



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

2 **STATE OF NEVADA**

3
4 In the Matter of the)
5)
6 HONORABLE MICHELE FIORE, Justice of)
7 the Peace, Pahrump Township Justice Court,) Case No. 2025-108-P
8 Nye County, State of Nevada,)
9 Respondent.)
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11 **ORDER DENYING MOTION TO DISMISS AND**
12 **GRANTING LEAVE TO AMEND FORMAL STATEMENT OF CHARGES**

13 Currently before the Commission on Judicial Discipline (hereinafter “Commission”) in this
14 action is *The Honorable Judge Michele Fiore’s Motion to Dismiss* (“Motion”), which was filed by
15 counsel to the Honorable Michele Fiore, Justice of the Peace, Pahrump Township Justice Court, Nye
16 County, State of Nevada (“Respondent”) on May 15, 2026. Special Counsel to the Commission filed
17 an *Opposition to Respondent’s Motion to Dismiss* (“Opposition”) on May 26, 2026. On June 2, 2026,
18 counsel for Respondent filed a *Rely to Opposition to Respondent’s Motion to Dismiss* (“Reply”).

19 **I. Statement of Facts**

20 The *Formal Statement of Charges* (“FSOC”), filed on April 24, 2026, alleges that Respondent
21 acted in violation of the Revised Nevada Code of Judicial Conduct (“Code”). In or about 2019 to 2020,
22 prior to becoming a judicial officer, Michele Fiore solicited monetary donations for the creation of a
23 statue in honor of two (2) slain Las Vegas Metropolitan Police officers. Michele Fiore represented to
24 prospective donors that the funds would be used solely for the construction of the statue and received
25 approximately \$70,000 from donors for that purpose.

26 The statue was completed in approximately January of 2020, but none of the funds raised by
27 Michele Fiore were spent on the construction of the statue. When the donations specifically raised for
28 the construction of the statue could not be used for that purpose, Michele Fiore and later Judge Fiore

1 (Respondent), failed to notify the donors that the specific purpose of their donations was abrogated,
2 failed to request instructions regarding alternative use of the donations and/or failed to return the
3 donations to the donors. On October 3, 2024, almost two years after becoming a judicial officer,
4 Respondent was found guilty by a jury of one (1) count of Conspiracy to Commit Wire Fraud (18
5 U.S.C. §1349) and six (6) counts of Wire Fraud (18 U.S.C. §1343), all felonies, based upon
6 Respondent's fraudulent use of the donations. *United States of America v. Michele Fiore*, 2:24-cr-
7 00155-JAD-DJA.

8 Following the jury's verdict but before sentencing, Judge Fiore filed motions for acquittal and
9 for a new trial arguing, *inter alia*, the evidence adduced at trial did not support the jury's verdict. On
10 April 18, 2025, U.S. District Court Judge Jennifer Dorsey denied Judge Fiore's motions. On April 23,
11 2025, prior to the imposition of sentence, but after all post-trial motions were adjudicated, Respondent
12 received a "full and unconditional pardon" from the United States President, Donald J. Trump. On
13 April 28, 2025, Judge Dorsey vacated the federal sentencing date and closed the criminal case.

14 **II. Motion**

15 In her *Motion*, Respondent argues that the Commission lacks jurisdiction to bring a FSOC
16 because it is based on alleged conduct that occurred before Respondent assumed judicial office and,
17 therefore, falls outside the Commission's disciplinary authority under NRS Chapter 1, the Code, and the
18 Procedural Rules of the Nevada Commission on Judicial Discipline ("PRJDC"). Respondent states that
19 the Commission's jurisdiction is limited by PRJDC 8.1, noting that "the rule does not create unlimited
20 jurisdiction over every act committed by a judge at any point in her private life." *See Motion*, pg. 7,
21 lines 1-3.

22 According to Respondent, the alleged acts underlying the FSOC, including the solicited and
23 received donations, occurred before Respondent assumed judicial office. Respondent argues that the
24 alleged wrongdoing, if any, was complete before judicial service began. Respondent contends that
25 Special Counsel is attempting to avoid this jurisdictional limitation by characterizing the conduct as
26 "continuing." Respondent maintains, however, that a continuing violation requires a continuing legal
27 duty. Respondent argues no such legal duty existed because Respondent was never subject to a
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1 judgment, restitution order, contractual repayment deadline, or any other legally enforceable obligation
2 requiring repayment of the funds.

3 Respondent emphasizes that the FSOC identifies no statute, court order, Code, or any other legal
4 authority imposing a post-investiture obligation to return the donations or seek donor instructions
5 regarding their use. Without an underlying legal obligation, Respondent asserts that there can be no
6 continuing misconduct. As such, Respondent characterizes the alleged unpaid obligation as merely the
7 continuing effect of alleged pre-bench conduct, not a new act of judicial misconduct occurring during
8 judicial service. Accordingly, Respondent maintains that Special Counsel's theory would improperly
9 expand judicial discipline beyond its lawful limits by transforming any unresolved pre-bench allegation,
10 debt, or private dispute into an ongoing ethics violation simply because the individual later became a
11 judicial officer.

12 Respondent also challenges the legal sufficiency of the FSOC, asserting that it fails to identify
13 the statutory grounds for discipline, fails to allege the violation of any enforceable legal duty, and
14 improperly attempts to transform alleged pre-bench private conduct into a perpetual judicial ethics
15 violation. Citing PRJDC 2.5 and PRJDC 2.6, Respondent argues the FSOC fails to identify which
16 provisions of NRS 1.4653 Respondent allegedly violated. She contends that the Commission leaves her
17 to speculate as to the legal theory against which she must defend and deprives her of constitutionally
18 adequate notice.

19 With respect to Count One, Respondent argues that dismissal is warranted because the FSOC
20 does not identify any statute, court order, judgment, restitution order, contractual provision, or other
21 legally enforceable duty requiring repayment by a specific date. In the absence of such a legal duty,
22 Respondent contends there can be no violation of the Code predicated upon a failure to "comply with
23 the law." *See Motion*, pg. 2, lines 26-28 to pg. 3, line 1. She maintains that Special Counsel cannot
24 transform an alleged moral expectation, private dispute, or implied obligation into judicial misconduct
25 without first identifying an actual legal requirement that was violated.

26 As to Count Two, Respondent argues that Special Counsel impermissibly attempts to transform
27 a completed pre-bench private matter into a continuing judicial ethics violation. Respondent claims that
28 the Special Counsel is not identifying ongoing misconduct by Respondent while serving on the bench,

1 but rather only the alleged continuing consequence of a completed pre-bench event. Respondent further
2 asserts that the Special Counsel identifies no statute, court order, judgment, contractual payment
3 deadline, or ethical rule imposing an affirmative post-investiture duty to repay pre-bench donations.

4 Respondent emphasizes that Code, Rule 1.2 cannot be stretched to create a free-standing and
5 indefinite obligation to remedy alleged private conduct occurring before judicial service. Otherwise,
6 every undisclosed historical allegation, debt, dispute, or accusation would become perpetually
7 renewable the moment an individual becomes a judge.

8 Regarding Count Three, Respondent contends that the FSOC fails to allege post-investiture
9 misconduct and instead relies on a premature guilty-verdict theory and an inconsistent and shifting
10 disciplinary framework. Respondent argues that although the jury verdict was returned while she served
11 on the bench, the verdict itself does not transform pre-judicial conduct into acts committed in a judicial
12 capacity. Respondent therefore argues that Count Three fails to provide constitutionally adequate notice
13 under the Fourteen Amendment to the U.S. Constitution and Article 1, Section 8 of the Nevada
14 Constitution. Finally, Respondent asserts that the Commission's own rules and prior determinations
15 demonstrate that proceeding solely on the guilty verdict was premature, and that the Commission's
16 rescission of Respondent's suspension following the pardon is evidence of an inconsistent disciplinary
17 theory.

18 **III. Opposition**

19 In the *Opposition*, Special Counsel argues that the Commission has jurisdiction over this matter
20 pursuant to NRS 1.440 as determined by the Nevada Supreme Court in *Fiore v. Nev. Comm'n on*
21 *Judicial Discipline*, Docket Nos. 89037, 90650 and 90810, pp. 3-4 (April 10, 2026). Special Counsel
22 contends that Respondent's summary of the underlying facts in her *Motion* omits significant evidence
23 from the underlying criminal proceeding in *United States v. Fiore*, U.S. Dist. Court Case No. 2:24-cr-
24 00155 (Nev. 2024). Special Counsel summarizes the testimony of multiple witnesses presented during
25 Respondent's criminal trial, asserting that each witness testified that donations were made based upon
26 Respondent's representations that the money would be used for the Officer Alyn Beck statue.
27 According to Special Counsel, the witnesses testified that Respondent did not notify them that the
28 donations were no longer needed, did not seek permission to use them for another purpose, and did not

1 return the donations. Special Counsel notes that one witness was only partially reimbursed.

2 In response to Respondent's argument that the Commission lacks jurisdiction because the
3 conduct leading to the federal criminal action occurred before she assumed judicial office, Special
4 Counsel argues that the Nevada Supreme Court rejected that position and held that the Commission
5 possesses jurisdiction under NRS 1.440. Special Counsel emphasizes that the foregoing holding
6 continues to be binding upon the instant proceeding. In support of this position, Special Counsel cites
7 *Five Star Capital Corp. v. Ruby*, 124 Nev. 1048, 194 P.3d 709 (2008) (internal citations omitted), and
8 discusses the factors necessary for the application of issue preclusion.

9 Regarding the argument that the FSOC is constitutionally and legally deficient because it fails to
10 identify the statutory grounds for discipline, fails to allege the violation of any enforceable legal duty,
11 and improperly attempts to transform alleged pre-bench private conduct into a perpetual judicial ethics
12 violation, Special Counsel argues that the FSOC provides sufficient due process to Respondent and
13 states multiple claims against her. Specifically, Special Counsel contends that the FSOC initially
14 references the required legal authorities for invoking its jurisdiction, as well as alleges the "specific
15 acts" of Respondent that "warrant action by the Commission." See *Opposition*, pg. 4, lines 22-24.
16 Special Counsel argues that the FSOC sets forth three (3) separate counts of Code violations and
17 incorporates the factual allegations into each count. Special Counsel further argues that each count
18 incorporates the underlying factual allegations and that Respondent understands that NRS 1.4653
19 establishes the statutory grounds for judicial discipline. According to Special Counsel, the concluding
20 paragraph of the FSOC reasonably connects the factual allegations to the applicable statutory
21 provisions, thereby providing constitutionally adequate notice. Nevertheless, Special Counsel requests
22 leave to amend the FSOC pursuant to NRS 1.4267 as sought by Respondent in her Motion.

23 With respect to the assertion that the FSOC never identifies the underlying legal obligation
24 Respondent allegedly violated in Count One, Special Counsel argues that while such specificity is not
25 required in the FSOC, Respondent's actions constitute violations of various provisions of Nevada law.
26 Special Counsel references criminal embezzlement under NRS 205.300, civil conversion (citing to
27 *Evans v. Dean Witter Reynolds, Inc.*, 116 Nev. 598, 606, 5 P.3d 1043, 1048 (2000) (internal citation
28 omitted)), and unjust enrichment (citing to *Certified Fire Prot. Inc. v. Precision Constr. Inc.*, 128 Nev.

371, 381, 283 P.3d 250, 257 (2012)). Special Counsel further argues that the applicable statute of limitations for those potential claims had not expired when the FSOC was filed. In support, Special Counsel cites NRS 171.085 (general limitations periods for violations of NRS 205.300), NRS 11.190(2)(c) (unjust enrichment), and *Petersen v. Bruen*, 106 Nev. 271, 274, 792 P.2d 18, 20 (1990) (civil discovery rule tolling statute of limitations until “an injured party discovers or reasonably should have discovered” the harm). According to Special Counsel, Respondent’s conduct did not become public until the fall of 2024, and the applicable limitations period therefore had not expired. Special Counsel contends that because the alleged victims continue to possess legally enforceable claims to recover the funds, Respondent likewise continues to have an ethical and legal obligation under Code, Rules 1.1 and 1.2 to return the donated funds.

Regarding Count Two, Special Counsel argues that Respondent’s conduct constitutes impropriety and the appearance of impropriety. Special Counsel contends that, upon assuming judicial office on December 21, 2022, Respondent became subject to the Code and she was required to “act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary and avoid impropriety and the appearance of impropriety,” as required by Code, Rule 1.2. Special Counsel states that when Respondent became a judge, she failed to notify the donors that the specific purpose of their donations was abrogated, failed to seek instructions regarding alternative use of the donations and/or failed to return the donations to the donors. Special Counsel further notes that on October 3, 2024, Respondent was found guilty by a jury of one (1) count of Conspiracy to Commit Wire Fraud (18 U.S.C. §1349) and six (6) counts of Wire Fraud (18 U.S.C. §1343), all felonies, based on Respondent’s fraudulent use of the donations.

Special Counsel concludes that Respondent’s conduct was improper or, at a minimum, created in reasonable minds a perception that Respondent violated the Code or engaged in other conduct that reflects adversely on Respondent’s honesty, impartiality, temperament or fitness to serve as a judge, citing to Code, Rule 1.2, Comment 5.

With respect to Count Three, Special Counsel argues that Respondent’s conviction independently establishes impropriety and the appearance of impropriety. Special Counsel contends that Respondent cites no relevant legal authority to support her argument that pre-judicial conduct,

1 coupled with a later criminal conviction, cannot establish judicial misconduct.

2 Finally, Special Counsel asserts that the President's pardon of Respondent does not preclude the
3 Commission from considering Respondent's conduct for disciplinary purposes. Citing *In re Sang Man*
4 *Shin*, 125 Nev. 100, 110, 206 P.3d 91, 98 (2009), Special Counsel notes that under Nevada law, "the
5 effect of a pardon does not erase the historical fact of the conviction." *See Opposition*, pg. 8, lines 9-10.
6 Special Counsel further cites to and discusses various federal and state cases throughout the country
7 that have permitted cases to proceed despite the issuance of a pardon.

8 **IV. Reply**

9 Respondent argues in the *Reply* that Special Counsel's reliance on the Supreme Court's ruling
10 on the writ to invoke issue preclusion is misplaced. Respondent further argues that the issues were not
11 actually and necessarily litigated in a posture identical to the present proceeding, which concerns the
12 imposition of judicial discipline.

13 In response to Special Counsel's argument that the FSOC sufficiently identifies the statutory
14 basis for the allegations, Respondent argues that due process requires Special Counsel to identify the
15 specific provisions of NRS 1.4653 allegedly violated. Respondent maintains that requiring her to infer
16 the legal basis of the charges is constitutionally insufficient.

17 With respect to Count One, Respondent contends that dismissal is warranted because there is no
18 evidence that any donor intends to pursue a civil action or that any state prosecuting agency intends to
19 pursue criminal charges. Respondent contends that Special Counsel's argument therefore rests on
20 speculation. Respondent further argues that the applicable statute of limitations has expired. According
21 to Respondent, the record contradicts Special Counsel's argument.

22 Regarding Count Two, Respondent maintains the FSOC should be dismissed because Special
23 Counsel impermissibly attempts to transform a completed pre-bench private matter into a continuing
24 judicial ethics violation. Respondent argues that the Special Counsel identifies no legal authority
25 imposing a duty upon a judge to contact donors regarding contributions made years earlier, particularly
26 where those contributions predated judicial service and were unrelated to any judicial function.
27 Respondent further claims that that there is no evidence that any donor requested the return of a
28 donation or that Judge Fiore refused such a request.

1 As to Count Three, Respondent reiterates that the FSOC should be dismissed for failure to
2 allege post investiture misconduct, reliance on a premature guilty-verdict theory, and the Commission's
3 inconsistent and shifting disciplinary framework. Respondent argues that while a pardon may not
4 extinguish professional obligations, Respondent was not subject to the Code when the pardoned
5 conduct occurred. Respondent notes that Special Counsel's reliance on *In re Sang Man Shin* is
6 misplaced because that decision did not address the authority of a licensing or disciplinary body to
7 impose discipline for conduct occurring before an individual became subject to its jurisdiction.
8 Respondent further cites *In re Abrams*, 689 A.2d 6 (D.C. 1997), arguing that Special Counsel overlooks
9 a critical distinction, namely that the misconduct occurred while the individual was licensed as an
10 attorney and therefore subject to the ethical rules governing the legal profession.

11 Lastly, Respondent argues that Special Counsel identifies no authority permitting discipline for
12 the alleged violation of a Code that did not govern the individual at the time when the alleged conduct
13 occurred. Respondent therefore concludes that the attorney disciplinary authorities cited by the Special
14 Counsel are likewise distinguishable.

15 **V. Issues**

- 16 1. Whether the Commission has jurisdiction over Respondent's ongoing misconduct after
17 becoming a judicial officer; and
- 18 2. Whether the FSOC fails to state a legal claim in violation of Respondent's due process
19 rights.

20 **VI. Standard of Law**

21 The Nevada Rules of Civil Procedure ("NRCP") provide that the defense of lack of jurisdiction
22 over the subject matter may, at the option of the defendant, be made by motion. NRCP 12(b)(1).

23 NRCP 12(b)(5) permits a party to file a motion to dismiss for failure to state a claim upon which
24 relief can be granted. In considering a motion to dismiss, the court construes all factual allegations in
25 the complaint as true and draws all inferences in favor of the non-moving party. *Buzz Stew, LLC v. City*
26 *of North Las Vegas*, 181 P.3d 670, 672 (Nev. 2008). A complaint will be dismissed if it appears beyond
27 doubt that the plaintiff can prove no set of facts which, if true, would entitle it to relief. *Id.*
28

1 **VII. Discussion**

2 Respondent moves for dismissal of the FSOC on the grounds the Commission lacks jurisdiction
3 and the FSOC fails to adequately allege acts of judicial misconduct in violation of the Respondent's
4 constitutional rights.

5 1. Jurisdiction

6 The Commission has personal jurisdiction over judicial officers. *See* Nev. Const. art. 6, § 21(1)
7 (providing the Commission with authority to discipline judges), NRS 1.440 (providing the Commission
8 with exclusive jurisdiction over the discipline of judges), and NRS 1.428 (defining "judge"). Generally,
9 personal jurisdiction commences when a person is sworn in as a judicial officer. The Commission has
10 subject matter jurisdiction over acts of willful misconduct, willful or persistent failure to perform the
11 duties of office, acts that demonstrate habitual intemperance, and acts that constitute violations of the
12 Code. NRS 1.4653. In this matter, the FSOC filed by Special Counsel alleges Respondent violated the
13 Code after being sworn in as a judicial officer.

14 a. Private Acts vs. Public Acts

15 An act that violates the Code may occur in the course of the judge's official duties or in the
16 course of the judge's private life. *See* Code, Preamble (providing that judges should maintain the
17 dignity of judicial office at all times and avoid both impropriety and the appearance of impropriety in
18 their professional *and personal* lives) (emphasis added). *See also* Code, Rule 1.2, Comments 1-2
19 ("Public confidence in the judiciary is eroded by improper conduct. . . This principle applies to both the
20 professional and personal conduct of a judge." "A judge should expect to be the subject of public
21 scrutiny that might be viewed as burdensome if applied to other citizens and must accept the restrictions
22 imposed by the Code."). In other words, the Commission's jurisdiction is not limited to misconduct
23 occurring from the bench.

24 b. Pre-Bench Conduct

25 Respondent also argues the Commission lacks jurisdiction as the FSOC "is based on alleged
26 conduct that occurred before Judge Fiore assumed judicial office and therefore falls outside the
27 Commission's disciplinary authority." *See Motion*, pg. 6.
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1 First, the FSOC bases its allegations on actions taken by Respondent after she became a judicial
2 officer, not before. “Judge Fiore committed all actions described in Counts I through III, herein, while
3 serving as a justice of the peace.” *FSOC*, pg. 2. As such, drawing all inferences in favor of the non-
4 moving party, the FSOC adequately alleges both personal and subject matter jurisdiction.

5 Additionally, even if the FSOC alleged misconduct that occurred prior to Respondent assuming
6 judicial office, such an allegation is not necessarily fatal to the Commission’s exercise of subject matter
7 jurisdiction. Many cases before the Commission allege misconduct occurring after a person becomes a
8 judicial officer. For example, alleged violations involving bias or prejudice (Code, Rule 2.3), diligence
9 or competence (Code, Rule 2.5), and decorum or judicial demeanor (Code, Rule 2.8) generally must
10 arise from conduct occurring after a judge assumes judicial office for the Commission to have subject
11 matter jurisdiction. There are times, however, when the Commission has subject matter jurisdiction for
12 acts that occur prior to a person assuming judicial office. *See* Code, Rules 4.1 through 4.5 (providing
13 the Code applies to candidates for judicial office, even before they are sworn in as judicial officers).¹

14 There are also times, albeit exceedingly rare, when it is not the conduct that provides the
15 Commission with the subject matter jurisdiction over a particular allegation, it is the result. For
16 example, a judge shall avoid impropriety and the appearance of impropriety. *See* Code, Rule 1.2. While
17 an actual impropriety includes the act of misconduct establishing a violation of the law, a court rule or
18 the Code (*Id.* at Comment 5), the appearance of impropriety does not. As such, in cases involving an
19 allegation of misconduct based on the appearance of impropriety, it is not the act of misconduct that
20 gives the Commission subject matter jurisdiction (as an act of misconduct is not required), it is the
21 resulting appearance of impropriety that violates the Code. Accordingly, if the resulting appearance of
22 impropriety arises while the judge is subject to the Code, the Commission will have subject matter
23 jurisdiction. This is true even if the act that caused the appearance of impropriety was committed prior
24 to the judge taking office. *See Nebraska State Bar v. Krepela*, 259 Neb. 395, 405 (2000) (holding that
25 the Nebraska Commission on Judicial Qualifications could discipline a sitting judge for conduct which
26 occurred five years before the judge took office).

27 ¹ Note, however, the Commission only has personal jurisdiction over judges who have been sworn into office. *Supra*. As
28 such, if a sitting judge is running for retention or re-election and is accused of violating the Code, the Commission will have
personal jurisdiction over the judge. If, however, a candidate who is not a sitting judge is accused of violating the Code, the
Commission will only gain personal jurisdiction if the candidate is elected and sworn into office.

1 In any event, in this matter, the FSOC brought against Respondent alleges violations of the
2 Code (i.e., subject matter jurisdiction) occurring after Respondent was sworn in as a judicial officer
3 (i.e., personal jurisdiction). Accordingly, Respondent’s allegations that the Commission lacks
4 jurisdiction are unpersuasive.

5 2. Sufficiency of Charges Satisfies Due Process

6 Article 6, Section 21(9) of the Nevada Constitution establishes the jurisdiction of the
7 Commission to address “[a]ny matter relating to the fitness of a justice or judge,” including by ordering
8 a hearing to be held before it upon service of “a statement of the matter” on the justice or judge. NRS
9 1.4267 defines the “formal statement of charges” as “a document setting forth *specific acts of judicial*
10 *misconduct*” (Emphasis added.) See also PRJDC 2.5 (a document filed by a special counsel
11 designated by the Commission pursuant to NRS 1.4267). PRJDC 2.6 defines “judicial misconduct” as
12 the “commission of any act which is grounds for discipline pursuant to NRS 1.4653.” In accordance
13 with NRS 1.4653, the Commission may discipline a judge for committing a violation of one or more of
14 the provisions of the Code.

15 Pursuant to Article 6, Section 21(7) of the Nevada Constitution, “[t]he Commission shall adopt
16 rules of procedure for the conduct of its hearings and any other procedural rules it deems necessary to
17 carry out its duties.” NRS 1.462 provides that proceedings before the Commission are civil matters in
18 which the Nevada Rules of Civil Procedure apply, except as otherwise provided in NRS 1.425 through
19 1.4695 or by procedural rules adopted by the Commission. The Commission has adopted the PRJDC.

20 PRJDC 15 requires the FSOC to “reference the *relevant* provisions of the Nevada Revised
21 Statutes, the Revised Nevada Code of Judicial Conduct and the Nevada Constitution *and provide a*
22 *clear statement of all acts and omissions which are alleged to warrant action by the Commission.*”
23 (Emphasis added.)

24 Here, the FSOC specifically identifies Article 6, Section 21 of the Nevada Constitution, NRS
25 1.425 *et seq.* and Rule 1.1 of the Revised Nevada Code of Judicial Conduct as the basis upon which the
26 Commission should assert jurisdiction over the Respondent in this matter. See FSOC, pg. 1, lines 1-5.
27 Moreover, the FSOC sets forth a factual predicate upon which it alleges that the Respondent violated
28 Rule 1.1 of the Code, which requires judges, in part, to comply with the law. The FSOC alleges that

1 Michele Fiore committed the acts of soliciting and accepting funds from private donors for the specific
2 purpose of constructing a statue in honor of slain law enforcement officers, and when the funds were
3 not used for that purpose, Respondent had a legal obligation to notify the donors and seek instructions
4 regarding the alternative use or return of the donations. *FSOC*, pg. 2, lines 12-26. By failing to notify
5 the donors, seek such instructions or otherwise return the donations, the FSOC alleges that the
6 Respondent unlawfully concealed the matter and wrongfully retained those donations, including while
7 she served as a judge. *FSOC*, pg. 3, lines 16-21. The FSOC further denotes that fraudulent conduct
8 prompted the guilty jury verdicts of 7 counts of federal criminal wire fraud in the U.S. District Court
9 after the Respondent became a judge. *FSOC*, pg. 2, line 27 and pg. 3, lines 1-4.

10 The Respondent further alleges that the “[FSOC] identifies no statute, court order, Code, or
11 other legal authority imposing a post-investiture obligation to return the donation or seek donor
12 instructions regarding their use.” *See Motion*, pg. 7, lines 18-20. However, this is not the standard for
13 notice required for a FSOC under the Nevada Constitution, the statutes governing judicial discipline, or
14 the procedural rules adopted by the Commission. Although Respondent’s filings advance numerous
15 due process arguments, they do not cite legal authority in support of those assertions. As noted above,
16 the pleading requirements for the FSOC are analogous to the pleading requirements set forth in the
17 NRCPP, wherein a pleading that states a claim for relief need only contain a short and plain statement of
18 the court’s jurisdiction and claim showing that the pleader is entitled to relief. *See* NRCPP 8. Upon *de*
19 *novi* review of motions to dismiss under NRCPP 12(b)(5) for failure to state a claim upon which relief
20 can be granted, the Nevada Supreme Court has repeatedly held that “[u]nder our notice-pleading
21 standard, we ‘liberally construe [the] pleadings’ for ‘sufficient facts’ that put the ‘defending party’ on
22 ‘adequate notice of the nature of the claim and relief sought.’” *Harris v. State*, 138 Nev. 390, 407, 510
23 P.3d 802, 807 (2022) (quoting *Western States Constr., Inc. v. Michoff*, 108 Nev. 931, 936, 840 P.2d
24 1220, 1223 (1992)). Moreover, the Court has also stated that “our notice-pleading standard **does not**
25 **require the plaintiff to indicate a specific ‘legal theory’ or use ‘precise legalese’ to give notice** to the
26 defending party.” *Id.* (citing *Liston v. Las Vegas Metro. Police Dep’t*, 111 Nev. 1575, 1578-79, 908
27 P.2d 720, 723 (1995)) (Emphasis added.). Under these standards, the FSOC, akin to a notice-pleading,
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1 does not require Special Counsel to specify every legal theory upon which the Respondent violated the
2 law. Thus, the requirements of PRJDC 15 have been satisfied.

3 Most notably, the Court has further stated that the “essence of due process” in the context of a
4 judicial discipline proceeding is “the opportunity to be heard ‘at a meaningful time in a meaningful
5 manner.’” *Matter of Halverson*, 123 Nev. 493, 518; 169 P.3d 1161, 1178 (2007) (quoting *Mathews v.*
6 *Eldridge*, 424 U.S. 319, 333, 96 S.Ct. 893, 902 (1976) (internal quotations omitted). The notion of
7 “meaningful” due process has been addressed by the Nevada Supreme Court in *Dutchess Bus. Servs.,*
8 *Inc. v. Nev. State Bd. of Pharmacy*, 124 Nev. 701, 711, 191 P.3d 1159, 1166 (2008), wherein an
9 administrative body was required to “give notice to the defending party of the issues on which the
10 decision [would] turn and the factual material on which the agency relie[d] for decision so that [the
11 defending party] may rebut it.” Moreover, the court determined that it was “the opportunity to prepare a
12 defense that defines due process.” *Id.* at 712, 191 P.3d at 1167.

13 The Commission holds that the FSOC satisfies the minimum due process necessary to put the
14 Respondent on notice of the nature of the claim and relief sought. The FSOC provides specific factual
15 allegations and provides the Respondent with a meaningful opportunity to respond whether her conduct
16 as outlined in those factual allegations violates the law. As required by the Commission’s procedural
17 rules, the FSOC identifies Rule 1.1 of the Code as violated by the Respondent for concealing that the
18 donated funds were not used for the intended purpose and retaining the funds without notification to the
19 donors.

20 The FSOC further acknowledges the Presidential pardon of these criminal acts after the guilty
21 verdict by a jury in federal court to allow the Respondent to answer how such a pardon impacts her
22 legal obligations. Yet, a Presidential pardon of criminal activity does not render the underlying conduct
23 lawful. By analogy, if a person steals his mother’s ring, is charged with criminal theft, found guilty by a
24 jury and subsequently pardoned, the pardon does not entitle the person to maintain possession of the
25 stolen ring. There is a legal – and ethical – obligation to return the ring to the lawful owner, despite the
26 pardon. Likewise, if an elected official misappropriates government funds for a personal purpose, any
27 pardon of a criminal misappropriation conviction would not otherwise entitle the public official to keep
28 the funds.

1 The FSOC alleges similar conduct wherein the Respondent is alleged to have unlawfully
2 retained funds that were solicited and donated for a specific purpose (honoring slain law enforcement
3 officers) that was abrogated. As in any of these hypothetical scenarios, the FSOC argues the law created
4 an obligation to inform the donors and/or return the money or property. The FSOC contains specific
5 factual acts and omissions to put the Respondent on notice of the alleged misconduct.

6 **VIII. Decision and Order²**

7 Based on the foregoing reasons and good cause appearing, the Commission hereby finds and
8 orders as follows:

9 1. Respondent's Request for Oral Argument

10 Decisions on motions shall be made without oral argument unless otherwise requested by a
11 party and ordered by the Commission. PRJDC Rule 38.2(A). In this matter, Respondent requested oral
12 argument on the *Motion to Dismiss* and Special Counsel did not join or oppose Respondent's request.
13 After due consideration of the issues raised in Respondent's *Motion*, Special Counsel's *Opposition* and
14 Respondent's *Reply*, the Commission finds that oral arguments would not be beneficial in assisting the
15 Commission's decision in this matter. Therefore, the request for oral argument is denied.

16 2. Respondent's *Motion to Dismiss*

17 The Commission concludes that the Commission has jurisdiction and that Respondent has
18 not demonstrated that dismissal of the FSOC is otherwise warranted.³

19 3. Special Counsel's Request for Leave to Amend Count One

20 Notwithstanding our holding that the FSOC satisfies the legal standard for due process, out
21 of an abundance of caution to ensure a meaningful opportunity to defend herself, the Commission
22 hereby grants leave for Special Counsel to amend Count One of the FSOC to provide more specificity
23 regarding the legal authorities upon which it alleges the Respondent had a legal obligation to notify the
24 donors that the donated funds could not be used for the specified purpose, seek instructions on
25 alternative use of those funds, or return the money. The request for leave to amend Count One in the
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27 ² The Honorable Kendra Bertschy is authorized to sign this Order on behalf of the full Commission.

28 ³ To the extent the Respondent raises arguments that are not specifically addressed in this Order, the Commission has considered the same and concludes that they either do not present a basis for relief or need not be reached given the disposition of this Order.

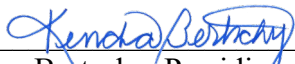
1 FSOC is granted.

2 The Commission notes that the *Opposition* and *Reply* already address the legal theories upon
3 which leave is granted. Therefore, limited time is granted to submit an Amended FSOC and answer
4 thereto. Special Counsel shall file an Amended FSOC not later than ten (10) days after service of this
5 Order, and the Respondent shall file an Amended Answer not later than twenty (20) days after service
6 of an Amended FSOC.

7 IT IS SO ORDERED.

8 DATED this 31st day of July, 2026.

9
10 STATE OF NEVADA
COMMISSION ON JUDICIAL DISCIPLINE

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13 _____
Kendra Bertschy, Presiding Judge

1 **CERTIFICATE OF SERVICE**

2 I hereby certify on this 31st day of July, 2026, I transmitted a copy of the foregoing
3 ORDER DENYING MOTION TO DISMISS AND GRANTING LEAVE TO AMEND
4 FORMAL STATEMENT OF CHARGES, via email and by placing said document in the U.S.
5 Mail, postage prepaid, addressed to:

6 Paola M. Armeni, Esq.
7 Clark Hill PLLC
8 1700 South Pavilion Center Drive, Suite 500
9 Las Vegas, NV 89135
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Respondent's Counsel

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11 Messing Adam Jasmine & Shore, LLP
12 1817 N. Stewart Street, Ste. 35
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tom@majlabor.com
Special Counsel

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16 _____
Valerie Carter, Commission Clerk
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