



County of Los Alamos

Los Alamos, NM 87544
www.losalamosnm.us

Minutes

Board of Appeals

*Terry Priestley, Chair; Randall Ryti, County Councilor; and
Philo Shelton, Utilities Manager*

Tuesday, July 14, 2020

7:00 AM

"Due to COVID-19 concerns, meeting will be
conducted remotely.

Public can view proceedings at

<http://losalamos.legistar.com/Calendar.aspx>

Continuation of, "Hearing: Sirphey LLC v. Michael Arellano, LAC Building Official,
Action No: 2020-01."

I. CALL TO ORDER

Board Chair, Terry Priestley, called the meeting to order at 7:06 a.m.

The following board members were in attendance:

Present: 3 – Board Member Terry Priestley, Board Member Randall Ryti,
and Board Member Philo Shelton

II. APPROVAL OF AGENDA

A motion was made by Board Member Ryti, seconded by Board Member Shelton, that the
agenda be approved, as presented.

The motion passed by acclamation with the following vote:

Yes: 3 – Board Member Priestley, Board Member Ryti, and Board Member Shelton

III. BUSINESS

A. Approval of Appeals Board Minutes for February 21, 2020 and June 11, 2020

A motion was made by Board Member Ryti, seconded by Board Member Shelton, that the
February 21, 2020 Appeals Board Minutes be approved, as presented.

The motion passed by acclamation with the following vote:

Yes: 3 – Board Member Priestley, Board Member Ryti, and Board Member Shelton

A motion was made by Board Member Ryti, seconded by Board Member Shelton, that the
June 11, 2020 Appeals Board Minutes be approved, as presented.

The motion passed by acclamation with the following vote:

Yes: 3 – Board Member Priestley, Board Member Ryti, and Board Member Shelton

IV. PUBLIC HEARING

- A.** Continuation of, "Hearing: Sirphey LLC v. Michael Arellano, LAC Building Official, Action No: 2020-01"

Chair Priestley provided a recap of the previous hearings and outlined the procedure for the hearing.

The following individuals appeared for the parties:

Ms. Cortni Nucklos, pro se and Mr. Prashant Jain, pro se appeared on behalf of Appellant Sirphey, LLC.

Ms. Katie Thwaits and Mr. Kevin Powers appeared on behalf of Appellee Michael Arellano.

Mr. Alvin Leaphart appeared on behalf of the Board of Appeals.

Witness testimony continued with cross examination of Mr. Michael Arellano by Sirphey LLC.

RECESS

Chair Priestley called for a recess at 9:04 a.m. The meeting reconvened at 9:16 a.m.

Chair Priestley made a statement to parties regarding the scheduling order and the procedure for the hearing.

Chair Priestley asked clarifying questions of the witness Mr. Michael Arellano.

Witness testimony continued with cross examination of Mr. Michael Arellano by Sirphey LLC.

RECESS

Chair Priestley called for a recess at 10:19 a.m. The hearing reconvened at 10:26 a.m.

Witness testimony continued with cross examination of Mr. Michael Arellano by Sirphey LLC.

Sirphey LLC ended cross examination of witness Mr. Michael Arellano.

Mr. Kevin Powers began re-direct of witness Mr. Michael Arellano.

Board Members presented questions to Mr. Arellano.

Witness testimony continued with re-direct of Mr. Michael Arellano by Sirphey LLC and Mr. Kevin Powers for Appellee.

RECESS

Chair Priestley called for a recess at 11:58 a.m. The hearing reconvened at 12:32 p.m.

Witness testimony continued with direct examination of the witness Mr. Paul Andrus, Community Development Director, by Appellee, cross examination by Sirphey LLC and evidence was entered into the record.

The Board had an open discussion regarding conducting a site visit.

A motion was made by Board Member Shelton, seconded by Board Member Priestley, to not hold a site visit.

The motion passed with the following vote.

Yes: 2 – Board Member Priestley and Board Member Shelton

No: 1 – Board Member Ryti

RECESS

Chair Priestley called for a recess at 3:33 p.m. The hearing reconvened at 3:39 p.m.

Closing arguments were presented by the parties.

The Board had an open discussion regarding all of the evidence presented and their position on the appeal.

A motion was made by Board Member Priestley, seconded by Board Member Shelton, that the Appeal by the Appellant is denied, the Appellant failed to show that the issuance of a red tag on November 22, 2019 was unlawful, arbitrary or capricious.

The motion passed with the following vote.

Yes: 3 – Board Member Priestley, Board Member Ryti, and Board Member Shelton

Chair Priestley advised the parties that a copy of this decision will be sent to the County Council and advised the parties of their right to appeal the decision.

V. ADJOURNMENT

The meeting adjourned at 4:30 p.m.

INCORPORATED COUNTY OF LOS ALAMOS

Terry Priestley, Appeals Board Chair

Attest:

Naomi D. Maestas, County Clerk

Meeting Transcribed by: Victoria L. Martinez, Deputy Clerk