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PROPER VENUE FOR NEVADA BOARD OF MEDICAL EXAMINERS PROCEEDINGS

Summary

When the Nevada Board of Medical Examiners (the “Board”) issues a petition for contempt due to a party’s failure to comply with an administrative subpoena or otherwise properly participate in a proceeding before the Board, NRS 630.355 is the governing statute that allows the Board to enforce compliance with its administrative process. Pursuant to NRS 630.355, venue is proper “in the district court of the county in which the *proceeding* is being conducted (emphasis added).”² Venue for a *proceeding* under this statute is proper in the county where the administrative work of the Board takes place.

Factual and Procedural Background

Carmen Jones, M.D., (“Dr. Jones”) appealed the decision of the Second Judicial District Court, Washoe County, Nevada, denying her motion for a change of venue to the Eighth Judicial District Court, in Clark County Nevada. Dr. Jones argued that the district court failed to consider NRS 13.040 and the doctrine of forum non conveniens, in denying her motion.³ Relying on NRS 13.040, a general venue statute, Dr. Jones argued that Clark County was the proper venue, because that is where she resides and practices medicine and where the witnesses are located.⁴ Dr. Jones also argued that “proceeding” under NRS 630.355 referred to the Board’s investigation, which took place in Las Vegas.

Relying on NRS 630.355 as a governing statute, the Board argued that Washoe County was the proper venue for its contempt proceeding because it filed its formal administrative complaint in Washoe County, issued an order of summary suspension of her license in Washoe County, and the administrative proceeding was taking place in Washoe County.⁵ The Board also argued that “proceeding” under NRS 630.355 referred to its administrative process, including its hearings, which took place in Washoe County.

Discussion

NRS 630.355 is the controlling statute

A specific venue statute takes precedence over a general venue statute.⁶ Therefore, because NRS 630.355(1) specifically addresses the issue of proper venue in a contempt action arising from Board proceedings, and NRS 13.040 is a general venue statute, NRS 630.355(1) is the controlling statute when venue is challenged in a proceeding by the Board.

¹ By Janine Lee.

² NEV. REV. STAT. § 630.355(1)(d) (2013).

³ NEV. REV. STAT. § 13.040 (2013).

⁴ NEV. REV. STAT. § 13.040 (2013).

⁵ NEV. REV. STAT. § 630.355 (2013).

⁶ See *County of Clark v. Howard Hughes Co.*, 129 Nev. Adv. Op. 44, ___, 305 P.3d 896, 897 (2013).

Proceedings include hearings, suspensions, and subpoenas and orders issued by the Board

NRS 630.355(1)(d) states that venue is proper “in the district court of the county in which the proceeding is being conducted.”⁷ Because the parties ascribed different meanings to the use of the word “proceeding” in NRS 630.355(1)(d), and the statute does not define “proceeding,” the court looked beyond the plain meaning of the statute to determine where venue properly lies.⁸

Black’s Law Dictionary defines “proceeding” as the [t]he business conducted by a court or other official body; a hearing.”⁹ Thus, “proceeding” means “business conducted by” the Board, including hearings, suspensions, and the issuance of subpoenas and orders. Likewise, analogous Nevada statutes demonstrate that the Legislature provided for administrative boards, commissions and agencies to seek contempt orders and enforce subpoenas in the district court of the county where the administrative hearing takes place.

Conclusion

Because NRS 630.355(1) governs compliance with the Nevada State Board of Medical Examiners and venue lies in the county where the administrative work of the Board takes place, the district court properly denied Dr. Jones’ motion to change venue. Accordingly, the Court affirmed the decision of the Second Judicial District Court, holding that Washoe County was the proper venue for the contempt proceeding against Dr. Jones.

⁷ NEV. REV. STAT. § 630.355(1)(d) (2013).

⁸ See *State, Div. of Ins. v. State Farm Mut. Auto Ins. Co.*, 116 Nev. 290, 294, 995 P.2d, 482, 485 (2000) (“holding that a court should consider other sources . . . when a statute has no plain meaning”).

⁹ BLACK’S LAW DICTIONARY 1324 (9th ed. 2009).