



STAFF REPORT

Report To: Board of Supervisors **Meeting Date:** November 19, 2020

Staff Contact: Hope Sullivan, Planning Manager

Agenda Title: For Possible Action: Discussion and possible action regarding possible direction to staff to serve a notice of an order to appear and show cause why Business License BL-003942-2020 issued to Environmental Resources, Inc., dba Easy Rooter Plumbing, located at 125 London Circle, Sparks, Nevada, should not be suspended, cancelled, or revoked pursuant to Carson City Municipal Code (CCMC) 4.04.210(1), for continued operation of the business in violation of the CCMC, and to fix the time and place for the show cause hearing for December 17, 2020 at 1:30 p.m during the regularly scheduled Board of Supervisors meeting. (Hope Sullivan, hsullivan@carson.org)

Staff Summary: The Carson City Fire Marshal has filed a complaint alleging that the portable grease vacuums that Easy Rooter Plumbing is distributing to Carson City restaurants poses a significant hazard. Although the Fire Marshal issued a Cease and Desist Order in September 2019, the Fire Inspectors have observed that this equipment is continuing to be distributed to area businesses. CCMC 4.04.210 establishes the process for suspending, canceling or revoking a business license based on "good cause", which includes the existence of conditions that injuriously affects the public health, safety and welfare.

Agenda Action: Formal Action / Motion **Time Requested:** 15 Minutes

Proposed Motion

I move to direct staff to serve a notice of an order to appear and show cause as presented and to schedule the show cause hearing for December 17, 2020 at 1:30 p.m.

Board's Strategic Goal

Quality of Life

Previous Action

On September 12, 2019, the Fire Marshal issued a Cease and Desist Order to Environmental Resources, Inc. The Order advised that the portable grease vacuums being distributed to area restaurants may pose a significant fire hazard. The Order further advised that until testing is complete and a stamped technical report is provided showing the product is safe for the use of grease suction, the portable grease vacuums must be removed from Carson City restaurants, the use of the vacuum must stop immediately, and the distribution of these appliances to commercial facilities in Carson City must stop.

On October 13, 2020, the Fire Inspector observed two grease vacuums at a local Carson City Business. The inspector verified that the vacuums were delivered by Environmental Resources, Inc.

On November 2, 2020, the Fire Marshal issued a citation to Environmental Resources, Inc. The citation was issued because the portable grease vacuums that the business is distributing to area restaurants pose a significant fire hazard and are being used in a manner inconsistent with their approved, listed use.

Background/Issues & Analysis

CCMC Chapter 4.04 (Business Licenses), Section 4.04.210 (Suspension, cancellation or revocation of licenses or permits) establishes the reasons and process for suspending, canceling or revoking a business license. "Good cause" for such an action includes "any act in the operation of the business [that] is made unlawful or is prohibited by any ordinance, law or rule of Carson City." In accordance with CCMC 4.04.210, the procedure provides that the Board of Supervisors "may, on its own motion or initiative, . . . institute proceedings to suspend, cancel or revoke a license. . ." The required process is as follows:

1. The Board of Supervisors, by motion, directs staff to serve notice of an order to the business owner to appear before the Board for a show cause hearing set by the Board.
2. The Board of Supervisors conducts a "show-cause" hearing to provide the business the opportunity to show cause why the license should not be suspended, canceled or revoked.

Subject business information:

Business Name: Environmental Resources, Inc., dba Easy Rooter Plumbing
Business Address: 125 London Circle, Sparks, Nevada
Business License No: BL-0033942-2020

Carson City, through CCMC 14.02.005, has adopted the International Fire Code. Section 104 of the adopted 2018 International Fire Code requires commercial equipment to be tested and authorized for that use. The portable grease vacuum consists of a modification of RIGID shop vacuum, model WD09701, which is not to be used on combustible liquid. RIGID shop vacuum is listed for household use.

In September 2019, the Fire Marshal requested that Environmental Resources, Inc provide a technical opinion and report prepared by a qualified engineer, specialist laboratory, or fire safety specialty organization bearing the stamp of a registered design professional. The requested information has not been submitted.

Environmental Resources, Inc is operating in violation of the International Fire Code which is also a violation of CCMC.

Attachments:

- 1) Current business license
- 2) September 12, 2019 Cease and Desist Order
- 3) November 2, 2020 Citation No. FD0100
- 4) Photograph of the "portable grease vacuum"

Applicable Statute, Code, Policy, Rule or Regulation

CCMC 4.04.210, 14.02 and 18.04.130

Financial Information

Is there a fiscal impact? Yes

If yes, account name/number: Business Licenses/1011080-421100

Is it currently budgeted? Yes

Explanation of Fiscal Impact: \$78.75 is budgeted to Business Licenses/1011080-421100. If the Business License is revoked, the City will forgo this revenue. City would also lose any sales taxes generated by the business.

Alternatives

1. Do not initiate show cause proceedings.
2. Initiate show cause proceedings but select a later date for the hearing.

Attachments:

[Easy Rooter BL.pdf](#)

[September 12 Cease and Desist.pdf](#)

[November 2, 2020 Citation No FD0100.pdf](#)

[Vacuum Photo.pdf](#)

Board Action Taken:

Motion: _____

- 1) _____
- 2) _____

Aye/Nay

(Vote Recorded By)



Carson City Business License Division

108 E. Proctor Street
Carson City, NV 89701
(775) 887-2105 - Hearing Impaired: 711
buslic@carson.org

BUSINESS LICENSE CERTIFICATE

Business Name: ENVIRONMENTAL RESOURCES, INC.
DBA: EASY ROOTER PLUMBING

Business Location: 125 LONDON CIRCLE DR
SPARKS, NV 89434

Mailing Address: PO BOX 4246
SPARKS, NV 89432

Owner: DENNIS SMOCK

License Number: BL-003942-2020

License Type: Business License

Issued Date: 1/1/2020

Classification: Contractors

Expiration Date: 12/31/2020

Fees Paid: \$78.75

Thank you for choosing to operate your business in Carson City.
Please provide any changes to the business information to the Business License Division. Licenses are not transferable.
If you have any questions concerning your business license, contact the Business License Division.

TO BE POSTED IN A CONSPICUOUS PLACE



CARSON CITY FIRE DEPARTMENT

"Service with Pride, Commitment, and Compassion"

Matt Thurman
 General Manager of Environmental Resources, Inc.
 Easy Rooter Plumbing
 P.O. Box 4246
 Sparks, NV 89432

RE: CEASE AND DESIST ORDER

September 12, 2019

Sir,

This CEASE AND DESIST ORDER is to inform you that the portable grease vacuums you are distributing to area restaurants may pose a significant fire hazard.

Section 104 of the Adopted 2018 International Fire Code requires commercial equipment to be tested and authorized for that use. To determine the acceptability of the grease vacuums the Carson City Fire Department requires the owner to provide a technical opinion and report prepared by a qualified engineer, specialist laboratory, or fire safety specialty organization bearing the stamp of a registered design professional.

Information submitted to us includes a report by the State of Nevada Department of Business and Industry, Division of Industrial Relations raising concern about the safety of these machines. In their report it revealed that your company, Environmental Resources, modified a 9 gallon Rigid shop vacuum, attaching the top to a 55 gallon metal drum in order to suck cooking oil out of deep fryers at different restaurant locations. The Rigid shop vacuum, model WD09701 manual states that this appliance is not to be used on combustible liquid. Correspondence from the vacuum manufacturer, Emmerson, to the Nevada Occupational Safety and Health Administration stated the following:

"We do not offer, instruct, or suggest that customers make modifications to our machines. In fact when asked, we tell them not to do so. Our machine is only listed with UL (Underwriters Laboratories) and ANY modifications made to the machine are not warranted and also void any UL certification that product would have had." This model is currently listed as household use only.

The Rigid shop vacuum being used is NOT listed for the transfer of cooking oils. It is only listed for household use and not listed or certified by a third party testing laboratory for the current use.

Until testing is complete and a stamped technical report is provided showing the product is

safe for the use of grease suction, all above appliances must be removed from the City of Carson City restaurants. The use of these appliances must stop immediately.

We have contacted Raley's, Golden Dragon, and Carson Lanes and required the vacuums be removed. Please provide us with a list of all locations in Carson City that have your devices and ensure they are removed from ALL facilities in Carson City by September 30, 2019.

Distribution of these appliances to commercial facilities in Carson City must also stop until a technical report is received.

Your immediate compliance to avoid any further violation notice or citation is required.

Please contact me at 775-283-7153 or druben@carson.org if you have any questions. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Dave Ruben". The signature is fluid and cursive, with the first name "Dave" being more prominent than the last name "Ruben".

Dave Ruben, Fire Marshal



CARSON CITY FIRE DEPARTMENT

"Service with Pride, Commitment, and Compassion"

VIA PERSONAL SERVICE TO:

Matt Thurman
General Manager
Environmental Resources, Inc.
dba Easy Rooter Plumbing
125 London Avenue
Sparks, NV 89434

VIA U.S. MAIL TO:

Dennis Smock
President
Environmental Resources, Inc.
dba Easy Rooter Plumbing
P.O. Box 4246
Sparks, NV 89432

RE: CITATION No. FD0100
IN THE CARSON CITY JUSTICE COURT
Date of Violation: October 13, 2020
Date of Citation: November 2, 2020

This CITATION is being issued to you because the portable grease vacuums you are distributing to area restaurants pose a significant fire hazard and are being used in a manner inconsistent with their approved, listed use.

You had previously been notified by letter dated September 12, 2019, that the grease vacuums you were distributing in Carson City violated Section 104 of the Adopted 2018 International Fire Code. In that same letter you were notified that continued use and distribution of the grease vacuums would lead to a citation. IFC section 104.7 and 604.7 both require devices to be used in accordance with their listing.

On October 13, 2020, Carson City Fire Department staff observed two (2) of these same illegal grease vacuums at the Courtyard by Marriott located at 3870 S. Carson Street, Carson City, Nevada 89701. The hotel was advised that they were illegal and to have them removed from the premises. The vacuums had large labels with your company name on them. Additionally, the Courtyard staff said that they had leased them from Environmental Resources Incorporated.

The Rigid shop vacuum being used is NOT listed for the transfer of cooking oils. It is only listed for household use and not listed or certified by a third party testing laboratory for the current use.

The manufacturer's instructions specifically say the vacuum should not be used near flammable or combustible liquids.

For each of the 2 grease vacuums found at the location above, you are being issued a citation for a violation of the Carson City Municipal Code.

Count 1:

The first grease vacuum is in violation of IFC section 604.7- *Equipment and fixtures*
Electrical equipment and fixtures shall be tested and listed by an approved agency and installed and maintained in accordance with all instructions included as part of such listing.

Count 2:

The second grease vacuum is in violation of IFC section 604.7- *Equipment and fixtures*
Electrical equipment and fixtures shall be tested and listed by an approved agency and installed and maintained in accordance with all instructions included as part of such listing.

The IFC has been adopted in Carson City through section 14.02.005 of the Carson City Municipal Code (CCMC). Under CCMC 14.02.010(F) and IFC 110.4, each violation of the IFC is a misdemeanor punishable by a fine of not more than \$1,000 or imprisonment in jail of up to 6 months, or both. Each day the violation continues is considered a separate violation.

Additionally, our investigation will be forwarded to the Business License Division of the Carson City Community Development Department for possible action against your Carson City business license.

YOU ARE HEREBY ORDERED TO APPEAR TO ANSWER THE ABOVE CHARGES ON THE FOLLOWING DATE AND TIME:

DATE: DECEMBER 8, 2020
TIME: 10:00AM
LOCATION: CARSON CITY JUSTICE COURT
885 E. MUSSER STREET, SUITE 2007
CARSON CITY, NEVADA 89701

A COURT APPEARANCE IS MANDATORY FOR THIS CITATION. A BENCH WARRANT FOR YOUR ARREST MAY BE ISSUED IF YOU FAIL TO APPEAR.

Sincerely,



Dave Ruben, Fire Marshal

