

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

BRADFORD ROBERTS,  
Appellant,  
vs.  
SHARATH CHANDRA,  
ADMINISTRATOR; AND THE STATE  
OF NEVADA DEPARTMENT OF  
BUSINESS AND INDUSTRY, REAL  
ESTATE DIVISION,  
Respondents.

No. 85066-COA

**FILED**

APR 08 2024

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY *ELIZABETH A. BROWN*  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Bradford Roberts appeals from a district court order granting a motion to dismiss his petition for judicial review in a real estate disciplinary matter. Eighth Judicial District Court, Clark County; Mary Kay Holthus, Judge.

Roberts was a licensed real estate broker and held a property management permit from respondent, the State of Nevada Department of Business and Industry, Real Estate Division (Division). After receiving a complaint about Roberts' brokerage, the Division initiated disciplinary proceedings against him before the Nevada Real Estate Commission (Commission). Following a hearing in the proceedings, which Roberts voluntarily did not attend, the Commission entered an order fining Roberts and revoking his real estate licenses and property management permit.

Roberts subsequently filed a petition for judicial review, naming the Division as respondent in the caption and listing the

Commission in the body of the petition under the heading “parties.” The Division 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. Roberts opposed the motion. The district court granted the Division’s motion to dismiss under NRCP 12(b)(1), finding it lacked jurisdiction based on Roberts’ failure to name the Commission as a respondent. This appeal followed.

On appeal, Roberts argues that the district court erred in dismissing his petition for lack of jurisdiction because he sufficiently named the Commission as a party in the body of the petition.

We review a motion to dismiss for lack of subject matter jurisdiction de novo. *Whitfield v. Nev. State Pers. Comm’n*, 137 Nev. 345, 349, 492 P.3d 571, 575 (2021). NRS 233B.130(2)(a) requires petitions for judicial review to “[n]ame *as respondents* the agency and all parties of record to the administrative proceeding.” (Emphasis added.) And as detailed in *Whitfield*, “a petitioner must name as respondents, within the caption or petition itself, every party of record to the underlying administrative proceedings.” 137 Nev. at 349, 492 P.3d at 575. Where the petitioner fails to strictly comply with this requirement, the petition must be dismissed as jurisdictionally defective. *Id.*

Here, Roberts mentioned the Commission in his petition under the “parties” heading, but failed to identify it as a respondent. Therefore, pursuant to *Whitfield*, 137 Nev. at 349, 492 P.3d at 575, he failed to strictly comply with NRS 233B.130(2)(a), and the district court correctly dismissed

his petition for lack of jurisdiction. Accordingly, we affirm the district court's dismissal of Roberts' petition.

It is so ORDERED.<sup>1</sup>

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Bulla

  
\_\_\_\_\_, J.  
Westbrook

cc: Hon. Mary Kay Holthus, District Judge  
Persi J. Mishel, Settlement Judge  
Wilde & Associates, LLC  
Attorney General/Carson City  
Attorney General/Reno  
Attorney General/Las Vegas  
Eighth District Court Clerk

---

<sup>1</sup>Given our resolution of this matter, we need not reach the remaining issues Roberts presents on appeal.