

**ACTION: GRANTED RESPONDENTS’ REQUEST FOR CONTINUANCE OF NOVs 9907, 9946, 9979, 9981, and 10008, AND GRANTED RESPONDENTS’ ORAL MOTION FOR A SUBPOENA TO THE DIVISION OF AIR QUALITY (DAQ) THAT DAQ PROVIDE A SUMMARY OF ALL DUST PERMITS THAT WERE CLOSED DURING CALENDAR YEAR 2023 AND 2024 TO DATE AND PROVIDE IN THAT SUMMARY SPECIFIC INFORMATION ABOUT THE BEST MANAGEMENT PRACTICES (BMP) 11 COMPLIANCE OF THOSE PROPERTIES.**

**BY: Vice-Chair Dennett**  
**SECOND: Board Member Hildreth**  
**VOTE: 4-0**  
**VOTING AYE: Daniel Bartlett, Troy Hildreth, Amy Lahav, Ryan Dennett**  
**VOTING NAY: None**  
**ABSTAINING: None**  
**ABSENT: Daniel Sanders, Donald Bordelove, Elspeth Cordua**

**ACTION:** GRANTED DAQ'S MOTION AND ORDERED THE ISSUANCE OF A SUBPOENA TO THE RESPONDENTS FOR NOVs 9907, 9946, 9979, 9981, AND 10008 THAT INCLUDES:

1. RECORDS RELATED TO THE FORMATION, MANAGEMENT, AND DISSOLUTION, IF APPLICABLE, OF ASSURED DEVELOPMENT, INC.; ATLAS HOLDINGS INTERNATIONAL LLC; MILAN CUSTOMS LLC; AND GLOBAL EQUITY HOLDINGS, INC.
2. VIDEO AND/OR AUDIO RECORDINGS FROM ALL CAMERAS MOUNTED ON THE YAKUBIKS' RESIDENCE THAT IS THE SUBJECT OF NOV 9981 SHOWING THE PROPERTY OUTSIDE THE HOUSE ON JANUARY 16, 2024 THROUGH APRIL 30, 2024 DURING DAYLIGHT HOURS.
3. VIDEO AND/OR AUDIO RECORDINGS AND PHOTOGRAPHS MADE OR TAKEN BY MR. YAKUBIK ON HIS PHONE OR BY OTHER MEANS AND VIDEO AND/OR AUDIO RECORDINGS AND PHOTOGRAPHS MADE OR TAKEN AT THE DIRECTION OF ANY OF THE RESPONDENTS THAT SHOW AIR QUALITY STAFF ON THE SUBJECT PROPERTIES FROM JULY 1, 2023 THROUGH MAY 31, 2024.
4. COMPLETE COPIES OF ALL BODYCAM FOOTAGE AND OTHER DOCUMENTS THAT JOSEPH YAKUBIK AND/OR DARCIIE YAKUBIK RECEIVED FROM THE CITY OF HENDERSON FOR AN INCIDENT THAT OCCURRED ON JANUARY 19, 2024 AT THE YAKUBIKS' RESIDENCE THAT IS THE SUBJECT OF NOV 9981.

**BY:** Vice-Chair Dennett  
**SECOND:** Board Member Lahav  
**VOTE:** 4-0  
**VOTING AYE:** Daniel Bartlett, Troy Hildreth, Amy Lahav, Ryan Dennett  
**VOTING NAY:** None  
**ABSTAINING:** None  
**ABSENT:** Daniel Sanders, Donald Bordelove, Elspeth Cordua

**ACTION:** APPROVED THE FOLLOWING SCHEDULE: SUBPOENAS ISSUED BY MONDAY, AUGUST 12, 2024, REQUIRING RESPONSE BY BOTH PARTIES NO LATER THAN THURSDAY, AUGUST 29, 2024; BRIEFINGS AND EXHIBITS TO BE PRESENTED AT THE HEARING TO BE SUBMITTED TO DAQ, NO LATER THAN THURSDAY, SEPTEMBER 19, 2024, ALL IN ADVANCE OF THE NEXT HEARING BOARD MEETING TO BE HELD ON OCTOBER 2, 2024.

**BY:** Vice-Chair Dennett

**SECOND:** Board Member Bartlett

**VOTE:** 4-0

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

**VOTING NAY:** None

**ABSTAINING:** None

**ABSENT:** Daniel Sanders, Donald Bordelove, Elspeth Cordua

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

1. Respondents' Amended Motion for Appeal, Discovery Opened, A Continuance, and Hearing Master Reassignment  
(For possible action)
2. Air Quality's Motion for Issuance of Subpoena  
(For possible action)
3. Consider and Approve a Briefing Schedule  
(For possible action)
4. Conduct Hearing and Render Decision  
(For possible action)

**SEE ACTIONS TAKEN IN ITEM 6.A.**

**C. ATLAS HOLDINGS INTERNATIONAL LLC AND JOSEPH YAKUBIK, INDIVIDUALLY (Construction Project #57391) – NOV #9979** – On June 17, 2024, the Hearing Officer found Atlas Holdings International LLC and Joseph Yakubik in violation of Sections 94.13(a) and (b), and 94.4.1(a) of the AQRs for failure to fully implement Best Available Control Measures and comply with soil stabilization standards 24 hours a day, seven days a week; and for failing to obtain a Dust Control Operating Permit prior to commencing construction activities, as identified by Senior Air Quality Specialists Katrinka Byers and Andrew Kirk while performing follow-up inspections on January 10, 17, and 22, 2024, at the 732 & 724 Naples | 729 Milan construction project (parcel numbers 179-04-510-004, 179-04-

510-005, and 179-04-510-006), located at 732 North Naples Street, 729 North Milan Street, and 724 North Naples Street, respectively, in Clark County, Nevada. The Hearing Officer assessed a penalty amount of \$4,000.00.

1. Respondents' Amended Motion for Appeal, Discovery Opened, A Continuance, and Hearing Master Reassignment  
(For possible action)
2. Air Quality's Motion for Issuance of Subpoena  
(For possible action)
3. Consider and Approve a Briefing Schedule  
(For possible action)
4. Conduct Hearing and Render Decision  
(For possible action)

**SEE ACTIONS TAKEN IN ITEM 6.A.**

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

1. Air Quality's Motion for Issuance of Subpoena  
(For possible action)
2. Consider and Approve a Briefing Schedule  
(For possible action)
3. Conduct Hearing and Render Decision  
(For possible action)

**SEE ACTIONS TAKEN IN ITEM 6.A.**

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

1. Respondents' Amended Motion for Appeal, Discovery Opened, A Continuance, and Hearing Master Reassignment

- (For possible action)
- 2. Air Quality's Motion for Issuance of Subpoena  
(For possible action)
- 3. Consider and Approve a Briefing Schedule  
(For possible action)
- 4. Conduct Hearing and Render Decision  
(For possible action)

**SEE ACTIONS TAKEN IN ITEM 6.A.**

**7. REPORT BY DEPARTMENT OF ENVIRONMENT AND SUSTAINABILITY STAFF**

**A. General Update.**

Jodi Bechtel, Deputy Director, gave an update relating to moderate nonattainment classification for Ozone, implementation of a new SIP to reduce our emissions to reach those attainment standards, and upcoming PM<sub>2.5</sub> attainment challenges during the winter months due to the lowering of the National Ambient Air Quality Standards.

Shibi Paul, Compliance Manager, gave an update on the Compliance section's activities over the last couple of months. A more detailed report will be provided at the September 16, 2024 Hearing Board meeting.

**REPORT RECEIVED**

**B. Ethics Training Update.**

Administrative Secretary, Sherrie Rogge, provided an update on the Ethics Training Program that was recently adopted by the County Commissioners at the March 5, 2024 meeting. An email will be sent to the Hearing Board with a link to the Ethics Committee's website with instructions to complete the first nine (9) YouTube videos, complete the attestation form and return it to Ms. Rogge no later than September 30, 2024.

**REPORT RECEIVED**

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

Deputy District Attorney Jorgenson stated that an appeal of the Hearing Officer's decision had been filed, separate from the above five cases. Instead of trying to hear that appeal at the same time as the other cases, she inquired if the Board would like to meet in September to hear the appeal separately, have an earlier start time to the October 2nd meeting, or both.

**THE BOARD MEMBERS INDICATED THEY WOULD BE AVAILABLE ON SEPTEMBER 16, 2024 FOR ANOTHER BOARD MEETING.**

**9. PUBLIC COMMENT**

NONE.

**10. ADJOURNMENT 3:31 p.m.**

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

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

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