


Joey D. Moya

IN THE SUPREME COURT
OF THE STATE OF NEW MEXICO

No. S-1-SC-36868

IN THE MATTER OF HON. JOE I. DOMINGUEZ
Municipal Judge, Tucumcari, New Mexico

IN THE MATTER OF HON. JOE I. DOMINGUEZ
Inquiry No. 2018-019

FILED UNDER SEAL
PURSUANT TO 27-104(B) NMRA 2011

PETITION TO ACCEPT STIPULATION TO
PERMANENT RESIGNATION FROM JUDICIAL OFFICE
IN LIEU OF FURTHER DISCIPLINARY PROCEEDINGS

JUDICIAL STANDARDS COMMISSION
Post Office Box 27248
Albuquerque, New Mexico 87125-7248
(505) 222-9353
Fax: (505) 222-9358

HON. JOE I. DOMINGUEZ
Post Office Box 213
Tucumcari, New Mexico 88401
(575) 403-7637
Email: tucumarijoe@yahoo.com

RANDALL D. ROYBAL
Executive Director & General Counsel

Respondent

PHYLLIS A. DOMINGUEZ
Deputy Director

Counsel for Petitioner

IN THE SUPREME COURT
OF THE STATE OF NEW MEXICO

No. S-1-SC-36868

IN THE MATTER OF HON. JOE I. DOMINGUEZ
Municipal Judge, Tucumcari, New Mexico

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FILED UNDER SEAL

PURSUANT TO 27-104(B) NMRA 2011

**PETITION TO ACCEPT STIPULATION TO
PERMANENT RESIGNATION FROM JUDICIAL OFFICE
IN LIEU OF FURTHER DISCIPLINARY PROCEEDINGS**

The Judicial Standards Commission of the State of New Mexico (“Commission”), through the undersigned counsel, hereby petitions the Supreme Court for an order approving the *Stipulation to Permanent Resignation from Judicial Office in Lieu of Further Disciplinary Proceedings* (“*Stipulation*”), attached hereto as Exhibit 1, in which Respondent, Hon. Joe I. Dominguez, agrees to permanently resign effective at 5:00 p.m. on the same day this Honorable Court enters an order approving the *Stipulation*

and ordering Respondent's resignation. The Commission further requests that the Supreme Court unseal the entire file in this matter, pursuant to Rule 27-104(B) NMRA 2011.

The Respondent agrees to never again hold judicial office or exercise any judicial authority in the State of New Mexico. The Commission believes this *Stipulation* agreement best serves the interest of justice and the integrity of the New Mexico judiciary.

1. The Commission invokes its jurisdiction pursuant to the Commission's power to recommend the discipline of judges, and the Supreme Court's power to discipline judges under Article VI, Section 32 of the New Mexico Constitution, and the Supreme Court's power of superintending control under Article VI, Section 3 of the New Mexico Constitution.

2. The Commission issued a *Notice of Preliminary Investigation* to Respondent in Inquiry No. 2018-019 on February 6, 2018, attached hereto as **Exhibit 2**.

3. Respondent stipulated to immediate temporary suspension which the Supreme Court ordered on February 22, 2018, and which the Court ordered to be served without pay.

4. The Commission issued an *Amended Notice of Preliminary Investigation* to Respondent in Inquiry No. 2018-019 on April 30, 2018, attached hereto as Exhibit 3.

5. A *Notice of Formal Proceedings* was filed on June 11, 2018, attached hereto as Exhibit 4.

6. Upon majority vote of the Commissioners, the Commission entered into a *Stipulation* with the Respondent on September 6, 2018, which provides in pertinent part the following:

Respondent agrees to permanently resign as judge of the Tucumcari Municipal Court, effective at 5:00 p.m. on the same day that the Supreme Court enters an order approving this *Stipulation* and ordering Respondent's resignation. Upon acceptance of this *Stipulation* by the New Mexico Supreme Court, Respondent shall effect his permanent resignation by submitting duplicate original letters of resignation addressed to the Chief Justice of the New Mexico Supreme Court and to the Tucumcari City Council, with a copy to the Judicial Standards Commission. Upon resignation, Respondent shall never again hold, become a candidate for, run for, or stand for election to any New Mexico judicial office in the future. Respondent shall never seek, accept appointment to, or serve *pro tempore* for any New Mexico judicial office in the future. New Mexico judicial office includes the posts of judge in municipal court, probate court, magistrate court, metropolitan court, district court, Court of Appeals, and justice of the Supreme Court. Respondent shall never again hold or exercise any judicial authority in the State of New Mexico, to include officiating at weddings.

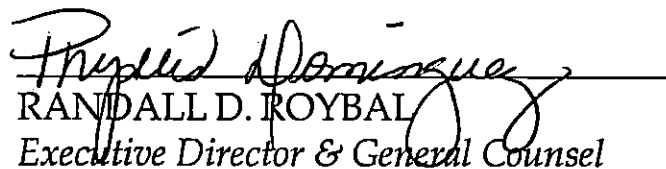
7. Upon Order from this Court, the attached *Stipulation* is enforceable by the Commission before the Supreme Court.

8. It is in the best interest of justice and to preserve the integrity of the New Mexico judiciary that the Supreme Court grants this petition.

WHEREFORE, the Commission respectfully requests this Court issue an order granting the Commission's *Petition to Accept Stipulation to Permanent Resignation from Judicial Office in Lieu of Further Disciplinary Proceedings*, approve the *Stipulation*, and order effective immediately the permanent resignation from judicial office of Respondent Hon. Joe I. Dominguez. The Commission also requests that this order unseal all documents filed in the Supreme Court in this case pursuant to Rule 27-104(B) NMRA 2011.

Respectfully submitted,

JUDICIAL STANDARDS COMMISSION

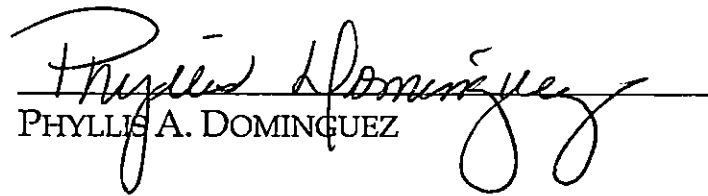

RANDALL D. ROYBAL
Executive Director & General Counsel

PHYLLIS A. DOMINGUEZ
Deputy Director
P.O. Box 27248
Albuquerque, NM 87125-7248
Telephone: (505) 222-9353

Fax: (505) 222-9358

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was filed and served via the Court's Electronic Filing and Service System addressed to Hon. Joe I. Dominguez, on this 10th day September 2018.


PHYLLIS A. DOMINGUEZ

BEFORE THE JUDICIAL STANDARDS COMMISSION
STATE OF NEW MEXICO

INQUIRY CONCERNING HON. JOE I. DOMINGUEZ
Municipal Court, Tucumcari, New Mexico

Inquiry No. 2018-019

FILED
SEP -6 2018
NM JUDICIAL
STANDARDS COMMISSION



STIPULATION TO PERMANENT RESIGNATION FROM JUDICIAL OFFICE
IN LIEU OF FURTHER DISCIPLINARY PROCEEDINGS

THIS MATTER is currently pending before the Judicial Standards Commission (Commission) pursuant to a *Notice of Preliminary Investigation and Petition for Immediate Temporary Suspension* issued on February 6, 2018 in Inquiry No. 2018-019. Hon. Joe I. Dominguez (Respondent) stipulated to immediate temporary suspension which the New Mexico Supreme Court (Court) ordered on February 22, 2018 and which the Court ordered to be served without pay. A *Notice of Formal Proceeding* was filed on June 11, 2018. Respondent remains suspended without pay.

1. This *Stipulation to Permanent Resignation from Judicial Office in Lieu of Further Disciplinary Proceedings (Stipulation)* is entered into by and between the Commission and Hon. Joe I. Dominguez.

2. Respondent agrees to permanently resign as judge of the Tucumcari Municipal Court, effective at 5:00 p.m. on the same day that the Court enters an order approving this *Stipulation* and ordering Respondent's resignation. Grounds for this *Stipulation* include Respondent's arrest for the offense of Driving under the Influence of Intoxicating Liquor or Drugs. Upon acceptance of this *Stipulation* by the Court, Respondent shall effect his permanent resignation by submitting duplicate original letters of resignation addressed to

Exhibit
1

the Chief Justice of the Supreme Court, and to the Tucumcari city council, with a copy to the Judicial Standards Commission.

3. Upon resignation, Respondent shall never again hold, become a candidate for, run for, or stand for election to any New Mexico judicial office in the future. Respondent shall never seek, accept appointment to, or serve *pro tempore* for any New Mexico judicial office in the future. New Mexico judicial office includes the posts of judge in municipal court, probate court, magistrate court, metropolitan court, district court, Court of Appeals, and justice of the Supreme Court. Respondent shall never again hold or exercise any judicial authority in the State of New Mexico, to include officiating at weddings.

4. Pursuant to Rule 27-104(B) NMRA 2011, the Commission will file under seal with the Court, a *Petition to Accept Stipulation to Permanent Resignation from Judicial Office in Lieu of Further Disciplinary Proceedings (Petition)*. A copy of this *Stipulation* will be attached as Exhibit 1 to the *Petition*.

5. Upon granting the *Petition* and pursuant to Supreme Court Rule 27-104(B), the Court may unseal this *Petition*.

6. Upon execution of this *Stipulation*, and acceptance by the Court, the Commission will abate and close the matter pending against the Respondent before the Commission (Inquiry No. 2018-019).

7. This *Stipulation* is specifically enforceable by the Commission before the Court.

8. Respondent acknowledges that upon execution of this *Stipulation*, Respondent gives up any and all motions, defenses, objections, or requests that the Respondent has made or raised, or could assert hereafter in or concerning the Commission's proceedings.

9. Respondent shall not make any misrepresentations to the media concerning this inquiry, the facts and circumstances of Respondent's permanent resignation or the Commission's proceedings.

10. The Commission and Respondent shall take all actions necessary to carry out and fulfill the terms and conditions of this *Stipulation*.

11. This document is not enforceable unless fully executed by all parties.

12. If Respondent violates any terms or provisions of this executed *Stipulation*, Respondent agrees that all facts alleged in the *Notice of Formal Proceedings* issued in Inquiry No. 2018-019, shall be deemed admitted by the Respondent, will be used against Respondent in future proceedings before the Commission and the Court, and shall constitute obstruction of Commission business and contempt.

13. The terms and conditions contained in this *Stipulation* are mutually acceptable to and agreed upon by all parties.

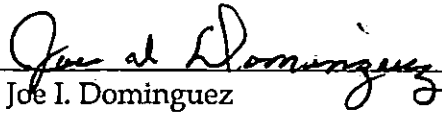
14. All parties have read and understand this *Stipulation*, have had the opportunity to discuss it with and be advised by legal counsel, and hereby freely and voluntarily enter into this *Stipulation* free of any threats, and free of any promises not contained herein.

RESPONDENT'S REVIEW & APPROVAL

I have read and understand this *Stipulation*. I have the opportunity to discuss this matter and my rights with an attorney. I understand that by entering into this *Stipulation*, I will be giving up my rights to a formal hearing on the merits and to confront, cross-examine and compel the attendance of witnesses regarding those issues.

I know, understand, and agree that the provisions of this *Stipulation* are material to the Commission's deliberations and ultimate acceptance of it. I also understand and agree that by entering into this *Stipulation*, I am agreeing to never again hold judicial office or exercise judicial authority as defined in this agreement under any circumstances, and that if I do hold any judicial office or exercise judicial authority at any point in the future, I will be in violation of this

Stipulation and I could be held in contempt of the Commission and the Court. I further understand that if I violate any provision of this *Stipulation* in any other manner, I agree, acknowledge, and accept that all allegations lodged against me in the *Notice of Formal Proceedings* issued to me are admitted by me as fact, and that the Commission shall re-initiate the matter pending before the Court and/or the Commission at the time this *Stipulation* was executed.

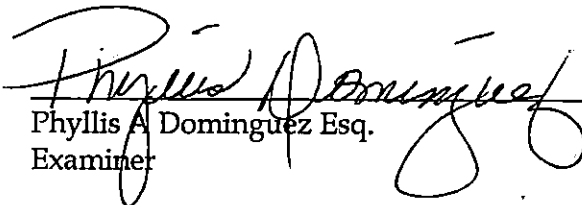


Hon. Joe I. Dominguez
Respondent

Dated: 8-30-18

EXAMINER'S REVIEW AND APPROVAL

I have reviewed this *Stipulation to Permanent Resignation from Judicial Office in Lieu of Further Disciplinary Proceedings* and find that it is appropriate and in the best interest of justice. I hereby recommend that the Judicial Standards Commission accept and approve this *Stipulation*.




Phyllis A. Dominguez Esq.
Examiner

Dated: 9/5/18

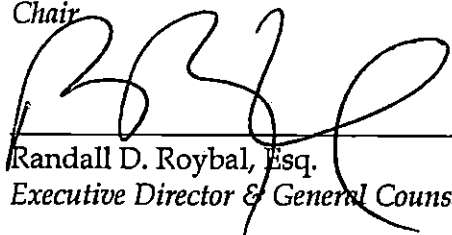
JUDICIAL STANDARDS COMMISSION REVIEW & APPROVAL

The Commission has reviewed this *Stipulation to Permanent Resignation from Judicial Office in Lieu of Further Disciplinary Proceedings* and finds that it is in the best interest of justice and hereby accepts and approves this *Stipulation*.



Joyce Bustos
Chair

Dated: 9/5/18



Randall D. Roybal, Esq.
Executive Director & General Counsel

Dated: 9/5/18



STATE OF NEW MEXICO
JUDICIAL STANDARDS COMMISSION

POST OFFICE BOX 27248
ALBUQUERQUE, NEW MEXICO 87125-7248
(505) 222-9353
WWW.NMJSC.ORG

RANDALL D. ROYBAL
Executive Director & General Counsel

PHYLLIS A. DOMINGUEZ
Investigative Trial Counsel

DEBORAH BORIO
Investigative Trial Counsel

February 5, 2018

CONFIDENTIAL
CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Hon. Joe I. Dominguez
Tucumcari Municipal Court
P.O. Box 1188
Tucumcari, New Mexico 88401

Re: Inquiry No. 2018-019, Notice of Preliminary Investigation

Dear Judge Dominguez:

FILED
FEB - 6 2018
NM JUDICIAL
STANDARDS COMMISSION

The above-referenced matter came before the Judicial Standards Commission on either a verified complaint or the Commission's own motion. As part of a preliminary investigation pursuant to Rule 14(F) of the Judicial Standards Commission Rules (NMRA 2010), the Commission requires that you provide a written explanation as to the matters discussed below.

It has been alleged that:

On or about February 4, 2018, you were arrested and charged with Driving Under the Influence of Intoxicating Liquor or Drug ("DWI") and Failure to Yield. The criminal matter is styled, *State of New Mexico vs. Joe Dominguez*, No. M-40-DR-201800005, and is ongoing before the Magistrate Court, Ft. Sumner, New Mexico.

Please provide the Commission with an explanation of this incident and the factual and legal bases for your conduct. Your response to this letter must be submitted in writing and must include an explanation and disclosure of all pertinent facts, including any relevant documents regarding the matters outlined herein. The Commission must receive your response within twenty-one (21) days of your receipt of this letter.

Sincerely yours,

Joyce E. Bustos
Chair

EXHIBIT 2

CERTIFICATE OF MAILING

I hereby certify that a true copy of the foregoing was mailed on the 6th day of February 2018, by certified mail, return receipt requested to:

Hon. Joe I. Dominguez
Tucumcari Municipal Court
P.O. Box 1188
Tucumcari, New Mexico 88401


SHARIESSE T. MCCANNON
CLERK OF THE COMMISSION



STATE OF NEW MEXICO
JUDICIAL STANDARDS COMMISSION

POST OFFICE BOX 27248
ALBUQUERQUE, NEW MEXICO 87125-7248
(505) 222-9353
WWW.NMJSC.ORG

RANDALL D. ROYBAL
Executive Director & General Counsel

PHYLLIS A. DOMINGUEZ
Investigative Trial Counsel

DEBORAH BORIO
Investigative Trial Counsel

April 27, 2018

CONFIDENTIAL
CERTIFIED MAIL – RETURN RECEIPT REQUESTED

FILED

APR 30 2018

NM JUDICIAL
STANDARDS COMMISSION

Hon. Joe I. Dominguez
c/o Donald C. Schutte, Esq.
P.O. Box 1091
Tucumcari, NM 88401

Re: Inquiry No. 2018-019, Amended Notice of Preliminary Investigation

Dear Judge Dominguez:

A *Notice of Preliminary Investigation* was issued on February 8, 2018 concerning your arrest and pending charges of driving under the influence of intoxicating liquor or drugs and failure to yield, which were dismissed on April 10, 2018. The Commission has amended the *Notice of Preliminary Investigation* to address the current allegations which were affected by that dismissal. Pursuant to Rule 14(F) of the Judicial Standards Commission Rules (NMRA 2010), the Commission requires that you provide a written explanation as to the matters discussed below.

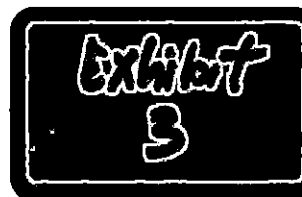
It has been alleged that:

On February 4, 2018 you admitted to drinking alcohol at a Super Bowl party, admitted that you drove a motor vehicle after drinking alcohol, and admitted that you should not have been driving.

On February 4, 2018 you abused the prestige of judicial office when you told State Police Officer Sergio Corral that you were the municipal judge while Officer Corral was administering field sobriety tests to you.

On February 4, 2018 you abused the prestige of judicial office when you asked Tucumcari Police Officer Rudy Vallejo, who was present during the administration of field sobriety tests, if he would help you.

Please provide the Commission with an explanation of this incident and the factual and legal bases for your conduct. Your response to this letter must be submitted in writing and must include an explanation and disclosure of all pertinent facts, including any relevant documents



regarding the matters outlined herein. The Commission must receive your response within twenty-one (21) days of your receipt of this letter.

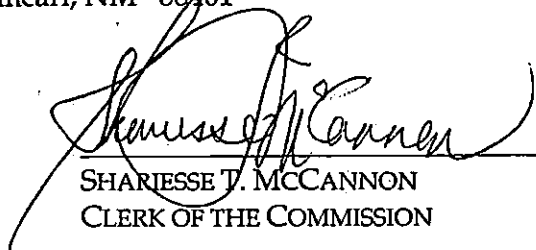
Sincerely yours,


Joyce E. Bustos
Chair

CERTIFICATE OF MAILING

I hereby certify that a true copy of the foregoing was mailed on the 30th day of April 2018, by certified mail, return receipt requested to:

Hon. Joe I. Dominguez
c/o Donald C. Schutte, Esq.
P.O. Box 1091
Tucumcari, NM 88401


SHARIESSE T. MCCANNON
CLERK OF THE COMMISSION

BEFORE THE JUDICIAL STANDARDS COMMISSION
OF THE STATE OF NEW MEXICO

INQUIRY CONCERNING HON. JOE I. DOMINGUEZ
Tucumcari Municipal Court

Inquiry No. 2018-019

FILED

JUN 11 2018

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**NM JUDICIAL
STANDARDS COMMISSION**

NOTICE OF FORMAL PROCEEDINGS

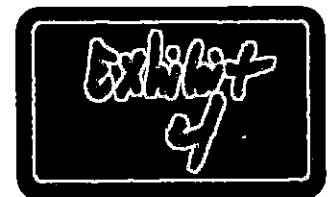
TO: Hon. Joe I. Dominguez
c/o Donald C. Schutte, Esq.
P.O. Box 1091
Tucumcari, New Mexico 88401-1091

YOU ARE HEREBY NOTIFIED that the Judicial Standards Commission, in accordance with its jurisdiction under Article VI, Section 32 of the New Mexico Constitution and pursuant to Rule 15 NMRA 2010 of the Judicial Standards Commission Rules, has instituted formal proceedings on the allegations set forth below.

COUNT 1

You failed to promote public confidence in the integrity of the judiciary and failed to avoid the appearance of impropriety when you consumed alcoholic beverages at a Super Bowl party on February 4, 2018 and drove your personal motor vehicle after consuming alcoholic beverages.

Such conduct violates the Code of Judicial Conduct Rules 21-101 and 21-102 NMRA 2012 and constitutes willful misconduct in office.



COUNT 2

You abused the prestige of judicial office when you informed New Mexico State Police Officer Sergio Corral that you were the city judge while Officer Corral was administering field sobriety tests.

Such conduct violates the Code of Judicial Conduct Rules 21-101, 21-102 and 21-103 NMRA 2012 and constitutes willful misconduct in office

COUNT 3

You abused the prestige of judicial office when you asked Tucumcari Police Officer Rudy Vallejo, who knew you to be the Tucumcari Municipal Court judge, to help you as New Mexico State Police Officer Sergio Corral was escorting you to his vehicle.

Such conduct violates the Code of Judicial Conduct Rules 21-101, 21-102 and 21-103 NMRA 2012 and constitutes willful misconduct in office.

PLEASE BE ADVISED that in accordance with Rule 16 of the Judicial Standards Commission Rules, **you shall file a written answer to this notice within twenty-one (21) days of its service upon you. Your answer shall be filed with:**


*Clerk of the Commission
Judicial Standards Commission
Post Office Box 27248
Albuquerque, New Mexico 87125-7248*

Your answer should be legible and **your signature must be verified.**

Article VI, Section 32 of the New Mexico Constitution provides that all papers filed with and proceedings before the Judicial Standards Commission are confidential, except that any record filed by the Commission in the New Mexico Supreme Court continues privileged but, upon its filing, loses its confidential character, and a writing which was privileged prior to filing with the Commission or its masters does not lose its privilege by the filing.

JUDICIAL STANDARDS COMMISSION

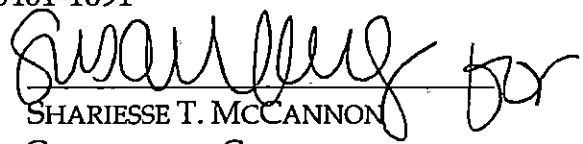
By: _____


Joyce E. Bustos, Chair
Post Office Box 27248
Albuquerque, NM 87125-7248
(505) 222-9353

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing was sent certified mail returned receipt requested on this 11th day of June 2018 to the following:

Hon. Joe I. Dominguez
c/o Donald C. Schutte, Esq.
P.O. Box 1091
Tucumcari, New Mexico 88401-1091


SHARIESSE T. MCCANNON
CLERK OF THE COMMISSION