

BEFORE THE NEVADA STATE ENVIRONMENTAL COMMISSION

In re: JCR Development, LLC )  
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**FINDINGS OF FACT, CONCLUSIONS  
OF LAW AND DECISION**

This matter came on for hearing before a quorum of the State Environmental Commission (the “Commission”) on February 9, 2020, pursuant to NRS 445B.640 and NAC 445B.281(1), for levy of administrative fines, based upon Final Notice of Alleged Violation (“NOAV”) No. 2875, issued by the Division of Environmental Protection (the “Division”) against JCR Development, LLC (“JCR”).

**FINDINGS OF FACT**

On December 13, 2021, the Division issued NOAV 2875<sup>1</sup> to JCR. A copy of NOAV 2875 is hereby incorporated by reference and attached as **Exhibit 1**. Along with NOAV 2875, the Division sent a letter informing JCR of its appeal rights under NRS 445B.340. *Id.* JCR did not appeal NOAV 2875.

NOAV 2875 constitutes a major violation and is therefore subject to a fine of up to \$10,000 per day. *See* NRS 445B.470(2) and NAC 445B.281(1). For NOAV 2875, the Division recommended fines utilizing the previously approved penalty matrix in the amount of \$6,800.

Therefore, based upon the arguments of the parties, the evidence, and documents on file in this matter, the Commission makes the following findings of fact. All findings made are based upon a preponderance of the evidence.

1. The Division properly issued final NOAV 2875 against JCR.
2. NOAV 2875 was not appealed by JCR within ten (10) days of their issuance or receipt, becoming final thereafter.

**CONCLUSIONS OF LAW**

1. JCR violated NAC 445B.275(1)(a) during the periods and in the manners described in NOAV 2875.

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<sup>1</sup> The Division also issued NOAV 2876 on the same date. NOAV 2876 involved a minor violation with a \$500 fee established by NAC 445B.281(3). Given that this fee amount is set in regulation, it was not subject to discussion in the Commission’s February 9, 2022, administrative fine Hearing.

- 1 2. Pursuant to NRS 445B.640, “any person who violates any provision of NRS 445B.100 to  
2 445B.450, inclusive, and 445B.470 to 445B.640, inclusive, or any regulation in force pursuant  
3 thereto . . . is guilty of a civil offense and shall pay an administrative fine levied by the  
4 Commission of not more than \$10,000 per day per offense.” JCR’s violation, as described in  
5 NOAV 2875, therefore warrants imposition of an administrative fine.
- 6 3. Pursuant to NAC 445B.281(1), “Except as otherwise provided[,]any violation of the provisions  
7 of [NAC 445B.001 to 445B.390, inclusive,] is classified as a major violation, and a fine of up to  
8 \$10,000 per day per violation may be levied.”
- 9 4. The administrative fine proposed by NDEP for NOAV 2875 in the amount of \$6,800 is  
10 consistent with the Commission’s penalty matrix, within the scope of potential fines authorized  
11 by NRS 445B.640, and warranted under the facts presented in NOAV 2875. Therefore, the  
12 administrative fine is approved by the Commission.

13 THEREFORE, based on the foregoing and a preponderance of the evidence:

- 14 1. JCR violated NAC 445B.275(1)(a) as described in NOAV 2875 and is fined in the amount of  
15 \$6,800, payable to the State of Nevada.

16 Pursuant to NAC 445B.283, payment “must be submitted within 10 days of service of the notice  
17 upon the violator. Cashier’s checks, certified checks, money orders, or personal checks must be made  
18 payable to the State of Nevada and must be sent to the State Environmental Commission, 901 South  
19 Stewart Street, Suite 4001, Carson City, Nevada 89701-5249.”

20 Pursuant to NRS 445B.640, “Any person who fails to pay a fine levied . . . within 30 days after  
21 the fine is imposed is guilty of a misdemeanor. The provisions of this subsection do not apply to  
22 persons found by the court to be indigent.”

23 DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

24  
25 STATE ENVIRONMENTAL COMMISSION

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TOM PORTA, CHAIR

1 **CERTIFICATE OF MAILING**

2 I hereby certify that on the \_\_\_\_ day of \_\_\_\_\_ 2022, I deposited for mailing at Carson City,  
3 Nevada, a true copy of the attached document, sent via Certified U.S. Mail to:

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7 \_\_\_\_\_  
8 Sheryl Fontaine  
9 Executive Secretary  
10 State Environmental Commission

11 cc: Jessica Higday, State Environmental Commission Recording Secretary  
12 Asheesh Bhalla, State Environmental Commission Counsel, Deputy Attorney General  
13 State Environmental Commission File  
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