

SUPREME COURT OF NEVADA

Jones v. State, Bd. of Med. Exam'rs

2015 NV 4 (Nev. 2015) · No. 64381 · Decided February 5, 2015

SUMMARY

The Nevada Supreme Court affirmed a district court order denying Carmen Jones, M.D.'s motion to change venue in a contempt proceeding involving an administrative subpoena issued by the Nevada State Board of Medical Examiners. The court held that NRS 630.355(1), a specific venue provision, controls over Nevada's general venue statutes and permits the proceeding in the county where the Board's administrative work is conducted. Because the Board's relevant administrative work occurred in Washoe County, venue in the Second Judicial District Court was proper.

CASE DETAILS

COURT	Supreme Court of Nevada
WRITING FOR THE COURT	Hardesty, C.J.; Douglas, J.; Cherry, J.
JURISDICTION	Nevada
DECIDED	February 5, 2015
DOCKET	64381
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a district court order denying a motion to change venue in a contempt proceeding arising from an administrative subpoena issued by the Nevada State Board of Medical Examiners.
STANDARD OF REVIEW	An order denying a motion to change venue is reviewed for manifest abuse of discretion; statutory interpretation is reviewed de novo.
PRECEDENTIAL VALUE	Published Nevada Supreme Court opinion; precedential.
PARTIES	Carmen Jones, M.D. v. Nevada State Board of Medical Examiners

TOPICS

[venue](#) [administrative law](#) [judicial review of agency action](#) [statutory interpretation](#) [appellate procedure](#)

PRACTICE AREAS

[administrative law](#) [health law](#) [civil procedure](#) [appellate procedure](#)

QUESTIONS PRESENTED

1. Whether Nevada Revised Statutes § 630.355(1), rather than the general venue provisions in Nevada Revised Statutes chapter 13, governs venue for a contempt petition arising from a Board of Medical Examiners administrative subpoena.
2. Whether the phrase "the district court of the county in which the proceeding is being conducted" in Nevada Revised Statutes § 630.355(1) refers to the county where the Board's administrative work and hearings take place or the county where the investigated conduct occurred.
3. Whether the appeal was moot because the Board had obtained information enabling it to obtain the subpoenaed documents.

HOLDINGS

1. Nevada Revised Statutes § 630.355(1) is the specific venue statute governing a contempt action arising from a Nevada State Board of Medical Examiners proceeding, and it takes precedence over the general venue provisions in Nevada Revised Statutes chapter 13.
2. Venue for a contempt proceeding brought by the Nevada State Board of Medical Examiners under NRS 630.355(1) is proper in the county where the Board's administrative work is taking place, not necessarily where the investigated conduct occurred.
3. The appeal was not moot because the contempt proceedings remained pending and the Board could still seek sanctions for Jones's failure to comply with the subpoena.

KEY QUOTATIONS

"Thus, we affirm the district court's order denying the motion to change venue." (1)

"we interpret NRS 630.355(1) to mean that venue for a contempt proceeding brought by the Board under that statute is proper in the county where the administrative work of the Board is taking place." (8)

FACTUAL BACKGROUND

The Nevada State Board of Medical Examiners began an administrative investigation and filed a formal complaint against Carmen Jones, M.D., alleging, among other things, that she aided the unauthorized practice of medicine. The Board issued Jones an administrative subpoena for patient records, but she failed to comply. The Board's formal complaints, summary suspensions, hearings, and other administrative work were conducted through its office in Washoe County, while Jones resided and practiced medicine in Clark County.

PROCEDURAL HISTORY

The Board filed an administrative complaint against Jones and issued an administrative subpoena for patient records. After Jones failed to comply, the Board petitioned the Second Judicial District Court in Washoe County for an order compelling compliance and moved for contempt. Jones sought a change of venue to Clark County under Nevada's general venue statutes, but the district court denied the motion. The Nevada Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- National Collegiate Athletic Ass'n v. Tarkanian, 113 Nev. 610, 613, 939 P.2d 1049, 1051 (1997)
- Washoe County v. Otto, 128 Nev. , 282 P.3d 719, 724 (2012)
- Wheble v. Eighth Judicial District Court, 128 Nev. , 272 P.3d 134, 136 (2012)
- Personhood Nevada v. Bristol, 126 Nev. , 245 P.3d 572, 574 (2010)
- County of Clark v. Howard Hughes Co., LLC, 129 Nev. , 305 P.3d 896, 897 (2013)
- State, Division of Insurance v. State Farm Mutual Automobile Insurance Co., 116 Nev. 290, 294, 995 P.2d 482, 485 (2000)
- Transwestern Pipeline Co., LLC v. 17.19 Acres of Property Located in Maricopa County, 627 F.3d 1268, 1270 (9th Cir. 2010)
- National Coalition for Students v. Allen, 152 F.3d 283, 289 (4th Cir. 1998)
- We the People Nevada v. Miller, 124 Nev. 874, 881, 192 P.3d 1166, 1171 (2008)