

Chavez
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JAN 14 1999

STATE OF UTAH
JUDICIAL CONDUCT COMMISSION

IN THE UTAH SUPREME COURT

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Re: Inquiry Concerning A Judge
Patricia Chavez, Justice Court
Judge F97-6JC-006

No. 981371-SC

ORDER

Pursuant to the authority vested in the Supreme Court by article VIII, section 13 of the Utah Constitution, and section 78-7-30(4)(a) of the Code, the court accepts the stipulation consenting to the implementation of the Commission's Findings of Fact, Conclusions of Law, and Order, in this matter.

For The Court



Richard C. Howe
Chief Justice

Date Jan. 13, 1999

BEFORE THE JUDICIAL CONDUCT COMMISSION

In re: :
: **SETTLEMENT STIPULATION**
Inquiry Concerning :
a Judge : **F97-6JC-006**
:

Former Kanab City Justice Court Judge Patricia Chavez (Ms. Chavez) and the Judicial Conduct Commission (Commission) stipulate as follows:

A. Stipulated Facts.

1. On November 14, 1996, the Utah Attorney General charged Ms. Chavez with five counts of misusing public moneys under Utah Code Ann. Sections 76-8-402 and 78-5-135 (1953, as amended).

2. In a "Statement of Defendant Regarding Plea Agreement, Certificate of Counsel, and Order" signed by her on March 23, 1998, Ms. Chavez admitted that she appropriated to her own use \$1,200 cash bail paid by Charles Clements, in violation of Utah Code Ann. Sections 76-8-402 and 78-5-135 (1953, as amended).

3. On March 23, 1998, Ms. Chavez entered a plea of "guilty" to misusing public moneys, a third degree felony, and resigned as the Kanab City Justice Court Judge.

4. Utah Code Ann. Section 53-3-218 provides in part:

53-3-218. Court to report convictions and may recommend suspension of license - Severity of speeding violation defined - Conviction defined.

* * *

(2) A court having jurisdiction over offenses committed under this chapter or any other law of this state, or under any city ordinance regulating driving motor vehicles on highways, shall forward to the division within ten days, an abstract of the court record of the conviction or plea held in abeyance of any person in the court for a reportable traffic violation of any laws or ordinances, and may recommend the suspension of the license of the person convicted.

5. Ms. Chavez violated Utah Code Ann. Section 53-3-218 by failing to forward abstracts of reportable traffic violations to the Driver License Division within ten days of the conviction or plea held in abeyance.

6. Although Ms. Chavez's resignation as the Kanab City Justice Court Judge moots the question of whether she can be removed or suspended from office for judicial misconduct, her criminal conviction for misusing public moneys, a third degree felony, and her failure to forward abstracts of reportable traffic violations to the Driver License Division within ten days of the conviction or plea held in abeyance, would have provided a reasonable basis for her removal from judicial office if, before her resignation, a formal hearing had been conducted in this case.

7. Ms. Chavez will neither apply for nor accept appointment to any Utah judicial office in the future.

B. Findings of Fact, Conclusions of Law, and Order.

1. The Commission shall enter the foregoing stipulated facts in its formal Findings of Fact.

2. The Commission shall enter conclusions of law and an order publicly censuring Ms. Chavez for engaging in willful misconduct in office and conduct prejudicial to the

administration of justice which brought a judicial office into disrepute, in violation of Utah Code Ann. Sections 78-7-28(1)(a) and (e), because she prejudiced public esteem for the judicial office and violated Canon 1 of the Code of Judicial Conduct, which requires judges to personally observe high standards so that the integrity and independence of the judiciary will be preserved; Canon 2, which requires judges to avoid impropriety and the appearance of impropriety in all activities; and Canon 4A, which requires judges to conduct their extra-judicial activities so that those activities do not demean the judicial office.

3. Before entry, the Commission shall obtain approval as to form from Ms. Chavez with respect to its proposed Findings of Fact, Conclusions of Law, and Order.

C. Formal hearing. Ms. Chavez waives the formal hearing required by Utah Code Ann. Section 78-7-30(2)(b) and consents that after approval as to form by her, the Commission's Findings of Fact, Conclusions of Law, and Order may be entered by the Commission and certified to the Utah Supreme Court for review.

D. Mandatory Supreme Court Review. Consistent with Utah Code Ann. Section 78-7-30(4), the record of the proceedings, which shall consist of the original complaint, Ms. Chavez's response, all Notices of Formal Proceedings, Ms. Chavez's response(s), all returns or acceptances of service of process, this Stipulation, and the Findings of Fact, Conclusions of Law and Order, shall be certified to the Utah Supreme Court for review. Ms. Chavez consents that the Findings of Fact, Conclusions of Law and Order may be implemented by the Utah Supreme Court without a hearing. Neither the Commission nor Ms. Chavez shall file additional pleadings with, or request oral argument before, the Utah Supreme Court. If, on its own motion, the Utah Supreme Court schedules oral argument, counsel for the Commission and Ms. Chavez shall

appear for oral argument and jointly recommend that the Supreme Court implement the Commission's Findings of Fact, Conclusions of Law, and Order. Neither the Commission nor Ms. Chavez shall make any other recommendation to, nor argue any other position before, the Utah Supreme Court. This Stipulation will become void if the Utah Supreme Court refuses to implement or chooses to modify the Commission's Findings of Fact, Conclusions of Law, and Order.

DATED this 2nd day of October, 1998.

Patricia Chavez
Patricia Chavez

DATED this 13th day of October, 1998.

THE JUDICIAL CONDUCT COMMISSION

Francis M. Wikstrom
Francis M. Wikstrom, Chair

CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of October, 1998, I served a copy of the foregoing **SETTLEMENT STIPULATION** on Patricia Chavez by mailing a copy thereof, postage prepaid, to her attorney, ~~Jim R. Search, 150 North 200 East, Suite 203, P.O. Box 160, St. George, UT 84771, etc.~~ Patricia Chavez at 382 South 350 East, Kanab, UT 84741.

Kay Carleson
Kay Carleson

BEFORE THE JUDICIAL CONDUCT COMMISSION

In re: :
: **FINDINGS OF FACT, CONCLUSIONS**
Inquiry Concerning : **OF LAW, AND ORDER**
a Judge :
: **F97-6JC-006**

A quorum of the Judicial Conduct Commission, having considered the record in this case, enters the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. On November 14, 1996, the Utah Attorney General charged Patricia Chavez (Ms. Chavez) with five counts of misusing public moneys under Utah Code Ann. Sections 76-8-402 and 78-5-135 (1953, as amended).

2. In a "Statement of Defendant Regarding Plea Agreement, Certificate of Counsel, and Order" signed by her on March 23, 1998, Ms. Chavez admitted that she appropriated to her own use \$1,200 cash bail paid by Charles Clements, in violation of Utah Code Ann. Sections 76-8-402 and 78-5-135 (1953, as amended).

3. On March 23, 1998, Ms. Chavez entered a plea of "guilty" to misusing public moneys, a third degree felony, and resigned as the Kanab City Justice Court Judge.

4. Utah Code Ann. Section 53-3-218 provides in part:

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(2) A court having jurisdiction over offenses committed under this chapter or any other law of this state, or under any city ordinance regulating driving motor vehicles on highways, shall forward to the division within ten days, an abstract of the court record of the conviction or plea held in abeyance of any person in the court for a reportable traffic violation of any laws or ordinances, and may recommend the suspension of the license of the person convicted.

5. Ms. Chavez violated Utah Code Ann. Section 53-3-218 by failing to forward abstracts of reportable traffic violations to the Driver License Division within ten days of the conviction or plea held in abeyance.

6. Although Ms. Chavez's resignation as the Kanab City Justice Court Judge moots the question of whether she can be removed or suspended from office for judicial misconduct, her criminal conviction for misusing public moneys, a third degree felony, and her failure to forward abstracts of reportable traffic violations to the Driver License Division within ten days of the conviction or plea held in abeyance, would have provided a reasonable basis for her removal from judicial office if, before her resignation, a formal hearing had been conducted in this case.

7. Ms. Chavez will neither apply for nor accept appointment to any Utah judicial office in the future.

CONCLUSIONS OF LAW

Ms. Chavez engaged in conduct prejudicial to the administration of justice which brought a judicial office into disrepute, in violation of Utah Code Ann. Section 78-7-28(1)(e), because she prejudiced public esteem for the judicial office and violated Canon 4A of the Code of Judicial Conduct, which requires judges to conduct their extra-judicial activities so that those

activities do not demean the judicial office; Canon 2, which requires judges to avoid impropriety and the appearance of impropriety in all activities; and Canon 1, which requires judges to personally observe high standards so that the integrity and independence of the judiciary will be preserved.

ORDER

Ms. Chavez is publicly censured for engaging in conduct prejudicial to the administration of justice which brought a judicial office into disrepute, in violation of Utah Code Ann. Section 78-7-28(1)(e), because she violated Canon 4A of the Code of Judicial Conduct, which requires judges to conduct their extra-judicial activities so that those activities do not demean the judicial office; Canon 2, which requires judges to avoid impropriety and the appearance of impropriety in all activities; and Canon 1, which requires judges to personally observe high standards so that the integrity and independence of the judiciary will be preserved. It is further ordered that Ms. Chavez will neither apply for nor accept appointment to any Utah judicial office in the future.

DATED this 6 day of November, 1998 BDH

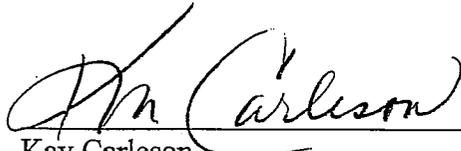
THE JUDICIAL CONDUCT COMMISSION



David O. Nuffer, Vice Chair

CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of November, 1998, I served a copy of the foregoing **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER** on Patricia Chavez by mailing a copy thereof, postage prepaid, to her at 382 South 350 East Kanab, UT 84741.



Kay Carleson