



**BEFORE THE
STATE COMMISSION ON JUDICIAL CONDUCT**

**IN RE: HONORABLE KIRK D. NOAKER, SR.
BURNET COUNTY MAGISTRATE
BURNET, BURNET COUNTY, TEXAS**

CJC Nos. 21-0722, 21-1172, 21-1554

**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 relevant times, the Honorable Kirk D. Noaker, Sr. ("Judge Noaker") was a Magistrate, in Burnet, Burnet County, Texas; and

WHEREAS on or about February 4, 2021, the Commission received an anonymous complaint (CJC No. 21-0722), concerning Judge Noaker's arrest for terroristic threat of a family member, a charge which was declined for prosecution; and

WHEREAS on or about May 13, 2021, the Commission received a complaint from Burnet County Attorney Eduardo Arredondo, (CJC No. 21-1172), raising concerns regarding Judge Noaker's treatment of professional associates, as well as allegations of the judge's inappropriate behavior in the workplace and use of county equipment; and

WHEREAS on or about July 29, 2021, the Commission received a complaint from Tamara Tinney (CJC No. 21-1554), concerning Judge Noaker's arrest and raised concerns about his treatment of defendants in his court; and

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

WHEREAS no prior disciplinary action has been taken against Judge Noaker, who denies the allegations in their entirety, and

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

WHEREAS the parties to this Agreement are desirous of resolving these matters without the time and expense of further disciplinary proceedings.

IT IS THEREFORE AGREED that Judge Noaker, upon the signing of this Agreement, officially and formally resigns any and all judicial duties effective immediately 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 Noaker in connection with the above-referenced matters.

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

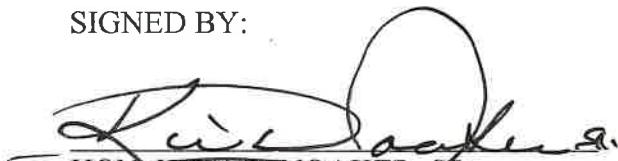
IT IS FURTHER AGREED that, upon the Commission's approval of this Agreement, Judge Noaker shall be forever disqualified from judicial service in the State of Texas, including (a) sitting or serving as a judge, (b) standing for election or appointment to a judicial office, and/or (c) performing or exercising any judicial duties or functions of a judicial officer, including but not limited to the performance of wedding ceremonies.


IT IS FURTHER AGREED that any violation of this Agreement by Judge Noaker would constitute 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 in violation of Art. V, §1-a(6)A of the Texas Constitution, and Section 33.001(b) of the Texas Government Code.

IT IS FURTHER AGREED that this Agreement shall be made public as a voluntary agreement to resign from judicial office, pursuant to Section 33.032(h) of the Texas Government Code, and 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 Noaker, 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 his by any court or tribunal.

AGREED TO AND ACCEPTED upon its execution by the parties.

SIGNED BY:


HON. KIRK D. NOAKER, SR.


HON. DAVID SCHENCK, CHAIR
STATE COMMISSION ON JUDICIAL
CONDUCT

Date: 9-27-2022

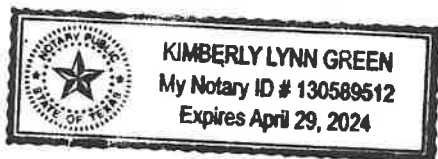
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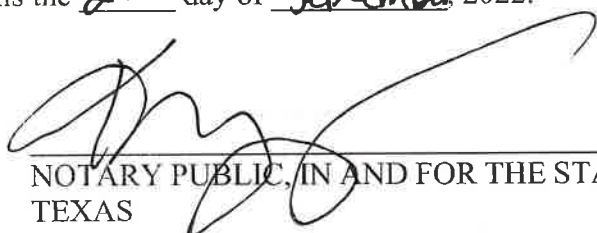
VERIFICATION

State of Texas §
County of Burnet §

BEFORE ME, the undersigned authority, on this day personally appeared **KIRK D. NOAKER, SR.**, who by me being first duly sworn, on his 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 his understanding of the terms and conditions of, and voluntary consent to enter into, such Agreement.

SWORN TO BEFORE ME, on this the 27th day of September, 2022.





NOTARY PUBLIC, IN AND FOR THE STATE OF
TEXAS