

**COMMONWEALTH OF KENTUCKY  
JUDICIAL CONDUCT COMMISSION**

**IN RE THE MATTER OF:**

**DAWN M. GENTRY, FAMILY COURT JUDGE  
16TH JUDICIAL CIRCUIT, FAMILY DIVISION 5**

**FORMAL PROCEEDINGS DOCKET ENTRIES**

Date of Document

1. November 18, 2019    -    [Notice of Formal Proceedings and Charges](#)
2. December 2, 2019    -    [Answer](#)

**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.

  
JIMMY SHAFFER, EXECUTIVE SECRETARY

**COMMONWEALTH OF KENTUCKY  
JUDICIAL CONDUCT COMMISSION**

**IN RE THE MATTER OF: JUDGE DAWN GENTRY, KENTON COUNTY  
FAMILY CIRCUIT COURT DIVISION 5, 16<sup>TH</sup> JUDICIAL DISTRICT**

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**ANSWER**

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Comes the Honorable Dawn Gentry by counsel, Stephen P. Ryan and for her answer to the charges in this case states as follows:

**COUNT I**

- 1) She never asked anyone for money for her campaign. She did ask many people including members of her GAL panel to help with the campaign.
- 2) She did not require members of her GAL panel to serve on her finance committee. Some did, along with other attorneys and individuals.
- 3) She does not recall asking an attorney in court to put up a yard sign.
- 4) She did not intentionally use staff to work on her campaign during work hours. Delivery of yard signs and/or writing of thank you notes was supposed to be done on their personal time. Staff did hold signs on election days from 7 to 9 a.m. and from 4 to 6 p.m., which was during their four hours off for voting time allowed by AOC.

- 5) She did not appoint Delana Sanders to her GAL panel in exchange for her husband's support. There is no set number of people on the panel. Ms. Sanders was well qualified. Her staff attorney did research the issue as to limits on panel.

## **COUNT II**

- 1) She did not retaliate against Meredith Smith for not helping with the campaign. Ms. Smith informed her earlier she intended to resign. Ms. Smith informed Judge Gentry that she needed to practice law to get reciprocity in Ohio and needed to make more money. After the election she did ask her when she planned to resign so there could be a smooth transition.
- 2) She did not retaliate against Mike Hummel. As she previously informed the commission, Mr. Hummel's performance was subpar (missing court dates, which caused unnecessary delays).
- 3) She did not retaliate against attorneys who did not support her by delaying hearing dates. Her secretary handles setting all dates.
- 4) She did not retaliate against Kelly Blevins for not supporting her.

### **COUNT III**

- 1) She does not fill out time sheets. She treated her staff like professionals and they keep track of their own time. She signed the time sheet, if they certify that they worked the time reported. She has changed this procedure.
- 2) Yes, she, her secretary, her case specialist, and her staff attorney used to go out to lunch together leaving the office unattended. She has changed this procedure now and the office is always staffed during working hours.
- 3) She admits that she allowed staff to work somewhat of a flexible schedule as long as they worked their 37.5 hours per week. This was to avoid compensatory time or overtime. Now 7.5 hours per day, if they leave early or come in late, they take comp time or vacation time.
- 4) As previously admitted to the commission she brought her children and let staff bring children to the office in emergencies. A staff member's child did see a confidential proceeding, while she was on the bench. This is no longer allowed. She and her staff all must make other arrangements for their children.
- 5) Mr. Penrose did play guitar on occasion and she did not realize it was a distraction. There is no longer guitar playing in her office.

- 6) She did not know staff was storing or consuming alcohol at work. Now she has a policy against storing or consuming alcohol at work.

#### **COUNT IV**

- 1) She did not retaliate against Ms. Blevins. She admits, she asked her to file a certain petition at a certain time. She thought that would be more efficient for the court and the school system. She met with school officials several times to try to work it out to see if changes could be made so she could follow the law.
- 2) She had not been asked to disqualify or recuse herself in Ms. Blevins cases. She has no personal animosity toward Ms. Blevins.

#### **COUNT V**

She denies having held pre-trial conferences without all parties being present in person or by counsel.

#### **COUNT VI**

- 1) She denies she engaged in inappropriate or unwanted sexual advances toward Ms. Schulz.



- 2) No sexual advances. She denies sending anyone to talk to Ms. Schulz about gossiping about her regarding something that did not happen. She did tell Ms. Schulz she would rather she not take GAL assignments in Boone County.
- 3) She did not recuse herself from Ms. Schulz's case because the motion to recuse was filed in the wrong case (see Exhibit 1).
- 4) She can only think of one inappropriate joke that was sent on Snapchat by Mr. Penrose, she cannot control what someone puts on snapchat. She did not respond. As was previously reported to the commission, she has not been on Snapchat since shortly after the election.

#### **COUNT VII**

- 1) She DENIES HAVING A SEXUAL RELATIONSHIP WITH MR. PENROSE. Mr. Penrose was qualified for the job having come from the same job in another county. As to Ms. Smith, please see count II #1.
- 2) SHE DENIES HAVING A SEXUAL RELATIONSHIP WITH MR. PENROSE OR MS. AUBREY inside or outside of the courthouse.

- 3) She denies delegating judicial functions to Mr. Penrose. In his capacity as mediator and case specialist, he helps parties with paperwork in D.N.A. and domestic violence cases.

#### **COUNT VIII**

- 1) She denies appointing members to the GAL panel who were not qualified. All members of the panel have GAL training.
- 2) She admits that she appointed acquaintances to the permanent custody roster. Almost all attorneys who practice in this county are her acquaintances. She denies that campaign support was any consideration. They do not need to come to court for appointments. They had already been approved and parties had already met the qualifications for state paid representing. So she gives litigants their cards and instructed them to contact the attorney. It was not a referral to a private attorney.

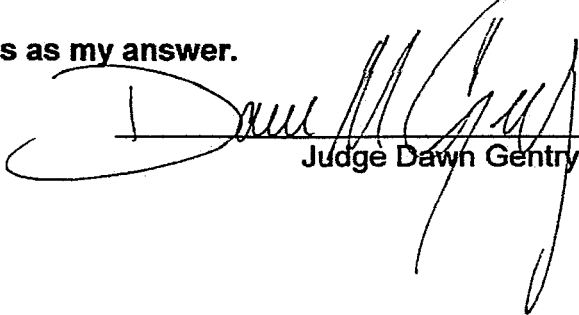
#### **COUNT IX**

She denies she has been less than candid with the commission. (As to Ms. Smith see Exhibit #2 her resignation and text.)

  
Stephen D. Ryan

Counsel for Judge Dawn Gentry

Have read and adopt this as my answer.

  
Judge Dawn Gentry