

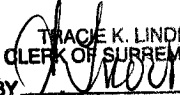
IN THE SUPREME COURT OF THE STATE OF NEVADA

MERRITT K. YOCHUM,
Appellant,
vs.
THE STATE OF NEVADA, BY AND
THROUGH DEAN HELLER, ITS
SECRETARY OF STATE,
Respondent.

No. 49578

FILED

JAN 11 2008

TRACE K. LINDEMAN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court summary judgment in an action to collect civil penalties. First Judicial District Court, Carson City; William A. Maddox, Judge.

Respondent State of Nevada, through the Secretary of State, instituted a district court action to recover unpaid civil penalties imposed on appellant Merritt K. Yochum, a former candidate for Lieutenant Governor, for failing to file Contribution and Expenses reports. The district court granted the state's subsequent motion for summary judgment, and Yochum has appealed.

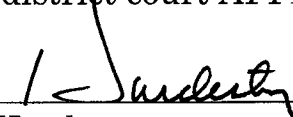
On appeal, Yochum argues that (1) the district court lacked subject matter and personal jurisdiction to consider the case against him, (2) an administrative hearing should have taken place before the district court considered the claims, (3) the NRS 294A.120 and 294A.200 Campaign Contribution and Expenses reporting requirements are unconstitutional, and thus the fines were improper, (4) although the complaint alleged that he had "failed to properly file" the reports, "no such wording appears" in the Contribution and Expense statutes, and (5) although he signed a "Candidate Acknowledgment" document at the time he declared his candidacy, it was "an acknowledgement [sic] only, not a

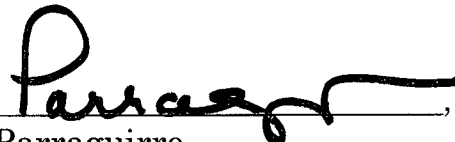
commitment” to pay any potential civil penalties. Based on those arguments, Yochum asserts that summary judgment was not warranted.

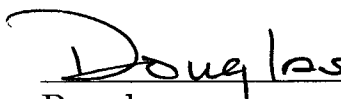
This court reviews a district court summary judgment de novo.¹ Summary judgment is appropriate when after reviewing the evidence in the light most favorable to the nonmoving party, “no ‘genuine issue as to any material fact [remains,] and . . . the moving party is entitled to a judgment as a matter of law.”²

Having reviewed the record in light of Yochum’s arguments and the state’s response, we conclude that the district court did not err in granting summary judgment.³ Accordingly, we

ORDER the judgment of the district court AFFIRMED.⁴


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Douglas

¹Wood v. Safeway, Inc., 121 Nev. 724, 729, 121 P.3d 1026, 1029 (2005).

²Id. (quoting NRCP 56(c)).

³Id.

⁴Having considered all of the issues raised by Yochum, we conclude that his other arguments lack merit and thus do not warrant reversal of the district court judgment.

cc: Hon. William A. Maddox, District Judge
Merritt K. Yochum
Attorney General Catherine Cortez Masto/Carson City
Carson City Clerk