

1 IN THE SUPREME COURT OF THE STATE OF NEVADA **FILED**

2 SEP 20 2018

3 In the Matter of)
4 THE HONORABLE CHARLES WELLER,)
5 Second Judicial District Court, Family Division,)
6 Washoe County, State of Nevada,)
7 Respondent.)

No. 76994

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


CASE NO. 2017-025-P

8 **CERTIFIED COPY OF FINDINGS OF FACT, CONCLUSIONS OF LAW AND**
9 **IMPOSITION OF DISCIPLINE**

10 Pursuant to Commission Procedural Rule 28(2), I hereby certify that the document attached
11 hereto is a true and correct copy of the FINDINGS OF FACT, CONCLUSIONS OF LAW AND
12 IMPOSITION OF DISCIPLINE filed with the Nevada Commission on Judicial Discipline on
13 September 20, 2018.

14 DATED this 20th day of September, 2018.

15
16
17 STATE OF NEVADA
18 COMMISSION ON JUDICIAL DISCIPLINE
19 P.O. Box 48
20 Carson City, NV 89702
21 (775) 687-4017

22 By: 
23 PAUL C. DEYHLE
24 General Counsel and Executive Director
25 Nevada Bar No. 6954

26
27 **RECEIVED**
28 SEP 20 2018
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
DEPUTY CLERK

1 **BEFORE THE NEVADA COMMISSION ON JUDICIAL DISCIPLINE**

2 **STATE OF NEVADA**



3
4 In the Matter of)
5 THE HONORABLE CHARLES WELLER,)
6 Second Judicial District Court, Family Division,)
7 Washoe County, State of Nevada,)
8 Respondent.)

CASE NO. 2017-025-P

9 **FINDINGS OF FACT, CONCLUSIONS OF LAW AND IMPOSITION OF DISCIPLINE**

10 Pursuant to prior written notice, the above-entitled matter came on for a formal, two (2) day
11 public hearing in Reno, Nevada, pursuant to NRS 1.467 and Commission Procedural Rule 18,
12 commencing on August 30, 2018, before the Nevada Commission on Judicial Discipline (hereinafter,
13 the "Commission"), regarding the allegations against the Honorable Charles Weller (hereinafter,
14 "Respondent") for violations of the Revised Nevada Code of Judicial Conduct (hereinafter, the
15 "Code").

16 Kathleen Paustian, Esq. served as the Prosecuting Officer to the Commission (hereinafter, the
17 "Prosecuting Officer") and was present. Respondent was represented by John L. Arrascada, Esq. and
18 David R. Houston, Esq. and all were present. During the hearing, the Commission considered all
19 evidence and testimony presented.

20 This document contains the findings of fact and conclusions of law contemplated by
21 Commission Procedural Rule 28. The findings set forth below establish that Respondent violated the
22 Code.

23 **A. FINDINGS OF FACT**

24 The Commission finds that the legal evidence presented by the Prosecuting Officer at the
25 hearing clearly and convincingly established each of the following facts set forth in Paragraphs 1
26 through 2 below:

27 ///

28 ///

1 1. Respondent was, at all times applicable to the allegations contained in the Formal
2 Statement of Charges, a judge for the Second Judicial District Court located in Washoe County,
3 Nevada, and whose conduct was subject to the Code.

4 2. The factual allegations in Count One of the Formal Statement of Charges regarding
5 Respondent’s comments at the February 1, 2017 meeting of the Washoe County Domestic Violence
6 Task Force (“Task Force”), and his failure to clarify such comments at the meeting, have been proven
7 by clear and convincing evidence.

8 The credible evidence established that on February 1, 2017, Respondent, in his official capacity
9 as a judge, represented the Second Judicial District Court, Family Division, at a meeting of the Task
10 Force.¹ In attendance at the meeting were Respondent; Penelope (“Penie”) Colter, Management
11 Assistant for the Reno City Attorney’s Office and Secretary of the Task Force; Tamara Utzig, Director
12 of the Courthouse TPO Office for the Committee to Aid Abused Women (“CAAW”); Margie Chavis,
13 Victim Advocate for CAAW and Vice Chairperson of the Task Force; Jennifer Olsen, Victim Advocate
14 for the Sparks Police Department; Suzanne Ramos, Victim Advocate for the Reno City Attorney’s
15 Office; and Derek Dreiling, Chief Deputy District Attorney for the Washoe County District Attorney’s
16 Office.²

17 During the Task Force meeting, Ms. Olsen initiated a discussion on funding cuts to the Violence
18 Against Women Act (“VAWA”). While Ms. Olsen was discussing VAWA, Respondent interrupted her
19 and blurted out comments to the effect that women should be concerned as those cuts would put women
20 back in their place. (*See* Transcript of Proceedings Volume 1, dated Thursday, August 30, 2018,
21 (“Transcript Vol. 1”), p. 34, lns. 10 – 25; p. 213, ln. 3.) Ms. Chavis asked Respondent words to the
22 effect of, “are you saying that we need to be in a place?” Respondent admitted replying, “the kitchen
23 and the bedroom” (Transcript Vol. 1, p. 176, lns. 14-22; p. 228, ln. 18 – p. 229, ln. 6) (hereinafter, the

24
25 ¹ Prior to the hearing, Respondent represented that he was at the Task Force meeting in his official capacity as a judge. (*See*
26 Trial Exhibit 8, Interrogatory Answers, bates stamped 00018.) However, at the hearing, Respondent testified that his
27 participation during the Task Force meeting was voluntary. (*See* Transcript of Proceedings, dated Friday, August 31, 2018,
28 (“Transcript Vol. 3”), p. 108, lns. 1-12; p. 113, ln. 1.) Despite Respondent’s inconsistent testimony, Rule 1.2 of the Code
applies to Respondent’s conduct irrespective of whether he was acting personally or in his official capacity as a judge. *See*
Comment [1] to Rule 1.2 (“Public confidence in the judiciary is eroded by improper conduct and conduct that creates the
appearance of impropriety. This principle applies to both the professional and personal conduct of a judge.”). (Emphasis
added.)

² Mr. Dreiling was not in attendance when Respondent made his comments.

1 “comments”). Ms. Chavis, Ms. Utzig, and Ms. Olsen all found Respondent’s comments to be offensive
2 and noted that Respondent made no effort during the Task Force meeting to clarify his comments.

3 Upon hearing of Respondent’s comments at the Task Force meeting, as conveyed to him by Ms.
4 Olsen, Sparks Chief of Police Brian Allen (“Chief Allen”) wrote a letter to former Chief Judge Patrick
5 Flanagan of the Second Judicial District Court, advising him of Respondent’s comments, and then
6 subsequently filed a complaint against Respondent with the Commission. Similarly, Ms. Utzig and Ms.
7 Chavis informed CAAW’s Executive Director, Denise Yoxsimer, of Respondent’s comments at the
8 Task Force meeting, and upon the approval of the CAAW’s Executive Committee and Board of
9 Directors, Ms. Yoxsimer also filed a complaint against Respondent with the Commission.

10 The Commission found the testimony of Ms. Olsen, Ms. Utzig and Ms. Chavis to be consistent
11 and credible. Respondent’s counsel went to great lengths during the hearing to portray the testimony of
12 these witnesses as unreliable with respect to the comments uttered by Respondent merely because they
13 varied slightly from each other. However, despite Respondent initially denying during his direct
14 examination that he made the comments, as described by Ms. Olsen, Ms. Chavis and Ms. Utzig, he
15 subsequently admitted to making them on cross examination. (Transcript Vol. 3, p. 120, lns. 10-14; p.
16 120, ln. 23 – p. 121, ln. 5.) Respondent’s admission in this regard is also consistent with Respondent’s
17 previous statements to the Commission investigator during his interview where Respondent confirmed
18 that he made the comments. (*See* Trial Exhibit A, Investigation Report, bates stamped 00001-05.)

19 The Investigation Report also concluded that “[t]here is little doubt Judge Weller made the
20 statement reported in the complaint” and that the “comments caused at least some members to believe
21 he was expressing his opinion because he did not clarify them at the time.” (Trial Exhibit A,
22 Investigation Report, bates stamped 00003-04.) Likewise, Respondent’s letter to Chief Allen, dated
23 February 24, 2017, stated, “[y]our description of the words I said is fairly accurate but your
24 interpretation of those words is completely wrong.” (Trial Exhibit 6, Respondent’s Letter to Chief
25 Allen, bates stamped 00010-11.) Even Respondent’s own witness, Penelope Colter, never disputed that
26 Respondent made the comments. Accordingly, the Commission finds clear and convincing evidence
27 that Respondent made the comments at the Task Force meeting.

28 ///

1 Although Respondent eventually admitted to making the comments, he also testified that he
2 qualified and prefaced those comments by stating words to the effect that “the motivation of some who
3 support this defunding” (hereinafter referred to as the “qualified statement”) (Transcript Vol. 3, p.
4 93, ln. 20 – p. 94, ln. 9), thereby claiming that he was not referring to his own personal opinion, but
5 rather those in Washington, D.C. who sought to defund VAWA. Ms. Olsen, Ms. Chavis and Ms. Utzig
6 each interpreted Respondent’s comments at the Task Force meeting to be that of Respondent’s own
7 opinion.³ However, Respondent’s witness, Ms. Colter, testified that she thought Respondent was
8 expressing the opinion of others.

9 The Commission finds the testimony of Ms. Olsen, Ms. Chavis and Ms. Utzig to be credible and
10 consistent, and concludes that Respondent did not qualify or preface his comments as all three women
11 did not hear Respondent make the qualified statement, and each found Respondent’s comments to be
12 inappropriate. Accordingly, the Commission finds clear and convincing evidence that Respondent made
13 the comments at the Task Force meeting, failed to make the qualified statement, and did not otherwise
14 qualify, preface or further explain his comments.

15 The Commission also finds that Respondent’s comments had a profound and negative impact on
16 not only Ms. Chavis, Ms. Utzig and Ms. Olsen, but also Chief Allen, Ms. Yoxsimer, and the CAAW
17 Executive Committee and Board of Directors, which authorized Ms. Yoxsimer to file a complaint with
18 the Commission, as well as former Chief Judge Patrick Flanigan who advised both Chief Allen and Ms.
19 Yoxsimer to likewise file complaints with the Commission. Even Respondent’s own character witness,
20 Senior Judge Charles M. McGee, testified that Respondent’s comments were “... an unfortunate choice
21 of words, even if he’s attributing those ideas to some other group of detractors of the Violence Against
22 Women Act” and likened them to the “N” word, stating that “[i]t just isn’t used without - - in this day
23 and age without some kind of reaction by people.” (*See* Transcript of Proceedings, Volume 2, dated
24 Thursday, August 30, 2018, (“Transcript Vol. 2”), p. 11, lns. 14-19.)

25 Chief Allen testified as to “... how important words can be, especially coming from someone in
26 a position of authority and power, such as a family court judge” (Transcript Vol. 1, p. 107, lns. 22-24),

27 _____
28 ³ Ms. Olsen, Ms. Chavis and Ms. Utzig each testified that they perceived Respondent’s comments as his personal opinion.
(Transcript Vol. 1, p. 35, lns. 20-25 (Ms. Olsen); p. 181, lns. 9-10; p. 201, lns. 12-17 (Ms. Chavis); p. 229, lns. 14-15 (Ms.
Utzig).)

1 especially in domestic violence meetings. (Transcript Vol. 1, p. 112, Ins. 20-22.) Chief Allen further
2 testified that his “overreaching goal, ... was to hold the judge accountable for words that he said during
3 the meeting....” (Transcript Vol. 1, p. 120, Ins. 6-8.) Judge McGee also testified that Respondent’s
4 comments should not have been said in this day and age, and that “You know, I’ve talked to him before
5 about being misunderstood sometimes, because he’s got a very sharp wit. He’s an intellectual. And I
6 think sometimes, that’s misunderstood.” (Transcript Vol. 2, p. 10, Ins. 8-12.) Respondent even
7 acknowledged Judge McGee’s testimony, stating that “[w]hen I heard what Judge McGee said about
8 those words yesterday, that was meaningful to me. And so I might have chosen different words....”
9 (Transcript Vol. 3, p. 145, Ins. 16-19.)

10 Moreover, Judge David Hardy notes in his character letter, submitted on behalf of Respondent,
11 that “[he] periodically heard complaints about Judge Weller’s management style and demeanor in the
12 courtroom,” that “Judge Weller sometimes communicates in a way that invites criticism,” that “Judge
13 Weller can be abrasive and direct,” and that “... Judge Weller could improve his communication style.”
14 (Trial Exhibit 14, Judge Hardy’s Letter, bates stamped 00090-91.) The Commission finds the foregoing
15 observations from Respondent’s own character witnesses to be evidence of Respondent’s ongoing
16 communication deficit, as well as demonstrating a history and pattern of being misinterpreted and
17 misunderstood by others, which was corroborated by other witnesses during the hearing. Accordingly,
18 the Commission believes that the onus to correct such communication and demeanor issues should be
19 on Respondent, not others.

20 Although Respondent testified that he had no idea that anyone misunderstood his comments, the
21 evidence clearly and convincingly demonstrates that three women at the Task Force meeting were
22 deeply offended by Respondent’s comments, as were their superiors, including the Sparks Chief of
23 Police and CAAW’s Executive Director. Likewise, former Chief Judge Flanagan, Respondent’s own
24 colleague on the Second Judicial District Court, CAAW’s Executive Committee and Board of
25 Directors, as well as the entire Commission (all seven Commissioners), including two District Court
26 judges, found Respondent’s comments to be improper. Even Respondent testified that “[p]eople were
27 clearly hurt at the meeting by my comments.” (Transcript Vol. 3, p. 118, ln. 15.)

28 ///

1 The credible evidence further demonstrated that Ms. Olsen, Ms. Chavis, Ms. Utzig and Chief
2 Allen were shocked, surprised, dismayed and offended by Respondent’s comments. (Transcript Vol. 1,
3 p. 35, ln. 19 (Ms. Olsen); p. 97, lns. 13-16 (Chief Allen); p. 177, ln. 7 (Ms. Chavis); p. 232, ln. 21 (Ms.
4 Utzig).) Although Respondent apologized, some felt that his apology was not sincere because
5 Respondent appeared to blame others for misinterpreting his comments, or for coming across as being
6 more concerned about how Respondent himself would be affected by this matter, rather than being truly
7 apologetic for making the comments in the first instance. (Transcript Vol. 1, p. 44, ln. 23 – p. 45, ln. 4
8 (Ms. Olsen); p. 108, ln. 10 – p. 109, ln. 2 (Chief Allen); p. 182, lns. 5-7 (Ms. Chavis); p. 232, lns. 12-16
9 (Ms. Utzig).) Even those who testified to accepting Respondent’s apology still believed that
10 Respondent’s comments were inappropriate not only at the time they were uttered at the Task Force
11 meeting, but also as of the date of the hearing. (Transcript Vol. 1, p. 35, lns. 20 – 22; p. 37, lns. 14-15
12 (Ms. Olsen); p. 100, lns. 5-12; p. 103, lns. 15-21 (Chief Allen).)⁴ Similarly, the Commission also found
13 Respondent’s comments to be very disturbing, particularly given that they were stated at a domestic
14 violence Task Force meeting attended by domestic violence advocates.

15 The Commission is not making a finding that Respondent is a sexist or misogynist. Such a
16 finding by the Commission is not a requirement or prerequisite for imposing discipline on Respondent
17 as alleged by Respondent’s counsel during the hearing. Rather, the Commission finds that
18 Respondent’s comments alone, without qualification or clarification at the Task Force meeting, were
19 inappropriate and offensive, and thus a violation of the Code.

20 Accordingly, based on the testimony and admitted evidence, the Commission finds that
21 Respondent’s comments violated Canon 1 of the Code, Rule 1.1, requiring Respondent to comply with
22 the law, including the Code, and Rule 1.2, requiring Respondent to promote public confidence in the
23 independence, integrity and impartiality of the judiciary, avoiding impropriety and the appearance of
24 impropriety. By making his comments, with no further qualification or clarification of such comments
25 at the Task Force meeting, the Commission finds that Respondent failed to avoid impropriety, failed to

26 ///

27 _____
28 ⁴ The Commission notes that one’s acceptance of an apology for misconduct, in and of itself, does not absolve Respondent from being held accountable for such misconduct.

1 promote public confidence in the independence, integrity and impartiality of the judiciary, as well as
2 projected an appearance of impropriety.⁵

3 3. The Commission finds that the factual allegations contained in Count Two of the Formal
4 Statement of Charges have not been proven by clear and convincing evidence.⁶

5 4. The Commission finds that the factual allegations contained in Count Three of the
6 Formal Statement of Charges have not been proven by clear and convincing evidence.

7 **B. CONCLUSIONS OF LAW**

8 1. As to Count One of the Formal Statement of Charges, the Commission finds that the
9 Prosecuting Officer has proven by clear and convincing evidence that Respondent's actions constitute
10 violations of Canon 1 of the Code, Rules 1.1 and 1.2.

11 2. As to Count Two of the Formal Statement of Charges, the Commission finds that the factual
12 proof was insufficient to sustain the charges.

13 3. As to Count Three of the Formal Statement of Charges, the Commission finds that the
14 factual proof was insufficient to sustain the charges.

15 4. The Commission has both personal jurisdiction over Respondent and subject matter
16 jurisdiction over the violations of the Code at issue in this case.

17 **C. IMPOSITION OF DISCIPLINE**

18 In consideration of the totality of Respondent's actions and violations of the Code, the
19 Commission concludes that the appropriate discipline under Commission Procedural Rule 28 shall be
20 as follows:

21 By unanimous vote of the Commission, after due deliberation and consideration of the evidence
22 presented; Respondent's lack of prior discipline by the Commission; Respondent's character reference

24 ⁵ The Commission is not basing its decision solely on an appearance of impropriety as argued by Respondent's counsel in
referring to Comment [5] to Rule 1.2 of the Code which states in relevant part, "[o]rordinarily, judicial discipline will not be
premiered upon appearance of impropriety alone, but must also involve the violation of another portion of the Code as well."

25 ⁶ While Counts 2 and 3 of the Formal Statement of Charges were dismissed for failure to meet the clear and convincing
26 evidentiary threshold, the Commission found certain uncharged actions of Respondent and the manner in which he
approached and interacted with both Ms. Chavis and Ms. Utzig to be concerning. (See Transcript Vol. 1, p. 139, ln. 7 – p.
27 140, ln. 24 (Ms. Yoxsimer); p. 179, ln. 14 – p. 181, ln. 15; p. 182, ln. 8 – p. 186, ln. 8 (Ms. Chavis); p. 230, ln. 20 – p. 233,
ln. 22; p. 237, ln. 25 – p. 239, ln. 2 (Ms. Utzig); and Trial Exhibit D, Ms. Chavis Interview Summary, bates stamped 00010-
28 00011; Trial Exhibit E, Ms. Utzig Interview Summary, bates stamped 00012-13; and Trial Exhibit 13, Attachment #2 to
Complaint, bates stamped 00087; and Attachment #3 to Complaint, bates stamped 00088-89.) Respondent is a judge and is
in a position of power and authority which can be intimidating to Courthouse employees.

1 letter and character witnesses; but nevertheless, in light of the seriousness of Respondent making the
2 comments at a domestic violence Task Force meeting with no further qualification or clarification of
3 such comments at the Task Force meeting; it is decided that pursuant to subsections 5(a) and (b) of
4 Article 6, Section 21 of the Constitution of the State of Nevada, NRS 1.4653(1) and (2), NRS
5 1.4677(1)(a), (b) and (d)(2), (4), and Commission Procedural Rule 28, Respondent shall hereby be
6 publicly reprimanded for having committed the acts as fully set forth above; be required to attend and
7 complete, at his own expense, the course entitled “Advanced Bench Skills: Procedural Fairness,” in
8 Savannah, GA, in April of 2019, or such other similar course as may be available with the approval of
9 the Commission’s Executive Director, within one (1) year of the date of this Order; pay a Two
10 Thousand Five Hundred Dollar (\$2,500) fine to the Domestic Violence Resource Center, formerly
11 CAAW, within sixty (60) days of the date of this Order; and send private letters of apology to Penelope
12 Colter, Tamara Utzig, Margie Chavis, Jennifer Olsen, and Suzanne Ramos, within sixty (60) days of the
13 date of this Order. Respondent shall timely notify the Commission upon compliance with all
14 requirements of this Order, including providing copies to the Commission of the apology letters and a
15 certificate of course completion for the course identified above, or a similar course as approved by the
16 Commission’s Executive Director. If Respondent fails to comply with the requirements of this Order,
17 such actions may result in his permanent removal from the bench. NRS 1.4677(1)(e).

18 The primary purpose of the Revised Nevada Code of Judicial Conduct is the protection of the
19 public, not the punishment of judges. The Commission protects the public by instilling confidence in
20 the integrity of the judicial system in Nevada, as public trust is essential to the administration of justice.
21 In carrying out this duty, the law provides the Commission a broad range of disciplinary measures to be
22 imposed which include, but are not limited to, removal from office, suspensions, fines, educational
23 requirements, public reprimands, etc. The imposition of discipline further serves the function of
24 discouraging future misconduct by the disciplined judge, as well as the judiciary as a whole.
25 Accordingly, the purpose of the Commission’s decision in this case is to protect the public by issuing a
26 public reprimand, imposing a fine, requiring written letters of apology and the completion of an
27 educational course, thereby rehabilitating Respondent and restoring the public’s faith in the judiciary.

28 ///

1 The discipline imposed against Respondent is based upon the facts of the case, the seriousness
2 of the offenses involved, and consideration of mitigating circumstances. The Commission reminds
3 Respondent that his words and actions carry great weight whether he is acting in his official capacity as
4 a judge or otherwise. Judges must be diligent in making sure their words and actions are in conformity
5 with the Code and are correctly perceived by others, promote public confidence in the independence,
6 integrity and impartiality of the judiciary, as well as avoid impropriety and the appearance of
7 impropriety. The Code recognizes the significance of the spoken word and that words have
8 consequences.

9 The Commission took note that Respondent testified he was misunderstood and never had a
10 chance to clarify his statements. However, Respondent was given a chance to clarify his initial
11 comment when he was asked at the Task Force meeting “what place would that be?”, and he responded,
12 “the kitchen and the bedroom.” Respondent’s comments indicate his lack of sensitivity, poor word
13 choice, and overall communication deficit which has been corroborated by his own colleagues, Judge
14 McGee and Judge Hardy. As such, the Commission is ordering Respondent to attend a judicial
15 education course to assist Respondent in understanding that the perception and interpretation of his
16 words by others matters.

17 The Commission did not believe Respondent’s testimony that he appropriately qualified or
18 prefaced his comments. Furthermore, the Commission found that Respondent did not take full
19 responsibility or learn from the incident in question. The Commission found it disturbing that
20 Respondent’s apology was not taken as sincere by some of the witnesses who testified that Respondent
21 did not appear to be apologetic for the comments themselves, but rather only that they were
22 misinterpreted by others. Therefore, the Commission is requiring Respondent to pay a fine to the
23 Domestic Violence Resource Center, and issue private written apologies to those who attended the Task
24 Force meeting.

25 The Code recognizes that all judges be held to the highest standards of personal and
26 professional conduct. Respondent’s comments in this case neither avoided impropriety nor promoted
27 public confidence in the independence, integrity and impartiality of the office he holds and the judiciary
28 in general. If judges were not held accountable for making improper comments simply by later claiming

1 that their comments were misunderstood, taken out of context, or not intended to be offensive, all of
2 which seem to be common responses to such allegations of impropriety these days, then such comments
3 would abound with impunity. Accordingly, based on the foregoing, the Commission finds that
4 Respondent's misconduct justifies the discipline imposed.

5 **D. ORDER**

6 IT IS HEREBY ORDERED by unanimous vote of Chairman Gary Vause, Vice-Chair Stefanie
7 Humphrey, Commissioners Donald L. Christensen, Esq., Laurence Irwin, Esq., John Krmptotic, the
8 Honorable Thomas L. Stockard and the Honorable Mark R. Denton that Respondent be, and hereby is,
9 publicly reprimanded for violations of Judicial Canon 1 of the Code, Rule 1.1, requiring Respondent to
10 comply with the law, including the Code; and Rule 1.2, requiring Respondent to promote public
11 confidence in the independence, integrity and impartiality of the judiciary, avoid impropriety and the
12 appearance of impropriety.

13 IT IS FURTHER ORDERED that Respondent attend and complete, at his own expense, the
14 judicial course entitled "Advanced Bench Skills: Procedural Fairness," in Savannah, GA in April of
15 2019, or such other similar course as may be available with the approval of the Commission's
16 Executive Director, within one (1) year of the date of this Order.

17 IT IS FURTHER ORDERED that Respondent pay a Two Thousand Five Hundred Dollar
18 (\$2,500) fine to the Domestic Violence Resource Center, formerly CAAW, within sixty (60) days of the
19 date of this Order.

20 IT IS FURTHER ORDERED that Respondent send private, written letters of apology to
21 Penelope Colter, Tamara Utzig, Margie Chavis, Jennifer Olsen and Suzanne Ramos, within sixty (60)
22 days of the date of this Order and provide copies of such apology letters to the Commission.

23 IT IS FURTHER ORDERED that failure to comply with any requirement of this Order may
24 result in Respondent being permanently removed from the bench and forever barred from serving as a
25 judicial officer in the future. NRS 1.4677(1)(e). Accordingly, the Commission retains jurisdiction over
26 this matter for the required period of time for Respondent to comply with this Order.

27 ///

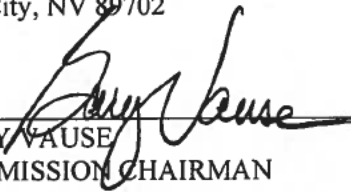
28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IT IS FURTHER ORDERED by unanimous vote that the Chairman is authorized to sign this Order on behalf of all voting Commissioners.

DATED this 20 day of September, 2018.

STATE OF NEVADA
COMMISSION ON JUDICIAL DISCIPLINE
P.O. Box 48
Carson City, NV 89702

By: 
GARY VAUSE
COMMISSION CHAIRMAN

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I am an employee of the Nevada Commission on Judicial Discipline and
3 that on the 20th day of September, 2018, I served a copy of the **FINDINGS OF FACT,**
4 **CONCLUSIONS OF LAW AND IMPOSITION OF DISCIPLINE** by email and U.S Mail, postage
5 paid, addressed to the following:

6 John L. Arrascada, Esq.
7 Arrascada & Aramini, Ltd.
8 145 Ryland Street
9 Reno, NV 89501
jla@arrascadalaw.com
cmg@arrascadalaw.com

10 David R. Houston, Esq.
11 Law Offices of David R. Houston
12 432 Court Street
13 Reno, NV 89501
dhouston@houstonlaw.com
Emily@houstonlaw.com

14 Kathleen Paustian, Esq.
15 Law Offices of Kathleen M. Paustian
16 1912 Madagascar Lane
Las Vegas, NV 89117
kathleenpaustian@cox.net

17
18
19
20 
21
22
23
24
25
26
27
28
Tarah L. Hansen, Commission Clerk