



IN THE SUPREME COURT
OF THE STATE OF NEW MEXICO

No. S-1-SC-_____

IN THE MATTER OF HON. JOY E. GOLDBAUM
Las Cruces Municipal Court

S-1-SC-40155

INQUIRY CONCERNING HON. JOY E. GOLDBAUM
JSC Inquiry Nos. 2023-013 & 2023-038

FILED UNDER SEAL

PURSUANT TO 27-104(B) NMRA

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

JUDICIAL STANDARDS COMMISSION
6200 Uptown Blvd. NE, Suite 340
Albuquerque, NM 87110-4159
(505) 222-9353

NORMAN OSBORNE, ESQ.
732 N. Miranda
Las Cruces, NM 88005
(575) 520-1944

PHYLLIS A. DOMINGUEZ
Executive Director & General Counsel

Counsel for Respondent

MARCUS BLAIS
Investigative Trial Counsel

Counsel for Petitioner

IN THE SUPREME COURT
OF THE STATE OF NEW MEXICO

No. S-1-SC-_____

IN THE MATTER OF HON. JOY E. GOLDBAUM
Las Cruces Municipal Court

INQUIRY CONCERNING HON. JOY E. GOLDBAUM
JSC Inquiry Nos. 2023-013 & 2023-038

FILED UNDER SEAL

PURSUANT TO 27-104(B) NMRA

**PETITION TO ACCEPT STIPULATION TO PERMANENT
RETIREMENT 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 respectfully petitions the Supreme Court for an order approving the attached *Stipulation to Permanent Retirement from Judicial Office in Lieu of Further Disciplinary Proceedings* (“*Stipulation*”), attached hereto as **Exhibit 1**, in which Hon. Joy E. Goldbaum (“Respondent”), represented by Norman Osborne, Esq., has

elected to permanently retire from judicial office effective December 31, 2023.

The Commission further requests that the Supreme Court unseal the file in this matter, pursuant to Rule 27-104(B) NMRA.

The Commission believes the *Stipulation* agreement best serves the interests of justice and the integrity of the New Mexico judiciary, and as further grounds for this Petition states:

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; the Court's power of superintending control under Article VI, Section 3 of the New Mexico Constitution; and Rule 36 of the Judicial Standards Commission's Rules.

2. This matter is currently pending before the Commission pursuant to a *Notice of Formal Proceedings* issued to Respondent on August 21, 2023, in Inquiry No. 2023-013 (*See Exhibit A to Exhibit 1*). Respondent filed her Response to the *Notice of Formal Proceedings* on September 8, 2023 (*See Exhibit B to Exhibit 1*).

3. Respondent requested through her counsel that this matter be disposed of by entering into a *Stipulation to Permanent Retirement in Lieu of Further Disciplinary Proceedings* with the Commission whereby Respondent shall retire permanently from judicial office and never again seek judicial office in New Mexico.

4. The Commission agreed that Respondent's request for permanent retirement in lieu of further disciplinary proceedings should be granted and entered into the *Stipulation* whereby the Commission shall close Inquiry No. 2023-013 and pending Inquiry No. 2023-038 (formal charges were not issued in Inq. 2023-038) upon approval and order of Respondent's permanent retirement by the Supreme Court.

5. Respondent understood and acknowledged that, based upon the *Stipulation*, her retirement is permanent, and if she seeks judicial office in the future, the Commission will act to enforce the agreement, to find contempt, and/or to pursue other proper remedy. Respondent understood and acknowledged the *Stipulation* as an equitable remedy that best serves the interests of justice and has voluntarily agreed to permanent retirement. Respondent understood and acknowledged that a violation of the terms of the *Stipulation* such as by running for or holding judicial office in New

Mexico in the future after agreeing to permanently retire, prejudices the Commission's ability to effectively adjudicate a case that is stale, where witnesses may have disappeared, whose memories may have faded, or who may not wish to proceed in the matter after several years have passed.

6. The resolution of this matter through Respondent's voluntary permanent retirement ensures finality for the Commission, Respondent, and witnesses and allows them to rely upon the binding *Stipulation* and Court orders.

7. The *Stipulation* is an equitable remedy that complies with Respondent's request to retire in lieu of further disciplinary proceedings, ensures the public's continued confidence and trust in the judiciary, and provides for judicial economy and best serves the interests of justice and the judiciary.

8. Following a vote of the Commissioners, the Commission entered into a *Stipulation* with the Respondent on October 26, 2023 which provides in pertinent part the following:

A. Respondent agrees to permanent retirement from judicial office effective 5:00 p.m. on the final day of Respondent's term as Las Cruces Municipal Judge, December 31, 2023.

B. Respondent shall never again hold, become a

candidate for, run for, or stand for election to any New Mexico judicial office in the future

C. 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 probate court, municipal court, magistrate court, metropolitan court, district court, Court of Appeals, and justice of the Supreme Court.

D. Respondent shall never again hold or exercise any judicial authority in the State of New Mexico including the judicial authority to officiate at weddings.

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

10. It is in the best interests of justice and integrity of the New Mexico judiciary that the Supreme Court grants the Commission's *Petition to Accept Stipulation to Permanent Retirement from Judicial Office in Lieu of Further Disciplinary Proceedings*.

WHEREFORE, Petitioner respectfully requests this Court issue an order approving the *Stipulation*, granting the Commission's *Petition to Accept Stipulation to Permanent Retirement from Judicial Office in Lieu of Further Disciplinary Proceedings*, and ordering the permanent retirement from judicial office of Respondent, Hon. Joy E. Goldbaum. The Commission

further requests that this order unseal all documents filed with the Supreme Court in this matter pursuant to Rule 27-104(B) NMRA.

Respectfully submitted,

JUDICIAL STANDARDS COMMISSION



PHYLLIS A. DOMINGUEZ
Executive Director & General Counsel

MARCUS BLAIS
Investigative Trial Counsel
6200 Uptown Blvd. NE, Suite 340
Albuquerque, NM 87110-4159
Telephone: (505) 222-9353

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was filed and served via the Supreme Court's Electronic Filing and Service System addressed to normanosborne585@gmail.com on this 27th day of October 2023.



BEFORE THE JUDICIAL STANDARDS COMMISSION
STATE OF NEW MEXICO

INQUIRY CONCERNING HON. JOY E. GOLDBAUM
Las Cruces Municipal Court

Inquiry No. 2023-013 & 2023-038

FILED

OCT 25 2023

NM JUDICIAL
STANDARDS COMMISSION

**STIPULATION TO PERMANENT RETIREMENT 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 Formal Proceedings* issued to Hon. Joy E. Goldbaum ("Respondent") on August 21, 2023, in Inquiry No. 2023-013 (*see Exhibit A*). Respondent filed her response to the *Notice of Formal Proceedings* on September 8, 2023 (*see Exhibit B*).

This *Stipulation to Permanent Retirement from Judicial Office in Lieu of Further Disciplinary Proceedings* ("*Stipulation*") is entered into by and between the Commission and Respondent, Hon. Joy E. Goldbaum, who is represented by Norman Osborne, Esq.

The Commission issued a *Notice of Investigation* to Respondent on April 13, 2023 (*see Exhibit C*), and Respondent's response to the *Notice of Investigation* was filed on May 1, 2023 (*see Exhibit D*).

Pursuant to Commission Rule 19 and following the Commission's receipt and review of Respondent's written response to the *Notice of Investigation*, the Commission invited Respondent to participate in an informal confidential conference with the Commission on August 7, 2023 by Zoom video conferencing. The conference afforded Respondent an opportunity to discuss and explain her response to the *Notice of Investigation* in person and provided the Commission an

Exhibit
1

opportunity to ask Respondent questions about the pending allegations and Respondent's response to assist in determining the appropriate course of action.

After full consideration of Respondent's written responses and the information she provided verbally at the informal conference, the Commission issued a *Notice of Formal Proceedings* to Respondent on August 21, 2023 (see **Exhibit A**) and set the matter for a hearing on the merits. Respondent filed her response to the *Notice of Formal Proceedings* on September 8, 2023 (see **Exhibit B**).

Respondent has since expressed her request to voluntarily retire permanently from judicial office in lieu of further disciplinary proceedings.

In consideration of the foregoing, the parties hereby enter into the following agreement:

1. The Commission has jurisdiction over Respondent and the above-captioned and numbered matter pursuant to Article VI, Section 32 of the Constitution of the State of New Mexico; NMSA 1978, Sections 34-10-1 through 34-10-4; and the Judicial Standards Commission Rules NMRA 2020.
2. Upon acceptance of this *Stipulation to Permanent Retirement in Lieu of Further Disciplinary Proceedings* ("*Stipulation*") by the Court and issuance of an order granting the Commission's petition, Respondent shall permanently retire by submitting letters of retirement addressed to the Chief Justice of the Supreme Court, with copies of the letter submitted concurrently to the Las Cruces City Council, Third Judicial District Court Chief Judge, the Governor and the Judicial Standards Commission.
3. Upon retirement, 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 probate court, municipal 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, including the judicial authority to officiate at weddings.

4. Pursuant to Rule 27-104(B) NMRA, the Commission will file under seal a *Petition to Accept Stipulation to Permanent Retirement from Judicial Office in Lieu of Further Disciplinary Proceedings ("Petition")* with the New Mexico Supreme Court. A copy of this *Stipulation* will be attached as an exhibit to the *Petition*.

5. Upon granting the *Petition* and pursuant to Rule 27-104(B), the Court should unseal the *Petition* and its file in this matter.

6. Upon execution of this *Stipulation* and approval by the Court, the Commission will abate and close all matters pending against Respondent before the Commission (Inquiry Nos. 2023-013 & 2023-038).

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

8. Respondent acknowledges that upon execution of this *Stipulation*, Respondent gives up 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 public misrepresentations concerning this inquiry, the facts and circumstances of Respondent's permanent resignation, the Commission's proceedings, or the disposition.

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 and understands that the admitted charges in the *Notice of Formal Proceedings* issued in Inquiry No. 2023-013 may be used against Respondent in future proceedings before the Commission and the Court and may 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 AND APPROVAL

I have read and understand this *Stipulation*. I have had the opportunity to discuss this matter and my rights with my 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 these 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 understand and agree that by entering into this stipulation I am admitting that the conduct described herein is fact and that such conduct may constitute willful misconduct, and that the Supreme Court may have sufficient basis to impose discipline based on the admitted facts. I also understand and agree that by entering into this *Stipulation*, I am agreeing to never again hold judicial office or exercise judicial authority under any circumstances as defined in this agreement, 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 also fully understand and agree that if I do seek judicial office in the future or violate any terms of this agreement the Commission shall re-initiate all matters pending before the Court and/or the Commission at the time this *Stipulation* was executed.

I understand and agree that my attorney is speaking for me, and on my behalf in this proceeding, and that anything my attorney says or does in this proceeding can and should be

attributable to me. In the event my attorney says or does anything during the course of this proceeding that I do not agree with, I know, understand and agree that I have an affirmative duty to make my disagreement with my attorney's words or conduct known. If I do not make my disagreement known, then I know, understand, and agree that I am accepting my attorney's words and conduct in this proceeding as my own.

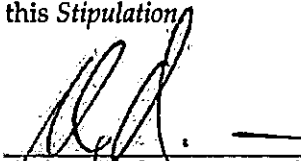


HON. JOY E. GOLDBAUM
Respondent

Dated: 10-10-23

COUNSEL FOR RESPONDENT'S REVIEW AND APPROVAL

I have reviewed this *Stipulation* with my client. I have advised my client of her constitutional rights and possible defenses, and hereby accept and approve my client's entry into this *Stipulation*.

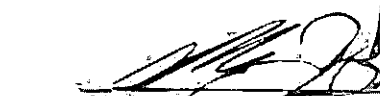


NORMAN OSBORNE, ESQ.
Counsel for Respondent

Dated: 10/11/2023

INVESTIGATIVE TRIAL COUNSEL'S REVIEW AND 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*.

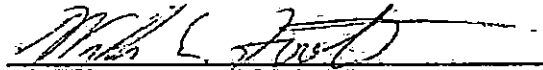


FOR KARA JOHNSON, ESQ.
Investigative Trial Counsel

Dated: 10/13/23

JUDICIAL STANDARDS COMMISSION'S REVIEW & APPROVAL

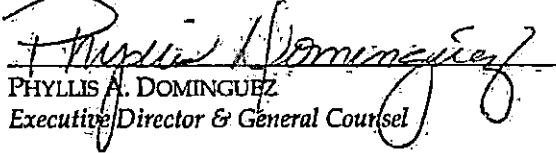
The Commission has reviewed this *Stipulation* and finds that it is in the best interest of justice and hereby accepts and approves this *Stipulation*.



WILLIAM E. FOOTE, PH. D.

Chair

Dated: 10-25-23



PHYLLIS A. DOMINGUEZ
Executive Director & General Counsel

Dated: 10/25/23

BEFORE THE JUDICIAL STANDARDS COMMISSION
OF THE STATE OF NEW MEXICO

FILED

INQUIRY CONCERNING HON. JOY E. GOLDBAUM
Las Cruces Municipal Court
Inquiry No. 2023-013

AUG 21 2023

**NM JUDICIAL
STANDARDS COMMISSION**

NOTICE OF FORMAL PROCEEDINGS

TO: Hon. Joy E. Goldbaum
Las Cruces Municipal Court
732 N. Miranda St.
Las Cruces, NM 88005

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 Judicial Standards Commission Rule 15, has instituted formal proceedings on the charges set forth below.

COUNT 1

On or about April 27, 2022, you submitted a written request to the human resources department for the City of Las Cruces for a retroactive salary increase for fiscal year 2022 knowing or should have known that this request was contrary to Part I, Article IV, §9.03(b) of the Las Cruces Municipal Charter. Your request resulted in a salary adjustment totaling approximately four-thousand two-hundred thirteen dollars (\$4,213.00).

Such conduct may violate the Code of Judicial Conduct Rules 21-101, 21-102, 21-103 and 21-205 NMRA and constitute willful misconduct in office.

COUNT 2

On or about July 13, 2022, you submitted a written request to the human resources department for the City of Las Cruces for an additional salary increase for fiscal year 2023 knowing or should have known that this request was contrary to Part I, Article IV, §9.03(b) of the

Exhibit
A
to Exhibit
1

Las Cruces Municipal Charter for an additional twenty-two thousand two-hundred eighteen dollars and five cents (\$22,218.05).

Such conduct may violate the Code of Judicial Conduct Rules 21-101, 21-102, 21-103 and 21-205 NMRA and constitute 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 the Commission electronically (call for filing e-mail address) or by mail sent to:

*Judicial Standards Commission
6200 Uptown Blvd. NE, Suite 340
Albuquerque, New Mexico 87110-4159*

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 its privilege 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: _____



William E. Foote, PH. D., Chair
6200 Uptown Blvd. NE, Suite 340
Albuquerque, NM 87110-4159
(505) 222-9353

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of August, 2023 a true copy of the foregoing
was sent as follows:

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

RESPONDENT

Hon. Joy E. Goldbaum
732 N. Miranda St.
Las Cruces, NM 88005

JUDICIAL STANDARDS COMMISSION



BEFORE THE JUDICIAL STANDARDS COMMISSION
OF THE STATE OF NEW MEXICO

INQUIRY CONCERNING HON. JOY E. GOLDBAUM
Las Cruces Municipal Court

Inquiry No. 2023-013

JUDGE'S ANSWER TO NOTICE OF
FORMAL PROCEEDINGS

FILED

SEP 08 2023


**NM JUDICIAL
STANDARDS COMMISSION**

COMES NOW the Respondent Judge, by and through her undersigned counsel, and STATES:

1. The Respondent does not contest the factual allegations contained in the notice filed in this matter with the following exception.
2. The Respondent denies that she actually knew that she was not entitled to receive the additional compensation she requested as described in Counts 1 and 2 of the notice and had no intention to mislead the City or anyone else.
3. The Respondent further states that her current term of office ends December 31, 2023, that the date for filing as a candidate for reelection was August 29, 2023 and that she did not file.
4. The Respondent further states that she has refunded the alleged over-payment to the City of Las Cruces in full and she entered into a repayment agreement before receiving notice of this complaint or the investigation that preceded it.
5. The Respondent further states that she intends to retire effective January 1, 2024 and will not seek any judicial post, whether elected or appointed.

The Respondent is prepared to accept whatever lawful disposition of this matter the Commission may propose.

For the Respondent Judge


Norman Osborne Bar No. 4819
732 N. Miranda
Las Cruces NM 88005
(575) 520-1944
normanosborne585@gmail.com

Certificate of Service

I certify that I delivered a copy of this answer to the Commission and counsel this September 4, 2023 by U.S. Mail.

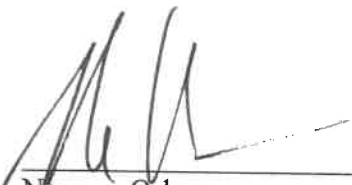

Norman Osborne

Exhibit
B
to Exhibit
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**STATE OF NEW MEXICO
JUDICIAL STANDARDS COMMISSION**

6200 UPTOWN BLVD. NE, SUITE 340
ALBUQUERQUE, NEW MEXICO 87110-4159
WWW.NMJSC.ORG | (505) 222-9353

PHYLLIS A. DOMINGUEZ
Executive Director &
General Counsel

KARA JOHNSON
Investigative Trial Counsel

MARCUS BLAIS
Investigative Trial Counsel

April 13, 2023

CONFIDENTIAL
CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Hon. Joy E. Goldbaum
Las Cruces Municipal Court
P.O. Box 20000
135 E. Griggs Ave.
Las Cruces, NM 88001

FILED

APR 13 2023

**NM JUDICIAL
STANDARDS COMMISSION**

Re: Inquiry No. 2023-013; Notice of Investigation

Dear Judge Goldbaum:

You are hereby notified that the above-referenced matter came before the Judicial Standards Commission on a verified, third-party complaint; a complaint docketed by the Commission’s General Counsel; or upon the Commission’s own motion. As part of an investigation pursuant to Rules 15(B) and (C) of the Judicial Standards Commission Rules (NMRA 2020), the Commission requires that you provide a written explanation as to the matter discussed below.

It has been alleged that:

You failed to follow the laws of your jurisdiction, including provisions of the Las Cruces Municipal Code and the Las Cruces Municipal Charter, when you requested salary increases for fiscal years 2022 and 2023 in the middle of your term as Las Cruces Municipal Court Judge, contrary to Part I, Article IV, §9.03(b) of the Las Cruces Municipal Charter.

Please provide the Commission with an explanation for your actions and the factual and legal bases for such conduct. Your response to this notice must be submitted in writing and must include an explanation and disclosure of all pertinent facts, along with any relevant documents or materials you wish the Commission to consider regarding the matter outlined herein. Pursuant to Rule 16(B) of the Judicial Standards Commission Rules (NMRA 2020), the Commission must receive your response within twenty-one (21) days of your receipt of this notice.

Sincerely yours,

William E. Foote, Ph. D.
Chair

Exhibit
C
to Exhibit
1

CERTIFICATE OF MAILING

I hereby certify that a true copy of the foregoing was mailed on the 13th day of April, 2023,
by USPS certified mail, return receipt requested to:

Hon. Joy E. Goldbaum
Las Cruces Municipal Court
P.O. Box 20000
135 E. Griggs Ave.
Las Cruces, NM 88001



Las Cruces Municipal Court

P.O. Box 20000

Las Cruces, NM 88001

FILED

MAY 01 2023

**NM JUDICIAL
STANDARDS COMMISSION**

Dr. William E. Foote

Judicial Standards Commission

6200 Uptown Blvd. NE, Suite 340

Albuquerque, NM 87110-4159

April 27, 2023 *

RE: Your inquiry of April 13, 2023

Dear Dr. Foote:

In response to your April 13 communication with me, the basic facts as laid out are correct. I erroneously relied on Las Cruces Municipal Code Article II, Section 17-31(b) (attached) which states:

“The salary of the municipal judge I shall be 90 percent of the salary set for the state district court judges per annum less mandatory deductions including but not limited to FICA, federal withholding tax and any other voluntary deductions such as insurance” without cross-referencing the City Charter, Article IX, Section 9.03(b) (attached) which states:

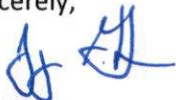
“The bond requirement and the salary of the municipal judge or judges shall be set by ordinance, but no judge’s salary may be changed during the term for which he or she was elected.”

Thus, I had relied on the increase in state District Judge salaries for an increase in my salary, which I had contacted the City about. However, once the City notified me of my error, I immediately entered into a repayment plan with the City based on the City’s calculations in January of this year. The repayment plan was agreed to by both parties. Through my agreement with the City I have been repaying that overpayment since February, 2023. In fact, when I believed that the City was not deducting enough from my regular pay to cover the overpayment, I contacted them twice to see if they had correctly calculated my repayment (see attached emails). The City was satisfied that their repayment withholding was accurate.

I was never attempting to cheat the City or receive more than I sincerely believed I was supposed to be paid. It was an honest mistake which I regret making. I’ve previously acknowledged as much and took measures months ago to completely correct the overpayment.

**I received the April 13 correspondence from Judicial Standards on April 24th. The PO Box for Municipal Court is the same for the entire City, and Court mail frequently takes a surprising amount of time to arrive at the Court from the City, which is housed in a different building four blocks away.*

Sincerely,



Joy Goldbaum

Exhibit
D
to Exhibit
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ARTICLE I. IN GENERAL**Sec. 17-1. Location.**

The municipal court shall be located in such quarters as shall be provided by the city council. (Code 1988, § 19-1)

Sec. 17-2. Commencement of prosecution.

(a) Prosecution of any offense denominated a misdemeanor or petty misdemeanor in the Las Cruces Municipal Code, Las Cruces-Land Development Code, Zoning Code, Sign Code or other ordinance may be commenced in the municipal court by summons, citation or criminal complaint.

(b) Any summons or citation issued in lieu of criminal complaint shall require the party charged to appear before the municipal court at a time fixed in the summons or citation.

(c) If the party issued a summons or citation fails to appear in municipal court at the time fixed therein, the municipal judge shall immediately issue a warrant for the arrest of such party.

(d) Prosecution for violation of any municipal ordinance amounting to a breach of the peace shall only be commenced upon the filing of a criminal complaint. (Code 1988, § 19-2)

Secs. 17-3—17-30. Reserved.

ARTICLE II. MUNICIPAL JUDGES***Sec. 17-31. Municipal judge I—Term and salary:**

(a) The term for the municipal judge I shall be four years.

(b) The salary of the municipal judge I shall be 90 percent of the salary set for the state district court judges per annum less mandatory deductions including but not limited to FICA, federal withholding tax and any other voluntary deductions such as insurance.

*Cross reference—Officers and employees, § 2-56 et seq.

(c) The duties of the municipal judge I shall perform the duties and obligations set forth in subsections 17-32(a), (b), (c) and shall meet the requirements set forth in the Charter section 9.03 and is subject to the conditions set forth in section 17-34.

(Code 1988, § 19-11; Ord. No. 2005, § I, 6-2-03)

Sec. 17-32. Same—Duties and obligations.

(a) The municipal judge I shall be present and shall preside at municipal court for at least 40 hours per week, unless absent for annual leave, sick leave or attendance at a municipal judge's conference required by NMSA 1978, § 35-14-10.

(b) The municipal judge I shall not represent any client, engage in any private practice of law or perform any legal duties other than the duties and obligations specified in this article for the municipal judge I.

(c) The municipal judge I shall be the presiding municipal judge in municipal court and shall be responsible for establishing judicial policy and local court rules not inconsistent with the laws of the state, city ordinances or court rules promulgated by the state supreme court.

(Code 1988, § 19-12)

Sec. 17-33. Municipal judge II—Term and salary.

(a) The term for the municipal judge II shall be four years.

(b) The salary of the municipal judge II shall be 95 percent of the current salary of municipal judge I per annum less mandatory deductions, including but not limited to FICA, federal withholding tax and any other voluntary deductions such as insurance.

(c) The municipal judge II shall perform the duties and obligations set forth in subsections 17-32(a) and (b) and shall meet the requirements set forth in the Charter section 9.03 and is subject to the conditions set forth in section 17-34.

(Code 1988, § 19-13(g); Ord. No. 2005, § II, 6-2-03)

- (11) At any recall election, the official holding office shall be recalled only if:
 - a. A majority of the votes cast at the recall election are in favor of recalling the official; and
 - b. This majority equals or exceeds the number of votes the official received when elected.

(12) If the election results in a failure to secure the votes necessary to recall, the official who is the subject of the recall election shall not again be subject to recall during the remainder of that official's term of office.

(13) For the purposes of this section, misconduct means, but is not limited to: a conviction for a felony or crime of moral turpitude; failure to discharge the duties of the office; or violation of state or city ethics rules or laws or rules of a professional organization of which the elected official is a licensed member.

(Ord. No. 2859, § I, 6-4-2018)

ARTICLE IX. MUNICIPAL COURT*

Sec. 9.01. Jurisdiction; powers; duties.

(a) The municipal court shall have jurisdiction over all petty misdemeanor offenses and complaints under ordinances of the City of Las Cruces and may issue subpoenas and warrants and punish for contempt.

(b) The municipal court shall have such additional jurisdiction and duties as may be prescribed by law or legally assigned to the court by the council.

(Ord. No. 2225, § I, 8-1-05)

Sec. 9.02. Municipal judges.

(a) A municipal judge shall be elected, for a term of four (4) years, at the regular municipal election.

*State law reference—Municipal courts, NMSA 1978, §§ 35-14-1—35-14-12.

(b) The council may authorize the election of additional judges if it determines that the workload of the court requires more than one (1) judge.

(c) The council may fill a vacancy by appointment of a municipal judge to serve until the next regular election.

Sec. 9.03. Qualification; bond; salary.

(a) No person may be elected judge of the municipal court who is not a member of the New Mexico State Bar.

(b) The bond requirement and the salary of the municipal judge or judges shall be set by ordinance, but no judge's salary may be changed during the term for which he or she was elected.

Sec. 9.04. Temporary incapacity or absence.

In the event of the incapacity or absence of a judge, the council may appoint a substitute judge who shall have full authority to act in place of the elected judge during such absence or incapacity.

Sec. 9.05. Counsel for indigents.

The council shall establish by ordinance procedures wherein, unless waived, the municipal judge shall appoint an attorney to represent an indigent person in all cases in which a term of incarceration is to occur.

ARTICLE X. GENERAL PROVISIONS†

Sec. 10.01. Repeal of certain existing laws.

All by-laws, ordinances and resolutions affecting the City of Las Cruces in force when this Charter shall take effect are repealed and superseded to the extent that the same are inconsistent with the provisions of this Charter. All other resolutions and ordinances remain in full force and effect. The general repeal shall be limited by the provisions of Sections 10.02 and 10.03.

†Note—Please see section 8-16(e) for provisions of this article which have been superseded by the Local Election Act (LEA).

Joy Goldbaum

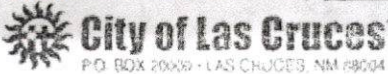
From: Joy Goldbaum
Sent: Thursday, February 2, 2023 7:48 AM
To: Jo Richards
Cc: Loyola Duran
Subject: Pay still incorrect?

Good morning Ms. Richards,

If I'm understanding correctly, I'm pretty sure my paycheck is still incorrect today. It shows my gross pay at \$4362.09. The \$288.72 adjustment was taken out, but on the Excel spreadsheet Ms. Duran had previously sent me, it shows I should have been paid gross wages of \$4630.05 beginning July 2021 (rounding off cents)—the difference is \$267.96—less than the \$288.72 anticipated adjustment by \$20.76 (or overpayment of \$20.76). Do you want me to pay the difference to the City, or just correct it next pay period?

Please advise. Thank you. jg

Honorable Joy E. Goldbaum
Presiding Judge
Las Cruces Municipal Court
Main: 575-541-2224, jgoldbaum@las-cruces.org



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I will have Loyola take a quick look at it.

Sincerely yours,
J.C.

J.C. Borrego
Deputy Director
Human Resources
Direct: 575-528-3033 Main: 575-528-3100
jborrego@las-cruces.org

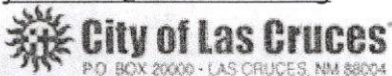


From: Jo Richards <jrichards@las-cruces.org>
Sent: Tuesday, March 7, 2023 8:48 AM
To: Jc Borrego <jborrego@las-cruces.org>
Subject: Fw: Is my pay correct?

Hi! Can you have someone check this? I think Loyola may have done all the work on the correction.

Thanks!

Jo M. Richards
Director of Human Resources
Direct Line: 575-528-3090
Department Main Line: 575-528-3100
jrichards@las-cruces.org



From: Joy Goldbaum <jgoldbaum@las-cruces.org>
Sent: Tuesday, March 7, 2023 8:14 AM
To: Jo Richards <jrichards@las-cruces.org>
Subject: Is my pay correct?

Good morning Ms. Richards,

Can you please confirm that my pay is correct now? It seems high, and I don't want to end up owing more than I already do. Thank you. jg

Honorable Joy E. Goldbaum
Presiding Judge
Las Cruces Municipal Court
Main: 575-541-2224, jgoldbaum@las-cruces.org



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Joy Goldbaum

From: Joy Goldbaum
Sent: Monday, March 13, 2023 12:22 PM
To: Jo Richards
Subject: RE: Is my pay correct?

Thank you for checking. jg

From: Jo Richards <jrichards@las-cruces.org>
Sent: Monday, March 13, 2023 10:59 AM
To: Joy Goldbaum <jgoldbaum@las-cruces.org>
Subject: FW: Is my pay correct?

Good morning Judge,

Based on recalculations done by staff, your pay is correct. Please see below and attached.

Thanks,

Jo M. Richards

Director of Human Resources

Direct Line: 575-528-3090

Main Department Line: 575-528-3100

Fax: 575-528-3020

jrichards@las-cruces.org



From: Loyola Duran <lduran@las-cruces.org>
Sent: Wednesday, March 8, 2023 9:05 AM
To: Jc Borrego <jborrego@las-cruces.org>; Jo Richards <jrichards@las-cruces.org>
Subject: RE: Is my pay correct?

Good morning,

I have checked her record and show that she is getting paid correctly.

Employee #	SSN	Last Name	First Name	MI	Suffix	Status
5849	[REDACTED]	GOLDBAUM	JOY	E		A - ACTIVE

Main	Cycles/Other	Next Change	Civil Service	Calc Code	11
Job Class *	N019	MUNICIPAL JUDGE		Num Pays *	26.000
Summary Job Class	01	ACT JOB CD		Days/Year *	260.00
Position *	1000009	MUNICIPAL JUDGE		Sched Hours *	80.00
Pay Type *	110	EXEMPT		Pay Basis	A
Effective Date *	01/29/2023	to: 12/31/9999		Compa-Ratio	10
	<input checked="" type="checkbox"/>	Primary Job Position			
Position Start/End *	11/20/2017	12/31/9999			
Location *	J100 - JUDGE			Pay Amounts	
Group/EU *	EOEX - ELECTED OFFICIAL EXEMPT			FTE % *	1.0000
Status	EO - ELECTED OFFICIAL			Hourly Rate	57
Risk Code	S810	Clerical		Daily Rate	462
Pay Start/End *	01/29/2023	12/31/9999		Period Pay	4,6
Pay Freq *	B - BIWEEKLY			Annual Pay	120,3
Grade/Step	EL3	1	EL3	Remaining	
Allocation	0			Reference	1

The payroll snapshot below shows the decrease in pay based on the change to her rate of pay and the assigned dock pay.

Warrant	Run	Chk	Check Date	Check No	Status	Grade	Step	Earnings	De
LC2722	1	0	01/05/2023	660183	C	EL3	1	4812.86	
LC0223	1	0	01/19/2023	661950	C	EL3	1	4812.86	
LC0323	1	0	02/03/2023	663737	C	EL3	1	4362.09	
LC0423	1	0	02/16/2023	665562	C	EL3	1	4362.10	
LC0523	1	0	03/02/2023	667382	C	EL3	1	4362.09	

Thank you.

Loyola M. Duran
 Senior Human Resources Analyst/Human Resources
 Direct: 575-528-3021 Main: 575-528-3100, lduran@las-cruces.org



From: Jc Borrego <jborrego@las-cruces.org>
 Sent: Tuesday, March 7, 2023 8:49 AM
 To: Jo Richards <jrichards@las-cruces.org>
 Cc: Loyola Duran <lduran@las-cruces.org>
 Subject: RE: Is my pay correct?

Hi Jo,