

IN THE SUPREME COURT OF THE STATE OF NEVADA

ALEXANDER FALCONI,
Appellant,
vs.
THE STATE OF NEVADA SECRETARY
OF STATE,
Respondent.

No. 56169

FILED

SEP 13 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court order denying a petition for judicial review. Second Judicial District Court, Washoe County; Steven R. Kosach, Judge.

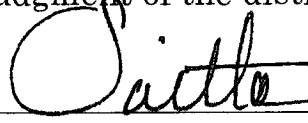
In October 2009, appellant Alexander M. Falconi filed a petition for judicial review in district court challenging respondent Secretary of State's decision to issue a fictitious address to the mother of Falconi's child. The Secretary opposed the petition on two grounds, that judicial review was improper since the decision to issue the fictitious address was not a contested "case" subject to judicial review and that, even if the decision was subject to judicial review, the decision was supported by substantial evidence and not arbitrary or capricious. The district court denied Falconi's petition for judicial review on the merits and this appeal followed.

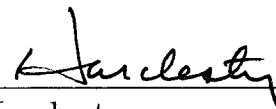
Judicial review of administrative decisions is limited to parties of record to the administrative proceeding who were aggrieved by a final decision in a contested case. See NRS 233B.130(1); see also Private Inv. Licensing Bd. v. Atherly, 98 Nev. 514, 515, 654 P.2d 1019, 1019 (1982) (recognizing that, under the APA, the district court only has jurisdiction to review a "contested case" in a licensing matter). Nevada's Administrative Procedure Act defines a contested case as "a proceeding, including but not

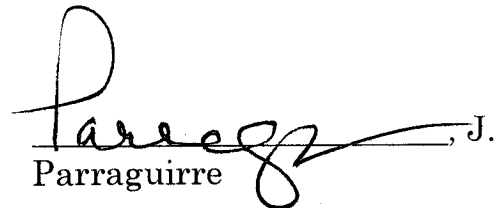
restricted to rate making and licensing, in which the legal rights, duties or privileges of a party are required by law to be determined by an agency after an opportunity for hearing, or in which an administrative penalty may be imposed." See NRS 233B.032.

On appeal, Falconi concedes that his petition for judicial review was improper, acknowledging the soundness of the Secretary's argument that this dispute was not a contested case subject to judicial review. As Falconi has conceded that the district court lacked jurisdiction over his petition for judicial review, and because this court will affirm a decision of the district court that reached the right result, albeit for the wrong reasons, see Sengel v. IGT, 116 Nev. 565, 570, 2 P.3d 258, 261 (2000), we

ORDER the judgment of the district court AFFIRMED.¹


_____, C.J.
Saitta


_____, J.
Hardesty


_____, J.
Parraguirre

cc: Hon. Steven R. Kosach, District Judge
Alexander Falconi
Attorney General/Carson City
Washoe District Court Clerk

¹Falconi has requested that this court convert his appeal into a petition for a writ of mandamus so that the merits of the Secretary of State's issuance of a fictitious address may be reviewed. We reject this request.