



**BEFORE THE STATE COMMISSION
ON JUDICIAL CONDUCT**

CJC No. 18-0992

PUBLIC WARNING

**HONORABLE ELEAZAR CANO
BREWSTER COUNTY JUDGE
ALPINE, BREWSTER COUNTY, TEXAS**

During its meeting on October 3-4, 2018, the State Commission on Judicial Conduct concluded a review of the allegations against the Honorable Eleazar Cano, County Judge, Brewster County, Texas. Judge Cano 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 Conclusion:

FINDINGS OF FACT

1. At all times relevant hereto, the Honorable Eleazar Cano was the County Judge of Brewster County, Texas.
2. The Commission received a complaint alleging that Judge Cano had authorized the public use of his name to endorse Texas Representative Roland Gutierrez, who was campaigning to represent District 19 in the Texas Senate.¹
3. Included with the complaint was a copy of a mailer (the "Mailer") advertising a "Cinco De Mayo Fiesta" held in Alpine, Texas on April 28, 2018 (the "Event") that was hosted and paid for by Representative Gutierrez's campaign.
4. One side of the Mailer includes a photograph of Judge Cano and Representative Gutierrez standing together with their arms around each other and the following language:
 - *Judge Eleazar Cano & Rep. Roland Gutierrez look forward to seeing you!*
 - *Pol. Adv. Paid for by the Roland Gutierrez Campaign*

¹ Representative Gutierrez was defeated in a special election held on July 31, 2018.

5. The other side of the Mailer features individual photographs of Judge Cano and Representative Gutierrez along with the following language:
 - *County Judge Eleazar Cano invites you to a Cinco De Mayo Fiesta*
 - *Hosted by: Roland Gutierrez for Texas Senate*
6. In his responses to the Commission, Judge Cano explained that Representative Gutierrez wanted to introduce himself to the local community and reached out to him for assistance with coordinating the Event.
7. Judge Cano indicated that his assistance with the Event was limited to contacting a caterer and another “local business owner” to help run the event, and introducing Representative Gutierrez at the Event itself.
8. Judge Cano acknowledged that he reviewed a proof of the Mailer before it was sent out.

RELEVANT STANDARDS

1. Canon 2B of the Texas Code of Judicial Conduct provides in relevant part, “A judge shall not lend the prestige of judicial office to advance the private interests of the judge or others.”
2. Canon 5(2) of the Texas Code of Judicial Conduct provides in relevant part that a judge “shall not authorize the public use of his or her name endorsing another candidate for any public office, except that either may indicate support for a political party.”

CONCLUSION

The Commission concludes from the facts and evidence presented that by authorizing the use of his name, title, and likeness on a mailer advertising a campaign event for Representative Roland Gutierrez, Judge Cano endorsed Gutierrez’s candidacy in violation of Canon 5(2) of the Texas Code of Judicial Conduct. The Commission further concludes that by engaging in this conduct, and by assisting in the organization of, and introducing the candidate at, the campaign event, Judge Cano used the prestige of judicial office to advance the private interests of Representative Gutierrez, in violation of Canon 2B of the Texas Code of Judicial Conduct.

In view of the conduct described above that violated Canons 2B and 5(2) of the Texas Code of Judicial Conduct, it is the Commission’s decision to issue a **PUBLIC WARNING** to the Honorable Eleazar Cano, County Judge, Brewster County, Texas.

Pursuant to the authority contained in Article V, §1-a(8) of the Texas Constitution, it is ordered that the actions described above be made the subject of a **PUBLIC WARNING**.

The Commission has taken this action with the intent of assisting Judge Cano in his continued judicial service, as well as in a continuing effort to protect public confidence in the judicial system and to assist the state's 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 13th day of December, 2018.


Justice Douglas S. Lang, Chair
State Commission on Judicial Conduct