



**State of Vermont
Office of the Secretary of State**

Office of Professional Regulation
89 Main Street, 3rd Floor
Montpelier, VT 05620-3402
sos.vermont.gov

James C. Condos, Secretary of State
Christopher D. Winters, Deputy Secretary
S. Lauren Hibbert, Director

September 13, 2022

Sean Fiore
92 Overlake Park
Burlington, VT 05401-4012

Case: In Re Sean Fiore
Credential: License # 026.0122590
Docket No.: 2019-76

Dear Mr. Fiore:

Enclosed, please find a *Default Order* in the matter captioned above. This is a final administrative determination.

If you are aggrieved by this decision, you may begin the appeal process by filing a Notice of Appeal with the Office of Professional Regulation. **The notice must be received no later than 30 days from the decision's date of entry (see last page of order).** Send the appeal to:

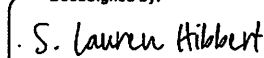
Office of Professional Regulation
Attn: S. Lauren Hibbert, Director
89 Main Street, 3rd Floor
Montpelier, VT 05620-3402

The appeal does not stop the disciplinary action from going into effect. If you wish to have the disciplinary action stayed during the appeals process, you must specifically request a stay in writing. Your request for a stay will be considered, and a decision to grant or deny your request will be issued. Please see the enclosed instructions.

If you have questions, please do not hesitate to contact the Office at (802) 828-2367.

Sincerely,

DocuSigned by:


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S. Lauren Hibbert
Director

Enclosure: *Default Order*

cc: George Belcher, Hearing Officer
Jennifer Colin, Esq., Prosecuting Attorney
Kristin Donnelly, Case Manager
Sean Fiore, Respondent, First Class Mail, Certified Mail & Email

**STATE OF VERMONT
SECRETARY OF STATE
OFFICE OF PROFESSIONAL REGULATION
BOARD OF NURSING**

**In re: Sean A. Fiore
License No. 026.0122590**

Docket No. 2019-76

DEFAULT ORDER

Appearances:

Prosecuting Attorney: Jennifer B. Colin, Esq.
Respondent: Did not appear

Hearing Officer: Michael S. Kupersmith, Esq.

Introduction

The Hearing Officer conducted a default hearing in the above-entitled matter on September 6, 2022 pursuant to 3 V.S.A. § 129(f). The hearing was conducted remotely as provided in the Emergency Rules for Remote Hearings adopted by the Office of Professional Regulation (OPR). The State requested a default order because the Respondent had not responded to the Specification of Charges filed in this case. The State was represented by Jennifer B. Colin, Esq. The Respondent did not appear and was not represented by counsel.

Findings of Fact

1. The Respondent is licensed by the State of Vermont as a Registered Nurse and is therefore subject to the regulatory authority of the Board of Nursing. See 3 V.S.A. §§ 129 and 129a; 26 V.S.A. Chapter 28; the Administrative Rules of the Board of Nursing; and the Rules of the Office of Professional Regulation.
2. A Specification of Charges was filed by the Prosecuting Attorney on or about May 18, 2022. On that date a copy of the Charges and Notice of Hearing was sent to the Respondent at the address which is on file with OPR by certified mail and first class mail. Since it appeared that the Respondent had been convicted of a federal criminal offense, the Prosecuting Attorney found his location and provided the name and address of the federal correctional facility to which he had been confined to the Docket Clerk. On June 28, 2022, a copy of the Charges and Notice of Hearing was sent by certified mail

- to that facility and on July 11, 2022, a return receipt was obtained from the facility. Respondent's Answer was due on June 7, 2022 (or July 18, 2022 based on the mailing to the correctional facility).
3. By notice sent with the Charges, Respondent was advised that he was required to file an Answer within 20 days. See Administrative Rules of Practice 3.3. As of the default hearing, the Respondent had failed to submit an Answer.
 4. On August 17, 2022, the State filed a Motion for Default. On that date the motion as well as a notice of the default hearing were sent via certified mail and first class mail to the Respondent at both his last known residential address and the federal correctional facility at which he is confined. As of the default hearing, no response to the Motion for Default has been received by either the Docket Clerk or the Prosecuting Attorney. Furthermore, no communication has been received by either office since the filing of the Specification of Charges.
 5. Upon consideration of the State's presentation, and taking judicial notice of the OPR file in this matter, the Hearing Officer finds the Respondent to be in default. Pursuant to the Administrative Rules of Practice 3.4, the allegations made in the Specification of Charges are treated as proven and the Board may take disciplinary action based on its findings. See also 3 V.S.A. §§ 809(d) and 814(c). A copy of the Specification of Charges is appended to this Order.
 6. It is specifically found that the Respondent was convicted in the U.S. District Court for the District of Vermont of the following offenses: (a) murder for hire using interstate facilities; (b) possession of child pornography; (c) conspiracy to kidnap, maim, or murder a person in a foreign country; and (d) conspiracy to produce child pornography. On March 22, 2022, Respondent was sentenced to serve 324 months in federal prison. The Board takes judicial notice that these offenses are felonies under federal law.
 7. It is the recommendation of the Prosecuting Attorney that in consideration of the serious offenses for which Respondent has been convicted and the length of time which he must serve in prison, that his license as a Registered Nurse be revoked.

Conclusions of Law

Respondent has received adequate actual and/or constructive notice of the Charges in this matter as indicated by the Board's file and the Prosecutor's presentation. Because the Respondent has failed to file an Answer, the factual allegations contained in the Specification of Charge are taken as proven. Accordingly, the Board may conclude that the Respondent engaged in

unprofessional conduct as alleged, to wit: (1) engaging in conduct likely to harm the public in violation of 26 V.S.A. § 1582(a)(3); and (2) conviction of a felony whether or not relate to the practice of the profession in violation of 3 V.S.A. § 129a(a)(10).

PROPOSED ORDER

In accordance with the Findings of Fact and Conclusions of Law set forth above, and consistent with the recommendations of the Prosecuting Attorney, the Board orders that the Respondent's license be **REVOKED**.

The Hearing Officer reports the above facts, conclusions of law, and finding of default to the Board with the recommendation that the Board approve them and enter the Order as above.

Dated this 8th day of September, 2022



Michael S. Kupersmith
Hearing Officer

The Board of Nursing considered the report of findings of fact and conclusions of law at its meeting on September 12, 2022. After considering the report, the Board takes the following action:

- / / Rejects the report and schedules the matter for hearing.
- / / Schedules the matter for additional evidence.
- / x / Accepts the report, adopts the findings of fact and conclusions of law, and orders the recommended discipline as set forth in the proposed order above.

SO ORDERED,

DocuSigned by:

William James Floyd III

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Board of Nursing

By: Jennifer Laurent, Chair

Date of Entry: 9/13/22

APPEAL RIGHTS

This is a final administrative determination by the Board of Nursing. A party aggrieved by a final decision by the Board may appeal this decision by filing a written Notice of Appeal with the Director of the Office of Professional Regulation, 89 Main Street, 3rd floor, Montpelier, VT 05620-3402, within 30 days of the date of entry of this order. If an appeal is filed, the Director of the Office of Professional Regulation shall assign the case to an Appellate Officer. The appeal shall be conducted based on the record created before the Board. In cases of alleged irregularities in procedure before the Board not shown on the record, proof of that issue may be taken by the Appellate Officer. 3 V.S.A. §§ 129(d) and 130a. A stay of this Order may also be requested.

**STATE OF VERMONT
SECRETARY OF STATE
OFFICE OF PROFESSIONAL REGULATION
BOARD OF NURSING**

IN RE:)
SEAN A. FIORE) **Docket No. 2019-76**
License No. 026.0122590)

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against Respondent Sean A. Fiore:

Board Authority

1. The Vermont State Board of Nursing (the "Board") has authority to issue warnings or reprimands; suspend, revoke, limit, or condition current licenses; or prevent the renewal of lapsed licenses if, after disciplinary hearing, the Board finds that the Respondent has engaged in unprofessional conduct. 3 V.S.A. § 129(a); 3 V.S.A. § 129a; 3 V.S.A. § 814(d); 26 V.S.A. Chapter 28; the Administrative Rules of the Board of Nursing (the "ARBN"); and the Rules of the Office of Professional Regulation.

Statement of Facts

2. Sean A. Fiore ("Respondent") of Burlington, Vermont is licensed by the State of Vermont as a Registered Nurse ("RN") under license number 026.0122590. This license was originally issued September 1, 2016 and expired on March 31, 2021.
3. On or about May 17, 2019, Respondent was arrested by Homeland Security Investigations, a federal law enforcement agency, for possession and solicitation of several images and/or videos depicting extreme physical and sexual abuse of children.
4. At the time of his arrest, Respondent was scheduled to graduate from the University of Vermont on May 18, 2019 as an advanced practice registered nurse.
5. Prior to his arrest, Respondent was actively working as a registered nurse.
6. On May 20, 2019, Respondent appeared in U.S. District Court for the District of Vermont for an initial hearing in the criminal complaint case for violations of federal law (18 U.S.C. §2252).
7. On June 3, 2019, the State filed a Request for Summary Suspension of Respondent's RN license. On June 11, 2019, the Board of Nursing entered an Order approving of the Voluntary Indefinite Suspension of Respondent's RN license.

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8. On September 15, 2020, a Grand Jury empaneled by the U.S. District Court, District of Vermont in the matter of *U.S. v. Fiore*, Case No. 2:19-cr-78, returned a seven-count indictment, referred to as the Third Superseding Indictment, against Respondent.
9. On October 14, 2021, Respondent pled guilty to the following counts of the Third Superseding Indictment:
 - a. Count 1 – Murder for hire using interstate commerce facilities, a violation of 18 U.S.C. §1958(a);
 - b. Count 3 – Possession of child pornography obtained through interstate commerce, a violation of 18 U.S.C. §2252(b)(2);
 - c. Count 4 – Conspiracy to kidnap, maim, or murder a person in a foreign country, a violation of 18 U.S.C. §§956(a)(1) and (2);
 - d. Count 5 – Conspiracy to produce child pornography, a violation of 18 U.S.C. §§2251(a) and (e).
10. On March 22, 2022, the U.S. District Court for the District of Vermont sentenced Respondent to serve 324 months in prison with credit for time served and supervised release for life upon completion of his prison sentence. Once released from prison, two conditions of Respondent's supervised release for the remainder of his life will be: (a) Respondent may not have any contact with persons under the age of 18 except in the presence of a responsible adult who is aware of his criminal background and who has been approved by Respondent's probation officer; and (b) Respondent must comply with the requirements of the Sex Offender Registration and Notification Act.

Violation One: 26 V.S.A. §1582(a)(3) Engaging in conduct of a character likely to deceive, defraud, or harm the public.

11. The State re-alleges and incorporates Paragraphs 2 through 10 above.
12. As a Registered Nurse, Respondent is prohibited from engaging in conduct of a character likely to deceive, defraud, or harm the public.
13. Paragraphs 2 through 10 above demonstrate Respondent engaged in conduct of a character likely to deceive, defraud, or harm the public.
14. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because the Respondent has committed unprofessional conduct in violation of 26 V.S.A. §1582(a)(3).

Violation Two: 3 V.S.A. §129a(a)(10) Conviction of a crime related to the practice of the profession or conviction of a felony, whether or not related to the practice of the profession.

15. The State re-alleges and incorporates Paragraphs 2 through 10 above.

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16. Under Vermont law, conviction of a felony related to the practice of the profession constitutes unprofessional conduct for a Registered Nurse.
17. Paragraphs 2 through 10 above demonstrate Respondent has been convicted of multiple felonies that relate to the practice of the profession of nursing, namely child pornography and conspiracy to kidnap, maim or murder.
18. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because the Respondent has committed unprofessional conduct in violation of 3 V.S.A. §129a(a)(10).

Violation Three: 3 V.S.A. §129a(a)(3) Failing to comply with provisions of federal or State statutes or rules governing the practice of the profession, incorporating 33 V.S.A. §4913 Reporting child abuse and neglect.

19. The State re-alleges and incorporates Paragraphs 2 through 10 above.
20. As a Registered Nurse, Respondent is a mandated reporter of child abuse.
21. Paragraphs 2 through 10 above demonstrate Respondent failed to report child abuse.
22. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because the Respondent has committed unprofessional conduct in violation of 3 V.S.A. §129a(a)(3), incorporating 33 V.S.A. §4913.

Relief Requested

WHEREFORE, the Registered Nurse license of Sean A. Fiore should be revoked or otherwise disciplined.

DATED this 13th day of May, 2022.

**STATE OF VERMONT
SECRETARY OF STATE**

By: /s/ Jennifer B. Colin
Jennifer B. Colin
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