

IN THE SUPREME COURT OF THE STATE OF NEVADA

CARA O'KEEFE, AN INDIVIDUAL,
Appellant,
vs.
THE STATE OF NEVADA
DEPARTMENT OF MOTOR VEHICLES,
Respondent.

No. 68460

FILED

JUN 27 2017

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

*ORDER GRANTING PETITION FOR REVIEW
AND DIRECTING SUPPLEMENTAL BRIEFING*

Having considered the petition for review in this matter and the answer thereto, we have determined that our review is warranted. Accordingly, the petition for review is granted. NRAP 40B(f). Further, as we conclude that supplemental briefing will be of assistance, appellant Cara O'Keefe, as petitioner, shall have 30 days from the date of this order to file and serve a supplemental opening brief addressing the following two issues presented for review:

- (1) Under what standard should a hearing officer review an appointing authority's disciplinary decision? *See, e.g.*, NRS 284.385; NRS 284.390; *Knapp v. State ex rel. Dept. of Prisons*, 111 Nev. 420, 424, 892 P.2d 575, 577 (1995) ("Generally, a hearing officer does not defer to the appointing authority's decision."); *Dredge v. State ex rel. Dep't of Prisons*, 105 Nev. 39, 42, 769 P.2d 56, 58 (1989) (indicating that a hearing officer must defer to the appointing authority's decision when security or safety are at stake, and discussing the hearing officer's role in reviewing disciplinary decisions); *Lapinski v. City of Reno*, 95 Nev. 898, 901, 603 P.2d 1088, 1090 (1979) (noting that the city council's role in reviewing an employment decision is to

determine whether substantial evidence in the record supports the decision).

- (2) Does a hearing officer have authority to determine that discipline imposed consistent with a disciplinary policy adopted by the State Personnel Commission does not serve the good of the public service and therefore was without just cause?

NRAP 40B(g). Respondent State of Nevada Department of Motor Vehicles shall file and serve a supplemental answering brief within 30 days after appellant's brief is served. Appellant shall then have 15 days after respondent's supplemental answering brief is served to file and serve any supplemental reply brief. Briefing shall comply with the relevant provisions of NRAP 28 to 32, and the parties may cite to either the record on appeal or any appendices submitted with the briefs.

It is so ORDERED.¹

Cherry, C.J.
Cherry

Douglas, J.
Douglas

Pickering, J.
Pickering

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

Stiglich, J.
Stiglich

¹The Honorable Mark Gibbons, Justice, did not participate in the decision of this matter.

cc: Hon. James E. Wilson, District Judge
Hejmanowski & McCrea LLC
Attorney General/Carson City
Brandon R. Price
Attorney General/Reno
Attorney General/Las Vegas
Carson City Clerk