

**STATE OF NEVADA BOARD TO REVIEW CLAIMS
AGENDA
JUNE 5, 2013**

The State of Nevada Board to Review Claims (Board) meeting which is being video-conferenced will begin promptly at 10:00 a.m. on Wednesday, June 5, 2013 at the following locations:

Carson City: Nevada Department of Transportation, 1263 S. Stewart St., Room 301

Las Vegas: Nevada Department of Transportation, 123 E. Washington Ave., Bldg. B, Training Rm

The public is invited to attend at either location.

The following items may be taken out of order and/or items may be combined for consideration. Items may also be removed from the agenda or the Board may delay discussion relating to an item on the agenda at any time.

Public comment may be limited to ten minutes per person at the discretion of the chairperson.

Prior to the commencement and conclusion of a contested case or a quasi-judicial proceeding that may affect the due process rights of an individual, the Board may refuse to consider public comment. See NRS 233B.126.

1. CALL TO ORDER AND ROLL CALL

2. PUBLIC COMMENT (DISCUSSION)

Members of the public will be invited to speak before the Board on any issue related to the Petroleum Fund. No action may be taken on a matter during public comment until the matter itself has been included on an agenda as an item for possible action.

3. APPROVAL OF THE AGENDA (FOR POSSIBLE ACTION)

4. APPROVAL OF THE MARCH 14, 2013 MINUTES (FOR POSSIBLE ACTION)

5. STATUS OF THE FUND (DISCUSSION)

NDEP reports to the Board the receipts, expenditures, liabilities, and current balance of the State of Nevada Petroleum Fund (Fund).

6. DENIAL OF REQUEST FOR SMALL BUSINESS DESIGNATION (FOR POSSIBLE ACTION)

A. Request for Board Review of NDEP Small Business Designation Determination (FOR POSSIBLE ACTION)

Al Park Petroleum, Inc., requested a small business designation for the Crescent Valley Market, located at 3093 Crescent Avenue, Crescent Valley, Nevada. The small business designation request was denied based upon insufficient documentation provided in the submittal, pursuant to NAC 590.714.

7. PROPOSED BOARD POLICY RESOLUTION (FOR POSSIBLE ACTION)

A. Board Policy Resolution No. 2013-01 (FOR POSSIBLE ACTION)

This proposed resolution addresses the Small Business Designation process prescribed in NAC 590.714. The proposed resolution ensures a fair designation process to all Nevada tank operators.

8. ADOPTION OF CONSENT ITEMS

The Board will review all items as consent items, unless marked with an asterisk (*). An asterisk (*) indicates a nonconsent item, which either a member of the public has requested to address before the Board or the item is associated with a Fund Site Specific Board Determination. Upon Board adoption of the relevant Site Specific Board Determination, the nonconsent item is considered to be a consent item.

A dagger (†) indicates previously disallowed monies have been successfully appealed where the requested amount is less than the recommended amount.

A dollar (\$) sign indicates the March 14, 2013 Board-approved refund of \$185,879.50 plus recommended claim amount of \$14,090.16

**STATE BOARD TO REVIEW CLAIMS
REQUESTED/RECOMMENDED AMOUNTS – JUNE 5, 2013**

<u>HEATING OIL</u>				<u>REQUESTED</u>	<u>RECOMMENDED</u>
FOR POSSIBLE ACTION	1.	1992000102H	Lyon County School District: Yerington Elementary	\$9,354.22	\$9,354.22
FOR POSSIBLE ACTION	2.	2007000013H	Churchill County School District: Bus Barn	\$14,532.62	\$14,515.16
FOR POSSIBLE ACTION	3.	2012000007H	Ed Friberg: Friberg Property	\$9,856.50	\$9,856.50
FOR POSSIBLE ACTION	4.	2012000017H	Churchill Co. School District: Old High School	\$13,115.05	\$12,459.30
FOR POSSIBLE ACTION	5.	2013000012H	Roger & Gemma Mateossian: Mateossian Residence	\$14,583.50	\$14,583.50
HEATING OIL SUB TOTAL:				<u>\$61,441.89</u>	<u>\$60,768.68</u>
<u>NEW CASES, OTHER PRODUCTS</u>				<u>REQUESTED</u>	<u>RECOMMENDED</u>
FOR POSSIBLE ACTION	1.	2013000004	7-Eleven Inc.: 7-Eleven #29665	\$25,945.35	\$23,350.81
FOR POSSIBLE ACTION	2.	2013000005	Mr. Robert bilbray: South Pointe Market	\$23,950.64	\$21,555.58
FOR POSSIBLE ACTION	3.	2013000008	Mr. Dennis Milazzo: Petro Stopping Center	\$30,284.78	\$27,256.30
FOR POSSIBLE ACTION	4.	2013000010	Slots Unlimited, LLC, Village Shop #2	\$40,433.04	\$29,111.79
FOR POSSIBLE ACTION	5.	2013000011	Slots Unlimited, LLC, Village Shop #4	\$55,662.68	\$50,096.41
NEW CASES, OTHER PRODUCTS SUB TOTAL:				<u>\$176,276.49</u>	<u>\$151,370.89</u>

ONGOING CASES/OTHER PRODUCTS

			<u>REQUESTED</u>	<u>RECOMMENDED</u>	
FOR POSSIBLE ACTION	1.	1993000011	7-Eleven, Inc.: 7-Eleven #29646	\$17,526.30	\$17,526.30
FOR POSSIBLE ACTION	2.†	1993000102	Rebel Oil Company: Rebel #8	\$0.00	\$100.25
FOR POSSIBLE ACTION	3.	1993000103	Russell Yardley: Charlie Brown Construction	\$43,583.35	\$42,711.68
FOR POSSIBLE ACTION	4.	1993000115	City of Fallon: Former Bootlegger Texaco	\$5,533.38	\$5,533.38
FOR POSSIBLE ACTION	5.*	1994000003	Allied Washoe: Allied Petroleum	\$6,362.99	\$6,362.99
FOR POSSIBLE ACTION	6.	1994000029	7-Eleven, Inc.: 7-Eleven #20826	\$27,669.12	\$21,957.55
FOR POSSIBLE ACTION	7.	1994000037	Param Investment, LLC: Gofer Market	\$16,146.50	\$16,146.50
FOR POSSIBLE ACTION	8.†	1994000065	Avis Rent A Car Systems: Avis Rent A Car	\$33,986.03	\$43,119.53
FOR POSSIBLE ACTION	9.*	1994000113	Pilot Travel Centers, LLC: Former Unocal Truck Stop	\$22,251.80	\$22,251.80
FOR POSSIBLE ACTION	10.	1994000120	Chevron Env. Management Co.: Union 76 Station #3846	\$82,707.24	\$74,436.52
FOR POSSIBLE ACTION	11.	1994000122	Mike's Gas-A-Mart: Mike's Gas-A-Mart	\$6,830.12	\$6,830.12
FOR POSSIBLE ACTION	12.	1995000012	N Nevada Asset Holdings LLC: Parker's Model T	\$8,078.10	\$7,290.17
FOR POSSIBLE ACTION	13.	1995000039	Al Park Petroleum, Inc.: Crescent Valley Market	\$19,375.82	\$17,438.24
FOR POSSIBLE ACTION	14.	1995000074	Vera Hester: Glendale Service Facility	\$26,740.17	\$21,012.90
FOR POSSIBLE ACTION	15.	1995000105	Redman Petroleum Corp.: Redman Petroleum	\$8,982.53	\$8,084.27
FOR POSSIBLE ACTION	16.	1996000010	Wayne Perry, Inc.: Texaco #175	\$42,455.04	\$34,661.51
FOR POSSIBLE ACTION	17.	1996000063	Joan Pennachio: V&V Automotive	\$4,697.25	\$4,227.53
FOR POSSIBLE ACTION	18.\$	1996000064	H&A Esslinger, LLC: Red Rock Mini Mart	\$200,781.00	\$199,969.66
FOR POSSIBLE ACTION	19.	1996000101	Phillips 66 Company: Circle K #695	\$15,266.53	\$13,739.88
FOR POSSIBLE ACTION	20.	1996000102	Phillips 66 Company: Circle K #542	\$1,263.80	\$910.08
FOR POSSIBLE ACTION	21.	1997000008	Ewing Brothers, Inc.: Ewing Brothers Facility	\$3,180.50	\$2,862.45
FOR POSSIBLE ACTION	22.	1998000034	Chevron USA Products Co.: Chevron #9-4116	\$43,369.91	\$38,810.65
FOR POSSIBLE ACTION	23.*	1998000046	Willdens Automotive Holdings: Allstate Rent A Car	\$134,813.23	\$121,331.91
FOR POSSIBLE ACTION	24.	1998000068	Phillips 66 Company: Conoco #28003	\$21,906.04	\$19,715.44
FOR POSSIBLE ACTION	25.	1998000073	City of Reno: Reno Police Station	\$3,249.54	\$3,249.54
FOR POSSIBLE ACTION	26.*	1999000011	Terrible Herbst Oil Company: Terrible Herbst #133	\$23,125.00	\$20,812.50
FOR POSSIBLE ACTION	27.	1999000014	Al Park Petroleum: Conoco Pit Stop #7	\$21,145.08	\$19,030.58
FOR POSSIBLE ACTION	28.*	1999000022	Terrible Herbst Oil Company: Terrible Herbst #129	\$26,949.13	\$19,686.27
FOR POSSIBLE ACTION	29.*	1999000029	Terrible Herbst Oil Company: Terrible Herbst #136	\$5,315.29	\$4,783.76
FOR POSSIBLE ACTION	30.	1999000048	Estate of Robert Cowan: Former Lightning Lube	\$5,141.38	\$5,141.38
FOR POSSIBLE ACTION	31.	1999000052	Estate of Martin T. Wessel: Ted's Chevron	\$13,989.06	\$12,590.15

ONGOING CASES/OTHER PRODUCTS

			<u>REQUESTED</u>	<u>RECOMMENDED</u>	
FOR POSSIBLE ACTION	32.	1999000064	Al Park Petroleum, Inc.: Conoco Pit Stop	\$20,277.85	\$17,684.87
FOR POSSIBLE ACTION	33.	1999000066	John Haycock: Former Haycock Petroleum	\$13,980.30	\$12,582.27
FOR POSSIBLE ACTION	34.	1999000086	Terrible Herbst Oil Company: Terrible Herbst #126	\$17,460.63	\$15,714.57
FOR POSSIBLE ACTION	35.	1999000090	John Haycock: Former Haycock Petroleum	\$13,938.55	\$12,544.70
FOR POSSIBLE ACTION	36.	1999000104	Terrible Herbst Oil Company: Terrible Herbst #118	\$43,243.26	\$38,792.93
FOR POSSIBLE ACTION	37.	1999000114	City of Fallon: Fallon Maintenance Yard	\$5,329.31	\$4,796.38
FOR POSSIBLE ACTION	38.	1999000135	Terrible Herbst Oil Company: Terrible Herbst #106	\$9,078.23	\$8,170.40
FOR POSSIBLE ACTION	39.*	1999000137	Terrible Herbst Oil Company: Terrible Herbst #152	\$24,477.17	\$23,289.59
FOR POSSIBLE ACTION	40.	1999000167	City of Las Vegas: Fire Station #1	\$6,930.10	\$6,930.10
FOR POSSIBLE ACTION	41.	1999000186	Gloria Gayle Pilger: Forger D&G Oil Facility	\$32,885.32	\$29,592.29
FOR POSSIBLE ACTION	42.	1999000199	Mary Ann Ferguson: Lakeshore Orbit Station	\$88,717.03	\$88,717.03
FOR POSSIBLE ACTION	43.	1999000243	7-Eleven, Inc.: 7-Eleven #27607	\$18,433.20	\$9,953.93
FOR POSSIBLE ACTION	44.	1999000257	University of Nevada: Newlands Agriculture	\$111,669.00	\$111,669.00
FOR POSSIBLE ACTION	45.	1999000273	V.K. Leavitt: The Waterhole	\$33,964.45	\$21,882.66
FOR POSSIBLE ACTION	46.*	2004000011	William Rodriguez: Four Way Truck Stop	\$37,482.11	\$27,029.44
FOR POSSIBLE ACTION	47.	2004000013	NV Nanak Petroleum, Inc.: Nevada Nanak Petroleum	\$4,817.50	\$2,601.45
FOR POSSIBLE ACTION	48.*	2004000025	Scott Snow: Former ARCO #1580	\$38,023.62	\$33,880.12
FOR POSSIBLE ACTION	49.	2004000039	Clark Co. Dept. of Aviation: Former National Car Rental	\$266,557.55	\$243,418.42
FOR POSSIBLE ACTION	50.	2005000002	Carson Valley Oil Co., Inc.: Carson Valley Oil	\$23,682.85	\$21,314.57
FOR POSSIBLE ACTION	51.	2005000004	7-Eleven, Inc.: 7-Eleven #21285	\$5,400.05	\$4,860.05
FOR POSSIBLE ACTION	52.	2005000025	Bordertown, Inc.: Winner's Corner	\$6,035.79	\$5,432.21
FOR POSSIBLE ACTION	53.	2005000029	Phillips 66 Company: Circle K #1302	\$5,509.68	\$4,958.71
FOR POSSIBLE ACTION	54.	2005000036	Phillips 66 Company: Circle K #1791	\$2,939.35	\$2,116.33
FOR POSSIBLE ACTION	55.	2005000044	Ewing Brothers, Inc.: Ewing Brothers Facility	\$16,391.93	\$13,277.47
FOR POSSIBLE ACTION	56.*	2007000002	Consolidated Nevada Corp.: Berry-Hinckley #201	\$6,504.89	\$5,847.16
FOR POSSIBLE ACTION	57.	2007000014	Ace Cab Company: Ace Cab Company	\$23,937.05	\$21,543.34
FOR POSSIBLE ACTION	58.	2007000016	TOC Holdings Company: Former Time Oil #6-100	\$26,343.15	\$23,708.83
FOR POSSIBLE ACTION	59.	2007000023	7-Eleven, Inc.: 7-Eleven #29643	\$12,423.71	\$8,942.38
FOR POSSIBLE ACTION	60.	2008000005	Avis Rent A Car Systems: Former Avis Rent A Car	\$3,892.99	\$3,503.69
FOR POSSIBLE ACTION	61.	2008000017	Francois Alvandi: Flamingo AM/PM #82153	\$92,934.94	\$50,175.35
FOR POSSIBLE ACTION	62.	2008000018	B-H Ind. dba Terrible's: Terrible Herbst #830	\$25,469.07	\$22,922.17

ONGOING CASES/OTHER PRODUCTS: CONTINUED

			<u>REQUESTED</u>	<u>RECOMMENDED</u>	
FOR POSSIBLE ACTION	63.	2009000009	Mr. Tom Schwarz: Zak's Mini Mart	\$21,000.62	\$15,120.45
FOR POSSIBLE ACTION	64.†	2009000017	D&J Holdings, LLC: Convenience Corner Shell	\$21,668.75	\$22,410.88
FOR POSSIBLE ACTION	65.	2009000020	Western Energetix: Flyers Energy Bulk Plant	\$11,002.23	\$9,902.00
FOR POSSIBLE ACTION	66.*	2009000023	Samir Shushani: Stop & Save Mini Mart	\$6,270.00	\$3,385.80
FOR POSSIBLE ACTION	67.	2009000024	Parampreet Investment, LLC: Chuck's Circle C	\$22,611.48	\$20,350.33
FOR POSSIBLE ACTION	68.	2009000028	Vegas Rainbows, Inc.: Mick & Mac's Food Mart	\$17,892.70	\$15,692.73
FOR POSSIBLE ACTION	69.	2010000001	Smitten Oil & Tire Company: The Gas Store	\$5,754.70	\$5,179.23
FOR POSSIBLE ACTION	70.	2010000005	7-Eleven Inc.: 7-Eleven #27071	\$6,316.72	\$5,685.05
FOR POSSIBLE ACTION	71.	2010000007	Pecos Express, Inc.: Pecos Express	\$134,403.94	\$120,111.09
FOR POSSIBLE ACTION	72.*	2010000009	TA Operating: Mill City Travel Center	\$15,112.60	\$12,241.21
FOR POSSIBLE ACTION	73.	2010000013	Argyris Enterprises, LLC: City Stop #12	\$37,080.30	\$33,372.27
FOR POSSIBLE ACTION	74.	2011000001	Short Line Express Market: Short Line Express	\$14,955.52	\$13,459.96
FOR POSSIBLE ACTION	75.	2011000009	Cimarron West: Cimarron West	\$9,012.06	\$8,110.86
FOR POSSIBLE ACTION	76.	2012000003	7-Eleven, Inc.: 7-Eleven #26627	\$3,808.42	\$2,742.07
FOR POSSIBLE ACTION	77.	2012000004	7-Eleven, Inc.: 7-Eleven #15426	\$62,823.38	\$40,383.02
FOR POSSIBLE ACTION	78.	2012000005	ARAMARK Corporation: Zephyr Cove Resort	\$145,928.53	\$131,974.31
FOR POSSIBLE ACTION	79.	2012000011	Golden Gate Petroleum: Baldini's Grand Pavilion	\$3,078.25	\$2,770.43
FOR POSSIBLE ACTION	80.	2012000012	Dewey Has Gas, Inc.: Smart Mart	\$14,470.19	\$13,023.17
FOR POSSIBLE ACTION	81.*	2012000018	Kamar Brothers LV, LLC: Arco AM/PM	\$11,816.70	\$8,508.02
FOR POSSIBLE ACTION	82.	2012000019	7-Eleven, Inc.: 7-Eleven #20272	\$6,541.00	\$5,886.90
FOR POSSIBLE ACTION	83.	2012000020	Francois Alvandi: Charleston AM/PM #85155	\$6,888.04	\$6,199.23
FOR POSSIBLE ACTION	84.	2012000022	7-Eleven, Inc.: 7-Eleven #26873	\$23,376.30	\$21,038.67
FOR POSSIBLE ACTION	85.	2013000009	Jim Johnson: Western Petroleum	\$32,297.74	\$29,067.97

ONGOING CASES/OTHER PRODUCTS SUB TOTAL: \$2,565,262.03 \$2,276,793.55

REQUESTED RECOMMENDED
CLAIMS TOTAL: \$2,802,980.41 \$2,488,933.12

9. EXECUTIVE SUMMARY (DISCUSSION)

Bureau of Corrective Action staff will report to the Board tank enrollments, reimbursement activity, the status of noncompliant facilities with claims being withheld and other items that warrant attention or that may be of concern to the Board.

10. PUBLIC COMMENT (DISCUSSION)

Members of the public will be invited to speak before the Board on any issue related to the Petroleum Fund. No action may be taken on a matter during public comment until the matter itself has been included on an agenda as an item for possible action.

**11. CONFIRMATION OF NEXT BOARD MEETING DATE (DISCUSSION)
SEPTEMBER 12, 2013 (THURSDAY) at 10:00 am**

12. ADJOURNMENT

This agenda will be posted no later than ten working days prior to the meeting at the following locations:

Grant Sawyer Building, 555 E. Washington Ave. Rm. 1003, Las Vegas, NV 89101

Legislative Counsel Bureau, 401 S. Carson St., Carson City, NV 89701

Washoe County Commission Chambers, 1001 E. 9th St., Reno, NV 89512

Washoe County District Health Department – Environmental Health Services Division, PO Box 11130,
Reno, NV 89520-0027

Washoe County Library, 301 S. Center St., Reno, NV 89501

Clark County Managers Office, 500 S. Grand Central Pkwy., Las Vegas, NV 89106,

Nevada State Library & Archives, 100 N. Stewart St., Carson City, NV 89701-4285

State Fire Marshal's Office, Stewart Facility, 107 Jacobsen Way, Carson City, NV 89711

State of Nevada, Environmental Protection, Bureau of Corrective Actions, 901 S. Stewart St.,
Carson City, NV 89701-5249

State of Nevada, Environmental Protection, Corrective Actions, 2030 E. Flamingo Rd. Ste. 230, Las Vegas, NV 89119

You may find the agenda posted on our web site at: <http://ndep.nv.gov/bca/fundhome.htm>

Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify, in writing, to NDEP, State of Nevada Board to Review Claims, in care of Mrs. Victoria Joncas, 901 S. Stewart St., Ste. 4001, Carson City, NV 89701, facsimile (775) 687-8335, or by calling (775) 687-9369, no later than September 6, 2013.

Note: An audio recording of the meeting can be obtained from Mrs. Victoria Joncas, by sending a request to the Nevada Division of Environmental Protection (NDEP) in writing to 901 S. Stewart St., Ste. 4001, Carson City, NV 89701, via electronic mail to vjoncas@ndep.nv.gov, or by calling (775) 687-9369.