



Joey D. Moya

IN THE SUPREME COURT  
OF THE STATE OF NEW MEXICO

No. **S-1-SC-38844**

IN THE MATTER OF HON. KAREN E. GATES  
Cimarron Municipal Court

INQUIRY CONCERNING HON. KAREN E. GATES  
JSC Inquiry No. 2020-094

**FILED UNDER SEAL**

PURSUANT TO 27-104(B) NMRA

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

JUDICIAL STANDARDS COMMISSION  
6200 Uptown Blvd., NE, Suite 320  
Albuquerque, NM 87110-4159  
(505) 222-9353

RANDALL D. ROYBAL  
*Executive Director & General Counsel*

PHYLLIS A. DOMINGUEZ  
*Deputy Director*

*Counsel for Petitioner*

HON. KAREN E. GATES  
c/o Julio P. Garcia, Esq.  
3705 Ellison Rd. NW#B1 #323  
Albuquerque, NM 87114-7015  
(505) 718-9952

*Counsel for Respondent*

IN THE SUPREME COURT  
OF THE STATE OF NEW MEXICO

No.

IN THE MATTER OF HON. KAREN E. GATES  
Cimarron Municipal Court

INQUIRY CONCERNING HON. KAREN E. GATES  
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PURSUANT TO 27-104(B) NMRA

**PETITION TO ACCEPT STIPULATION TO  
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 respectfully petitions the Supreme Court for an order approving the attached *Stipulation to Resignation from Judicial Office in Lieu of Further Disciplinary Proceedings* (“*Stipulation*”), attached hereto as **Exhibit 1**, in which Cimarron Municipal Court Judge Hon. Karen E. Gates (“*Respondent*”), represented by her counsel, Julio P. Garcia, Esq., has elected to resign from judicial office

effective June 11, 2021 in lieu of further disciplinary proceedings against her. The resignation is **not** permanent.

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

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. The underlying matter is currently pending before the Commission pursuant to a *Notice of Formal Proceedings* issued to Respondent on April 23, 2021 in Inquiry No. 2020-094 (See **Exhibit A to Exhibit 1**), and Respondent's response to the *Notice of Formal Proceedings* which was filed on May 18, 2021 (See **Exhibit B to Exhibit 1**).

3. The Commission issued an *Amended Notice of Investigation* to Respondent on December 29, 2020 (See **Exhibit C to Exhibit 1**), and Respondent's response to the *Amended Notice of Investigation* was filed on January 5, 2021 (See **Exhibit D to Exhibit 1**).

4. Pursuant to Judicial Standards Commission Rule 19 NMRA, and subsequent to 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 April 12, 2021 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 opportunity to ask Respondent questions and further discuss the pending allegations and Respondent's response to assist in determining the appropriate course of action.

5. After full consideration of Respondent's written response and the information she provided verbally at the informal confidential conference, the Commission issued a *Notice of Formal Proceedings* to Respondent and set the matter for a hearing on the merits.

6. Respondent entered into the attached *Stipulation* with the Commission in which Respondent will resign from judicial office on June 11, 2021. The Commission agreed in return to close Inquiry No. 2020-094 upon the Supreme Court's approval and order.

7. Respondent understood and acknowledged the *Stipulation* as an equitable remedy that best serves the interests of justice and has voluntarily agreed to resignation. Respondent understood and acknowledged that a violation of the terms of the *Stipulation* would unfairly prejudice the Commission's ability to effectively adjudicate a stale case, witnesses may have disappeared, memories may have faded, or people may no longer wish to participate in the matter after several years have passed.

8. The resolution of this matter through Respondent's voluntary resignation not only ensures finality for the Commission, Respondent, and witnesses, but also allows everyone involved to rely upon the binding *Stipulation* and Supreme Court order(s).

9. The *Stipulation* is an equitable remedy and complies with Respondent's request to resign 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.

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

11. It is in the best interests of justice and integrity of the New Mexico Judiciary for the Supreme Court to grant the Commission's *Petition to Accept Stipulation to Resignation from Judicial Office in Lieu of Further Disciplinary Proceedings*.

WHEREFORE, Petitioner respectfully requests this Court issue an order granting the Commission's *Petition to Accept Stipulation to Resignation from Judicial Office in Lieu of Further Disciplinary Proceedings*, approving the *Stipulation*, and ordering the resignation from judicial office of Respondent Hon. Karen E. Gates effective June 11, 2021. The Commission further requests that this order unseal all documents filed with the Supreme Court in this matter pursuant to Rule 27-104(B).

Respectfully submitted,

JUDICIAL STANDARDS COMMISSION


  
RANDALL D. ROYBAL  
*Executive Director & General Counsel*

PHYLLIS A. DOMINGUEZ  
*Deputy Director*  
6200 Uptown Blvd. NE, Suite 320  
Albuquerque, NM 87110-4159  
Telephone: (505) 222-9353

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing was served via e-mail on this 9<sup>th</sup> day of June 2021 to the following:

Hon. Karen E. Gates  
c/o Julio P. Garcia, Esq.  
[julio@adviselawfirm.com](mailto:julio@adviselawfirm.com)

  
PHYLLIS A. DOMINGUEZ

BEFORE THE JUDICIAL STANDARDS COMMISSION  
STATE OF NEW MEXICO

INQUIRY CONCERNING HON. KAREN E. GATES  
Cimarron Municipal Court

Inquiry No. 2020-094

**FILED**  
JUN 04 2021 JG  
**NM JUDICIAL  
STANDARDS COMMISSION**

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

THIS MATTER is currently pending before the Judicial Standards Commission (“Commission”) pursuant to the *Notice of Formal Proceedings* issued to Hon. Karen E. Gates (“Respondent”) on April 23, 2021 in Inquiry No. 2020-094 (See **Exhibit A**). On May 18, 2021 Respondent filed her written response to the *Notice of Formal Proceedings* (See **Exhibit B**).

This *Stipulation to Resignation from Judicial Office in Lieu of Further Disciplinary Proceedings* (“*Stipulation*”) is entered into by and between the Commission and the Respondent who is represented by Julio P. Garcia, Esq.

Prior to issuance of the *Notice of Formal Proceedings*, the Commission issued an *Amended Notice of Investigation* to Respondent on December 29, 2020 (See **Exhibit C**), and Respondent’s *Response to Amended Inquiry 2020-094*, was filed on January 5, 2021 (See **Exhibit D**). Pursuant to Commission Rule 19, NMRA 2020, and following the Commission’s receipt and review of Respondent’s written response to the *Amended Notice of Investigation*, the Commission invited Respondent to participate in an informal confidential conference with the Commission on April 12, 2021 by Zoom Video Conferencing. The conference afforded Respondent an opportunity to discuss and explain her response to the *Amended Notice of Investigation* in person and provided the Commission an opportunity to ask Respondent questions about the pending allegations and Respondent’s response to assist in determining the appropriate course of action.

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After full consideration of Respondent's written response and the information she provided verbally at the informal conference, the Commission issued a *Notice of Formal Proceedings* to Respondent and set the matter for a hearing on the merits.

On May 19, 2021 Respondent's attorney, Julio P. Garcia, Esq., contacted staff for the Commission and expressed Respondent's voluntary intention to resign in lieu of further disciplinary proceedings.

It is Respondent's choice and intention to dispose of the charges alleged in the pending *Notice of Formal Proceedings* by entering into this *Stipulation* with the Commission where Respondent agrees to resign from judicial office in lieu of further disciplinary proceedings.

The Commission agrees that a stipulation for the resignation of Respondent in lieu of further disciplinary proceedings is in the best interests of justice and enters this *Stipulation* whereby the Commission shall close Inquiry No. 2020-094 upon the New Mexico Supreme Court issuing an order accepting this *Stipulation* and Respondent's resignation.

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.

2. Respondent agrees to resign as judge of the Cimarron Municipal Court effective on or before 5:00 p.m. on Friday, June 11, 2021. Grounds for this *Stipulation* include charges stated in the *Notice of Formal Proceedings* attached hereto as **Exhibit A** and Respondent's decision to resign and to avoid further disciplinary proceedings before the Commission. Upon acceptance of this *Stipulation* by the Court, Respondent shall resign by submitting duplicate original letters

of resignation addressed to the Chief Justice of the New Mexico Supreme Court and to the Mayor of Cimarron, with a copy to the Judicial Standards Commission.

3. Pursuant to Rule 27-104(B) NMRA, the Commission will file under seal a *Petition to Accept Stipulation to Resignation 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 Exhibit 1 to the *Petition*.

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

5. Respondent requests the *Petition* remain sealed.

6. Upon execution of this *Stipulation* and acceptance by the Court, the Commission will abate and close the matter pending against Respondent before the Commission (Inquiry No. 2020-094).

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 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 that all charges in the *Notice of Formal Proceedings* issued in Inquiry No. 2020-094, shall be deemed admitted by the Respondent, will 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*, 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 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 that if I violate any provision of this *Stipulation* I agree, acknowledge, and accept that all charges 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.

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.

*Karen E. Gates*

\_\_\_\_\_  
HON. KAREN E. GATES  
*Respondent*

Dated: 06 / 02 / 2021

COUNSEL FOR RESPONDENT'S REVIEW AND APPROVAL

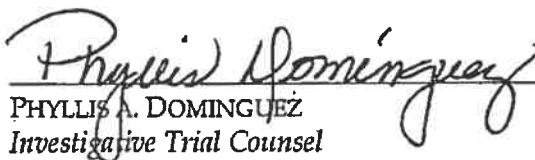
I have reviewed this *Stipulation* with my client. I have advised my client of her constitutional rights and possible defenses, and hereby accept and approve my client's entry into this *Stipulation*.

  
\_\_\_\_\_  
JULIO P. GARCIA, ESQ.  
Counsel for Respondent

Dated: 06/02/2021

INVESTIGATIVE TRIAL COUNSEL'S REVIEW AND APPROVAL

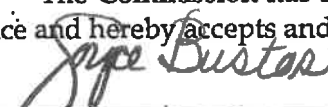
I have reviewed this *Stipulation* and find that it is appropriate and in the best interest of justice. I hereby recommend that the Judicial Standards Commission accept and approve this *Stipulation*.

  
\_\_\_\_\_  
PHYLLIS A. DOMINGUEZ  
Investigative Trial Counsel


Dated: 06/02/2021

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*.

  
\_\_\_\_\_  
JOYCE BUSTOS  
Chair

Dated: 6/4/21

  
\_\_\_\_\_  
RANDALL D. ROYBAL  
Executive Director & General Counsel

Dated: 6/4/2021

BEFORE THE JUDICIAL STANDARDS COMMISSION  
OF THE STATE OF NEW MEXICO

INQUIRY CONCERNING HON. KAREN E. GATES  
Cimarron Municipal Court

Inquiry No. 2020-094

**FILED**

APR 23 2021 

NOTICE OF FORMAL PROCEEDINGS

**NM JUDICIAL  
STANDARDS COMMISSION**

TO: Hon. Karen E. Gates  
Cimarron Municipal Court  
356B 9<sup>th</sup> St.  
P.O. Box 654  
Cimarron, NM 87714

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 of the Judicial Standards Commission Rules, has instituted formal proceedings on the charges set forth below.

COUNT 1

On or between December 2016 and October 2020, you failed to recuse from cases filed in the Cimarron Municipal Court by the Cimarron Police Department where your ex-husband and co-habitant, Ryan Gates, is Chief of Police, and where Cimarron police officers, over whom he exercises supervisory duties, appear before you in court.

Such conduct violates the Code of Judicial Conduct Rules 21-101, 21-102 and 21-207 NMRA and constitutes willful misconduct in office.

ITC  
EXHIBIT  
1-A

**COUNT 2**

On or between October 2020 and April 2021, you have failed to avoid or minimize conflicts of interest and situations requiring frequent recusal or disqualification. Additionally, you have violated the duty to hear and decide cases filed by the Cimarron Police Department which constitutes a substantial portion of the cases you were elected to adjudicate and have instead delegated that substantial portion of your docket to an alternate judge. You have continued to receive and have accepted payment of your full, regular salary as Municipal Judge from the Village of Cimarron while the alternate judge has received a substantially disproportionate salary relative to the workload the alternate is required to handle because of your ongoing conflicts with Cimarron Police Department cases.

Such conduct violates the Code of Judicial Conduct Rules 21-101, 21-102 and 21-207 NMRA 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:**

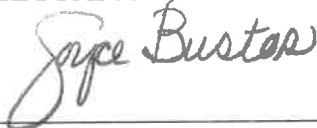
*Clerk of the Commission  
Judicial Standards Commission  
6200 Uptown Blvd. NE, Suite 320  
Albuquerque, NM 87110-4159*

Your answer should be legible. 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  
6200 Uptown Blvd. NE, Suite 320  
Albuquerque, NM 87110-4159  
(505) 222-9353

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing was sent via certified mail/return receipt requested on this 23<sup>rd</sup> day of April 2021 to the following:

Hon. Karen E. Gates  
Cimarron Municipal Court  
356B 9<sup>th</sup> St.  
Cimarron, NM 87714

  
SHARIESSE T. MCCANNON  
CLERK OF THE COMMISSION

BEFORE THE JUDICIAL STANDARDS COMMISSION  
OF THE STATE OF NEW MEXICO

**FILED**

INQUIRY CONCERNING HON. KAREN E. GATES  
Cimarron Municipal Court

MAY 18 2021



Inquiry No. 2020-094

**NM JUDICIAL  
STANDARDS COMMISSION**

ANSWER TO NOTICE OF FORMAL PROCEEDINGS

The Honorable Karen E. Gates, by and through her counsel, ADVISE | A Modern Law Firm (Julio P. Garcia, Esq.), pursuant to Rule 16B(2) of the Judicial Standard Commission Rules, states the following for her Answer to each of the charges set forth in the Notice of Formal Proceedings:

COUNT 1

With regard to Count 1 of the Notice of Formal Proceedings, the Honorable Karen E. Gates (“Judge Gates”) admits that she was not recused from cases filed in the Cimarron Municipal Court by the Cimarron Police Department where her ex-husband and co-habitant, Ryan Gates, is the Chief of Police, and where Cimarron police officers, over whom he exercises supervisory duties, appeared in court. Judge Gates denies the remaining allegations and legal conclusions made in Count 1 of the Notice of Formal Proceedings.

COUNT 2

With regard to Count 2 of the Notice of Formal Proceedings, Judge Gates admits that she has continued to receive and accept payment of her full, regular salary as the Municipal Judge from the Village of Cimarron. Judge Gates denies the remaining allegations and legal conclusions made in Count 2 of the Notice of Formal Proceedings.



Respectfully submitted,

**ADVISE | A MODERN LAW FIRM**

/s/ Julio P. Garcia, Esq. \_\_\_\_\_

Julio P. Garcia, Esq.

Attorney for the Honorable Karen E. Gates

3705 B-1 Ellison Rd. NW, #323

Albuquerque, NM 87114

(505) 718-9952

[julio@adviselawfirm.com](mailto:julio@adviselawfirm.com)

**CERTIFICATE OF SERVICE**

I hereby certify that on this 18<sup>th</sup> day of May 2020, the foregoing Answer to Notice of Formal Proceedings was filed via email with:

Clerk of the Commission  
Judicial Standards Commission  
6200 Uptown Blvd. NE, Suite 320,  
Albuquerque, NM 87110-4159  
[forfilingnmjsc@nmjsc.org](mailto:forfilingnmjsc@nmjsc.org)

/s/ Julio P. Garcia, Esq. \_\_\_\_\_

Julio P. Garcia, Esq.

Attorney for the Honorable Karen E. Gates

December 29, 2020

CONFIDENTIAL

**FILED**

DEC 29 2020



**NM JUDICIAL  
STANDARDS COMMISSION**

Hon. Karen E. Gates  
Cimarron Municipal Court  
356B 9th St.  
P.O. Box 654  
Cimarron, NM 87714

*Re: Amended Inquiry No. 2020-094; Notice of Investigation*

Dear Judge Gates:

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 have failed to disqualify from cases filed in the Cimarron Municipal Court by the Cimarron Police Department where your husband, Ryan Gates, is Chief of Police, and where he and other Cimarron police officers, over whom he exercises supervisory duties, appear before you in court.

Code of Judicial Conduct Rule 21-211(A)(2)(c) states in part: "A judge shall disqualify himself or herself in any proceeding in which the judge's impartiality might reasonably be questioned and the judge knows that the judge or the judge's spouse is a person who has more than a de minimis interest that could be substantially affected by the proceeding."

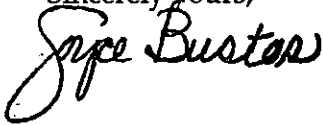
Advisory Opinion Nos. 09-04, 10-07 and 11-02 from the Supreme Court's Advisory Committee on the Code of Judicial Conduct regarding the issue of disqualification may be found on the New Mexico Judicial Education Center's website.

Please provide the Commission with an explanation of this incident and the factual and legal bases for your 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

ITC  
Exhibit  
1-C

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,

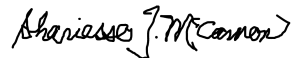


Joyce E. Bustos  
Chair

CERTIFICATE OF MAILING

I hereby certify that a true copy of the foregoing was sent via email on the 29<sup>th</sup> day of December 2020 to:

Hon. Karen E. Gates  
kemalott78@gmail.com



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SHARIESSA T. MCCANNON  
CLERK OF THE COMMISSION

RESPONSE TO AMENDED INQUIRY 2020-094



I, Judge Karen Gates, Municipal Court Judge for the Cimarron Municipal Court, hereby respond to the amended inquiry filed herein on December 29, 2020, as follows:

In August, 2015, I filed to run for Municipal Court Judge in the Village of Cimarron with the County Clerk of Colfax County. During this election, I ran unopposed. In March, 2016, I was elected Municipal Court Judge for the Village of Cimarron and sworn in as such. At that time, the Chief of Police was Lee Ferguson. Chief Ferguson had then resigned months later and there were interim chiefs prior to Chief Ryan Gates being hired by the Village of Cimarron. Chief Ryan Gates was hired by Mayor Judy LeDoux and the Governing Body of the Village of Cimarron in November, 2016, and began his position as Chief of Police on December 1, 2016. A copy of the job description for the Chief of Police is attached hereto and made a part of this Response. Knowing that there would be a conflict of interest, I asked to have an alternate judge appointed to hear Chief Gates' cases. In the amended complaint, it is alleged that I have not disqualified myself from any cases that Chief Gates filed within the Cimarron Municipal Court as it is being alleged that he is my spouse. In the amended complaint, Code of Judicial Conduct Rule 21-211(A)(2)(c) states in part, ***"A judge shall disqualify himself or herself in any proceeding in which the judge's impartiality might reasonably be questioned and the judge knows that the judge or the judge's spouse is a person who has more than a de minimis interest that could be substantially affected by the proceeding."*** Chief Gates is not my legal spouse, as we have been divorced since 2015. The Stipulated Final Decree of Dissolution of Marriage in that action was signed on September

18, 2015, by Judge Emilio Chavez of the Eighth Judicial District Court in Colfax County, Case No. D-809-DM-2012-00101 and is attached hereto and made a part of this Response. A Stipulated Order Determining Paternity, Child Custody and Support regarding our other two children was signed on June 28, 2019, by Judge Melissa Kennelly of the Eighth Judicial District Court in Colfax County, Case No. D-809-DM-2019-00040 and is attached hereto and made a part of this Response. Chief Gates and myself do reside in the same residence in Cimarron, New Mexico with our four children at this time. Chief Gates does have another part-time residence in the State of Colorado. When reading Rule 21-211(A)(2)(c) regarding disqualification, there is no term that says co-habitant, ex-spouse, etc. This rule only says the term spouse. Since having an alternate judge appointed to hear Chief Gates' cases, I thought that I was doing what was appropriate in order to prevent any appearances of impropriety since Chief Gates is not considered my legal spouse per the rule. Since I was not hearing cases involving Chief Ryan Gates, I thought that it was appropriate to be able to hear cases from other officers of the Cimarron Police Department. If there was a conflict in those cases filed by other officers that were supervised by Chief Gates, those officers would notify me of the conflict so that those cases could be reassigned to my alternate judge. At no time since I have been the Municipal Court Judge for the Village of Cimarron has Chief Gates been in my courtroom to observe cases being heard.

When I started my first term as Municipal Court Judge, I would hold court in the afternoons. In September, 2018, I took a full-time position in another municipality and thus had to adjust my court schedule and hear cases in the evening. I would schedule cases on the second Thursday of the month. I typically only heard cases once a month as I do not have a big caseload in my Court and most of my cases were parties who did not reside in the Village of Cimarron and



did not challenge or request that I disqualify myself from matters. Since I would have to hear those cases in the evening, Chief Gates still did not appear in my courtroom to observe any cases or to supervise officers that appeared before me.

In August, 2019, I sought re-election for Municipal Court Judge for the Village of Cimarron and was again running unopposed. The Village of Cimarron decided to have their elections run by the County Clerk of Colfax County and my first term was cut short by three months and I was re-elected for my second term as Municipal Court Judge in November, 2019, and sworn in, in January, 2020. Again, the issue of disqualify myself from cases was not made known or discussed and I still had an alternate judge to hear Chief Gates' cases, as I felt this was the appropriate way to continue handling the situation.

Since serving as the Municipal Court Judge, I have not had any party complain about a ruling or appeal any matter that has come before me. The Cimarron Police Department is the only law enforcement agency that files cases in the Cimarron Municipal Court. The majority of my cases that I have heard are traffic related matters (i.e. Speeding tickets, no insurance, no driver's licenses, etc.), some code enforcement and an occasional petty misdemeanor. I have only heard one misdemeanor case since serving as Judge and I do not hear DWI cases. I rarely have any attorneys appear before me unless there is jail time involved and the party requests an attorney. As of this date, I have not had any defense attorney ask for me to disqualify myself based on Chief Gates' position with the Cimarron Police Department or based on his supervision of other officers employed with the Cimarron Police Department. There have not been any complaints or disciplinary actions regarding the actions of the officers when presenting cases

before me and any complaints or disciplinary actions regarding the Court regarding said officers would have been handled by the Mayor of the Village of Cimarron.

Since having ran unopposed in both elections, I felt that I was doing my duties as the Municipal Court Judge in hearing cases that did not involve Chief Gates. The issue of disqualification may not have been researched fully by the Governing Body for the Village of Cimarron when they hired Chief Gates and I felt that the resolution to the matter was to have an alternate judge for Chief Gates and not the other officers he supervises. Since Chief Gates does not appear in my court when his officers appear before me and he has no minimal interest in what the outcome of those cases are. The officers that appear before me handle their cases on their own. I do not discuss any matters in my court with Chief Gates nor does he discuss any matters that he files in the Cimarron Municipal Court with myself.

In September, 2020, my court clerk was transferred from her duties in the Cimarron Municipal Court due to employee actions to another department in Village Hall. Since that time, it has been difficult to perform operations of the Court. The Village staff has assumed all financial duties of the Cimarron Municipal Court as to posting and receiving payments. I have not heard any cases in the Cimarron Municipal Court since October, 2020. I would respectfully ask for an opinion of the Judicial Standards Commission as to whether a Judge that has to disqualify themselves from cases can assume the clerical operations of a Municipal Court in matters they cannot hear or rule on. Those operations would be docketing cases (court appearances or penalty assessments), preparing pleadings and notices, and correspondence. Since the Court does not have a clerk at this time and the staff is already having to fulfill their obligations, I would ask for an opinion on this matter. The Village is considering the hiring of a code enforcement

officer, which would not be supervised by the Chief of Police, but by the Clerk-Administrator for the Village of Cimarron. This would allow me to hear those matters involving code enforcement and my alternate judge would hear matters filed by the Cimarron Police Department.

I felt that I was doing my duties as Municipal Court Judge by not taking the matters filed by the Chief of Police. I have read the opinions presented to me with this amended inquiry. Advisory Opinion 09-04 regarding the judge and her spouse who had rank within the New Mexico State Police stated that as long as the judge mentioned that there was a conflict and that if the parties agreed that there would be no impartiality, that judge could hear that matter. I realize that this only applies to when there are attorneys on both sides, but in small, rural towns such as Cimarron, we do not have a city attorney that comes and prosecutes cases. The rule would make it easier on smaller municipalities if municipal courts could state that with the officer and the defendant/defense attorney in regards to disqualification and they could discuss this outside the presence of the judge to make that decision as to whether the judge should disqualify themselves or still hear the matter before them. I was unaware of the disqualification involving officers that answer directly to the Chief of Police until I received these opinions. Since I have not been hearing cases since October, 2020, I will continue to disqualify myself from any cases filed by the Cimarron Police Department and assign all matters filed by the Cimarron Police Department in the Cimarron Municipal Court to the alternate judge until further notice. I have discussed this matter with the alternate judge and he is willing to take these matters before them.

Respectfully submitted this 5<sup>th</sup> day of January, 2020.

  
\_\_\_\_\_  
Judge Karen E. Gates



#### IV. ORGANIZATIONAL CHART

The following chart denotes chain of command and intradepartmental relationships.

Chief  
Lieutenant  
Patrol Officer  
Reserve Officer

A. See Appendix II for Village of Cimarron Organizational Chart

#### V. JOB DESCRIPTIONS:

A. Chief of Police

1. Summary

The chief of police is the chief administrative officer of the department and the final authority in all matters of policy, operations, and discipline. He exercises all lawful powers of his office and issues such lawful orders as are necessary to assure the effective performance of the department.

Through the chief of police the department is responsible for the enforcement of all laws coming within its legal jurisdiction. The chief of police is responsible for planning, directing, coordinating, controlling and staffing all activities of the department. He is also responsible for its continued and efficient operation, for the enforcement of rules and regulations within the department, for the completion and forwarding of such reports as may be required by proper authority and for the department's relations with local citizens, the local government, and other related agencies.

The chief is responsible for training of all members of the department. The chief shall have general charge of the station house and all property of the police department.

2. General duties and responsibilities:

- a. As necessary, recommends and makes recommendations for the adoption of new town or county ordinances or the amendment of existing ones.
- b. Supervises the maintenance of police vehicles and any other equipment needed for the operation of the department.

- c. Prepares periodic and special reports, and assures that adequate records are maintained of all department activities.
- d. Controls the expenditure of department appropriations and prepares annual budget estimates of needs.
- e. Plans and coordinates training of members in procedures, duties, and proper use of equipment.
- f. Cooperates with other law enforcement agencies in the apprehension and detention of wanted persons and with other agencies as appropriate.
- g. Receives and disposes of complaints; attends civic club and school meetings to explain the activities and functions of the police department, and to establish favorable public relations.
- h. In consultation with the village mayor, formulates written administrative guidance in the form of policies, regulations, and other orders governing activities of the police department.
- i. Ensures compliance with all laws which the department or its officers have the authority to enforce.
- j. Organizes, directs, and controls all resources of the department to preserve the peace, protect persons and property and enforce the law.
- k. Assigns, details or transfers any member or employee of the department to or from any assignment whenever he shall deem such action necessary for the efficiency, discipline or morale of the department.
- m. Ensures that all members have copies of the department's policy manual.
- n. Or his designee will investigate all cases of alleged or apparent misconduct by department personnel.
- o. Keeps himself informed of departmental affairs, ensuring that the duties and responsibilities of members and employees are properly discharged.
- p. Promulgates all general and special orders of the department and

issues on his own authority orders, written and oral, consistent with his powers, duties, and responsibilities.

- q. Or his designee will supervise the safekeeping of all evidence and any property recovered, found or confiscated.
- r. Maintains a personnel record system in which shall be kept all pertinent information on all-departmental members and employees.

3. Knowledge, skills and abilities:

Comprehensive knowledge of laws, rules, and court decisions relating the administration of criminal justice and law enforcement; comprehensive knowledge of scientific methods of crime detection, criminal identification and radio communication; comprehensive knowledge of controlling laws and ordinances; thorough knowledge of the geography of the town; demonstrated ability to lead and direct the activities of police officers; ability to maintain cooperative relationships with other town officials and with the general public; ability to evaluate the effectiveness of the police operation and to institute improvements; ability to prepare and review reports; resourcefulness and sound judgment in emergencies; demonstrated integrity; tact.

4. Education and Experience:

A high school degree, possession of a valid New Mexico driver's license, current First Aid certification, plus extensive experience in a variety of law enforcement tasks and functions, coupled with supervisory experience. Must be currently certified as a police officer in the State of New Mexico or obtain certification within one year of date of hire.

B. Lieutenant:

1. Summary

The lieutenant occupies the first level of supervision in the department.

The lieutenant is charged with ensuring compliance with the department's regulations. He handles all infractions and reports violations to the Chief of police.

He shall thoroughly acquaint himself/herself with the duties of patrol officers and shall assist and instruct the officers under his/her supervision in the proper performance of their duties.



FILED IN MY OFFICE  
EIGHTH JUDICIAL DISTRICT COURT  
COLFAX COUNTY, NEW MEXICO

2015 SEP 23 AM 8:56

*PS*  
BERNARD J. STRUCK  
CLERK OF THE  
DISTRICT COURT

**EIGHTH JUDICIAL DISTRICT COURT  
COUNTY OF COLFAX  
STATE OF NEW MEXICO**

No. D-809-DM-2012-00101

**RYAN WILLIAM GATES,**

Petitioner.

vs.

**KAREN ELAINE GATES,**

Respondent.

**STIPULATED FINAL DECREE OF DISSOLUTION OF MARRIAGE**

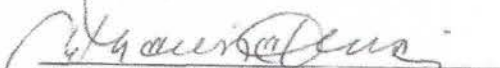
This matter coming before the Court upon the stipulation of the parties, Petitioner represented by Ray A. Floersheim, Esq., Respondent appearing *pro se*, and the Court being sufficiently advised finds:

1. The Court has jurisdiction over the parties and subject matter of this action.
2. The parties were married on February 8, 2003, in La Junta, Colorado, and have remained husband and wife since that date.
3. The parties are incompatible and there is no expectation of reconciliation.
4. There were two children born of said marriage: Olivia Elayne Gates, born December 16, 2003 and Victoria Elizabeth Gates, born June 5, 2014. The parties have executed and filed a Parenting Plan with a child support worksheet attached thereto.
5. The parties have executed and filed a Stipulated Marital Settlement Agreement that resolves all other issues in this matter.
6. The terms of the Stipulated Marital Settlement Agreement are fair and reasonable.
7. By her signature below, Respondent acknowledges that she has not received nor relied upon legal advice from Ray A. Floersheim.


IT IS THEREFORE ORDERED ADJUDGED AND DECREED that:

- A. The marriage of the parties is dissolved; and
- B. The Stipulated Marital Settlement Agreement and Parenting Plan filed herein are incorporated as if fully set forth and adopted as the order of the Court; the parties shall carry out the terms thereof.

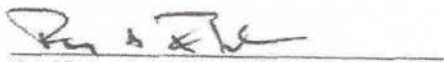
APPROVED:

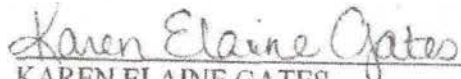
  
 CATHERINE OLIVER  
 DRHO  
 Date: \_\_\_\_\_

DONE this 18<sup>th</sup> day of September, 2015.

  
 EMILIO J. CHAVEZ  
 Eighth Judicial District Judge


Stipulated to by:

  
 RAY A. FLOERSHEIM  
 P. O. Box 1437  
 Raton, New Mexico 87740  
 Telephone: (575) 445-3370  
 Tele-Fax: (575) 445-3369  
 Attorney for Petitioner

  
 KAREN ELAINE GATES  
 PO Box 134  
 Cimarron, NM 87714  
 Telephone: 719-980-0725  
 Respondent, Pro Se

STATE OF NEW MEXICO )  
 COUNTY OF Colfax ) ss.

SUBSCRIBED, SWORN AND ACKNOWLEDGED before me this 10 day of September, 2015, by KAREN ELAINE GATES.

  
 Notary public



My commission expires: 9-28-16

**EIGHTH JUDICIAL DISTRICT COURT  
COUNTY OF COLFAX  
STATE OF NEW MEXICO**

NO. D-809-DM-2019- 00040

**RYAN WILLIAM GATES,**

Petitioner,

vs.

**KAREN ELAINE GATES,**

Respondent.

**STIPULATED ORDER DETERMINING PATERNITY,  
CHILD CUSTODY AND SUPPORT**

COMES NOW the Petitioner, Ryan William Gates, personally and through his attorney, Ray A. Floersheim, Esq., and the Respondent, Karen Elaine Gates, Pro Se, and herewith stipulate to an entry of an Order for Determination of Paternity, Child Custody and Support,

**BASED UPON THE FOREGOING** agreement of the parties; the Court finds:

1. The Court has jurisdiction over the parties and subject matter of this action.
2. The minor child, Ryanna Bric Gates, was born on May 23, 2017, and the minor child, William Dyer Gates, was born on July 25, 2018.
3. The children's biological father is Ryan William Gates.
4. The children's biological mother is Karen Elaine Gates.
5. Ryan William Gates is the natural father and Karen Elaine Gates is the natural mother of the minor children, Ryanna Bric Gates, and William Dyer Gates, for all purposes under law.
6. Petitioner shall be awarded primary legal custody of the children, and the Respondent shall be awarded reasonable timesharing and visitation privileges with the minor children according to the Parenting Plan filed herein.

CLS

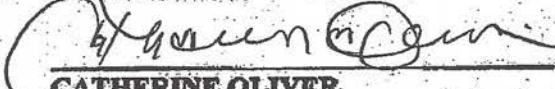


7. The Respondent shall not, at this time, be required to contribute child support for the care of the minor children, as this is a part of their stipulated agreement.

**BASED UPON THE FOREGOING FINDINGS OF FACT, IT IS HEREBY ORDERED BY THE COURT, that:**

- 1. The children's biological father is Ryan William Gates.
- 2. The children's biological mother is Karen Elaine Gates.
- 3. Primary legal custody of the children is awarded to the Petitioner, subject to reasonable visitation privileges with the minor child to the Respondent as set forth in the Parenting Plan.
- 4. The Respondent shall not, at this time, be required to contribute child support for the care of the minor children, as this is a part of their stipulated agreement.
- 5. Upon written request of either party, the parties shall once a year exchange financial information as provided for in Section 40-4-11.4 N.M.S.A. 1978.
- 6. By her signature below, Respondent acknowledges that she has not received nor relied upon legal advice from Ray A. Floersheim.
- 7. The Parenting Plan filed herein is incorporated as if fully set forth and adopted as the order of the Court; the parties shall carry out the terms thereof.

APPROVED BY:



**CATHERINE OLIVER**

Special Commissioner / Domestic Relations Hearing Officer

Date: 6/28/19

DONE by the Court this 28<sup>th</sup> day of June, 2019.

  
**MELISSA A. KENNELLY**  
 DISTRICT JUDGE  
 8<sup>TH</sup> JUDICIAL DISTRICT

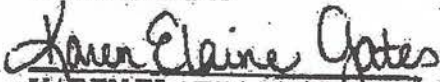
SUBMITTED BY:



RAY A. FLOERSHEIM

Attorney for Petitioner

APPROVED BY:



KAREN ELAINE GATES

Respondent, pro se