

IN THE SUPREME COURT OF THE STATE OF NEVADA

SECURITY DOORS OF DISTINCTION,  
ECHO PENROSE, SOLE PROPRIETOR,  
F/K/A DOORS OF DISTINCTION, INC.,

Appellant,

vs.

EMPLOYERS INSURANCE COMPANY OF  
NEVADA, F/K/A STATE INDUSTRIAL  
INSURANCE SYSTEM,

Respondent.

No. 36688

**FILED**

NOV 15 2000

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Richard*  
CHIEF DEPUTY CLERK

ORDER VACATING DISTRICT COURT ORDER

This is a proper person appeal from a district court order denying appellant's petition for judicial review "for the most part" and affirming respondent's imposition of an administrative assessment for unpaid workers' compensation premiums, but reducing the amount of the assessment from \$20,808.60 to \$6,936.20.<sup>1</sup> We are unable to reach the merits of the appeal, however, because the record establishes the district court lacked jurisdiction and should have dismissed the petition for judicial review.

Courts have no inherent appellate jurisdiction over official acts of administrative agencies; thus, courts may review agency decisions only if the legislature has made some statutory provision for judicial review. See Crane v. Continental Telephone, 105 Nev. 399, 401, 775 P.2d 705, 706 (1989). The time allotted by statute for seeking judicial review is jurisdictional, and to invoke the jurisdiction of the district court, a petition for judicial review must be timely filed. See Fitzpatrick v. State, Dep't of Commerce, 107 Nev. 486, 488, 813 P.2d 1004, 1005 (1991). The time for

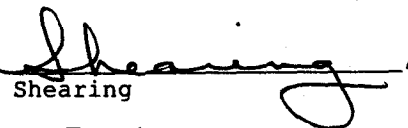
<sup>1</sup>Although appellant has not been granted leave to file documents in this matter in proper person, see NRAP 46(b), we have received and considered appellant's proper person documents.

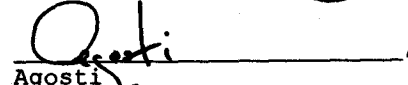
cc: Hon. Peter I. Breen, District Judge  
Donald C. Smith, Employers Insurance Company of Nevada,  
Las Vegas  
Echo Penrose  
Washoe County Clerk

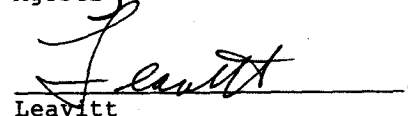
filing cannot be extended by waiver of the parties or by rule of the district court. See NRCP 12(h)(3) (whenever it appears that the court lacks subject matter jurisdiction, the court shall dismiss the action).

In this case, the Administrative Procedure Act, NRS chapter 233B, authorizes judicial review, but requires that the petition be "filed within 30 days after service of the final decision of the agency." NRS 233B.130(2)(c). When a decision is served by mail, NRCP 6(e) adds three days to the 30-day period. See Nyberg v. Nev. Indus. Comm'n, 100 Nev. 322, 683 P.2d 3 (1984) (holding that NRCP 6 subsections (a) and (e) apply to the filing of petitions for judicial review). Under NRCP 6(a) the day of mailing is not included, but the last day of the period is included unless it is a Saturday, Sunday, or non-judicial day. Respondent served its final decision on appellant by mailing a copy to appellant's attorney on August 22, 1996. Therefore, to invoke the district court's jurisdiction, appellant had to file the petition for judicial review by Tuesday, September 24, 1996. The petition was filed on Wednesday, September 25, 1996, one day too late. Because the district court lacked subject matter jurisdiction, it was powerless to decide the case and its order is void.

Accordingly, we vacate the district court's order and remand to the district court with instructions to dismiss the petition for judicial review.

  
\_\_\_\_\_  
Shearing J.

  
\_\_\_\_\_  
Agosti J.

  
\_\_\_\_\_  
Leavitt J.