

IN THE SUPREME COURT OF THE STATE OF NEVADA

EUGENE KOFFLER, AN INDIVIDUAL  
D/B/A GENE KOFFLER MASONRY,  
Appellant,

vs.

MICHAEL TANCHECK, OFFICE OF  
THE LABOR COMMISSIONER, STATE  
OF NEVADA; AND LABORERS'  
INTERNATIONAL UNION OF NORTH  
AMERICA, LOCAL UNION NO. 169,  
Respondents.

No. 50163

**FILED**

MAR 05 2009

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court order denying a petition for a writ of prohibition challenging the Labor Commissioner's decision to vacate a prior order and re-open the administrative proceeding. First Judicial District Court, Carson City; James Todd Russell, Judge.

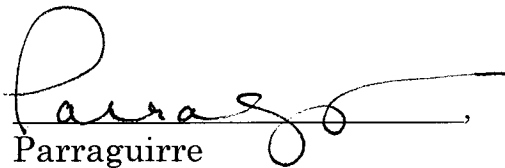
Appellant Eugene Koffler sought a writ of prohibition in the district court to compel the Labor Commissioner to refrain from vacating the final order entered in the underlying administrative matter and conducting further proceedings in that matter. After directing an answer, the district court denied the petition, concluding that the Labor Commissioner had authority to re-open the matter and conduct further proceedings. This appeal followed. For the reasons set forth below, we conclude that the district court reached the correct result, albeit for the wrong reason, and thus, we affirm the district court's decision. See Sengel v. IGT, 116 Nev. 565, 570, 2 P.3d 258, 261 (2000) (explaining that this court will affirm the district court's decision if it reaches the right result, even if for the wrong reasons).

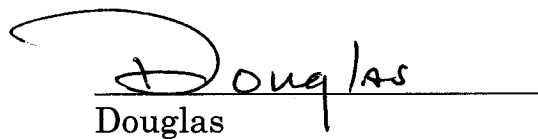
This court reviews the district court's decision to deny a petition for extraordinary writ relief for an abuse of discretion. City of Las Vegas v. Walsh, 121 Nev. 899, 902, 124 P.3d 203, 205 (2005). A writ of prohibition is available to arrest the proceedings of any tribunal or person exercising judicial functions when such proceedings are in excess of that tribunal or person's jurisdiction. NRS 34.320. Prohibition relief will not issue unless the petitioner has no plain, speedy, and adequate remedy in the ordinary course of law. NRS 34.330. We have held that the right to petition the district court for judicial review of an administrative decision constitutes a speedy and adequate legal remedy, which generally precludes writ relief. Howell v. State Engineer, 124 Nev. \_\_\_, \_\_\_, 197 P.3d 1044, \_\_\_ (2008). A final decision of the Labor Commissioner may be challenged by petitioning the district court for judicial review. See NRS 607.215(3).

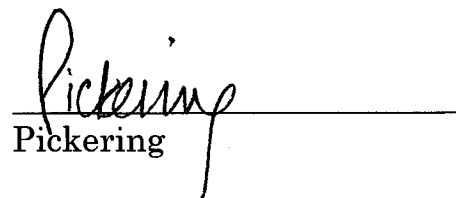
Here, although the Labor Commissioner issued a final order in this matter on February 9, 2007, a subsequent order was entered on April 19, 2007, vacating the February 9 order. The April 19 order further provided that a revised order would subsequently be entered. Once a final, revised order is entered in the underlying administrative proceeding, any party aggrieved by the Labor Commissioner's decision can file a petition for judicial review challenging that order in the district court. See NRS 607.215(3); NRS 233B.130(1); see also NRS 233B.135(3)(c) (providing that the district court may remand, affirm, or set aside an administrative decision if substantial rights of the petitioner have been prejudiced because the agency's decision is made upon unlawful procedure). As noted above, the right to petition the district court for judicial review constitutes a speedy and adequate legal remedy that precludes writ relief. Howell,

124 Nev. at \_\_\_, 197 P.3d at \_\_\_. Thus, because appellant had a speedy and adequate remedy available in the form of a petition for judicial review challenging any adverse decision made by the Labor Commissioner, the district court properly denied his petition for a writ of prohibition. NRS 34.330. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

 J.  
Parraguirre

 J.  
Douglas

 J.  
Pickering

cc: Hon. James Todd Russell, District Judge  
Lester H. Berkson, Settlement Judge  
Law Offices of Michael B. Springer  
Attorney General Catherine Cortez Masto/Carson City  
Attorney General Catherine Cortez Masto/Las Vegas  
Michael E. Langton  
Carson City Clerk