

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CITY OF NORTH LAS VEGAS; AND
CANNON COCHRAN MANAGEMENT
SERVICES, INC.,
Appellants,
vs.
WILSON CRESPO,
Respondent.

No. 89368-COA

FILED

FEB 20 2026

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

City of North Las Vegas (the City) and its third-party insurance administrator, Cannon Cochran Management Services, Inc. (CCMSI), appeal from a district court order denying a petition for judicial review in a workers' compensation matter. Eighth Judicial District Court, Clark County; Ronald J. Israel, Judge.

Respondent Wilson Crespo was a police officer for the City for approximately 25 years and retired on March 1, 2015. In October 2019, Crespo initiated a workers' compensation claim for a heart disease diagnosis, and his claim was eventually accepted for coronary artery disease, mitral regurgitation, and tricuspid regurgitation. Crespo's treating physician opined that his heart condition rendered him permanently incapable of performing his job duties as a police officer and it was his opinion that Crespo should no longer be a police officer. Based on that opinion, in May 2022, Crespo requested permanent total disability (PTD) benefits, which CCMSI denied.

A hearing officer subsequently reversed and remanded the denial of PTD benefits, and an appeals officer affirmed that decision. The

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appeals officer concluded that Crespo satisfied his burden under NRS 617.457(12), which allowed him to elect to receive PTD benefits. The appeals officer acknowledged that NRS 617.457(14) provides that a person who files a claim for a disease of the heart after he retires from employment as a police officer is not entitled to receive any compensation other than medical benefits. Despite this provision, the appeals officer concluded that NRS 617.457(14) did not preclude Crespo from receiving PTD benefits because section 6 of Senate Bill (S.B.) 153 amended subsection (14) and provided the limitation set forth therein did not apply to those who had completed at least 20 years of creditable service as a police officer in this state on the bill's effective date. The appeals officer further acknowledged that section 6 was not codified into NRS 617.457 itself but nevertheless found that it applied to Crespo because the legislature passed and enrolled S.B. 153, which constituted an exception to NRS 617.457(14) for certain first responders. As such, the appeals officer determined that Crespo satisfied his burden and qualified for PTD benefits.

Appellants timely filed a petition for judicial review, which the district court denied. This appeal followed.

On appeal, appellants challenge the district court's denial of their petition for judicial review and argue the appeals officer erroneously concluded that Crespo was entitled to PTD benefits under NRS 617.457.

When reviewing an administrative decision, this court's role "is identical to that of the district court: to review the evidence presented to the agency in order to determine whether the agency's decision was arbitrary or capricious and was thus an abuse of the agency's discretion." *United Exposition Serv. Co. v. State Indus. Ins. Sys.*, 109 Nev. 421, 423, 851 P.2d 423, 424 (1993). However, this court reviews questions of law de novo.

Howard v. City of Las Vegas, 121 Nev. 691, 693, 120 P.3d 410, 411 (2005). Appellate review of a final agency decision is “confined to the record before the agency.” *Law Offs. of Barry Levinson, P.C. v. Milko*, 124 Nev. 355, 362, 184 P.3d 378, 384 (2008).

NRS 617.457 governs heart diseases as occupational diseases for police officers. As relevant here, NRS 617.457(12) provides that a person who is “[p]artially disabled from an occupational [heart] disease” and “[i]ncapable of performing . . . work as a . . . police officer . . . may elect to receive the benefits provided under NRS 616C.440 for a permanent total disability.” But NRS 617.457(14) provides that “[a] person who files a claim for a disease of the heart specified in this section after he or she retires from employment as a . . . police officer is not entitled to receive any compensation for that disease other than medical benefits.”

The limitation set forth in NRS 617.457(14) was initially added to the Nevada Revised Statutes in 2015 through S.B. 153. *See* 2015 Nev. Stat., ch. 420, § 3, at 2431; *City of Las Vegas v. Munson*, 141 Nev., Adv. Op. 28, 574 P.3d 426, 428-29 (Ct. App. 2025). However, while that limiting language from section 14 was codified into the Nevada Revised Statutes, section 6 of S.B. 153 was not. Section 6 of S.B. 153 provides that NRS 617.457(14) does not apply to persons “who, on the effective date of this section, ha[ve] completed at least 20 years of creditable service” as a police officer. *See* S.B. 153, 78th Leg. (Nev. 2015). Appellants argue that because the language from S.B. 153 was not codified into NRS 617.457, it cannot be considered binding authority as without codification, there is no notice of legislative policy changes. Consequently, without the incorporation of section 6 of S.B. 153, appellants contend that the plain language of NRS

617.457(14) controls, and under that provision, Crespo is only entitled to receive medical benefits.

We addressed this argument in *Munson* and concluded that section 6 of S.B. 153 was binding law because it was approved by the governor and enacted into law on June 8, 2015. 141 Nev., Adv. Op. 28, 574 P.3d at 429. We further concluded that its omission from NRS 617.457 is immaterial. *Id.*; see also NRS 220.170(3) (stating copies of the Nevada Revised Statutes “may be cited as prima facie evidence of the law,” but that such “evidence may be rebutted by proof that the statutes cited differ from the official Statutes of Nevada”); *Halverson v. Sec’y of State*, 124 Nev. 484, 486-87, 186 P.3d 893, 895-96 (2008) (stating language in a senate bill that was not codified into the Nevada Revised Statutes was still the law because “it was enacted in the official Statutes of Nevada”). Therefore, appellants’ argument fails.¹ Because section 6 of S.B. 153 constitutes binding law, NRS 617.457(14) does not apply to Crespo as he falls within the exception outlined in section 6. Specifically, regardless of when his disablement occurred, Crespo had completed at least 20 years of creditable service as a police officer at the time section 6 became effective in 2015—a fact appellants do not dispute. Because NRS 617.457(14) did not apply to

¹We are also unpersuaded by appellants’ argument that it did not have notice of section 6 of S.B. 153 because it was enacted in 2015 and was provided to the public, and because appellants had a reasonable opportunity to familiarize themselves with the information contained therein. See *Lone Star Sec. & Video, Inc. v. City of Los Angeles*, 584 F.3d 1232, 1237 (9th Cir. 2009) (stating the government generally provides the level of notice required whenever it “alters substantive rights through enactment of rules of general applicability . . . simply by enacting the statute, publishing it, and [] affording those within the statute’s reach a reasonable opportunity both to familiarize themselves with the general requirements imposed and to comply with those requirements”).

Crespo, we conclude the appeals officer properly determined he was entitled to PTD benefits under NRS 617.457(12). Accordingly, we conclude the district court properly denied the petition for judicial review. We therefore

ORDER the judgment of the district court AFFIRMED.²


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

²To the extent appellants argue that Crespo is ineligible to receive PTD benefits because he is retired and therefore not an “employee in the employ of an employer,” as described in NRS 616C.440(1), that issue was not sufficiently preserved and was not argued until the reply brief. Accordingly, we need not consider it. *See Old Aztec Mine, Inc. v. Brown*, 97 Nev. 49, 52, 623 P.2d 981, 983 (1981) (explaining that issues not argued below are “deemed to have been [forfeited] and will not be considered on appeal”); *see also Khoury v. Seastrand*, 132 Nev. 520, 530 n.2, 377 P.3d 81, 88 n.2 (2016) (citing NRAP 28(c) and concluding that an issue raised for the first time in an appellant’s reply brief was forfeited). Notwithstanding the forfeiture, this argument necessarily fails based on the statutory scheme. Read together, NRS 617.457(12) and section 6 of S.B. 153 allow certain retired police officers, like Crespo, to elect to receive PTD benefits under NRS 616C.440 and do not exclude retirees from obtaining monetary benefits. Interpreting NRS 616C.440(1) to exclude retired police officers from PTD benefits would render NRS 617.457(12) and section 6 of S.B. 153 nugatory. *See Munson*, 574 P.3d at 429 (explaining that “[a] statute must be considered as a whole and should not be construed in a manner that would render words or phrases superfluous or make a provision nugatory” (internal quotation marks omitted)).

cc: Hon. Ronald J. Israel, District Judge
Paul S. Lychuk, Settlement Judge
Hooks Meng & Clement
GGRM Law Firm
Eighth District Court Clerk