



**BEFORE THE
STATE COMMISSION ON JUDICIAL CONDUCT**

**IN RE: HONORABLE DARLENE NELSON
FORMER MUNICIPAL COURT JUDGE
TOWN OF OAK RIDGE, COOKE COUNTY, TEXAS
CJC Nos. 12-0326-MU and 12-0492-MU**

**VOLUNTARY AGREEMENT TO RESIGN FROM
JUDICIAL OFFICE IN LIEU OF DISCIPLINARY ACTION**

This Agreement is being entered into by the undersigned parties pursuant to Section 33.032(h) of the Texas Government Code.

WHEREAS at all times relevant hereto, the Honorable Darlene Nelson was the Municipal Court Judge for the Town of Oak Ridge, Cooke County, Texas; and

WHEREAS a complaint was filed with the Commission alleging that Judge Nelson was in violation of the Texas Constitution by simultaneously holding the positions of City Secretary and Municipal Court Judge, two offices of emolument; and

WHEREAS a complaint was filed with the Commission alleging improprieties involving the method and manner in which the Municipal Court collected fines; and

WHEREAS the Commission requested that Judge Nelson respond to the allegations contained in the complaints; and

WHEREAS Judge Nelson acknowledged that immediately upon being notified by the City Attorney that simultaneously holding the offices of City Secretary and Municipal Court Judge may be a conflict and/or in violation of the law, she resigned her position as Municipal Court Judge; and

WHEREAS Judge Nelson acknowledged that a recent audit by the State Comptroller's Office found accounting mistakes in the method and manner in which the court was collecting fines, which the Municipal Court was in the process of correcting; and

WHEREAS no Findings of Fact or Conclusions of Law have been made by the Commission in connection with the above-referenced matters; and

WHEREAS the parties agree that the allegations of judicial misconduct, if found to be true, could result in disciplinary action against Judge Nelson; and

WHEREAS the parties to this Agreement wish to resolve this matter without the time and expense of further disciplinary proceedings.

IT IS THEREFORE AGREED that Judge Nelson, upon the signing of this Agreement, agrees that she has officially and formally resigned her judicial office and is entering into this agreement to resolve the above-referenced complaints in lieu of disciplinary action by the Commission, pursuant to Section 33.032(h) of the Texas Government Code. The Commission agrees that it shall pursue no further disciplinary proceedings against Judge Nelson in connection with the above-referenced matter.


IT IS FURTHER AGREED that, upon the effective date of this Agreement, Judge Nelson shall be disqualified in the future from: sitting or serving as a judge in the State of Texas; standing for election or appointment to judicial office in the State of Texas; or performing or exercising any judicial duties or functions of a judicial officer in the State of Texas, including the performance of wedding ceremonies.

IT IS FURTHER AGREED that any violation of this Agreement by Judge Nelson would constitute willful or persistent conduct that is clearly inconsistent with the proper performance of her duties or casts public discredit upon the judiciary or administration of justice in violation of Art. 5, §1-a(6)A of the Texas Constitution, and Section 33.001(b) of the Texas Government Code.

IT IS FURTHER AGREED that the Commission may enforce this Agreement through any legal process necessary, including injunctive relief; that Travis County, Texas, shall be the proper venue for any dispute between the parties or proceeding relating to this Agreement; and that Judge Nelson, individually, shall bear the expense, cost, and any reasonable and necessary attorneys' fees in the event any dispute arising under this Agreement is decided against her by any court or tribunal.

IT IS FURTHER AGREED that Judge Nelson, by her execution of this voluntary agreement, does not admit guilt, fault or liability regarding the matters contained in the complaint referenced above.

AGREED TO AND ACCEPTED upon its execution by the parties.


DARLENE NELSON


TOM CUNNINGHAM, CHAIR
STATE COMMISSION ON JUDICIAL
CONDUCT

Date: 6-3-2013

Date: 6-14-2013

VERIFICATION

State of Texas §
County of Cooke §

BEFORE ME, the undersigned authority, on this day personally appeared **DARLENE NELSON**, who by me being first duly sworn, on her oath deposed and said that the above "Voluntary Agreement to Resign from Judicial Office in Lieu of Disciplinary Action" is a true and correct recitation of the facts and accurately reflects her understanding of the terms and conditions of, and voluntary consent to enter into, such Agreement.

SWORN TO BEFORE ME, on this the 3 day of June, 2013.



Janet Van Patten
NOTARY PUBLIC, IN AND FOR THE
STATE OF TEXAS