

IN THE SUPREME COURT OF THE STATE OF NEVADA

WEN QUIN MA,
Appellant,


vs.

STATE OF NEVADA, NEVADA STATE
BOARD OF MASSAGE THERAPISTS, A
NEVADA AGENCY,
Respondent.

No. 51025

FILED

NOV 03 2009

BY  T. ACIE K. LINDEMAN
CLERK OF SUPREME COURT
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court order dismissing a petition for judicial review in a massage therapy licensing matter. Eighth Judicial District Court, Clark County; Susan Johnson, Judge.


Nevada's Administrative Procedure Act does not render all administrative decisions subject to judicial review. Private Inv. Licensing Bd. v. Atherley, 98 Nev. 514, 515, 654 P.2d 1019, 1019 (1982). Rather, under NRS 233B.130(1)(b), the district court has jurisdiction to review only "contested cases." Atherley, 98 Nev. at 515, 654 P.2d at 1019.¹

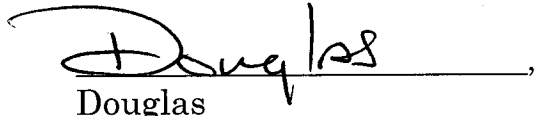
Ma notes that she was, in fact, afforded an opportunity to address the Board before it granted her a conditional license under NRS Chapter 640C, but she cites no authority for the proposition that being given this audience converted the proceeding into a "contested case" within the meaning of NRS 233B.032. Because the Board's decision here

¹NRS 233B.032 defines a "contested case" as "a proceeding, including but not restricted to rate making and licensing, in which the legal rights, duties or privileges of a party are required by law to be determined by an agency after an opportunity for hearing, or in which an administrative penalty may be imposed."

was not made in the context of a contested case, it is not subject to judicial review under NRS Chapter 233B. See NRS 233B.130(1)(b); Atherley, 98 Nev. at 515, 654 P.2d at 1019. Accordingly, as the district court lacked jurisdiction to review the Board's decision, it properly dismissed Ma's petition, and we

ORDER the judgment of the district court AFFIRMED.

 J.
Parraguirre

 J.
Douglas

 J.
Pickering

cc: Hon. Susan Johnson, District Judge
Howard Roitman, Settlement Judge
Kirk T. Kennedy
Attorney General Catherine Cortez Masto/Carson City
Attorney General Catherine Cortez Masto/Las Vegas
Eighth District Court Clerk