

IN THE SUPREME COURT OF THE STATE OF NEVADA

FILED

MAY 19 2025

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

In the Matter of)

THE HONORABLE MICHELE FIORE,)
Justice of the Peace, Pahrump Township)
Justice Court, County of Nye, State of Nevada,)

Respondent.)

CASE NO. 90650

**CERTIFIED COPY OF ORDER (1) RESCINDING RESPONDENT'S SUSPENSION
FROM THE EXERCISE OF JUDICIAL OFFICE WITHOUT SALARY PURSUANT TO
NRS 1.4675(2)(b); (2) SUSPENDING RESPONDENT FROM THE EXERCISE OF
JUDICIAL OFFICE WITH SALARY PURSUANT TO NRS 1.4675(4)**

I hereby certify that the document attached hereto is a true and correct copy of the ORDER (1) RESCINDING RESPONDENT'S SUSPENSION FROM THE EXERCISE OF JUDICIAL OFFICE WITHOUT SALARY PURSUANT TO NRS 1.4675(2)(b); (2) SUSPENDING RESPONDENT FROM THE EXERCISE OF JUDICIAL OFFICE WITH SALARY PURSUANT TO NRS 1.4675(4) filed with the Nevada Commission on Judicial Discipline on May 19, 2025.

DATED this 19th day of May, 2025.

STATE OF NEVADA
COMMISSION ON JUDICIAL DISCIPLINE
P.O. Box 18123
Reno, NV 89511
(775) 687-4017

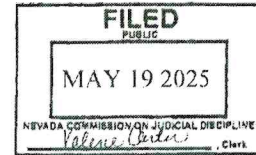
By: 

PAUL C. DEYHLE
General Counsel and Executive Director
Nevada Bar No. 6954

25-22303

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

2 **STATE OF NEVADA**



3 In the Matter of)
4)
5)
6 THE HONORABLE MICHELE FIORE,)
Justice of the Peace, Pahrump Township)
Justice Court, County of Nye, State of Nevada,)
7 Respondent.)
8)
9)

CASE NO. 2024-ADM-02
CASE NO. 2025-108

10 **ORDER (1) RESCINDING RESPONDENT'S SUSPENSION FROM THE EXERCISE OF**
11 **JUDICIAL OFFICE WITHOUT SALARY PURSUANT TO NRS 1.4675(2)(b); (2)**
12 **SUSPENDING RESPONDENT FROM THE EXERCISE OF JUDICIAL OFFICE WITH**
13 **SALARY PURSUANT TO NRS 1.4675(4)**

14 Pursuant to prior written notice, the above-entitled matter was set for a public hearing before the
15 Nevada Commission on Judicial Discipline ("Commission") on May 9, 2025. The hearing was
16 conducted via Simultaneous Audiovisual Transmission utilizing the Zoom virtual platform and was
17 available to the public live via YouTube. Respondent was represented by Paola Armeni, Esq. During
18 the hearing, the Commission considered all evidence and testimony presented.

19 On October 3, 2024, a federal jury found Respondent guilty of one count of Conspiracy to
20 Commit Wire Fraud (18 U.S.C. § 1349) and six counts of Wire Fraud (18 U.S.C. § 1343), all felonies.
21 On October 21, 2024, the Commission entered an order suspending Respondent from the exercise of
22 judicial office without salary. Respondent's sentencing date, originally set for January 6, 2025, was
23 continued three times at Respondent's request for her to file motions for acquittal and for a new trial.
24 As a result, the Commission rescinded and reinstated Respondent's suspension without salary three
25 times on December 18, 2024, February 14, 2025, and April 14, 2025, pursuant to NRS 1.4675(2)(b) and
26 Procedural Rules of the Judicial Discipline Commission ("PRJDC") 9.6(C)(ii).

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1 According to the district court's docket, Respondent's final sentencing date was scheduled for
2 May 14, 2025. On April 18, 2025, U.S. District Court Judge Jennifer Dorsey entered an order Denying
3 Respondent's Motions for Acquittal and for a New Trial, finding the evidence introduced at trial
4 supported the jury's verdict. On April 23, 2025, prior to the imposition of sentence but after all post-
5 trial motions were adjudicated, Respondent was granted a "full and unconditional pardon" from the
6 President of the United States. Consequently, on April 28, 2025, Judge Dorsey vacated the federal
7 sentencing date. Although no dismissal order was filed, the district court's docket entries now list the
8 criminal case as closed.

9
10 Since the date of the presidential pardon, the Commission has received additional complaints
11 against Respondent. On April 24, 2025, Respondent's counsel requested the Commission rescind
12 Respondent's suspension and reinstate her to the bench. Before the Commission, therefore, is
13 Respondent's request that the Commission rescind her suspension without salary and issues relating to
14 Respondent's reinstatement to the bench pending disposition of the additional complaints.

15 I. DECISION

16 The Nevada Constitution, the Nevada Revised Statutes, and the Commission's procedural rules
17 provide the Commission with discretionary authority to suspend sitting judges. Specifically, Article 6,
18 Section 21(9) of the Nevada Constitution permits the Commission to use discretion and "suspend a
19 justice or judge from the exercise of his office pending the determination of the proceedings before the
20 Commission." NRS 1.4675(2)(b) permits suspension *without* pay if the judge is found guilty of a state
21 or federal felony while NRS 1.4675(4) permits suspension *with* pay pending the disposition of the
22 complaint if the judge poses a substantial threat of serious harm to the public or to the administration of
23 justice. PRJDC 9.6(C)(ii) further provides that if the Commission imposes discretionary suspension
24 "and the circumstances justifying the Commission's previous decision to suspend the judge still exist
25 after sixty days, the Commission may rescind and immediately reinstate the suspension[.]"
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1 A pardon may close a criminal case related to an ethical complaint against the judge, but it does
2 not preclude the Commission from considering a judge's ongoing conduct as it may relate to the
3 conviction to determine the judge's potential violation of the Revised Nevada Code of Judicial Conduct
4 ("NCJC"). See, e.g., *In re Sang Man Shin*, 125 Nev. 100, 105-10, 206 P.3d 91, 94-97 (2009)
5 ("adopt[ing] the reasoning of...cases limiting the scope of a pardon," retreating from the Nevada
6 Supreme Court's "prior decisions...to the extent that they imply that a pardon blots out guilt and erases
7 the historical fact of the underlying conviction," and providing that *Carlesi v. New York*, 233 U.S. 51,
8 34 S.Ct. 576 (1914), "impliedly indicates that the offender's pardon did not completely erase all the
9 attendant consequences and considerations following the fact of conviction").¹

11 **1. RESPONDENT'S CURRENT SUSPENSION WITHOUT SALARY IS NO LONGER**
12 **WARRANTED.**

13 The Commission suspended Respondent without pay following the jury's conviction and
14 continued the suspension pending resolution of Respondent's post-trial motions and sentencing.
15 Respondent argues *Ex Parte Garland*, 71 U.S. 333, 380 (1866) (providing that "a pardon reaches both
16 the punishment prescribed for the offense and the guilt of the offender"), divests the Commission from
17 the jurisdiction to suspend Respondent. While courts have considerably narrowed *Garland's* broad
18 scope since it was decided in 1866,² generally, courts have held that a state cannot punish the pardoned
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20 ¹See also *Hirschberg v. CFTC*, 414 F.3d 679, 681 (7th Cir. 2005) (providing that the Commodity Futures Trading
21 Commission "did not violate the pardon clause by considering the conduct underlying Hirschberg's conviction in
22 determining whether he was qualified to do business as a floor trader, because its decision was grounded in protection of the
23 public rather than in punishing Hirschberg as a convicted felon"); *United States v. Nasser*, 476 F.2d 1111, 1117 (1973)
24 (providing that "where there is a sufficiently rational relationship between the past activity and the public interest in
excluding unworthy people, the disqualification is not a punishment"); *Carlesi*, 233 U.S. 51, 59 (1914) (finding that the
presidential pardon did not prevent the state from considering the pardoned offense under a state statute permitting enhanced
sentencing upon the commission of a second offense).

25 ²See *Shin*, 125 Nev. at 110, 206 P.3d at 97 (providing that based upon the U.S. Supreme Court's reasoning in "*Angle v.*
Chicago, St. Paul, Minneapolis & Omaha Railway Co., *United States v. Wilson*, *Burdick v. United States*, and *Carlesi v.*
New York, **we conclude that the U.S. Supreme Court has *sub silentio* retreated from *Garland's* sweeping articulation**
26 **of the pardoning power"** (emphasis added) and that "[t]he United States Court of Appeals for the Seventh Circuit in
Bjerkan v. United States, 529 F.2d 125, 128 n. 2 (7th Cir.1975), the Third Circuit in *U.S. v. Noonan*, 906 F.2d 952, 958, 960
27 (3d Cir.1990), the District of Columbia Circuit in *In re North*, 62 F.3d 1434, 1437 (D.C.Cir.1994), and the Ninth Circuit in
Groseclose v. Plummer, 106 F.2d 311, 313 (9th Cir.1939), as well as the United States District Court for the Northern
28 District of Texas in *Dixon v. McMullen*, 527 F.Supp. 711, 718 (N.D.Tex.1981), **have all reached a similar conclusion and**
held that *Garland's* recitation of the power was noncontrolling dictum" (emphasis added); see also Walter Dellinger,

1 offender for the conviction that was pardoned. *See Bjerkan v. United States*, 529 F.2d 125, 129 (7th Cir.
2 1975). Accordingly, as the district court judge closed the criminal matter, *United States v. Fiore*, the
3 Commission rescinds Respondent's suspension without pay. *See* NRS 1.4675(2)(b) and PRJDC
4 9.6(C)(ii).

5 **2. RESPONDENT POSES A SUBSTANTIAL THREAT OF SERIOUS HARM TO THE**
6 **PUBLIC AND TO THE ADMINISTRATION OF JUSTICE.**

7 As noted above, since the pardon, the Commission has received additional complaints against
8 Respondent. The second issue before the Commission is Respondent's status as a judicial officer
9 pending disposition of those complaints.

10 NRS 1.4675(4) provides that the Commission may suspend a judge "with salary pending a final
11 disposition of the complaint if the Commission determines, by a preponderance of the evidence, that the
12 judge poses a substantial threat of serious harm to the public or to the administration of justice." In *In re*
13 *Halverson*, the Nevada Supreme Court reviewed the Commission's suspension power pursuant to NRS
14 1.4675(4) and held that the "power to suspend...is an express aspect of the Commission's duty to
15 protect the public upon an investigation revealing a current, emergent threat to the judiciary." 123 Nev.
16 at 514, 169 P.3d at 1175 (2007). An interim suspension "is warranted only to protect against anticipated
17 future harm, including harm to the public's perception of the judicial system, and not merely to redress
18 past misconduct"; however, the Commission may consider "evidence of past conduct that would
19 indicate an ongoing problem...to predict future conduct[.]" *Id.* at 512, 1174. In "determining whether a
20 current threat exists, the Commission should consider the totality of the circumstances based on the
21 information available to it." *Id.* at 497, 1165. It is not a matter of guilt or innocence, but "a
22 determination that an interim suspension is warranted to protect the integrity of the judiciary pending

23 *Effects of a Presidential Pardon*, 19 U.S. Op. Off. Legal Counsel 160, 1995 WL 861618 (June 19, 1995) (internal citation
omitted);

24 In *Garland* the Court stated that a pardon makes "the offender . . . as innocent as if he had never committed the
25 offense." (emphasis added). We do not interpret this to mean that the pardon creates the fiction that the *conduct*
26 never took place. Rather, a pardon represents the Executive's determination that the offender should not be
27 penalized or punished for the offense. There may be instances where an individual's conduct constitutes not only a
28 federal offense, but also a violation of a separate code of conduct or ethics that the individual is obligated to comply
with by virtue of his or her professional license. Discipline associated with the breach of the conditions of a
professional license, where the disciplinary action is not triggered merely by the fact of commission or conviction
of a federal offense, generally would not be barred by a pardon.

1 resolution of the case.” *Id.* at 510, 1173.

2 Here, the evidence of Respondent’s dishonesty and retention of funds maintained under false
3 pretenses “reveal[s] a current, emergent threat to the judiciary” and requires the Commission to impose
4 interim suspension “to protect against anticipated future harm, including harm to the public’s
5 perception of the judicial system” pursuant to NRS 1.4675(4). *See Halverson*, 123 Nev. at 512, 514,
6 169 P.3d at 1174, 1175. Specifically, Respondent’s continuing deceit of the charitable donors and her
7 unjust enrichment at the expense of the slain police officer statue³ harms the public’s perception of the
8 judicial system and its confidence in the system’s legitimacy, creates the appearance of impropriety,
9 reflects adversely on Respondent’s honesty and character, and undermines her ability to impose justice
10 and to apply the law fairly.⁴ *See id.* at 511-12, 1174. This is illustrated with e-mails from members of
11 the general public calling into question Respondent’s honesty and her ability to perform the duties of a
12 justice of the peace.

13 Respondent argues the Commission must disregard her conduct because it occurred before she
14 became a judge. However, the evidence shows that after becoming a judicial officer and accepting the
15 great responsibility of preserving the principles of justice and the rule of law in the State of Nevada,
16 Respondent continued to defraud the donors by keeping donations to which she was not entitled and
17 continued to fail to notify them she used their funds for personal expenses instead of for the statue.⁵
18 Respondent has provided no evidence or testimony that she notified the donors after becoming a
19 judicial officer or that she repaid them or intends to repay them.

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23 ³ *See* Order Denying Motions for Acquittal and New Trial.

24 ⁴ The Revised Nevada Code of Judicial Conduct requires judges to always promote public confidence in the judiciary and to
25 avoid impropriety and the appearance of impropriety. NCJC Canon 1, Rule 1.2; *see also* NCJC Preamble. A judge’s
26 “improper conduct and conduct that creates the appearance of impropriety,” whether in the judge’s professional or personal
27 affairs, “erode[s]... public confidence in the judiciary[.]” Comment [1] to NCJC Canon 1. A judge’s violation of the law,
28 court rules, or the judicial canons are actual improprieties while the appearance of impropriety involves a reasonable
observer’s perception “whether the conduct... reflects adversely on the judge’s honesty, impartiality, temperament, or
fitness to serve as a judge.” Comment [5] to NCJC Canon 1.

⁵ *See* Trial Tr. pp. 28-31, 247-51, 266, September 25, 2024; pp. 48, 58-59, 99-100, 199-202, September 26, 2024; pp. 16, 26-
27, September 27, 2024; pp. 14-16, 43-44, 83-121, September 30, 2024.

1 After examining the evidence submitted⁶ and the totality of the circumstances, the Commission
2 finds, by a preponderance of the evidence, that the evidence adduced in the criminal case, *United States*
3 *v. Michele Fiore* (2:24-cr-155), has deeply affected the public's perception of Respondent's continued
4 honesty and integrity and that her return to full judicial duties pending the disposition of the additional
5 complaints poses a substantial threat of serious harm to the public and to the administration of justice.
6 Accordingly, the Commission hereby suspends Respondent from the exercise of judicial office, with
7 salary, pending a final disposition of the complaints filed with the Commission in Case No. 2025-108
8 pursuant to NRS 1.4675(4) and PRJDC 9.

9 II. ORDER

10 IT IS HEREBY ORDERED by unanimous vote of Commissioners Stefanie Humphrey
11 (Chairwoman), John Krmpotic (Vice-Chair), Honorable Kendra Bertschy (Justice of the Peace – Reno),
12 Honorable Barbara Schifalacqua (Justice of the Peace – Henderson), Joseph Sanford, Patricia Halstead,
13 Esq., and Karl Armstrong, Esq. that Respondent be, and hereby is, suspended from the exercise of
14 judicial office with salary pending a final disposition of the Complaint(s) filed in Case No. 2025-108.

15 IT IS FURTHER ORDERED that this Order shall be effective immediately on the date of entry
16 and Respondent shall cease performing all judicial duties at such time.

17 IT IS FURTHER ORDERED that the Executive Director of the Commission shall take the
18 necessary steps to file this Order in the appropriate records and on the website of the Commission and
19 with the Clerk of the Nevada Supreme Court.

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

22 DATED this 19th day of May, 2025.

23 STATE OF NEVADA
24 COMMISSION ON JUDICIAL DISCIPLINE

25 
26 STEFANIE HUMPHREY, Chairwoman

27 ⁶ The Commission considered the following evidence: (i) superseding criminal indictment; (ii) certified trial transcripts from
28 Respondent's federal criminal trial; (iii) certified copy of jury verdict; (iv) motion for judgment of acquittal, reply to the
motion for acquittal, motion for new trial and reply to motion for new trial; (v) order denying motions for acquittal and new
trial; and (vi) emails from the public in favor of and in opposition to Respondent returning to the bench.

1 **CERTIFICATE OF SERVICE**

2 I hereby certify on this 19th day of May, 2025, I transmitted a copy of the foregoing ORDER (1)
3 RESCINDING RESPONDENT'S SUSPENSION FROM THE EXERCISE OF JUDICIAL OFFICE
4 WITHOUT SALARY PURSUANT TO NRS 1.4675(2)(b); (2) SUSPENDING RESPONDENT FROM
5 THE EXERCISE OF JUDICIAL OFFICE WITH SALARY PURSUANT TO NRS 1.4675(4), via
6 email and by placing said document in the U.S. Mail, postage prepaid, addressed to:

7 PAOLA M. ARMENI, ESQ.
8 CLARK HILL PLLC
9 1700 South Pavilion Center Drive, Suite 500
10 Las Vegas, NV 89135
11 parmeni@clarkhill.com
12 Counsel for Respondent

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Valerie Carter, Commission Clerk
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