

# IN THE SUPREME COURT OF THE STATE OF NEVADA

## INDICATE FULL CAPTION:

STEVEN EGGLESTON, individually,  
Appellant,  
vs.  
CLARK COUNTY DEPARTMENT OF  
FAMILY SERVICES,  
Respondent.

No. 87583

Electronically Filed  
Nov 30 2023 10:23 AM  
Elizabeth N Brown  
Clerk of Supreme Court

DOCKETING  
CIVIL APPEALS

## GENERAL INFORMATION

Appellants must complete this docketing statement in compliance with NRAP 14(a). The purpose of the docketing statement is to assist the Supreme Court in screening jurisdiction, identifying issues on appeal, assessing presumptive assignment to the Court of Appeals under NRAP 17, scheduling cases for oral argument and settlement conferences, classifying cases for expedited treatment and assignment to the Court of Appeals, and compiling statistical information.

## WARNING

This statement must be completed fully, accurately and on time. NRAP 14(c). The Supreme Court may impose sanctions on counsel or appellant if it appears that the information provided is incomplete or inaccurate. *Id.* Failure to fill out the statement completely or to file it in a timely manner constitutes grounds for the imposition of sanctions, including a fine and/or dismissal of the appeal.

A complete list of the documents that must be attached appears as Question 27 on this docketing statement. Failure to attach all required documents will result in the delay of your appeal and may result in the imposition of sanctions.

This court has noted that when attorneys do not take seriously their obligations under NRAP 14 to complete the docketing statement properly and conscientiously, they waste the valuable judicial resources of this court, making the imposition of sanctions appropriate. See KDI Sylvan Pools v. Workman, 107 Nev. 340, 344, 810 P.2d 1217, 1220 (1991). Please use tab dividers to separate any attached documents.

1. Judicial District First Department 2

County Carson City Judge James E. Wilson, Jr.

District Ct. Case No. 20 OC 00164 1B

**2. Attorney filing this docketing statement:**

Attorney William D. Schuller, Esq. Telephone (702) 862-8300

Firm Clark Hill PLLC

Address 1700 S. Pavilion Center Drive, Suite 500  
Las Vegas, Nevada 89135

Client(s) Appellant Steven Eggleston

If this is a joint statement by multiple appellants, add the names and addresses of other counsel and the names of their clients on an additional sheet accompanied by a certification that they concur in the filing of this statement.

**3. Attorney(s) representing respondents(s):**

Attorney Amity C. Latham, Esq. Telephone (702) 455-5320

Firm District Attorney's Office

Address Juvenile Division  
601 North Pecos Rd., #470  
Las Vegas, Nevada 89101

Client(s) Respondent Clark County Department of Family Services

Attorney Felicia Quinlan, Esq. Telephone (702) 455-5320

Firm District Attorney's Office

Address Juvenile Division  
601 North Pecos Rd., #470  
Las Vegas, Nevada 89101

Client(s) Respondent Clark County Department of Family Services

(List additional counsel on separate sheet if necessary)

**4. Nature of disposition below (check all that apply):**

- |  |   |
|--|---|
| <input type="checkbox"/> Judgment after bench trial                | <input type="checkbox"/> Dismissal:                                     |
| <input type="checkbox"/> Judgment after jury verdict               | <input type="checkbox"/> Lack of jurisdiction                           |
| <input type="checkbox"/> Summary judgment                          | <input type="checkbox"/> Failure to state a claim                       |
| <input type="checkbox"/> Default judgment                          | <input type="checkbox"/> Failure to prosecute                           |
| <input type="checkbox"/> Grant/Denial of NRCP 60(b) relief         | <input type="checkbox"/> Other (specify): _____                         |
| <input type="checkbox"/> Grant/Denial of injunction                | <input type="checkbox"/> Divorce Decree:                                |
| <input type="checkbox"/> Grant/Denial of declaratory relief        | <input type="checkbox"/> Original <input type="checkbox"/> Modification |
| <input checked="" type="checkbox"/> Review of agency determination | <input type="checkbox"/> Other disposition (specify): _____             |

**5. Does this appeal raise issues concerning any of the following?**

- ☐ Child Custody
- ☐ Venue
- ☐ Termination of parental rights

**6. Pending and prior proceedings in this court.** List the case name and docket number of all appeals or original proceedings presently or previously pending before this court which are related to this appeal:

EGGLESTON VS. STUART (Supreme Court Case No. 80838)  
EGGLESTON VS. STUART (Supreme Court Case No. 77168)

**7. Pending and prior proceedings in other courts.** List the case name, number and court of all pending and prior proceedings in other courts which are related to this appeal (e.g., bankruptcy, consolidated or bifurcated proceedings) and their dates of disposition:

STEVE EGGLESTON vs. GEORGINA STUART, et al.  
Case No. A-16-748919-C  
Clark County District Court  
Jury Trial Set for January 2024

**8. Nature of the action.** Briefly describe the nature of the action and the result below:

This appeal concerns the First Judicial District Court Department II denying a Petition for Judicial Review and affirming a final administrative decision of Hearing Officer Michelle O. Tobler, Esq., upholding the Clark County Department of Family Services substantiating a finding of Physical Injury (Abuse) - Physical Risk against Steve Eggleston pursuant to NRS Chapter 432B and NAC Chapter 432B.

**9. Issues on appeal.** State concisely the principal issue(s) in this appeal (attach separate sheets as necessary):

Issue #1: Was it procedurally improper for the District Court to order Hearing Officer Tobler to issue an amended decision?

Issue #2: Was the Department of Family Services' substantiation an arbitrary and capricious abuse of discretion?

**10. Pending proceedings in this court raising the same or similar issues.** If you are aware of any proceedings presently pending before this court which raises the same or similar issues raised in this appeal, list the case name and docket numbers and identify the same or similar issue raised:

N/A

**11. Constitutional issues.** If this appeal challenges the constitutionality of a statute, and the state, any state agency, or any officer or employee thereof is not a party to this appeal, have you notified the clerk of this court and the attorney general in accordance with NRAP 44 and NRS 30.130?

☒ N/A

☐ Yes

☐ No

If not, explain:

**12. Other issues.** Does this appeal involve any of the following issues?

☐ Reversal of well-settled Nevada precedent (identify the case(s))

☐ An issue arising under the United States and/or Nevada Constitutions

☐ A substantial issue of first impression

☐ An issue of public policy

☐ An issue where en banc consideration is necessary to maintain uniformity of this court's decisions

☐ A ballot question

If so, explain:

**13. Assignment to the Court of Appeals or retention in the Supreme Court.** Briefly set forth whether the matter is presumptively retained by the Supreme Court or assigned to the Court of Appeals under NRAP 17, and cite the subparagraph(s) of the Rule under which the matter falls. If appellant believes that the Supreme Court should retain the case despite its presumptive assignment to the Court of Appeals, identify the specific issue(s) or circumstance(s) that warrant retaining the case, and include an explanation of their importance or significance:

This matter is presumptively retained by the Supreme Court under NRAP 17(a)(10) ("Cases involving the termination of parental rights or NRS Chapter 432B").

**14. Trial.** If this action proceeded to trial, how many days did the trial last? \_\_\_\_\_

Was it a bench or jury trial? \_\_\_\_\_

**15. Judicial Disqualification.** Do you intend to file a motion to disqualify or have a justice recuse him/herself from participation in this appeal? If so, which Justice?

N/A

## TIMELINESS OF NOTICE OF APPEAL

**16. Date of entry of written judgment or order appealed from** Oct 13, 2023

If no written judgment or order was filed in the district court, explain the basis for seeking appellate review:

**17. Date written notice of entry of judgment or order was served** Oct 20, 2023

Was service by:

☐ Delivery

☒ Mail/electronic/fax

**18. If the time for filing the notice of appeal was tolled by a post-judgment motion (NRCP 50(b), 52(b), or 59)**

(a) Specify the type of motion, the date and method of service of the motion, and the date of filing.

☐ NRCP 50(b)      Date of filing \_\_\_\_\_

☐ NRCP 52(b)      Date of filing \_\_\_\_\_

☐ NRCP 59      Date of filing \_\_\_\_\_

**NOTE: Motions made pursuant to NRCP 60 or motions for rehearing or reconsideration may toll the time for filing a notice of appeal. See AA Primo Builders v. Washington, 126 Nev. \_\_\_\_, 245 P.3d 1190 (2010).**

(b) Date of entry of written order resolving tolling motion \_\_\_\_\_

(c) Date written notice of entry of order resolving tolling motion was served \_\_\_\_\_

Was service by:

☐ Delivery

☐ Mail

**19. Date notice of appeal filed** \_\_\_\_\_

If more than one party has appealed from the judgment or order, list the date each notice of appeal was filed and identify by name the party filing the notice of appeal:

**20. Specify statute or rule governing the time limit for filing the notice of appeal, e.g., NRAP 4(a) or other**

NRAP 4(a) \_\_\_\_\_

**SUBSTANTIVE APPEALABILITY**

**21. Specify the statute or other authority granting this court jurisdiction to review the judgment or order appealed from:**

(a)

- |  |  |
|--|--|
| <input type="checkbox"/> NRAP 3A(b)(1)         | <input type="checkbox"/> NRS 38.205              |
| <input type="checkbox"/> NRAP 3A(b)(2)         | <input checked="" type="checkbox"/> NRS 233B.150 |
| <input type="checkbox"/> NRAP 3A(b)(3)         | <input type="checkbox"/> NRS 703.376             |
| <input type="checkbox"/> Other (specify) _____ |  |

(b) Explain how each authority provides a basis for appeal from the judgment or order: NRS Chapter 322B is the Nevada Administrative Procedure Act. The order appealed from concerns a Petition for Judicial Review filed pursuant to NRS 233B.130. “An aggrieved party may obtain a review of any final judgment of the district court by appeal to the appellate court of competent jurisdiction pursuant to the rules fixed by the Supreme Court” and such an “appeal shall be taken as in other civil cases.” NRS 233B.150.



**22. List all parties involved in the action or consolidated actions in the district court:**

(a) Parties:

STEVEN EGGLESTON, Petitioner

DEPARTMENT OF FAMILY SERVICES, CHILD SUPPORT SERVICES, CLARK  
COUNTY, NEVADA, Respondent

(b) If all parties in the district court are not parties to this appeal, explain in detail why those parties are not involved in this appeal, *e.g.*, formally dismissed, not served, or other:

**23. Give a brief description (3 to 5 words) of each party's separate claims, counterclaims, cross-claims, or third-party claims and the date of formal disposition of each claim.**

Steven Eggleston - Petition for Judicial Review (October 13, 2023)

**24. Did the judgment or order appealed from adjudicate ALL the claims alleged below and the rights and liabilities of ALL the parties to the action or consolidated actions below?**

☒ Yes

☐ No

**25. If you answered "No" to question 24, complete the following:**

(a) Specify the claims remaining pending below:

(b) Specify the parties remaining below:

(c) Did the district court certify the judgment or order appealed from as a final judgment pursuant to NRCP 54(b)?

☐ Yes

☒ No

(d) Did the district court make an express determination, pursuant to NRCP 54(b), that there is no just reason for delay and an express direction for the entry of judgment?

☐ Yes

☒ No

**26. If you answered "No" to any part of question 25, explain the basis for seeking appellate review (e.g., order is independently appealable under NRAP 3A(b)):**

The Amended Order Denying Petition for Judicial Review is independently appealable under NRAP 3A(b)(1).

**27. Attach file-stamped copies of the following documents:**

- é The latest-filed complaint, counterclaims, cross-claims, and third-party claims
- é Any tolling motion(s) and order(s) resolving tolling motion(s)
- é Orders of NRCP 41(a) dismissals formally resolving each claim, counterclaims, cross-claims and/or third-party claims asserted in the action or consolidated action below, even if not at issue on appeal
- é Any other order challenged on appeal
- é Notices of entry for each attached order

## VERIFICATION

I declare under penalty of perjury that I have read this docketing statement, that the information provided in this docketing statement is true and complete to the best of my knowledge, information and belief, and that I have attached all required documents to this docketing statement.

Steven Eggleston  
Name of appellant

William D. Schuller, Esq.  
Name of counsel of record

Nov 30, 2023  
Date

/s/ William D. Schuller, Esq.  
Signature of counsel of record

Clark County, Nevada  
State and county where signed

## CERTIFICATE OF SERVICE

I certify that on the 30th day of November, 2023, I served a copy of this completed docketing statement upon all counsel of record:

- ☐ By personally serving it upon him/her; or
- ☒ By mailing it by first class mail with sufficient postage prepaid to the following address(es): (NOTE: If all names and addresses cannot fit below, please list names below and attach a separate sheet with the addresses.)

Amity C. Latham, Esq.  
Felicia Quinlan, Esq.  
Juvenile Division  
601 North Pecos Rd., #470  
Las Vegas, Nevada 89101

Dated this 30th day of November, 2023

/s/ Tanya Bain  
Signature

STEVE EGGLESTON  
10a Market Place  
Shepton Mallet, England, BA4 5AZ  
+44 (0)7784 850 751  
Appellant, Pro Se

REC'D & FILED  
2020 NOV 17 PM 1:04

DISTRICT COURT  
CARSON CITY, NEVADA  
AUBREY ROWLATT  
CLERK  
BY ADA K. PETERSON  
DEPUTY

STEVEN EGGLESTON  
Appellant.

Case No: 20 CC 001641B  
Dept: II

-vs-

CLARK COUNTY DEPARTMENT OF  
FAMILY SERVICES

CASE NO. 1362581

PETITION FOR JUDICIAL  
REVIEW  
(NRS 233B.130)

Respondent.

COMES NOW APPELLANT STEVEN EGGLESTON, who petitions for judicial review  
and alleges as follows:

1. Appellant appealed an alleged Substantiation of child abuse/neglect.
2. Appellant Moved for Further Clarification of the allegations; moved multiple times to Dismiss the alleged Substantiation as baseless, fraudulent, etc.; moved to Continue the hearing; and moved to Disqualify certain parties, including Hearing Office Michelle O. Tobler, Esq., among other illegalities, irregularities, and corruptions.
3. On 15 September 2020, the hearing was held without Appellant's participation in what can only be described as a Star Chamber setting, an abuse of process, and a scenario of corruption and racketeering.
4. All of the relief requested by Appellant was denied or not considered.

1        5. On 15 October 2020, HO Michelle O. Tobler, Esq., who herself was improperly selected  
2 as HO, further denied all the requested relief and entered false, erroneous, fraudulent,  
3 defamatory, and perjurious findings, to which she was complicit, in an effort to aid Respondent  
4 in unlawfully, unconstitutionally, and perversely defeating Appellant's civil rights claims  
5 currently pending before the Nevada Supreme Court. These rulings were served by email on 20  
6 October 2020. To Appellant's knowledge, they have never been served by mail.

7  
8        6. The Agency/HO decisions and findings entered thereby were and are erroneous; not  
9 supported by substantial evidence; in violation of state and federal constitutional, statutory, and  
10 regulatory provisions; in excess of the Agency's statutory, constitutional, and regulatory  
11 authority; made upon an unlawful and corrupt procedure and process; are affected by substantial  
12 errors of law, procedure, and evidence; are clearly erroneous in light of the whole record; and are  
13 arbitrary and capricious.

14  
15        7. In addition to the foregoing, the Agency Respondent and individuals acting on its behalf,  
16 including the HO, lacked any constitutional, statutory, regulatory, or subject matter jurisdiction  
17 over the cause, were and are barred by res judicata and collateral estoppel and other judicial  
18 doctrines of estoppel and waiver from making the orders and findings, and lacked subject matter  
19 jurisdiction to act as they did.

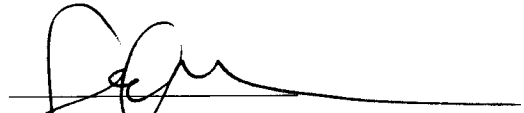
20        8. Further, the entire Agency proceeding constitutes and is subject to federal claims of  
21 racketeering, abuse of process, and civil rights violations, of which the Agency, its officers and  
22 the HO have been made aware and served, thereby making the entire proceeding a travesty of  
23 justice designed to fraudulently evade accountability and responsibility, cover up crimes  
24 committed (including kidnapping, trespass, assault, obstruction of justice, and perjury), not only  
25 as to Appellant but other members of his family and other families in Nevada.  
26

27        ///

28        ///

1 WHEREFORE, Appellant requests that all decisions entered below be set  
2 aside/overtaken/rescinded/expunged, that Appellant's name be removed from the CAPTA  
3 registry retroactively to the beginning, that the actions taken and his family be declared unlawful,  
4 corrupt and unconstitutional, and for such other and further relief as shall be deemed by the Court  
5 as just, equitable and proper.

6 DATE: November 16, 2020

7   
8 STEVE EGGLESTON  
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1 **CERTIFICATE OF SERVICE**

2  
3 I hereby certify that PERSONAL SERVICE of the above **PETITION FOR**  
4 **JUDICIAL REVIEW** was made this \_\_\_\_\_ November, 2020, as follows:

5 HEAD OF THE CLARK COUNTY DEPARTMENT OF FAMILY SERVICES

6 TIM BURCH, ADMINISTRATOR, CLARK COUNTY HUMAN SERVICES

7 CLARK COUNTY, NEVADA

8  
9 AARON DARNELL FORD

10 ATTORNEY GENERAL OF THE STATE OF NEVADA

11 OFFICE OF THE ATTORNEY GENERAL

12 CARSON CITY, NEVADA

**COPY**

STEVEN B. WOLFSON

District Attorney

State Bar No. 001565

By: **AMITY C. LATHAM**

Chief Deputy District Attorney

State Bar No. 009316

Amity.Latham@ClarkCountyDA.com

By: **FELICIA QUINLAN**

Chief Deputy District Attorney

State Bar No. 11690

Felicia.Quinlan@ClarkCountyDA.com

Juvenile Division

601 North Pecos Rd., #470

Las Vegas, Nevada 89101

(702) 455-5320

(702) 384-4859 fax

Attorneys for Clark County

Department of Family Services

REC'D

2023 OCT 20 AM 10:35

WILLIAM SCOTT  
CLERK

BY \_\_\_\_\_ DEPUTY

**FIRST JUDICIAL DISTRICT COURT  
CARSON CITY, NEVADA**

Steven Eggleston,

Petitioner,

vs.

Clark County Department of Family  
Services,

Respondent.

Case No: 20 OC 00164 1B

Dept.: II

**NOTICE OF ENTRY OF ORDER**

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1 PLEASE TAKE NOTICE that an Amended Order Denying Petition for  
2 Judicial Review was entered by the Court in the above-captioned case on October  
3 13, 2023 and the attached is a true copy thereof.

4 DATED this 16<sup>th</sup> day of October, 2023.

5 Submitted by:

6 STEVEN B. WOLFSON  
7 District Attorney

8  
9 By: 

10 AMITY C LATHAM,  
11 Nevada Bar No. 9316  
12 Chief Deputy District Attorney  
13 601 N. Pecos, Rm. 470  
14 Las Vegas, NV 89101

15  
16  
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19  
20  
21  
ACL/epw

1 STEVEN B. WOLFSON  
District Attorney  
2 State Bar No. 001565  
By: AMITY C. LATHAM  
3 Chief Deputy District Attorney  
State Bar No. 009316  
4 Amity.Latham@ClarkCountyDA.com  
By: FELICIA QUINLAN  
5 Chief Deputy District Attorney  
State Bar No. 11690  
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601 North Pecos Rd., #470  
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9 (702) 384-4859 fax  
Attorneys for Clark County  
10 Department of Family Services

BY 

11 DISTRICT COURT  
12 CARSON CITY, NEVADA

13 Steven Eggleston,

14 Petitioner,

15 vs.

16 Clark County Department of Family  
17 Services,

18 Respondent.  
19  
20

Case No: 20 OC 00164 1B

Dept.: II

21  
22 **AMENDED ORDER DENYING PETITION FOR JUDICIAL REVIEW**

23 The matter, having come before the Court on a Petition for Judicial Review,  
24 and the Court, having considered the relevant briefing and legal authorities, and  
25 good cause appearing, this Court finds as follows:  
26

27 ///

1  
2 **STATEMENT OF THE CASE**

3 This is a petition for review of a final administrative decision of hearing  
4 officer Michelle Tobler rendered on October 15, 2020, upholding a substantiation  
5 by the Clark County Department of Family Services. Steven Eggleston  
6 (hereinafter Petitioner) was substantiated on a finding of Physical Injury (Abuse)  
7 Physical Risk pursuant to NRS 432B and NAC 432B.  
8

9 On December 22, 2014, the Department of Family Services (hereinafter  
10 DFS) received a report at the child abuse and neglect hotline alleging negligent  
11 treatment. Georgina Stuart investigated the allegations. On January 5, 2015, an  
12 allegation was substantiated against Petitioner. On February 2, 2015, a  
13 substantiation letter was sent to Petitioner. On February 12, 2015, Petitioner  
14 requested an agency appeal, naming Emily McFarling as his legal counsel. On  
15 August 27, 2015, DFS issued a Finding of Substantiation upholding the  
16 substantiated finding. On September 9, 2015, Petitioner requested an  
17 administrative hearing. Again, at the time, he indicated his attorney was Emily  
18 McFarling.  
19  
20  
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23 On October 6, 2015, Gregor Mills office contacted DFS and indicated he  
24 may represent Petitioner in the substantiation matter. It wasn't until December 30,  
25 2015, that Mr. Mills office indicated they were not paid and therefore were not  
26 retained by Petitioner. On December 26, 2016, Petitioner filed a lawsuit against  
27  
28

1 DFS.

2 On March 3, 2017, a letter was mailed to Petitioner giving him two dates for  
3 an administrative hearing. Petitioner chose August 1, 2017. Due to hearing officer  
4 unavailability, the hearing had to be rescheduled. Petitioner was given a multitude  
5 of dates to choose from. On June 1, 2017, Petitioner chose September 6, 2017, as  
6 his administrative hearing date.  
7

8 On August 2, 2017, Petitioner requested to cancel his hearing of September  
9 6, 2017, despite choosing this date himself. The hearing was rescheduled to  
10 October 24, 2017. On October 4, 2017, Petitioner emailed DFS citing a multitude  
11 of excuses regarding why he could not have the hearing that date, to include his  
12 Visa.  
13

14 The hearing was vacated due to his immigration issues, but he was asked to  
15 provide proof of said immigration issues and when they might resolve so a firm  
16 date could be set. Petitioner never responded to the request for proof of  
17 immigration issues nor of a date for an administrative hearing. Having heard  
18 nothing for nine months, DFS reset the hearing for September 11, 2018. Petitioner  
19 made excuses as to why he could not appear on that date, notably that he would be  
20 in Washington DC. It appears his immigration issues cleared up between October  
21 4, 2017, and July 20, 2018, when he sent the email, but he didn't notify DFS of his  
22 immigration issues being cleared up so that the hearing could go forward.  
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1 On July 31, 2018, and August 17, 2018, DFS asked Petitioner for dates he  
2 could be present for his administrative hearing. Those requests were ignored. On  
3 January 31, 2020, DFS requested Petitioner choose between two dates for his  
4 administrative hearing. On February 10, 2020, he chose June 23, 2020, for his  
5 administrative hearing.  
6  
7

8 In anticipation of the October 24, 2017, hearing date, the administrative  
9 hearing packet was mailed to Petitioner by registered mail, article #RB 571 946  
10 793 US, on September 14, 2017. Additionally, it was emailed to Petitioner on May  
11 27, 2020.  
12

13 On April 18, 2020, Petitioner made an Application for a More Definite  
14 Statement. On May 5, 2020, DFS presented both Petitioner and the hearing officer  
15 with a Response to Application for More Definite Statement. The response was in  
16 compliance with NRS 233B.  
17  
18

19 With the administrative hearing date set as June 23, 2020, Petitioner began a  
20 barrage of emails and/or documents. On May 22, 2020, he emailed a "motion to  
21 strike and/or motion to dismiss; alternatively, application for more definitive  
22 statement<sup>1</sup>, request for clarification of due process standards (including burden of  
23 proof), request to order witnesses present at hearing (or for issuance of subpoenas  
24 (sic)), request to present testimony by phone, demand that proceedings be  
25  
26  
27

28 <sup>1</sup> Despite having previously received the same.

1 reported, demand for production of evidence of collusion and conflict; motion in  
2 limine; motion for disqualification of hearing officer.” Within it he accused the  
3 hearing officer of financial benefit, bias, and prejudice, all without any proof. On  
4 June 5, 2020, Petitioner sent an email to DFS stating he was buying a plane ticket,  
5 but put the DA’s Office, the Fair Hearing Office and all involved that he intends to  
6 hold everyone fully accountable for any suffering or injuries he sustains in  
7 traveling to Las Vegas in these dangerous times.<sup>2</sup> On June 8, 2020, DFS opposed  
8 the motion.  
9

10  
11  
12 On June 10, 2020, Petitioner emailed a notice of witness and/or expert  
13 witnesses demand to present witnesses remotely and/or by phone request for  
14 judicial notice of court filings. Further, on June 10, 2020, Petitioner emailed  
15 indicating he had 750+ pages of exhibits he was federal expressing to the hearing  
16 officer and the DA. That was 13 days before his administrative hearing was set to  
17 begin. On June 12, 2020, Petitioner emailed a motion to DFS which was to  
18 disqualify the hearing officer. This was based on him finding a federal lawsuit  
19 involving a pro per father (not Petitioner) who sued 24 defendants in federal court,  
20 one of which was the hearing officer because her law firm had represented his ex-  
21 wife in a family matter. Petitioner admitted to googling and finding this. The  
22 lawsuit was filed in 2012 and was dismissed against all defendants in 2019.  
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27 <sup>2</sup> In addition to that threat, within the previously mentioned motion, he states that DFS was forcing him to “travel at  
28 the age of 64 with respiratory issues through the toxic clouds of the COVID-19 pandemic.”

1 However, the hearing officer was swiftly dismissed from the lawsuit in 2012.

2 Further, it had absolutely nothing to do with the administrative hearing. Within the  
3 motion, he threatened to sue all parties involved in the administrative hearing, thus  
4 beginning a campaign to threaten and terrorize anyone involved with the hearing.  
5 DFS filed an opposition. On June 13, 2020, he emailed supplemental exhibits. He  
6 also added more witnesses he wanted to call remotely or by telephone.  
7

8  
9 Despite never conceding there was any basis for her to be disqualified, the  
10 original hearing officer recused herself. Having received what he perceived to be a  
11 win, Petitioner next filed a motion to disqualify a manager of DFS and the District  
12 Attorney's Office on June 18, 2020, five days before the hearing was set to begin.  
13

14 Within said motion, Petitioner takes the hearing officer recusing herself to mean  
15 that DFS and the DA knew of the conflict (despite the hearing officer specifically  
16 saying there wasn't one) and actively conspired against him, all without any proof.  
17

18 Within this document, he also includes a list of individuals and entities he  
19 threatens, once again, to sue, to include everyone involved in the administrative  
20 hearing. DFS opposed the motion. Additionally, on June 20, 2020, Petitioner  
21 emailed an objection to notice of administrative hearing, threat to make entry in the  
22 central registry without further notice unauthorized (sic) participation of district  
23 attorney's office in judicial adjudication and further demand for fair trial. Within  
24 which he states, "Eggleston has researched Ms. Tobler online, and she seems like a  
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1 nice person; reminds him of my mother's sister (S)." On June 23, 2020, Petitioner  
2 further emailed a demand for litigation hold and production of records to hearing  
3 officer.  
4

5 On June 26, 2020, Petitioner emailed a reply to the opposition to motion to  
6 disqualify DFS/DA's Office, along with a proposed federal complaint he  
7 threatened to file, inexplicably, in Illinois, naming again, everyone involved in the  
8 administrative hearing, this time to include the new hearing officer that had been  
9 assigned. Remarkably, the new hearing officer, despite being "named in a lawsuit"  
10 in Illinois by Petitioner, was not bullied into recusing herself. On July 1, 2020, she  
11 issued decisions on the motions to disqualify DFS and the DA's office, as well as  
12 to strike and/or motion to dismiss; alternatively, application for more definitive  
13 statement, request for clarification of due process standards (including burden of  
14 proof), request to order witnesses present at hearing (or for issuance of subpoenas  
15 (sic)), request to present testimony by phone, demand that proceedings be reported,  
16 demand for production of evidence of collusion and conflict; motion in limine;  
17 motion for disqualification of hearing officer.  
18

19 On June 29, 2020, Petitioner again emailed a third updated exhibit list. On  
20 September 5, 2020, he again emailed a third updated notice of witness/documents  
21 and/or expert witnesses demand to present witnesses remotely and/or by phone  
22 request for judicial notice of court filings. On September 14, 2020, one day before  
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1 the administrative hearing was to begin, Petitioner once again emailed an Illinois  
2 complaint, threatening to sue everyone involved in the administrative hearing. He  
3 further emailed a motion for continuance and objection to short notice of hearing,  
4 hearing by Webex to which eggleston has not consented, concealed entry in the  
5 capta central registry making hearing moot unauthorized participation of conflicted  
6 hearing officer and district attorney's office. He further filed a motion to  
7 disqualify the new hearing officer, and the manager of DFS, and the District  
8 Attorney's Office, again, despite both of those requests being ruled on.  
9 Remarkably, the second threat and complaint from Illinois also did not deter the  
10 second hearing officer, and she issued decisions, denying these motions.  
11

12 On August 11, 2020, an email was sent to Petitioner, and attached were a  
13 letter setting the hearing for September 15, 2020, and Administrative Hearing  
14 Guidelines as the hearing was conducted via WebEx, a platform that allowed for  
15 virtual hearings during the global pandemic. (CC0615-0617). Counsel for DFS  
16 informed the Hearing Officer Petitioner was notified of the September 15, 2020,  
17 hearing on August 11, 2020. (CC0117). The petitioner does not deny this notice.  
18 CC0396 to CC0403 contain Petitioner's 10-page motion to continue, which he  
19 emailed the day before on September 14, 2020. This both indicates he is aware of  
20 the September 15, 2020, date, and objects to it, though his motion to continue was  
21 denied by the hearing officer at the outset of the administrative hearing. "I don't  
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1 believe that there is any reason to continue the hearing. Mr. Eggleston had  
2 sufficient notice of the hearing, over a month since the hearing was reset, to make  
3 sufficient accommodations to be at a location where he could conduct the hearing  
4 via WebEx, and he's made arguments that he can't come here. And also, that the  
5 hearings shouldn't proceed by WebEx. So, I believe that the hearings should go  
6 forward by WebEx and I don't believe that there is any reason to have another  
7 continuance since this case has been going on for several years now. (CC 0116).  
8 And also later in writing, wherein she states, "I found that the August 11, 2020,  
9 notice of the fair hearing scheduled for September 15, 2020 is sufficient notice."  
10 (CC 0443). Further stating, "In Mr. Eggleston's June 20, 2020, objection to the  
11 fair hearing being rescheduled from June 23, 2020, to June 30, 2020, he stated that  
12 he was ready to proceed with the fair hearing on June 23, 2020, which was being  
13 held via WebEx. Between receiving the August 11, 2020, notice of hearing and  
14 just prior to the hearing, Mr. Eggleston was sending emails regarding having his  
15 Exhibits bates-stamped prior to the scheduled hearing." (CC0444).  
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22 On September 14, 2020, Petitioner emailed a motion to disqualify, wherein  
23 he states he is attempting to enjoin and declare unconstitutional the Nevada  
24 CAPTA Registry hearing scheduled for September 15, 2020..." (CC 0408). On  
25 the same date, he emails a demand for a jury trial wherein he references the  
26 hearing date four times. (CC 0418, 0423, 0424, 0425). On September 1, 2020,  
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28

1 Petitioner sends an email to DFS, which stated "you have schedule a third hearing  
2 date this summer for 9/15/20..."(CC0685-CC0689).  
3

4 On September 15, 2020, an administrative hearing was presided over by  
5 hearing officer Michelle Tobler, who is not employed by DFS and is an  
6 independent attorney contracted with the county to hear administrative hearings.  
7 Petitioner states, in his Opening Brief, page 4 of 14, lines 11-13 "Just four days  
8 later, on September 15, 2015, Tobler held a hearing in this matter via WebEx video  
9 conference...Mr. Eggleston was thus unable to call any of his witnesses."  
10 Petitioner did request an administrative hearing on September 9, 2015. However,  
11 his administrative hearing was held, not four days later, but five years and four  
12 days later, on September 15, 2020. Petitioner stated he submitted a witness list of  
13 over 30 individuals.<sup>3</sup> However, after five years, his witness list was 98 individuals.  
14 And the reason he couldn't present any witnesses is he chose not to participate in  
15 the administrative hearing. On October 15, 2020, hearing officer Tobler issued her  
16 written decision. The substantiation was upheld.  
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#### 22 **STATEMENT OF FACTS**

23 On September 15, 2020, a hearing was held in which the Clark County  
24 Department of Family Services called investigators Sheri Hensel and Georgina  
25 Stewart as witnesses, and in which Petitioner refused to participate. The beginning  
26 of the hearing was argument on the emails Petitioner had sent on September 14,  
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28 <sup>3</sup> Petitioner's Opening Brief, page 4 of 14, line 10.

1 2020, "motion for continuance and objection to short notice of hearing, hearing by  
2 Webex to which eggleston has not consented, concealed entry in the capta central  
3 registry making hearing moot unauthorized participation of conflicted hearing  
4 officer and district attorney's office. In defending his "motions", Petitioner stated  
5 "we're in the process of filing and everybody will be served with a complaint for  
6 civil rights violations and racketeering. All-both of you are defendants in that  
7 lawsuit. No matter what she said, there's absolutely no way in the world that you  
8 can proceed with the hearing since you're a defendant in a federal lawsuit that I'm  
9 bringing against you." He further stated, "I've got to go pick up my daughter in 30  
10 minutes." Clearly evidencing that, if his threat to sue did not work (it did not) he  
11 would not be participating in the administrative hearing anyway.

12 If the fact he had to pick up his daughter didn't work, then he attempted to  
13 set up a defense that his internet didn't work. Yet, when counsel for DFS was  
14 allowed to respond to him, his internet was strong enough that he could interrupt  
15 and yell (while also saying he didn't know what counsel just said). His behavior  
16 then devolves into accusations and cursing. Despite continuing to state that his  
17 internet did not work and he couldn't hear, he heard enough to interrupt every  
18 other person at the hearing. When the hearing officer ultimately rules against his  
19 motion, he says, very clearly, "I'm suing you." After hearing clearly, the ruling  
20 against him and further threatening to sue, he claims he can't hear anything. He  
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1 then called counsel for DFS "you're such a wise ass." The hearing officer then  
2 made a specific finding that it was clear Petitioner could hear the proceedings,  
3 because he kept interrupting them.  
4

5 The remainder of his motions were denied. At that point, his 98-person  
6 witness list was discussed, at which point he participates fully in the discussion,  
7 and then stated, "I haven't heard anything she said for almost ten minutes." That  
8 was after he fully participated in a discussion about who was on his 98-person  
9 witness list. He then goes on to call counsel for DFS a liar, while also stating that  
10 he can't hear what's happening. When the hearing officer begins the hearing, after  
11 having denied his motion to continue, Petitioner sends an email stating he is  
12 rebooting (11:08 am) and then that he isn't participating. (11:14 am). It is evident  
13 Petitioner never, since 2015, had any intention of participating in the  
14 administrative hearing at any time, on any format.  
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19 At the hearing, Sheri Hensel testified she was a Senior Family Services  
20 Specialist with DFS and had been so employed for twelve years. She identified the  
21 report that was called in to the DFS hotline, prior to the report at issue. The  
22 concerns contained within the report were that the police were called out to the  
23 home because two children were unsupervised in the apartment complex for about  
24 an hour, running around the parking lot with no shoes on.  
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1 Sheri's Unity Notes were identified by her and admitted as DFS exhibit 5.  
2  
3 Additionally, Sheri's Nevada Initial Assessment was identified and admitted as  
4 DFS exhibit 6. Sheri had a conversation with Laura Rodriguez, the mother of  
5 Hunter and Ryder (although the children involved were not Hunter and Ryder,  
6 rather half siblings), in which she told Laura younger children should be always in  
7 line of sight if they are outside. Also present for the conversation was Petitioner,  
8 who at the time, was not living in the home. The police also responded to the  
9 unsupervised children.  
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11

12 Georgina Stewart testified she was a Child Development Supervisor with  
13 DFS and had been so employed for fifteen years. She identified the report that was  
14 called in to the DFS hotline that was at issue for this substantiation. The concerns  
15 contained within the report were that Laura was abusing drugs and alcohol and  
16 placing the young children at risk.  
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19 Georgina's Unity Notes were identified by her and admitted as DFS exhibit  
20 5. Additionally, Georgina's Nevada Initial Assessment was identified and  
21 admitted as DFS exhibit 13. On December 23, 2014, Georgina responded to the  
22 family home. She found Hunter and Ryder, as well as their half siblings Kendall  
23 and James home, but neither parent was home. The children were being  
24 supervised by a boyfriend of an adult sibling who was visiting for the holidays. He  
25 reported the adult daughters were at the hospital with their mother Laura.  
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1 Allegedly Petitioner was at work. Georgina was not allowed into the home or to  
2 lay eyes on any of the children.  
3

4 On December 24, 2014, Georgina spoke to Laura while she was at Monte  
5 Vista. Laura reported the morning of the incident she was stressed out because  
6 there were no Christmas presents under the tree (Georgina had brought Christmas  
7 presents to the family the night before-despite them not letting her in to interview  
8 the children, they did let her in to drop off Christmas presents). She asked  
9 Petitioner for money for Christmas gifts, he said the money they had was being  
10 used for bills and there would be no Christmas. She was overwhelmed and had  
11 been drinking, she got into the bathtub and filled it with water. She was making  
12 threatening statements that she no longer wanted to live. An adult daughter called  
13 911. Law enforcement responded and Laura was placed on a Legal 2000 hold. She  
14 was transported to St. Rose hospital then to Monte Vista.  
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19 She further reported to being released from Monte Vista on Christmas, with  
20 additional mental health medications. She indicated she would be going to Monte  
21 Vista for the partial program Monday through Friday and would follow up with her  
22 psychiatrist. She admitted to drinking regularly, being stressed out with the kids,  
23 and because her and Petitioner argued a lot because he didn't help co parent the  
24 children, which caused her stress.  
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1           Also on December 24, 2014, Georgina visited the family home again  
2           wherein she spoke to Petitioner. She advised him of the allegations contained in  
3           the report. She and Petitioner formulated a present danger plan, which was  
4           identified as exhibit 10. It required Petitioner to provide 24-hour supervision of  
5           Laura with the children. Petitioner signed the plan. Laura was released from the  
6           hospital and reported to Georgina she was abiding by the safety plan. Georgina  
7           made a referral to Boys town for in home safety services and family support  
8           services.  
9

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12           On December 29, 2014, another report was received by the hotline. The  
13           report contained allegations that Hunter was admitted to Sunrise Hospital because  
14           his appendix had ruptured. Neither parent had brought Hunter to the hospital,  
15           rather an adult sibling had done so. She reported she brought the child to the  
16           hospital because her mother was on another legal hold and Petitioner had left the  
17           hospital to go to work.  
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20           By this time, the adult daughters had to leave the home to return to college  
21           and were concerned about the supervision their younger siblings would have.  
22           They reported that during the short time they were there, their mother had been  
23           hospitalized three times, had been drinking, had misused Xanax, and that she  
24           would go missing for hours and they wouldn't know where she was. They also  
25           reported concern about Petitioner's limited contact with Hunter at the hospital.  
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1 On January 5, 2015, in addition to Boys Town services, Georgina also put in  
2 place Mojave Mental Health Services for the family. On January 6, 2015, she  
3 referred Hunter to SNHD for aftercare assistance after he left the hospital. On  
4 January 7, 2015, Georgina again visited the home. She expressed concerns that the  
5 adult children were leaving, and that during Laura's hospitalizations, Petitioner had  
6 failed to parent the children. As such, both parents signed a temporary  
7 guardianship to the maternal aunt and uncle.  
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11 At the close of her investigation, Georgina substantiated allegations of abuse  
12 and/or neglect against Petitioner. This was based upon Petitioner acknowledging  
13 Laura's substance use and mental health concerns posed a threat to the children,  
14 but still routinely left them unsupervised with her for long hours, in violation of the  
15 present danger plan.  
16  
17

18 On September 16, 2020, despite his internet issues, Petitioner was able to  
19 send one last document entitled "further objection to the hearing and motion to  
20 continue under neutral hearing officer in actual hearing facility." This was denied.  
21 On October 15, 2020, the hearing officer issued her findings. The hearing officer  
22 specifically found "the preponderance of the evidence indicates that Mr. Eggleston  
23 allowed the minor children to be subjected to harmful behavior by the mother that  
24 resulted in a plausible risk of physical injury/harm pursuant to NRS 432B.140.  
25 Mr. Eggleston was responsible for the welfare of the minor children and was aware  
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1 of the mother's alcohol and drug use and mental state. He could reasonably be  
2 expected to foresee that the mother's issues were adversely affecting the minor  
3 children, yet he did not intervene to protect the children from the mother. His  
4 failure to act and protect the children put them at risk of plausible harm."  
5

6  
7 **STATEMENT OF THE CASE AFTER ADMINISTRATIVE HEARING**

8 On or about November 17, 2020, Petitioner filed a Petition for Judicial  
9 Review in this Court. On or about December 17, 2020, also filed were "Motions to  
10 Seal and Remand for a Legally Compliant Fair Hearing, and Filing of Copy of  
11 Orders for Which Appellant Seeks Judicial Review." On or about December 29,  
12 2020, Petitioner mailed to DFS (not to counsel of record) a copy of these two  
13 filings. On or about January 13, 2021, DFS filed a Motion to Dismiss Petition for  
14 Judicial Review.  
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16

17 On January 27, 2021, DFS filed a Statement of Intent to Participate. On  
18 January 26, 2021, DFS also filed an ERRATA to the Motion to Dismiss. On or  
19 about February 3, 2021, Petitioner filed the following documents: Opposition to  
20 Motion to Dismiss, Motion to Strike both Motions to Dismiss and to Stay  
21 Proceedings Pending Resolution of Related Nevada Supreme Court Case, and  
22 Motion to Exceed Page Limit for Motion to Strike both Motions to Dismiss and to  
23 Stay Proceedings Pending Resolution of Related Nevada Supreme Court Case. On  
24 February 9, 2021, DFS filed a Reply to Opposition to Clark County Department of  
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1 Family Services Motion to Dismiss Petition for Judicial Review. On February 11,  
2 2021, DFS filed a seven-volume record of the administrative proceeding. On  
3 February 12, 2021, an Ex Parte Motion and Order to Seal Court Records was filed.  
4 On February 17, 2021, DFS filed an Opposition to Petitioner's Motion to Strike  
5 Both Motions to Dismiss and to Stay Proceedings Pending Resolution of the  
6 Related Nevada Supreme Court Case.  
7

8  
9 Between February 2021, and March 2022, over a year, Petitioner did not file  
10 a brief pursuant to NRS 233B. In or around February of 2022, Clark Hill filed a  
11 notice of appearance. Petitioner's counsel also filed a motion to lift stay in May of  
12 2022. Also filed was a Motion for Access to Docket, Pleadings, Record and  
13 Transcripts. On July 8, 2022, DFS filed replies to both motions.  
14  
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16 On or about January 30, 2023, Petitioner filed his Opening Brief. On or  
17 about March 17, 2023, Respondent filed its Response. On or about April 17, 2023,  
18 Petitioner filed his Reply. On or about May 4, 2023, Respondent filed a Request  
19 for Submission. On or about May 8, 2023, this Court sent Petitioner and  
20 Respondent an Order for Proposed Order. Each party sent their proposed order  
21 within the deadline set by the Court. On or about May 24, 2023, at 1:30 pm, both  
22 parties received an email asking to have a quick phone conference that day at 4:00  
23 pm or on the 26<sup>th</sup>. Within the email were the following questions: "When and how  
24 the 9/15/2020 hearing was set and whether, before 9/15/2020, Mr. Eggleston  
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1 consented/objected.” All parties were present at 4pm wherein this question was  
2 repeated. As such, supplemental Briefs and Exhibits were filed responsive to the  
3 questions raised sua sponte by the Court.  
4

5 On May 26, 2023, this Court additionally filed an order for limited remand,  
6 allowing Petitioner to file a supplement within 40 days of service of the amended  
7 appeal hearing decision. An amended appeal hearing decision was served on or  
8 about July 17, 2023, on this Court and the Petitioner. Petitioner chose to file a  
9 Supplemental Points and Authorities and mailed the same to Respondent on  
10 August 25, 2023. The order further allowed Respondent 30 days after Petitioner  
11 served his supplement to file an answering supplement. A supplemental brief was  
12 filed responsive to the order.  
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### 16 **ANALYSIS OF THE FACTS AND LAW**

17 NRS 432B.317 governs fair hearings. It states:  
18

19 1. A person to whom a written notification is sent pursuant to NRS  
20 432B.315 may request an administrative appeal of the substantiation of the  
21 report and the agency’s intention to place the person’s name in the Central  
22 Registry by submitting a written request to the agency which provides child  
23 welfare services within 15 days after the date on which the agency sent the  
24 written notification as required pursuant to NRS 432B.315.

25 2. Except as otherwise provided in subsection 3, if an agency which  
26 provides child welfare services receives a request for an administrative  
27 appeal within 15 days after the agency sent the written notification pursuant  
28 to subsection 1, a hearing before a hearing officer must be held in  
accordance with chapter 233B of NRS.

1 Here, Petitioner attempted to thwart his own right to an administrative hearing  
2 for years. However, when two hearing officers required the administrative hearing  
3 proceed, he failed to participate in it. Without his participation, he leaves no  
4 arguments for this Court to review.  
5

6 As a rule, issues not raised before the District Court or in the appellant's  
7 opening brief on appeal are deemed waived. *Palmieri v. Clark Cnty.*, 131 Nev.  
8 Adv. Rep. 102, 367 P.3d 442 (2015). Claims that were not raised in the lower  
9 court are waived. *Dermody v. City of Reno*, 113 Nev. 207, 210-11, 931 P.2d 1354,  
10 1357 (1997); *Guy v. State*, 108 Nev. 770, 780 839 P.2d 578, 584 (1992), cert.  
11 denied, 507 U.S. 1009, 113 S. Ct. 1656 (1993); *Davis v. State*, 107 Nev. 600, 606,  
12 817 P.2d 1169, 1173 (1991). Nor will an appellate court consider issues  
13 abandoned in district court. *Buck v. Greyhound Lines, Inc.*, 105 Nev. 756, 766, 783  
14 P.2d 437, 443 (1989). Therefore, by failing to participate in his own administrative  
15 hearing, he is precluded from making arguments in this Judicial Review, and the  
16 Court denies the Petition. Further, by failing to raise lack of notice of the  
17 administrative hearing in either his opening or reply brief, the issue is waived.  
18 Additionally, he was present at the administrative hearing, so lack of notice would  
19 not have been an issue.  
20

21 NRS 233B.135 states Judicial review of a final decision of an agency must be  
22 conducted by the court without a jury; and confined to the record...The final  
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1 decision of the agency shall be deemed *reasonable and lawful* until reversed or set  
2 aside in whole or in part by the court. The *burden of proof is on the party*  
3 *attacking or resisting the decision to show that the final decision is invalid*  
4 *pursuant to subsection 3.* The court *shall not substitute its judgment for that of the*  
5 *agency* as to the weight of evidence on a question of fact. The court may remand  
6 or affirm the final decision or set it aside in whole or in part if substantial rights of  
7 the petitioner have been prejudiced because the final decision of the agency is in  
8 violation of constitutional or statutory provisions; in excess of the statutory  
9 authority of the agency; made upon unlawful procedure; affected by other error of  
10 law; clearly erroneous in view of the reliable, probative and substantial evidence  
11 on the whole record; or arbitrary or capricious or characterized by abuse of  
12 discretion. (Emphasis added).

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18 As such, it is Petitioner's burden to show that hearing officer Tobler's decision  
19 was invalid because it was in violation of constitutional or statutory provisions, or  
20 it was in excess of the statutory authority of DFS, or the decision was made upon  
21 unlawful procedure, there was an error of law, or that it was clearly erroneous or  
22 characterized by an abuse of discretion. Petitioner has not met this burden.

23  
24 Here, the hearing officer found the following: "NRS 432B.020 defines abuse or  
25 neglect of a child as 'physical or mental injury of a non-accidental nature;...; or  
26 negligent treatment or maltreatment as set forth in NRS 432B.140... of a child  
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1 caused or allowed by a person responsible for the welfare of the child under  
2 circumstances which indicate that the child's health or welfare is harmed or  
3 threatened with harm.' (Emphasis added.) NAC 432B.020 interprets 'non  
4 accidental' for the purposes of NRS 432B.020 as arising from an event of effect  
5 that a person responsible for a child's welfare could reasonably be expected to  
6 foresee, regardless of whether that person did not intend to abuse or neglect a child  
7 or was ignorant of the possible consequences of his actions or failure to act. NRS  
8 432B.140 states negligent treatment or maltreatment of a child occurs if a child has  
9 been subjected to harmful behavior that is terrorizing, degrading, painful or  
10 emotionally traumatic... NRS 432B.020(3) states 'allow' means to do nothing to  
11 prevent or stop the abuse or neglect of a child in circumstances where the person  
12 knows or has reason to know that a child is abused or neglected. (Id.) The term  
13 'nonaccidental' is interpreted in NAC 432B.020 as meaning 'arising from an event  
14 or effect that a person responsible for a child's welfare could reasonably be  
15 expected to foresee, regardless of whether that person did not intend to abuse or  
16 neglect a child or was ignorant of the possible consequences of his actions or  
17 failure to act." The hearing officer then went on to state "the preponderance of  
18 the evidence indicates that Mr. Eggleston allowed the minor children to be  
19 subjected to harmful behavior by the mother that resulted in a plausible risk of  
20 physical injury/harm pursuant to NRS 432B.140. Mr. Eggleston was responsible  
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1 for the welfare of the minor children and was aware of the mother's alcohol and  
2 drug use and mental state. He could reasonably be expected to foresee that the  
3 mother's issues were adversely affecting the minor children, yet he did not  
4 intervene to protect the children from the mother. His failure to act and protect the  
5 children put them at risk of plausible harm."  
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8 It is clear, by the plain meaning of NRS 432B.020(1) coupled with NRS  
9 432B.140, abuse and/or neglect can occur when a child is without proper care,  
10 control and supervision or lacks the subsistence, shelter, or other care necessary for  
11 their well-being, or is threatened with such. Here, DFS put on more than sufficient  
12 evidence to establish Petitioner failed to intervene on the children's behalf, he  
13 knew that Laura was an inappropriate care provider due to her mental health and  
14 drug use. He knew that constant supervision of the children was necessary. Yet he  
15 carried on as if DFS had never become involved, thus placing his children at risk.  
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19 The Petitioner is upset the hearing officer did not use separate headings for  
20 findings of fact and conclusions of law, but instead used one heading. However, it  
21 is not particularly difficult to discern which are the factual findings and which are  
22 the legal findings. The legal findings are discussed above, and Petitioner doesn't  
23 seem to take much issue with those, as he failed to even address the law the  
24 hearing officer cited. However, he seems to argue the factual findings were only  
25 as to Laura. The factual findings were specific as to Petitioner. Simply because  
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1 Petitioner does not like how they are set up, or how they reflect on him does not  
2 make them in violation of statutory provisions.  
3

4 Petitioner also appears to take issue with his own participation in the  
5 administrative hearing. He first argues the hearing was scheduled on such short  
6 notice that he did not have a meaningful opportunity to arrange for any of his 30+  
7 witnesses to appear. Petitioner did in fact request an administrative hearing on  
8 September 9, 2015. However, his administrative hearing was held, not four days  
9 later, but five years and four days later, on September 15, 2020. Additionally, after  
10 five years, his witness list was 98 individuals. Petitioner had five years and four  
11 days to prepare for his administrative hearing and present his 98 witnesses. Yet, he  
12 chose not to participate in the administrative hearing, and it had absolutely nothing  
13 to do with his internet.  
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18 The Hearing Officer specifically found that "Mr. Eggleston was initially  
19 present at the hearing during arguments on his motions prior to the hearing  
20 beginning, but then failed to be present for the actual hearing." Petitioner's  
21 internet was strong enough to participate in approximately one-half hour of the  
22 hearing, and to engage in inappropriate behavior while doing so. The beginning  
23 of the hearing was argument on the emails Petitioner had sent on September 14,  
24 2020, "motion for continuance and objection to short notice of hearing, hearing by  
25 Webex to which eggleson has not consented, concealed entry in the capta central  
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registry making hearing moot unauthorized participation of conflicted hearing  
 officer and district attorney's office. In defending his "motions", Petitioner stated  
 "we're in the process of filing and everybody will be served with a complaint for  
 civil rights violations and racketeering. All-both of you are defendants in that  
 lawsuit. No matter what she said, there's absolutely no way in the world that you  
 can proceed with the hearing since you're a defendant in a federal lawsuit that I'm  
 bringing against you." Certainly, Petitioner's pattern was to threaten to sue anyone  
 who was involved with the administrative hearing to prevent the administrative  
 hearing from occurring. He further stated, "I've got to go pick up my daughter in  
 30 minutes." Clearly evidencing that, if his threat to sue did not work (it did not)  
 he would not be participating in the administrative hearing anyway.  
 If the fact he had to pick up his daughter didn't work, then he attempted to  
 set up a defense that his internet didn't work. Yet, when counsel for DFS was  
 allowed to respond to him, his internet was strong enough that he could interrupt  
 and yell (while also saying he didn't know what counsel just said). His behavior  
 then devolves into accusations and cursing. Despite continuing to state his internet  
 did not work and he couldn't hear, he heard enough to interrupt every other person  
 at the hearing. When the hearing officer ultimately rules against his motion, he  
 says, very clearly, "I'm suing you." After hearing clearly the ruling against him  
 and further threatening to sue, he claims he can't hear anything. He then called

1 counsel for DFS "you're such a wise ass." (Id.) The hearing officer then made a  
2 specific finding that it was clear Petitioner could hear the proceedings,  
3 because he kept interrupting them.  
4

5 Next, his 98-person witness list is discussed, at which point he participates  
6 fully in the discussion, and then stated, "I haven't heard anything she said for  
7 almost ten minutes." That was after he fully participated in a discussion about who  
8 was on his 98-person witness list. He then goes on to call counsel for DFS a liar,  
9 while also stating that he can't hear what's happening. When the hearing officer  
10 begins the hearing, after having denied his motion to continue, Petitioner sends an  
11 email stating he is rebooting (11:08 am) and then that he isn't participating. (11:14  
12 am). It is evident Petitioner never, since 2015, had any intention of participating in  
13 the administrative hearing at any time, on any format. He was never denied the  
14 opportunity to cross examine any witnesses, he chose not to because he was not  
15 getting his way.  
16

17 It is further a misstatement that Petitioner "sent Dorman an email during the  
18 hearing, indicating that he had been disconnected and 'reserving his right to  
19 conduct (the hearing) at a later date.'" Although that happened, the reason  
20 Petitioner did not participate was due to the second email he sent, the one about  
21 preferring to pick up his daughters rather than participate. This is an email  
22 Petitioner never mentions in the entirety of his Opening Brief. The hearing officer  
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1 specifically found "about one half hour into the hearing, Mr. Eggleston emailed to  
2 advise that he was leaving to pick up his daughters from school." Again, Petitioner  
3 never mentions this specific finding in the entirety of his Opening Brief. Petitioner  
4 was not denied anything, he chose not to participate when he did not get his way.  
5

6 At the same time hearing officer Tobler issued her written decision, she issued  
7 written decisions on Petitioner's September 14, 2020, documents he sent the night  
8 before the hearing. Within the decision on the denial of one of the motions, she  
9 makes very specific findings as to Petitioner's internet. She states, " during  
10 arguments on the motions on September 15, 2020, Mr. Eggleston's computer  
11 'dropped', but only when others were talking, not while he was talking. I find that  
12 the computer 'drops' were most likely intentional, and not due to any broadband  
13 issues." It was not impossible for Petitioner to utilize his internet. He had no  
14 trouble emailing thousands of pages of documents, before or after the hearing. He  
15 had no trouble participating in the hearing for approximately 30-40 minutes, but  
16 then ceasing to participate when he did not get his way. The decision was not in  
17 violation of statutory provision, nor did it exceed statutory authority.  
18

19 "The standard for reviewing petitions for judicial review of administrative  
20 decisions is the same for this court as it is for the district court. Like the district  
21 court, we review an administrative appeal officer's determination of questions of  
22 law, including statutory interpretation, de novo. We review an administrative  
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1 agency's factual findings for clear error or an arbitrary abuse of discretion and will  
2 only overturn those findings if they are not supported by substantial evidence."  
3  
4 *City of North Las Vegas v. Warburton*, 127 Nev. 682, 686, 262 P.3d 715, 718  
5 (2011). Substantial evidence is that which a reasonable person might accept as  
6 adequate to support a conclusion. *Ayala v. Caesar's Palace*, 119 Nev. 232, 235,  
7 71 P.3d 490, 491-492 (2014). Pursuant to *Warburton*, this Court reviews an  
8 administrative agency's factual findings for clear error or an arbitrary abuse of  
9 discretion and will only overturn those findings if they are not supported by  
10 substantial evidence. Petitioner has failed to meet this burden.  
11  
12

13       Petitioner seems to argue the truncated nature of the investigation and his  
14 own actions render the hearing officer's findings about Petitioner clearly  
15 erroneous. In support of this argument, Petitioner states he was never given a  
16 choice to leave the home with the children and that he executed a present danger  
17 plan and agreed to assistance from various community providers.  
18  
19

20       What Petitioner fails to acknowledge is that 'executing' a present danger  
21 plan is wholly different than abiding by the present danger plan. Georgina Stuart  
22 specifically testified she substantiated the allegations because Petitioner  
23 acknowledged Laura's substance use and mental health concerns posed a threat to  
24 the children, but still routinely left them unsupervised with her for long hours,  
25 in violation of the present danger plan. This testimony is uncontroverted. Thus,  
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1 Petitioner's argument that he was present in the family home on a daily basis  
2 throughout the entire investigation is disingenuous. Perhaps he checked in at the  
3 family home daily, but he admitted to leaving the children unsupervised with Laura  
4 for long hours, despite his admission in his Opening Brief that her mental health  
5 and substance abuse issues were a threat to the children.  
6  
7

8 Further, Petitioner states he determined he would leave Laura and leave the  
9 family home. However, the hearing officer specifically found Petitioner was being  
10 evicted from the home, not that he was leaving the situation voluntarily. She also  
11 found the attempted safety services intervention was unsuccessful. It is not enough  
12 to agree to assistance from safety services providers as asserted by Petitioner, as a  
13 parent you must participate and make them work.  
14  
15

16 Finally, and most importantly, Petitioner's assertion he was not given the  
17 opportunity to leave the home with the children is belied by the record. The  
18 hearing officer specifically found "the parents both believed that allowing the  
19 children to go live with the maternal aunt and uncle is what was needed until they  
20 could figure some things out. The mother and Mr. Eggleston signed temporary  
21 guardianship of Hunter and Ryder to the maternal aunt and uncle. Mr. Eggleston  
22 did so with the advice of his counsel, Emily McFarling, as described in her July 11,  
23 2015 email. The Las Vegas Metropolitan Police Department did not threaten, spit  
24 or draw their weapons on Mr. Eggleston to force him to sign the temporary  
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1 guardianship.” As such, it is clear Petitioner himself made the decision to forgo  
2 pursuing any further parenting of the children, and instead elected to sign a  
3 temporary guardianship. Not only did he voluntarily make this decision, but he  
4 also made this decision with the advice of competent legal counsel. He should not  
5 now be heard to complain that he was not given any other options. He made his  
6 choice with the advice of counsel.  
7

8  
9 On July 14, 2023, Hearing Officer Tobler authored an amended appeal  
10 hearing decision. Within it, she states “The substantiation of the allegation in this  
11 matter was based on the totality of the circumstances/facts over a period of time,  
12 rather than on a single incident.” She specifically states on December 21, 2014,  
13 Laura Rodriguez was so out of control from mental health issues and drug and  
14 alcohol abuse that the children locked themselves in a bathroom to be safe from  
15 her until she passed out. Laura was doing drugs and drinking alcohol daily and  
16 was placing the minor children at risk of her harmful behavior that was  
17 emotionally traumatic to them. Petitioner was unwilling to intervene to protect the  
18 children from Laura’s drug and alcohol abuse. She further goes on to state Laura  
19 admitted to using Xanax and alcohol as a coping mechanism. Petitioner was aware  
20 of Laura’s drug and alcohol problem but failed to parent the children and failed to  
21 intervene to protect them. Kendall primarily took care of the three minor children,  
22 even when Petitioner was home. Petitioner admitted to leaving most of the  
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1 parenting to Laura, even when he was home, and despite knowing of her drug and  
2 alcohol abuse. This was an ongoing problem. Hunter had a near drowning  
3 incident in April 2014 while in the care of Laura and while Petitioner was home.  
4 She further goes on to state the preponderance of the evidence indicates Laura's  
5 mental health issues and drug and alcohol abuse subjected the children to harmful  
6 behavior that was terrorizing, painful and emotionally traumatic and left the  
7 children without proper care, control, and supervision. Petitioner allowed and did  
8 nothing to prevent or stop the negligent treatment of the children by Laura in  
9 circumstances where he knew or had reason to know that the children were being  
10 neglected because he knew of Laura's drug and alcohol abuse. Petitioner refused  
11 to provide the proper care, control, and supervision necessary for the well being of  
12 the minor children when he was able to do so because he refused to parent the  
13 children. Petitioner allowed the minor children to be subjected to harmful behavior  
14 by Laura that resulted in negligent treatment/maltreatment of the children, pursuant  
15 to NRS 432B.140, under circumstances which indicated a plausible risk that the  
16 children's health or welfare was harmed or threatened with harm.  
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23 She goes on to state that Petitioner "failed to maintain 24-hour supervision  
24 of Laura when she took Xanax and drank vodka on December 27, 2014, before  
25 again going to the hospital, and again when Laura went to the emergency room on  
26 January 2, 2015 to get a prescription for Xanax, which was filled the same day and  
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1 then empty two days later, as well as her continued drinking of vodka. Laura had  
2 also gone missing for hours with no one knowing where she was.” This was after  
3  
4 Petitioner signed a Present Danger Plan with DFS wherein he specifically agreed  
5 to maintain 24-hour supervision of Laura to protect the children from her. Finally,  
6 she states “the preponderance of the evidence indicates that Mr. Eggleston refused  
7 to provide the proper care, control, and supervision necessary for the well being of  
8 the minor children when he was able to do so because he refused to parent the  
9 children even when Laura couldn’t because of her drug and alcohol abuse and  
10 related hospitalizations. Mr. Eggleston engaged in negligent  
11 treatment/maltreatment of the children, pursuant to NRS 432B.140, under  
12 circumstances which indicated a plausible risk that the children’s health or welfare  
13 was harmed or threatened with harm.”  
14

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16  
17 The Nevada Administrative Code governs substantiations. NAC 432B.170 is  
18 clear. It states “After the investigation of a report of the abuse or neglect of a  
19 child, an agency which provides child welfare services shall determine its case  
20 findings based on whether there is **reasonable cause to believe** a child is abused or  
21 neglected, or threatened with abuse or neglect, and whether there is **credible**  
22 evidence of alleged abuse or neglect of the child. The agency shall make one of  
23 the following findings: The allegation of abuse or neglect is substantiated; or the  
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1 allegation of abuse or neglect is unsubstantiated.” Here, the child welfare agency  
2 clearly made a finding of abuse or neglect, as required by NAC 432B.170.  
3

4 The standard for a criminal conviction is entirely different. Obviously, a  
5 criminal conviction requires proof beyond a reasonable doubt. However, a  
6 substantiation may stand even when a criminal prosecution is dropped or never  
7 pursued. A criminal conviction is not dispositive of a substantiation decision, nor  
8 would a substantiation be dispositive of a criminal conviction. Presenting cases to  
9 this Court that analyze sufficiency of the evidence when proof beyond a reasonable  
10 doubt is required has no bearing on whether there was a preponderance of the  
11 evidence to support a substantiation. As such, it has no bearing on this Court’s  
12 decision.  
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16 Petitioner states the first amended finding of the hearing officer, the night the  
17 children locked themselves in the bathroom, is objectionable because Petitioner  
18 may or may not have been present and it may or may not have contained hearsay.  
19 As a rule, issues not raised before the District Court or in the appellant’s opening  
20 brief on appeal are deemed waived. *Palmieri v. Clark Cnty.*, 131 Nev. Adv. Rep.  
21 102, 367 P.3d 442 (2015). Claims that were not raised in the lower court are  
22 waived. *Dermody v. City of Reno*, 113 Nev. 207, 210-11, 931 P.2d 1354, 1357  
23 (1997); *Guy v. State*, 108 Nev. 770, 780 839 P.2d 578, 584 (1992), cert. denied,  
24 507 U.S. 1009, 113 S. Ct. 1656 (1993); *Davis v. State*, 107 Nev. 600, 606, 817  
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1 P.2d 1169, 1173 (1991). Nor will an appellate court consider issues abandoned in  
2 district court. *Buck v. Greyhound Lines, Inc.*, 105 Nev. 756, 766, 783 P.2d 437,  
3 443 (1989). Therefore, by failing to participate in his own administrative hearing,  
4 he is precluded from now arguing that any testimony taken was hearsay. Further,  
5 he cannot present evidence that he was or was not present, as his own failure to  
6 participate in the administrative hearing precludes him from doing so.  
7

8  
9 However, Petitioner fails to address the fact that the hearing officer  
10 specifically stated the substantiation was based upon the totality of the  
11 circumstances/facts over a period, rather than on a single incident. Therefore, this  
12 was simply the start of the analysis, and certainly not the conclusion of the  
13 analysis. The hearing officer then goes on to outline after that night, Petitioner  
14 signed a present danger plan, that required 24-hour supervision of Laura around the  
15 children due to her use of Xanax, alcohol abuse, and mental health issues. She  
16 found, very specifically, that on December 27, 2014, merely three days after  
17 signing this present danger plan, Petitioner failed to maintain 24-hour supervision  
18 of the children when Laura took Xanax and drank vodka and had to be hospitalized  
19 again. She further found that Petitioner violated the present danger plan again on  
20 January 2, 2015, when Laura was hospitalized again for Xanax and vodka.  
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26 Next, Petitioner states the hearing officer improperly relied on a near drowning  
27 incident in April of 2014. However, what the hearing officer stated was "Mr.  
28

1 Eggleston was aware of Laura's drug and alcohol problem but failed to parent the  
2 children and failed to intervene to protect them. The 11-year-old child, Kendall  
3 Rodriguez, primarily took care of the three minor children, even when Mr.  
4 Eggleston was home. Mr. Eggleston admitted to leaving most of the parenting to  
5 Laura, even when he was home, and despite knowing of her drug and alcohol  
6 abuse. **This was an ongoing problem. Hunter Eggleston has a near-drowning**  
7 **incident in April 2014, while in the care of Laura and while Mr. Eggleston was**  
8 **home."** Again, the hearing officer made it clear the substantiation was based on  
9 the totality of the circumstances/facts over a period, rather than on a single  
10 incident. This was simply an example of poor or absent supervision, regardless of  
11 whether there was present danger, impending danger, or maltreatment. But this  
12 was merely one example of the extensive poor or absent supervision exhibited by  
13 Petitioner.  
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19 Next Petitioner seems to indicate he cannot be substantiated because the present  
20 danger plan included individuals who were NOT responsible for the welfare of the  
21 children. NRS 432B.130 states "A person is responsible for a child's welfare  
22 under the provisions of this chapter if the person is the child's parent, guardian, a  
23 stepparent with whom the child lives, an adult person continually or regularly  
24 found in the same household as the child, a public or private home, institution or  
25 facility where the child actually resides or is receiving care outside of the home for  
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1 all or a portion of the day, or a person directly responsible or serving as a volunteer  
2 for or employed by such a home, institution or facility.” Here, Petitioner was the  
3 person responsible for the welfare of his own very young and very vulnerable  
4 children. Not their barely adult half-sisters who were visiting from college. They  
5 are not responsible for the children’s welfare, Petitioner is. Petitioner is content to  
6 blame others for his neglect of his own children, rather than taking responsibility  
7 for his actions.  
8

9  
10 Further, his statement that he could do nothing to prevent Laura from abusing  
11 prescription medication and alcohol is further evidence of his utter failure to take  
12 responsibility for his own actions, and his own children. The entire amended  
13 appeal hearing decision focuses on Petitioner’s failure to protect Hunter and Ryder,  
14 not on his failure to fix Laura.  
15

16  
17 Finally, Petitioner takes issue with the fact the hearing officer found on  
18 December 28, 2014, he went to the hospital to sign consent for Hunter’s surgery,  
19 but then left and had limited contact with Hunter at the hospital. He takes issue  
20 with that because there is no evidence Georgina Stuart reviewed Hunter’s hospital  
21 records and that the hearing officer does not specify what limited contact means,  
22 for example did he visit once, twice, five times? How long did each visit last for?  
23 The appropriate time to determine those answers would have been at the  
24 administrative hearing. But again, because Petitioner utterly failed to participate,  
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1 he gave up the opportunity to question the witnesses who testified. Because he did  
2 so, he cannot now be heard to complain.  
3

4 Further, the hearing officer specifically states the adult sister informs the  
5 hospital she was concerned about his utter failure to intervene to protect the  
6 children. Clearly, this was the issue regarding the hospital visit. But again, this  
7 isn't an isolated incident. This was another event, in the chain of events, that led to  
8 the totality of the circumstances.  
9

10 It is clear, by the plain meaning of NRS 432B.020(1) coupled with NRS  
11 432B.140, abuse and/or neglect can occur when a child is without proper care,  
12 control and supervision or lacks the subsistence, shelter, or other care necessary for  
13 their well-being, or is threatened with such. Here, DFS put on more than sufficient  
14 evidence to establish Petitioner failed to intervene on the children's behalf, he  
15 knew that Laura was an inappropriate care provider due to her mental health and  
16 drug use. He knew that constant supervision of the children was necessary. Yet he  
17 carried on as if DFS had never become involved, thus placing his children at risk.  
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### 23 **CONCLUSION**

24 The burden of proof is on the party attacking or resisting the decision to  
25 show the final decision is invalid. NRS 233B.135. Here, Petitioner has failed to  
26 show either the final decision of the agency is in violation of constitutional or  
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1 statutory provisions; in excess of the statutory authority of the agency; made upon  
2 unlawful procedure; affected by other error of law; clearly erroneous in view of the  
3 reliable, probative and substantial evidence on the whole record; or arbitrary or  
4 capricious or characterized by abuse of discretion. Because Petitioner has the  
5 burden and has failed at proving his burden, this Court upholds the hearing  
6 officer's substantiation of the Petitioner.  
7

### 8 **ORDER**

9  
10 The Court, having considered the briefing on the Petition, being fully  
11 advised in the premises and good cause appearing therefor, hereby finds and orders  
12 on the pleadings (no hearing having taken place) as follows:  
13

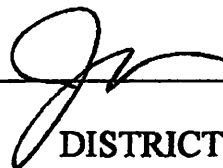
14 IT IS HEREBY ORDERED that the Petition is DENIED.  
15

16 IT IS HEREBY FURTHER ORDERED that the Decision's finding – i.e,  
17 that the substantiation of the allegation of Physical Injury (Abuse) - Physical Risk  
18 as to Kendall Rodriguez, James Rodriguez, Ryder Eggleston, and Hunter  
19 Eggleston against Mr. Eggleston was proven by a preponderance of the evidence  
20 and upheld – is AFFIRMED.  
21

22 IT IS HEREBY FURTHER ORDERED that Amity C. Latham, Esq. and  
23 Felicia Quinlan, Esq. will serve a notice of entry of this Order on all other parties  
24 and file proof of such service within seven days after the date the Court sent this  
25 Order to the attorneys.  
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1 Dated this 13 day of October 2023.

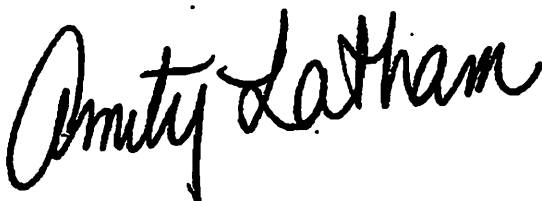
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DISTRICT COURT JUDGE

Respectfully submitted by:

**STEVEN B. WOLFSON**  
**DISTRICT ATTORNEY**



By \_\_\_\_\_  
Amity C. Latham  
Chief Deputy District Attorney  
Nevada State Bar No. 9316



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**CERTIFICATE OF SERVICE**

I hereby certify that I am an employee of Clark County District Attorney's Office, and that on the \_\_\_\_ day of October 2023, I caused to be served a true and correct copy of the foregoing **AMENDED ORDER DENYING PETITION FOR JUDICIAL REVIEW** in the following manner:

(Electronic Service)

Billie Shadron ([bshadron@carson.org](mailto:bshadron@carson.org))

(Mailing)

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Las Vegas, NV 89135

James E. Wilson, Jr.  
District Judge  
First Judicial District Court  
885 East Musser Street  
Room 3057  
Carson City, Nevada 89701

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Employee of Clark County District  
Attorney's Office, Juvenile Division

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**CERTIFICATE OF MAILING**

I hereby certify that I am an employee of Clark County District Attorney's Office, and that on the 16<sup>th</sup> day of October 2023, I caused to be served a true and correct copy of the attached **AMENDED ORDER DENYING PETITION FOR JUDICIAL REVIEW** in the following manner:

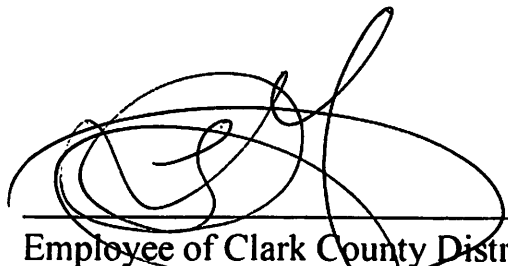
(Electronic Service)

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\_\_\_\_\_  
Employee of Clark County District  
Attorney's Office, Juvenile Division