



IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DINORA SHARPE,
Appellant,
vs.
SHARATH CHANDRA,
ADMINISTRATOR, REAL ESTATE
DIVISION, DEPARTMENT OF
BUSINESS AND INDUSTRY, STATE
OF NEVADA,
Respondent.

No. 89646-COA

ORDER OF AFFIRMANCE

Dinora Sharpe appeals from a district court order dismissing her petition for judicial review in an agency matter. Eighth Judicial District Court, Clark County; Hon. Monica Trujillo, Judge.

In the underlying proceedings, the Nevada Real Estate Commission (Commission) disciplined Sharpe for conduct occurring during her representation of an elderly client. The Commission found Sharpe converted a client's money; engaged in deceitful, fraudulent, and/or dishonest acts; failed to exercise reasonable skill and care with respect to a real estate transaction; failed to exercise reasonable skill and care with respect to a brokerage listing; and committed grossly negligent and/or incompetent acts when she breached her obligation of fidelity to her client's interest. The Commission imposed a

fine, ordered Sharpe to pay the Commission's attorney fees, and revoked Sharpe's real estate license. The written decision was issued on May 29, 2024.

On June 17, 2024, Sharpe filed a petition for judicial review of the Nevada Real Estate Commission's findings of fact, conclusions of law and order. Sharpe named Sharath Chandra, Administrator, Real Estate Division (Division) as respondent in the caption but failed to name the Commission as a respondent. The next day, Sharpe filed an errata to the petition in which she attached the Commission's findings of fact, conclusions of law and order. The Division thereafter filed a motion to dismiss, asserting, in relevant part, that the petition failed to name the Commission as a respondent as required by NRS 233B.130(2)(a), and therefore, the district court lacked jurisdiction to consider the petition. Sharpe opposed the motion.

The district court granted the motion to dismiss finding that Sharpe failed to name the Commission as a respondent in the petition. Accordingly, the district court determined that it lacked the jurisdiction to consider the petition. This appeal followed.

On appeal, Sharpe argues that, although she failed to name the Commission in the caption, it was referenced in her subsequently filed errata, which included the Commission's final order. She insists that this inclusion clearly indicated the Commission was a party to the action. Alternatively, Sharpe argues that *Whitfield v. Nevada State Personnel Commission*, 137 Nev. 345, 349, 492 P.3d 571, 575 (2021), should be modified because it has become unworkable.

We review a decision to reject a petition for judicial review for lack of subject matter jurisdiction de novo. *Id.* A petition for judicial review must

“[b]e filed within 30 days after service of the final decision of the agency.” NRS 233B.130(2)(d). NRS 233B.130(2)(a) requires that petitions for judicial review “[n]ame as respondents the agency and all parties of record to the administrative proceeding.” An “[a]gency” means an agency, bureau, board, commission, department, division, officer or employee of the Executive Department of the State Government authorized by law to make regulations or to determine contested cases.” NRS 233B.031.

Where the petitioner fails to strictly comply with the naming requirement, the petition must be rejected as jurisdictionally defective. *Whitfield*, 137 Nev. at 349, 492 P.3d at 575. “A petitioner must name as respondents, within the caption or petition itself, every party of record to the underlying administrative proceedings.” *Id.* “Further, if the petitioner fails to invoke the district court’s jurisdiction by naming the proper parties within the statutory time limit, the petition may not subsequently be amended to cure the jurisdictional defect.” *Washoe Cnty. v. Otto*, 128 Nev. 424, 426, 282 P.3d 719, 721 (2012).

Here, Sharpe did not mention the Commission in her petition or identify it in the caption as a respondent. Therefore, pursuant to *Whitfield*, 137 Nev. at 349, 492 P.3d at 575, she failed to strictly comply with NRS 233B.130(2)(a). Although she included the Commission’s order in her errata to the petition, the errata nevertheless failed to name the Commission as a respondent nor was it filed within the 30-day time limit. Moreover, while Sharpe asks that the Nevada Supreme Court’s decision in *Whitfield* be overturned, this court cannot overrule Nevada Supreme Court precedent. *See Eivazi v. Eivazi*, 139 Nev. 408, 418 n.7, 537 P.3d 476, 487 n.7 (Ct. App. 2023)

(explaining that “this court cannot overrule Nevada Supreme Court precedent”). In light of the foregoing, we affirm the district court’s dismissal of Sharpe’s petition for judicial review.

It is so ORDERED.¹



Bulla, C.J.



Gibbons, J.



Westbrook, J.

cc: Hon. Monica Trujillo, District Judge
Gabrielle Jeanne Carr, Settlement Judge
Attorney General/Las Vegas
Knight & Ryan, PLLC
Eighth District Court Clerk

¹Insofar as Sharpe raises arguments that are not specifically addressed in this order, we have considered the same and conclude that they do not present a basis for relief.