

FILED

APR 29 2021

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

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

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In the Matter of)
)
THE HONORABLE MELANIE ANDRESS-)
TOBIASSON, Justice of the Peace, Las Vegas)
Justice Court, Dept. 10, Clark County,)
State of Nevada,)
)
Respondent.)
_____)


CASE NO. 82830

**CERTIFIED COPY OF STIPULATION AND ORDER OF
CONSENT TO RESIGNATION AND RESOLUTION OF ALL
PENDING MATTERS INVOLVING COMMISSION AND RESPONDENT**

Pursuant to Commission Procedural Rule 29, I hereby certify that the document attached hereto is a true and correct copy of the STIPULATION AND ORDER OF CONSENT TO RESIGNATION AND RESOLUTION OF ALL PENDING MATTERS INVOLVING COMMISSION AND RESPONDENT filed with the Nevada Commission on Judicial Discipline on April 29, 2021.

DATED this 29th day of April, 2021.

NEVADA COMMISSION
ON JUDICIAL DISCIPLINE
P.O. Box 48
Carson City, NV 89702
(775) 687-4017

By: 

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

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13 Prosecuting Officers for the Nevada
14 Commission on Judicial Discipline

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

16 IN THE MATTER OF THE HONORABLE
17 MELANIE ANDRESS-TOBIASSON,
18 Las Vegas Justice Court, County of Clark,
19 State of Nevada,

20 Case Nos.: 2018-120,
21 2019-005 and
22 2019-090

23 Respondent.

24 **STIPULATION AND ORDER OF CONSENT TO RESIGNATION AND RESOLUTION**
25 **OF ALL PENDING MATTERS INVOLVING COMMISSION AND RESPONDENT**

26 In order to resolve the judicial conduct complaint(s) pending before the Nevada
27 Commission on Judicial Discipline (the "Commission") and in order to save the time and
28 expense of proceeding to a hearing, the Respondent, Honorable Melanie Andress-Tobiasson, Las
Vegas Justice Court, County of Clark, State of Nevada ("Respondent" or "Judge Tobiasson"),
and the Commission stipulate to the following pursuant to Commission Procedural Rule 29:

1. On August 31, 2020, the Commission filed a Formal Statement of Charges
("FSOC") against Respondent in Case Nos. 2018-120 and 2019-005. Respondent knows and
understands the factual allegations and the sections of the Nevada Revised Code of Judicial

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1 Conduct applicable to this case.

2 2. On May 31, 2019, a Verified Statement of Complaint ("VSC") was filed against
3 Respondent in Case No. 2019-090. Respondent knows and understands the factual allegations
4 and the sections of the Nevada Revised Code of Judicial Conduct applicable to this case, as well.

5 3. Respondent disputes the factual allegations contained within each of these
6 respective matters.

7 4. Respondent and the Commission agree that the allegations set forth in these
8 matters, if proven by clear and convincing evidence, could result in disciplinary action against
9 the Respondent.

10 5. Respondent agrees to waive her right to present her case in any of the matters that
11 exist against her before the Commission and further agrees, notwithstanding her dispute of the
12 factual allegations within each of these matters, that she will not contest these allegations in a
13 formal hearing pursuant to Commission Procedural Rule 18. Respondent also agrees that this
14 Stipulation and Order of Consent to Resignation and Resolution of All Pending Matters
15 Involving Commission and Respondent ("Order") takes effect immediately, pursuant to
16 Commission Procedural Rule 29. The Commission accepts Respondent's waiver of said right
17 and acknowledges and agrees to the immediate effect of this Order.

18 6. Respondent further agrees to waive (and the Commission agrees to accept
19 Respondent's waiver of) all of her rights pursuant to NRS 1.4673 and NRS 1.4677, including but
20 not limited to:

- 21 a. The right to proceed to hearing on the allegations against her (NRS
22 1.4673(1)).
- 23 b. The right to have any of the allegations against her proven by clear and
24 convincing evidence, with the burden of proof on special counsel (NRS
25 1.4673(2)(a)-(b)).
- 26 c. The right to receive written findings of fact and conclusions of law,
27 following a hearing, within sixty (60) days of said hearing (NRS

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1.4673(3)).

d. The right to a determination as to whether discipline is appropriate in these matters and what form that discipline should take (NRS 1.4677).

7. Respondent further agrees and acknowledges that this Order will be published on the Commission’s website and filed with the Clerk of the Nevada Supreme Court.

8. The Commission agrees and acknowledges that once all actions are dismissed, this Order will be posted on the Commission’s website and the FSOC in Case Nos. 2018-120 and 2019-005 will be removed. However, Respondent agrees and acknowledges that the FSOC is, and must remain, a public document under Nevada law.

9. Respondent agrees and acknowledges that the VSC in Case No. 2019-090 has never been posted to the Commission’s website, but also agrees and acknowledges that the VSC is, and must remain, a public document under Nevada law.

10. The Commission hereby stipulates to dismiss all pending matters before the Commission against Respondent, with prejudice. The Commission further agrees to take no further action against Respondent on any further matters, whether known or unknown.

11. The Respondent hereby stipulates to dismiss her pending action in the United States District Court for the District of Nevada, Case No. 2:21-cv-00381-JCM-BNW, *Melanie Andress-Tobiasson v. Nevada Commission on Judicial Discipline, et al.*, via the filing of a Voluntary Dismissal With Prejudice contemporaneous with the immediate effect of this Order, upon written notice to counsel for Respondent that this Order has now taken effect.

12. The Respondent hereby further stipulates to immediately tender her resignation of her position as a Justice of the Peace in Las Vegas Township, Clark County, State of Nevada, to become effective May 7, 2021, via an appropriate communication to the Clark County Commission (copied to Richard Dreitzer, Prosecuting Officer for the Nevada Commission on Judicial Discipline (“NCJD”) who will then convey this fact to the NCJD) and to meet any other requirements to vacate her judicial office contemporaneous with the immediate effect of this Order, upon written notice to counsel for Respondent that this Order has now taken effect.

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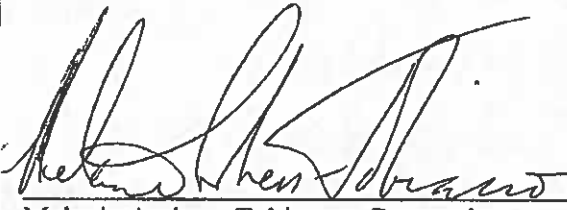
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IT IS FURTHER ORDERED that the Executive Director of the Commission take the necessary steps to file this document in the appropriate records and on the website of the Commission and with the Clerk of the Nevada Supreme Court.

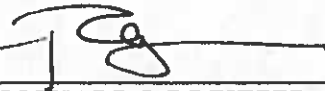
DATED: April 29, 2021

DATED: April 29, 2021



Melanie Andress-Tobiasson, Respondent

FENNEMORE CRAIG, P.C.



RICHARD I. DREITZER, ESQ., #006626
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Prosecuting Officer for the Nevada
Commission on Judicial Discipline


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NEVADA COMMISSION ON JUDICIAL DISCIPLINE

The Commissioners listed below accept the terms of this Stipulation and Order of Consent to Resignation and Resolution of All Pending Matters Involving Commission and Respondent. They further authorize the Chairman, if requested, to sign on behalf of the Commission, as a whole, this document containing the Stipulation and Order of Consent to Resignation and Resolution of All Pending Matters Involving Commission and Respondent.

Signed by:

Dated:



April 29, 2021

GARY VAUSE, CHAIRMAN

STEFANIE HUMPHREY, VICE CHAIR

KARL ARMSTRONG

DONALD CHRISTENSEN

HON. THOMAS GREGORY

JOSEPH SANFORD

HON. THOMAS STOCKARD

1 CERTIFICATE OF SERVICE

2 I hereby certify that I am an employee of the Nevada Commission on Judicial Discipline
3 and that on the 29th day of April, 2021, I served a copy of the **STIPULATION AND ORDER**
4 **OF CONSENT TO RESIGNATION AND RESOLUTION OF ALL PENDING MATTERS**
5 **INVOLVING COMMISSION AND RESPONDENT** by email and U.S Mail, postage paid,
6 addressed to the following:

7
8 Mr. Richard Dreitzer
9 Fennemore Craig
10 300 S. Fourth Street, Suite 1400
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13 Prosecuting Officer

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Counsel for Respondent



Valerie Carter, Commission Clerk