

IN THE SUPREME COURT OF THE STATE OF NEVADA

NEVADA CRT, LLC, A NEVADA  
LIMITED LIABILITY COMPANY; AND  
WELLNESS CONNECTION OF  
NEVADA, LLC, A NEVADA LIMITED  
LIABILITY COMPANY,

Appellants,


vs.

THE CITY OF LAS VEGAS, A  
MUNICIPAL CORPORATION; AND  
THE CITY COUNCIL OF LAS VEGAS,  
Respondents.

No. 86737

**FILED**

DEC 30 2024

ELIZABETH A. BROOKS  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

This is an appeal from a district court order denying a petition for judicial review. Eighth Judicial District Court, Clark County; Veronica Barisich, Judge.

Appellants Nevada CRT, LLC (CRT) and Wellness Connection of Nevada, LLC (Wellness) (collectively, appellants) appeal the *second* denial by respondent the Las Vegas City Council (the City Council) of its application for a special use permit (SUP) for purposes of opening a cannabis dispensary within the City of Las Vegas (the City). Appellants argue that their due process and equal protection rights were violated by Councilwoman Victoria Seaman's participation and actions preceding the vote that ultimately denied CRT's SUP application. Following the City Council's *first* denial, CRT petitioned the district court for judicial review. The district court granted in part the petition for judicial review, finding that Councilwoman Seaman potentially "misrepresented or misstated the opposition to the SUP" and improperly "advocate[d] against the approval of

the subject SUP.” The district court remanded the proceedings to the City Council to rehear the SUP application and to ensure due process and equal protection was provided to all participants. Upon rehearing, the City Council reincorporated the record from the first hearing into the second hearing and again denied CRT’s application. CRT subsequently petitioned the district court for another judicial review, making the same due process and equal protection claims it made initially. The district court denied the petition without considering CRT’s constitutional challenges, reasoning that it was constrained to considering whether substantial evidence supported the City Council’s denial. CRT now appeals the district court’s order denying its petition.<sup>1</sup>

#### *Standard of review*

“[W]hen this court examines an order disposing of a judicial review petition, this court’s function is the same as the district court: to determine, based on the administrative record, whether substantial evidence supports the administrative decision.” *Kay v. Nunez*, 122 Nev. 1100, 1105, 146 P.3d 801, 805 (2006).

#### *CRT’s constitutional challenges*

CRT raises due process and equal protection arguments as to why substantial evidence does not support the record. As to CRT’s due process claim, it must first demonstrate that it is being deprived of a

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<sup>1</sup>Nevada CRT also petitioned the district court for writ of mandamus. But *Kay v. Nunez* makes clear that “the petition for judicial review [is] the proper mechanism, under NRS 278.3195, to invoke the district court’s jurisdiction to examine the administrative decision,” while a petition for a writ of mandamus is inappropriate. 122 Nev. 1100, 1105-06, 146 P.3d 801, 805 (2006). We therefore review this appeal as taken solely from the district court’s denial of the petition for judicial review.

constitutionally protected right or property interest. *Bd. of Regents of State Colls. v. Roth*, 408 U.S. 564, 577 (1972). Here, CRT's due process argument fails, as it lacks a sufficient property interest in the special use permit it is applying for. See *Malfitano v. Cnty. of Storey*, 133 Nev. 276, 282-84, 396 P.3d 815, 820-21 (2017) (denying appellant's due process claim because he did not have a legitimate property interest in the liquor license he was applying for). With respect to CRT's equal protection argument, we decline to address the merits of that argument because it was not adequately briefed. See *Edwards v. Emperor's Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (providing that this court need not consider arguments not adequately briefed, not supported by relevant authority, and not cogently argued).

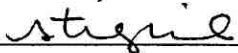
*The City Council's decision was supported by substantial evidence*

"Substantial evidence is that which a reasonable mind might accept as adequate to support a conclusion." *Mason-McDuffie Real Est., Inc. v. Villa Fiore Dev., LLC*, 130 Nev. 834, 838, 335 P.3d 211, 214 (2014) (internal quotation marks omitted).

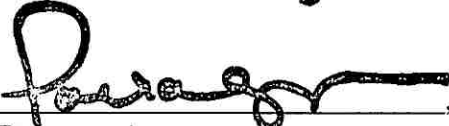
The City points to public opposition to support its contention that denial was proper. Public opposition can adequately support the substantial evidence standard when it is "substantial and specific." *City of Las Vegas v. Laughlin*, 111 Nev. 557, 559, 893 P.2d 383, 385 (1995) (upholding the SUP denial because a large group of residents opposed the request through letters and petitions identifying issues with the SUP application). Here, the record reflects hundreds of signatures in opposition to CRT's SUP application. The City also points to emails it received showing more opposition to the SUP application. Finally, the record reflects public opposition at both neighborhood meetings, the planning commission meeting, and both City Council meetings.

To the contrary, CRT provides its own evidence to demonstrate that support for the application outweighed the opposition to it. Particularly, CRT points to a petition and emails it gathered in support of its application. Although a significant amount of evidence exists demonstrating support of the application, it is not this court's job to weigh the evidence and "substitute its judgment on questions of fact." *Sw. Gas Corp. v. Woods*, 108 Nev. 11, 15, 823 P.2d 288, 290 (1992). Here, the voluminous appendices provided support the conclusion that sufficient evidence exists to support the City Council's decision in denying the SUP application. Because substantial evidence supports the City Council's decision, we are not inclined to interfere with the City Council's proceeding. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, J.  
Stiglich

  
\_\_\_\_\_, J.  
Pickering

  
\_\_\_\_\_, J.  
Parraguirre

cc: Hon. Veronica Barisich, District Judge  
William C. Turner, Settlement Judge  
Howard & Howard Attorneys PLLC  
Las Vegas City Attorney  
Attorney General/Las Vegas  
Eighth District Court Clerk