

IN THE SUPREME COURT
OF THE STATE OF NEW MEXICO

FAX FILED	
Date	2/25/14
Time	1:38 PM
By	[Signature]

No. 34,189

IN THE MATTER OF HON. ROLAND MADRID
Municipal Court Judge, Santa Clara, New Mexico

INQUIRY CONCERNING HON. ROLAND MADRID
Inquiry Nos. 2013-105, 2013-106, 2013-107 & 2013-108

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

**MOTION 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

JAMES B. FOY, ESQ.
Post Office Box 2615
Silver City, New Mexico
(575) 538-9835
Fax: (575) 538-9840

RANDALL D. ROYBAL
Executive Director & General Counsel

Counsel for Respondent

PHYLLIS A. DOMINGUEZ
Investigative Trial Counsel

Counsel for Petitioner

IN THE SUPREME COURT
OF THE STATE OF NEW MEXICO

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INQUIRY CONCERNING HON. ROLAND MADRID
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The Judicial Standards Commission of the State of New Mexico (“the Commission”), through the undersigned counsel, hereby moves 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 Hon. Roland Madrid (“Respondent”), 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 Court unseal the entire file in this matter, pursuant to Rule 27-

104(B) NMRA 2011. 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 N.M. Const. art. VI, §32, and the Court's power of superintending control under N.M. Const. art. VI §3.

2. On February 4, 2014, the Commission issued a *Notice of Preliminary Investigation* to Respondent in Inquiry Numbers 2013-105, 2013-106, 2013-107 and 2013-108, attached hereto as Exhibit A to Exhibit 1.

3. The Commission filed a *Verified Petition for Immediate Temporary Suspension* with the Supreme Court on February 4, 2014 which is still pending.

4. The Commission's inquiry and proceedings concerning Respondent in this matter have been ongoing.

5. The Commission entered into a *Stipulation* with the Respondent on February 25, 2014 in lieu of further disciplinary proceedings, which would resolve the entire matter and which provides in pertinent part the following:

A. Respondent agrees to voluntarily permanently resign as judge of the Santa Clara 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 the Village of Santa Clara City Council, with a copy to the Judicial Standards Commission, by 5:00 p.m. on the same day the Supreme Court enters the order approving the *Stipulation* and ordering Respondent's resignation.

B. 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.

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

7. It is in the best interest of justice and integrity of the New Mexico Judiciary that the Supreme Court grant this Motion.

WHEREFORE, the Commission respectfully requests this Court issue an order granting the Commission's Motion, approving the *Stipulation to Permanent Resignation from Judicial Office in Lieu of Further Disciplinary Proceedings*, and ordering Respondent's permanent resignation from judicial office effective immediately. 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

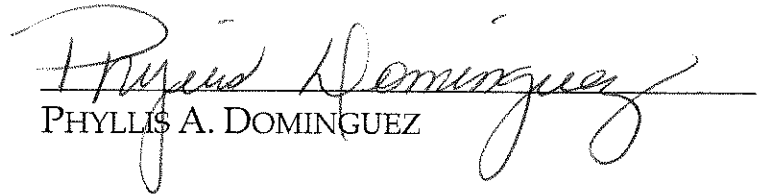
PHYLLIS A. DOMINGUEZ
Investigative Trial Counsel

Post Office Box 27248
Albuquerque, NM 87125-7248
Telephone: (505) 222-9353
Fax: (505) 222-9358

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing was sent by facsimile and regular mail on this 25th day of February, 2014, to the Respondent:

JAMES B. FOY, ESQ.
Post Office Box 2615
Silver City, New Mexico
(575)538-9835
Fax: (575) 538-9840


PHYLLIS A. DOMINGUEZ

FILED

FEB 25 2014

NM JUDICIAL
STANDARDS COMMISSION

BEFORE THE JUDICIAL STANDARDS COMMISSION
STATE OF NEW MEXICO

INQUIRY CONCERNING HON. ROLAND MADRID
Santa Clara Municipal Court

Inquiry Nos. 2013-105
2013-106
2013-107
2013-108

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

THIS MATTER is currently pending before the Judicial Standards Commission ("the Commission") pursuant to the *Notice of Preliminary Investigation* issued in Inquiry Nos. 2013-105, 2013-106, 2013-107 & 2013-108 on February 4, 2014 (see attached **Exhibit A**).

This *Stipulation to Permanent Resignation from Judicial Office in Lieu of Further Disciplinary Proceedings* ("Stipulation") is entered into by and between the Judicial Standards Commission and Hon. Roland Madrid ("Respondent"). Respondent is represented in this matter by James B. Foy, Esq. The parties hereby enter into the following *Stipulation*:

1. Respondent agrees to permanently resign from judicial office 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 the Mayor of Santa Clara. Respondent shall concurrently provide a copy of his resignation letter to the Judicial Standards Commission.

2. 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

Exhibit 1

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.

3. The Commission will file under seal with the New Mexico Supreme Court, pursuant to Rule 27-104(B) NMRA 2011, a *Motion to Accept Stipulation to Permanent Resignation from Judicial Office in Lieu of Further Disciplinary Proceedings* ("*Motion*"), attaching a copy of this *Stipulation* and a copy of the *Notice of Preliminary Investigation* issued in Inquiry Nos. 2013-105, 2013-106, 2013-107 & 2013-108 that was filed with the Commission on February 4, 2014, which are required by the Supreme Court.

4. Upon granting the *Motion*, pursuant to the Supreme Court Rules, the Supreme Court's file in this matter will be unsealed pursuant to the Court's rules.

5. Upon execution of this *Stipulation* and acceptance by the Supreme Court, the Commission will abate and close this matter pending against the Respondent before the Commission (Inquiry Nos. 2013-105, 2013-106, 2013-107 & 2013-108).

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

7. 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 Judicial Standards Commission proceedings.

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

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

10. Respondent shall not make any misrepresentations to the media concerning these Inquiries, the facts and circumstances of Respondent's *Stipulation*, or the Commission's proceedings.

11. **Non-Compliance and Breach.** If Respondent violates any terms or provisions of this executed *Stipulation*, Respondent agrees that all facts alleged in the *Notice of Preliminary Investigation* issued in Inquiry Nos. 2013-105, 2013-106, 2013-107 & 2013-108 and which were not admitted to in this *Stipulation*, shall be deemed admitted by the Respondent, will be used against Respondent in future proceedings before the Commission and the Supreme Court, and shall constitute obstruction of Commission business and contempt.

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

13. 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.

14. **Disciplinary History.** Respondent has been previously placed on immediate temporary suspension in a prior matter, which was later dismissed at the Commission's request. Respondent has no other history of formal discipline from the Supreme Court.

RESPONDENT'S REVIEW & APPROVAL

I have read and understand this *Stipulation to Permanent Resignation from Judicial Office in Lieu of Further Disciplinary Proceedings (Stipulation)*. I have had the opportunity to discuss this matter and my rights with a lawyer. 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 acknowledge that the enumerated facts and conduct, if proven, constitute willful misconduct in office, one or more violations of the New Mexico Code of Judicial Conduct, and provide sufficient bases for the New Mexico Supreme Court to impose discipline against me pursuant to Article VI, §32 of the New Mexico Constitution.

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 Judicial Standards Commission and the New Mexico Supreme 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 Preliminary Investigation* issued to me are admitted by me as fact, and that the Commission shall re-initiate all matters pending before the Supreme Court and/or the Commission at the time this *Stipulation* was executed.

_____ Dated: _____
HON. ROLAND MADRID
Respondent

_____ Dated: _____
JAMES B. FOY, ESQ.
Counsel for Respondent

See attached/stm

EXAMINER'S REVIEW & APPROVAL

I have reviewed this *Stipulation* 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 to Permanent Resignation from Judicial Office in Lieu of Further Disciplinary Proceedings*.

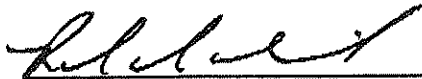
Phyllis A. Dominguez
_____ Dated: 02/25/14
PHYLLIS A. DOMINGUEZ, Esq.
Examiner

INQUIRY CONCERNING HON. ROLAND MADRID
Stipulation to Permanent Resignation From Judicial Office
In Lieu of Further Disciplinary Proceedings

Inquiry Nos. 2013-105, 2013-106
2013-107 & 2013-108
Page 4

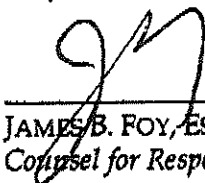
compel the attendance of witnesses regarding those issues. I acknowledge that the enumerated facts and conduct, if proven, constitute willful misconduct in office, one or more violations of the New Mexico Code of Judicial Conduct, and provide sufficient bases for the New Mexico Supreme Court to impose discipline against me pursuant to Article VI, §32 of the New Mexico Constitution.

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 Judicial Standards Commission and the New Mexico Supreme 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 Preliminary Investigation* issued to me are admitted by me as fact, and that the Commission shall re-initiate all matters pending before the Supreme Court and/or the Commission at the time this *Stipulation* was executed.



HON. ROLAND MADRID
Respondent

Dated: 2-14-2014



JAMES B. FOY, ESQ.
Counsel for Respondent

Dated: 2/14/14

EXAMINER'S REVIEW & APPROVAL

I have reviewed this *Stipulation* 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 to Permanent Resignation from Judicial Office in Lieu of Further Disciplinary Proceedings*.

PHYLLIS A. DOMINGUEZ, Esq.
Examiner

Dated: _____

JUDICIAL STANDARDS COMMISSION REVIEW & APPROVAL


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



JOYCE BUSTOS
Chair

Dated: _____

Feb 25, 2014



RANDALL D. ROYBAL, Esq.
Executive Director & General Counsel

Dated: _____

2/25/14



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

FILED

FEB 04 2014

NM JUDICIAL
STANDARDS COMMISSION

February 4, 2014

CONFIDENTIAL

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Hon. Roland Madrid
Santa Clara Municipal Court
P.O. Box 316
Santa Clara, New Mexico 88026

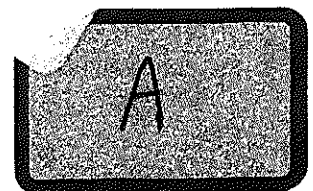
RE: *Inquiry Nos.* 2013-105, 2013-106, 2013-107, 2013-108

Dear Judge Madrid:

The above-referenced matters 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), the Commission requires that you provide a written explanation as to the matter(s) discussed below.

Illegal Activity/Abuse of Office

- A. It has been alleged that on November 18, 2012 you received a warning from USDA Forest Service Agent Canuto Molina for illegally cutting green trees in the Gila National Forest in the Silver City Ranger District on the Shrine Mine Road.
- B. It has been alleged that on November 18, 2012 approximately one hour after receiving a warning from USDA Forest Service Agent Canuto Molina for illegally cutting green trees, you were again found to be illegally cutting green trees within the Gila National Forest and received a citation from Agent Molina.
- C. It has been alleged that on November 18, 2012 you used or attempted to use your position to gain personal advantage or deferential treatment and abused the prestige of judicial office by trying to avoid a citation when you told USDA Forest Service Agent Canuto Molina that you were the judge of Santa Clara.



Court Closures

- D. It has been alleged that court sessions were not held during the months of September and October of 2011 and from December 2011 through February 2012.
- E. It has been alleged that you improperly closed the Santa Clara Municipal Court from December 18, 2013 until January 22, 2014 without notice to the district court so that an alternate judge could be appointed in your absence.
- F. It has been alleged that you stated to court staff that you were only required to hold court for eight hours per month regardless of the amount of cases filed in your court, and that taking phone calls from defendants would count towards your eight hours.

Continuing Judicial Education

- G. It has been alleged that you failed to obtain Continuing Judicial Education credits for the years 2008, 2010, 2011, 2012 and 2013.
- H. It has been alleged that you signed in at the Municipal Judges Annual Conference held on May 1-3, 2013 but failed to attend all sessions.

Reports and Remittances

- I. It has been alleged that in 2007, 2008, 2009, 2010, 2011, 2012 (except for July 2012), and the months of February, March, and May of 2013 you failed to file monthly reports and remittances to the governing body of the Village of Santa Clara as required by § 35-14-7 NMSA 1978. The failure to submit reports is a misdemeanor offense punishable by a fine not more than two hundred dollars (\$200) or imprisoned not more than ninety days, or both. See § 35-14-9 NMSA 1978.
- J. It has been alleged that you failed to file Municipal Court Monthly Reports and failed to submit remittances to the Administrative Office of the Courts as required by § 35-14-11(G) NMSA 1978 for the months of April and July of 2009 and January through June of 2013.
- K. It has been alleged that you failed to timely file the Municipal Court Monthly Reports and failed to submit remittances to the Administrative Office of the Courts as required by § 35-14-11(G) for the following months:
 - 10/31/09 report submitted on 12/01/09
 - 01/31/10 report submitted on 03/04/10
 - 04/30/10 report submitted on 06/16/10
 - 08/31/10 report submitted on 11/02/10
 - 09/30/10 report submitted on 11/02/10
 - 12/31/10 report submitted on 03/01/11

- 01/31/11 report submitted on 03/01/11
- 08/31/11 report submitted on 10/03/11
- 09/30/11 report submitted on 05/08/12
- 10/31/11 report submitted on 05/08/12
- 11/30/11 report submitted on 05/08/12
- 12/31/11 report submitted on 05/08/12
- 01/31/12 report submitted on 05/08/12
- 02/29/12 report submitted on 05/08/12
- 03/31/12 report submitted on 05/08/12
- 05/31/12 report submitted on 08/14/12
- 06/30/12 report submitted on 08/14/12
- 09/30/12 report submitted on 11/14/12
- 10/31/12 report submitted on 01/03/13
- 11/30/12 report submitted on 03/08/13
- 12/31/12 report submitted on 03/18/13

L. It has been alleged that from January 2, 2013 and June 30, 2013 you failed to file Municipal Court Judicial Education Fee Monthly Reports and failed to submit remittances to the New Mexico Judicial Education Center as required by § 35-13-11(F) NMSA 1978.

Deposits

M. It has been alleged that you failed to deposit funds received from fees and fines which were collected by the municipal court in a timely manner. An audit for fiscal year 2012 indicated that a deposit was made on June 21, 2012 of receipts collected during the period of October 6, 2011 through June 13, 2012.

N. It has been alleged that you failed to deposit bond monies into the court's bond account and failed to properly process bond paperwork in the amount of Six Hundred and ninety-four dollars (\$694.00) in the case of *Village of Santa Clara vs. Lisa Garcia*, Docket Number 201001286; Two Hundred fifty-four dollars (\$254.00) in the case of *Village of Santa Clara vs. Chad Gordon*, Docket Number 201001536; and One Hundred ninety-one dollars (\$191.00) in the case of *Village of Santa Clara vs. Jennifer Johnson*, Docket Number 201000864.

Court resources

O. It has been alleged that you used the court's laptop computer and cell phone for your personal business.

Bench Warrants

- P. It has been alleged that on January 5, 2011 a bench warrant was issued for the arrest of the defendant in *Village of Santa Clara vs. Lisa Garcia*, Docket Number 201001286 which was not signed by you or a duly appointed alternate.
- Q. It has been alleged that on July 13, 2010 a bench warrant was issued for the arrest of the defendant in *Village of Santa Clara vs. Jennifer Johnson*, Docket Number 201000864 which was not signed by you or a duly appointed alternate.
- R. It has been alleged that on January 5, 2011 a bench warrant was issued for the arrest of the defendant in *Village of Santa Clara vs. Chad Gordon*, Docket Number 201001506 which was not signed by you or a duly appointed alternate.

Due Process/Ex Parte

- S. It has been alleged that on or about April 4, 2012 in *Village of Santa Clara vs. Fernando Acosta*, Docket # 1012-00734, the defendant was not present for trial and you allowed the defendant's wife to testify and you acted as the interpreter for the defendant's wife contrary to Rule 8-113(B)(4) of the Rules of Procedure for the Municipal Courts and contrary to Section 1.3.8 of the New Mexico Municipal Court Manual for Judges and Staff.
- T. It has been alleged that you failed to allow the prosecuting officer the opportunity to be heard at arraignment in the case of *Village of Santa Clara vs. Tavares Nimmons*, Citation Number 2012001669, regarding the viciousness of a dog who was impounded for chasing students at an elementary school and one that had been previously impounded for biting two people in unprovoked attacks.
- U. It has been alleged that on May 8, 2013 you conducted an *ex parte* telephonic proceeding and dismissed the citation in *Village of Santa Clara vs. Sherry Garcia*, Citation Number 1025610-5 without notice to or opportunity for the prosecuting officer to be heard.
- V. It has been alleged that on or between May 13, 2013 and May 22, 2013 you conducted an *ex parte* proceeding and adjudicated the case of *Village of Santa Clara vs. Desiree Provencio*, Citation Number 1025665-2, without notice or opportunity for the prosecuting officer to be heard.
- W. It has been alleged that on or between May 17, 2013 and June 31, 2013 you conducted an *ex parte* hearing and adjudicated *Village of Santa Clara vs. Marisela Rodriguez*, Citation Number 1025687-3 without notice or opportunity for the prosecuting officer to be heard.
- X. It has been alleged that on or about May 11, 2013 you had *ex parte* communication with Frank Contreras regarding *Village of Santa Clara vs. Frank Contreras*, Citation Number

1025557-8 telling Mr. Contreras that you would speak to the citing officer to have Mr. Contreras's citation dismissed.

Y. It has been alleged that you conducted an *ex parte* telephonic hearing in the matter of *Village of Santa Clara vs. Andreas Gomez*, Docket Number 201200822, without notice or opportunity for the prosecuting officer to be heard.

Z. It has been alleged that you conducted an *ex parte* telephonic hearing in the matter of *Village of Santa Clara vs. Nick Chavez*, Citation Numbers 10287 and 10288, without affording notice or opportunity for the prosecuting officer to be heard.

Judicial and Administrative Duties

AA. It has been alleged that for fiscal year 2013 you failed to hold any trials even though the Santa Clara Police Department issued nine hundred and forty (940) citations.

BB. It has been alleged that on or between August 31, 2012 and March 29, 2013 you failed to perform judicial and administrative duties competently and diligently by failing to:

- Submit abstracts to the New Mexico Motor Vehicle Department as required by Section 66-8-135(B) NMSA 1978.
- Include dates of adjudication on abstracts
- Include docket numbers on abstracts
- Issue summonses to police officers
- Process citations
- Process citations correctly
- Process cases
- Ensure a filing system was in place in order that case files could be located and/or easily located (seventeen (17) files were unable to be located for this period of time)

CC. It has been alleged that on November 7, 2012 you were involved in an altercation at the Turnerville Cemetery and failed to cooperate with the investigating officer by refusing to give a statement to Sheriff's Deputy Michael Leftault regarding the incident at the Turnerville Cemetery.

DD. It has been alleged that on November 7, 2012 you abused the prestige of judicial office when you told Deputy Leftault that you were a judge, the incident was a family matter, and that you took care of it.

Please provide the Commission with an explanation of these incidences 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,

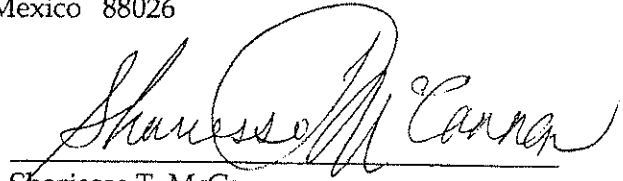


Joyce Bustos
Chair

CERTIFICATE OF MAILING

I hereby certify that a true copy of the foregoing was mailed on the 4th day of February 2014 by certified mail, return receipt requested to:

Hon. Roland Madrid
Santa Clara Municipal Court
P.O. Box 316
Santa Clara, New Mexico 88026


Shariesse T. McCannon
Clerk of the Commission