

IN THE SUPREME COURT OF THE STATE OF NEVADA

MOHAMMAD EHSAN,
Appellant,
vs.
THE STATE OF NEVADA
DEPARTMENT OF MOTOR VEHICLES,
Respondent.

No. 51502

FILED

JUN 12 2008

TRACIE A. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court order denying appellant Mohammad Ehsan's petition for judicial review of an administrative decision that revoked appellant's driving privileges. Eighth Judicial District Court, Clark County; David Barker, Judge.

Following a traffic stop of Ehsan's vehicle, an officer with the Las Vegas Metropolitan Police Department noticed an odor of alcohol emanating from Ehsan. As a result, Ehsan was given field sobriety tests, which he failed. Ehsan was then read the implied consent law and was transported to the Clark County Detention Center ("CCDC") for an evidentiary testing. At the CCDC, Ehsan consented to a blood test. Ehsan's blood sample revealed the presence of benzoylcholine (cocaine metabolite) in the amount of 600 nanograms per milliliter. As a result, the DMV revoked Ehsan's driver's license until June 14, 2008. Ehsan then administratively appealed, and an administrative law judge upheld the revocation. The district court denied Ehsan's subsequent petition for judicial review, and this appeal followed.

On appeal from a district court order denying judicial review, our role is the same as that of the district court: we review the

administrative record to determine whether the appellant's substantial rights were prejudiced because the administrative decision was affected by legal error or abuse of discretion.¹ We may not substitute our judgment for that of the administrative agency as to the weight of the evidence, and the agency's fact-based conclusions of law will not be disturbed if they are supported by substantial evidence.²

Here, Ehsan essentially maintains that because the nature of the traffic stop in his case was alcohol-related, the ensuing blood test should only have been for alcohol, not for a controlled or prohibited substance. Thus, because his blood was also tested for a controlled or prohibited substance, Ehsan alleges (1) that Nevada's implied consent law was violated, and (2) a Fourth Amendment violation of the United States Constitution occurred because his blood was tested for drugs without probable cause or warrant.³

Having reviewed the parties' arguments, as well as the record, we conclude that the administrative law judge's decision to uphold the

¹Beavers v. State, Dep't of Mtr. Vehicles, 109 Nev. 435, 438, 851 P.2d 432, 434 (1993); NRS 233B.135.

²Id. (noting that substantial evidence is that which a reasonable person could find adequately supports a conclusion).

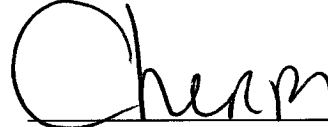
³Ehsan also argues that his right to equal protection under the Fourteenth Amendment of the United States Constitution was violated. Because Ehsan has failed to cite to any authority to support that claim, we reject it on appeal. See State, Dep't of Mtr. Vehicles v. Rowland, 107 Nev. 475, 479, 814 P.2d 80, 83 (1991) ("Generally, unsupported arguments are summarily rejected on appeal.").

revocation of Ehsan's driver's license is supported by substantial evidence and not otherwise affected by legal error. Accordingly, we affirm the district court's order denying Ehsan's petition for judicial review.


It is so ORDERED.



_____, J.
Maupin



_____, J.
Cherry



_____, J.
Saitta

cc: Hon. David Barker, District Judge
Law Offices of John G. Watkins
Attorney General Catherine Cortez Masto/Carson City
Attorney General Catherine Cortez Masto/Transportation
Division/Las Vegas
Eighth District Court Clerk