

**IN RE GALLEGOS, S.Ct. No. 27,906 (April 15, 2003)**

**IN THE MATTER OF FRANCES GALLEGOS,  
Municipal Court Judge, Santa Fe, New Mexico**

NO. 27,906

IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

April 15, 2003, Filed

INQUIRY CONCERNING A JUDGE  
NO. 2002-80

**COUNSEL**

Peg A. Holguin, Randall D. Roybal, Albuquerque, New Mexico, For Judicial Standards Commission

White, Koch, Kelly & McCarthy, P.A., Janet Clow, Santa Fe, New Mexico, For Respondent

**FORMAL REPRIMAND**

**Per Curiam.**

{1} This matter came before the Court upon recommendation of the Judicial Standards Commission to approve a plea and stipulation agreement entered into between the commission and Hon. Frances Gallegos. Pursuant to the agreement, the commission recommended that respondent be formally reprimanded, be ordered to reimburse the complainant for private investigation fees and expenses, and be ordered to comply with the applicable city ordinance and continue to reside within the city limits while holding office as Santa Fe Municipal Court Judge.

{2} The commission issued a notice of preliminary investigation to respondent on November 6, 2002. Respondent filed a response to the notice of preliminary investigation on November 21, 2002. On January 27, 2003, respondent agreed to enter into a plea and stipulation agreement with the commission, which was filed on February 4, 2003. Respondent stipulated that the commission had sufficient clear and convincing evidence to prove the factual and legal conclusions set forth below.

{3} Although respondent was required to reside within the city limits pursuant to Santa Fe Rev. Ord. §2-3.3(B) (Supp. 2001), she failed to maintain a continuous and significant physical presence at a residence within the city limits of Santa Fe from winter 2000 through November 2002. Respondent asserted that she always maintained a physical

address in the City of Santa Fe, was registered to vote in the city, used her Santa Fe address on her driver's license, tax returns, bank accounts, and other important documents, and believed that she had an intent to reside in the city. After the commission initiated a formal investigation in this matter in November 2002, respondent promptly resumed a continuous and significant physical presence at her city residence.

{4} Respondent's conduct violated the following Canons of the Code of Judicial Conduct: 21-100 NMRA 1995 (judge shall uphold integrity and independence of judiciary); 21-200(A) NMRA 1991 (judge shall avoid impropriety and appearance of impropriety in all activities); and 21-500(A)(3) and (A)(4) NMRA 1995 (judge shall conduct extra-judicial activities to minimize risk of conflict with judicial obligations).

{5} Respondent's conduct constituted willful misconduct in office.

{6} WE HEREBY FIND that the recommended disciplinary measures for respondent's violations of the Code of Judicial Conduct are appropriate. Respondent shall comply fully with the requirements of the discipline imposed by this Court and with the Code of Judicial Conduct.

{7} NOW, THEREFORE, IT IS ORDERED that Honorable Frances Gallegos is hereby disciplined as follows:

- A. Respondent shall be and is hereby formally reprimanded.
- B. Respondent shall reimburse complainant Felipe Cabeza de Vaca for \$285.80 for the private investigator fees and expenses he incurred in this matter. Reimbursement shall be made by February 15, 2003, by a certified bank check made payable to Mr. Cabeza de Vaca.
- C. Respondent shall comply with Santa Fe Rev. Ord. §2-3.3(B) (Supp. 2001) and continue to reside within the city limits of Santa Fe while holding office as Santa Fe Municipal Judge.
- D. Respondent shall abide by all terms and conditions of the plea and stipulation agreement and the Code of Judicial Conduct.
- E. Respondent and the Judicial Standards Commission shall bear their own costs and expenses incurred in this matter.

**{8} IT IS SO ORDERED.**

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**Chief Justice Petra Jimenez Maes**

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**Justice Pamela B. Minzner**

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**Justice Patricio M. Serna**

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**Justice Richard C. Bosson**