

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA,
DEPARTMENT OF MOTOR VEHICLES,
COMPLIANCE ENFORCEMENT
DIVISION,
Appellant,
vs.
STANLEY Z. SIMS, D/B/A SIMS AUTO
SALES, INC., BROKER, AND SIMS
AUTO SALES DEALER,
Respondents.

No. 38901

FILED

APR 18 2003

ANETTE M. BLOOM
CLERK OF SUPREME COURT
BY: *[Signature]*
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

Appellant Department of Motor Vehicles and Public Safety, Compliance Division (the "Division") appeals from an order denying its petition for judicial review of a hearing officer decision reversing revocation of respondent Stanley Z. Sims' vehicle broker's license.¹ We affirm.

When reviewing an administrative decision, neither this court nor the district court may substitute its judgment for that of the agency with regard to questions of fact.² Accordingly, an agency's decision will not be overturned unless it is clearly erroneous or an arbitrary abuse of


¹Stanley Z. Sims, d/b/a Sims Auto Sales, Inc., is licensed in Nevada as a vehicle broker as well as a used vehicle dealer. The Division also revoked Sims' used vehicle dealer's license; however, that revocation is not at issue in this appeal.

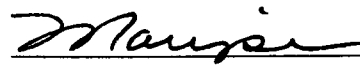
²Bullock v. Pinnacle Risk Mgmt., 113 Nev. 1385, 1388, 951 P.2d 1036, 1038 (1997); NRS 233B.135(3).


discretion.³ An agency's decision must be affirmed if there is substantial evidence to support it.⁴

NRS 482.333(2)(d) provides that a broker's license may be suspended or revoked based upon evidence of unfitness. Here, the hearing officer methodically examined the facts surrounding ninety-six alleged violations against Sims in order to assess his fitness both as a vehicle broker and as a used vehicle dealer. The hearing officer ultimately determined that the bulk of the proven violations related to Sims' fitness as a used vehicle dealer, and that the remaining violations did not warrant revocation of Sims' broker's license.⁵ Since the record supports the observations of the hearing officer, there is substantial evidence to support the hearing officer's decision to rescind the revocation of Sims' broker's license.⁶ Therefore, the district court did not err when it denied the Division's petition for judicial review. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Rose


_____, J.
Maupin


_____, J.
Gibbons

³Bullock, 113 Nev. at 1388, 951 P.2d at 1038; NRS 233B.135(3).

⁴Bullock, 113 Nev. at 1388, 951 P.2d at 1038; NRS 233B.135(3).

⁵As noted in footnote one, the Division also revoked Sims' used vehicle dealer's license.

⁶See Bopp v. Lino, 110 Nev. 1246, 1249, 885 P.2d 559, 561 (1994) (holding that "[s]ubstantial evidence is that evidence which a reasonable mind might accept as adequate to support a conclusion").

cc: Hon. Michael R. Griffin, District Judge
Attorney General Brian Sandoval/DMV/Carson City
C. Frederick Pinkerton III
Carson City Clerk