



**BEFORE THE STATE COMMISSION
ON JUDICIAL CONDUCT**

CJC No. 11-0804-JP

PUBLIC WARNING

**HONORABLE ESEQUIEL (“CHEQUE”) DE LA PAZ
JUSTICE OF THE PEACE, PRECINCT 4
KINGSVILLE, KLEBERG COUNTY, TEXAS**

During its meeting on June 13-15, 2012, the State Commission on Judicial Conduct concluded a review of allegations against the Honorable Esequiel (“Cheque”) De La Paz, Justice of the Peace for Precinct 4, Kingsville, Kleberg County, Texas. Judge De La Paz was advised by letter of the Commission’s concerns and provided written responses. 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 Esequiel (“Cheque”) De La Paz, was Justice of the Peace for Precinct 4, Kingsville, Kleberg County, Texas.
2. Until February of 2011, Raymond Tejeda (“Tejeda”) lived in a mobile home owned by his employer, Allen Mittag (“Mittag”), as a benefit of his employment.
3. On or about February 16, 2011, Mittag fired Tejeda and told him to vacate the mobile home within 24 hours.
4. When Tejeda asked for more time to pack his belongings, Mittag went to the local Justice of the Peace office for assistance.
5. After Mittag explained the situation to Judge De La Paz, the judge determined that the mobile home was located in his precinct and agreed to help resolve the matter.
6. According to Judge De La Paz, Mittag was not required to file an eviction proceeding against Tejeda because “there was no lease...” and Mittag’s firing of Tejeda entitled him to immediate possession of the property.

7. Instead, Judge De La Paz and Mittag drove to the mobile home in the judge's vehicle to discuss the situation with Tejada.
8. During the encounter, according to Tejada and witnesses, Judge De La Paz yelled at him, made threats that he would "lose all [his] things," and "made a scene."
9. In his written responses to the Commission's inquiries, Judge De La Paz denied engaging in any threatening conduct and denied yelling at Tejada.
10. Judge De La Paz did acknowledge that he told Tejada to leave the premises immediately since he was no longer employed by Mittag and because the parties had no lease agreement.
11. Judge De La Paz added that while he did not know Mittag very well, he had known Tejada and his family "personally for many years." Because of this relationship, the judge believed that he could resolve the problem by "speak[ing] to [Tejada] and explain[ing] why he needed to leave the property."
12. Tejada moved out of the mobile home shortly thereafter.

RELEVANT STANDARDS

1. Canon 2A of the Texas Code of Judicial Conduct provides, in relevant part: "A judge shall comply with the law,..."
2. 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."
3. Canon 3B(2) of the Texas Code of Judicial Conduct states, in relevant part, that: "A judge should be faithful to the law and shall maintain professional competence in it."

CONCLUSION

The Commission concludes based on the facts and evidence before it that Judge De La Paz failed to comply with the law and demonstrated a lack of professional competence in the law by intervening in a landlord-tenant dispute when no case was pending in his court, and by asserting that there was no need for Mittag to file an eviction action in the absence of a written lease agreement. Moreover, Judge De La Paz lent the prestige of his judicial office to advance the private interests of Mittag, who, as a result of the judge's involvement, was able to summarily evict Tejada from his mobile home without having to comply with notice and other requirements of the Texas Property Code, and without having to pay filing fees and other costs related to an eviction proceeding.

The Commission concludes that Judge De La Paz's conduct as described above constituted a willful violation of Canons 2A, 2B and 3B(2) of the Texas Code of Judicial Conduct. In reaching this decision, the Commission took into account a prior sanction issued against Judge De La Paz for similar conduct as an aggravating factor.

In condemnation of the conduct described above that violated Canons 2A, 2B, and 3B(2) of the Texas Code of Judicial Conduct, it is the Commission's decision to issue a **PUBLIC WARNING** to Judge Esequiel ("Cheque") De La Paz, Justice of the Peace, Precinct 4, Kingsville, Kleberg 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** by the Commission.

The Commission has taken this action in a continuing effort to protect the 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 3rd day of August, 2012.



Tom Cunningham, Chair
State Commission on Judicial Conduct