

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

KENNETH KALSEM,
Appellant,
vs.
PAMELA FRENCH, F/K/A PAMELA
KALSEM,
Respondent.

No. 77545-COA

FILED

DEC 27 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

Kenneth Kalsem appeals from a district court order affirming a hearing master's report and recommendation in a child support matter. Eleventh Judicial District Court, Pershing County; Jim C. Shirley, Judge.

In the proceedings below, the district court found that, pursuant to the terms of the parties' 2014 decree of divorce, the matter was referred to a child support hearing master to determine the amount of arrears Kalsem owed to respondent Pamela French from the time French moved to Nevada until October 2011, when she initially requested child support. In the child support matter, the hearing master continued the case multiple times for Kalsem to obtain counsel and to submit relevant information relating to his income. After the hearing in August 2017, the hearing master found that Kalsem submitted some documentation relating to his income, but did not fully comply with the court's prior order to submit evidence. Based on the evidence before the court at that time, the hearing master determined that Kalsem's gross monthly income was \$3,196.00 during the relevant time frame, and that he owed arrears for a period of 17 months, from June 2010 (when French moved to Nevada) through October 2011, in the amount of \$9,775.00 plus penalties. The hearing master also determined that Kalsem owed child support arrears accrued from

November 1, 2012, through July 31, 2017, in the amount of \$1,011.01 and medical support arrears in the amount of \$170.00. Over Kalsem's objection and following a hearing, the district court affirmed the hearing master's findings and recommendations. This appeal followed.

This court reviews a child support order for an abuse of discretion. *Wallace v. Wallace*, 112 Nev. 1015, 1019, 922 P.2d 541, 543 (1996); *see also Flynn v. Flynn*, 120 Nev. 436, 440, 92 P.3d 1224, 1227 (2004). An abuse of discretion occurs when the district court's decision is not supported by substantial evidence. *Otak Nev., LLC v. Eighth Judicial Dist. Court*, 129 Nev. 799, 805, 312 P.3d 491, 496 (2013); *Williams v. Waldman*, 108 Nev. 466, 471, 836 P.2d 614, 617 (1992) (explaining that in divorce proceedings, this court generally will uphold a district court decision that is supported by substantial evidence).

On appeal, Kalsem challenges the district court's adoption of the hearing master's findings and recommendations. Based on our review of the record, substantial evidence supports the district court's conclusion that the hearing master's findings and recommendations were supported by substantial evidence in the record. *See Williams*, 108 Nev. at 471, 836 P.2d at 617. Notably, the hearing master specifically found that Kalsem failed to provide the information requested in a timely fashion and that his gross monthly income was imputed based on the relevant information the court had at the time of the hearing. To the extent Kalsem challenges the weight of the evidence presented, this court does not reweigh evidence on appeal. *See Quintero v. McDonald*, 116 Nev. 1181, 1183, 14 P.3d 522, 523 (2000) (refusing to reweigh evidence on appeal).

Moreover, to the extent Kalsem asserts he should not be obligated to pay any arrears prior to November 2011, the district court found that Kalsem was ordered to pay said arrears in the decree of divorce,

which has not been appealed.¹ And because a copy of the divorce decree does not appear in the record before us, we cannot evaluate whether the district court properly interpreted and applied the decree in this regard. As the appellant, Kalsem is responsible for making an adequate appellate record and because he “fail[ed] to include necessary documentation in the record, we necessarily presume that the missing portion supports the district court’s decision.” *Cuzze v. Univ. & Cmty. Coll. Sys. of Nev.*, 123 Nev. 598, 603, 172 P.3d 131, 135 (2007); *see also Carson Ready Mix, Inc. v. First Nat’l Bank of Nev.*, 97 Nev. 474, 476, 635 P.2d 276, 277 (1981) (explaining that this court cannot consider matters that do not properly appear in the record on appeal).

Accordingly, we

ORDER the judgment of the district court AFFIRMED.²


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

¹We note that there is nothing in the record to support, and Kalsem does not argue, that he ever appealed the decree of divorce.

²Insofar as Kalsem raises arguments that are not specifically addressed in this order, we have considered the same and conclude that they either do not present a basis for relief or need not be reached given the disposition of this appeal.

cc: Hon. Jim C. Shirley, District Judge
Kenneth Kalsem
Pamela French
Pershing County District Attorney
Pershing County Clerk