

**COMMONWEALTH OF KENTUCKY  
JUDICIAL CONDUCT COMMISSION**

**IN RE THE MATTER OF:**

**DAWN M. GENTRY, FAMILY COURT JUDGE  
16<sup>TH</sup> JUDICIAL CIRCUIT, FAMILY DIVISION 5**

**FINDINGS OF FACT, CONCLUSIONS OF LAW  
AND FINAL ORDER**

**I. STATEMENT OF CHARGES**

The Judicial Conduct Commission of the Commonwealth of Kentucky (the “Commission”) was created for the purpose of, and is vested with the jurisdiction to initiate, hear and decide charges of official misconduct by any judge of the Court of Justice or lawyer while a candidate for judicial office, and upon a finding of such official misconduct, to impose sanctions pursuant to SCR 4.020. In furtherance of this authority and purpose, the Commission filed charges of judicial misconduct against Judge Dawn M. Gentry (“Judge Gentry” or “Respondent”), Family Court Judge, 16<sup>th</sup> Judicial Circuit, Family Division 5, on November 18, 2019. On July 17, 2020, the Commission filed three additional charges of misconduct against Judge Gentry.

**II. PROCEEDINGS**

1. The Respondent, Judge Dawn M. Gentry, is the Family Court Judge of the 16<sup>th</sup> Judicial Circuit, Family Division 5, located in Kenton County, Kentucky.
2. The Commission authorized an investigation into the allegations in Counts I – IX after receipt of a complaint against the Respondent.
3. The Respondent was requested to appear before the Commission for an informal conference. The Respondent appeared before the Commission with counsel. Following this

informal conference, the Respondent was provided the factual information in the custody of the Commission for examination pursuant to SCR 4.170(4), and was afforded an opportunity to present any other information bearing on the investigation. The Respondent voluntarily provided additional information bearing on the Commission's investigation.

4. A Notice of Formal Proceedings and Charges consisting of Counts I through IX was filed against the Respondent on November 18, 2019, under SCR 4.180. Counsel for the Respondent filed an Answer to the charges on December 2, 2019, and took various positions with respect to and in response to the Charges.

5. On December 16, 2019, the Commission entered an Order and Notice of Hearing pursuant to SCR 4.020(1)(a)(ii) ("Temporary Removal Hearing"). The purpose of the hearing was to determine whether it would be in the best interest of justice to temporarily suspend Judge Gentry, without affecting her pay status, until final adjudication of the pending formal proceedings. The hearing was scheduled for December 20, 2019. Upon motion of Judge Gentry, the hearing was rescheduled to January 3, 2020, pursuant to an Order entered December 18, 2019.

6. On January 3, 2020, the Commission conducted a hearing pursuant to SCR 4.020(1)(a)(ii), and ordered that Judge Gentry be suspended from acting in her official capacity as a judge and from the performance of her duties, without affecting her pay status, until final adjudication of the pending formal charges, which was set forth in the Order entered January 6, 2020.

7. On January 27, 2020, the Commission noticed the final hearing for April 20, 2020. On motion of the Respondent to continue the final hearing, filed March 19, 2020, the Commission by Order entered March 20, 2020, sustained the motion and continued the hearing.

By Amended Notice of Time and Place for Hearing, the final hearing was set for August 10, 2020.

8. On July 17, 2020, the Commission filed an Amended Notice of Formal Proceedings and Charges, adding Counts X – XII to the charges. Counsel for Respondent filed an Amended Answer and Stipulation on July 31, 2020, in which Respondent took positions with respect to and in response to the Charges, and some of these positions were contrary to positions and responses she had previously taken in these matters.

9. During the course of these proceedings, the parties have filed numerous motions, and the Commission’s rulings on those motions are set forth in the public record of this proceeding.

10. The hearing of these charges commenced on August 10, 2020, in the Courtroom of the Campbell County District Court, Division I, with the Commission represented by Hon. Bryan Beauman and Hon. Donald C. Morgan, and the Respondent was present and represented by Hon. Jeffrey A. Lawson and Hon. F. Todd Lewis (“Final Hearing”).

11. Counsel for both sides moved that the rule be invoked as to the separation of witnesses at the Final Hearing, and said motion was sustained.

12. The parties presented their evidence and the Final Hearing concluded August 14, 2020, and the Commission then deliberated on the Charges and the evidence presented at the Final Hearing.

13. The five voting members of the Commission on this case are as follows: Bar Member Hon. R. Michael Sullivan, Court of Appeals Member Jeff S. Taylor, Circuit Judge Member Eddy Coleman, District Judge Member David Bowles, and Citizen Member Dr. Joe E. Ellis. Also, in attendance during the hearing were alternate Court of Appeals Member Judge

Glenn E. Acree, alternate Circuit Court Judge Member Mitch Perry, alternate District Judge Member Karen Thomas, and alternate KBA member Carroll M. Redford, III. Citizen Member Janet L. Lively did not participate in the proceedings.

### **III. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The Commission makes the following Findings of Fact and Conclusions of Law based upon clear and convincing evidence.

#### **COUNT I**

In 2018, Respondent was the sitting Family Court Judge of Kenton Family Court, Division 5, pursuant to an appointment by Governor Matt Bevin, and was actively involved in a campaign for election to that position that would take place in November 2018. Count I charged that Respondent engaged in the following conduct related to the 2018 campaign:

1. You<sup>1</sup> coerced members of your Guardian Ad Litem (“GAL”) panel to donate the maximum amount to your campaign and to use personal time to engage in campaigning on your behalf.
2. You required your GAL panel members to serve on the finance committee for your campaign.
3. While in court, you solicited an attorney to put up a campaign sign.
4. You utilized court staff to work on your campaign during work hours. This conduct included, but is not necessarily limited to, having your staff attorney place and deliver campaign signs and having your case management specialist/mediator write thank-you notes for the campaign and publicly hold a campaign sign on Election Day. You also took steps to conceal this conduct.
5. You appointed attorney Delana Sanders to your GAL panel in exchange [for] her husband’s agreement to support your campaign. At the time, just months before the election, there was not an opening on your GAL panel. You also had your staff attorney research whether you could add an additional panel member so that you could appoint Ms. Sanders.

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<sup>1</sup> The charges were taken verbatim from the Notice of Formal Proceedings and Charges and Amended Notice of Formal Proceedings and Charges. “You” and “your” refer to Judge Gentry.

By a vote of 5-0, the Commission finds with respect to Count I that the Respondent committed the acts set forth in paragraph 1 that Respondent coerced members of her GAL panel to donate to her campaign<sup>2</sup> and use personal time to engage in campaigning on her behalf,<sup>3</sup> and further committed the acts set forth in paragraph 4, and these acts violate SCR 4.020(1)(b)(i) and constitute misconduct in office.<sup>4</sup> Respondent admitted in her Amended Answer and Stipulations (“Amended Answer”) that she asked individuals to use personal time and energy to help with her campaign and that by virtue of her position as judge, these requests may have been reasonably understood by some individuals as asserting pressure on them. Respondent also admitted in her Amended Answer that she “improperly blurred the lines between those who volunteered for my campaign and worked for me in my office . . . and I was not vigilant in making sure the work was not done while we were in the office.” Judge Gentry further admitted that the conduct described in paragraph 4 constituted a violation of Judicial Canons 1.2, 1.3 and 3.1(D). At the hearing, Judge Gentry admitted that she expressed frustration as to GAL Panel members who did not contribute money or time<sup>5</sup> to her campaign, including Michael Hummel.

Furthermore, these actions of Respondent violated SCR 4.300 and the relevant portions of the following Canons of the Code of Judicial Conduct:

- Canon 1, Rule 1.1, which requires a judge to comply with the law, including the Code of Judicial Conduct.

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<sup>2</sup> Paragraph 1 of Count I charges that the Respondent coerced GAL Panel members to donate the “maximum amount” to her campaign. The Commission finds that Judge Gentry coerced GAL Panel members to donate to her campaign, but not necessarily the maximum amount.

<sup>3</sup> See, e.g., emails from Respondent that included as recipients members of the GAL Panel, Commission Exhibits 5 and 6.

<sup>4</sup> The Commission further finds that it was not proven by clear and convincing evidence that Respondent engaged in the conduct described in paragraphs 2, 3 and 5 of Count I.

<sup>5</sup> Based on Respondent’s testimony and the totality of the evidence presented, Respondent had clear expectations of the level of participation by her panel members as to time, energy, effort and money contributed to her campaign, and insufficient participation led to retaliation.

- Canon 1, Rule 1.2, which requires a judge to act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.
- Canon 2, Rule 2.1, which requires that the duties of judicial office shall take precedence over all of a judge's personal and extrajudicial activities.
- Canon 3, Rule 3.1(D), which provides that when engaging in extrajudicial activities, a judge shall not engage in conduct that would appear to a reasonable person to be coercive.
- Canon 4, Rule 4.1(B), which requires a judge or judicial candidate to take reasonable measures to ensure that other persons do not undertake, on behalf of the judge or judicial candidate, any activities prohibited under Rule 4.1(A).

## COUNT II

Count II charged that during the Respondent's campaign or after her election in November 2018, the Respondent engaged in the following conduct:

1. During your campaign, you retaliated against Meredith Smith for not sufficiently supporting your campaign.
2. You retaliated against attorney Mike Hummel for failing to make the maximum monetary donation to your campaign and declining to campaign on your behalf by removing Mr. Hummel from the GAL panel.<sup>6</sup>
3. You retaliated against attorneys who did not support your campaign by delaying hearing dates for their cases.
4. You retaliated against school liaison officer Kelly Blevins for supporting your opponent in the election.

By a vote of 5-0, the Commission finds with respect to Count II that the Respondent committed the acts set forth in paragraph 2 of Count II, except that it was not proven by clear and convincing evidence that a reason for Respondent's retaliation against Mike Hummel was his

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<sup>6</sup> See Commission Exhibit 7, the General Order entered by Respondent November 9, 2018, appointing members of Respondent's GAL Panel, which does not include Mr. Hummel, and Commission Exhibit 8, a November 9, 2018 email from Respondent to Mr. Hummel and attorney Delana Sanders for the two to discuss "any of Mike's cases he desires to be let out of."

failure to make the maximum donation to her campaign, and these acts violate SCR 4.020(1)(b)(i) and constitute misconduct in office.<sup>7</sup>

Furthermore, these actions of Respondent violated SCR 4.300 and the relevant portions of the following Canons of the Code of Judicial Conduct:

- Canon 1, Rule 1.1, which requires a judge to comply with the law, including the Code of Judicial Conduct.
- Canon 1, Rule 1.2, which requires a judge to act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.
- Canon 2, Rule 2.2, which requires a judge to uphold and apply the law, and to perform all duties of judicial office fairly and impartially.
- Canon 2, Rule 2.3(A), which requires a judge to perform the duties of judicial office, including administrative duties, without bias or prejudice.
- Canon 2, Rule 2.4(B), which provides a judge shall not permit family, social, political, financial, or other interests or relationships to influence the judge's judicial conduct or judgment.
- Canon 2, Rule 2.13(A), which provides in making administrative appointments, a judge shall exercise the power of appointments on the basis of merit and shall avoid nepotism, favoritism, and unnecessary appointments.

### **COUNT III**

Count III charged that during the Respondent's time in office, she engaged in the following conduct:

1. You filled out and approved a false timesheet for Meredith Smith.
2. You have on numerous occasions left the courthouse with Mr. Penrose and Ms. Aubrey during regular court hours, leaving the office without any staff coverage.

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<sup>7</sup> The Commission further finds that it was not proven by clear and convincing evidence that Respondent engaged in the conduct described in paragraphs 1, 3 and 4 of Count II. However, the Commission does believe that it was proven by clear and convincing evidence that Respondent improperly terminated Meredith Smith to employ Stephen Penrose after the election.

3. You knowingly approved inaccurate timesheets for Mr. Penrose and Ms. Aubrey by approving timesheets that you knew did not accurately reflect the hours those employees worked.
4. On one occasion, when you brought your children to work with you, your child witnessed a confidential proceeding and recognized the child involved in the proceeding, violating the confidentiality of proceedings in a family court case.
5. You permitted Mr. Penrose to spend work hours playing his guitar and singing in his office, disrupting other court employees during the workday.
6. You permitted staff to store and consume alcoholic beverages in court offices and at times consumed alcoholic beverages in the courthouse.

By a vote of 5-0, the Commission finds with respect to Count III that the Respondent committed the acts set forth in paragraph 1, except that she did not “fill out” a false timesheet for Meredith Smith. The Commission further finds that Respondent committed the acts set forth in paragraphs 2, 3, 5 and 6, except that it was not proven by clear and convincing evidence that Respondent consumed alcoholic beverages in the courthouse. The Commission finds that this conduct violates SCR 4.020(1)(b)(i) and constitutes misconduct in office.<sup>8</sup> Respondent admits in her Amended Answer that she approved an incorrect timesheet for Meredith Smith, and Respondent further admitted facts in her Amended Answer related to paragraphs 2, 3 and 5. Respondent testified at the hearing that at times she left the office with Mr. Penrose and Ms. Aubrey for long periods of time on some weekday mornings and afternoons. The evidence presented at the hearing about consumption of alcohol in Respondent’s office and storage and consumption of alcohol in Mr. Penrose’s office, including significant testimony of cleaning personnel regarding empty beer cans and an empty liquor bottle found in those offices on multiple occasions over periods of time,<sup>9</sup> supports the Commission’s findings regarding paragraph 6.

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<sup>8</sup> The Commission also finds that Respondent did not commit the acts set forth in paragraph 4 of Count III, as it was Laura Aubrey’s child who witnessed the confidential proceedings.

<sup>9</sup> The various Pabst Blue Ribbon and Miller Lite beer cans and Fireball bottle were presented at the hearing and photographs of these cans and bottle were admitted into evidence as Commission Exhibit 26.

Furthermore, these actions of Respondent violated SCR 4.300 and the relevant portions of the following Canons of the Code of Judicial Conduct:

- Canon 1, Rule 1.1, which requires a judge to comply with the law, including the Code of Judicial Conduct.
- Canon 1, Rule 1.2, which requires a judge to act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.
- Canon 2, Rule 2.1, which requires that the duties of judicial office shall take precedence over all of a judge's personal and extrajudicial activities.
- Canon 2, Rule 2.5(A), which provides a judge shall perform judicial and administrative duties competently and diligently.
- Canon 2, Rule 2.12(A), which provides a judge shall require court staff, court officials, and others subject to the judge's direction and control to act in a manner consistent with the judge's obligations under the Code of Judicial Conduct.
- Canon 2, Rule 2.13(B), which provides a judge shall not approve compensation of appointees beyond the fair value of services rendered.

#### **COUNT IV**

Count IV charged that during the Respondent's time in office, she engaged in the following conduct:

1. You directed Kelly Blevins and other school liaison officers to file school dependency, neglect, and abuse cases only once per month and to only file certain petitions as truancy cases rather than dependency, neglect, and abuse cases. When Ms. Blevins followed her employer's instructions regarding how to file such cases, you retaliated against her.
2. Following these actions, you refused to recuse yourself from Ms. Blevins' cases, despite having previously expressed personal animosity toward Ms. Blevins.

By a vote of 5-0, the Commission finds that the Respondent committed the acts set forth in Count IV, which violate SCR 4.020(1)(b)(i) and constitute misconduct in office. In her Amended Answer, Respondent admitted that she was frustrated with Kelly Blevins and had a poor working

relationship with her, and that Respondent exercised “a deficient level of temperance from the bench that I now regret . . . [and] called her cases later than I could have.” Meredith Smith also testified that Respondent asked her to put Ms. Blevins’ cases at the bottom of her files so they would be called last on the docket. Respondent admitted at the Final Hearing that she complained about Ms. Blevins to her staff and called her a “bitch,” and also admitted that she should have recused from all school cases that involved Ms. Blevins.

Furthermore, the Respondent’s actions violated SCR 4.300 and the relevant portions of the following Canons of the Code of Judicial Conduct:

- Canon 1, Rule 1.1, which requires a judge to comply with the law, including the Code of Judicial Conduct.
- Canon 1, Rule 1.2, which requires a judge to act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.
- Canon 2, Rule 2.3(A), which requires a judge to perform the duties of judicial office, including administrative duties, without bias or prejudice.
- Canon 2, Rule 2.3(B), which provides a judge shall not, in the performance of judicial duties, by words or conduct, manifest bias or prejudice, or engage in harassment and shall not permit court staff, court officials, or others subject to the judge’s direction and control to do so.
- Canon 2, Rule 2.8(B), which provides a judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, court staff, court officials, and others with whom the judge deals in an official capacity, and shall require similar conduct of lawyers, court staff, court officials, and others subject to the judge’s direction and control.
- Canon 2, Rule 2.11(A), which provides a judge must disqualify herself in any proceeding in which her impartiality might reasonably be questioned.

## **COUNT V**

Count V charged that on multiple occasions, Respondent held pretrial conferences in dependency, neglect, and abuse cases with members of her GAL panel to which private attorneys

represented parties in those cases were not invited and substantive decisions were made during these conferences, which were not held on the record.

By a vote of 5-0, the Commission finds that the Respondent did not commit the acts set forth in Count V.

## COUNT VI

Count VI charged that during Respondent's time in office, she engaged in the following conduct:

1. You engaged in inappropriate and unwanted sexual advances toward Ms. Schulz.<sup>10</sup>
2. After you made unwelcomed sexual advances toward Ms. Schulz, you sent another attorney<sup>11</sup> on your GAL panel to speak with Ms. Schulz, accusing her of gossiping about you, as well as taking GAL assignments in Boone County. This conduct was reasonably interpreted as warning Ms. Schulz to remain quiet regarding sexual advances.
3. Following these events, you refused to recuse yourself from cases when Ms. Schulz represented one of the parties.
4. You engaged in Snapchat conversations with members of your GAL panel and Mr. Penrose, some of which were sexual in nature.

By a vote of 4-1, the Commission finds that Respondent engaged in the conduct described in paragraph 1 of Count VI, except that it was not proven by clear and convincing evidence that the sexual advances were unwelcome. By a vote of 5-0, the Commission finds that Respondent committed the acts set forth in paragraph 2,<sup>12</sup> except that the conduct and communications of Ms. Pleatman were reasonably interpreted as warning Ms. Schulz to remain quiet about any matters involving the Respondent, and that Respondent committed the acts described in paragraphs 3 and

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<sup>10</sup> Ms. Schulz refers to Attorney Katherine ("Kat") Schulz.

<sup>11</sup> "[A]nother attorney" refers to Attorney Debra Pleatman.

<sup>12</sup> Evidence in support of this finding includes, but is not limited to, the text exchanges between Ms. Schulz and Ms. Pleatman admitted as Commission Exhibit 34.

4 of Count VI, and this conduct violates SCR 4.020(1)(b)(i) and constitutes misconduct in office. Respondent admitted in her Amended Answer that she “engaged in . . . and interacted with Ms. Schulz in an inappropriate manner” and that she “did not handle the situation appropriately afterwards. I should have taken steps to recuse or disqualify myself from her cases or contacted the Judicial Ethics Board and/or the Kentucky Bar Association to determine the proper procedures to follow. I admit that this is a violation of Judicial Cannons 1.2; 1.3; and 2.11.” Ms. Schulz testified about receiving a Snapchat communication from Respondent inviting her to attend a conference in Louisville with Respondent and Mr. Penrose. Ms. Schulz also testified about being a party to Snapchat communications with Mr. Penrose and Respondent where Mr. Penrose would make inappropriate comments, and Respondent did nothing. This includes the Snapchat admitted as Commission Exhibit 30 sent November 20, 2018, before Mr. Penrose started work with Respondent, that states:

Standing on top of hill looking at herd of cattle. Son bull says to Daddy Bull. Dad let’s run down there and f\_\_\_<sup>13</sup> one of them cows. Dad bull says NO son. Let’s walk down there and f\_\_\_ them all.

Respondent knew that this communication was sent to her and Ms. Schulz, and she did nothing to correct it. Based on the totality of the evidence presented, this message implied that Mr. Penrose and Respondent were going to retaliate against persons who do not support or agree with Judge Gentry, which conduct and action appear to have occurred, at least with regard to Michael Hummel, Kelly Blevins, Meredith Smith, and Katherine Schulz.

Furthermore, these actions of Respondent violated SCR 4.300, are misconduct in office, and violated the relevant portions of the following Canons of the Code of Judicial Conduct:

- Canon 1, Rule 1.1, which requires a judge to comply with the law, including the Code of Judicial Conduct.

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<sup>13</sup> The full text of these profanities was set forth in the communication admitted as Commission Exhibit 30.

- Canon 1, Rule 1.2, which requires a judge to act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.
- Canon 2, Rule 2.2, which requires a judge to uphold and apply the law, and to perform all duties of judicial office fairly and impartially.
- Canon 2, Rule 2.3(B), which provides a judge shall not, in the performance of judicial duties, by words or conduct, manifest bias or prejudice, or engage in harassment and shall not permit court staff, court officials, or others subject to the judge's direction and control to do so.
- Canon 2, Rule 2.8(B), which provides a judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, court staff, court officials, and others with whom the judge deals in an official capacity, and shall require similar conduct of lawyers, court staff, court officials, and others subject to the judge's direction and control.
- Canon 2, Rule 2.11(A), which provides a judge must disqualify herself in any proceeding in which her impartiality might reasonably be questioned.
- Canon 2, Rule 2.12(A), which provides a judge shall require court staff, court officials, and others subject to the judge's direction and control to act in a manner consistent with the judge's obligations under the Code of Judicial Conduct.
- Canon 3, Rule 3.1(C), which provides that when engaging in extrajudicial activities, a judge shall not participate in activities that would appear to a reasonable person to undermine the judge's independence, integrity, or impartiality.
- Canon 3, Rule 3.1(D), which provides that when engaging in extrajudicial activities, a judge shall not engage in conduct that would appear to a reasonable person to be coercive.

## **COUNT VII**

Count VII charged that during Respondent's time in office, she engaged in the following conduct:

1. You hired Stephen Penrose because you were engaged in a personal sexual relationship with him, not on the basis of merit. You terminated Meredith Smith by forcing her to resign to create a job opening for Mr. Penrose.

2. You engaged in inappropriate workplace behavior with Mr. Penrose. You also engaged in sexual activity with Mr. Penrose and Ms. Aubrey in a courthouse office, during work hours.
3. You improperly delegated judicial functions to Mr. Penrose.

By a vote of 5-0, the Commission finds that Respondent engaged in the conduct described in Count VII, and Respondent's testimony at the Final Hearing and admissions in her Amended Answer confirmed that the Respondent hired Stephen Penrose not based on merit but because she was engaged in a personal relationship with him, and that Respondent terminated Meredith Smith by forcing her to resign to create a job opening for Mr. Penrose. Respondent further engaged in inappropriate workplace behavior with Mr. Penrose. This romantic relationship with Mr. Penrose included him sending her photographs of his genitals, crude jokes, and at least one romantic message, and engaging in simulated<sup>14</sup> sexual activity with Mr. Penrose and Ms. Aubrey in a courthouse office, during work hours. During her rebuttal testimony on August 14, 2020, Respondent admitted that her earlier denial of "any type of romantic relationship" with Mr. Penrose was not accurate, and her denial of a "sexual and/or romantic relationship of any kind" with Mr. Penrose was not accurate.

The Commission further finds that Respondent improperly delegated judicial functions to Mr. Penrose.

Based on the foregoing, Respondent violated SCR 4.020(1)(b)(i) and these actions constitute misconduct in office. Furthermore, the Respondent's actions violate SCR 4.300 and the relevant portions of the following Canons of the Code of Judicial Conduct:

- Canon 1, Rule 1.1, which requires a judge to comply with the law, including the Code of Judicial Conduct.

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<sup>14</sup> Respondent denied actual sexual activity with staff occurring in Chambers during office hours but did admit to "simulated" sexual activity with staff. See Final Hearing, Respondent's rebuttal testimony, August 14, 2020.

- Canon 1, Rule 1.2, which requires a judge to act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.
- Canon 2, Rule 2.1, which requires that the duties of judicial office shall take precedence over all of a judge’s personal and extrajudicial activities.
- Canon 2, Rule 2.2, which requires a judge to uphold and apply the law, and to perform all duties of judicial office fairly and impartially.
- Canon 2, Rule 2.4(B), which provides a judge shall not permit family, social, political, financial, or other interests or relationships to influence the judge’s judicial conduct or judgment.
- Canon 2, Rule 2.12(A), which provides a judge shall require court staff, court officials, and others subject to the judge’s direction and control to act in a manner consistent with the judge’s obligations under the Code of Judicial Conduct.
- Canon 2, Rule 2.13(A), which provides that in making administrative appointments a judge shall exercise the power of appointment impartially and on the basis of merit and avoid nepotism, favoritism, and unnecessary appointments.
- Canon 3, Rule 3.1(A), which provides, when engaging in extrajudicial activities, a judge shall not participate in activities that will interfere with the proper performance of the judge’s judicial duties.
- Canon 3, Rule 3.1(C), which provides that when engaging in extrajudicial activities, a judge shall not participate in activities that would appear to a reasonable person to undermine the judge’s independence, integrity, or impartiality.

### **COUNT VIII**

Count VIII charged that during Respondent’s time in office, she engaged in the following conduct:

1. You appointed GAL panel members not based on merit and assigned cases to them before they had any GAL training.
2. You have appointed personal friends who supported you in your campaign to the “Permanent Custody Roster” to represent individuals seeking de facto custodian status without requiring those individuals to come to court to receive

appointments. On some occasions, you passed out these individuals' business cards.

By a vote of 5-0, the Commission accepts the Respondent's admission in her Amended Answer stated as follows:

"I do admit that the very qualified family law attorneys that I appointed to the 'Permanent Custody Roster' were also friends. I did issue appointments by written order to these attorneys instead of giving in-person appointments..."<sup>15</sup>

The Commission finds that Respondent engaged in the conduct described in Count VIII and further finds that Respondent admitted that she appointed personal friends who supported her in her campaign to the "Permanent Custody Roster"<sup>16</sup> without requiring those individuals to come to court to receive appointments. Respondent also admitted that with respect to Count VIII, part (b),<sup>17</sup> this conduct of Respondent violates SCR 4.020(1)(b)(i) and constitutes misconduct in office.

Furthermore, the Respondent's actions violate SCR 4.300 and the relevant portions of the following Canons of the Code of Judicial Conduct:

- Canon 1, Rule 1.1, which requires a judge to comply with the law, including the Code of Judicial Conduct.
- Canon 1, Rule 1.2, which requires a judge to act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.
- Canon 2, Rule 2.13(A), which provides that in making administrative appointments a judge shall exercise the power of appointment impartially and

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<sup>15</sup> See Amended Answer and Stipulations of Judge Dawn M. Gentry served July 31, 2020, page 6, Count VIII, paragraph 2.

<sup>16</sup> The Permanent Custody Roster was appointed by Respondent by General Order entered November 28, 2018, admitted as Commission Exhibit 14.

<sup>17</sup> The Commission voted 5-0 that the charge as to the appointment of GAL panel members not based on merit and assigned cases before they had any GAL training -- part (a) described above -- was not proven by clear and convincing evidence.

on the basis of merit and avoid nepotism, favoritism, and unnecessary appointments.

### **COUNT IX**

Count IX charged that the Respondent failed to be candid and honest with the Commission in a previous inquiry<sup>18</sup> regarding the appointment of Hon. Delana Sanders and the firing of Hon. Meredith Smith and Hon. Michael Hummel, as well as about the quality of Mr. Hummel's work on the GAL panel.

By a vote of 5-0, the Commission finds that Respondent engaged in the conduct described in Count IX that the Respondent failed to be candid and honest with the Commission in a previous inquiry regarding the firing of Hon. Meredith Smith and removal of Hon. Michael Hummel from the GAL Panel, as well as about the quality of Hummel's work on the GAL panel<sup>19</sup> and such violates SCR 4.020(1)(b)(i) and constitutes misconduct in office. Furthermore, the Respondent's actions violate SCR 4.300 and the relevant portions of the following Canons of the Code of Judicial Conduct:

- Canon 1, Rule 1.1, which requires a judge to comply with the law, including the Code of Judicial Conduct.
- Canon 1, Rule 1.2, which requires a judge to act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.
- Rule 2.16(A), which provides a judge shall cooperate and be candid and honest with judicial and lawyer disciplinary agencies.

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<sup>18</sup> This references the inquiry by the Commission prior to the Final Hearing.

<sup>19</sup> The Commission voted 5-0 that the charge as to the appointment of Hon. Delana Sanders was not proven by clear and convincing evidence.

## COUNT X

Count X charged that during Respondent's time in office, she engaged in the following conduct:

1. You failed to cooperate and be candid and honest with the Commission during your testimony at the January 3, 2020 temporary removal hearing and after, including, but not limited to:
  - a. Regarding your relationship with your subordinate employee, Stephen Penrose,
  - b. Your staff destroying/shredding documents from your chambers.

By a vote of 5-0, the Commission finds with respect to Count X, part (a) above, the Respondent violated<sup>20</sup> SCR 4.020(1)(b)(i) and that this action of the Respondent constitutes misconduct in office. Respondent's testimony at the Final Hearing was significantly different than her testimony at the Temporary Removal Hearing as to her relationship with Mr. Penrose. The Commission accepts the Respondent's recent admission in her Amended Answer that she had a close personal relationship with Stephen Penrose (Id., at page 5, Count VII, paragraph 1), which is also consistent with Respondent's testimony at the Final Hearing where she admitted to having a romantic relationship with Mr. Penrose. Indeed, Respondent admitted to receiving from Mr. Penrose photographs of his genitals, which Respondent saved and kept in a hidden folder on her cell phone, which was accessible through her child's cellphone.<sup>21</sup> Respondent further admitted that this hidden folder also contained photographs of her genitals, although Respondent

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<sup>20</sup> By a vote of 5-0, the Commission finds that with respect to the charge under Count X, part (b) noted above, the charge was not proven by clear and convincing evidence.

<sup>21</sup> Respondent also received a Snapchat from Mr. Penrose dated December 16, 2018, admitted as Commission Exhibit 13, full of personal comments that would be shared by persons having a romantic relationship. Respondent also kept this communication in a "hidden" folder on her cellphone.

testified that she did not send these to Mr. Penrose. All of this is contrary to her testimony at the Temporary Removal Hearing and her responses to the initial inquiries of the Commission.<sup>22</sup>

Furthermore, the Respondent's actions violate SCR 4.300 and the relevant portions of the following Canons of the Code of Judicial Conduct:

- Rule 2.16(A), which provides a judge shall cooperate and be candid and honest with judicial and lawyer disciplinary agencies.

### **COUNT XI**

Count XI charged that during Respondent's time in office, she engaged in the following conduct:

1. On December 5, 2019, you filed a bar complaint with the Kentucky Bar Association against Katherine Schulz, who you knew or had reason to know had cooperated with the Judicial Conduct Commission's investigation into your conduct. In the complaint, you complained of conduct dating back to over a year prior to the date of your complaint, which you submitted to the Kentucky Bar Association three days after you filed your December 2, 2019 Answer to the Judicial Conduct Commission's Notice of Formal Proceedings and Charges.

By a vote of 5-0, the Commission finds that Respondent engaged in the conduct described in Count XI, and that such conduct violated SCR 4.020(1)(b)(i) and constitutes misconduct in office. Respondent admitted the relevant facts to this charge in her testimony during the Final Hearing on Monday, August 10, 2020, that she filed a Bar Complaint,<sup>23</sup> against Ms. Schulz, that it was filed after the Amended Notice of Formal Proceedings and Charges were filed and received by her, that her Bar Complaint involved purported conduct of Attorney Schulz from over a year earlier, and that such was in retaliation against [Schulz] a person known by Respondent to have assisted or cooperated with an investigation of the Respondent. Respondent

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<sup>22</sup> See, for example, Respondent's July 15, 2019 letter to the Commission, Commission Exhibit 11, where she stated that she was "not involved in a sexual relationship with a subordinate, Stephen Penrose" and "There is not now, nor has there ever been a sexual and/or romantic relationship of any kind between Mr. Penrose and me...."

<sup>23</sup> Commission Exhibit 18.

further admitted and conceded that she should not have filed the Bar Complaint. Furthermore, the Commission finds that the Respondent's actions violate SCR 4.300 and the relevant portions of the following Canons of the Code of Judicial Conduct:

- Rule 2.16(B), which provides a judge shall not retaliate, directly or indirectly, against a person known or suspected to have assisted or cooperated with an investigation of a judge or lawyer.

## COUNT XII

Count XII charged that during Respondent's time in office, she engaged in the following conduct:

1. Your personal friend, Debra Pleatman, appeared as counsel on cases before your Court on numerous occasions. You failed to disclose your personal relationship with Ms. Pleatman on the record to the parties in these cases where Ms. Pleatman appeared as counsel. These cases include, but are not limited to, 13-J-1419, 13-J-1529, and 17-J-1388 (inclusive also of 18-J-29).

By a vote of 5-0, the Commission finds with respect to Count XII that the charge was not proven by clear and convincing evidence. Canon 2 Rule 2.11(A), requires a judge to disqualify himself/herself in any proceeding in which "the judge's impartiality might reasonably be questioned...." While the charge as pled focused on a "personal friendship" and implies a purported obligation for the Judge to disqualify or at least disclose the relationship under Rule 2.11(C), the Rule does not automatically mandate or trigger disqualification or disclosure. If a judge is biased or prejudiced for or against a party's attorney, disqualification or recusal is mandatory. Rule 2.11(A)(1). *See* Judicial Ethics Opinion JE-127. If a judge is not biased or prejudiced, whether a personal friendship or relationship is sufficient to warrant disqualification and trigger the disclosure and remittal of disqualification requirement of Rule 2.11(C) is based upon the extent of the relationship, which would lead a reasonable observer to believe the judge's impartiality might be reasonably questioned as a result thereof. Rule 2.11(A). As pled, the charge

falls into a gray area that depending on the underlying facts and circumstances, may or may not require a disclosure under Rule 2.11(C) by a judge. In the instant case, the Commission finds that the evidence presented at the Final Hearing was insufficient based on the clear and convincing standard for the Commission to sustain the charge as pled.

### **ORDER**

Judge Gentry has been found guilty of violating the Kentucky Code of Judicial Conduct and engaging in misconduct in 10 of the 12 counts charged against her. Respondent's conduct has violated numerous requirements of the Judicial Canons, including the following:

- Failing to perform the duties of her judicial office fairly and impartially (Canon 2, Rule 2.2) and without bias or prejudice (Canon 2, Rule 2.3(A) and (B)).
- Engaging in conduct that would appear to a reasonable person to be coercive (Canon 3, Rule 3.1(D)).
- Failing to act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and avoiding impropriety and the appearance of impropriety (Canon 1, Rule 1.2).
- Allowing social, political, financial or other interests or relationships to influence her judicial conduct or judgment (Canon 2, Rule 2.4(B)).
- Failing to make administrative appointments on the basis of merit and avoiding nepotism, favoritism and unnecessary appointments (Canon 2, Rule 2.13(A)).
- Failing to require her staff to act in a manner consistent with the judge's obligations under the Code of Judicial Conduct (Canon 2, Rule 2.12(A)).
- Approving compensation of appointees beyond the fair value of services rendered (Canon 2, Rule 2.13(B)).
- Failing to disqualify herself in any proceeding where her impartiality might reasonably be questioned (Canon 2, Rule 2.11(A)).
- Failing to be patient, dignified, and courteous to those with whom the judge deals in an official capacity, and permitting similar conduct of others subject to her direction and control (Canon 2, Rule 2.8(B)).
- Failing to cooperate and be candid and honest with judicial disciplinary agencies (Canon 2, Rule 2.16(A)).
- Retaliating against a person known or suspected to have assisted or cooperated with an investigation of a judge (Canon 2, Rule 2.16(B)).

The Respondent's conduct that violated these Canons includes removing Michael Hummel from the GAL Panel because he did not support her judicial campaign as much as she wanted; having

staff work on her campaign during office hours on paid time; requiring Meredith Smith to resign to make way for Stephen Penrose, a person with whom she had a romantic relationship and from the totality of the evidence, something significantly more than merely a “personal relationship,” including saving and keeping in a hidden folder on her cellphone photographs of Mr. Penrose’s genitals and a romantic message from Mr. Penrose; approving timesheets for numerous employees when Respondent knew they were either working on her campaign or out of the office with her on personal matters, not court-related business, for extended periods of time; allowing employees to play music, musical instruments or sing in the office during work hours, thereby disrupting the work environment of other court employees; permitting employees to consume alcohol in Chambers and Mr. Penrose’s office; twice participating in a purported prank to “simulate” sex in Mr. Penrose’s office, which further disrupted the workplace and working relationship between her staff and other courthouse employees and personnel; putting Kelly Blevins’ cases at the end of the docket because of a legitimate disagreement between them on how to handle certain cases; engaging in inappropriate conduct with Katherine Schulz, who regularly appeared before Respondent, then failing to disqualify herself from Ms. Schulz’s cases and creating at least the appearance of prejudice if not actual prejudice where any reasonable person might question her impartiality; permitting her relationship with Mr. Penrose to impair her judgment to the extent that she allowed him to engage in numerous instances of inappropriate conduct that offended social workers, attorneys, courthouse personnel, and school employees; filing a Bar Complaint in retaliation against an attorney who was known to have assisted or cooperated with the Commission’s investigation; and perhaps most importantly, failing to be candid and honest with the Commission in its investigation and process on multiple occasions. Respondent admitted that she was not candid and honest with the Commission regarding her

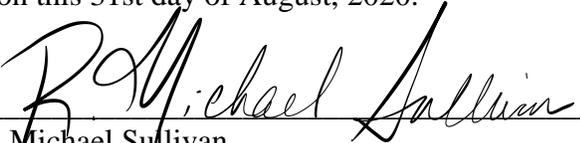
relationship with Mr. Penrose, her treatment of Ms. Blevins, and her interaction with Ms. Schulz.

The Commission notes that none of the direct charges against Respondent involved criticism of rulings that ultimately impacted parties to cases before her or as to her actions toward the parties before her. The Commission makes no findings as to Respondent's judicial "ability" or as to any type of case-by-case review as that is not before the Commission. In fact, Respondent presented several witnesses to bolster her ability as a competent judge. However, the lack of any such finding does not excuse or make less serious Respondent's numerous instances of judicial misconduct.

This case does not involve one or two isolated occurrences, but instead involves a pattern of misconduct and repeated exercise of extremely poor judgment – on and off the Bench -- by the Respondent that continued for over a year, including after Respondent was informed that a complaint was filed with the Commission against her. As the Kentucky Code of Judicial Conduct provides in its Preamble, SCR 4.300, "Judges should maintain the dignity of judicial office at all times, and avoid both impropriety and the appearance of impropriety in their professional and personal lives. They should aspire at all times to conduct that ensures the greatest public confidence in their independence, impartiality, integrity, and competence." Respondent failed in essentially every respect of this fundamental rule applicable to all judges. After proper notice and hearing, and based on the totality of the circumstances and evidence presented at the Final Hearing and the broad range of repeated and systemic misconduct by Respondent over a substantial period of time, the Commission by a vote of 5-0 orders that Respondent be removed from office.

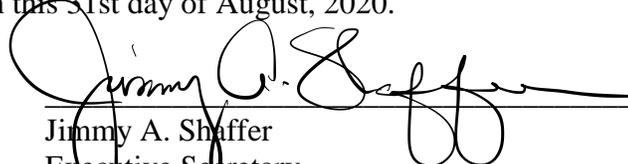
Rule 4.270 provides that the Commission's Order shall become effective ten (10) days after service, which service date is set forth in the Certificate of Service, below, unless an appeal is filed within that time.

I hereby certify that the Findings of Fact, Conclusions of Law, and Final Order represent an action of the Judicial Conduct Commission on this 31st day of August, 2020.

  
\_\_\_\_\_  
R. Michael Sullivan  
Chair of the Commission

**CERTIFICATE OF SERVICE**

I hereby certify that copy hereof was served on Dawn M. Gentry, Family Court Judge, by serving the same to her at her email address and to her counsel of record, Hon. Jeffrey A. Lawson, 524 Greenup Street, Covington, KY 41011, lawsonjeff@gmail.com, and Hon. F. Todd Lewis, Lewis Law, PLLC, 111 W. Washington Street, Suite 400, Louisville, KY 40202, todd.lewis@toddlewislaw.com; and to counsel for the Commission, Hon. Bryan Beaman, Sturgill, Turner, Barker and Maloney, PLLC, 333 W. Vine St., Suite 1500, Lexington, KY 40507, bbeaman@sturgillturner.com, on this 31st day of August, 2020.

  
\_\_\_\_\_  
Jimmy A. Shaffer  
Executive Secretary

**COMMONWEALTH OF KENTUCKY  
JUDICIAL CONDUCT COMMISSION**

**IN RE THE MATTER OF:**

**DAWN M. GENTRY, FAMILY COURT JUDGE  
16<sup>TH</sup> JUDICIAL CIRCUIT, FAMILY DIVISION 5**

**NOTICE OF FORMAL PROCEEDINGS AND CHARGES**

Notice is hereby given of the initiation of formal proceedings under Rule 4.180 of the Rules of the Supreme Court. At the times set out in this Notice, you were Family Court Judge for Kentucky's 16th Judicial Circuit located in Kenton County.

While serving as Family Court Judge for Kenton County—in particular, since being elected to that position in November 2018—you have engaged in a pattern of conduct that constitutes misconduct in office and violates the Code of Judicial Conduct. Any of the Counts described below, on their own, constitute sufficient grounds for disciplinary action. But examined as a whole, the allegations in this Notice demonstrate a pattern of misconduct in office. As a result, the Commission has determined formal proceedings and charges are warranted.

**Count I – Coercion to Participate in Judicial Campaign**

During your campaign for Family Court Judge in Kenton County, while you were sitting on the bench as an appointee, you engaged in the following conduct related to your 2018 campaign for election to your current judicial office:

1. You coerced members of your GAL panel to donate the maximum amount to your campaign and to use personal time to engage in campaigning on your behalf.
2. You required your GAL panel members to serve on the finance committee for your campaign.
3. While in court, you solicited an attorney to put up a campaign sign.

4. You utilized court staff to work on your campaign during work hours. This conduct included, but is not necessarily limited to, having your staff attorney place and deliver campaign signs and having your case management specialist/mediator write thank-you notes for the campaign and publicly hold a campaign sign on Election Day. You also took steps to conceal this conduct.
5. You appointed attorney Delana Sanders to your GAL panel in exchange her husband's agreement to support your campaign. At the time, just months before the election, there was not an opening on your GAL panel. You also had your staff attorney research whether you could add an additional panel member so that you could appoint Ms. Sanders.

The actions set out above violate the relevant portions of the following Canons of the Code of Judicial Conduct:

- Canon 1, Rule 1.1, which requires a judge to comply with the law, including the Code of Judicial Conduct.
- Canon 1, Rule 1.2, which requires a judge to act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.
- Canon 2, Rule 2.1, which requires that the duties of judicial office shall take precedence over all of a judge's personal and extrajudicial activities.
- Canon 2, Rule 2.2, which requires a judge to uphold and apply the law, and to perform all duties of judicial office fairly and impartially.
- Canon 2, Rule 2.3(A), which requires a judge to perform the duties of judicial office, including administrative duties, without bias or prejudice.
- Canon 2, Rule 2.13(A), which provides in making administrative appointments, a judge shall exercise the power of appointments on the basis of merit and shall avoid nepotism, favoritism, and unnecessary appointments.
- Canon 3, Rule 3.1(D), which provides that when engaging in extrajudicial activities, a judge shall not engage in conduct that would appear to a reasonable person to be coercive.
- Canon 4, Rule 4.1(A), which provides requirements for political and campaign activities of judges and judicial candidates in office.
- Canon 4, Rule 4.1(B), which requires a judge or judicial candidate to take reasonable measures to ensure that other persons do not undertake, on behalf of the judge or judicial candidate, any activities prohibited under Rule 4.1(A).

## **Count II – Retaliation for Failure to Support Judicial Campaign**

During your campaign or after your election as Family Court Judge in Kenton County in November 2018, you engaged in the following conduct:

1. During your campaign, you retaliated against Meredith Smith for not sufficiently supporting your campaign.
2. You retaliated against attorney Mike Hummel for failing to make the maximum monetary donation to your campaign and declining to campaign on your behalf by removing Mr. Hummel from the GAL panel.
3. You retaliated against attorneys who did not support your campaign by delaying hearing dates for their cases.
4. You retaliated against school liaison officer Kelly Blevins for supporting your opponent in the election.

Your actions violate the relevant portions of the following Canons of the Code of Judicial Conduct:

- Canon 1, Rule 1.1, which requires a judge to comply with the law, including the Code of Judicial Conduct.
- Canon 1, Rule 1.2, which requires a judge to act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.
- Canon 2, Rule 2.2, which requires a judge to uphold and apply the law, and to perform all duties of judicial office fairly and impartially.
- Canon 2, Rule 2.3(A), which requires a judge to perform the duties of judicial office, including administrative duties, without bias or prejudice.
- Canon 2, Rule 2.3(B), which provides a judge shall not, in the performance of judicial duties, by words or conduct, manifest bias or prejudice, or engage in harassment and shall not permit court staff, court officials, or others subject to the judge's direction and control to do so.
- Canon 2, Rule 2.4(B), which provides a judge shall not permit family, social, political, financial, or other interests or relationships to influence the judge's judicial conduct or judgment.

- Canon 2, Rule 2.6(A), which provides a judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law.
- Canon 2, Rule 2.8(B), which provides a judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, court staff, court officials, and others with whom the judge deals in an official capacity, and shall require similar conduct of lawyers, court staff, court officials, and others subject to the judge's direction and control.
- Canon 2, Rule 2.11(A), which provides a judge must disqualify herself in any proceeding in which her impartiality might reasonably be questioned.
- Canon 2, Rule 2.13(A), which provides in making administrative appointments, a judge shall exercise the power of appointments on the basis of merit and shall avoid nepotism, favoritism, and unnecessary appointments.
- Canon 3, Rule 3.1(D), which provides that when engaging in extrajudicial activities, a judge shall not engage in conduct that would appear to a reasonable person to be coercive.

### **Count III –Facilities & Timesheet Falsification**

During your time in office, you engaged in the following conduct:

1. You filled out and approved a false timesheet for Meredith Smith.
2. You have on numerous occasions left the courthouse with Mr. Penrose and Ms. Aubrey during regular court hours, leaving the office without any staff coverage.
3. You knowingly approved inaccurate timesheets for Mr. Penrose and Ms. Aubrey by approving timesheets that you knew did not accurately reflect the hours those employees worked.
4. On one occasion, when you brought your children to work with you, your child witnessed a confidential proceeding and recognized the child involved in the proceeding, violating the confidentiality of proceedings in a family court case.
5. You permitted Mr. Penrose to spend work hours playing his guitar and singing in his office, disrupting other court employees during the workday.
6. You permitted staff to store and consume alcoholic beverages in court offices and at times consumed alcoholic beverages in the courthouse.

Your actions violate the relevant portions of the following Canons of the Code of Judicial

Conduct:

- Canon 1, Rule 1.1, which requires a judge to comply with the law, including the Code of Judicial Conduct.
- Canon 1, Rule 1.2, which requires a judge to act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.
- Canon 2, Rule 2.1, which requires that the duties of judicial office shall take precedence over all of a judge's personal and extrajudicial activities.
- Canon 2, Rule 2.5(A), which provides a judge shall perform judicial and administrative duties competently and diligently.
- Canon 2, Rule 2.12(A), which provides a judge shall require court staff, court officials, and others subject to the judge's direction and control to act in a manner consistent with the judge's obligations under the Code of Judicial Conduct.
- Canon 2, Rule 2.13(B), which provides a judge shall not approve compensation of appointees beyond the fair value of services rendered.

#### **Count IV – Retaliation Against School Employees**

1. You directed Kelly Blevins and other school liaison officers to file school dependency, neglect, and abuse cases only once per month and to only file certain petitions as truancy cases rather than dependency, neglect, and abuse cases. When Ms. Blevins followed her employer's instructions regarding how to file such cases, you retaliated against her.
2. Following these actions, you refused to recuse yourself from Ms. Blevins' cases, despite having previously expressed personal animosity toward Ms. Blevins.

Your actions violate the relevant portions of the following Canons of the Code of Judicial

Conduct:

- Canon 1, Rule 1.1, which requires a judge to comply with the law, including the Code of Judicial Conduct.
- Canon 1, Rule 1.2, which requires a judge to act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.
- Canon 2, Rule 2.3(A), which requires a judge to perform the duties of judicial office, including administrative duties, without bias or prejudice.

- Canon 2, Rule 2.3(B), which provides a judge shall not, in the performance of judicial duties, by words or conduct, manifest bias or prejudice, or engage in harassment and shall not permit court staff, court officials, or others subject to the judge's direction and control to do so.
- Canon 2, Rule 2.8(B), which provides a judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, court staff, court officials, and others with whom the judge deals in an official capacity, and shall require similar conduct of lawyers, court staff, court officials, and others subject to the judge's direction and control.
- Canon 2, Rule 2.11(A), which provides a judge must disqualify herself in any proceeding in which her impartiality might reasonably be questioned.

### **Count V – Ex Parte Communications with GAL Panel Members**

You have on multiple occasions held pretrial conferences in dependency, neglect, and abuse cases with the members of your GAL panel to which private attorneys representing parties in those cases are not invited. Substantive decisions are made during these conferences, which are not held on the record.

Your actions constitute misconduct in office and violate the relevant portions of the following Canons of the Code of Judicial Conduct:

- Canon 1, Rule 1.1, which requires a judge to comply with the law, including the Code of Judicial Conduct.
- Canon 1, Rule 1.2, which requires a judge to act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.
- Canon 2, Rule 2.9, which provides a judge shall not initiate, permit, or consider ex parte communications, or consider other communications made to the judge outside the presence of the parties or their lawyers concerning a pending or impending matter.

### **Count VI –Harassment and Retaliation Against Katherine Schulz**

1. You engaged in inappropriate and unwanted sexual advances toward Ms. Schulz.
2. After you made unwelcomed sexual advances toward Ms. Schulz, you sent another attorney on your GAL panel to speak with Ms. Schulz, accusing her of gossiping about you, as well as taking GAL assignments in Boone County. This conduct was

reasonably interpreted as warning Ms. Schulz to remain quiet regarding sexual advances.

3. Following these events, you refused to recuse yourself from cases when Ms. Schulz represented one of the parties.
4. You engaged in Snapchat conversations with members of your GAL panel and Mr. Penrose, some of which were sexual in nature.

Your conduct described above constitutes misconduct in office and violated the relevant portions of the following Canons of the Code of Judicial Conduct:

- Canon 1, Rule 1.1, which requires a judge to comply with the law, including the Code of Judicial Conduct.
- Canon 1, Rule 1.2, which requires a judge to act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.
- Canon 2, Rule 2.2, which requires a judge to uphold and apply the law, and to perform all duties of judicial office fairly and impartially.
- Canon 2, Rule 2.3(B), which provides a judge shall not, in the performance of judicial duties, by words or conduct, manifest bias or prejudice, or engage in harassment and shall not permit court staff, court officials, or others subject to the judge's direction and control to do so.
- Canon 2, Rule 2.8(B), which provides a judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, court staff, court officials, and others with whom the judge deals in an official capacity, and shall require similar conduct of lawyers, court staff, court officials, and others subject to the judge's direction and control.
- Canon 2, Rule 2.11(A), which provides a judge must disqualify herself in any proceeding in which her impartiality might reasonably be questioned.
- Canon 2, Rule 2.12(A), which provides a judge shall require court staff, court officials, and others subject to the judge's direction and control to act in a manner consistent with the judge's obligations under the Code of Judicial Conduct.
- Canon 3, Rule 3.1(C), which provides that when engaging in extrajudicial activities, a judge shall not participate in activities that would appear to a reasonable person to undermine the judge's independence, integrity, or impartiality.

- Canon 3, Rule 3.1(D), which provides that when engaging in extrajudicial activities, a judge shall not engage in conduct that would appear to a reasonable person to be coercive.

### **Count VII – Inappropriate Hiring and Relationship with Mr. Penrose**

1. You hired Stephen Penrose because you were engaged in a personal sexual relationship with him, not on the basis of merit. You terminated Meredith Smith by forcing her to resign to create a job opening for Mr. Penrose.
2. You engaged in inappropriate workplace behavior with Mr. Penrose. You also engaged in sexual activity with Mr. Penrose and Ms. Aubrey in a courthouse office, during work hours.
3. You improperly delegated judicial functions to Mr. Penrose.

Your conduct described above constitutes misconduct in office and violated the relevant portions of the following Canons of the Code of Judicial Conduct:

- Canon 1, Rule 1.1, which requires a judge to comply with the law, including the Code of Judicial Conduct.
- Canon 1, Rule 1.2, which requires a judge to act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.
- Canon 2, Rule 2.1, which requires that the duties of judicial office shall take precedence over all of a judge's personal and extrajudicial activities.
- Canon 2, Rule 2.2, which requires a judge to uphold and apply the law, and to perform all duties of judicial office fairly and impartially.
- Canon 2, Rule 2.4(B), which provides a judge shall not permit family, social, political, financial, or other interests or relationships to influence the judge's judicial conduct or judgment.
- Canon 2, Rule 2.12(A), which provides a judge shall require court staff, court officials, and others subject to the judge's direction and control to act in a manner consistent with the judge's obligations under the Code of Judicial Conduct.
- Canon 2, Rule 2.13(A), which provides that in making administrative appointments a judge shall exercise the power of appointment impartially and on the basis of merit and avoid nepotism, favoritism, and unnecessary appointments.

- Canon 3, Rule 3.1(A), which provides, when engaging in extrajudicial activities, a judge shall not participate in activities that will interfere with the proper performance of the judge’s judicial duties.
- Canon 3, Rule 3.1(C), which provides that when engaging in extrajudicial activities, a judge shall not participate in activities that would appear to a reasonable person to undermine the judge’s independence, integrity, or impartiality.

**Count VIII – Hiring and Appointing Court Staff Not Based on Merit**

1. You appointed GAL panel members not based on merit and assigned cases to them before they had any GAL training.
2. You have appointed personal friends who supported you in your campaign to the “Permanent Custody Roster” to represent individuals seeking de facto custodian status without requiring those individuals to come to court to receive appointments. On some occasions, you have passed out these individuals’ business cards.

Your conduct described above constitutes misconduct in office and violated the relevant portions of the following Canons of the Code of Judicial Conduct:

- Canon 1, Rule 1.1, which requires a judge to comply with the law, including the Code of Judicial Conduct.
- Canon 1, Rule 1.2, which requires a judge to act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.
- Canon 2, Rule 2.13(A), which provides that in making administrative appointments a judge shall exercise the power of appointment impartially and on the basis of merit and avoid nepotism, favoritism, and unnecessary appointments.

**Count IX – Failure to be Candid and Honest with the Commission**

You failed to be candid and honest with the Commission in a previous inquiry regarding the appointment of Ms. Sanders and the firing of Ms. Smith and Mr. Hummel, as well as about the quality of Mr. Hummel’s work on the GAL panel.

Your conduct described above constitutes misconduct in office and violated the relevant portions of the following Canons of the Code of Judicial Conduct:

- Canon 1, Rule 1.1, which requires a judge to comply with the law, including the Code of Judicial Conduct.
- Canon 1, Rule 1.2, which requires a judge to act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.
- Rule 2.16(A), which provides a judge shall cooperate and be candid and honest with judicial and lawyer disciplinary agencies.

### **Jurisdiction**

The Judicial Conduct Commission has jurisdiction over this matter pursuant to SCR 4.020(1)(b)(i) and (v); and (1)(c)-(d), which read, in pertinent part, as follows:

(1) Commission shall have authority:

- (b) To impose the sanctions separately or collectively of (1) admonition, private reprimand, public reprimand, or censure; (2) suspension without pay or removal or retirement from judicial office, upon any judge of the Court of Justice or lawyer while a candidate for judicial office, who after notice and hearing the Commission finds guilty of any one or more of the following:
  - (i) Misconduct in office.
  - (v) Violation of the Code of Judicial Conduct, Rule 4.300
- (c) After notice and a hearing to remove a judge whom it finds to lack the constitutional statutory qualifications for the judgeship in question.
- (d) To refer any judge of the Court of Justice or lawyer while a candidate for judicial office, after notice and hearing found by the Commission to be guilty of misconduct, to the Kentucky Bar Association for possible suspension or disbarment from the practice of law.

For your information, the Commission calls your attention to the following Supreme Court Rule:

### **Rule 4.180 Formal Proceedings**

If the Commission concludes that formal proceedings should be initiated, it shall notify the Judge. The Judge may file an answer within 15 days after service of the notice. Upon filing of her answer, or the expiration of time for so filing, the

Commission shall set a time and place for the hearing and shall give reasonable notice thereof to the judge.

Please mail your answer to: Ms. Jimmy Shaffer, Executive Secretary, Kentucky Judicial Conduct Commission, P.O. Box 4266, Frankfort, KY 40604-4266.

November 18<sup>th</sup>, 2019

  
\_\_\_\_\_  
R. Michael Sullivan, Chairman  
Kentucky Judicial Conduct Commission

Mr. Wolnitzek recused from any consideration of this matter.

**CERTIFICATE OF SERVICE**

I hereby certify that copy hereof was served on Dawn M. Gentry, Family Court Judge, by serving the same to her attorney Stephen Ryan, 7104 Hillcircle Court, Louisville, KY 40214, this 18<sup>th</sup> day of November, 2019.

  
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JIMMY SHAFFER, EXECUTIVE SECRETARY

**COMMONWEALTH OF KENTUCKY  
JUDICIAL CONDUCT COMMISSION**

**IN RE THE MATTER OF:**

**DAWN M. GENTRY, FAMILY COURT JUDGE  
16<sup>TH</sup> JUDICIAL CIRCUIT, FAMILY DIVISION 5**

**AMENDED NOTICE OF FORMAL PROCEEDINGS AND CHARGES**

Notice is hereby given of the initiation of formal proceedings under Rule 4.180 of the Rules of the Supreme Court. At the times set out in this Notice, you were Family Court Judge for Kentucky's 16th Judicial Circuit located in Kenton County.

Counts I through IX in the November 18<sup>th</sup>, 2019 Notice of Formal Proceedings and Charges are incorporated by reference and reaffirmed as if fully set forth herein.<sup>1</sup>

**Count X – Failure to be Candid and Honest with the Commission**

1. You failed to cooperate and be candid and honest with the Commission during your testimony at the January 3, 2020 temporary removal hearing and after, including but not limited to:
  - a. Regarding your relationship with your subordinate employee, Stephen Penrose,
  - b. Your staff destroying/shredding documents from your chambers.

Your conduct described above constitutes misconduct in office and violated the relevant portions of the following Canons of the Code of Judicial Conduct:

- Rule 2.16(A), which provides a judge shall cooperate and be candid and honest with judicial and lawyer disciplinary agencies.

**Count XI – Retaliation Against Individual Who Cooperated with the Judicial Conduct**

**Commission's Investigation into Your Conduct**

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<sup>1</sup> Pursuant to SCR 4.190, this Notice may be amended as necessary to include additional facts and charges.

You retaliated against a person who you knew or suspected to have assisted or cooperated with the Judicial Conduct Commission's investigation into your conduct, including the following:

1. On December 5, 2019, you filed a bar complaint with the Kentucky Bar Association against Katherine Schulz, who you knew or had reason to know had cooperated with the Judicial Conduct Commission's investigation into your conduct. In the complaint, you complained of conduct dating back to over a year prior to the date of your complaint, which you submitted to the Kentucky Bar Association three days after you filed your December 2, 2019 Answer to the Judicial Conduct Commission's Notice of Formal Proceedings and Charges.

Your conduct described above constitutes misconduct in office and violated the relevant portions of the following Canons of the Code of Judicial Conduct:

- Rule 2.16(B), which provides a judge shall not retaliate, directly or indirectly, against a person known or suspected to have assisted or cooperated with an investigation of a judge or lawyer.

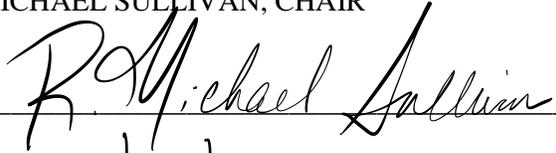
#### **Count XII – Failure to Disclose Personal Relationship on the Record**

1. Your personal friend Debra Pleatman appeared as counsel on cases before your Court on numerous occasions. You failed to disclose your personal friendship with Ms. Pleatman on the record to the parties in cases where Ms. Pleatman appeared as counsel. These cases include, but are not limited to, 13-J-1419, 13-J-1529, and 17-J-1388 (inclusive also of 18-J-29).

Your conduct described above constitutes misconduct in office and violated the relevant portions of the following Canons of the Code of Judicial Conduct:

- Canon 1, Rule 1.2, which requires a judge to act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.
- Canon 2, Rule 2.2, which requires a judge to uphold and apply the law, and to perform all duties of judicial office fairly and impartially.
- Canon 2, Rule 2.3(A), which requires a judge to perform the duties of judicial office, including administrative duties, without bias or prejudice.
- Canon 2, Rule 2.4(B), which provides a judge shall not permit family, social, political, financial, or other interests or relationships to influence the judge's judicial conduct or judgment.

KENTUCKY JUDICIAL CONDUCT COMMISSION  
R. MICHAEL SULLIVAN, CHAIR

  
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Date: 7/17/2020

Please mail your Answer, on or before 15 days from this date to Ms. Jimmy Shaffer,  
Executive Secretary, Kentucky Judicial Conduct Commission, P.O. Box 4266, Frankfort, KY  
40604-4266.

**CERTIFICATE OF SERVICE**

I hereby certify that copy hereof was served on Dawn M. Gentry, Family Court Judge, by  
serving the same to her at her email address and to counsel Jeffrey A. Lawson, 524 Greenup  
Street, Covington, KY 41011, lawsonjeff@gmail.com; F. Todd Lewis, Lewis Law, PLLC, 111  
W. Washington Street, Suite 400, Louisville, KY 40202, todd.lewis@toddlewislaw.com; and  
Bryan Beaman, Sturgill, Turner, Barker and Maloney, PLLC, 333 W. Vine St., Suite 1500,  
Lexington, KY 40507, bbeaman@sturgillturner.com this 17<sup>th</sup> day of July, 2020.

  
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JIMMY SHAFFER,  
EXECUTIVE SECRETARY