



1 represented by counsel, Deputy Attorney General Daniel Nubel of the State of Nevada,  
2 Office of the Attorney General.

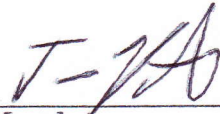
3 The prehearing conference proceeded in due course. ABC and NDEP provided  
4 opening statements. Once opening statements had concluded, the SEC Panel asked both  
5 parties to answer questions relating to the Motion. The Panel then deliberated on the  
6 legal and factual issues raised during the prehearing conference. The Panel found that no  
7 genuine issue of material fact existed in this case because both parties agreed that ABC  
8 had failed to pay its required annual fee of \$4,166 by April 15, 2019. NDEP gave ABC  
9 several opportunities to come into compliance, but ABC admitted that it never availed  
10 itself of those opportunities. Under NRS 519.260 and NAC 519A.235, ABC was legally  
11 required to pay its annual fee by April 15, 2019. Given the uncontested fact that ABC  
12 failed to pay its legally required fee by April 15, 2019, NDEP justifiably utilized its  
13 powers under NRS 519A.150(9) to revoke ABC's Permit. Further, NDEP properly  
14 forfeited ABC's reclamation surety cash deposit pursuant to NAC 519A.390.

15 During the deliberation, Commissioner KC made a motion to grant NDEP's Motion  
16 for Summary Judgment, and thereby enter judgment affirming NDEP's decision to revoke  
17 ABC's Permit and forfeit ABC's reclamation surety cash deposit. Commissioner Porta  
18 seconded the motion and it passed by unanimous vote of the Panel.

### 19 CONCLUSION

20 The State Environmental Commission hereby grants the Nevada Division of  
21 Environmental Protection's Motion for Summary Judgment. As such, the State  
22 Environmental Commission affirms the Nevada Division of Environmental Protection's  
23 decision to revoke ABC Recycling LLC's Reclamation Permit #0171 and forfeit of the  
24 reclamation surety cash deposit.

25 DATED this 25<sup>th</sup> day of June, 2020.

26  
27  
28 By:   
Member  
State Environmental Commission



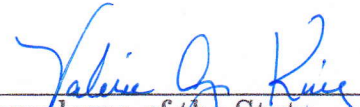
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**CERTIFICATE OF SERVICE**

I, Valerie King, certify that I am an employee of the State of Nevada, State Environmental Commission, and do hereby certify on this 26<sup>th</sup> day of June, 2020, I electronically mailed and deposited in the U.S. mail in Carson City, Nevada, a true and correct copy of the foregoing document, postage prepaid, to the following:

Daniel Nubel  
Deputy Attorney General  
100 North Carson Street  
Carson City, Nevada 89701  
(775) 684-1225  
Email: [dnubel@ag.nv.gov](mailto:dnubel@ag.nv.gov)  
*Attorney for NDEP*

Byron Thomas, Esq.  
Law Offices of Byron Thomas  
3275 S Jones Blvd  
Las Vegas, NV 89146  
(702) 747-3103  
Email: [byronthomaslaw@gmail.com](mailto:byronthomaslaw@gmail.com)  
*Attorney for ABC*

  
\_\_\_\_\_  
An employee of the State  
Environmental Commission