



STAFF REPORT

Report To: Board of Supervisors **Meeting Date:** December 17, 2020

Staff Contact: Hope Sullivan, AICP, Planning Manager

Agenda Title: For Possible Action: Discussion and possible action on whether to suspend, cancel or revoke Business License No. BL-003942-2020, issued to Environmental Resources, Inc. dba Easy Rooter Plumbing ("Environmental Resources"), for the alleged continuous operation of a business in violation of the Carson City Municipal Code ("CCMC"). (Hope Sullivan, hsullivan@carson.org)

Staff Summary: The Carson City Fire Marshall has filed a complaint alleging that the portable grease vacuums that Environmental Resources is distributing to Carson City restaurants pose a significant hazard. Although the Fire Marshall issued a cease and desist order in September 2019, the Fire Inspectors have observed that this equipment is continuing to be distributed by Environmental Resources 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. This agenda item is the "show cause" hearing required by CCMC 4.04.120, which is an opportunity for the business owner to show cause to the Board of Supervisors ("Board") why his or her business license should not be suspended, canceled or revoked.

Agenda Action: Formal Action / Motion **Time Requested:** 30 Minutes

Proposed Motion

I move to [select: "suspend," "cancel" or "revoke"] the business license issued to Environmental Resources, Inc. dba Easy Rooter Plumbing, under the terms indicated in the written order; OR

No action necessary if the Board elects not to suspend, cancel or revoke the business license.

Board's Strategic Goal

Quality of Life

Previous Action

On September 12, 2019, the Fire Marshall issued a cease and desist order to Environmental Resources, Inc. The order advised that the portable grease vacuums being distributed to area restaurants pose a significant fire hazard. The order further advised that until testing is completed 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 Marshall issued a citation to Environmental Resources, Inc. The citation was issued because the portable grease vacuums being distributed by the business to area restaurants pose a significant fire hazard and are being used in a manner inconsistent with their approved, listed use.

On November 19, 2020, the Board directed staff to serve a notice of an order to appear and show cause and to schedule the show cause hearing for December 17, 2020 at 1:30 p.m.

On December 3, 2020, the business owner was served with the Order To Appear And Show Cause.

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, 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 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-003942-2020

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. The RIGID shop vacuum is listed for household use and not commercial use.

In September 2019, the Fire Marshall 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) Board of Supervisors Draft Order to revoke Business License BL-003942-2020
- 2) Current business license
- 3) September 12, 2019 Cease and Desist Order
- 4) November 2, 2020 Citation No. FD0100
- 5) Photograph of the "portable grease vacuum"
- 6) Board of Supervisors Order to Appear and Show Cause Hearing

Applicable Statute, Code, Policy, Rule or Regulation

CCMC 4.04.210 and 18.04.130, and CCMC Chapter 14.02

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. The City would also lose any sales taxes generated by the business.

Alternatives

1. Do not suspend, cancel or revoke the business license and give the business owner additional time to demonstrate to the Fire Marshall that the business is operating in compliance with the Fire Code.
2. Do nothing and/or provide alternative direction to staff.

Attachments:

[BOS Order to Revoke License.pdf](#)

[Easy Rooter BL.pdf](#)

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

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

[Vacuum Photo.pdf](#)

[Order to Appear and Show Cause.pdf](#)

Board Action Taken:

Motion: _____ 1) _____
2) _____

Aye/Nay

(Vote Recorded By)



Carson City Code Enforcement

108 E. Proctor Street
Carson City, Nevada 89701
(775) 887-2180 – Hearing Impaired: 711
codeenforcement@carson.org
www.carson.org/planning

BOARD OF SUPERVISORS ORDER TO REVOKE BUSINESS LICENSE BL-003942-2020

Date: December 17, 2020

Business License Number: BL-003942-2020

Name and Address of Business:

Environmental Resources, Inc.
dba Easy Rooter Plumbing
125 London Avenue
Sparks, NV 89434

THIS ORDER SERVES AS NOTICE THAT YOUR BUSINESS LICENSE IS:

REVOKED. LICENSE WILL BE ELIGIBLE FOR REINSTATEMENT UPON THE BUSINESS OWNER'S FULL COMPLIANCE WITH THE CARSON CITY MUNICIPAL CODE AND ALL APPLICABLE FEES AND PENALTIES ARE PAID IN FULL. ANNUAL RENEWALS OF THE BUSINESS LICENSE SHOULD IT BE REINSTATED SHALL BE SUBJECT TO REVIEW AND APPROVAL OF THE CARSON CITY FIRE MARSHALL.

**THIS ORDER IS EFFECTIVE UPON YOUR
RECEIPT OF THIS NOTICE, PURSUANT TO
CCMC 4.04.210.**

All business operations within Carson City, Nevada location must cease immediately. Your license may be reinstated by the Business License Division only upon bringing the property into full compliance with the International Fire Code and paying all applicable business license reinstatement fees and penalties to the Business License Division. No business operations may occur in Carson City, Nevada until these conditions are met and the business license is reinstated.

VOTE:

AYES: SUPERVISORS: _____

NAYS: SUPERVISORS: _____

ABSENT: SUPERVISORS: _____

ATTEST:

Aubrey Rowlatt, Clerk / Recorder

Brad Bonkowski
Acting Mayor/Mayor Pro
Tempore



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





Carson City Business License Division
 108 E. Proctor St.
 Carson City, Nevada 89701
 (775) 887-2105

BOARD OF SUPERVISORS

ORDER TO APPEAR AND SHOW CAUSE HEARING

Date: December 2, 2020

Name and Address of Business:

Environmental Resources, Inc.
 dba Easy Rooter Plumbing
 125 London Avenue
 Sparks, NV 89434

Business License Number: BL-003942-2020

Business Owner: Dennis Smock, President

**YOU ARE ORDERED TO APPEAR AND SHOW CAUSE WHY YOUR
 BUSINESS LICENSE SHOULD NOT BE SUSPENDED, CANCELLED,
 OR REVOKED PURSUANT TO CCMC 4.04.210.**

Show Cause Hearing Date, Time and Location: The Board of Supervisors meeting of **Thursday, December 17, 2020, beginning at 1:30 PM**, in the Community Center, Bob Boldrick Theater, 851 William Street, Carson City, NV.

Summary: At its meeting of November 19, 2020, the Board was advised that the Carson City Fire Marshall has filed a complaint alleging that the portable grease vacuums that Easy Rooter Plumbing is distributing to Carson City restaurants poses a significant hazard. Based on this complaint the Board voted to direct staff to serve to you a Notice of Order to Appear and Show Cause as to why the business license should not be revoked.

HOPE SULLIVAN, AICP
 Planning Manager