



**IN THE SUPREME COURT
OF THE STATE OF NEW MEXICO**

No.

IN THE MATTER OF HON. LANCE LACEY
Springer Municipal Court

INQUIRY CONCERNING HON. LANCE LACEY
Inquiry No. 2021-002

S-1-SC-39204

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

**PETITION TO ACCEPT STIPULATION AGREEMENT
AND CONSENT TO DISCIPLINE**

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

PHYLLIS A. DOMINGUEZ
Executive Director & General Counsel

Counsel for Petitioner

HON. LANCE LACEY
Springer Municipal Court
P.O. Box 488
606 Colbert Ave.
Springer, NM 87747
Telephone: (505) 483-2682

Respondent

IN THE SUPREME COURT
OF THE STATE OF NEW MEXICO

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PETITION TO ACCEPT STIPULATION AGREEMENT
AND CONSENT TO DISCIPLINE

The Judicial Standards Commission of the State of New Mexico (“Commission”), through the undersigned counsel, hereby petitions the Supreme Court for an order approving the attached *Stipulation Agreement and Consent to Discipline (“Stipulation”)*, attached hereto as **Exhibit 1**, in which Hon. Lance Lacey, (“Respondent”) consents to discipline from the Supreme Court in lieu of further disciplinary proceedings as outlined in the attached *Stipulation*. Respondent is representing himself *pro se* in this matter. The Commission recommends the Court approve the agreement, impose the

stipulated discipline against the Respondent and unseal the file in this matter pursuant to Rule 27-104(B) NMRA.

The Commission believes this 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 the New Mexico Constitution Article VI, Section 32; the Court's power of superintending control under the New Mexico Constitution Article VI Section 3; 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 10, 2021 in Inquiry No. 2021-002 (See **Exhibit 2**). Respondent's response to the *Notice of Formal Proceedings* was filed on August 25, 2021 (See **Exhibit 3**).

3. The Commission issued a *Notice of Investigation* to Respondent on April 23, 2021 (See **Exhibit 4**) and Respondent's response to the *Notice of Investigation* was filed on May 18, 2021 (See **Exhibit 5**).

4. Pursuant to Commission's Rule 19, NMRA 2020, 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 2, 2021 by Zoom video conferencing. The conference afforded Respondent an opportunity to discuss and explain his 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 he 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. The Commission entered into a *Stipulation* with Respondent on February 1, 2022 (See **Exhibit 1**). The *Stipulation* was based upon Respondent's acceptance of responsibility, efforts to change the conduct, cooperation with the Commission and Respondent's consent to imposition of discipline by the Supreme Court as follows:

Unsupervised Probation and Formal Mentorship.

The Judicial Standards Commission shall recommend a mentor for the Supreme Court's approval and appointment. The mentorship shall be tailored to the issues of due process, criminal procedure, and *ex-parte* communications. The mentorship shall begin upon the Supreme Court's appointment of the mentor, who shall report on the progress and outcome of the mentorship to the Supreme Court and to the Commission. The mentorship shall be in effect until the mentor advises the Commission that the goals of the mentorship have been achieved and the Commission files the final mentorship report with the Supreme Court. Respondent shall remain on unsupervised probation with the Commission until December 31, 2023, the end of Respondent's current judicial term.

7. Respondent admitted he engaged in willful misconduct and committed the acts as set forth in the *Stipulation*.

8. Respondent admitted that his conduct violated Rules 21-101, 21-102, 21-103, 21-202, 21-203, 21-204(B), 21-205(A), 21-206(A), and 21-209(A) of the Code of Judicial Conduct.

9. As set forth in the *Stipulation*, Respondent agrees that his admitted conduct constitutes willful misconduct in office and provides sufficient basis for the New Mexico Supreme Court to impose discipline

against Respondent pursuant to Article VI, Section 32 of the New Mexico Constitution.

10. The Commission shall close Inquiry No. 2021-002 upon issuance of a Supreme Court Order approving the *Stipulation*.


11. The attached *Stipulation* is enforceable by the Commission before the Supreme Court.

12. It is in the best interests of justice and integrity of the New Mexico Judiciary that the Supreme Court grant this petition.

WHEREFORE, the Commission respectfully requests this Court issue an order granting the Commission's petition, approving the *Stipulation Agreement and Consent to Discipline* and imposing the discipline set forth in the *Stipulation*. The Commission also requests that the Court's order unseal all documents filed in the Supreme Court in this case pursuant to Rule 27-104(B) NMRA 2011.

Respectfully submitted,

JUDICIAL STANDARDS COMMISSION




PHYLLIS A. DOMINGUEZ
Executive Director & General Counsel

6200 Uptown Blvd., NE, Suite 320
Albuquerque, NM 87110-4159
Telephone: (505) 222-9353

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was filed via the Supreme Court's Electronic Filing and Service System on this 2nd day of February 2022, which caused Respondent to be served by electronic means at judgeldl@gmail.com.



PHYLLIS A. DOMINGUEZ

BEFORE THE JUDICIAL STANDARDS COMMISSION
STATE OF NEW MEXICO

FILED

INQUIRY CONCERNING HON. LANCE LACEY
Springer Municipal Court

FEB 01 2022



Inquiry No. 2021-002

NM JUDICIAL
STANDARDS COMMISSION

STIPULATION AGREEMENT AND CONSENT TO DISCIPLINE

THIS MATTER is currently pending before the Judicial Standards Commission ("Commission") pursuant to a *Notice of Formal Proceedings* issued to Hon. Lance Lacey ("Respondent") on August 10, 2021, in Inquiry No. 2021-002 (*See Exhibit A*).

Pursuant to Commission Rule 19 NMRA 2020 and following the Commission's receipt and review of Respondent's written response to a *Notice of Investigation*, the Commission invited Respondent to participate in an informal confidential conference with the Commission on August 2, 2021, by Zoom video conferencing. The conference afforded Respondent an opportunity to discuss and explain his response to the *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.

After full consideration of Respondent's written response and the information he 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.

In consideration of the foregoing, this *Stipulation Agreement and Consent to Discipline* ("*Stipulation*") is entered into by and between the Commission and Respondent. The parties hereby enter into the following agreement:

1. Respondent admits that he engaged in willful misconduct by committing the following acts:

EXHIBIT

1

- A. Respondent acted without jurisdiction, interfered with and impeded an investigation to a case pending before the Springer Municipal Court when he advised Springer Police Department Officer Jonathan Hernandez not to comply with an administrative subpoena issued by the New Mexico Taxation and Revenue Department, Motor Vehicles Division, which commanded the release of a video depicting a traffic stop conducted by Officer Hernandez and in the possession of Officer Hernandez and/or the Springer Police Department.
- B. Respondent failed to act as an impartial jurist and demonstrated bias and/or favoritism to the Springer Police Department when he advised Springer Police Officer Jonathan Hernandez not to comply with a New Mexico Taxation and Revenue Department, Motor Vehicles Division administrative subpoena which commanded the release of a video depicting a traffic stop conducted by Officer Hernandez and in the possession of Officer Hernandez and/or the Springer Police Department.
- C. Respondent engaged in a prohibited *ex parte* communication with Springer Police Officer Jonathan Hernandez regarding a matter pending before the Eighth Judicial District Court and pending before the Springer Municipal Court.
- D. On or about September 17, 2021, Respondent initiated and engaged in a prohibited *ex parte* communication with Ben A. Ortega, attorney for defendant George Q. Adams, regarding a matter pending before the Eighth Judicial District Court and pending before the Springer Municipal Court. Respondent informed Mr. Ortega with words to the effect that he would not authorize release of discovery until Adams paid the citation and would not allow the officer to release it. Additionally, Respondent questioned Mr. Ortega on what he was doing in the case and cautioned him not to attempt to circumvent you in the matter.
- E. On or about September 17, 2020, Respondent initiated and engaged in a prohibited *ex parte* communication with New Mexico Taxation and Revenue Department, Motor Vehicles Division Attorney Regina Ryanczak regarding a matter pending before the Eighth Judicial Court and pending before the Springer Municipal Court. Respondent informed Ms. Ryanczak with words to the effect that he would not authorize release of discovery until Adams (the defendant) paid the citation and would not allow the officer to release it.
- F. On or about January 11, 2021, Respondent attempted to initiate and engage Eighth Judicial District Court Judge Melissa Kennelly in a

prohibited *ex parte* communication regarding a matter that was pending before Judge Kennelly and pending before the Springer Municipal Court.

G. On January 20, 2021, Respondent attempted to initiate and engage Eighth Judicial District Court Judge Melissa Kennelly in an *ex parte* communication regarding a matter that was pending before Judge Kennelly and pending before the Springer Municipal Court.

H. Respondent failed to comply with Eighth Judicial District Court Judge Melissa Kennelly's March 2, 2021, order in which the Springer Municipal Court was ordered to close Citation No. 10123636, not to docket the citation for any hearing or issue any warrants, or take any action in the case including any demand for payment.

2. Respondent admits that he violated the following rules of the Code of Judicial Conduct: Rules 21-101, 21-102, 21-103, 21-202, 21-203, 21-204(B), 21-205(A), 21-206(A) and 21, 209(A) NMRA.

3. Respondent consents to imposition of the following discipline by the Supreme Court:

Unsupervised Probation and Formal Mentorship. The Judicial Standards Commission shall recommend a mentor for appointment by the Supreme Court. The mentorship shall be tailored to the issues of due process, criminal procedure, and *ex parte* communications. The mentorship shall begin upon the Supreme Court's appointment of the mentor, who shall report on the progress and outcome of the mentorship to the Supreme Court and to the Commission. The mentorship shall be in effect until the mentor advises the Commission that the goals of the mentorship have been achieved and the Commission files the final mentorship report with the Supreme Court. Respondent shall remain on unsupervised probation with the Commission until December 31, 2023, which is the end of his current judicial term.

4. 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 Judicial Standards Commission Rules.

5. Pursuant to Rule 27-104(B) NMRA, the Commission will file under seal with the Supreme Court, a *Petition to Accept Stipulation Agreement and Consent to Discipline* ("Petition"), attaching a copy of the *Stipulation*, a copy of the *Notice of Formal Proceedings* and Respondent's response issued in Inquiry No. 2021-002.

6. Upon granting the *Petition* and pursuant to Supreme Court Rule 27-104(B), the Court should unseal the *Petition*.

7. Upon execution of this *Stipulation* and acceptance by the Supreme Court, the Commission will close the matter pending against the Respondent before the Commission (Inquiry No. 2021-002).

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

9. Respondent acknowledges that upon execution of this *Stipulation*, Respondent gives up any and all motions, defenses, objections, or requests that the Respondent has made or raised, or could assert hereafter in or concerning the Commission's proceedings.

10. Respondent shall not make any public misrepresentations concerning this inquiry, the facts and circumstances of Respondent's *Stipulation*, or the Commission's proceedings.

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

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

13. If Respondent violates any terms or provisions of this executed *Stipulation*, Respondent agrees that all facts alleged in the *Notice of Formal Proceedings* issued in Inquiry No. 2021-002, which were not admitted to in this *Stipulation*, shall be deemed admitted by the Respondent, will be used against Respondent in future proceedings before the Commission and the Court, and may constitute obstruction of Commission business and contempt.

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

15. 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 an 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 further understand that if I violate any provision of this *Stipulation* in any manner, I agree, acknowledge, and accept that all charges lodged against me in the *Notice of Formal Proceedings* issued to me on August 10, 2021 in Inquiry 2021-002 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.

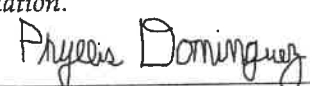


HON. LANCE LACEY
Respondent

Dated: 1/18/2022

INVESTIGATIVE TRIAL COUNSEL'S REVIEW AND APPROVAL

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

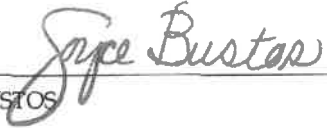


PHYLLIS A. DOMINGUEZ
Investigative Trial Counsel

Dated: 01/18/2022

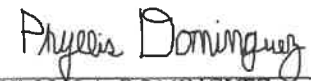
JUDICIAL STANDARDS COMMISSION'S REVIEW & APPROVAL

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



JOYCE BUSTOS
Chair

Dated: 2-1-22



PHYLLIS A. DOMINGUEZ
Executive Director & General Counsel

Dated: 02-01-22

BEFORE THE JUDICIAL STANDARDS COMMISSION
OF THE STATE OF NEW MEXICO

FILED

INQUIRY CONCERNING HON. LANCE LACEY
Springer Municipal Court

AUG 10 2021 *lg*

Inquiry No. 2021-002

**NM JUDICIAL
STANDARDS COMMISSION**

NOTICE OF FORMAL PROCEEDINGS

TO: Hon. Lance Lacey
Springer Municipal Court
P.O. Box 488
Springer, NM 87747

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

You acted without jurisdiction to do so, interfered with, and impeded an investigation in a case pending before the Springer Municipal Court when you advised Springer Police Department Officer Jonathan Hernandez not to comply with an administrative subpoena issued by the New Mexico Taxation and Revenue Department, Motor Vehicles Division, which commanded the release of a video depicting a traffic stop conducted by Officer Hernandez and in the possession of Officer Hernandez and/or the Springer Police Department. (See *George Q. Adams, vs. State of New Mexico Tax and Revenue Department, Motor Vehicle Division*, D-809-CV-2020-00082.)

**EXHIBIT
2**

Such conduct violates the Code of Judicial Conduct Rules 21-101, 21-102, 21-103, 21-202, 21-203, 21-204(B), and 21-205(A) NMRA and constitutes willful misconduct in office.

COUNT 2

You failed to act as an impartial jurist and demonstrated bias and/or favoritism to the Springer Police Department when you advised Springer Police Officer Jonathan Hernandez not to comply with a New Mexico Taxation and Revenue Department, Motor Vehicles Division administrative subpoena which commanded the release of a video depicting a traffic stop conducted by Officer Hernandez and in the possession of Officer Hernandez and/or the Springer Police Department.

Such conduct violates the Code of Judicial Conduct Rules 21-101, 21-102, 21-202, 21-203, 21-204(B), and 21-205(A) NMRA and constitutes willful misconduct in office.

COUNT 3

You engaged in a prohibited *ex parte* communication with Springer Police Officer Jonathan Hernandez regarding a matter pending before the Eighth Judicial District Court and pending before the Springer Municipal Court. (See *George Q. Adams, vs. State of New Mexico Tax and Revenue Department, Motor Vehicle Division, D-809-CV-2020-00082* and Citation No. 10123636)

Such conduct violates the Code of Judicial Conduct Rules 21-101, 21-102, 21-202, 21-203, 21-205(A), 21-206(A) and 21-209(A) NMRA and constitutes willful misconduct in office.

COUNT 4

On or about September 17, 2020, you initiated and engaged in a prohibited *ex parte* communication with Ben A. Ortega, attorney for defendant George Q. Adams, regarding a matter pending before the Eighth Judicial District Court and pending before the Springer Municipal Court. You informed Mr. Ortega with words to the effect that you would not authorize release of discovery until Adams paid the citation and would not allow the officer to release it. Additionally, you questioned Mr. Ortega on what he was doing in the case and cautioned him not to attempt to circumvent you in the matter. (See *George Q. Adams, vs. State of New Mexico Tax and Revenue Department, Motor Vehicle Division*, D-809-CV-2020-00082 and Citation No. 10123636.)

Such conduct violates the Code of Judicial Conduct Rules 21-101, 21-102, 21-103, 21-202, 21-205(A), 21-206(A) and 21-209(A)(C) NMRA and constitutes willful misconduct in office.

COUNT 5

On or about September 17, 2020, you initiated and engaged in a prohibited *ex parte* communication with New Mexico Taxation and Revenue Department, Motor Vehicles Division Attorney Regina Ryanczak regarding a matter pending before the Eighth Judicial

District Court and pending before the Springer Municipal Court. You informed Ms. Ryanczak with words to the effect that you would not authorize release of discovery until Adams paid the citation and would not allow the officer to release it. (See *George Q. Adams, vs. State of New Mexico Tax and Revenue Department, Motor Vehicle Division, D-809-CV-2020-00082* and Citation No. 10123636.)

Such conduct violates the Code of Judicial Conduct Rules 21-101, 21-102, 21-103, 21-202, 21-205, 21-206(A) and 21-209(A)(C) NMRA and constitutes willful misconduct in office.

COUNT 6

On or about January 11, 2021, you attempted to initiate and engage Eighth Judicial District Court Judge Melissa Kennelly in a prohibited *ex parte* communication regarding a matter that was pending before Judge Kennelly and pending before the Springer Municipal Court. (See *George Q. Adams, vs. State of New Mexico Tax and Revenue Department, Motor Vehicle Division, D-809-CV-2020-00082* and Citation No. 10123636.)

Such conduct violates the Code of Judicial Conduct Rules 21-101, 21-102, 21-103, 21-202, 21-205, 21-206(A) and 21-209(A) NMRA and constitutes willful misconduct in office.

COUNT 7

On January 20, 2021, you attempted to initiate and engage Eighth Judicial District Court Judge Melissa Kennelly in an *ex parte* communication regarding a matter that was

pending before Judge Kennelly and pending before the Springer Municipal Court. (See *George Q. Adams, vs. State of New Mexico Tax and Revenue Department, Motor Vehicle Division, D-809-CV-2020-00082* and Citation No. 10123636.)

Such conduct violates the Code of Judicial Conduct Rules 21-101, 21-102, 21-103, 21-202, 21-205, 21-206(A) and 21-209(A) NMRA and constitutes willful misconduct in office.

COUNT 8

You failed to comply with Eighth Judicial District Court Judge Melissa Kennelly's March 2, 2021 order in which the Springer Municipal Court was ordered to close Citation No. 10123636, not to docket the citation for any hearing or issue any warrants, or take any action in the case including any demand for payment. (See *George Q. Adams, vs. State of New Mexico Tax and Revenue Department, Motor Vehicle Division, D-809-CV-2020-00082*.)

Such conduct violates the Code of Judicial Conduct Rules 21-101, 21-102 and 21-205(A)(B) 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:**

*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



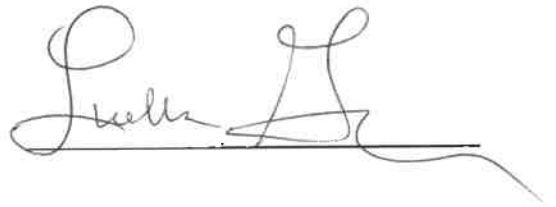
By: _____

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 on this 10th day
of August 2021 by certified mail, return receipt requested, to:

Hon. Lance Lacey
Springer Municipal Court
P.O. Box 488
Springer, New Mexico 87747

A handwritten signature in black ink, appearing to read "Lance Lacey", is written over a horizontal line. The signature is stylized and cursive.

**TOWN OF SPRINGER
MUNICIPAL COURT**

P.O. BOX 488 606 COLBERT AVE.
PHONE 483-2682 FAX 483-2910
SPRINGER, NEW MEXICO 87747

FILED

AUG 25 2021

**NM JUDICIAL
STANDARDS COMMISSION**

2021-002

From: Hon. Lance D. Lacey, Springer Municipal Judge

To: Judicial Standards Commission

Re: Complaint Investigation

Date: August 20, 2021

Count 1. In December of 2020, Officer Jonathan Hernandez of the Springer Police Department came to me and asked if I could look at a subpoena he received, Officer Hernandez explained that it looked “unusual” and he was “uncertain” as to its validity as it came from a private party or attorney, and was mailed to him, and not hand served. I glanced at the subpoena and told Officer Hernandez that if he was unsure of sending the information he should contact the sending agency, or the city attorneys for guidance. Initially I was not aware of any specific details on the subpoena. I do not believe I interfered with or impeded any investigation in any case, and I believe the suggestions I gave to Officer Hernandez were reasonable. I did not tell Officer Hernandez not to comply with any order, subpoena, or document. I did not know that it was an allowable practice for other agencies or outside parties to determine the outcome of a penalty assessment citation while it has not been adjudicated, only leading to further confusion.

Count 2. In December of 2020, Officer Jonathan Hernandez of the Springer Police Department came to me and asked if I could look at a subpoena he received, Officer Hernandez explained that it looked “unusual” and he was “uncertain” as to its validity as it came from a private party or attorney, and was mailed to him, and not hand served. I glanced at the subpoena and told Officer Hernandez that if he was unsure of sending the information he should contact the sending agency, or the city attorneys for guidance. Initially I was not aware of any specific details on the subpoena. I do not believe I was an impartial jurist based on my suggestions to Officer Hernandez, and that I showed no bias or favoritism to any party in this case. I did not tell Officer Hernandez not to comply with any order, subpoena, or document. I believe the suggestions I gave to Officer Hernandez were reasonable.

Count 3. I had no ex parte discussions about the actual case with Officer Hernandez. I had a penalty assessment citation in my court, I was not even aware the case had moved to

TOWN OF SPRINGER

MUNICIPAL COURT

P.O. BOX 488 606 COLBERT AVE.

PHONE 483-2682 FAX 483-2910

SPRINGER, NEW MEXICO 87747

District Court until January when I attempted to receive official guidance as to the directions I should take or not take with regards to the active penalty assessment citation.

Allegation 4. I contacted Mr. Ben Ortega believing he was going to enter himself as the attorney of record for the citation in question, when this did not occur I explained the basic process for the handling of any citation, time frames, costs, and that since I had no information as to the direction this case was going, I would leave the citation alone until I received further direction or information. This meant I would issue no revocation, or summons, or warrant.

Count 5. With regards to this count I had only a citation and no other information and I also informed Ms. Ryanczak that I would leave the citation alone until I received further direction or information. This meant I would issue no revocation, or summons, or warrant, and I did not say to any party in this case that the release of any information was contingent upon a payment. At no time did I tell anyone not to release any information or discuss any information. Ms. Ryanczak did ask if the citation had been completed by the court and I replied "No Ma'am, just waiting on the payment. Ms. Ryanczak replied that if it was not complete she couldn't do anymore with it any way.

Count 6. I did attempt to reach the District court because I was seeking guidance as to what further actions I should take regarding the penalty assessment citation, and if there was an actual case pending.

Count 7. I did attempt to reach the District court one more time in January because I was seeking guidance as to what further actions I should take regarding the penalty assessment citation, and if there was an actual case pending. Once I received official documentation (Letter attached dated January 21, 2021) from the District Court, Hon. Melissa A. Kennelly, that there was in fact a case involving a defendant whose citation was in my court, I stopped all communications with everyone, and I took no actions with regards to the penalty assessment citation assuming that I would eventually receive directions in this matter.

Count 8. I never received any further orders, or correspondence other than the included attachments from the Hon. Melissa A. Kennelly, nor any other directions/orders to this date.

Hon. LANCE LACEY

**TOWN OF SPRINGER
MUNICIPAL COURT**

P.O. BOX 488 606 COLBERT AVE.

PHONE 483-2682 FAX 483-2910

SPRINGER, NEW MEXICO 87747

I have served my community for almost two decades as a Municipal Judge, always following the principals of honesty, and integrity, with the goal of letting everyone know they would be heard and treated fairly under all circumstances. I am deeply saddened by statements that I have been accused of making, and I believe I upheld the code of conduct with honesty and integrity. I hope and pray the Commission will see that there was no willful misconduct and allow me to continue what has been the highlight to my almost 40 year law enforcement career.


Hon. Lance D. Lacey
Springer Municipal Judge

Hon. LANCE LACEY



STATE OF NEW MEXICO
EIGHTH JUDICIAL DISTRICT COURT

CHAMBERS OF
MELISSA A. KENNELLY
DISTRICT COURT JUDGE
DIVISION II

1413 S. 2ND Street
Raton, New Mexico 87740
Phone: (575) 445-5584
FAX: (575) 445-3119

Judge Lance Lacey
Springer Municipal Court
606 Colbert Avenue
Springer, New Mexico 87747

January 21, 2021

Re: **Your messages to my office on January 11, 2021 and January 20, 2021
regarding George Adams**

Dear Judge Lacey,

I write in response to the telephone message that you left with my trial court administrative assistant on January 11, 2021 regarding George Adams and your follow up telephone message to the Colfax County District Court Clerk's office on January 20, 2021.

The reason that I have not returned your calls is because George Adams is the petitioner in a matter pending before my court, Colfax County District Court cause no. D-809-CV-2020-00082, George Q. Adams v. State of New Mexico Taxation and Revenue Department, which involves an issue concerning a traffic citation issued by the Springer Police Department that was processed in your court—the Springer Municipal Court.

Rule 21-209 NMRA of the Code of Judicial Conduct prohibits me from discussing this matter with you outside the presence of the parties and their lawyers. In pertinent part:

RULE 21-209. EX PARTE COMMUNICATIONS

A. A judge shall not initiate, permit, or consider ex parte communications, or consider other communications made to the judge outside the presence of the parties or their lawyers, concerning a pending or impending matter.

This rule contains exceptions that do not apply in this situation.

I look forward to speaking with you in the future about general matters concerning the courts and the administration of justice; however, I cannot speak with you privately about specific matters that are pending before my court.

Respectfully,

Malim A. Kennelly



SPRINGER POLICE
DEPARTMENT

COUNTY CODE 09235
AGENCY CODE 1012363 6

STATE OF NEW MEXICO
UNIFORM TRAFFIC CITATION

NAME (LAST)

Adams

NAME (FIRST)

George

PHYSICAL ADDRESS

306 W shore Dr

MAILING ADDRESS

CITY

Richardson

CITY

STATE

TX

STATE

ZIP CODE

75080

ZIP CODE

STATE ID PROVIDED DRIVER LICENSE NUMBER

TX (Y) N 05627240

DATE OF BIRTH

031048

SOCIAL SECURITY NUMBER

SEX HEIGHT

M 600

WEIGHT

180

EYE COLOR

HAZ

LICENSE PLATE NUMBER

KWC3246

STATE

TX 17

VEH YR

COLOR

White

TYPE / MAKE / MODEL

Ford F250

C.H.V.

LICENSE TYPE

Y (N) LP V (D) E A B C Y (N) Y (N)

HAZMAT PL

PASS 18+

DOT NUMBER

TRAFFIC

WEATHER

ROAD

LIGHT

ACCIDENT

(LT) MD HV (CL) FG RN SN DS (D) W I S (LT) DS DK Y (N)

STATUTE 66-7-301

SPPEEDING

CZ

STATUTE 66-5-229C
NO INSURANCE PROOF

STATUTE

ORDINANCE

67 MPH IN A 35 ZONE

RH

STATUTE 66-7-372
NO SEAT BELTS

DATE TIME IDENTIFICATION DISTRICT MILE POST

02092011 40653

LOCATION

WBI 200 BLK - Hwy 56

OFFICER'S PRINTED NAME

Hernandez

OFFICER'S SIGNATURE

[Signature]

ESSENTIAL FACTS

Δ Verified by Radar traveling 67/35 mph posted zone

PENALTY ASSESSMENT: I acknowledge my guilt of the offense charged and my options as explained to me by the officer. I agree to remit by mail the penalty assessment of OFFICER MAY NOT ACCEPT PAYMENT \$ 207.00

TRAFFIC ARRAIGNMENT: You are hereby ordered to appear in METROPOLITAN COURT / MUNICIPAL COURT on _____, 20____ at _____ AM/PM. My failure to appear will result in the issuance of a warrant for my arrest, my license being suspended and I will be required to pay an additional \$100.00 warrant fee. I acknowledge receipt of this citation and without admitting guilt, I will appear as ordered.

COURT APPEARANCE: I acknowledge receipt of this notice and without admitting guilt agree to appear in ● MAGISTRATE ● METRO ● MUNICIPAL or ● TRIBAL court. Address _____ on (or by) _____, 20____ at _____ AM/PM

WARNING NOTICE: I acknowledge receipt of this notice and agree that a violation of the law has been committed. No further action is required. X *George D. Adams* Signature Agree to the above marked determination.





STATE OF NEW MEXICO
JUDICIAL STANDARDS COMMISSION

6200 UPTOWN BOULEVARD NE, SUITE 320
ALBUQUERQUE, NEW MEXICO 87110-4159
(505) 222-9353 • WWW.NMJSC.ORG

RANDALL D. ROYBAL
Executive Director & General Counsel

PHYLLIS A. DOMINGUEZ
Deputy Director

CHANCE A. GAUTHIER
Investigative Trial Counsel

April 23, 2021

CONFIDENTIAL

FILED

APR 23 2021

**NM JUDICIAL
STANDARDS COMMISSION**

Hon. Lance Lacey
Springer Municipal Court
P.O. Box 488
606 Colbert Ave.
Springer, New Mexico 87747

Re: Inquiry No. 2021-002; Notice of Investigation

Dear Judge Lacey:

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:

1. You inappropriately interfered in a district court case when you advised Springer Police Department Officer Jonathan Hernandez to refuse to comply with a duly issued administrative subpoena until the defendant paid a traffic citation which was pending before your court. (See *George Q. Adams, vs. State of New Mexico Tax and Revenue Department, Motor Vehicle Division, D-809-CV-2020-00082.*)
2. You failed to act as an impartial jurist and demonstrated bias and/or favoritism to the Springer Police Department when you advised Springer Police Officer Jonathan Hernandez to refuse to comply with a duly issued administrative subpoena issued by the New Mexico Taxation and Revenue Department, Motor Vehicle Division.
3. You engaged in a prohibited *ex parte* communication with Springer Police Officer Jonathan Hernandez regarding a matter pending before the Eighth Judicial District Court and pending before the Springer Municipal Court.


EXHIBIT

4

4. You initiated and engaged in a prohibited *ex parte* communication with attorney Ben Ortega regarding a matter pending before the Eighth Judicial District Court and pending before the Springer Municipal Court.
5. You initiated and engaged in a prohibited *ex parte* communication with attorney Regina Ryanczak regarding a matter pending before the Eighth Judicial District Court and pending before the Springer Municipal Court.
6. On January 11, 2021 and January 20, 2021 you attempted to initiate and engage Eighth Judicial District Court Chief Judge Melissa Kennelly in an *ex parte* communication regarding a matter that was pending before the district court and before the Springer Municipal court.

Please provide the Commission with an explanation of these incidences 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 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 SERVICE

I hereby certify that a true copy of the foregoing was sent on the 23rd day of April 2021, via e-mail to:

Hon. Lance Lacey
judgeldl@gmail.com


SHARIESSE T. MCCANNON
CLERK OF THE COMMISSION

**TOWN OF SPRINGER
MUNICIPAL COURT**

P.O. BOX 488 606 COLBERT AVE.
PHONE 483-2682 FAX 483-2910
SPRINGER, NEW MEXICO 87747

FILED

MAY 18 2021



**NM JUDICIAL
STANDARDS COMMISSION**

From: Hon. Lance D. Lacey, Springer Municipal Judge

To: Judicial Standards Commission

Re: Complaint Investigation

Date: May 10, 2021

Please accept this account of my recollection to be as close and correct as possible to the alleged allegations.

Allegation 1. At some point possibly in December of the year 2020, Officer Hernandez asked me for advice on an order/summons that he received. I told Officer Hernandez that he should comply with all orders, and if he needed clarification he could contact the issuing authority or possibly contact the city attorney.

Allegation 2. I never spoke to Officer Hernandez about actions or inactions that I would take at any time. I did inform him of the directions he could take for any questions he might have to verify any orders/summons he received.

Allegation 3. I never spoke with Officer Hernandez regarding any case that I was aware of, especially because to my knowledge there was no case as I simply had a citation with an agreement to pay.

Allegation 4. The information that I relayed to Mr. Ben Ortega was that I would take no action on the citation until I received guidance from whatever convening authority was handling this citation. And I believe that was before the District Court was involved.

Allegation 5. I do not recall my conversation with Regina Ryanczack, I acknowledge that it may have occurred and that I was still trying to figure what to do with this citation since it appeared that it was no longer in my court. And I believe that it would have been before the District Court was involved.

Hon. LANCE LACEY

**EXHIBIT
5**

**TOWN OF SPRINGER
MUNICIPAL COURT**


P.O. BOX 488 606 COLBERT AVE.
PHONE 483-2682 FAX 483-2910
SPRINGER, NEW MEXICO 87747

Allegation 6. I did attempt to reach the District court because I was seeking guidance as to what further actions I should take regarding the ticket, and if there was an actual case pending, as the one year deadline for me to act was approaching.

To this day the ticket in question sits on my desk and I believe because the one year to act has expired I should dismiss the citation in question. I am not aware that I ever had an ex parte communication as I had a citation that the driver signed the penalty assessment, pleading to guilt and agreeing to send the payment. I freely admit that I was only concerned that I not exacerbate any pending issues, and at this time I am still unaware what actually occurred in this matter. My only concern having never faced this issue before was that I not cause any harm to any party.

Once I received official documentation from the District Court, Hon. Melissa A. Kennelly, that there was in fact a case involving a defendant whose citation was in my court I stopped all communications with everyone.

Please note that I have never told anyone to violate any law, order, summons, or subpoena. I have never knowingly entered into ex parte communications. It has been my pleasure and honor to serve our community since 2004. I have always taken great pride in being fair and impartial in the fulfillment of my responsibilities, I have taken great pride in never crossing a line, violating any standards, laws, or ethical standards, like some of these allegations accuse me of.



Hon. Lance D. Lacey
Springer Municipal Judge

Hon. LANCE LACEY



SPRINGER POLICE
DEPARTMENT

COUNTY CODE AGENCY CODE
09235

STATE OF NEW MEXICO
UNIFORM TRAFFIC CITATION

NAME (LAST)

Adams

NAME (FIRST)

George

PHYSICAL ADDRESS

306 W shore Dr

MAILING ADDRESS

CITY

Richardson

CITY

STATE

TX

STATE

ZIP CODE

75080

ZIP CODE

STATE ID PROVIDED DRIVER LICENSE NUMBER

TX (Y) N 05627240

DATE OF BIRTH

031048

SOCIAL SECURITY NUMBER

SEX HEIGHT

M 600

WEIGHT

180

EYE COLOR

HAZ

LICENSE PLATE NUMBER

KWC3246

STATE

TX

VEH YR

17

COLOR

White

TYPE / MAKE / MODEL

Ford F250

C M V LICENSE TYPE

Y (N) LP V (D) E A B C Y (N) Y (N)

HAZMAT PL

Y (N)

PASS 16+

Y (N)

DOT NUMBER

(N)

TRAFFIC

(LT) MD HV (CL) FG RN SN DS (D) W I S (LT) DS DK

WEATHER

(CL)

ROAD

(D)

LIGHT

(LT)

ACCIDENT

Y (N)

STATUTE 66-7-301
SPEEDING

CZ

STATUTE 66-5-229C
NO INSURANCE PROOF

STATUTE

ORDINANCE

67

MPH IN A

35

ZONE

RH

STATUTE 66-7-372
NO SEAT BELTS

DATE

020920140653

TIME

IDENTIFICATION

DISTRICT

MILE POST

LOCATION

WB1 200 BLK - HWY 56

OFFICER'S PRINTED NAME

Hernandez

OFFICER'S SIGNATURE

[Signature]

ESSENTIAL FACTS

Δ Verified by Radar traveling 67/35 mph posted zone

PENALTY ASSESSMENT: I acknowledge my guilt of the offense charged and my options as explained to me by the officer. I agree to remit by mail the penalty assessment of

OFFICER MAY NOT ACCEPT PAYMENT \$ 207.00

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on _____, 20 _____ at _____ AM/PM

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COURT APPEARANCE: I acknowledge receipt of this notice and without admitting guilt agree to appear in

MAGISTRATE METRO MUNICIPAL or TRIBAL court.

Address _____

on (or by) _____, 20 _____ at _____ AM/PM

WARNING NOTICE: I acknowledge receipt of this notice and agree that a violation of the law has been committed. No further action is required.

X *George Q. Adams* Agree to the above marked determination.

Signature





STATE OF NEW MEXICO
EIGHTH JUDICIAL DISTRICT COURT

CHAMBERS OF
MELISSA A. KENNELLY
DISTRICT COURT JUDGE
DIVISION II

Raton, N
Phon
FA

Judge Lance Lacey
Springer Municipal Court
606 Colbert Avenue
Springer, New Mexico 87747

January 21, 2021

Re: **Your messages to my office on January 11, 2021 and January 20, 2021
regarding George Adams**

Dear Judge Lacey,

I write in response to the telephone message that you left with my trial court administrative assistant on January 11, 2021 regarding George Adams and your follow up telephone message to the Colfax County District Court Clerk's office on January 20, 2021.

The reason that I have not returned your calls is because George Adams is the petitioner in matter pending before my court, Colfax County District Court cause no. D-809-CV-2020-0 George Q. Adams v. State of New Mexico Taxation and Revenue Department, which involves an issue concerning a traffic citation issued by the Springer Police Department that was processed in your court—the Springer Municipal Court.

Rule 21-209 NMRA of the Code of Judicial Conduct prohibits me from discussing this matter with you outside the presence of the parties and their lawyers. In pertinent part:

RULE 21-209. EX PARTE COMMUNICATIONS

A. A judge shall not initiate, permit, or consider ex parte communications, or consider other communications made to the judge outside the presence of the parties or their lawyers, concerning a pending or impending matter.

This rule contains exceptions that do not apply in this situation.

I look forward to speaking with you in the future about general matters concerning the court and the administration of justice; however, I cannot speak with you privately about specific matters that are pending before my court.

Respectfully,

Melvin A. Kennedy