



**BEFORE THE
STATE COMMISSION ON JUDICIAL CONDUCT**

CJC No. 12-0601-JP

PUBLIC WARNING

**HONORABLE IMELDA “PINKY” CRUZ
FORMER JUSTICE OF THE PEACE, PRECINCT 1
RIO GRANDE CITY, STARR COUNTY, TEXAS**

During its meeting on February 12-13, 2014, the State Commission on Judicial Conduct concluded a review of allegations against the Honorable Imelda “Pinky” Cruz, Former Justice of the Peace for Precinct 1, Rio Grande City, Starr County, Texas. Judge Cruz was advised by letter of the Commission’s concerns and provided a written response. After considering the evidence before it, the Commission entered the following Findings and Conclusions:

FINDINGS OF FACT

1. At all times relevant hereto, the Honorable Imelda “Pinky” Cruz was Justice of the Peace for Precinct 1, Rio Grande City, Starr County, Texas.¹
2. On November 14, 2011, as a candidate for re-election to the office of Starr County Justice of the Peace, Precinct 1, Judge Cruz filed a campaign treasurer appointment with the Starr County Elections Department as required by law.
3. As a candidate for public office, Judge Cruz was required by law to file periodic campaign finance reports with the Starr County Elections Department. These reports are to include campaign contributions received by the candidate, including

¹ Judge Cruz lost the 2012 primary election and left office on December 31, 2012.

“in kind” contributions, as well as expenses made by the candidate or on behalf of the candidate.

4. During the 2012 primary election, Judge Cruz appeared in a number of joint campaign advertisements with J.M. “Chuy” Alvarez, a local attorney and candidate for Starr County Commissioner. Each advertisement contained the following disclaimer: “Pol Adv. Paid for by Candidates.”
5. At least one of Judge Cruz’ campaign advertisements contained the specific disclaimer: “Pol Adv. Paid for by Iselda “Trinita” Alvarez (Treasurer).” Election records confirm that Ms. Alvarez was designated by Judge Cruz as her campaign treasurer.
6. The Elections Department had no record that Judge Cruz’s campaign treasurer filed any reports disclosing advertising expenses made on behalf of the campaign. Likewise, there were no reports filed that disclosed the receipt of an in-kind contribution for the value or cost of the advertisements. In fact, no reports of any kind were filed by Judge Cruz’ campaign treasurer during the campaign.
7. In her initial responses to the Commission’s inquiries, Judge Cruz denied that she had approved or authorized the use of her name or image in any of the joint advertisements in which she appeared with Mr. Alvarez. Judge Cruz claimed to have had no knowledge of the advertisements and no involvement in their production or placement in local media outlets.
8. When asked specifically about the nature and extent of her relationship with Mr. Alvarez, Judge Cruz stated only that he was an attorney who appeared in her court no more than five times in the past.
9. After the Commission requested that Judge Cruz provide a more thorough and candid response to its inquiries, Judge Cruz acknowledged that she neither paid for the advertisements in which she appeared nor did she report the expenditures. In fact, according to both Judge Cruz and Mr. Alvarez, the advertisements were paid for entirely by Mr. Alvarez.
10. Judge Cruz further acknowledged that she failed to file any campaign finance reports during her campaign as required by law.
11. Finally, Judge Cruz acknowledged that Mr. Alvarez is married to her sister, Imelda “Trinita” Alvarez, who served as her campaign treasurer.

RELEVANT STANDARDS

1. Canon 2A of the Texas Code of Judicial Conduct states: “A judge shall comply with the law and should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.”
2. Canon 4I(2) of the Texas Code of Judicial Conduct states: “A judge shall file financial and other reports as required by law.”
3. Article V, §1-a(6)A of the Texas Constitution states, in pertinent part, that a judge may be disciplined for “willful or persistent violation of rules promulgated by the Supreme Court of Texas, incompetence in performing the duties of the office, willful violation of the Code of Judicial Conduct, or willful or persistent conduct that is clearly inconsistent with the proper performance of his duties or casts public discredit upon the judiciary or administration of justice.”
4. Section 33.001(b)(5) of the Texas Government Code provides that failure to cooperate with the Commission constitutes willful or persistent conduct that is clearly inconsistent with the proper performance of the judge’s duties, in violation of Article V, §1-a(6)A of the Texas Constitution.

CONCLUSIONS

The Commission concludes from the facts and evidence presented that Judge Cruz failed to disclose expenditures made by others on behalf of her campaign and failed to file campaign finance reports as required by law, in willful and persistent violation of Canons 2A and 4I(2) of the Texas Code of Judicial Conduct. As an aggravating factor in reaching its decision, the Commission notes that Judge Cruz provided misleading and incomplete information in her sworn written responses to the Commission’s initial inquiry, which needlessly delayed the investigation and impeded the resolution of this case. Judge Cruz’s lack of candor and failure to cooperate with the Commission’s investigation constituted a willful violation of Article V, §1-a(6)A of the Texas Constitution and Section 33.001(b)(5) of the Texas Government Code.

In condemnation for conduct that violated Canons 2A and 4I(2) of the Texas Code of Judicial Conduct, Section 33.001(b)(5) of the Texas Government Code, and Article V, Section 1-a(6)A of the Texas Constitution recited above, it is the Commission's decision to issue a **PUBLIC WARNING** to the Honorable Imelda “Pinky” Cruz, Former Justice of the Peace for Precinct 1, Rio Grande City, Starr County, Texas.

Pursuant to the authority contained in Article V, Section 1-a(8) of the Texas Constitution, it is ordered that the conduct described above is made the subject of a **PUBLIC WARNING** by the State Commission on Judicial Conduct.

The Commission takes this action in a continuing effort to protect public confidence in the judicial system, and to assist the state judiciary in its efforts to embody the principles and values set forth in the Texas Constitution and the Texas Code of Judicial Conduct.

Issued this the 16th day of May, 2014.

ORIGINAL SIGNED BY

Honorable Steven L. Seider, Chair
State Commission on Judicial Conduct