


IN THE SUPREME COURT OF THE STATE OF NEVADA

CHARLES N. BELSSNER,
Appellant,
vs.
STATE OF NEVADA DEPARTMENT
OF BUSINESS AND INDUSTRY,
NEVADA TRANSPORTATION
AUTHORITY,
Respondent.

No. 53775

FILED

MAY 07 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY: 
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court order dismissing a petition for judicial review in a Nevada Transportation Authority action. Eighth Judicial District Court, Clark County; Doug Smith, Judge.

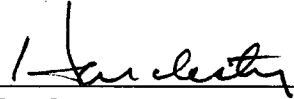
Appellant Charles N. Belssner petitioned the district court for judicial review of an administrative decision by respondent Nevada Transportation Authority (NTA). Belssner's brief in support of his petition contained a lengthy account of his view of the underlying facts and procedural history of the administrative matter, but provided little citation to the administrative record. The parties subsequently filed a stipulation in which Belssner agreed to amend his filing supporting the petition to make it comply with the requirements of Nevada's Administrative Procedure Act, NRS Chapter 233B. This stipulation was approved by the district court. Belssner then filed a document entitled "Response to Notice of Entry of Stipulation and Order," which merely cited to NRS 233B.130 and included copies of the administrative decision, his

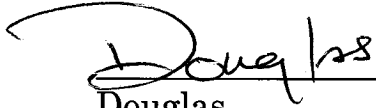
original district court brief in support of his petition for judicial review, and an unpublished order entered by this court in a different matter. In response, respondent moved to dismiss for failure to comply with NRS 233B.133(5) and to provide adequate citation to the administrative record. The district court denied the motion to dismiss and directed Belssner to re-file an amended version of his brief that provided citation to the record as required by NRS 233B.133(5). Thereafter, Belssner filed a brief, entitled "Compliance to Court Order Motion of December 01, 2008," which provided minimal citation. Respondent subsequently moved to dismiss, arguing that Belssner's latest filing still had not provided adequate reference to the record or otherwise complied with NRS 233B.133(5)'s requirements. Belssner opposed the motion. The district court ultimately dismissed Belssner's petition for judicial review based on Belssner's failure to comply with its order and provide proper citation to the record.

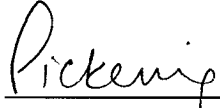
Here, Belssner's petition for judicial review challenged a decision of the NTA, and, by statute, such challenges are governed by Nevada's Administrative Procedure Act. See NRS 233B.039 (listing agencies not subject to the APA, which does not include the NTA). Under NRS 233B.133(5), assertions made in briefs filed in support of petitions for judicial review must be supported by citations to the page in the record where the matter can be located. See NRAP 28. Having reviewed Belssner's district court filings, we agree with the district court that these documents failed to comply with the requirements set forth in NRS 233B.133(5), despite multiple opportunities to correct the deficiencies. We further reject as meritless Belssner's argument that his status as a proper person litigant excuses him from complying with the requirements of this

statute. Accordingly, we perceive no impropriety in the district court's dismissal of Belssner's petition for judicial review and we

ORDER the judgment of the district court AFFIRMED.¹


_____, J.
Hardesty


_____, J.
Douglas


_____, J.
Pickering

cc: Hon. Doug Smith, District Judge
Charles N. Belssner
Attorney General/Las Vegas
Eighth District Court Clerk

¹Having reviewed Belssner's remaining arguments, we conclude that they lack merit.