

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

**BETH LEWIS MAZE, CIRCUIT JUDGE
21ST JUDICIAL CIRCUIT**

FORMAL PROCEEDINGS DOCKET ENTRIES

Date of Document

1. May 21, 2018 - [Notice of Formal Proceedings and Charges](#)
2. June 5, 2018 - [Order for Extension of Time to File an Answer](#)
3. August 20, 2018 - [Answer](#)
4. September 10, 2018 - [Amended Notice of Formal Proceedings and Charges](#)
5. September 11, 2018 - [Order and Notice of Hearing on Temporary Suspension](#)
6. September 11, 2018 - [Notice of Time and Place for Hearing](#)
7. September 17, 2018 - [Entry of Appearance](#)
8. September 17, 2018 - [Motion to Withdraw](#)
9. September 19, 2018 - [Order Granting Motion to Withdraw as Counsel](#)
10. September 24, 2018 - [Answer](#)
11. September 24, 2018 - [Agreed Order of Temporary Suspension](#)
12. October 1, 2018 - [Amended Notice of Time and Place for Hearing](#)
13. October 18, 2018 - [Second Amended Notice of Formal Proceedings and Charges](#)
14. October 19, 2018 - [Order for Extension](#)
15. October 19, 2018 - [Revised Second Amended Notice of Formal Proceedings and Charges](#)
16. October 23, 2018 - [Corrected Order for Extension](#)
17. November 2, 2018 - [Answer](#)
18. November 14, 2018 - [Motion to Stay Proceedings](#)

19. November 14, 2018 - [Notice of Entry of Appearance](#)
20. November 15, 2018 - [Response to Motion Stay Proceedings](#)
21. November 15, 2018 - [Motion to Continue Hearing](#)
22. November 15, 2018 - [Motion for Opportunity to Appear Informally](#)
23. November 19, 2018 - [Order](#)
24. November 20, 2018 - [Witness List of Beth Lewis Maze](#)
25. November 20, 2018 - [Notice to Take Video Depositions](#)
26. November 26, 2018 - [Motion to Continue](#)
27. November 26, 2018 - [Motion to Rule Text Messages as Inadmissible](#)
28. November 26, 2018 - [Sealed Motion to Seal Deposition](#)
29. November 27, 2018 - [Amended Exhibit List](#)
30. November 27, 2018 - [Amended Witness List](#)
31. November 27, 2018 - [Amended Exhibit List](#)
32. November 28, 2018 - [Order Regarding Hearing](#)
33. November 29, 2018 - [Response to Motion to Continue](#)
34. November 29, 2018 - [Response to Motion to Rule Text Messages as Inadmissible](#)
35. November 29, 2018 - [Response to Sealed Motion to Seal Deposition](#)
36. November 29, 2018 - [Order](#)
37. November 30, 2018 - [Supreme Court Order Granting Motion for Immediate Relief](#)
38. January 31, 2019 - [Third Amended Notice of Formal Proceedings and Charges](#)
39. February 8, 2019 - [Answer to Third Notice of Formal Proceedings and Charges](#)
40. April 5, 2019 - [Notice of Withdrawal of Counsel](#)
41. June 21, 2019 - [Notice of Time and Place for Hearing](#)
42. July 3, 2019 - [Motion for Continuance](#)

- 43. July 10, 2019 - Order Continuing and Extension of Time
- 44. August 6, 2019 - Motion to Continue for Text Messages
- 45. August 7, 2019 - Response in Opposition to Motion to Continue
- 46. August 8, 2019 - Order on Motion to Continue
- 47. August 19, 2019 - Notice to Take Deposition of Eddy Coleman
- 48. August 19, 2019 - Motion to Quash Subpoenas and Subpoenas Duces Tecum
- 49. August 22, 2019 - Counsel for the Commission Response to Motion to Quash Subpoenas and Subpoenas Duces Tecum
- 50. August 22, 2019 - Motion to Disqualify the Firm of Adams Stepner Woltermann & Dusing
- 51. August 26, 2019 - Notice of Video Deposition
- 52. August 28, 2019 - Response to Motion to Disqualify the Firm of Adams Stepner Woltermann & Dusing
- 53. August 28, 2019 - Counsel for the Commission Motion to Quash Subpoena to Olivia F. Amlung, Esq.
- 54. August 29, 2019 - Judge Maze Response to Motion to Quash Subpoenas and Subpoenas Duces Tecum
- 55. August 29, 2019 - Motion to Compel Testimony of Judge Eddy Coleman
- 56. August 29, 2019 - Proposed Voir Dire Questions for JCC
- 57. August 29, 2019 - Judge Maze's Amended Exhibit List
- 58. August 29, 2019 - Judge Maze's Amended Witness List
- 59. August 29, 2019 - Motion to Quash Subpoena Duce Tecum and Memorandum in Support
- 60. August 30, 2019 - Order Granting Stay Pending Review by the Supreme Court of the United States
- 61. September 5, 2019 - Response to Motion to Quash Subpoena
- 62. September 6, 2019 - Reply in Support of Motion to Quash Subpoena to Olivia F. Amlung
- 63. September 6, 2019 - Response to Motion to Judge Maze's Motion to Compel Testimony of Judge Eddy Coleman

- 64. September 24, 2019 - Amended Notice of Time and Place for Hearing
- 65. September 24, 2019 - Judge Eddy Coleman's Response to Judge Maze's Motion to Compel
- 66. September 26, 2019 - Reply to Response to Judge Maze's Motion to Compel
- 67. October 2, 2019 - Notice of Video Deposition
- 68. October 7, 2019 - Order on Pending Motions
- 69. October 7, 2019 - Second Amended Witness List
- 70. October 7, 2019 - Motion to Quash Subpoenas and Subpoenas Duces Tecum and Memorandum in Support
- 71. October 15, 2019 - Judge Maze's Amended Witness List
- 72. October 16, 2019 - Judge Maze's Second Amended Witness List
- 73. October 23, 2019 - Amended Exhibit List
- 74. October 23, 2019 - Notice of Filing
- 75. November 7, 2019 - Findings of Fact, Conclusions of Law and Final Order
- 76. November 13, 2019 - Motion to Alter, Amend or Vacate and Motion for Additional Findings of Fact
- 77. November 18, 2019 - Counsel for the JCC's Response in Opposition to Judge Maze's Motion to Alter, Amend or Vacate
- 78. November 18, 2019 - Order on the Motion to Alter, Amend or Vacate and the Motion for Additional Findings of Fact

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

**BETH LEWIS MAZE, CIRCUIT COURT JUDGE
21ST JUDICIAL CIRCUIT**

NOTICE OF FORMAL PROCEEDINGS AND CHARGES

Notice is hereby given of the initiation of formal proceedings under Rule 4.180 of Rules of the Supreme Court. At the times set out in this Notice, you were Circuit Court Judge for Kentucky's 21st Judicial Circuit consisting of Bath, Menifee, Montgomery, and Rowan counties. The charges are as follows:

Count I

On September 18, 2017, you received information that your ex-husband had been arrested on several criminal charges including possession of a controlled substance. You immediately made several attempts to contact the Bath County Jailer, Earl Willis, to obtain information on his arrest. After making contact with Mr. Willis, you contacted pretrial services in an attempt to secure a pretrial officer from outside of your judicial circuit to conduct your ex-husband's pretrial interview. You then contacted District Judge William Roberts to discuss the matter, only to be advised that neither he nor Judge Donald Blair would preside and that the matter would be referred to the Chief Regional Judge for the appointment of a special judge.

You then made contact with Jailer Willis again who informed you that he was assisting your ex-husband in obtaining a drug test from St. Joseph Hospital in Mount Sterling, Kentucky. Jailer Willis informed you that the hospital would not give your ex-husband a drug test without a court order. In response, you issued an Order to St. Joseph

Hospital to perform the drug screen. When St. Joseph refused to perform the drug screen, you issued a second Order to Clark County Medical Center in a second attempt to allow your ex-husband to obtain the drug screen he desired.

Your actions violate SCR 4.020(1)(b)(i) and constitute misconduct in office. Furthermore, your actions violate SCR 4.300 and the relevant portions of the following Canons of the Code of Judicial Conduct, as they existed at the time of the violation:¹

- **Canon 1** which requires judges to maintain high standards of conduct and uphold the integrity and independence of the judiciary.
- **Canon 2A** which requires judges to respect and comply with the law and act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.
- **Canon 2D** which prohibits judges from lending the prestige of judicial office to advance the private interests of others.
- **Canon 3B(7)** which prohibits judges from initiating or considering *ex parte* communications with parties.
- **Canon 3E(1)** which requires a judge to disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned.

Count II

On September 18, 2017, you issued two separate Orders for a drug screen to St. Joseph Hospital and Clark County Medical Center for the benefit of your ex-husband. Neither of these Orders were included in the official record or sent to the Bath County Attorney.

Your actions violate SCR 4.020(1)(b)(i) and constitute misconduct in office. Furthermore, your actions violate SCR 4.300 and the relevant portions of the following Canons of the Code of Judicial Conduct, as they existed at the time of the violation:²

¹ The Canons cited by the Commission herein were the versions in effect at the time of the violation. The provisions within the cited Canons are now contained in Rules 1.1, 1.2, 1.3, 2.9, and 2.11.

- **Canon 1** which requires judges to maintain high standards of conduct and uphold the integrity and independence of the judiciary.
- **Canon 2A** which requires judges to respect and comply with the law and act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.
- **Canon 3E(1)** which requires a judge to disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned.

The jurisdiction of the Judicial Conduct Commission in this matter is under SCR

4.020(1)(b)(i) and (v), and (1)(c) 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 hearing, to remove a judge whom it finds to lack the constitutional statutory qualifications for the judgeship in question.

For your information, the Commission wishes to call 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. He may file an answer within 15 days after service of the notice. Upon the filing of his 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.

² The Canons cited by the Commission herein were the versions in effect at the time of the violation. The provisions within the cited Canons are now contained in Rules 1.1, 1.2 and 2.11.

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

May 21st, 2018.


STEPHEN D. WOLNITZEK, CHAIR

CERTIFICATE OF SERVICE

I hereby certify that copy hereof was served on Beth Lewis Maze, Circuit Court
Judge, by serving the same to her attorneys, Thomas E. Clay, Esq., 462 S. Fourth Street,
Louisville, KY 40202; and Jeffrey M. Walson, Esq., Rowady Hendricks Law P.S.C., 212 South
Maple Street, Winchester, KY 40391, this 21st day of May, 2018.


JIMMY SHAFFER, EXECUTIVE SECRETARY

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION

IN RE THE MATTER OF:

BETH LEWIS MAZE, CIRCUIT JUDGE
21ST JUDICIAL CIRCUIT

ORDER FOR EXTENSION OF TIME TO FILE ANSWER

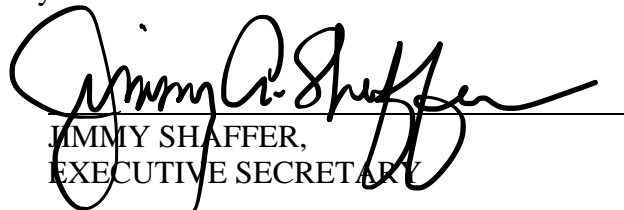
Upon consideration of the motions pending before the Kentucky Supreme Court in the above-styled matter, it is, pursuant to SCR 4.200, *sua sponte*, **ORDERED** that the time for filing an Answer to the Notice of Formal Proceedings and Charges be and it is hereby extended. The Answer shall be filed on or before five (5) days after the Kentucky Supreme Court enters a final order in the matter.

6/5/18
Date


Stephen D. Wolnitzek, Chair

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon Judge Beth Lewis Maze by mailing same to her attorneys, Jeffrey M. Walson, Rowady Hendricks Law, P.S.C., 212 South Maple Street, Winchester, KY 40391; and Thomas E. Clay, Clay Daniel Walton & Adams, PLC, Meidinger Tower, Suite 101, 462 South Fourth Street, Louisville, KY, 40202, and upon counsel for the Commission, Jeff Jeffrey C. Mando, Adams, Stepner, Woltermann & Dusing, PLLC, 40 W. Pike Street, Covington, KY 41011, on the 5th day of June 2018.


JIMMY SHAFFER,
EXECUTIVE SECRETARY

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

**BETH LEWIS MAZE, CIRCUIT COURT JUDGE
21ST JUDICIAL CIRCUIT**

ANSWER

* * * *

Comes Beth Lewis Maze, by counsel, and for her Answer to the Notice of Formal Proceedings and Charges, states as follows:

1. Judge Maze admits she contacted and received information from Bath County Jailer, Earl Willis. Mr. Willis was unsure whether Judge Maze's ex-husband was going to be arrested or issued a citation.

2. Judge Maze admits she contacted pre-trial services for the purpose of alerting pretrial services that the local pretrial worker might have to seek outside assistance from a worker in a different judicial circuit to avoid a conflict.

3. Judge Maze admits she contacted Judge Roberts to alert him what was going on about a potential conflict.

4. Judge Maze called the Jailer to determine whether her ex-husband was being arrested or cited. Mr. Willis responded that he believed the ex-husband was being cited.

5. Jailer Willis contacted and requested Judge Maze to issue an order for St. Joseph Hospital to perform a drug test on her ex-husband. Judge Maze initially refused.

6. Jailer Willis advised Judge Maze that St. Joseph Hospital had refused to perform the test.

7. Jailer Willis then proceeded to take the ex-husband to Clark Regional Medical Center at the request of the ex-husband.

8. While in route to the Clark County Jail, Jailer Willis drove by both hospitals.

9. Jailer Willis then called Judge Maze and advised her that he would need another order to have a drug test performed.

10. Judge Maze issued a second order which Jailer Willis told Judge Maze was thrown in the trash by Clark Regional Medical Center, as the hospital advised Jail Willis that a doctor's order was needed, not a court order.

11. Judge Maze states that she never intended to bestow any benefit upon her ex-husband by ordering these drug tests.

12. Judge Maze believes any person under similar circumstance as her ex-husband has a right to have a drug test performed, regardless of what the test results might produce, in order to preserve evidence because evidence can be dissipated if not preserved timely.

13. Judge Maze believed that the exigent circumstances presented to her qualifies as an exception to the Canons she is charged with violating, specifically Rule 2.11, comment 3.

[3] The rule of necessity may override the rule of disqualification. For example, a judge might be required to participate in judicial review of a judicial salary statute, or might be the only judge available in a matter requiring immediate judicial action, such as a hearing on probable cause or a temporary restraining order. In matters that require immediate action, the judge must disclose on the record the basis for possible disqualification and make reasonable efforts to transfer the matter to another judge as soon as practicable.

14. Judge Maze's purpose as Chief Judge for the 21st Judicial Circuit in contacting pretrial and Judge Roberts was to minimize the burden on other court personnel by alerting them to the conflict to avoid late hour inconvenience.

15. Judge Maze never requested that Judge Roberts, Pretrial, or the Jailer take any action on behalf of her ex-husband.

Respectfully,



THOMAS E. CLAY
CLAY DANIEL WINNER, LLC
917 Lily Creek Road
Louisville, KY 40243
(502) 561-2005
tclay@tclaylaw.com

CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the foregoing Motion to Reconsider, Alter, Amend and/or Findings, was this 20th day of August, 2018, mailed via U.S. Postal Service, first class postage to the following:

Hon. Jeffrey C. Mando
Hon. Louis D. Kelly
Hon. Olivia F. Amlung
ADAMS STEPNER WOLTERMANN & DUSING, PLLC
40 West Pike Street
Convington, KY 41011
Counsel for the Judicial Conduct Commission

Ms. Jimmy Shaffer
Executive Secretary
Kentucky Judicial Conduct Commission
P.O. Box 4266
Frankfort, KY 40604



THOMAS E. CLAY, P.S.C.

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

**BETH LEWIS MAZE, CIRCUIT COURT JUDGE
21ST JUDICIAL CIRCUIT**

AMENDED NOTICE OF FORMAL PROCEEDINGS AND CHARGES

Notice is hereby given of the initiation of formal proceedings under Rule 4.180 of Rules of the Supreme Court. At the times set out in this Notice, you were Circuit Court Judge for Kentucky's 21st Judicial Circuit consisting of Bath, Menifee, Montgomery, and Rowan counties. The charges are as follows:

Counts I and II in the May 21, 2018 Notice of Formal Proceedings and Charges are incorporated by reference and reaffirmed as if fully set forth herein.

Count III

On September 18, 2017, you issued two separate Orders for a drug screen to St. Joseph Hospital and Clark County Medical Center, respectively. On the first Order, you wrote "Bath Co. Attorney" on the "Attorney for the Plaintiff" signature line, indicating that the Bath County Attorney had seen and agreed to the Order and its contents. On the second Order, you wrote "Commonwealth Att. & Bath Co. Attorney" on the "Attorney for the Plaintiff" signature line, indicating that both attorneys had seen and agreed to the Order and its contents. You additionally signed Michael Campbell's name on the "Attorney for Defendant" signature line.

Both the Commonwealth and County Attorneys have denied ever seeing or agreeing to the above-referenced Orders and there is no indication that you had authorization to sign either their names or that of Michael Campbell to the September 18, 2017 Orders.

Your actions violate SCR 4.020(1)(b)(i) and constitute misconduct in office. Furthermore, your actions violate SCR 4.300 and the relevant portions of the following Canons of the Code of Judicial Conduct, as they existed at the time of the violation:¹

- **Canon 1** which requires judges to maintain high standards of conduct and uphold the integrity and independence of the judiciary.
- **Canon 2A** which requires judges to respect and comply with the law and act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.
- **Canon 3B(2)** which requires judges to be faithful to the law and maintain professional competence in it.

Count IV

Throughout the preliminary investigation of this matter, up to and including your most recent correspondence with the Commission, you failed to disclose your actions as described in Count III to the Commission.

Your actions violate SCR 4.020(1)(b)(i) and constitute misconduct in office. Furthermore, your actions violate SCR 4.300 and the relevant portions of the following Canons of the Code of Judicial Conduct, as they existed at the time of the violations:²

- **Rule 2.16** which requires judges to cooperate with the Commission, which includes acting candidly and honestly.

The jurisdiction of the Judicial Conduct Commission in this matter is under SCR 4.020(1)(b)(i) and (v), and (1)(c) 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

¹ The Canons herein were the versions in effect at the time of the violation. The provisions within the cited Canons are now contained in Rules 1.1, 1.2, and 2.5.

² The Rules herein were the versions in effect at the time of the violation, having become effective on January 1, 2018.

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 hearing, to remove a judge whom it finds to lack the constitutional statutory qualifications for the judgeship in question.

For your information, the Commission wishes to call 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. He may file an answer within 15 days after service of the notice. Upon the filing of his 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, Kentucky 40604-4266.

September 10th, 2018.


STEPHEN D. WOLNITZEK, CHAIR

I hereby certify that copy hereof was served on Beth Lewis Maze, Circuit Court Judge, by serving the same to her attorneys, Thomas E. Clay, Esq., 462 S. Fourth Street, Louisville, KY 40202; and Jeffrey M. Walson, Esq., Rowady Hendricks Law P.S.C., 212 South Maple Street, Winchester, KY 40391, this 10th day of September, 2018.


JIMMY SHAFFER, EXECUTIVE SECRETARY

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

**BETH LEWIS MAZE, CIRCUIT COURT JUDGE
21ST JUDICIAL CIRCUIT**

**ORDER AND NOTICE OF HEARING
ON SUSPENSION FROM DUTIES PENDING FINAL ADJUDICATION**

Pursuant to SCR 4.020(1)(a)(ii) it is hereby ORDERED that a hearing will be held on the 26th day of September, 2018, at the time of 1:30 p.m., in Courtroom B, Second Floor, in the Fayette Circuit Court, 120 North Limestone, Lexington, Kentucky, as to whether it will be in the best interest of justice that Judge Beth Lewis Maze be suspended temporarily 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 proceedings.

Date: September 21st, 2018


STEPHEN D. WOLNITZEK, CHAIR

CERTIFICATE OF SERVICE

I hereby certify that copy hereof was served on Beth Lewis Maze, Circuit Court Judge, by serving the same to her attorneys, Thomas E. Clay, Esq., 462 S. Fourth Street, Louisville, KY 40202; and Jeffrey M. Walson, Esq., Rowady Hendricks Law P.S.C., 212 South Maple Street, Winchester, KY 40391, this 21st day of September, 2018; and on counsel for the Judicial Conduct Commission, Jeffrey C. Mando, 40 West Pike Street, Covington, KY 41011.


JIMMY SHAFFER,
EXECUTIVE SECRETARY

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

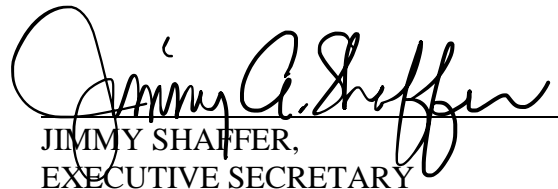
**BETH LEWIS MAZE, CIRCUIT COURT JUDGE
21ST JUDICIAL CIRCUIT**

NOTICE OF TIME AND PLACE FOR HEARING

NOTICE is hereby given that the hearing in these formal proceedings will be held commencing October 29, 2018, at 9:00 a.m. in Courtroom F, Third Floor, in the Fayette Circuit Court, 120 North Limestone, Lexington, Kentucky.

CERTIFICATE OF SERVICE

I hereby certify that copy hereof was served on Beth Lewis Maze, Circuit Court Judge, by serving the same to her attorneys, Thomas E. Clay, Esq., 462 S. Fourth Street, Louisville, KY 40202; and Jeffrey M. Walson, Esq., Rowady Hendricks Law P.S.C., 212 South Maple Street, Winchester, KY 40391, this 11th day of September, 2018; and on counsel for the Judicial Conduct Commission, Jeffrey C. Mando, 40 West Pike Street, Covington, KY 41011.


JIMMY SHAFFER,
EXECUTIVE SECRETARY

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION

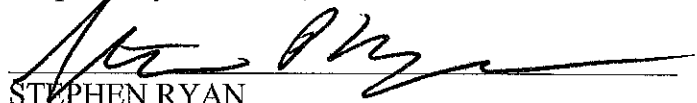
IN RE THE MATTER OF:

BETH LEWIS MAZE, CIRCUIT COURT JUDGE
21ST JUDICIAL CIRCUIT

ENTRY OF APPEARANCE

Please take notice that the undersigned, Stephen Ryan, hereby enters his appearance as co-counsel for Beth Lewis Maze, in the above-styled action.

Respectfully submitted,



STEPHEN RYAN
7104 Hillcircle Court
Louisville, KY 40214
Co-counsel for Beth Lewis Maze

CERTIFICATE OF SERVICE

It is hereby certified that on this 17th day of September, 2018, I e-mailed and mailed via U.S. Postal Service, first class mail, the foregoing Notice of Entry of Appearance with Jimmy Shaffer, Executive Secretary of the Judicial Conduct Commission and Jeffery Mando, Counsel for the Judicial Conduct Commission.



STEPHEN RYAN

HAVE SEEN AND AGREED:



THOMAS E. CLAY, P.S.C.
CLAY DANIEL WINNER, LLC
917 Lily Creek Drive
Louisville, KY 40202
(502) 561-2005

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE: HON. BETH MAZE, JCC 2017-254 AND 2017-255

MOTION TO WITHDRAW

* * * * *

Comes **JEFFREY M. WALSON**, an attorney in the firm of Rowady Hendricks Law P.S.C., and respectfully requests that the Judicial Conduct Commission permit him to withdraw as counsel for Hon. Beth Maze in the above-styled case. In furtherance thereof, the undersigned states that he has had no involvement in the case since at least April, 2018, did not participate in the drafting of or have knowledge of a detailed set of pleadings filed by Hon. Thomas Clay filed on May 2, 2018 until a copy was subsequently sent to him by the Commission (or any since), and therefore requests he be withdrawn effective as of April 30, 2018.

Respectfully submitted,



JEFFREY M. WALSON, ESQ.
ROWADY HENDRICKS LAW P.S.C.
212 South Maple Street
Winchester, Kentucky 40391
(859) 744-3251
ATTORNEYS FOR HON. BETH MAZE

NOTICE

Notice is hereby given that the foregoing Motion to Withdraw will be heard at the convenience of the Judicial Conduct Commission.



JEFFREY M. WALSON

CERTIFICATE OF SERVICE

This is to certify a true copy of the foregoing Motion to withdraw was sent via first class mail to Executive Secretary Jimmy Shaffer, Judicial Conduct Commission, P.O. Box 4266, Frankfort, Kentucky 40604; Thomas E. Clay, Esq., 462 S. Fourth St., Louisville, KY, 40202; and Jeffrey C. Mando, Esq., 40 W. Pike St., Covington, Ky, 41011; this 17th day of September, 2018.


JEFFREY M. WALSON

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

**BETH LEWIS MAZE, CIRCUIT COURT JUDGE
21ST JUDICIAL CIRCUIT**

ORDER GRANTING MOTION TO WITHDRAW AS COUNSEL

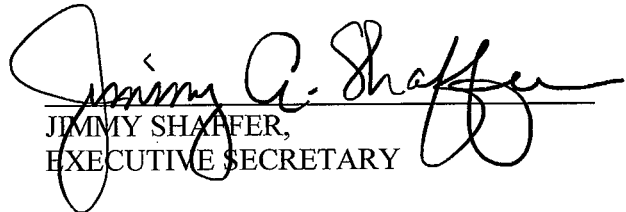
Upon consideration of the motion of attorney Jeffrey M. Walson to withdraw as counsel for Judge Beth Lewis Maze, and the Judicial Conduct Commission being sufficiently advised, it is by the Commission ORDERED that Jeffrey M. Walson is hereby withdrawn as counsel for Judge Beth Lewis Maze in the matter.

9/19/18
Date


Stephen D. Wolnitzek, Chair

CERTIFICATE OF SERVICE

I hereby certify that copy hereof was served on Beth Lewis Maze, Circuit Court Judge, by serving the same to her attorneys, Thomas E. Clay, Esq., 462 S. Fourth Street, Louisville, KY 40202; and Stephen Ryan, 7104 Hillcircle Ct., Louisville, KY 40214; on counsel for the Judicial Conduct Commission, Jeffrey C. Mando, 40 West Pike Street, Covington, KY 41011 and on Jeffrey M. Walson, Esq., Rowady Hendricks Law P.S.C., 212 South Maple Street, Winchester, KY 40391, this 19th day of September, 2018.


JIMMY SHAFER,
EXECUTIVE SECRETARY

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION

IN RE THE MATTER OF:

BETH LEWIS MAZE, CIRCUIT COURT JUDGE
21ST JUDICIAL CIRCUIT

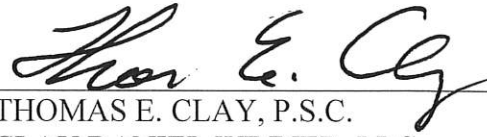
ANSWER

* * * * *

Comes Judge Beth Lewis Maze and for her answer to Charges III and IV and states as follows:

1. Judge Maze signed her name on the orders referenced in Counts I and II.
2. Judge Maze inadvertently completed these two orders in the same manner she had completed other orders which were on a different AOC form Order. (See Ex. 1 attached hereto.)
3. Judge Maze did not complete either order with any intent to deceive or mislead anyone.
4. Judge Maze was not aware of the issue charged in Counts III and IV until she saw the report on WLEX television at 11:00 p.m. on August 6, 2018.
5. The two AOC forms differ on the information contained in the lower left corner. AOC Form 103-1 (Rev. 8-97) contains "Distribution:" The purpose of distribution is to tell the Circuit Clerk who to mail the orders to if entered. AOC Form 006-3 (Rev. 6-88) states "Seen by and order of entry waiver." (Ex. 2 and 3)
6. Judge Maze took the old orders to her residence when she was cleaning out the circuit judge's office in Rowan County in June, 2011, in preparation of the move to the new judicial center and did not realize the wording on the bottom of the older order was different.

RESPECTFULLY SUBMITTED THIS 24TH DAY OF SEPTEMBER, 2018,



THOMAS E. CLAY, P.S.C.
CLAY DANIEL WINNER, LLC
917 Lily Creek Road
Louisville, KY 40243
(502) 561-2005
tclay@tclaylaw.com

** Please note new mailing address**

CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the foregoing Motion for Extension of Time, was this 24th day of September 2018, mailed via U.S. Postal Service, first class postage to the following:

Hon. Jeffrey C. Mando
Hon. Louis D. Kelly
Hon. Olivia F. Amlung
ADAMS STEPNER WOLTERMANN & DUSING, PLLC
40 West Pike Street
Covington, KY 41011
Counsel for the Judicial Conduct Commission

Ms. Jimmy Shaffer
Executive Secretary
Kentucky Judicial Conduct Commission
P.O. Box 4266
Frankfort, KY 40604



THOMAS E. CLAY, P.S.C.

7.

COMMONWEALTH OF KENTUCKY

TWENTY-FIRST JUDICIAL _____ COURT

_____ County

Case No. _____

 PLAINTIFF

vs.

 DEFENDANT(S)

)
)
)
)
)
)
)
)
)
)
)

ORDER

This matter coming on to be heard _____

and the Court being advised, IT IS HEREBY ORDERED AND ADJUDGED, AS FOLLOWS, TO-WIT:

this _____ day of _____, 19____.

 Judge

Distribution:

 Attorney for Plaintiff

 Attorney for Defendant(s)



AOC-006-3
6-88

Commonwealth of Kentucky
Court of Justice



ORDER

Case No. _____

Court District

County Bath

Commonwealth of Ky

Plaintiff

vs.

Donald Maze

Defendant(s)

This matter coming on to be heard _____

and the court being advised, IT IS HEREBY ORDERED AN ADJUDGED, as follows, to wit: A Jury

test shall be conducted by a hospital facility.

This 18 day of Sept 2017

[Signature]
Judge, 11 Division

Seen by and order of entry waived:

Beth Co Attorney
Attorney for Plaintiff

Attorney for Defendant(s)

EXHIBIT
2

AOC-006-3
6-88

Commonwealth of Kentucky
Court of Justice



ORDER

Case No. _____

Court District

County Bertha

Commonwealth of Ky

Plaintiff

vs.

Donald Maze

Defendant(s)

This matter coming on to be heard by the Bertha Circuit Court

and the court being advised, IT IS HEREBY ORDERED AND ADJUDGED, as follows, to wit: A DNA test shall be conducted by the hospital at St. Joseph in Mt Sterling Kentucky.

This 18 day of September 2017

[Signature]
Judge, 11 Division

Seen by and order of entry waived:

Commonwealth Att. & Co. Attorney
Attorney for Plaintiff

Michael Campbell
Attorney for Defendant(s)

EXHIBIT
3

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION

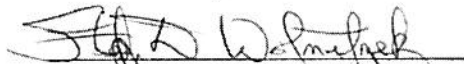
IN RE THE MATTER OF:

BETH LEWIS MAZE, CIRCUIT COURT JUDGE
21ST JUDICIAL CIRCUIT

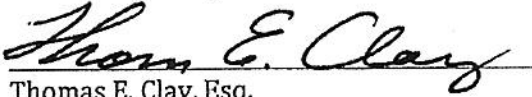
AGREED ORDER OF TEMPORARY SUSPENSION FROM
DUTIES PENDING FINAL ADJUDICATION

Upon agreement of the parties, and pursuant to SCR 4.020(1)(a)(ii), Judge Beth Lewis Maze be and is hereby suspended temporarily, effective 12:01 a.m. on October 2, 2018, 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 proceedings by the Commission. During her suspension, Judge Maze shall refrain from performing the duties of her office, shall not access or utilize court resources, and shall not appear at the Bath, Menifee, Montgomery, or Rowan County Courthouses. In light of this Order, the hearing set for September 26, 2018 is hereby cancelled. This Order shall not be confidential.

SO ORDERED this 24th day of September, 2018


STEPHEN D. WOLNITZEK, CHAIR

Have Seen and Agreed:



Thomas E. Clay, Esq.
917 Lily Creek Road
Louisville, Kentucky 40243
tclay@tclaylaw.com

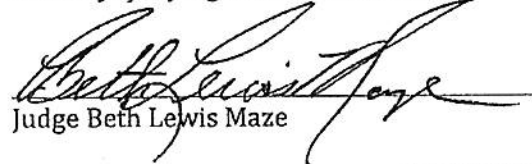
Stephen Ryan, Esq.
7104 Hillcircle Court
Louisville, Kentucky 40214



Jeffrey C. Mando, Esq.
ADAMS, STEPNER,
WOLTERMANN & DUSING, PLLC
40 West Pike Street
Covington, Kentucky 41011
jmando@aswdlaw.com

Attorney for the Judicial Conduct Commission

Attorneys for Judge Beth Lewis Maze



Judge Beth Lewis Maze

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing was served on the following, on this the 27th day of September, 2018, via electronic and regular mail:

Thomas E. Clay, Esq.
917 Lily Creek Road
Louisville, Kentucky 40243
tclay@tclaylaw.com

Stephen Ryan, Esq.
7104 Hillcircle Court
Louisville, Kentucky 40214

Jeffrey C. Mando, Esq.
ADAMS, STEPNER,
WOLTERMANN & DUSING, PLLC
40 West Pike Street
Covington, KY 41011



JIMMY SHAFFER
EXECUTIVE SECRETARY

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

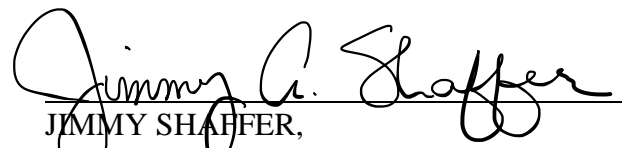
**BETH LEWIS MAZE, CIRCUIT COURT JUDGE
21ST JUDICIAL CIRCUIT**

AMENDED NOTICE OF TIME AND PLACE FOR HEARING

NOTICE is hereby given that the hearing in these formal proceedings will now be held commencing December 3, 2018, at 9:00 a.m. in Courtroom F, Third Floor, in the Fayette Circuit Court, 120 North Limestone, Lexington, Kentucky.

CERTIFICATE OF SERVICE

I hereby certify that copy hereof was served on Beth Lewis Maze, Circuit Court Judge, by serving the same to her attorneys, Thomas E. Clay, Esq., 462 S. Fourth Street, Louisville, KY 40202; and Stephen Ryan, Esq., 7104 Hillcircle Ct., Louisville, KY 40214, this 15th day of October, 2018; and on counsel for the Judicial Conduct Commission, Jeffrey C. Mando, Esq., Adams, Stegner, Woltermann & Dusing, PLLC, 40 West Pike Street, Covington, KY 41011.


JIMMY SHAFFER,
EXECUTIVE SECRETARY

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

**BETH LEWIS MAZE, CIRCUIT COURT JUDGE
21ST JUDICIAL CIRCUIT**

SECOND AMENDED NOTICE OF FORMAL PROCEEDINGS AND CHARGES

Notice is hereby given of the initiation of formal proceedings under Rule 4.180 of Rules of the Supreme Court. At the times in this Notice, you were Circuit Court Judge for Kentucky's 21st Judicial Circuit consisting of Bath, Menifee, Montgomery, and Rowan counties. The charges are as follows:

Counts I and II in the May 21, 2018 Notice of Formal Proceedings and Charges, and **Counts III and IV** in the September 10, 2018 Amended Notice of Formal Proceedings, are incorporated by reference and reaffirmed as if fully set forth herein.

Count V

In 2018, the Bath County Grand Jury returned indictments against 100 plus individuals for drug trafficking. The cases were commonly referred to as the "Syndicate Cases." This network of drug trafficking cases was separated into four separate groups, or "syndicates," to account for individual cases, co-defendants, and companion cases. On May 22, 2018, you, Judge William E. Lane, Commonwealth's Attorney Ronnie Goldy, and Head of DPA Charles Landon met to discuss a strategy for handling the Syndicate Cases. At the meeting, in the interests of fairness and efficiency, it was agreed that you would preside over two syndicates and Judge Lane would preside over the other two syndicates. Each judge also agreed to set a special docket on June 14, 2018 to address the Syndicate Cases.

However, on the morning of June 14, 2018, in contravention of the agreement, you directed that all the Syndicate Cases be transferred to your division.

On numerous occasions between May 22, 2018 and June 14, 2018, you made inquiries regarding the Confidential Informants (“CIs”) involved in these drug trafficking cases. Upon information and belief, you or your staff initiated *ex parte* communications with attorneys, staff, and law enforcement officers to inquire whether or not the CIs in the Syndicate Cases were the CIs involved in the criminal cases against your ex-husband, Champ Maze.

Your actions violate SCR 4.020(1)(b)(i) and constitute misconduct in office. Furthermore, your actions violate SCR 4.300 and the relevant portions of the following Canons of the Code of Judicial Conduct, as they existed at the time of the violation:¹

- **Rule 1.2** which requires judges to respect and comply with the law and act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.
- **Rule 1.3** which prohibits judges from using the prestige of the judicial office to advance the personal or economic interests of the judge or others.
- **Rule 2.4(B)** which prohibits a judge from allowing family, social, political, financial, or other interests or relationships to influence the judge's judicial conduct or judgment.
- **Rule 2.9** which prohibits judges from engaging in *ex parte* communications.

The jurisdiction of the Judicial Conduct Commission in this matter is under SCR 4.020(1)(b)(i) and (v), and (1)(c) 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

¹ These rules were the versions in effect at the time of the violation, having become effective on January 1, 2018.

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 hearing, to remove a judge whom it finds to lack the constitutional statutory qualifications for the judgeship in question.


For your information, the Commission wishes to call 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. He may file an answer within 15 days after service of the notice. Upon the filing of his 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, Kentucky 40604-4266.

October 18, 2018.


STEPHEN D. WOLNITZEK, CHAIR

I hereby certify that copy hereof was served on Beth Lewis Maze, Circuit Court Judge, by serving the same to her attorneys, Thomas E. Clay, Esq., Clay Daniel Winner, LLC, 917 Lily Creek Road Louisville, KY 40243, and Stephen Ryan, 7104 Hillcircle Court, Louisville, KY 40214, this 10th day of October, 2018.


JIMMY SHAFFER, EXECUTIVE SECRETARY

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION

IN RE THE MATTER OF:

BETH LEWIS MAZE, CIRCUIT JUDGE
21ST JUDICIAL CIRCUIT

ORDER FOR EXTENSION

Determining that additional time is needed for final disposition in this matter, the Commission finds good cause for an extension of time, and it is therefore by the Commission,

ORDERED that the time within which the Commission shall make final disposition be and hereby is extended pursuant to SCR 4.260(3) to and including February 15, 2018.

Entered the 19th day of October, 2018.


Stephen D. Wolnitzek, Chair

CERTIFICATE OF SERVICE

I hereby certify that copy hereof was served on Beth Lewis Maze, Circuit Court Judge, by serving the same to her attorneys, Thomas E. Clay, Esq., 462 S. Fourth Street, Louisville, KY 40202; and Stephen Ryan, Esq., 7104 Hillcircle Ct., Louisville, KY 40214, this 19th day of October, 2018; and on counsel for the Judicial Conduct Commission, Jeffrey C. Mando, Esq., Adams, Stepner, Woltermann & Dusing, PLLC, 40 West Pike Street, Covington, KY 41011.


JIMMY A. SHAFFER
EXECUTIVE SECRETARY

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

**BETH LEWIS MAZE, CIRCUIT COURT JUDGE
21ST JUDICIAL CIRCUIT**

REVISED SECOND AMENDED NOTICE OF FORMAL PROCEEDINGS AND CHARGES

Notice is hereby given of the initiation of formal proceedings under Rule 4.180 of Rules of the Supreme Court. At the times in this Notice, you were Circuit Court Judge for Kentucky's 21st Judicial Circuit consisting of Bath, Menifee, Montgomery, and Rowan counties. The charges are as follows:

Counts I and II in the May 21, 2018 Notice of Formal Proceedings and Charges, and **Counts III and IV** in the September 10, 2018 Amended Notice of Formal Proceedings, are incorporated by reference and reaffirmed as if fully set forth herein.

Count V

In 2018, the Montgomery¹ County Grand Jury returned indictments against 100 plus individuals for drug trafficking. The cases were commonly referred to as the "Syndicate Cases." This network of drug trafficking cases was separated into four separate groups, or "syndicates," to account for individual cases, co-defendants, and companion cases. On May 22, 2018, you, Judge William E. Lane, Commonwealth's Attorney Ronnie Goldy, and Head of DPA Charles Landon met to discuss a strategy for handling the Syndicate Cases. At the meeting, in the interests of fairness and efficiency, it was agreed that you would preside over two syndicates and Judge Lane would preside over the other two syndicates. Each judge also agreed to set a special docket on June 14, 2018 to address the Syndicate Cases.

¹ The earlier version of the Second Amended Notice Of Formal Proceedings And Charges mistakenly identifies this as the *Bath* County Grand Jury.

However, on the morning of June 14, 2018, in contravention of the agreement, you directed that all the Syndicate Cases be transferred to your division.

On numerous occasions between May 22, 2018 and June 14, 2018, you made inquiries regarding the Confidential Informants (“CIs”) involved in these drug trafficking cases. Upon information and belief, you or your staff initiated *ex parte* communications with attorneys, staff, and law enforcement officers to inquire whether or not the CIs in the Syndicate Cases were the CIs involved in the criminal cases against your ex-husband, Champ Maze.

Your actions violate SCR 4.020(1)(b)(i) and constitute misconduct in office. Furthermore, your actions violate SCR 4.300 and the relevant portions of the following Canons of the Code of Judicial Conduct, as they existed at the time of the violation:²

- **Rule 1.2** which requires judges to respect and comply with the law and act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.
- **Rule 1.3** which prohibits judges from using the prestige of the judicial office to advance the personal or economic interests of the judge or others.
- **Rule 2.4(B)** which prohibits a judge from allowing family, social, political, financial, or other interests or relationships to influence the judge's judicial conduct or judgment.
- **Rule 2.9** which prohibits judges from engaging in *ex parte* communications.

The jurisdiction of the Judicial Conduct Commission in this matter is under SCR 4.020(1)(b)(i) and (v), and (1)(c) 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

² These rules were the versions in effect at the time of the violation, having become effective on January 1, 2018.

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 hearing, to remove a judge whom it finds to lack the constitutional statutory qualifications for the judgeship in question.

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

RULE 4.180 FORMAL PROCEEDINGS

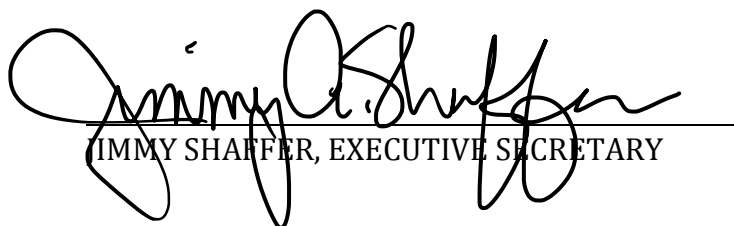
If the Commission concludes that formal proceedings should be initiated, it shall notify the judge. He may file an answer within 15 days after service of the notice. Upon the filing of his answer, or the expiration of time for so filing, the Commission shall set a time and place for the hearing and shall 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, Kentucky 40604-4266.

October 19th, 2018.


STEPHEN D. WOLNITZEK, CHAIR

I hereby certify that copy hereof was served on Beth Lewis Maze, Circuit Court Judge, by serving the same to her attorneys, Thomas E. Clay, Esq., Clay Daniel Winner, LLC, 917 Lily Creek Road Louisville, KY 40243 and Stephen Ryan, Esq., 7104 Hillcircle Court, Louisville, KY 40214, this 19th day of October, 2018.


JIMMY SHAFFER, EXECUTIVE SECRETARY

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION

IN RE THE MATTER OF:

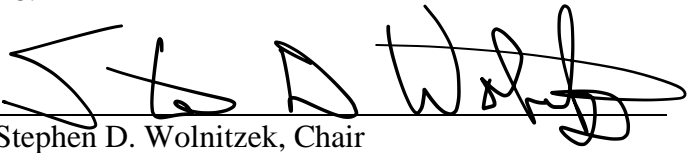
BETH LEWIS MAZE, CIRCUIT JUDGE
21ST JUDICIAL CIRCUIT

CORRECTED ORDER FOR EXTENSION

Determining that additional time is needed for final disposition in this matter, the Commission finds good cause for an extension of time, and it is therefore by the Commission,

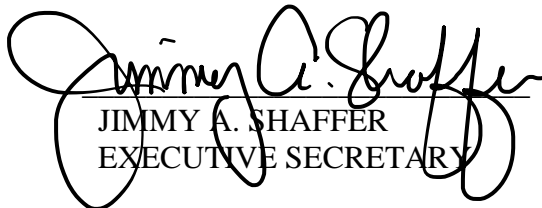
ORDERED that the time within which the Commission shall make final disposition be and hereby is extended pursuant to SCR 4.260(3) to and including February 15, 2019.

Entered the 23rd day of October, 2018.


Stephen D. Wolnitzek, Chair

CERTIFICATE OF SERVICE

I hereby certify that copy hereof was served on Beth Lewis Maze, Circuit Court Judge, by serving the same to her attorneys, Thomas E. Clay, Esq., 462 S. Fourth Street, Louisville, KY 40202; and Stephen Ryan, Esq., 7104 Hillcircle Ct., Louisville, KY 40214, this 23rd day of October, 2018; and on counsel for the Judicial Conduct Commission, Jeffrey C. Mando, Esq., Adams, Stepner, Woltermann & Dusing, PLLC, 40 West Pike Street, Covington, KY 41011.


JIMMY A. SHAFFER
EXECUTIVE SECRETARY

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION

IN RE THE MATTER OF:

BETH LEWIS MAZE, CIRCUIT COURT JUDGE
21ST JUDICIAL CIRCUIT

ANSWER TO JCC CHARGE NO. V

Comes now Beth Lewis Maze and for her answer to count V of the amended notice of Formal Proceedings and states as follows:

Judge Maze agrees that there was a brief, impromptu meeting, on May 22, 2018 to discuss the assignment of the syndicate cases. The Commonwealth Attorney suggested that Judge Lane take two specific syndicate cases and that Judge Maze take two specific syndicate cases. While Judge Maze was not necessarily opposed to this idea at the time, Judge Maze's staff attorney came into the courtroom where all were gathered and stated that, before we started the process of transferring cases back and forth, it needed to be determined whether Judge Maze or Judge Lane had any conflicts with any of the cases, as Judge Maze's ex-husband was under indictment on drug charges in Montgomery County. Judge Maze's son is a practicing attorney in Montgomery County, and Judge Maze wanted to ensure that he had not represented any of the Defendants in District Court, Judge Lane's secretary, Deanna Roberts is District Judge William Roberts' wife, and Judge Lane has two (2) sisters-in-law who have had drug related indictments in the past. Furthermore, one of the syndicates included the Assistant Commonwealth Attorney's brother. There are only two assistant Commonwealth Attorneys in the 21st Judicial Circuit. Judge Maze wanted to make sure that fact was disclosed so that there could either be a special prosecutor assigned or waivers could be entered as Judge Maze did not want to allow a situation where there could later be RCr 11.42 and/or CR 60.02 claims from the onset. Needless to say, there were several conflicts to be accounted for before it made sense to start transferring cases back and forth in an uninformed and uncoordinated manner. Judge Lane's two sisters-in-law have had indictments involving drugs in the past. The thought was that if either judge had any conflict, that issue should be determined prior to the clerk's processing a great deal of paperwork, only to be required later to transfer cases back to a different judge if a conflict was later discovered, because a conflict with a single Defendant would require an entire syndicate case to be transferred. Additionally, multiple transfers back and forth could cause a hardship and delays for the defendants by having court appearances with one judge and then being required to be transferred to the other judge because of a conflict, and it could cause unnecessary court appearances for defense attorneys coming from distant locations. Judge Maze's staff attorney asked the Commonwealth Attorney to let the Judges know whether there were any conflicts prior to transferring any cases.

Judge Maze's staff attorney undertook the task of staying on the Commonwealth Attorney to determine whether there were any conflicts before any cases were transferred. On

June 13, 2018, Judge Maze's staff attorney spoke with the Commonwealth Attorney, Ronnie Goldy. The Commonwealth Attorney had provided a list of all Defendants and Co-Defendants indicted as part of four (4) separate drug trafficking syndicates. This list was necessary because some Defendants had cases with trailer numbers; some Defendants had consecutive case numbers without trailer numbers; there were companion cases; and there were prior existing cases and Co-Defendants in those prior existing cases. These cases were a mess from the beginning in that the cases without trailer numbers were impossible to determine what cases were related to the syndicate cases and the cases required several out of Circuit conflict attorneys to be appointed; the indictments were sealed requiring service before the conflict counsel could be sorted out; the Defendants were split up between the two Divisions requiring transfers and requiring the Commonwealth to provide names of Co-Defendants who did not have trailer numbers as it was impossible to determine who else was related to the Syndicate cases without a trailer number. This confusion had to be sorted out before either judge undertook transfer of any of these cases, and the Commonwealth Attorney was the only one who understood completely how these cases and Defendants were related to each other.

Additionally, since there were so many Defendants, Judge Maze wanted to check for conflicts before transferring anything so that there would not be a situation in which there were transfers of cases back and forth more than once and/or making conflict counsel appear more than necessary. Judge Maze was aware of several potential conflicts which might be implicated; Judge Maze's ex-husband was under indictment in Montgomery County on drug related charges, and Judge Maze did not want to sit on any case that could be connected to his case,

There had been many discussions since the syndicates had been indicted about how best to move forward. In addition to the issues already listed, several Defendants had been in custody for some time, and their attorneys were justifiably agitated in their quest for complete discovery and bond hearings. In the middle of the cluster, the Commonwealth Attorney realized that a defendant charged with Engaging in Organized Crime-Criminal Syndicate, a class B felony based upon trafficking in methamphetamine and heroin/fentanyl, and in a separate case, Possession of a Controlled Substance, First Degree, Heroin, had mistakenly been indicted for those offenses and should only have been indicted on a single count of Possession of Controlled Substance, First Degree, two (2) Oxycodone. This Defendant is a Licenses Practical Nurse who spent ninety-nine (99) days in custody, had her picture and the details of her indictment published in the local paper, and lost her job.

Judge Maze was very concerned that these cases were not being effectively managed by the Commonwealth Attorney and knew that, before transfers could be done, she needed a complete list of defendant and Co-Defendants and companion cases from the Commonwealth Attorney and a determination as to whether either judge had any conflicts in order to prevent multiple transfers. Given these factors, there was never a firm plan for who would get what cases because, when the impromptu brief meeting occurred, it was not with information of Co-Defendants and Conflicts in hand. What did happen is that Judge Lane and the Commonwealth Attorney made suggestions about how to divide the cases between the two Divisions. Judge Maze remained concerned about accounting for all Co-Defendants and Conflicts before transferring anything. Once the Commonwealth Attorney provided the list of Defendants and Co-Defendants, and spoke with Judge Maze's staff attorney and informed her that, if regular

protocol were adhered to, all four Syndicate cases would be in Judge Maze's Division, Judge Maze did not think it appropriate to deviate from regular protocol for transfers.

There is standard protocol for transfers in the 21st Judicial Circuit, which was written by Judge Maze, so that there is no interference or appearance of interference with case assignments. In that vein, Judge Maze was concerned about the Commonwealth Attorney's having any say in how cases were assigned. Therefore, Judge Maze's staff attorney explained to the Commonwealth Attorney that, if the list was accurate, it appeared all four Syndicate cases would be assigned to Judge Maze. Judge Maze was willing to accept all four cases. The Commonwealth Attorney agreed with that assessment. Judge Maze's staff attorney told the Commonwealth Attorney that there was no reason to deviate from protocol if Judge Maze had no conflicts, and Judge Maze's staff attorney asked the Commonwealth Attorney to confirm that Judge Maze had no conflicts so that Judge Maze could speak to Judge Lane and make sure they were on the same page and then transfer the cases per regular protocol. The Commonwealth Attorney informed Judge Maze's staff attorney that he would confirm.

On June 13, Judge Maze was aware that Judge Lane had a jury trial with the Commonwealth in Rowan County and did not want to disturb him; however, on June 14, 2018, at approximately 8:30 a.m., Judge Maze began trying to call Judge Lane. He did not answer. Judge Maze was in Court all morning in Menifee County; however, after leaving the bench in Menifee County sometime around noon to return to Montgomery County for hearings on the Syndicate cases, Judge Maze again tried to call Judge Lane, but there was no answer. On June 14, the Commonwealth Attorney had not confirmed anything with Judge Maze's office regarding conflicts, and Judge Maze had not been able to reach Judge Lane. There had not been a conversation between Judge Lane and Judge Maze about Judge Maze's understanding of the cases, given the list of Defendants, Co-Defendants and companion cases provided by the Commonwealth Attorney. Judge Maze never entered a **single transfer order** because she wanted to speak to Judge Lane prior to entering an order. Currently, the Commonwealth Attorney's Office is in the basement of the Courthouse annex next door to Judge Lane's Office. The only other office in the basement of the Courthouse annex is the Drug Court Office which is not continually staffed as the Drug Court staff also travels throughout the Circuit. This set up has created a situation in which there is, according to attorneys in this Circuit, an abundant amount of ex-parte communication between Judge Lane's Office and the Commonwealth Attorney's office. Additionally, Judge Lane's secretary is a close personal friend of the Commonwealth Attorney's wife, who is the Commonwealth Attorney's secretary. On the morning of June 14, 2018, based upon the conversation the Commonwealth Attorney had had with Judge Maze's staff attorney, not with Judge Maze, the Commonwealth Attorney told Judge Lane that Judge Maze had decided to take all the cases. This statement was patently false as at the time Judge Maze had not yet confirmed anything with respect to conflicts nor had she had the opportunity to speak with Judge Lane to get his input.

Judge Maze again tried to make contact with Judge Lane on the late afternoon of June 14, 2018, with no answer, and, again, Judge Maze believed she had texted Judge Lane later that evening asking him to call her. Judge Maze remembers being surprised that, when she texted Judge Lane and it showed green on her phone and she knew that Judge Lane had both an i-watch and an i-phone and knew he had to have seen that she was trying to reach him, but assumed

when the text showed green, that he was out of range for cell service. She was very surprised when he didn't call back, but decided she should stop making numerous calls to him and that he would call when he had time. Judge Maze has no recollection of ever talking to the Commonwealth Attorney ex-parte about case transfers; however, Judge Lane accepted as true, the false representation of the Commonwealth Attorney even though the Commonwealth Attorney had no first-hand knowledge of anything Judge Maze said or intended to do about the case transfers.

On or about June 14, 2018, Judge Maze asked Detective Mark Collier, the lead detective on the Syndicate cases that were investigated by the Montgomery County Sheriff's Department, if he could confirm that Judge Maze had no conflicts with the Syndicate cases. This question was asked of Detective Collier in open court, following hearings with Defense attorneys and the Commonwealth Attorney present. While Detective Collier has resigned from the Sheriff's Office and has been unable to be located, Judge Maze confirmed with her bench clerk, Teresa Clayton, a former police officer, what she said to Detective Collier. Judge Maze specifically stated to Detective Collier that she did not want to know names of Confidential Informants or witnesses, but simply wanted to know that she had no conflicts in these cases. Detective Collier stopped, thought a minute and then stated that he was not aware of any such conflicts but could not speak for the Mt. Sterling Police Department cases. Judge Maze did not ask the Commonwealth Attorney or Detective Collier if the Commonwealth Attorney had made any attempt to gather this information prior to her asking, but her impression, from her observation of Detective Collier when asked this, was that he had not.

Late in the afternoon of June 14, 2018, Judge Maze's staff attorney contacted the Mt. Sterling Police Department and spoke with now retired Chief of Police, David Charles, about reviewing the list of Defendants, Co-Defendants to confirm there were no conflicts with any of their cases. The Mt. Sterling Police Department was the investigating agency on the indictment of Judge Maze's ex-husband. Judge Maze's staff attorney explained Judge Maze's concern and stated specifically that Judge Maze did not want to know any names of confidential informants or witnesses, but simply wanted confirmation there were no conflicts. Chief Charles stated he would speak to Detective Jimmy Daniels and report back, and, on June 15, 2018, Chief Charles contacted Judge Maze's staff attorney and confirmed there were no conflicts.

At no time did Judge Maze ever ask for a list or any specific information about confidential informants, witnesses or anyone else related to her ex-husband's cases. Rather, Judge Maze was forced to inquire of law enforcement to confirm the existence or non-existence of conflicts so that she could recuse if necessary, as the Commonwealth Attorney had failed to get back with Judge Maze's office regarding conflicts. Judge Maze only had her staff attorney ask law enforcement directly after repeated failed attempts to have the Commonwealth Attorney provide such confirmation.

On June 18, 2018, Judge Lane, who had continued to ignore Judge Maze's attempts to communicate with him, drafted orders in twenty-seven (27) criminal cases which effectively transferred all cases to Judge Maze. These orders were entered on June 18, 2018, and June 20, 2018. Judge Maze thought these orders were childish and inappropriate, given the information relayed to Judge Lane and the way in which it was relayed. Judge Maze was not happy with the

Commonwealth Attorney's actions and planned to speak to Judge Lane before transferring any cases herself. As a result of Judge Maze's ex-husband's criminal cases, Judge Maze had been recusing out of Mr. Maze's attorneys' cases, and Judge Maze felt she had somewhat been dumping on Judge Lane and believed it was appropriate for her to have all the cases if they would be her cases pursuant to regular protocol, but Judge Maze wanted to speak to Judge Lane prior to making any decision about transfers; however, the Commonwealth Attorney stepped on her intentions. Further, since Judge Maze's staff attorney had confirmed the absence of conflicts, Judge Maze believed, based upon her staff attorney's conversation with the Commonwealth Attorney regarding regular protocol, that all the cases would be assigned to her, and, as Circuit Judges do not get paid according to the number of cases they have, Judge Maze believed Judge Lane would be happy that protocol resulted in all the syndicate cases being assigned to Judge Maze. Judge Maze was in a four-day special judge trial in Boyd County the week of June 18, 2018, when she learned that Judge Lane had transferred all twenty seven (27) cases to her and did not dwell on Judge Lane's orders or the fact that he refused to communicate with her prior to the transfers as she was engrossed in that trial.



THOMAS E. CLAY, PS.C.
CLAY DANIEL WINNER, LLC
917 Lily Creek Road
Louisville, KY 40243
(502) 561-2005
tclay@tclaylaw.com

CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the foregoing Answer to Charge V was this 2nd day of November, 2018, e-mailed and mailed via U.S. Postal Service, first class mail, to the following:

Hon. Jeffrey C. Mando
Hon. Louis D. Kelly
Hon. Olivia F. Amlung
Adams Stepner Woltermann & Dusing, PLLC
40 West Pike Street
Covington, KY 41011
Counsel for the Judicial Conduct Commission

Ms. Jimmy Shaffer
Executive Secretary
Kentucky Judicial Conduct Commission
P.O. Box 4266
Frankfort, KY 40604



THOMAS E. CLAY

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION

IN RE THE MATTER OF:

BETH LEWIS MAZE, CIRCUIT COURT JUDGE
21ST JUDICIAL CIRCUIT

**MOTION TO STAY PROCEEDINGS PENDING
RESOLUTION OF THE CRIMINAL PROSECUTION
CURRENTLY PENDING AGAINST JUDGE BETH LEWIS MAZE**

The Bath County grand jury returned a three (3) count indictment against Judge Beth Lewis Maze on November 1, 2018. Counts one and two of the indictment charge Judge Maze with forgery, second degree, relating to the two orders she signed on September 18, 2018. Count three charge tampering with public records. Judge Maze is scheduled to be arraigned on December 6, 2018.

All three of these counts charge the same conduct as Counts one through four of the charges before the Judicial Conduct Commission (JCC).

Judge Maze moves the JCC to stay its administrative hearing currently scheduled for December 3, 2018.

Courts have recognized the importance of staying civil and administrative proceedings when the defendant is under indictment for the same conduct which is the subject of the administrative proceeding.

Courts have generally considered the following factors in determining whether a stay in administrative proceedings is appropriate:

- 1) the extent to which the issues in the criminal case overlap with those presented in the civil case; 2) the status of the case, including whether the defendants have been indicted; 3) the private interests of the plaintiffs in proceeding expeditiously weighed against the prejudice to plaintiffs

caused by the delay; 4) the private interests of and burden of the defendants; 5) the interest of the courts; and 6) the public interest.

United States Securities and Exchange Commission v. Abdallah, 313 F.R.D. 59 (N.D. Ohio 2016), quoting *F.T.C. v. E.M.A. Nationwide, Inc.*, 767 F.3d 611, 617. (6th Cir. 2014)

I. OVERLAPPING CHARGES

The three count indictment and JCC charges in Counts I through IV involve the same conduct. Both proceedings allege conduct of Judge Maze on September 18, 2018, relating to the two orders she signed for blood tests to be performed on her ex-husband who had been arrested. The JCC proceeding and the criminal prosecution necessarily will involve the same issues, witnesses and evidence.

II. THE STATUS OF THE CRIMINAL CASE

This criminal matter has proceeded beyond the investigative phase. There is an indictment, and an arraignment has been scheduled.

III. THE PRIVATE INTERESTS OF THE PLAINTIFF (JCC) IN PROCEEDING EXPEDITIOUSLY WEIGHED AGAINST THE PREJUDICE TO THE PLAINTIFFS (JCC) CAUSED BY THE DELAY.

Judge Maze's current status is that she is suspended with pay. She has been ordered not to enter any of the courthouses in the 21st Judicial Circuit. She is performing no judicial functions. No one or body will be prejudiced by a stay of the JCC proceedings.

IV. BURDEN ON JUDGE MAZE

Staying the JCC proceeding would eliminate the substantial concern Judge Maze has of having to choose between testifying in the JCC proceeding and giving up her Fifth Amendment

rights in the criminal prosecution. It would also eliminate the possibility of prejudicing Judge Maze's criminal prosecution if JCC were to impose discipline.

V. THE INTERESTS OF JCC

The resolution of the criminal prosecution could have a significant impact upon the JCC proceedings.

Indeed, the resolution of the criminal proceedings may serve to expedite the [JCC] proceedings, avoiding the needless expense of [JCC] time and resources.

Abdallah, *supra*, p. 65

VI. THE PUBLIC INTEREST

The public interest is better served by allowing the criminal prosecution to take precedence over civil proceedings.

Moreover, the public interest in effective criminal prosecution generally outweighs any existing civil interests. *See Newman v. United States*, No. 3:90-CV-7646, 1992 WL 115191, at *1 (N.D. Ohio Jan. 10, 1992)(quoting *In re Ivan F. Bowsky Sex. Litigation*, 128 F.R.D. 47, 49 (S.D.N.Y.1989)).

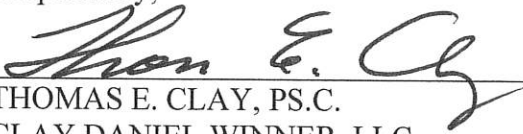
Id., pg. 64

Other than where there is specific evidence of agency bad faith or malicious governmental tactics, the strongest case for deferring civil proceedings until after completion of criminal proceedings is where a party under indictment for a serious offense is required to defend a civil or *administrative action* involving the same matter. The noncriminal proceeding, if not deferred, might undermine the party's Fifth Amendment privilege against self-incrimination, expand rights of criminal discovery beyond the limits of Federal Rule of Criminal Procedure 16(b), expose the basis of the defense to the prosecution in advance of criminal trial, or otherwise prejudice the case. If delay of the noncriminal proceeding would not seriously injure the public interest, a court may be justified in deferring it.

Emphasis added. S.E.C. v. Dresser
Industries, Inc. 628 F.3d 1368, 1375-
6 (D.C. Cir. 1980)

Based upon the foregoing facts and authority, Judge Maze requests that the JCC proceedings be stayed pending resolution of the criminal prosecution.

Respectfully,


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Telephone: 502-605-6100
Facsimile: 502-605-6108
bill@johnsonbearse.com

CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the foregoing Motion to Stay Proceedings Pending Resolution of the Criminal Prosecution was this 14th day of November, 2018, e-mailed and mailed via U.S. Postal Service, first class mail, to the following:

Hon. Jeffrey C. Mando
Hon. Louis D. Kelly
Hon. Olivia F. Amlung
Adams Stepner Woltermann & Dusing, PLLC
40 West Pike Street
Covington, KY 41011
Counsel for the Judicial Conduct Commission

Ms. Jimmy y Shaffer
Executive Secretary
Kentucky Judicial Conduct Commission
P.O. Box 4266
Frankfort, KY 40604


THOMAS E. CLAY

COMMONWEALTH OF KENTUCKY
BATH CIRCUIT COURT
CRIMINAL DIVISION
CASE NO. 18-CR-60059

FILED
NOV - 1 2018
CLAUDE PIERCE, INDIANE, CLK
BY: [Signature] D.C.

COMMONWEALTH OF KENTUCKY

VS:

INDICTMENT

LAURA LEWIS MAZE, AKA: BETH LEWIS MAZE DEFENDANT

Date of Birth: 02/28/1963 License #: KY M95-078-455
LKA: 860 Wyoming Rd., Owingsville, KY 40360
Height: Weight: Hair: Eyes: Race: W Sex: F
District Court File Number:

THE GRAND JURY OF BATH COUNTY CHARGES that on or about September 18, 2018, in Bath County, Kentucky, the above-named defendant, while acting alone or in complicity with another, unlawfully committed the offenses of:

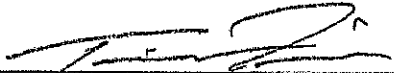
COUNT I: FORGERY SECOND DEGREE, in violation of KRS 516.030, a Class D Felony, violation code 25212, by falsely making, completing, or altering, a public record or instrument filed or required or authorized by law to be filed in or with a public office or public employee; or a written instrument officially issued or created by a public office, public employee or governmental agency;

COUNT II: FORGERY SECOND DEGREE, in violation of KRS 516.030, a Class D Felony, violation code 25212, by falsely making, completing, or altering, a public record or instrument filed or required or authorized by law to be filed in or with a public office or public employee; or a written instrument officially issued or created by a public office, public employee or governmental agency;

COUNT III: TAMPERING WITH PUBLIC RECORDS, in violation of KRS 519.060; a Class D Felony, violation code 01012, by knowingly making a false entry in or falsely altering a public record; or knowingly lacking the authority to do so, intentionally destroys, mutilates, conceals, removes, or otherwise impairs the availability of any public records;

ALL AGAINST THE PEACE AND DIGNITY OF THE COMMONWEALTH OF KENTUCKY.

A TRUE BILL.



FOREPERSON

All other charges, if any, bound over with this case and not indicted herein are a No True Bill.

Presented by the foreperson, in the presence of the Grand Jury, to the Court and filed in
open Court by me this, the 1st day of March, 2018.



CIRCUIT COURT CLERK

BY: _____

GRAND JURY WITNESS: Det. Chad Bowling, KSP DESI East
Earl Willis, Bath County Jailer
Hon. Michael Campbell

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION

IN RE: THE MATTER OF

BETH LEWIS MAZE, CIRCUIT COURT JUDGE
21ST JUDICIAL CIRCUIT

NOTICE OF ENTRY OF APPEARANCE

Please take notice that William E. Johnson and the law firm of Johnson Bearse, LLP, 326 West Main Street, Frankfort, KY 40601, hereby enters their appearances as attorneys for Beth Lewis Maze. They will be associating with Honorable Thomas E. Clay in behalf of Beth Lewis Maze.

Respectfully submitted,

JOHNSON BEARSE, LLP

BY: 

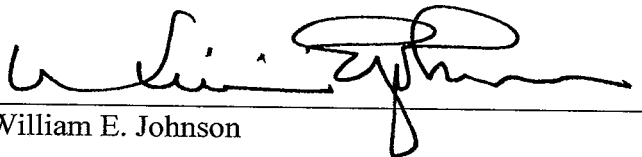
William E. Johnson
326 West Main Street
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Telephone: (502) 605-6100
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E-Mail: bill@johnsonbearsel.com

Certificate of Service

I hereby certify that the original Notice of Entry of Appearance was mailed to Kentucky Judicial Conduct Commission, P.O. Box 4266, Frankfort, KY 40604, on this 14th day of November, 2018 and copies were mailed on the same date to:

Hon. Jeffrey C. Mando
Hon. Louis D. Kelly
Hon. Olivia F. Amlung
Adams Stepner Woltermann & Dusing, PLLC
40 West Pike Street
Covington, KY 41011
Counsel for the Judicial Conduct Commission

Ms. Jimmy Y. Shaffer
Executive Secretary
Kentucky Judicial Conduct Commission
P.O. Box 4266
Frankfort, KY 40604



William E. Johnson

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

**BETH LEWIS MAZE, CIRCUIT COURT JUDGE
21ST JUDICIAL CIRCUIT**

**RESPONSE TO MOTION TO STAY PROCEEDINGS
PENDING RESOLUTION OF THE CRIMINAL PROSECUTION CURRENTLY PENDING
AGAINST JUDGE BETH LEWIS MAZE**

In Response to Judge Maze's Motion to Stay Proceedings, Counsel for the Commission, states as follows:

Judge Maze is currently facing five (5) counts of misconduct for alleged violations of the Judicial Code of Conduct. After filing her Answer to the original Charges, she agreed to an Order of Temporary Suspension effective 12:01 a.m. on October 2, 2018. She has been on paid leave since that time. A final hearing is set on December 3, 2018.

On November 1, 2018, the Bath County Grand Jury returned an Indictment charging Judge Maze with two counts of Forgery and one count of Tampering with Public Records. In her Motion, Judge Maze contends that the JCC's proceedings should be stayed until the criminal prosecution is concluded. Judge Maze maintains that a stay of proceedings would be in everyone's best interest, and cites to a single case for authority: *United States SEC v. Abdallah*, 313 F.R.D. 59 (N.D. Ohio 2016).

Having reviewed Judge Maze's Motion, the Counsel for the Commission does not read *Abdallah* as mandating a stay, nor does he believe that a stay is necessary or warranted.

I. THE DECISION TO GRANT OR DENY A STAY IS SOLELY WITHIN THE JCC'S DISCRETION

When evaluating a party's request to stay administrative proceedings pending the resolution of a related criminal prosecution, the JCC has broad discretion. *F.T.C. v. E.M.A. Nationwide, Inc.*, 767 F.3d 611, 627 (6th Cir. 2014) ("courts have broad discretion in determining whether to stay a civil action while a criminal action is pending or impending.") The Sixth Circuit has directed that, when addressing such requests for a stay, "the burden is on the party seeking the stay to show pressing need for delay and that neither the other party nor the public will suffer harm from entry of the order." *Id.* at 627-28 (quoting *Ohio Env'tl. Council v. U.S. Dist. Ct., S. Dist. of Ohio, E. Div.*, 565 F.2d 393, 396 (6th Cir. 1977))(internal citations omitted).

In her Motion, Judge Maze cites six factors which she champions as the deciding considerations for the JCC in evaluating her request to stay the proceedings. (Mot. Stay Proceedings, pp. 1) These factors, while perhaps practical, are not binding upon the JCC, nor do they form a specific test widely recognized in either Kentucky or the Sixth Circuit. *United States SEC v. Abdallah*, 313 F.R.D. 59, 64 (N.D. Ohio 2016)(clarifying that "there is no precise test in this Circuit for determining when a stay is appropriate"). Thus, while the JCC may consider these factors in making its determination, the ultimate decision rests solely within its discretion.

II. A STAY IS NOT WARRANTED, NOR NECESSARY

As previously noted, Judge Maze bears the burden of demonstrating a "pressing need for delay" and that neither the JCC nor the public will be harmed by a stay. *E.M.A. Nationwide, supra*. Judge Maze fails to meet this burden and downplays the vital interests at stake in the JCC's proceedings.

a. The public has a compelling interest in concluding the JCC's proceedings in a timely manner.

Judge Maze broadly states that the public interest is best served "by allowing the criminal prosecution to take precedence over the civil proceeding." (Mot. Stay Proceedings, pp. 3) She makes this conclusory statement but offers no compelling facts or controlling legal authority to support it. She also fails to acknowledge that the general public, and the citizens of the 21st Judicial Circuit in particular, have a legitimate and compelling interest in seeing the Charges adjudicated in a timely fashion.

b. The JCC has a compelling interest in concluding its proceedings in a timely manner to restore confidence in the judiciary.

Judge Maze also argues that the JCC's interests are advanced if a stay is granted. Counsel for the Commission disagrees. In addition to the reasons set forth above, the JCC has a duty in concluding these proceedings pursuant to SCR 4.000, *et. seq.*

c. Since Judge Maze has spoken publicly about the alleged misconduct, her rights would not be violated by her choice to invoke her Fifth Amendment rights at either proceeding.

Judge Maze argues that the JCC's proceedings will force her "to choose between testifying in the JCC proceeding and giving up her Fifth Amendment rights in the prosecution." (Mot. Stay Proceedings, pp. 2-3) However, she fails to acknowledge, much less address, the fact that she has already made public statements and filed official responses regarding the alleged misconduct, including an August 2018 interview with WLEX 18 News. In short, Judge Maze is free to invoke her Fifth Amendment rights in both proceedings. However, even if she chooses to invoke her rights, her statements and admissions can be used regardless of whether or not she testifies. *Varble v. Commonwealth*,

125 S.W.3d 246, 253 (Ky. 2004)(stating that the Fifth Amendment “does not protect against the reiteration of voluntary, out-of-court communications made by that person to others”).

III. CONCLUSION

Both the JCC and the public at large have a compelling interest in proceeding with a timely hearing on the Charges regardless of the pending criminal prosecution. The impairment of Judge Maze’s Fifth Amendment rights, if any, is outweighed by these interests. As such, Counsel for the Commission, while recognizing JCC’s discretion, respectfully requests that Judge Maze’s Motion be denied.

Respectfully submitted,

/s/ Jeffrey C. Mando
JEFFREY C. MANDO (#43548)
LOUIS D. KELLY (#92094)
OLIVIA F. AMLUNG (#97449)
ADAMS, STEPNER, WOLTERMANN &
DUSING, P.L.L.C.
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(859)394-6200 Phone
(859)392-7263 Fax
jmando@aswdlaw.com

Counsel for Judicial Conduct Commission

CERTIFICATE OF SERVICE

This is to certify that true and correct copy of the foregoing has been served upon the following via electronic and regular mail, on this the **15th** day of November 2018:

Thomas E. Clay, Esq.
Clay Daniel Winner, LLC
917 Lily Creek Road
Louisville, KY 40243
tclay@tclaylaw.com

William E. Johnson, Esq.
Johnson Bearse, LLP
326 West Main Street
Frankfort, KY 40601
bill@johnsonbearse.com

Jimmy Shaffer
Executive Secretary
KY Judicial Conduct Commission
P.O. Box 4266
Frankfort, KY 40604
JimmyShaffer@kycourts.net

/s/ Jeffrey C. Mando
Jeffrey C. Mando

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION

IN RE THE MATTER OF:

BETH LEWIS MAZE, CIRCUIT COURT JUDGE
21ST JUDICIAL CIRCUIT

**MOTION TO CONTINUE HEARING CURRENTLY
SCHEDULED FOR DECEMBER 3, 2018**

* * * * *

Comes Judge Beth Lewis Maze, by counsel, and moves the Commission to continue the formal proceedings currently scheduled for December 3, 2018, at 9:00 a.m., at courtroom F, third floor, in the Fayette Circuit Court, and in support of this motion stats as follows:

1. The date for the formal proceeding was set by Amended Notice of Time and Place For Hearing dated October 1, 2019.
2. Since that date, Judge Maze has ben served with the following documents:
 - A. October 18, 2018, Supplemental Factual Information consisting of 259 pages.
 - B. October 18, 2018, Count V charging conduct totally unrelated to Counts I, II, III, and IV.
 - C. October 19, 2018, Revised Count V.
 - D. October 26, 2018, Supplemental Factual Information consisting of 60 pages.
 - E. November 13, 2018, Supplemental Information consisting of 383 pages.
 - F. November 13, 2018, Supplemental Factual Information consisting of 8 pages.

3. A total of 710 pages of supplemental information has been produced since the scheduling order was entered.

4. This total is in addition to the 282 pages supplied on September 10, 2018, and the 93 pages of documents and video file produced on September 20, 2018.

5. Judge Maze has not had adequate time to prepare her defense to these counts given the voluminous amount of documents produced and the complexity of the counts, particularly Count V.

6. Hon. William Johnson has recently entered his appearance as co-counsel for Judge Maze and has not had adequate time to familiarize himself with this voluminous file. Additionally, Mr. Johnson will be representing Judge Maze on the indictment pending in Bath Circuit Court and will require time to get up to speed on that representation.

WHEREFORE, Judge Maze moves the Commission to continue the formal hearing currently scheduled for December 3, 2018.

Respectfully,



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bill@johnsonbearse.com

CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the foregoing Motion to Continue Hearing was this 15th day of November, 2018, e-mailed and mailed via U.S. Postal Service, first class mail, to the following:

Hon. Jeffrey C. Mando
Hon. Louis D. Kelly
Hon. Olivia F. Amlung
Adams Stepner Woltermann & Dusing, PLLC
40 West Pike Street
Covington, KY 41011
Counsel for the Judicial Conduct Commission

Ms. Jimmy y Shaffer
Executive Secretary
Kentucky Judicial Conduct Commission
P.O. Box 4266
Frankfort, KY 40604


THOMAS E. CLAY

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION

IN RE THE MATTER OF:

BETH LEWIS MAZE, CIRCUIT COURT JUDGE
21ST JUDICIAL CIRCUIT

MOTION FOR OPPORTUNITY TO APPEAR INFORMALLY
BEFORE THE COMMISSION PURSUANT TO
SCR 4.170(2)

* * * * *

Comes Judge Beth Lewis Maze, by counsel, and moves the Commission to give her an opportunity to appear informally before the Commission pursuant to SCR 4.170(2) and in support of this motion states as follows:

1. Judge Maze attended an informal conference on January 26, 2018.
2. Counts I and II against Judge Maze were issued on May 21, 2018.
3. On September 10, 2018, the original two counts were supplemented with counts III and IV.
4. The four counts were supplemented with Count V on October 19, 2018.
5. Judge Maze has not been afforded the opportunity to appear informally in response to Counts III, IV, and V.

WHEREFORE, Judge Maze moves the Commission to allow her to appear before the Commission informally pursuant to SCR 4.170(2).

Respectfully,



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bill@johnsonbearse.com

CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the foregoing Motion for Opportunity to Appear Informally Before the Commission was this 15th day of November, 2018, e-mailed and mailed via U.S. Postal Service, first class mail, to the following:

Hon. Jeffrey C. Mando
Hon. Louis D. Kelly
Hon. Olivia F. Amlung
Adams Stepner Woltermann & Dusing, PLLC
40 West Pike Street
Covington, KY 41011
Counsel for the Judicial Conduct Commission

Ms. Jimmy y Shaffer
Executive Secretary
Kentucky Judicial Conduct Commission
P.O. Box 4266
Frankfort, KY 40604



THOMAS E. CLAY

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION

IN RE THE MATTER OF:

BETH LEWIS MAZE, CIRCUIT COURT JUDGE
21st JUDICIAL CIRCUIT

ORDER

Upon due consideration of Judge Maze's Motion to Stay Proceedings Pending Resolution of the Criminal Prosecution and the Response filed by Counsel for the Commission; Judge Maze's Motion to Continue Hearing; and, Judge Maze's Motion for Opportunity to Appear Informally, and the Commission being fully advised and informed, it is hereby ordered that the Motions be and are hereby DENIED.

Date: November 19th, 2018


STEPHEN D. WOLNITZEK, CHAIR

CERTIFICATE OF SERVICE

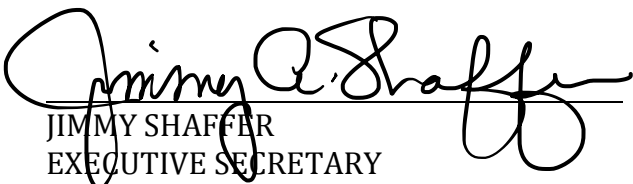
This is to certify that true and correct copy of the foregoing has been served upon the following via electronic and U.S. Mail, postage prepaid, on this the 19th day of November 2018:

Thomas E. Clay, Esq.
Clay Daniel Winner, LLC
917 Lily Creek Road
Louisville, KY 40243
tclay@tclaylaw.com

William E. Johnson, Esq.
Johnson Bearse, LLP
326 West Main Street
Frankfort, KY 40601
bill@johnsonbearse.com

Stephen Ryan
7104 Hillcircle Court
Louisville, KY 40214
stephen_ryan@rocketmail.com

Jeffrey C. Mando
Adams, Stepner, Woltermann & Dusing,
PLLC
40 West Pike St.
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jmando@aswdlaw.com


JIMMY SHAFFER
EXECUTIVE SECRETARY

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION

IN RE THE MATTER OF:

BETH LEWIS MAZE, CIRCUIT COURT JUDGE
21ST JUDICIAL CIRCUIT

WITNESS LIST OF BETH LEWIS MAZE

* * * * *

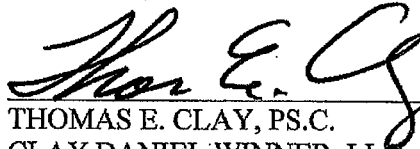
The following witnesses will testify consistent with Judge Maze's defenses.

1. STEVE O'DANIEL – Private Investigator
2. JUSTIN SUTHERLAND – Owingsville Police Department
3. RONNIE GOLDY - CWA
4. KEITH CRAYCRAFT - ACWA
5. ASHTON MCKENZIE - ACWA
6. KIM TABOR – Rowan Circuit Clerk
7. EARL WILLIS – Bath County Jailer
8. WENDY WALKER – Regional PT Supervisor
9. JUDGE WILLIAM ROBERTS – 21st Judicial Circuit District Judge
10. DEANA ROBERTS – Judge Roberts' wife and Judge Lane's secretary
11. MICHAEL CAMPBELL – Attorney
12. RACHEL WALTERS – Judge Maze's secretary
13. DAGNY JAMES – Judge Maze's Staff Attorney
14. BILL LANE – 21st Judicial Circuit Judge, Division 1
15. BILL MAINS – Retired Circuit Judge for the 21st Judicial Circuit
16. STUART READ – DPA Attorney
17. KELLY BOTTS – Chief Deputy Clerk of Menifee County
18. JUDGE ROBERT MCGINNIS – Retired Circuit Judge
19. JUDGE PAUL ISAACS – Retired Circuit Judge
20. BRIDGET HOFER – Defense Attorney
21. ERIC JONES – Montgomery County Jailer
22. JEFF WALSON – Retired Family Court Judgment
23. BETTY MEGAN WILLIAMS – Asst. County Attorney for Menifee County
24. TERESA CLAYTON – Chief Deputy Circuit Clerk for Montgomery County
25. DAVID CHARLES – Sheriff elect for Montgomery County.
26. MARK COLLIER – former Detective with Montgomery County Sheriff's Dept.
27. MATT SPARKS – Sheriff of Rowan County
28. JOE CLINE – Chief Deputy Sheriff of Rowan County
29. DAVID MYRUS – Det. For Rowan and Bath Sheriff Departments

30. BURL PURDUE – Sheriff of Clark County
31. BRETT KIRKLAND – KSP Trooper
32. PAUL COX – DPA Attorney
33. SARA DAILY – DPA Attorney
34. CHARLES LANDON – DPA Director
35. JUDGE JOHN COX – Retired District Judge for 21st Judicial Circuit
36. TED LAVITT - Attorney
37. DAVID BEYER – Retired Supervising Special Agent FBI
38. MICHAEL DAVIDSON - Attorney
39. RAY BOGUCKI - Attorney
40. TOM JONES – Retired Circuit Judge
41. SaRONDA GAYHEART, LabCorp – Lab Tech
42. JUDGE JULIE WARD – Campbell Circuit Judge
43. JUDGE PATSY SUMME – Kenton Circuit Judge
44. AARON ROBERTS – Mt. Sterling Police Officer
45. JASON ONEY – Probation and Parole 21st Judicial Circuit
46. HEATHER ELDRIDGE – Probation and Parole 21st Judicial Circuit
47. LUANN ONEY – Chief Deputy Clerk for Bath County
48. WAYNE ROSS – Preacher, Drug Court Team Member, owns Rehab
49. LOWELL RICE - Preacher
50. JAMIE COPHER – Deputy Sheriff Bath County
51. KEVIN ROBINSON - Attorney
52. GROVER CARRINGTON - Attorney
53. MEGAN COLDIRON – ARC Regional Rehab Director
54. CECIL LAWSON – Editor of Owingsville News Outlook
55. IRA KILBURN - Attorney
56. BREANNA LISTERMAN – DPA Attorney
57. CLAY MGUFFIN – DPA Attorney
58. ERICA LYKIN – Rehab director
59. DEANA FAWNS – Judge Maze’s former secretary
60. DONNA GAIL MAZE – Judge Maze’s ex-mother-in-law
61. EARL ROGERS - Attorney
62. DAVID ANDERSON – Defendant in Judge Maze’s court
63. BLAKE BALLARD – Defendant in Judge Maze’s court
64. DAVID ANDERSON – Defendant in Judge Maze’s court
65. PATRICK MYER – Defendant in Judge Maze’s court
66. JACOB CURTIS – Defendant in Judge Maze’s court
67. JUDGE SARA COMBS – Court of Appeals Judge
68. JAMES DAVIS - Attorney
69. HOWARD STONE - Attorney
70. SGT GABBARD – Sgt. at Montgomery County Regional Jail
71. IAN ROBERTS – Chief Deputy Jailer for Montgomery County
72. TINA MYERS - Deputy Jailer for Montgomery County
73. KAYE TEMPLIN – Former Director of Gateway Juvenile Diversion Center
74. JOE GOMES – Current Director of Gateway Juvenile Diversion Center
75. WILL T. SCOTT – Retired Supreme Court Justice

76. DAVID BARBER – Former Court of Appeals Judge and Supreme Court Justice
77. JUSTIN CROCKET – Chief Deputy Jailer for Clark County
78. KELLY COLLINSWORTH – Head of Pro Se Clinic for 21st Judicial Circuit
79. LEAH HAWKINS - Attorney
80. LUCY LETTON – Statewide Drug Court Director
81. CARMEN ROGERS – 21st Judicial Circuit Drug Court Supervisor
82. MARILYN SLOAN – CDW Director
83. MARY SARGENT - Attorney
84. MICHAEL CURTIS - Attorney
85. GREG HALL – County Attorney for Menifee County
86. BRENT COX - Attorney
87. MARGARET JOHNSON – Drug counselor
88. PIERCE HAMBLIN - Attorney
89. ROBIN WEBB - Attorney
90. RICK STILTNER – Former Commissioner of KSP
91. ROGER RIGGS - Attorney
92. WILL WILHOIT - Attorney
93. STEVE O’CONNOR - Attorney
94. TOMMIE SUE ESTEPPE – Judge Maze’s former secretary
95. MIKE RAY – Preacher
96. MARK WOHLANDER - Attorney

Respectfully,



THOMAS E. CLAY, PS.C.
CLAY DANIEL WINNER, LLC
917 Lily Creek Road
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(502) 561-2005
tclay@tclaylaw.com

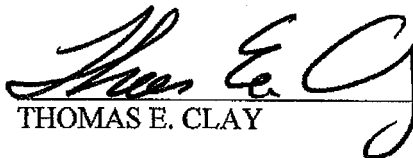
WILLIAM E. JOHNSON
JOHNSON BEARSE, LLP
326 West Main Street
Frankfort, KY 40601
Telephone: 502-605-6100
Facsimile: 502-605-6108
bill@johnsonbearse.com

CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the foregoing Witness List of Beth Lewis Maze was this 20th day of November, 2018, e-mailed and mailed via U.S. Postal Service, first class mail, to the following:

Hon. Jeffrey C. Mando
Hon. Louis D. Kelly
Hon. Olivia F. Amlung
Adams Stepner Woltermann & Dusing, PLLC
40 West Pike Street
Covington, KY 41011
Counsel for the Judicial Conduct Commission

Ms. Jimmy y Shaffer
Executive Secretary
Kentucky Judicial Conduct Commission
P.O. Box 4266
Frankfort, KY 40604


THOMAS E. CLAY

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION

IN RE THE MATTER OF:

BETH LEWIS MAZE, CIRCUIT COURT JUDGE
21ST JUDICIAL CIRCUIT

NOTICE TO TAKE VIDEO DEPOSITIONS

* * * * *

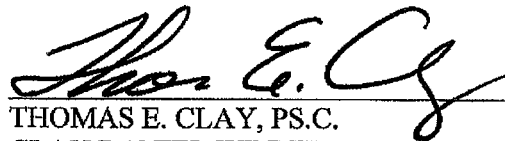
Please take notice that on **Monday, November 26, 2018, at 10:00 a.m.**, Beth Lewis Maze will take the video depositions of the following persons:

BETTY MEGAN WILLIAMS – 10:00

KIM TABOR – Immediately following

Said depositions shall take place at the Franklin County Courthouse, Courtroom F, located at 222 St. Clair Street, Frankfort, KY 40601, upon oral examination pursuant to the Kentucky Civil Rules of Procedure, before a Notary Public, or before some other officer authorized by law to administer oaths. The oral examination will continue from day to day until completed. You are invited to attend and cross-examine.

Respectfully,



THOMAS E. CLAY, PS.C.
CLAY DANIEL WINNER, LLC
917 Lily Creek Road
Louisville, KY 40243
(502) 561-2005
tclay@tclaylaw.com

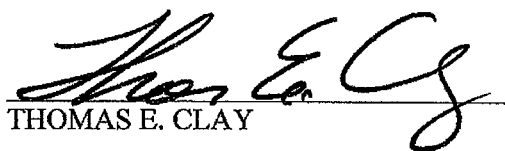
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Counsel for the Judicial Conduct Commission

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THOMAS E. CLAY

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION

IN RE THE MATTER OF:

BETH LEWIS MAZE, CIRCUIT COURT JUDGE
21ST JUDICIAL CIRCUIT

MOTION TO CONTINUE, BASED UPON NEWLY PROVIDED DISCOVERY

Comes now, Beth Lewis Maze, by and through counsel and moves this honorable body to continue the proceedings currently scheduled for December 3, 2018, given that the Judicial Conduct Commission (JCC) has provided over seven hundred (700) pages of new materials onto Plaintiff's counsel, just two (2) weeks prior to the scheduled hearing and has provided witness statements of three new witnesses, just one (1) week prior to the scheduled hearing. Such actions would not be tolerated in any other court proceeding or trial and should not be tolerated in this action as such actions are clearly prejudicial to Judge Maze and have hindered the ability of counsel to prepare for said hearing.

Wherefore, Counsel respectfully moves to continue the hearing scheduled for December 3, 2018 for the afore mentioned reason.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'T. Clay' with a flourish and the letters 'TEL' written above it.

Thomas E. Clay, Esq.
CLAY DANIEL WINNER, LLC
917 Lily Creek Rad
Louisville, KY 40243
(502)561-2005
tclay@tclaylaw.com

WILLIAM E. JOHNSON
JOHNSON MEARSE, LLP

Frankfort, KY 40601
Telephone (502)-605-6100
Facsimile: (502)605-6108
bill@johnsonbears.com

CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the foregoing Motion to Continue Based Upon Newly Provided Evidence was this 26th of November, 2018, e-mailed and mailed via U.S. Postal Service, first class mail, to the following:

Hon. Jeffrey C. Mando
Hon. Louis D. Kelly
Hon. Olivia F. Amlung
Adams Stepner Woltermann & Dusing, PLLC
40 West Pike Street
Covington, Kentucky 41011
Counsel for the Judicial Conduct Commission

Ms. Jimmy Shaffer
Executive Secretary
Kentucky Judicial Conduct Commission
P.O. Box 4266
Frankfort, Kentucky 40604

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION

IN RE THE MATTER OF:

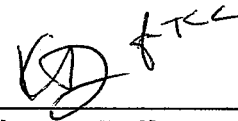
BETH LEWIS MAZE, CIRCUIT COURT JUDGE
21ST JUDICIAL CIRCUIT

**MOTION TO RULE TEXT MESSAGES OF CHAMP MAZE INADMISSIBLE AND STRIKE
FROM EXHIBIT LIST**

Comes now, Beth Lewis Maze, by and through counsel and moves this honorable body to find that the text messages of Donald "Champ" Maze, are inadmissible, based upon the representations of counsel for the Judicial Conduct Commission, hereinafter, the (JCC), on two (2) occasions, by e-mail on November 13, 2018, and by letter, dated November 13, 2018, attached hereto. Counsel for the JCC represented to Counsel for Judge Maze that the text messages were simply being provided because Counsel for the JCC had said text messages in his possession but that they would not be used. Despite this representation, Counsel has since listed the text messages as an exhibit in this action.

Wherefore, Judge Maze respectfully moves that said text messages be stricken and found inadmissible.

Respectfully submitted,



Thomas E. Clay, Esq.
CLAY DANIEL WINNER, LLC
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Louisville, KY 40243
(502)561-2005
tclay@tclaylaw.com

WILLIAM E. JOHNSON
JOHNSON MEARSE, LLP
Frankfort, KY 40601
Telephone (502)-605-6100
Facsimile: (502)605-6108
bill@johnsonbearse.com

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It is hereby certified that a true and correct copy of the foregoing Motion to Continue Based Upon Newly Provided Evidence was this 26th of November, 2018, e-mailed and mailed via U.S. Postal Service, first class mail, to the following:

Hon. Jeffrey C. Mando
Hon. Louis D. Kelly
Hon. Olivia F. Amlung
Adams Stepner Woltermann & Dusing, PLLC
40 West Pike Street
Covington, Kentucky 41011
Counsel for the Judicial Conduct Commission

Ms. Jimmy Shaffer
Executive Secretary
Kentucky Judicial Conduct Commission
P.O. Box 4266
Frankfort, Kentucky 40604

November 13, 2018

VIA ELECTRONIC MAIL

Thomas E. Clay, Esq.
Clay Daniel Winner, LLC
917 Lily Creek Road
Louisville, KY 40243
tclay@tclaylaw.com

RE: *JCC v. Judge Beth Lewis Maze*

T:

Earlier today, Jimmy sent you a copy of Champ Maze's text messages labeled as Item 44 of the Supplemental Factual File. When our office received copies of these messages, the entirety of Champ Maze's executed cell phone search was included along with it. We are not planning to use the additional information included on the Report, did not provide it to the Commission, and do not plan to make any of these items as a part of the Factual File. However, we wanted to provide you with copies of everything our office has in its possession, so I have enclosed a duplicate CD of the entire E-Crimes Report for your review.

Thanks, and please contact me if you have any questions regarding these matters.

Sincerely,

ADAMS, STEPNER, WOLTERMANN
& DUSING, PLLC

/s/ Olivia F. Amlung
Olivia F. Amlung, Esq.

OFA/
cc: Jimmy Shaffer

Subject: RE: Supplemental Factual File [IWOV-DMS.FID543151]
Date: Tuesday, November 13, 2018 at 4:45:39 PM Eastern Standard Time
From: Olivia Amlung
To: Thomas Clay, Steve Ryan
CC: Heather Watkins, Louis Kelly, Shaffer, Jimmy, Jeff Mando

T and Steve:

Our office is sending you a copy of the entire E-Crimes Report cell phone download that we received along with the text messages. We are not planning to use the additional information included on the Report and do not plan to make any of these items as a part of the Factual File. However, we wanted to provide you with copies of everything our office has in its possession.

Both the attached cover letter and referenced CD were sent to T's office this afternoon via priority overnight mail.

Please let me know if you have any questions.

Thanks,

OA

Olivia F. Amlung, Esq.
ADAMS, STEPNER, WOLTERMANN & DUSING, PLLC
40 West Pike Street | Covington, KY 41011
(859) 394-6243 (P) | (859) 392-7200 (F)

CONFIDENTIAL WARNING

This email message, together with any attachments, is intended only for the personal and confidential use of the recipient(s) named above. This message may be an attorney-client communication and as such is privileged and confidential. If you are not the intended recipient, you are hereby notified that you have received this document in error and that any review, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this message in error, please notify us immediately by telephone (859)394-6200 or by return email and delete this message, along with any attachments, from your computer. Thank you.

From: Shaffer, Jimmy [mailto:JimmyShaffer@KYCOURTS.NET]
Sent: Tuesday, November 13, 2018 8:55 AM
To: Thomas Clay; Jeff Mando
Cc: Steve Ryan; Heather Watkins; Louis Kelly; Olivia Amlung
Subject: Supplemental Factual File
Importance: High

Counsel,

Please find attached supplemental factual file information and correspondence related thereto. The same will be sent via USPS today.

Jimmy

Ms. Jimmy Shaffer

Executive Secretary, Judicial Conduct Commission
P.O. Box 4266
Frankfort, KY 40604-4266
Phone: 502-564-1231
Fax: 502-564-1233
Cell: 859-816-1166

Kentucky Court of Justice Confidentiality Notice

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SEALED MOTION TO SEAL DEPOSITION

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION
CASE NOS. 2017-254 AND 2017-255**

**IN RE THE MATTER OF :
CIRCUIT JUDGE BETH LEWIS MAZE**

AMENDERD EXHIBIT LIST

1. AOC ORDER FORM 103-1 REV. 9-97.
2. COPY OF LOCAL RULES FOR 21ST JUDICIAL CIRCUIT.
3. VIDEO SCLIPS FROM SANCHA HAYES 08/04/2016, 09/01/16, 10/06/16, 05/04/17, 10/05/17.
4. CRIMINAL HISTORY OF SANCHA HAYES.
5. CASE MEMO OF SANCHA HAYES IN BATH COUNTY 17-T-00547.
6. LAB CORP HAIR FOLLICLE DRUG TEST ON BETH LEWIS MAZE, PREVIOUSLY PROVIDED..
7. RESUME OF BETH LEWIS MAZE
8. PVA RECORDS ON U.S. 60 PROBerty.
9. DEEDS FOR U.S. 60 PROPERTY.
10. VIDEO OF RICHARD ROLAND, 08/04/17.
11. VIDEO OF DAVID TATE HEARING ON 11/09/17.
12. ANDRE BURNS VIDEOS IN 08-CR-00017, ON 08/08/08 @ 01:25:59 p.m.-01:29;42 p.m., 09/12/08 @ 02:0041 p.m.-02:03;56 p.m.;
13. ANDRE BURNS VIDEOS IN 11-CR-00118 ON 06/10/11 @ 03:41:14 p.m.-03:45:00, p.m., 07/08/11 @ 01:13:33 p.m.-01:14:51 p.m., 10/18/11 @ 01:51:02 p.m.-01:52:12 p.m., and 02:14:53 p.m.-02:25:45, p.m., 10/27/11 @ 12:44:37 p.m.-01-02:37 p.m., 02/27/12 -JURY TRIAL BEGINNING AT 8:37:55-CONCLUSION. 03/09/12 @ 03:15:30 p.m.-03:18:53 p.m.
14. ANDRE BURNS VIDEO IN 2018 CASE ON 09/18/18 @ 10:06:20 a.m.-10:10:17 a.m.
15. PHONE RECORDS OF BETH LEWIS MAZE FOR 08/16/14-08/17/14.
16. PHOTOGRAPH OF THE FRONT DOOR OF THE HOME BETH LEWIS MAZE LIVED IN 2006.
17. AFFIDAVIT OF DEANA L. FAWNS
18. MEDICAL RECORDS OF RICHARD CHANDLER MAZE FROM ST. CLAIR HOSPITAL IN MOREHEAD, AND MEDICAL RECORDS FROM UNIVERSITY OF KENTYCKY HOSPITAL AND COMMONWEALTH NEPHROLOGY AND TIME LINE.
19. MEDICAL RECORDS OF ARTHUR T. MAZE FROM MAYO CLINIC AND UNIVERSITY OF KENTYCKY HOSPITAL.
20. MEDICAL RECORDS OF THOMAS B. MAZE FROM UNIVERSITY OPF KENTUCKY HOSPITAL MAYO CLINIC AND CENTRAL BAPTIST CARDIOLOGY AND UNIVERSITY OF KENTUCKY DEPARTMENT OF NEPHROLOGY.

21. 18-CV-00619, *MILLER V. MONTGOMERY CO, ET AL.*
22. COPY OF PROPOSED RULE RCr 13:15, WHICH WAS DISTRIBUTED FOR CONSIDERATION BY THE CRIMINAL RULES COMMITTEE IN SEPTEMBER, 2017.
23. ORDERS SIGNED BY JUDGE LANE IN SYNDICATE CASES, ENTERED JUNE 18, 2018 AND PREVIOUSLY PROVIDED.
24. CHRISTINA BROWN ORDER.
25. KRISTA BUSSELL INDICTMENT IN 18-CR-00162 AND 18-CR-00157 AND CRIMINAL HISTORY IN 18-CR-162, AMENDED TO POSSESSION AND DIVERTED AND 18-CR-157, CRIMINAL SYNDICATE, CLASS B FELONY-DISMISSED.
26. WRITING EXAMPLES OF JUSTIN SUTHERLAND.

COMMONWEALTH OF KENTUCKY

TWENTY-FIRST JUDICIAL _____ COURT

_____ County

Case No. _____

_____)	
PLAINTIFF)	
)	
vs.)	
)	
)	
_____)	
DEFENDANT(S))	

ORDER

This matter coming on to be heard _____

and the Court being advised, IT IS HEREBY ORDERED AND ADJUDGED, AS FOLLOWS, TO-WIT:

this _____ day of _____, 19____.

Judge

Distribution:

Attorney for Plaintiff

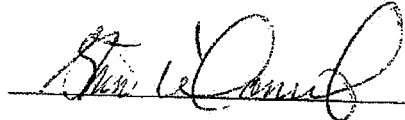
Attorney for Defendant(s)

AFFIDAVIT OF STEVE O'DANIEL

I Steve O'Daniel, having been sworn, state under oath the following:

1. I am a retired state trooper and have 40 years of investigative experience.
2. I now work as a private investigator and have been hired by the Hon. Thomas Clay of Louisville to investigate the case of Beth Lewis Maze which is pending before the Judicial Conduct Commission.
3. In the course of my investigation I spoke with Donald Maze's attorney, Hon. Michael Campbell. Mr. Campbell told me that Confidential Witness number 5 in the search warrant affidavit is Sancha Hayes.
4. Through my investigation I learned that in 2017 Ms. Hayes had been found by the police in the possession of a stolen car. When she was stopped there was a chain and bolt cutters in the vehicle that were used to steal the car. It is my knowledge she was not charged with the theft of this vehicle but was charged with driving on a suspended license. Ms. Hays was the only person in the vehicle.
5. I have interviewed individuals who have known Ms. Hays for several years. They know her reputation as not trustworthy, untruthful and lives in a fantasy world.

Further Affiant sayeth not.


Steve O'Daniel

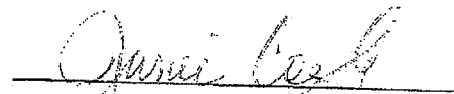
STATE OF KENTUCKY:

COUNTY OF MONTGOMERY:
Jessamine

The foregoing was signed and sworn to before me by Steve O'Daniel

this 20th day of ~~September~~ 2018. *November, 2018.*

My Commission Expires: September 3, 2022


Notary Public, KY.

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

**BETH LEWIS MAZE, CIRCUIT COURT JUDGE
21st JUDICIAL CIRCUIT**

AMENDED WITNESS LIST

Counsel for the Judicial Conduct Commission submits the following Witness List¹ for the SCR 4.020 final disposition hearing scheduled for December 3, 2018 at 9:00 a.m.:

1. Judge Beth Lewis Maze, who is expected to testify consistent with her written statements to the JCC (November 15, 2017 and February 28, 2018) and her WLEX 18 interview from August 9, 2018;
2. Michael Campbell, who is expected to testify consistent with his personal knowledge of the allegations in the Notice of Formal Proceedings;
3. David Charles, who is expected to testify consistent with his personal knowledge of the allegations in the Notice of Formal Proceedings;
4. Mark Collier, who is expected to testify consistent with his personal knowledge of the allegations set forth in the Notice of Formal Proceedings;
5. Sgt. Jimmy Daniels, who is expected to testify consistent with his statement given on September 18, 2018;
6. Ronnie Goldy, Jr., who is expected to testify consistent with his statement given on August 27, 2018;
7. Kim Hunt Price, who is expected to testify consistent with her statement given on August 27, 2018;
8. Dagny James, who is expected to testify consistent with her personal knowledge of the allegations set forth in the Notice of Formal Proceedings;
9. Charles O. Landon, who is expected to testify consistent with his personal knowledge of the allegations set forth in the Notice of Formal Proceedings;

¹ This Witness List does not include any individuals that may be called solely for the purpose of impeachment of a party or witness.

10. Hon. William Lane, who is expected to testify consistent with his statement given on September 20, 2018;
11. Michael W. Laws, who is expected to testify consistent with his personal knowledge of the allegations in the Notice of Formal Proceedings;
12. Det. Jim McDonald, who is expected to testify consistent with his personal knowledge of the allegations in the Notice of Formal Proceedings;
13. J. Rachel Noyes, who is expected to testify for the purpose of authenticating correspondence and documents sent from Judge Maze to the Judicial Conduct Commission;
14. Hon. William W. Roberts, who is expected to testify consistent with his statement given on October 24, 2018;
15. Officer Justin Sutherland, who is expected to testify consistent with his statement given on September 10, 2018;
16. Wendy Walker, who is expected to testify consistent with her statement given on October 17, 2018;
17. Rachel Walters, who is expected to testify consistent with her personal knowledge of the allegations in the Notice of Formal Proceedings.

Respectfully submitted,

/s/ Jeffrey C. Mando

Jeffrey C. Mando, Esq. (#43548)
Louis D. Kelly, Esq. (#92094)
Olivia F. Amlung, Esq. (#97449)
ADAMS, STEPNER,
WOLTERMANN & DUSING, PLLC
40 West Pike Street
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859.394.6200
859.3.92.7263 – Fax
jmando@aswdlaw.com
lkelly@aswdlaw.com
oamlung@aswdlaw.com

Counsel for Judicial Conduct Commission

CERTIFICATE OF SERVICE

This is to certify that true and correct copy of the foregoing has been served upon via electronic and U.S. Mail, postage prepaid, on this the 27th day of November 2018, upon the following:

Thomas E. Clay, Esq.
Clay Daniel Winner, LLC
917 Lily Creek Road
Louisville, KY 40243
tclay@tclaylaw.com

William E. Johnson, Esq.
Johnson Bearnse, LLP
326 West Main Street
Frankfort, KY 40601
bill@johnsonbearnse.com

Ms. Jimmy Shaffer
Executive Secretary
KY Judicial Conduct Commission
P.O. Box 4266
Frankfort, KY 40604
JimmyShaffer@kycourts.net

/s/ Jeffrey C. Mando

Jeffrey C. Mando, Esq.

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

**BETH LEWIS MAZE, CIRCUIT COURT JUDGE
21ST JUDICIAL CIRCUIT**

AMENDED EXHIBIT LIST

Counsel for the Judicial Conduct Commission submits the following Exhibit List¹ for the SCR 4.020 final disposition hearing scheduled for December 3, 2018 at 9:00 a.m.:

1. Text Messages from Donald “Champ” Maze’s Cell Phone, E-Crimes Extraction Report for 606.336.8089, Bates labeled JCC000001 - JCC000383;
2. September 18, 2017 Owingsville Police Department Uniform Citation N309529, Bates labeled JCC000384;
3. September 19, 2017 Bail Bond Sheet for Donald “Champ” Maze, Bates labeled JCC000385;
4. September 18, 2017 Order for a drug test signed by Judge Maze issued specifically to St. Joseph Hospital in Mt. Sterling, Kentucky, Bates labeled JCC000386;
5. September 18, 2017 Order for a drug test signed by Judge Maze, Bates labeled JCC000387;
6. November 12, 2017 letter from Judge Maze to JCC, Bates labeled JCC000388 - JCC000393;
7. February 28, 2018 letter from Judge Maze to JCC, Bates labeled JCC000394 - JCC000399;
8. Video of Judge Maze’ recorded interview with WLEX18 News, Bates labeled JCC000400;
9. Judge Lane’s June 18, 2018 Order of Memorandum, Bates labeled JCC000401 - JCC000402;

¹ This Exhibit List does not include any documents that may be used solely for the purpose of impeachment of a party or witness. Counsel for the Commission further reserves the right to supplement this list.

10. July 3, 2018 facsimile from Judge Maze's Office to Mt. Sterling Police, Bates labeled JCC000403 - JCC000406;
11. May 23, 2018 Email from Charles Landon re: Syndicate Scheduling, Bates labeled JCC000407 - JCC000408;
12. June 4, 2018 Email from Rachel Walters to Ronnie Goldy, Bates labeled JCC000409 - JCC000416;
13. Case File for Boyd Circuit Court Case Number 08-CI-00104, *Maze v. Maze*, Bates labeled JCC000417 - JCC000449.

Respectfully submitted,

/s/ Jeffrey C. Mando

Jeffrey C. Mando, Esq. (#43548)
Louis D. Kelly, Esq. (#92094)
Olivia F. Amlung, Esq. (#97449)
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oamlung@aswdlaw.com

Counsel for Judicial Conduct Commission

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Frankfort, KY 40604
JimmyShaffer@kycourts.net

/s/ Jeffrey C. Mando

Jeffrey C. Mando, Esq.

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

**BETH LEWIS MAZE, CIRCUIT COURT JUDGE
21st JUDICIAL CIRCUIT**

ORDER

The Kentucky Judicial Conduct Commission takes notice of Respondent, Judge Beth Lewis Maze's Notice of Appeal of the Commission's November 19, 2018 order denying Judge Maze's Motion to Stay Proceedings. Nevertheless, in light of SCR 4.290, CR 54.01, and the Kentucky Supreme Court's August 16, 2018 Order dismissing Judge Maze's previous appeal as interlocutory, the Commission hereby ORDERS that formal proceedings against Judge Maze shall proceed as scheduled on December 3, 2018 as set forth in the Commission's October 1, 2018 amended Notice of Time and Place for Hearing.

Date: November 24th, 2018



STEPHEN D. WOLNITZEK, CHAIR

CERTIFICATE OF SERVICE

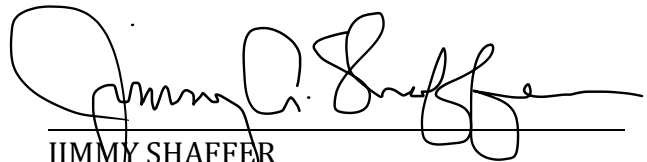
This is to certify that true and correct copy of the foregoing has been served upon the following via electronic and U.S. Mail, postage prepaid, on this the 20 day of November 2018:

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JIMMY SHAFFER

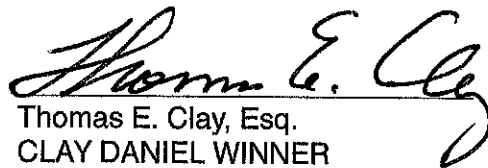
**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION
CASE NOS. 2017-254-2017-255**

**IN RE THE MATTER OF:
CIRCUIT JUDGE BETH LEWIS MAZE**

NOTICE OF APPEAL

Notice is given that Circuit Judge Beth Lewis Maze, the subject of these actions, hereby appeals to the Kentucky Supreme Court, by and through Counsel, from the Judicial Conduct Commission's ("Commission"/"JCC") November 19, 2018, order DENYING Judge Maze's Motion to stay the JCC proceedings pending the resolution of the criminal prosecution, and Motion to continue hearing scheduled for December 3, 2018, and Motion for opportunity to appear informally.

Respectfully submitted,



Thomas E. Clay, Esq.
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William E. Johnson, Esq.
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Counsel for Judge Beth Lewis Maze

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing has been served via electronic mail and U.S. mail, postage prepaid, on the 27th of November, 2018, upon the following:

**Jeffrey C. Mando, Esq.
Louis D. Kelly, Esq.
Olivia F. Amlung, Esq.
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oamlung@aswdlaw.com
Counsel for Judicial Conduct Commission**

Ms. Jimmy Shaffer
Executive Secretary
Kentucky Judicial Conduct Commission
P.O. Box 4266
Frankfort, Kentucky 40604
jimmyshaffer@kycourts.net
j

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

**BETH LEWIS MAZE, CIRCUIT COURT JUDGE
21ST JUDICIAL CIRCUIT**

RESPONSE IN OPPOSITION TO MOTION TO CONTINUE

In Response to Judge Beth Lewis Maze’s Motion to Continue, Counsel for the Commission, states as follows:

Judge Maze asks the Commission to continue the hearing scheduled for December 3, 2018 because Commission staff has provided factual file updates to her in the last two weeks. (Motion, p. 1) These updates consist of:

- Text messages between Donald “Champ” Maze and Judge Maze sent on November 13, 2018;
- Email from Rachel Walters to Ronnie Goldy sent on November 13, 2018;
- Statement of David Charles sent on November 21, 2018;
- Statement of Rachel Walters sent on November 26, 2018.¹

While Judge Maze contends that the timing of these productions prejudices her defense, the documents are not discovery that was withheld. To the contrary, the statements of Charles and Walters were obtained in preparation for the hearing based, in part, on Judge Maze’s inclusion of David Charles and Rachel Walters in *her* Witness List. And, with respect to the text messages, Commission staff forwarded the information to Judge Maze’s counsel immediately upon receipt. More importantly, while the total text

¹ Copies of email from JCC staff to Counsel for Judge Maze attached as Exhibit 1.

messages are more than 300 pages, Counsel for the Commission only intends on introducing 19 pages. (JCC000120 – 138) Moreover, Judge Maze has been aware of these messages as she participated in the communications. Finally, the email from Ms. Walters to Ronnie Goldy is only one page consisting of twenty-five (25) words.

In sum, the information provided to Judge Maze was timely made and it does not prejudice her defense. Her Motion to Continue should be denied.

Respectfully submitted,

/s/ Jeffrey C. Mando

JEFFREY C. MANDO (#43548)
LOUIS D. KELLY (#92094)
OLIVIA F. AMLUNG (#97449)
ADAMS, STEPNER, WOLTERMANN &
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(859)394-6200 Phone
(859)392-7263 Fax
jmando@aswdlaw.com

Counsel for Judicial Conduct Commission

CERTIFICATE OF SERVICE

This is to certify that true and correct copy of the foregoing has been served upon the following via electronic and regular mail, on this the **29th** day of November 2018:

Thomas E. Clay, Esq.
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tclay@tclaylaw.com

William E. Johnson, Esq.
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Jimmy Shaffer
Executive Secretary
KY Judicial Conduct Commission
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JimmyShaffer@kycourts.net

/s/ Jeffrey C. Mando
Jeffrey C. Mando

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

**BETH LEWIS MAZE, CIRCUIT COURT JUDGE
21ST JUDICIAL CIRCUIT**

**RESPONSE IN OPPOSITION TO MOTION TO RULE TEXT MESSAGES OF CHAMP MAZE
INADMISSIBLE AND STRIKE FROM EXHIBIT LIST**

In Response to Judge Maze's Motion to Rule Text Message of Champ Maze Inadmissible and Strike from Exhibit List, Counsel for the Commission, states as follows:

As part of its preparation for the December 3, 2018 hearing, Counsel for the Commission obtained an electronic file of the results of a search conducted by the Kentucky State Police ("KSP") of Donald "Champ" Maze's phone. The records secured during the search included text messages between Champ Maze and Judge Maze. Counsel for the Commission disclosed the texts in his Exhibit List and timely provided them to Judge Maze's Counsel.

However, the electronic record provided by KSP included additional information that Counsel for the Commission does *not* intend to use at the hearing. Nevertheless, so as to not withhold any information from Judge Maze, Counsel provided the complete electronic file to Judge Maze on November 13, 2018. The file was included with a letter stating that Counsel for the Commission did not intend to introduce the ***additional*** information contained on the disk. Counsel for the Commission never represented that he would not introduce the text messages between Champ Maze and Judge Maze. (See the November 13, 2018 letter which Judge Maze attached to her Motion.)

In light of the foregoing, Counsel for the Commission respectfully requests that Judge Maze's Motion be denied.

Respectfully submitted,

/s/ Jeffrey C. Mando

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Counsel for Judicial Conduct Commission

CERTIFICATE OF SERVICE

This is to certify that true and correct copy of the foregoing has been served upon the following via electronic and regular mail, on this the **29th** day of November 2018:

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/s/ Jeffrey C. Mando

Jeffrey C. Mando

RESPONSE IN OPPOSITION TO SEALED MOTION TO SEAL
DEPOSITION

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION

IN RE THE MATTER OF:

BETH LEWIS MAZE, CIRCUIT COURT JUDGE
21st JUDICIAL CIRCUIT

ORDER

Upon due consideration of Judge Maze's Motion to Continue Based Upon Newly Provided Discovery and the Response in Opposition; Judge Maze's Motion to Rule Text Messages of Champ Maze Inadmissible and to Strike from Exhibit List and the Response in Opposition; and Judge Maze's Motion to Seal the Deposition of Kim Barker Tabor to Prevent Retaliation and the Response in Opposition; and the Commission being fully advised and informed, it is hereby ordered that the Motions be and they are hereby DENIED.

Date: November 29th, 2018


STEPHEN D. WOLNITZEK, CHAIR

CERTIFICATE OF SERVICE

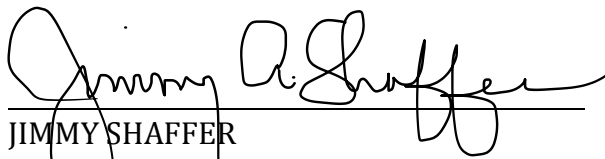
This is to certify that true and correct copy of the foregoing has been served upon the following via electronic and U.S. Mail, postage prepaid, on this the 29th day of November 2018:

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JIMMY SHAFFER
EXECUTIVE SECRETARY

Supreme Court of Kentucky

2018-SC-000633-RR

BETH LEWIS MAZE, CIRCUIT JUDGE

APPELLANT

V.

IN SUPREME COURT

KENTUCKY JUDICIAL CONDUCT COMMISSION

APPELLEE

ORDER GRANTING MOTION FOR IMMEDIATE RELIEF


After consideration of appellant Beth Maze's motion for Intermediate Relief pursuant to CR 76.33, and the Kentucky Judicial Conduct Commission's ("JCC") response thereto, it is hereby ORDERED:

- 1) Appellant's motion is hereby GRANTED;
- 2) The JCC hearing scheduled for December 3, 2018 in Maze's judicial conduct disciplinary proceeding is STAYED pending a decision by this Court on the merits of the above styled appeal;
- 3) Pursuant to SCR 4.290, appellant and the JCC shall confer and file an abbreviated record with the Court within 10 days of the date of this Order. Appellant's brief shall be due 20 days from the date of the filing of the abbreviated record with the Court. The JCC's brief shall be due 20 days

from the date of the filing of appellant's brief. No reply brief shall be filed;

- 4) After the filing of the briefs, the above-styled appeal will stand submitted without oral argument.

ENTERED: November 30, 2018.


Chief Justice

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

**BETH LEWIS MAZE, CIRCUIT COURT JUDGE
21ST JUDICIAL CIRCUIT**

THIRD AMENDED NOTICE OF FORMAL PROCEEDINGS AND CHARGES

Notice is hereby given of the filing of an additional charge pursuant to Rule 4.190 of the Rules of the Supreme Court.

At the times set out in this Notice, you were Circuit Court Judge for Kentucky's 21st Judicial Circuit consisting of Bath, Menifee, Montgomery, and Rowan counties. The charges are as follows:

Counts I and II in the May 21, 2018 Notice of Formal Proceedings and Charges, **Counts III and IV** in the September 10, 2018 Amended Notice of Formal Proceedings, and **Count V** in the October 19, 2018 Revised Second Amended Notice of Formal Proceedings are incorporated by reference and reaffirmed as if fully set forth herein.

Count VI

On November 29, 2018, just four (4) days before your final hearing before the Commission, you made *ex-parte* contact with Judge Eddy Coleman – a sitting member of the Judicial Conduct Commission – regarding the Commission’s denial of a Motion you filed in the proceedings pending against you. Specifically, you sent a text message to Judge Coleman stating “Eddy, [K.T.] just sent this to me. This from [D.R.] and she is so afraid.” The text message included a screenshot of a second text message purportedly sent from D.R. to a witness in the Commission’s proceedings, K.T. This second message said “WTF did you say?” in reference to a Motion to Seal K.T.’s deposition testimony filed by your counsel.

Your *ex-parte* contact with Judge Coleman prompted his recusal from the proceedings on the Charges against you.

Your actions violate SCR 4.020(1)(b)(i) and constitute misconduct in office. Furthermore, your actions violate SCR 4.300 and the relevant portions of the following Canons of the Code of Judicial Conduct:

- **Rule 1.1** which requires judges to comply with the law.
- **Rule 1.2** which requires judges to act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary.
- **Rule 1.3** which prohibits a judge from using or attempt to use his or her position to gain personal advantage or deferential treatment of any kind.
- **Rule 2.8** which prohibits a judge from criticizing fact-finders for their decisions other than in a court order or opinion in a proceeding.
- **Rule 2.9** which prohibits a judge from initiating *ex parte* communications, and requires that judges make reasonable efforts to ensure that, as much as is within his or her control, other court officials refrain from engaging in *ex parte* communications.

The jurisdiction of the Judicial Conduct Commission in this matter is under SCR 4.020(1)(b)(i) and (v), and (1)(c) 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 hearing, to remove a judge whom it finds to lack the constitutional statutory qualifications for the judgeship in question.

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

Per SCR 4.180, your Answer is due within fifteen (15) days after service of this Notice.

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

January 3rd, 2019.


STEPHEN D. WOLNITZEK, CHAIR

I hereby certify that copy hereof was served on Beth Lewis Maze, Circuit Court Judge, by serving the same to her attorneys, Thomas E. Clay, Esq., 917 Lily Creek Road, Louisville, KY 40243; William E. Johnson, Esq., 326 West Main Street, Frankfort, KY 40601; and Stephen Ryan, 7104 Hillcircle Court, Louisville, KY 40214, this 3rd day of January, 2019.


JIMMY SHAFFER, EXECUTIVE SECRETARY

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION
2017 254 AND 255

BETH LEWIS MAZE, CIRCUIT COURT JUDGE
21ST JUDICIAL CIRCUIT

**ANSWER TO THIRD AMENDED NOTICE
OF FORMAL PROCEEDINGS AND CHARGES**

* * * * *

Comes Circuit Judge Beth Lewis Maze, by counsel, and, for her answer to the Third Amended Notice of Formal Proceedings and Charges, states as follows:

1. On November 26, 2018, Judge Maze took the trial video deposition of Rowan County Circuit Clerk Kim Barker Tabor for the JCC trial which was then scheduled for December 3, 2018.

2. In the course of her testimony, Clerk Tabor testified that she had overheard conversations between various court personnel in the 21st Judicial Circuit.

3. Excerpts of Clerk Tabor's testimony are as follows:

p.4, l.2 – p.5, l.6

Q Were you aware of any conversations between Judge Lane and Mr. Goldy prior to this proceeding with the Judicial Conduct Commission where they wanted to get rid of her?

MS. AMLUNG: Again, object to form, but you can still answer.

A I wasn't under the -- the -- yes. About -- approximately two years ago, Mr. Goldy had mentioned that our district judge, Judge Roberts, was going to move up to circuit judge, and then he, himself, was going to move up to district judge. But this whole time, I thought that they were talking about when Judge Lane retired because we had heard that Judge Lane went to the Retirement Board. Not -- I -- I did not know it was...

Q You didn't know they were talking about Judge Maze?

A No.

Q Did you later learn they were, in fact, talking about Judge Maze?

A Yes.

Q Could you tell us about that?

A I was under the impression that they were going to try to take down Judge Maze whenever her ex-husband got arrested. I had heard conversation that -- that this would get her to resign.

Q By taking her down, getting her off the bench --

A Yes.

Q -- one way or another?

A Yes.

* * * * *

p.6, 1.9 -- p.8, 1.22

Q Okay. Could we elaborate a little bit more about the personalities involved here? We've got Judge Lane, we've got Mr. Goldy, and there's some relatives who were also involved in these discussions, wives and relatives. Are you aware of any of those discussions, ma'am?

A Wives, as in Judge Roberts' wife?

Q Yes, ma'am.

MS. AMLUNG: Objection.

Q And what's her name?

A Deanna.

Q Right. Is she involved -- I guess a term that could be applied to this situation that I would use is palace intrigue. Do you know what that means?

A No, sir.

Q That there are schemes going on, that there are plans that people have about how they're going to carry out these plots. Does that make sense? Do you understand what I'm saying?

A Yes, sir.

Q That was --

MS. AMLUNG: Object to form.

Q And that was going on here, wasn't it?

MS. AMLUNG: Object to form.

A I would say yes.

Q Okay. In addition to Judge Lane and Mr. Goldy, who else was involved in these discussions, to your knowledge?

A There was -- so can I just -- can I just say this real quick? So in Deanna's office, which Judge Lane is in, whenever they have -- whenever we have court involving Ronnie Goldy, Keith Craycraft, Ashton McKenzie, they all go into one office like, for breaks or whatever, and they talk. They have lunch. And I'm -- don't know what all they discuss, but that is a big...

Q Judge Maze didn't participate in those meetings, did she?

A No. And even whenever she is -- even if she's -- whenever she's in Rowan County, her office is like, right down the hall, and she -- I -- I don't see -- I mean, she just stays to herself down the hall.

Q To your knowledge, does Deanna Roberts play a role in making judicial decisions in that circuit?

A Absolutely.

Q Tell us about that.

A She "pretty much rules what goes on -- on there." She will do things as in issue warrants, and then she will let -- then she'll call Judge Lane and -- and tell him, you know, what has happened. I've witnessed that before. She pretty much runs Drug Court in both Rowan County and Bath County.

Q In what manner does she do that, ma'am?

A She pretty much tells people and -- how to sanction them and does the orders for sanctions and -- and things of that nature.

Q You're not involved in family law, but does Ms. Roberts make decisions about visitation and custody and things of that nature, to your knowledge?

MS. AMLUNG: Object to form.

A A lot of times she gives Judge Lane -- she pretty much tells Judge Lane what to do.

Q And he does it?

A And he does it.

* * * * *

p.11, l.10 -- p.12, l.10

BY MR. CLAY:

A And -- and can I say something else?

Q By all means.

A I worry for my safety and my job if Judge Lane or Ronnie Goldy, Deanna, Ashton, if what is said today gets to them (CRYING). I just want you all to know that. So if something does happen, that is why, because that is how -- that's what has happened -- what -- you don't -- you don't cross them. You don't (CRYING) -- I'm so sorry, but I just needed you all to know that.

Q Are you afraid --

A So if anything happens...

Q Are you afraid of retaliation in the event --

A Very much so.

Q -- they find out about your testimony?

A Yes. I didn't know that -- that we were going to be discussing them. I just thought I was going to tell you about my relationship. But having discussed that, it -- it -- it will be bad if they find out that I said anything about them.

Q Have you seen those individuals retaliate against others who have taken positions contrary to them?

MS. AMLUNG: Object to form.

A Not -- not -- not personally, but just what people have said.

* * * * *

p.15, l.8 -- p.15, l.25

MR. CLAY: Then I would move for admission of Exhibits 1 through 4. And just -- we talked about this off the record, but I'm going to make it part of the record. We're going to move to seal your testimony here today pending further orders by the Judicial Conduct Commission in hopes that this will never become part of the public record, so you won't have to suffer this fear of retaliation.

MS. AMLUNG: And, again, just for the purpose of the records, we will just oppose for the purpose that we did not ask her here, and JCC has an interest in preserving the public's knowledge.

MR. CLAY: Well, it seems to me like JCC would have an interest in protecting this clerk from being retaliated against by Judge Lane and Mr. Goldy. It seems to me like they would have that interest as well.

MR. AMLUNG: Well, Mr. Clay, we can let them decide. There's no need to be hostile with me.

4. At the conclusion of Ms. Tabor's testimony counsel for Judge Maze moved to seal Ms. Tabor's testimony out of concern for the fears Clerk Tabor expressed should her testimony get back to Judge William Lane, Commonwealth's Attorney Ronnie Goldy, Deanna Roberts (District Judge William Roberts' wife and Judge Lane's secretary) and Assistant Commonwealth Attorney Ashton McKenzie.

5. On November 29, 2018, the Judicial Conduct Commission denied Judge Maze's motion to seal Clerk Tabor's testimony.

6. Within approximately thirty (30) minutes from the posting of JCC's order denying Judge Maze's motion to seal, Deanna Roberts sent a text to Clerk Kim Tabor. (Exhibit 1)

7. True to Judge Maze and Kim Tabor's apprehension, Ms. Roberts' text contained a screen shot of JCC's order coupled with the following threat: "Wtf (What the fuck) did u say."

8. Kim Tabor immediately forwarded the text to Judge Maze.

9. Judge Maze is an employee of the Commonwealth of Kentucky.

10. Judge Maze knew that Judge Eddy Coleman was on the JCC; however, she was under the mistaken belief that he was not participating in her case because he was not present for her informal conference on the one and only occasion Judge Maze has had an opportunity to appear before the JCC on January 26, 2018.

11. Judge Eddy Coleman is the Chief Regional Judge of the 7th Supreme Court District and the Judge to whom Judge Maze, the Chief Circuit Judge for the 21st Judicial Circuit, would normally report when reporting issues in the 21st Judicial Circuit.

12. Judge Maze reported the conduct to Judge Coleman as her Chief Regional Judge, not as a member of the Judicial Conduct Commission. (Exhibit 2)

13. When Judge Maze contacted Judge Coleman, she was making a disclosure to the judiciary of facts or information relative to an actual or suspected violation of the law and/or statute of the Commonwealth of Kentucky, specifically KRS 524.040¹, intimidating a witness.

¹ 524.040 Intimidating a participant in the legal process.

(1) A person is guilty of intimidating a participant in the legal process when, by use of physical force or a threat directed to a person he believes to be a participant in the legal process, he or she:

(a) Influences, or attempts to influence, the testimony, vote, decision, or opinion of that person.

14. Any “employer”² who violates KRS 61.102 may fall under the provision of KRS 61.990³ which makes violation of the Whistleblower Act a Class A misdemeanor.

15. According to the JCC, “[T]he Commission has the authority of an adjudicatory body,” and, further quoting the Kentucky Attorney General, “The Commission is an agency of the Court of Justice....” (Exhibit 3)

16. Not only was Judge Maze’s disclosure to Judge Coleman of the conduct of Deanna Roberts, which arguably constituted a felony protected by the Whistleblower Act, it was Judge Maze’s legal obligation to make the disclosure.

17. 18 U.S.C. § 4, Misprision of felony⁴ obligates any citizen, including Judge Maze, “having knowledge of the actual commission of a felony cognizable by a court of the United States. . . . conceals and does not as soon as possible make known the same to some judge. . . . shall be fined under this title or imprisoned for three years, or both.”

18. JCC’s Charge VI represents a clear and sinister intent on the part of the Commission to punish Judge Maze for disclosing arguably criminal conduct to an individual specifically designated by state and federal law to receive Judge Maze’s report.

² 61.102 Reprisal against public employee for disclosure of violations of law prohibited – Construction of statute.

(1) No employer shall subject to reprisal, or directly or indirectly use, or threaten to use, any official authority or influence, in any manner whatsoever, which tends to discourage, restrain, depress, dissuade, deter, prevent, interfere with, coerce, or discriminate against any employee who in good faith reports, discloses, divulges, or otherwise brings to the attention of . . . the judiciary. . . . any facts or information relative to an actual or suspected violation of any law, statute. . . .

³ 61.990 (3) Any person who willfully violates the provisions of KRS 61.102(1) shall be guilty of a Class A misdemeanor.

⁴ § 4 Misprision of felony

Whoever, having knowledge of the actual commission of a felony cognizable by a court of the United States, conceals and does not as soon as possible make known the same to some judge or other person in civil or military authority under the United States, shall be fined under this title or imprisoned not more than three years, or both.

Respectfully,


THOMAS E. CLAY, P.S.C.

CLAY DANIEL WINNER, LLC

917 Lily Creek Road

Louisville, KY 40243

(502) 561-2005

tclay@tclaylaw.com

CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the foregoing Answer to Third Amended Notice of Formal Proceedings and Charges, was this 8th day of February, 2019, mailed and e-mailed via U.S. Postal Service, first class postage to the following:

Hon. Jeffrey C. Mando

Hon. Louis D. Kelly

Hon. Olivia F. Amlung

ADAMS STEPNER WOLTERMANN & DUSING, PLLC

40 West Pike Street

Convington, KY 41011

Counsel for the Judicial Conduct Commission

Ms. Jimmy Shaffer

Executive Secretary

Kentucky Judicial Conduct Commission

P.O. Box 4266

Frankfort, KY 40604


THOMAS E. CLAY, P.S.C.

Done

Photo



Dee

COMMONWEALTH OF KENTUCKY
OFFICIAL PAPER COMMISSION

IN RE: THE ELECTION OF
JUDGES TO THE CIRCUIT COURT FOR
THE JUDICIAL CIRCUIT

INDEX

Open any envelope that is in the name of the Board of Election Judges and the names of the candidates for the offices of Circuit Court Judge for the Judicial Circuit for the County of Boone, Kentucky. The Board of Election Judges shall determine the names of the candidates for the offices of Circuit Court Judge for the Judicial Circuit for the County of Boone, Kentucky. The Board of Election Judges shall determine the names of the candidates for the offices of Circuit Court Judge for the Judicial Circuit for the County of Boone, Kentucky. The Board of Election Judges shall determine the names of the candidates for the offices of Circuit Court Judge for the Judicial Circuit for the County of Boone, Kentucky.

CERTIFICATION SERVICE

This is to certify that the above mentioned document is a true and correct copy of the original document as it appears on file and has been prepared in accordance with the provisions of the Kentucky Election Code, Chapter 112, Sections 112.020 through 112.040.

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Cincinnati, OH 45202
513-564-2200

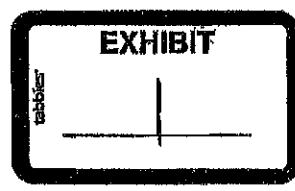
[Signature]
James H. Smith
Secretary

Wtf did u say?

Q W E R T Y U I O P

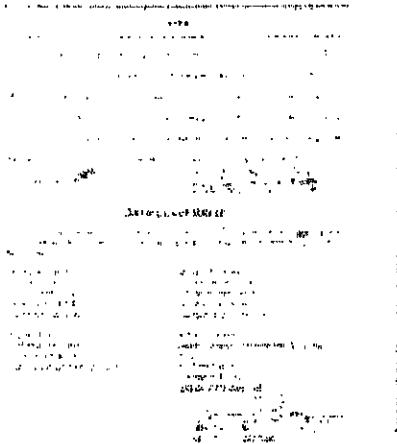
A S D F G H J K L

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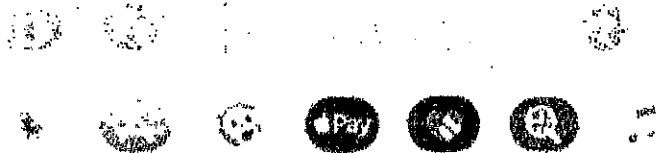




Beth >



Wtf did u say?



Q W E R T Y U I O P
A S D F G H J K L
Z X C V B N M

Eddy, Kim Tabor
just sent this to
me . It is from
Deanna Roberts &
she is so afraid.



December 18, 2018

VIA ELECTRONIC MAIL

Thomas P. Jones, Esq.
59 Main Street
P.O. Drawer 0
Beattyville, KY 41311
lawthomas@bellsouth.net

Thomas E. Clay, Esq.
CLAY DANIEL WINNER, LLC
917 Lily Creek Road
Louisville, KY 40243
tclay@tclaylaw.com

William E. Johnson, Esq.
JOHNSON MEARSE, LLP
326 West Main Street
Frankfort, KY 40601
bill@johnsonbears.com

RE: *Commonwealth of Kentucky v. Beth Lewis Maze*
Bath County Case No. 18-CR-00059

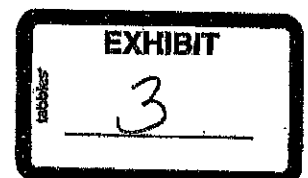
Gentlemen:

I am in receipt of your correspondence dated December 13, 2018 inquiring about the Judicial Conduct Commission's acquisition of recordings of the grand jury testimony in the above-referenced case.

Following a flurry of media coverage,¹ the Commission learned that Judge Maze had been indicted by a Bath County Grand Jury on criminal charges arising from the same conduct that was the subject of her pending charges before the Commission. Accordingly, we deemed it pertinent to obtain the grand jury testimony before commencement of the December 3, 2018 hearing because of the clear relevance to the Commission's own investigation. On November 13, the Commission issued a subpoena to the special prosecutor assigned to the above-referenced case requesting production of the grand jury testimony recording. After receiving no objection to our subpoena, our office received the recordings from the special prosecutor via US Mail on November 26, 2018. We, of course, promptly provided copies to Mr. Clay the following morning.

The Commission is entrusted with broad investigative powers when an allegation of misconduct against a judge has been made. SCR 4.170; SCR 4.020. Pursuant to both SCR 4.030 and KRS § 34.330, the Commission has the power to "administer oaths, take testimony under oath, compel the attendance of witnesses, and compel the production of records and other evidence." Under SCR 4.160, the Rules of Civil Procedure apply to all proceedings before the Commission to the extent that they are not inconsistent with the Commission's Rules. The Supreme Court Rules are silent, however, as to whether the Commission is limited by the Rules of Criminal Procedure in its investigations.

¹ See *Id.*, WDRB News, *Kentucky Circuit Court Judge Indicted on Felony Charges* (Nov. 1, 2018), found at: https://www.wdrb.com/news/kentucky-circuit-court-judge-indicted-on-felony-charges/article_bef05290-6cd9-57f9-b8ec-cf521bed5836.html and The Morehead News, *Judge Maze Indicted on Three Felony Charges* (Nov. 7, 2018), found at: https://www.themoreheadnews.com/news/judge-maze-indicted-on-three-felony-charges/article_58616cae-e295-11e8-ae58-97e826f22773.html



December 18, 2018

Page 2

Regardless, RCr 5.24 and the general presumption of confidentiality in grand jury proceedings are not absolute. In addition to a defendant's ability to request a copy of the recording on her own volition, the presumption of secrecy is "subject to the authority of the court at any time to direct otherwise." For all intents and purposes, pursuant to the unique jurisdiction afforded to it under SCR 4.170, the Commission has the authority of an adjudicatory body. In fact, the Kentucky Attorney General has explicitly opined that "the Commission is an agency of the Court of Justice, created under authority of the Kentucky Constitution and Supreme Court Rule." 1991 Ky. AG LEXIS 45, *3. In his Opinion, the Attorney General further clarified that "the Commission, its members and employees are part and parcel of the Court, and its records are inseparable from the judicial function." *Id.* at *5 (internal citations omitted).

Based on the above, it was appropriate for the Commission to seek the grand jury recordings in Judge Maze's criminal case. This information is pertinent the Commission's investigation, and acquisition of the transcripts falls squarely within the Commission's subpoena powers vested in SCR 4.030 and KRS § 34.330. The Special Prosecutor must have concurred as he did not file an objection or a motion to quash the subpoena. Under these circumstances, I trust this response addresses and remedies the concerns and requests in your correspondence.

Once you identify specifically who from the Commission you need to testify and why their testimony is material and necessary, we will inquire and advise if we can accept service.

If you have any additional questions, please feel free to contact me at your convenience.

Sincerely,

ADAMS, STEPNER,
WOLTERMANN & DUSING, PLLC

/s/ Jeffrey C. Mando
Jeffrey C. Mando

OFA/

cc: Ms. Jimmy A. Shaffer (via email)
Louis D. Kelly (via email)
Olivia F. Amlang (via email)

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION

IN RE: THE MATTER OF

BETH LEWIS MAZE, CIRCUIT COURT JUDGE
21ST JUDICIAL CIRCUIT, RESPONDENT

NOTICE OF WITHDRAWAL OF COUNSEL

Notice is hereby given of William E. Johnson and the law firm of Johnson Bearse, LLP, withdrawing as counsel for the Respondent in his proceeding. Notice of the withdrawal was previously communicated to Respondent and no objection to the withdrawal has been received by the undersigned.

Respectfully submitted,

JOHNSON BEARSE, LLP

BY: 

William E. Johnson
326 West Main Street
Frankfort, KY 40601
Telephone: (502) 605-6100
Facsimile: (502) 605-6108
E-Mail: bill@johnsonbearse.com

Certificate of Service

I hereby certify that the original Notice of Withdrawal of Counsel was mailed to Kentucky Judicial Conduct Commission, P.O. Box 4266, Frankfort, KY 40604, on this 5th day of April, 2019 and copies were mailed on the same date to:

Hon. Jeffrey C. Mando
Hon. Louis D. Kelly
Hon. Olivia F. Amlung
Adams Stepner Woltermann & Dusing, PLLC
40 West Pike Street
Covington, KY 41011
Counsel for the Judicial Conduct Commission


Ms. Jimmy Y. Shaffer
Executive Secretary
Kentucky Judicial Conduct Commission
P.O. Box 4266
Frankfort, KY 40604

Thomas E. Clay, Esq.
Thomas E. Clay, P.S.C.
Clay Daniel Winner, LLC
917 Lily Creek Road
Louisville, KY 40243

Thomas P. Jones, Esq.
Thomas P. Jones Law Office, PLLC
59 Main Street
P.O. Drawer O
Beattyville, KY 41311

Honorable Susan Stokley Clary, Clerk
Kentucky Supreme Court
Room 209, State Capitol
700 Capital Avenue
Frankfort, KY 40601-3488

Honorable Beth Maze
(via email: bethlewismaze@gmail.com)



William E. Johnson

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

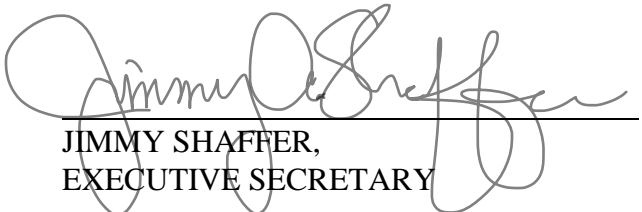
**BETH LEWIS MAZE, CIRCUIT COURT JUDGE
21ST JUDICIAL CIRCUIT**

NOTICE OF TIME AND PLACE FOR HEARING

NOTICE is hereby given that the hearing in these formal proceedings will be held commencing August 19, 2019, at 9:00 a.m. in the Fayette Circuit Court, 120 North Limestone, Lexington, Kentucky.

CERTIFICATE OF SERVICE

I hereby certify that copy hereof was served on Beth Lewis Maze, Circuit Court Judge, by serving the same to her attorneys, Thomas E. Clay, Esq., 462 S. Fourth Street, Louisville, KY 40202; and Stephen Ryan, Esq., 7104 Hillcircle Ct., Louisville, KY 40214; and on counsel for the Judicial Conduct Commission, Jeffrey C. Mando, Esq., Adams, Stepner, Woltermann & Dusing, PLLC, 40 West Pike Street, Covington, KY 41011, this 21st day of June, 2019.


JIMMY SHAFFER,
EXECUTIVE SECRETARY

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION
2017 254 AND 255

IN RE THE MATTER OF:

BETH LEWIS MAZE, CIRCUIT COURT JUDGE
21ST JUDICIAL CIRCUIT

MOTION FOR CONTINUANCE

Comes Judge Beth Lewis Maze, by counsel, and for her motion to continue the proceedings scheduled for August 19, 2019, and states as follows:

1. The Commission scheduled the hearing on the charges against Judge Maze by an Order entered on June 21, 2019.
2. The date was set unilaterally with no contact with counsel to identify any conflict with the date.
3. The undersigned has been representing two (2) former Kentucky Department of Corrections employees since they were placed on suspension and ultimately terminated on March 21, 2019. (Exhibits 1 and 2)
4. Both Mr. Williams and Mr. Grevious have proceedings pending before the Kentucky Personnel Board and the Office of Unemployment Insurance.
5. Mr. Grevious has had two (2) hearings with the Office of Unemployment Insurance. (Ex. 3 and 4)
6. A third hearing is required but has not been set to date.
7. There have been two pre-hearing conferences with the Personnel Board for Mr. Grevious, May 2, 2019, and May 15, 2019. (Ex. 5)

8. Mr. Williams has also had two (2) hearings with the Office of Unemployment Insurance. (Ex. 6 and 7)

9. Mr. Williams had a third unemployment hearing on July 2, 2019, which lasted four (4) hours.

10. Mr. Williams has had two prehearing conferences before the Personnel Board on May 2, 2019 and May 15, 2019. (Ex. 8)

11. On May 15, 2019, over a month prior to the Judicial Conduct Commission's scheduling Judge Maze's hearing, the Personnel Board set the following hearing schedule:

John Grevious' Evidentiary Hearing: August 5, 12 and 13. (Ex. 9)


Michael Williams' Evidentiary Hearing: August 20, 21 (starting at 1:00 p.m. EDT, 22 & 23, at 9:30 EDT – Ex. 10)

Both hearings will be conducted at the Personnel Board Office in Frankfort, Kentucky.

12. Counsel for Judge Maze will be unable to attend the hearing scheduled by the Judicial Conduct Commission at the required times, given the prior scheduling of Michael Williams' Personnel Board Hearing.

WHEREFORE, Judge Maze moves the Commission to reassign the hearing currently scheduled for August 19, 2019.

Respectfully,


THOMAS E. CLAY, P.S.C.
CLAY DANIEL WINNER, LLC
917 Lily Creek Road
Louisville, KY 40202
(502) 561-2005
tclay@tclaylaw.com

CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the foregoing Motion for Continuance, was this 3rd day of July, 2019, mailed and e-mailed via U.S. Postal Service, first class postage to the following:

Hon. Jeffrey C. Mando
Hon. Olivia F. Amlung
ADAMS STEPNER WOLTERMANN & DUSING, PLLC
40 West Pike Street
Covington, KY 41011
Counsel for the Judicial Conduct Commission

Ms. Jimmy Shaffer
Executive Secretary
Kentucky Judicial Conduct Commission
P.O. Box 4266
Frankfort, KY 40604



THOMAS E. CLAY, P.S.C.

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

**BETH LEWIS MAZE, CIRCUIT COURT JUDGE
21st JUDICIAL CIRCUIT**

ORDER

Upon due consideration of Judge Maze's Motion to Continue the Proceedings scheduled for August 19, 2019, and the Commission being fully advised and informed, it is hereby ordered that the motion be, and it is hereby GRANTED. The hearing in these formal proceedings will be held commencing September 9, 2019, at 9:00 a.m. in the Fayette Circuit Court, 120 North Limestone, Lexington, Kentucky.

It is further ORDERED that the time within which the Commission shall make final disposition be, and it is hereby extended, pursuant to SCR 4.260(3), to and including November 30, 2019.

Date: July 16th, 2019


STEPHEN D. WOLNITZEK, CHAIR

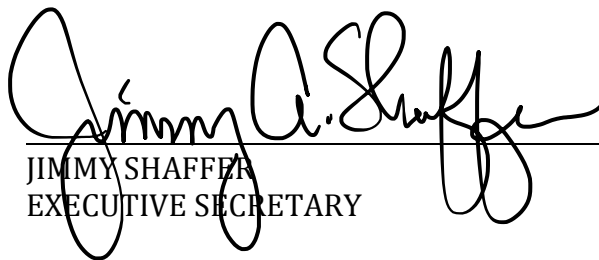
CERTIFICATE OF SERVICE

This is to certify that true and correct copy of the foregoing has been served upon the following via electronic and U.S. Mail, postage prepaid, on this the 10th day of July 2019:

Thomas E. Clay, Esq.
Clay Daniel Winner, LLC
917 Lily Creek Road
Louisville, KY 40243
tclay@tclaylaw.com

Stephen Ryan
7104 Hill Circle Court
Louisville, KY 40214
stephen_ryan@rocketmail.com

Jeffery C. Mando
Adams, Stepner, Woltermann & Dusing,
PLLC
40 Pike Street
Covington, KY 41011
jmando@aswdlaw.com


JIMMY SHAFFER
EXECUTIVE SECRETARY

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION

IN RE THE MATTER OF:

BETH LEWIS MAZE, CIRCUIT COURT JUDGE
21ST JUDICIAL CIRCUIT

MOTION TO CONTINUE FOR TEXT MESSAGES

* * * * *

Comes Judge Beth Lewis Maze, by counsel, and moves the Commission to continue the hearing set for September 9, 2019, to allow her to obtain evidence in the form of text messages and in support of this motion states as follows:

Since the onset of these proceedings, Judge Maze has made an effort to obtain text messages through JCC and Bath Circuit Court subpoenas, from AT&T and Sprint for the text messages of Circuit Judge William Lane, Commonwealth Attorney Ronnie Goldy and Judge Lane's secretary who is also District Judge William Robert's wife, Deanna Roberts. Judge Maze has been advised that these messages are available; however, the carriers required a court order. On August 2, 2019, Special Circuit Judge Phil Patton issued an order for AT&T to produce the text messages of Judge Lane, Ronnie Goldy and Deanna Roberts for the specific dates requested.

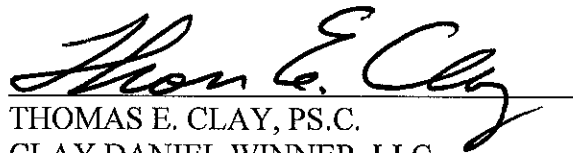
The dates of these messages are dates that would reflect discussions between these three individuals who have been conspiring to get rid of Judge Maze to create a vacancy so that District Judge William Roberts could advance to Circuit Judge, Commonwealth Attorney Ronnie Goldy could advance to District Judge and assistant Commonwealth Attorney Keith Craycraft could advance to Commonwealth Attorney, dates upon which Ronnie Goldy made efforts to have criminals tell lies about Judge Maze in an effort to destroy Judge Maze's good reputation in

exchange for favoritism from the Commonwealth, dates upon which these three individuals worked have a simple clerical error and turned into a felony offense to accomplish their effort to get rid of Judge Maze, dates that would reflect discussions between these individuals who were all involved in filing the anonymous JCC complaint, dates that reflect the creation of the affidavit for search warrant and the inclusion of Judge Maze in the affidavit in order to have that document to send to the JCC to taint the JCC proceeding and dates upon which Ronnie Goldy and Judge Lane texted about the criminal syndication cases.

Judge Maze submits that these text messages are crucial to her defense.

WHEREFORE, Judge Maze moves the Commission to Continue the hearing scheduled for September 9, 2019, to allow her additional time to obtain the text messages sought.

Respectfully,



THOMAS E. CLAY, PS.C.
CLAY DANIEL WINNER, LLC
917 Lily Creek Road
Louisville, KY 40243
(502) 561-2005
tclay@tclaylaw.com

CERTIFICATE OF SERVICE

It is hereby certified that on this 6th day of August, 2019, I electronically filed the foregoing Motion to Continue For Text Messages with the Clerk of the Court by using the electronic filing system and notification of same was copied to all registered electronic filing participants in the above-styled action. A copy was also mailed via U.S. Postal Service, first class mail, postage prepaid to:

Hon. Jeffrey C. Mando
Hon. Louis D. Kelly
Hon. Olivia F. Amlung
Adams Stepner Woltermann & Dusing, PLLC
40 West Pike Street
Covington, KY 41011
Counsel for the Judicial Conduct Commission

Ms. Jimmy y Shaffer
Executive Secretary
Kentucky Judicial Conduct Commission
P.O. Box 4266
Frankfort, KY 40604


THOMAS E. CLAY

COMMONWEALTH OF KENTUCKY
BATH CIRCUIT COURT
CASE NO. 18-CR-00059
SPECIAL JUDGE PHIL PATTON

COMMONWEALTH OF KENTUCKY

PLAINTIFF

V.

ORDER REGARDING TEXT MESSAGES

LAURA LEWIS MAZE

DEFENDANT

* * * * *

The issue of production of text messages of named non-parties has been addressed several times. After the Commonwealth advised the Court that it would no be calling the non-parties as witnesses the Court set aside its prior order on production.

The Commonwealth has now listed three of the non-parties as potential witnesses and the Defendant has filed a renewed motion for production for specified text messages, **IT IS HEREBY ORDERED THAT ON OR BEFORE AUGUST 30, 2019:**

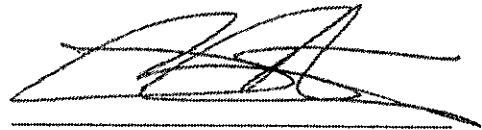
That AT &T and Spring SHALL provide to the Court, text messages for the below phone numbers for the dates listed. Said text messages shall be sent to the Bath Circuit Clerk, Claudette Faudere Courthouse Annex, 19 E. Main Street, P.O. Box 558, Owingsville, Kentucky 40360. The Clerk shall seal all texts provided and shall then provide the texts to the undersigned for in-camera inspection.

AT&T SHALL provide to the Court cell phone text messages of William E. Lane (859) 585-6487, for September 18 & 19, 2017; October 12, 13, 14, 2017; November 13,14, 2017; June 14,18 & 19, 2018; July 23,24,25, 2018; August 2,6,& 7, 2018; November 1, 2018 and Dec 6, 2018, are available.

AT&T SHALL provide to the Court the cell phone text messages of Ronnie Goldy (606) 776-7135, for September 18 & 19, 2017; October 12, 13, 14, 2017; November 13,14, 2017; June 14,18 & 19, 2018; July 23,24,25, 2018; August 2,6,& 7, 2018; November 1, 2018 and Dec 6, 2018, are available.

Sprint SHALL provide to the Court the cell phone text messages of Deanna Roberts (606) 356-3775 for September 18 & 19, 20, 2017; October 3, 4, 5, 2017; October 11, 12, 13, 14, 2017; November 9, 10, 11, 12, 13, 14, 2017; January 23, 24 & 25, 2018; June 14,18 & 19, 2018; July 23, 24, 25, 2018; August 2,6,& 7, 2018; November 1, 2018 and Dec 6, 2018, are available.

So ordered this 2nd day of August, 2019.



HON. PHIL R. PATTON
SPECIAL JUDGE

CLERK TO SEND COPIES TO:
Special Commonwealth's Atty, Hon. Michelle Snodgrass
Assistant Commonwealth's Atty, Hon, Laura Tipton
Hon. Thomas Clay
All Attorneys of Record

JUDICIAL CONDUCT COMMISSION HEARING

TESTIMONY OF KIM BARKER-TABOR

EXHIBITS

- 1 - DVD
- 2 - AOC FORM
- 3 - AOC ORDERS
- 4 - AOC ORDERS

DIRECT EXAMINATION

1 BY MR. CLAY:

2 Q Do you know the other circuit court judge in the
3 21st Circuit?

4 A Bill Lane?

5 Q Yes.

6 A Yes.

7 Q And do you know the Commonwealth's Attorney?

8 A Yes.

9 Q Are you familiar with the office arrangement that
10 those two gentlemen have?

11 A No.

12 Q Okay. Have you ever heard Judge Lane and Mr.
13 Goldy discuss Judge Maze?

14 A Yes.

15 Q Would you tell us about that?

16 A They would just -- like, what part do I need -- I
17 mean, they would just talk about her in -- in general, and
18 especially now that this is happening, that's all that they
19 want to talk about.

20 Q Were you aware of any conversations before this
21 proceeding began with the Judicial Conduct Commission where
22 they were talking about getting rid of her?

23 MS. AMLUNG: Object to form, but you can still
24 answer.

1 A Yeah. Say -- say that one more time, please.

2 Q Were you aware of any conversations between Judge
3 Lane and Mr. Goldy prior to this proceeding with the
4 Judicial Conduct Commission where they wanted to get rid of
5 her?

6 MS. AMLUNG: Again, object to form, but you can
7 still answer.

8 A I wasn't under the -- the -- yes. About --
9 approximately two years ago, Mr. Goldy had mentioned that
10 our district judge, Judge Roberts, was going to move up to
11 circuit judge, and then he, himself, was going to move up
12 to district judge. But this whole time, I thought that
13 they were talking about when Judge Lane retired because we
14 had heard that Judge Lane went to the Retirement Board.
15 Not -- I -- I did not know it was...

16 Q You didn't know they were talking about Judge
17 Maze?

18 A No.

19 Q Did you later learn they were, in fact, talking
20 about Judge Maze?

21 A Yes.

22 Q Could you tell us about that?

23 A I was under the impression that they were going
24 to try to take down Judge Maze whenever her ex-husband got

1 arrested. I had heard conversation that -- that this would
2 get her to resign.

3 Q By taking her down, getting her off the bench --

4 A Yes.

5 Q -- one way or another?

6 A Yes.

7 Q Did you have any discussions with Judge Maze
8 after her ex-husband was arrested in September of 2017
9 about the relationship between her and her ex-husband? Do
10 you recall that?

11 A As in if she was married to him?

12 Q No. More along the lines of whether they were
13 going to continue to see each other or he was going to have
14 to just distance himself from her. Do you remember
15 anything like that?

16 MS. AMLUNG: Object to form, but again, you can
17 still answer.

18 Q And if you don't, that --

19 A I don't -- I don't really --

20 Q Okay.

21 A -- recall anything of that. I -- I do remember
22 asking her if they were still married, and that's when I
23 learned that they were -- had been -- she had divorced him
24 when he was in trouble the first time.

1 Q Right. So you had a discussion with her about
2 the fact they were divorced?

3 A Yes.

4 Q And prior to that time -- was this in September
5 of last year, do you recall, or maybe a little after that
6 when you discussed her marital status with her ex-husband?

7 MS. AMLUNG: Object to form.

8 A I -- I -- I don't remember.

9 Q Okay. Could we elaborate a little bit more about
10 the personalities involved here? We've got Judge Lane,
11 we've got Mr. Goldy, and there's some relatives who were
12 also involved in these discussions, wives and relatives.
13 Are you aware of any of those discussions, ma'am?

14 A Wives, as in Judge Roberts' wife?

15 Q Yes, ma'am.

16 MS. AMLUNG: Objection.

17 Q And what's her name?

18 A Deanna.

19 Q Right. Is she involved -- I guess a term that
20 could be applied to this situation that I would use is
21 palace intrigue. Do you know what that means?

22 A No, sir.

23 Q That there are schemes going on, that there are
24 plans that people have about how they're going to carry out

1 these plots. Does that make sense? Do you understand what
2 I'm saying?

3 A Yes, sir.

4 Q That was --

5 MS. AMLUNG: Object to form.

6 Q And that was going on here, wasn't it?

7 MS. AMLUNG: Object to form.

8 A I would say yes.

9 Q Okay. In addition to Judge Lane and Mr. Goldy,
10 who else was involved in these discussions, to your
11 knowledge?

12 A There was -- so can I just -- can I just say this
13 real quick? So in Deanna's office, which Judge Lane is in,
14 whenever they have -- whenever we have court involving
15 Ronnie Goldy, Keith Craycraft, Ashton McKenzie, they all go
16 into one office like, for breaks or whatever, and they
17 talk. They have lunch. And I'm -- don't know what all
18 they discuss, but that is a big...

19 Q Judge Maze didn't participate in those meetings,
20 did she?

21 A No. And even whenever she is -- even if she's --
22 whenever she's in Rowan County, her office is like, right
23 down the hall, and she -- I -- I don't see -- I mean, she
24 just stays to herself down the hall.

1 Q To your knowledge, does Deanna Roberts play a
2 role in making judicial decisions in that circuit?

3 A Absolutely.

4 Q Tell us about that.

5 A She "pretty much rules what goes on -- on there."
6 She will do things as in issue warrants, and then she will
7 let -- then she'll call Judge Lane and -- and tell him, you
8 know, what has happened. I've witnessed that before. She
9 pretty much runs Drug Court in both Rowan County and Bath
10 County.

11 Q In what manner does she do that, ma'am?

12 A She pretty much tells people and -- how to
13 sanction them and does the orders for sanctions and -- and
14 things of that nature.

15 Q You're not involved in family law, but does Ms.
16 Roberts make decisions about visitation and custody and
17 things of that nature, to your knowledge?

18 MS. AMLUNG: Object to form.

19 A A lot of times she gives Judge Lane -- she pretty
20 much tells Judge Lane what to do.

21 Q And he does it?

22 A And he does it.

23 Q Are you aware of a situation where an order was
24 presented -- a decree of dissolution was presented to Judge
25 Lane, and there was another dissolution proceeding pending

1 at that time? Do you know anything about that? And Judge
2 Lane signed an order without any proof? Do you know what
3 I'm talking about?

4 A I think I may have heard something, but I -- I
5 wasn't a witness to -- to that.

6 Q Okay.

7 A Uh-huh. (AFFIRMATIVE)

8 Q Were you aware of any problems in the
9 relationship between Judge Maze and the Assistant
10 Commonwealth's Attorney, Ms. Ashton -- McKenzie?

11 A I -- just -- just -- I did not know that there
12 was anything between Judge Maze and Ashton. I knew -- or
13 had heard that there was some issues between Dagny, which
14 is Judge Lane's paralegal, and Ashton. They had a little
15 tiff.

16 Q Who's the other Assistant Commonwealth's
17 Attorney?

18 A Keith Craycraft.

19 Q Are you aware of any issues that have arisen
20 recently regarding Mr. Craycraft?

21 A I saw it on the news.

22 Q About the lawsuit that was filed?

23 A Yes.

24 Q Are you aware of anything regarding these
25 criminal syndication indictments?

1 A Do I have knowledge of it?

2 Q Yes, ma'am.

3 A It was not in my county. No.

4 Q Okay. You brought a CD with you, I believe, from
5 your records?

6 A I did.

7 Q Is that on Mr. Richard Roland?

8 A It is.

9 Q Have you had a chance to watch that?

10 A I -- I quickly glanced through there to make sure
11 I had the correct one. And I'm sorry for ignoring. He's
12 just asking me questions, so I don't want you to feel bad
13 that I'm leaving you out.

14 MS. AMLUNG: Oh, no. You've got to just leave me
15 out right now because this -- this is not my ballgame right
16 now. You're perfectly fine.

17 BY MR. CLAY:

18 Q Did you form any impressions in reviewing that
19 DVD with Mr. Roland?

20 A Ashton is -- Ashton is -- she -- she likes to
21 argue, I guess, which attorneys do. But she's -- she has
22 the -- toward the end, she -- she made a -- a -- a snide
23 remark. I couldn't really hear what all was said to Dagny,
24 which is the paralegal, something to the effect of like,

1 make a decision. I don't know the exact wording, but she's
2 ready to go home.

3 Q Are you the custodian of that DVD, ma'am?

4 A Yes, sir.

5 Q And did you produce it yourself?

6 A I did.

7 MR. CLAY: So we would move to have that admitted
8 as an exhibit in Judge Maze's proceeding before the
9 Commission.

10 BY MR. CLAY:

11 A And -- and can I say something else?

12 Q By all means.

13 A I worry for my safety and my job if Judge Lane or
14 Ronnie Goldy, Deanna, Ashton, if what is said today gets to
15 them (CRYING). I just want you all to know that. So if
16 something does happen, that is why, because that is how --
17 that's what has happened -- what -- you don't -- you don't
18 cross them. You don't (CRYING) -- I'm so sorry, but I just
19 needed you all to know that.

20 Q Are you afraid --

21 A So if anything happens...

22 Q Are you afraid of retaliation in the event --

23 A Very much so.

24 Q -- they find out about your testimony?

1 A Yes. I didn't know that -- that we were going to
2 be discussing them. I just thought I was going to tell you
3 about my relationship. But having discussed that, it -- it
4 -- it will be bad if they find out that I said anything
5 about them.

6 Q Have you seen those individuals retaliate against
7 others who have taken positions contrary to them?

8 MS. AMLUNG: Object to form.

9 A Not -- not -- not personally, but just what
10 people have said.

11 MR. CLAY: May we have just a moment? We may be
12 through. And --

13 MS. AMLUNG: Kim, do you want a tissue? Are you
14 okay?

15 MS. BARKER-TABOR: (NODS HEAD - AFFIRMATIVE)

16 MS. AMLUNG: Do you guys mind?

17

18

19

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25

CERTIFICATION

I, Ange McKinney, the undersigned affiant and notary public, state and certify that the foregoing transcript is a fair and accurate transcription of a portion of the testimony of Kim Barker Tabor in the Judicial Conduct Commission hearing regarding Honorable Beth Maze.


Ange McKinney

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

**BETH LEWIS MAZE, CIRCUIT COURT JUDGE
21st JUDICIAL CIRCUIT**

RESPONSE IN OPPOSITION TO JUDGE MAZE'S MOTION TO CONTINUE

The Kentucky Judicial Conduct Commission ("JCC"), by and through counsel, for its Response in Opposition to Judge Maze's Motion to Continue, states the following:

PROCEDURAL HISTORY

Judge Beth Lewis Maze is a Circuit Court Judge for Kentucky's 21st Judicial Circuit consisting of Bath, Menifee, Montgomery, and Rowan counties. She is facing six (6) charges before the JCC alleging violations of the Kentucky Code of Judicial Conduct. She is also facing felony criminal charges in the Bath Circuit Court. (Case No. 18-CR-00059)

To adjudicate its charges against Judge Maze, the JCC scheduled a final disposition hearing for September 26, 2018. After entering into an Agreed Order of Temporary Suspension with Judge Maze, the JCC agreed to continue the hearing until December 3, 2018.

On November 2, 2018, the Bath County Grand Jury indicted Judge Maze on felony charges. Judge Maze filed a Motion to Stay the final disposition hearing with the JCC following her indictment, and then appealed the JCC's denial of her Motion to the Kentucky Supreme Court. The Court granted her a temporary stay on November 30, 2018. After thorough consideration, the Court rendered an Opinion on June 13, 2019 which, in relevant

part, lifted its stay on the JCC's proceedings. Thus, the JCC re-noticed its final hearing for August 19, 2019.

In early July, 2019, Judge Maze filed a Motion seeking a continuance of the August 19, 2019 hearing because her counsel had a scheduling conflict. The JCC granted the Motion and postponed the hearing to September 9, 2019.

In her criminal case, Judge Maze subpoenaed text messages from William Lane, Ronnie Goldy and Deanna Roberts whom she contends are a part of a conspiracy to have her removed from office. Upon information and belief, a dispute has arisen regarding Judge Maze's ability to obtain the text messages and the issue is being litigated in the Kentucky Court of Appeals.

STANDARD OF REVIEW

"A court has broad discretion in controlling the disposition of the cases on its docket and in determining whether to grant a continuance." *Zewoldi v. Transit Auth.*, 553 S.W.3d 841, 846 (Ky. Ct. App. 2018) citing *Smith v. Commonwealth*, 481 S.W.3d 510, 514 (Ky. App. 2016). Indeed, SCR 4.200 explicitly states that "[t]he chairman of the commission may extend the time for . . . the commencement of a hearing before the commission." (emphasis added) Accordingly, the decision to grant a party's request for a continuance is solely within the discretion of the JCC.

ARGUMENT

The text messages which Judge Maze has subpoenaed in her criminal case and which she contends she needs time to secure and review in advance of her hearing before the JCC, have no bearing on the JCC's pending charges. They cannot, therefore, serve as good cause for a continuance. In short, the text messages of Judge Lane, Ronnie Goldy and

Deanna Roberts and their alleged conspiracy will not lead to the discovery of relevant, admissible evidence. "Relevant evidence" means evidence "having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence." KRE 401. While Judge Maze contends that the text messages Maze are pertinent to her claim of a conspiracy among Judge Lane, Ronnie Goldy and Deanna Roberts, that is beside the point. The texts cannot plausibly lead to any evidence which tends to prove or disprove that Judge Maze violated the Judicial Code of Conduct as alleged in the Charges.

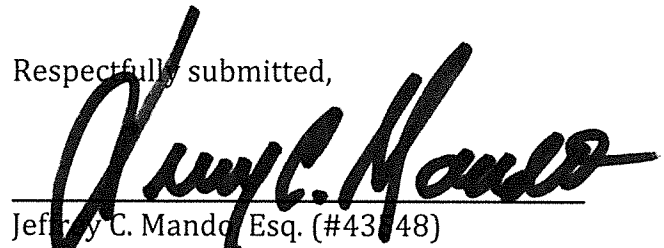
The text messages, and alleged conspiracy among Judge Lane, Ronnie Goldy and Deanna Roberts, have absolutely no bearing on whether or not Judge Maze intervened in her ex-husband's pending criminal charges, engaged in *ex parte* communications on his behalf, and/or signed unfiled Orders for drug tests for him. Likewise, the text messages and conspiracy theory are not germane to whether or not Judge Maze signed the aforementioned Orders on behalf of the Commonwealth Attorney, Bath County Attorney and/or Michael Campbell, or whether Judge Maze failed to disclose her actions to the Commission. Finally, the text messages are of no consequence in deciding whether or not Judge Maze engaged in *ex parte* communications, sought the identity of confidential informants in her ex-husband's pending criminal case, or whether she violated the Canons in sending an *ex parte* text message to Judge Eddy Coleman, a member of the Commission, just four days before her final hearing.

Judge Maze's hearing is set to commence almost a full year after its initially scheduled date. She has been suspended with pay since October 2, 2018. She has been provided with the Commission's factual file and she has had more than enough time to

obtain relevant evidence to present her defense. Since the text messages will have no bearing on whether or not Judge Maze did nor did not engage in the conduct alleged in the Charges, and since Judge Maze has had ample notice and time to prepare, the September 9, 2019 hearing should not be delayed.

For the foregoing reasons, the JCC respectfully requests that Judge Maze's Motion to Continue be denied.

Respectfully submitted,



Jeffrey C. Mando, Esq. (#43148)
Olivia F. Amlung, Esq. (#97449)
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WOLTERMANN & DUSING, PLLC
40 West Pike Street
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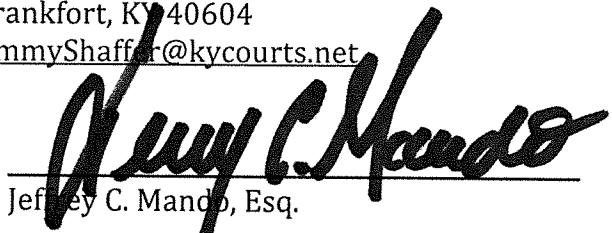
Counsel for Judicial Conduct Commission

CERTIFICATE OF SERVICE

This is to certify that true and correct copy of the foregoing has been served via electronic mail on this the 7 day of August, 2019, upon the following:

Thomas E. Clay, Esq.
Clay Daniel Winner, LLC
917 Lily Creek Road
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tclay@tclaylaw.com

Ms. Jimmy Shaffer
Executive Secretary
KY Judicial Conduct Commission
P.O. Box 4266
Frankfort, KY 40604
JimmyShaffer@kycourts.net



Jeffrey C. Mando, Esq.

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION

IN RE THE MATTER OF:

BETH LEWIS MAZE, CIRCUIT COURT JUDGE
21st JUDICIAL CIRCUIT

ORDER

Upon due consideration of Judge Maze's Motion to Continue for Text Messages and the Response filed by Counsel for the Commission, and the Commission being fully advised and informed, it is hereby ordered that the motion be, and it is hereby DENIED.

Date: August 28, 2019


STEPHEN D. WOLNITZEK, CHAIR

CERTIFICATE OF SERVICE

I hereby certify that copy hereof was served on Beth Lewis Maze, Circuit Court Judge, by mailing and emailing the same to her attorney, Thomas E. Clay, Esq., Clay Daniel Winner LLC, 917 Lily Creek Road, Louisville, KY 40243, tclay@tclaylaw.com; and on counsel for the Judicial Conduct Commission, Jeffrey C. Mando, Esq., Adams, Stepner, Woltermann & Dusing, PLLC, 40 West Pike Street, Covington, KY 41011, JMando@aswdlaw.com, this 28 day of August, 2019.


JIMMY SHAFFER,
EXECUTIVE SECRETARY

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION
2017 254 AND 255

IN RE THE MATTER OF:

BETH LEWIS MAZE, CIRCUIT COURT JUDGE
21ST JUDICIAL CIRCUIT

NOTICE OF VIDEO DEPOSITION

* * * * *

Please take notice that on August 23, 2019 at 10:30 a.m., Judge Beth Lewis Maze will take the video deposition of Hon. Eddy Coleman at the Pike County Courthouse, 146 Main Street, Pikeville, Kentucky, 41501, upon oral examination pursuant to the Kentucky Civil Rules of Procedure, before a Notary Public, or before some other officer authorized by law to administer oaths. The oral examination will continue from day to day until completed. You are invited to attend and cross-examine.

Respectfully,



THOMAS E. CLAY, P.S.Q.
CLAY DANIEL WINNER, LLC
917 Lily Creek Road
Louisville, KY 40243
(502) 561-2005
tclay@tclaylaw.com

CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the foregoing was mailed/e-mailed this _____ day of August, 2019 to:

Hon. Jeffrey C. Mando
Hon. Olivia F. Amlung
ADAMS STEPNER WOLTERMANN & DUSING, PLLC
40 West Pike Street
Covington, KY 41011
Counsel for the Judicial Conduct Commission

Ms. Jimmy Shaffer
Executive Secretary
Kentucky Judicial Conduct Commission
P.O. Box 4266
Frankfort, KY 40604

Migliore Associates Court Reporting
3704 Wooded Springs Court
Louisville, KY 40245



THOMAS E. CLAY, P.S.C.

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION

IN RE: BETH LEWIS MAZE, CIRCUIT COURT JUDGE
21ST JUDICIAL CIRCUIT

**MOTION TO QUASH SUBPOENAS AND SUBPOENAS DUCES TECUM
AND MEMORANDUM IN SUPPORT**

Non-parties Ronnie Goldy, Commonwealth's Attorney for the 21st Judicial Circuit, and Keith Craycraft and Ashton McKenzie, Assistant Commonwealth's Attorneys, by and through undersigned counsel, move the Commission for an order quashing the subpoenas duces tecum seeking their text messages served on them by Laura Lewis Maze. Mr. Craycraft and Ms. McKenzie further move the Commission for an order quashing the subpoenas for their testimony.¹ In support of this Motion, the non-parties provide the following Memorandum of Law.

I. Procedural History

Maze is before the Judicial Conduct Commission ("JCC") for charges related to various actions she made during the initiation and pendency of criminal drug charges against her ex-husband. The JCC has subsequently added charges related to her conduct in front of the JCC. Maze is also currently facing felony criminal charges in Bath Circuit Court.

On August 5, 2019, Maze subpoenaed the above-named non-parties to appear at her September 9, 2019, hearing before the JCC and bring "text messages regarding Judge Maze" with them. (See Subpoenas, Exhibits A, B, and C.) The issue here is not new, but has been litigated and is currently on appeal. Maze has tried repeatedly in her criminal Bath Circuit Court case to obtain the text messages from these and other non-parties.

¹ The subpoenas served on the Commonwealth's Attorney Parties seek both their testimony and their text messages. Ronnie Goldy does not oppose appearing to testify before the JCC but opposes bringing his text messages to the hearing. McKenzie and Craycraft oppose the subpoenas in their entirety.

Maze issued subpoenas duces tecum in Bath Circuit Court for the non-parties' cell phone text messages in December 2018. The non-parties moved to quash, but Bath Circuit Court denied their motions, in part, in March 2019, ordering production of the records for review *in camera*. Upon a motion to reconsider, however, Bath Circuit Court set aside its prior ruling and denied the subpoenas.

Following the Commonwealth's Bill of Particulars naming Mr. Goldy as a potential witness in the criminal trial, Maze renewed her subpoena duces tecum to obtain his text message records.² Maze did not renew her request for the text messages of Mr. Craycraft and Ms. McKenzie. On August 2, Bath Circuit Court granted Maze's request, and again ordered disclosure of Mr. Goldy's text message records for review *in camera*. The Bath Circuit Court's decision rested entirely on the fact that the Commonwealth named him as a possible witness, not on any analysis of the applicable standard. On August 6, 2019, Mr. Goldy and others appealed the Circuit Court's August 2 ruling to the Court of Appeals, where the Notice is pending.

On August 6, 2019, Maze moved to continue her hearing before the JCC "to allow her to obtain evidence in the form of text messages." Mirroring her motions in Bath Circuit Court, Judge Maze argues that the requested text messages "would reflect discussions between . . . individuals who have been conspiring to get rid of [her]" and elaborates on a conspiracy scheme she alleges occurred to remove her from office. JCC denied her request for a continuance. Maze's renewed and repeated attempts to gain access to irrelevant text messages should be quashed by the JCC.

² In the same filing, Maze renewed her request for the text message records of William Lane, Circuit Judge for the 21st Judicial Circuit, and Deanna Roberts, administrative assistant to Judge Lane, who also were listed as potential witnesses by the Commonwealth. The Commonwealth did not list Mr. Craycraft or Ms. McKenzie as potential witnesses.

II. Legal Standards

“A subpoena that commands the person to whom it is directed to produce designated documents or tangible things or to permit inspection of premises may relate only to matters within the scope of discovery permitted by Rule 26.02.” CR 45.04.³ CR 26.02 limits the scope of discovery to “any matter, not privileged, which is relevant to the subject matter involved in the pending action.” In a separate context, the Kentucky Supreme Court has noted that “[d]iscovery should be limited to its purpose and not permitted to routinely and unnecessarily expand into needless exposure of superfluous matters and information that are personal to the witness and have no real relevancy to his or her credibility.” *Primm v. Isaac*, 127 S.W.3d 630, 638 (Ky. 2004).

CR 45.02 provides in pertinent part, “[t]he court, upon motion made promptly and in any event at or before the time specified in the subpoena for compliance therewith, may [] quash or modify the subpoena if it is unreasonable and oppressive.” Though decided in the criminal context, the Supreme Court of Kentucky analyzed the same “unreasonable or oppressive” standard in *Com. v. House*, 295 S.W.3d 825, 829 (Ky. 2009). A subpoena duces tecum is unreasonable and “nothing but a classic fishing expedition” when “the party demanding production can point to nothing more than hope or conjecture that the subpoenaed material will provide admissible evidence.” *Id.*

III. Argument

Here, as in her criminal case, Maze again seeks to obtain text messages from non-parties that she hopes may contain evidentiary material—specifically material indicating a conspiracy among the non-parties to have her removed from office. The Commonwealth’s Attorney Parties

³ “[T]he Rules of Civil Procedure shall apply to proceedings before the commission.” KY ST S CT Rule 4.160.

unequivocally deny the existence of any such conspiracy. They further deny that they possess any text messages relating to the JCC charges.

Regardless, however, the subpoenaed text messages are not within the scope of discovery. CR 26.02. Whether a conspiracy exists or not is not relevant to and could have no bearing on charges brought against Maze by the JCC. The scope of the JCC's proceedings involve only Maze's alleged personal actions to interfere in her husband's criminal case and the JCC proceedings against her. There is no allegation of any conduct by any non-party named here. Instead, the requested text messages are attempts to obtain "superfluous" information personal in nature to the non-parties. *Primm*, 127 S.W.3d at 638. Maze has provided no evidence whatsoever in Bath Circuit Court or in front of the JCC that any conspiracy exists or that any alleged conspiracy could affect the proceedings in front of the JCC.

Furthermore, Mr. Craycraft and Ms. McKenzie can offer no testimony relevant to the JCC proceedings. Notably, Commonwealth's Attorney Goldy and his assistants Mr. Craycraft and Ms. McKenzie have had no involvement in prosecuting the criminal action against Maze in Bath Circuit Court. Instead, a special prosecutor has been assigned to the matter. Additionally, Ms. McKenzie is unavailable for the September 9 hearing, as she is scheduled to be in trial that day.

IV. Conclusion

For the foregoing reasons, the JCC should quash Maze's subpoenas to Mr. Craycraft and Ms. McKenzie in full, and the JCC should quash Maze's subpoena to Mr. Goldy for his text messages. The subpoenas to the Commonwealth's Attorney parties represent nothing more than a fishing expedition for information that could have no bearing on the JCC's hearing and ultimate decision.

Respectfully submitted,

/s/ Sarah Ellen Eads Adkins

Laura C. Tipton

Sarah Ellen Eads Adkins

Assistant Attorneys General

Office of the Attorney General

700 Capital Ave., Suite 18

Frankfort, KY 40601

(502) 696-5300

(502) 564-2894 (FAX)

laurac.tipton@ky.gov

sarah.adkins@ky.gov

Counsel for the Commonwealth's Attorney Parties

CERTIFICATE OF SERVICE

I hereby certify that a this Motion to Quash was sent via U.S. mail to the Kentucky Judicial Conduct Commission and a true and accurate copy was served by electronic mail and U.S. mail on this the 19th day of August, 2019, upon the following:

Mr. Jimmy Shaffer
Executive Secretary
KY Judicial Conduct commission
P.O. Box 4266
Frankfort, KY 40604
jimmyshaffer@kycourts.net

Thomas E. Clay
Clay Daniel Winner
917 Lily Creek Road
Louisville, KY 40243
tclay@tclaylaw.com

Jeffrey C. Mando, Esq.
Olivia F. Amlung, Esq.
Adams, Stepner, Woltermann & Dusing
40 West Pike Street
Covington, KY 41011
jmando@aswdlaw.com
oamlung@aswdlaw.com

/s/ Sarah Ellen Eads Adkins

Sarah Ellen Eads Adkins

EXHIBIT A

MEMBERS:

STEPHEN D. WOLNITZEK, CHAIR
COVINGTON

JUDGE JEFF S. TAYLOR
OWENSBORO

JUDGE EDDY COLEMAN
PIKEVILLE

JUDGE DAVID BOWLES
LOUISVILLE

MICHAEL A. NOFTSGER
SOMERSET

DR. DON I. THARPE
NICHOLASVILLE

ALTERNATES:

R. MICHAEL SULLIVAN
OWENSBORO

JUDGE GLENN E. ACREE
LEXINGTON

JUDGE MITCH PERRY
LOUISVILLE

JUDGE KAREN THOMAS
COVINGTON

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION
P.O. Box 4266
FRANKFORT, KENTUCKY 40604-4266
PHONE 502-564-1231 FAX 502-564-1233

EXECUTIVE SECRETARY
MS. JIMMY SHAFFER

SUBPOENA

TO: Ronnie Goldy

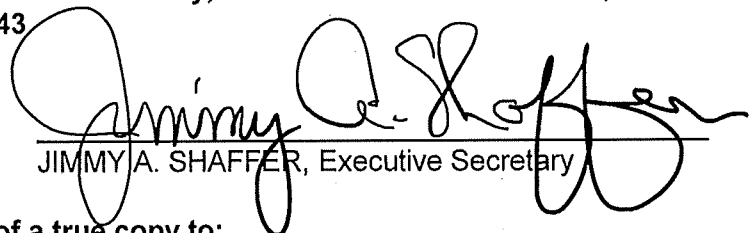
IN RE: **BETH LEWIS MAZE, CIRCUIT COURT JUDGE
21ST JUDICIAL CIRCUIT**

You are hereby commanded to appear before the Judicial Conduct Commission in the Fayette Circuit Court, 120 North Limestone, Lexington, Kentucky, at 9:00 a.m. on September 9, 2019, to testify in the above matter, and to bring with you Text messages regarding

Judge Maze

This subpoena is issued on application of **Thomas E. Clay, CLAY DANIEL WINNER LLC,**
917 Lily Creek Road, Louisville, KY 40243

DATE: 8/5/19


JIMMY A. SHAFFER, Executive Secretary

This subpoena was served by delivery of a true copy to: _____

This _____ day of _____, 2019.

By: _____

EXHIBIT B

MEMBERS:

STEPHEN D. WOLNITZKEK, CHAIR
COVINGTON

JUDGE JEFF S. TAYLOR
OWENSBORO

JUDGE EDDY COLEMAN
PIKEVILLE

JUDGE DAVID BOWLES
LOUISVILLE

MICHAEL A. NOFTSGER
SOMERSET

DR. DON I. THARPE
NICHOLASVILLE

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION
P.O. Box 4266
FRANKFORT, KENTUCKY 40604-4266
PHONE 502-564-1231 FAX 502-564-1233

ALTERNATES:

R. MICHAEL SULLIVAN
OWENSBORO

JUDGE GLENN E. ACREE
LEXINGTON

JUDGE MITCH PERRY
LOUISVILLE

JUDGE KAREN THOMAS
COVINGTON

EXECUTIVE SECRETARY
MS. JIMMY SHAFFER

SUBPOENA

TO: Keith Craycraft

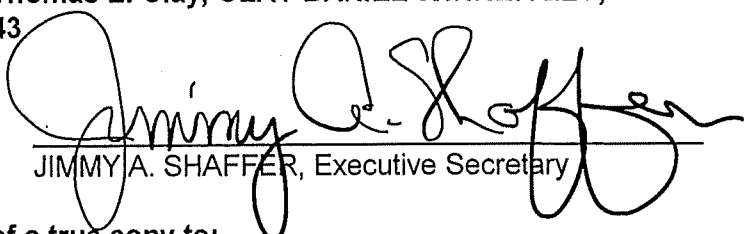
IN RE: **BETH LEWIS MAZE, CIRCUIT COURT JUDGE
21ST JUDICIAL CIRCUIT**

You are hereby commanded to appear before the Judicial Conduct Commission in the Fayette Circuit Court, 120 North Limestone, Lexington, Kentucky, at 9:00 a.m. on September 9, 2019, to testify in the above matter, and to bring with you text messages regarding

Judge Maze

This subpoena is issued on application of Thomas E. Clay, CLAY DANIEL WINNER LLC, 917 Lily Creek Road, Louisville, KY 40243

DATE: 8/5/19


JIMMY A. SHAFFER, Executive Secretary

This subpoena was served by delivery of a true copy to: _____

This _____ day of _____, 2019.

By: _____

EXHIBIT C

MEMBERS:

STEPHEN D. WOLNITZEK, CHAIR
COVINGTON

JUDGE JEFF S. TAYLOR
OWENSBORO

JUDGE EDDY COLEMAN
PIKEVILLE

JUDGE DAVID BOWLES
LOUISVILLE

MICHAEL A. NOFTSGER
SOMERSET

DR. DON I. THARPE
NICHOLASVILLE

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JUDICIAL CONDUCT COMMISSION
P.O. Box 4266
FRANKFORT, KENTUCKY 40604-4266
PHONE 502-564-1231 FAX 502-564-1233

ALTERNATES:

R. MICHAEL SULLIVAN
OWENSBORO

JUDGE GLENN E. ACREE
LEXINGTON

JUDGE MITCH PERRY
LOUISVILLE

JUDGE KAREN THOMAS
COVINGTON

EXECUTIVE SECRETARY
MS. JIMMY SHAFFER

SUBPOENA

TO: Ashton McKenzie

IN RE: **BETH LEWIS MAZE, CIRCUIT COURT JUDGE
21ST JUDICIAL CIRCUIT**

You are hereby commanded to appear before the Judicial Conduct Commission in the Fayette
Circuit Court, 120 North Limestone, Lexington, Kentucky, at 9:00 a.m. on September 9, 2019, to
testify in the above matter, and to bring with you Text messages regarding

Judge Maze

This subpoena is issued on application of Thomas E. Clay, CLAY DANIEL WINNER LLC,
917 Lily Creek Road, Louisville, KY 40243

DATE: 8/5/19

Jimmy A. Shaffer
JIMMY A. SHAFFER, Executive Secretary

This subpoena was served by delivery of a true copy to: _____

This _____ day of _____, 2019.

By: _____

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

**BETH LEWIS MAZE, CIRCUIT COURT JUDGE
21st JUDICIAL CIRCUIT**

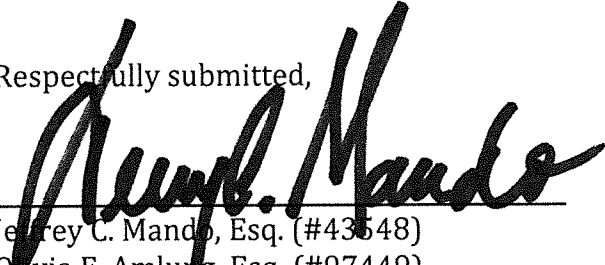
**COUNSEL FOR THE COMMISSION'S RESPONSE TO MOTION
TO QUASH SUBPOENAS AND SUBPOENAS DUCES TECUM**

Ronnie Goldy, Keith Craycraft, and Ashton McKenzie, by and through counsel, have filed a Motion to Quash the Subpoenas Duces Tecum for production of their text messages served upon them by Judge Maze. In addition, Keith Craycraft and Ashton McKenzie have filed a Motion seeking to quash the subpoenas requiring their attendance to provide testimony at the September 9, 2019 hearing before the Commission. In response, Counsel for the Commission,

1. Takes no position on whether Judge Maze's Subpoenas Duces Tecum to Ronnie Goldy, Keith Craycraft, and Ashton McKenzie seeking their text messages should be quashed, but objects to the admission of the text messages into evidence since they are not relevant to the charges against Judge Maze, and

2. Takes no position on whether the subpoenas to Keith Craycraft and Ashton McKenzie compelling their testimony at the September 9, 2019 hearing should be quashed.

Respectfully submitted,


Jeffrey C. Mando, Esq. (#43548)
Olivia F. Amlung, Esq. (#97449)
ADAMS, STEPNER,
WOLTERMANN & DUSING, PLLC
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oamlung@aswdlaw.com

Counsel for Judicial Conduct Commission

CERTIFICATE OF SERVICE

This is to certify that true and correct copy of the foregoing has been served via electronic mail on this the 22 day of August, 2019, upon the following:

Thomas E. Clay, Esq.
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Ms. Jimmy Shaffer
Executive Secretary
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Laura C. Tipton, Esq.
Sarah Ellen Eads Adkins
Assistant Attorneys General
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laurac.tipton@ky.gov
sara.adkins@ky.gov


Jeffrey C. Mando, Esq.

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION
2017 254 AND 255

IN RE THE MATTER OF:

BETH LEWIS MAZE, CIRCUIT COURT JUDGE
21ST JUDICIAL CIRCUIT

**MOTION TO DISQUALIFY THE FIRM OF
ADAMS STEPNER WOLTERMANN & DUSING**

Comes Judge Beth Lewis Maze, by counsel, and moves the Judicial Conduct Commission (JCC) to disqualify the firm of Adams, Stepner, Woltermann & Dusing, PLLC, and in support of this motion states as follows:

1. Count V of the charges against Judge Maze alleges, inter alia, that

In 2018, the Montgomery County Grand Jury returned indictments against 100 plus individuals for drug trafficking. The cases were commonly referred to as the "Syndicate Cases." This network of drug trafficking cases was separated into four separate groups, or "syndicates," to account for individual cases, co-defendants, and companion cases. On May 22, 2018, you, Judge William E. Lane, commonwealth's Attorney Ronnie Goldy, and Head of DPA Charles Landon met to discuss a strategy for handling the Syndicate Cases. At the meeting, in the interests of fairness and efficiency, it was agreed that you would preside over two syndicates and Judge Lane would preside over the other two syndicates. Each judge also agreed to set a special docket on June 14, 2018 to address the Syndicate Cases. However, on the morning of June 14, 2018, in contravention of the agreement, you directed that all the Syndicate Cases be transferred to your division (Ex. 1)

2. On November 28, 2018, Dagney James, Judge Maze's staff attorney in May 2018, had a telephone conversation with Olivia Amlung, a member of the firm of Adams, Stepner, Woltermann and Dusing, PLLC, about the handling of the "Syndicate Cases."

3. Judge Maze has been advised that, during this telephone conversation, Dagney James told Ms. Amlung Judge Maze had nothing to do with the transfer of the "Syndicate Cases"

to Judge Maze's docket, and, in fact, Judge Maze knew nothing about how the cases were transferred. Further, Ms. James told Ms. Amlung that she, Ms. James, was the individual who handled the transfers.

4. Such testimony is material to Judge Maze's defense to Count V.

5. Counsel for Judge Maze has sought unsuccessfully a stipulation from Hon. Jeff Mando of the contents of this conversation. (Ex. 2)

6. At this point, Judge Maze has no alternative but to call Olivia Amlung as a witness in the JCC proceedings.

7. Ms. Amlung has been subpoenaed as a witness.

8. SCR 3.130(3.7) Lawyer as witness, commentary:

Advocate-Witness Rule

(2) The tribunal has proper objection when the trier of fact may be confused or misled by a lawyer serving as both advocate and witness. The opposing party has proper objection where the combination of roles may prejudice that party's rights in the litigation. A witness is required to testify on the basis of personal knowledge, while an advocate is expected to explain and comment on evidence given by others. It may not be clear whether a statement by an advocate-witness should be taken as proof or as an analysis of the proof.

(3) To protect the tribunal, paragraph (a) prohibits a lawyer from simultaneously serving as advocate and necessary witness except in those circumstances specified in paragraphs (1)(1) through (a)(3). Paragraph (a)(1) recognizes that if the testimony will be uncontested, the ambiguities in the dual role are purely theoretical. Paragraph (a)(2) recognizes that where the testimony concerns the extent and value of legal services rendered in the action in which the testimony is offered, permitting the lawyers to testify avoids the need for a second trial with new counsel to resolve that issue. Moreover, in such a situation the judge has firsthand knowledge of the matter in issue; hence, there is less dependence on the adversary process to test the credibility of the testimony.

(4) Apart from these two exceptions, paragraph (a)(3) recognizes that a balancing is required between the interests of the client and those of the tribunal and the opposing party. Whether the tribunal is likely to be misled or the opposing party is likely to suffer

prejudice depends on the nature of the case, the importance and probable tenor of the lawyer's testimony, and the probability that the lawyer's testimony will conflict with that of other witnesses. Even if there is risk of such prejudice, in determining whether the lawyer should be disqualified, due regard must be given to the effect of disqualification on the lawyer's client. It is relevant that one or both parties could reasonably foresee that the lawyer would probably be a witness. The conflict of interest principles stated in Rules 17, 19 and 1.10 have no application to this aspect of the problem.

(5) Because the tribunal is not likely to be misled when a lawyer acts as advocate in a trial in which another lawyer in the lawyer's firm will testify as a necessary witness, paragraph (b) permits the lawyer to do so except in situations involving a conflict of interest.

Conflict of Interest

(6) In determining if it is permissible to act as advocate in a trial in which the lawyer will be a necessary witness, the lawyer must also consider that the dual role may give rise to a conflict of interest that will require compliance with Rules 1.7 or 1.9. For example, if there is likely to be substantial conflict between the testimony of the client and that of the lawyer, the representation involves a conflict of interest that requires compliance with Rule 1.7. This would be true even though the lawyer might not be prohibited by paragraph (1) from simultaneously serving as advocate and witness because the lawyer's disqualification would work a substantial hardship on the client. Similarly, a lawyer who might be permitted to simultaneously serve as an advocate and a witness by paragraph (a)(3) might be precluded from doing so by Rule 19. The problem can arise whether the lawyer is called as a witness on behalf of the client or is called by the opposing party. Determining whether or not such a conflict exists is primarily the responsibility of the lawyer involved. If there is a conflict of interest, the lawyer must secure the client's informed consent, confirmed in writing. In some cases, the lawyer will be precluded from seeking the client's consent. See Rule 1.7. See Rule 1.0(b) for the definition of "confirmed in writing" and Rule 1.0(e) for the definition of "informed consent."

(7) Paragraph (b) provides that a lawyer is not disqualified from serving as an advocate because a lawyer with whom the lawyer is associated in a firm is precluded from doing so by paragraph (a). If, however, the testifying lawyer would also be disqualified by Rule 1.7 or Rule 1.9 from representing the client in the matter, other lawyers in the firm will be precluded from representing the client by Rule 1.10 unless the client gives informed consent under the conditions stated in Rule 1.7

9. Judge Maze acknowledges that (7) may not require the disqualification of the entire law firm; however, she believes that, under the circumstances of this case, and the involvement of co-counsel, disqualification of the firm is warranted.

WHEREFORE, Judge Maze moves the Commission to disqualify the firm of Adams, Stepner, Woltermann & Dusing, PLLC, or, in the alternative, Hon. Olivia Amlung from further participation in this proceeding.

Respectfully,



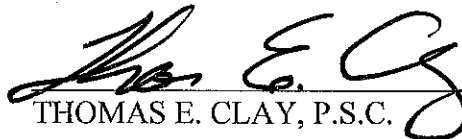
THOMAS E. CLAY, P.S.C.
CLAY DANIEL WINNER, LLC
917 Lily Creek Road
Louisville, KY 40243
(502) 561-2005
tclay@tclaylaw.com

CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the foregoing Motion for Continuance, was this 22nd day of August, 2019, mailed and e-mailed via U.S. Postal Service, first class postage to the following:

Hon. Jeffrey C. Mando
Hon. Olivia F. Amlung
ADAMS STEPNER WOLTERMANN & DUSING, PLLC
40 West Pike Street
Covington, KY 41011
Counsel for the Judicial Conduct Commission

Ms. Jimmy Shaffer
Executive Secretary
Kentucky Judicial Conduct Commission
P.O. Box 4266
Frankfort, KY 40604



THOMAS E. CLAY, P.S.C.

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION

IN RE THE MATTER OF:

BETH LEWIS MAZE, CIRCUIT COURT JUDGE
21ST JUDICIAL CIRCUIT

REVISED SECOND AMENDED NOTICE OF FORMAL PROCEEDINGS AND CHARGES

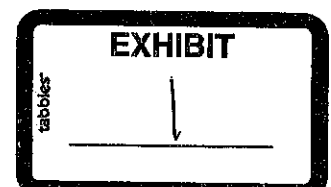
Notice is hereby given of the initiation of formal proceedings under Rule 4.180 of Rules of the Supreme Court. At the times in this Notice, you were Circuit Court Judge for Kentucky's 21st Judicial Circuit consisting of Bath, Menifee, Montgomery, and Rowan counties. The charges are as follows:

Counts I and II in the May 21, 2018 Notice of Formal Proceedings and Charges, and **Counts III and IV** in the September 10, 2018 Amended Notice of Formal Proceedings, are incorporated by reference and reaffirmed as if fully set forth herein.

Count V

In 2018, the Montgomery¹ County Grand Jury returned indictments against 100 plus individuals for drug trafficking. The cases were commonly referred to as the "Syndicate Cases." This network of drug trafficking cases was separated into four separate groups, or "syndicates," to account for individual cases, co-defendants, and companion cases. On May 22, 2018, you, Judge William E. Lane, Commonwealth's Attorney Ronnie Goldy, and Head of DPA Charles Landon met to discuss a strategy for handling the Syndicate Cases. At the meeting, in the interests of fairness and efficiency, it was agreed that you would preside over two syndicates and Judge Lane would preside over the other two syndicates. Each judge also agreed to set a special docket on June 14, 2018 to address the Syndicate Cases.

¹ The earlier version of the Second Amended Notice Of Formal Proceedings And Charges mistakenly identifies this as the *Bath* County Grand Jury.



However, on the morning of June 14, 2018, in contravention of the agreement, you directed that all the Syndicate Cases be transferred to your division.

On numerous occasions between May 22, 2018 and June 14, 2018, you made inquiries regarding the Confidential Informants ("CIs") involved in these drug trafficking cases. Upon information and belief, you or your staff initiated *ex parte* communications with attorneys, staff, and law enforcement officers to inquire whether or not the CIs in the Syndicate Cases were the CIs involved in the criminal cases against your ex-husband, Champ Maze.

Your actions violate SCR 4.020(1)(b)(i) and constitute misconduct in office. Furthermore, your actions violate SCR 4.300 and the relevant portions of the following Canons of the Code of Judicial Conduct, as they existed at the time of the violation:²

- **Rule 1.2** which requires judges to respect and comply with the law and act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.
- **Rule 1.3** which prohibits judges from using the prestige of the judicial office to advance the personal or economic interests of the judge or others.
- **Rule 2.4(B)** which prohibits a judge from allowing family, social, political, financial, or other interests or relationships to influence the judge's judicial conduct or judgment.
- **Rule 2.9** which prohibits judges from engaging in *ex parte* communications.

The jurisdiction of the Judicial Conduct Commission in this matter is under SCR 4.020(1)(b)(i) and (v), and (1)(c) 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

² These rules were the versions in effect at the time of the violation, having become effective on January 1, 2018.

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 hearing, to remove a judge whom it finds to lack the constitutional statutory qualifications for the judgeship in question.

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

RULE 4.180 FORMAL PROCEEDINGS

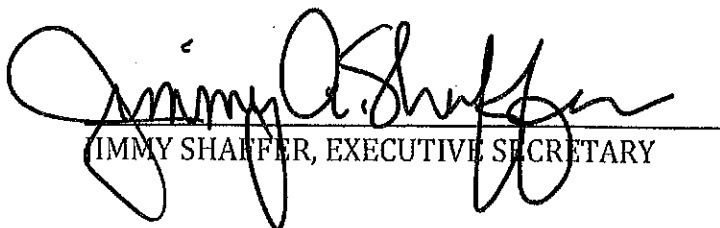
If the Commission concludes that formal proceedings should be initiated, it shall notify the judge. He may file an answer within 15 days after service of the notice. Upon the filing of his answer, or the expiration of time for so filing, the Commission shall set a time and place for the hearing and shall 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, Kentucky 40604-4266.

October 19th, 2018.


STEPHEN D. WOLNITZEK, CHAIR

I hereby certify that copy hereof was served on Beth Lewis Maze, Circuit Court Judge, by serving the same to her attorneys, Thomas E. Clay, Esq., Clay Daniel Winner, LLC, 917 Lily Creek Road Louisville, KY 40243 and Stephen Ryan, Esq., 7104 Hillcircle Court, Louisville, KY 40214, this 19th day of October, 2018.


JIMMY SHAFFER, EXECUTIVE SECRETARY

Subject: RE: Beth Maze hearing on September 9, 2019 [IMAN-DMS.FID527151]
Date: Thursday, August 8, 2019 at 1:56:43 PM Eastern Daylight Time
From: Jeff Mando
To: Thomas Clay
CC: Mark Wohlander, Thomas Jones, Ted Lavit
Attachments: image001.png, image002.png

T:

I will stipulate a telephone conversation between Olivia and Dagney took place on 11/28/19, but I can't stipulate to your version of what was said. I also respectfully disagree that I had a duty to disclose that conversation.

Olivia will be present at the hearing and we can fight the battle at that time.

Thanks.

Jeff

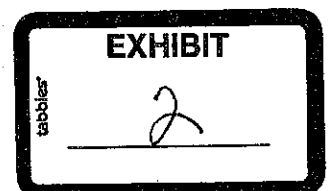
Jeffrey C. Mando
Adams, Stepner Woltermann & Dusing, PLLC
40 Pike Street
Covington, KY 41011
(859) 394-6200
jmando@aswdlaw.com

From: Thomas Clay <tclay@tclaylaw.com>
Sent: Thursday, August 8, 2019 1:02 PM
To: Jeff Mando <JMando@aswdlaw.com>
Cc: Mark Wohlander <mark@wohlanderlaw.com>; Thomas Jones <lawthomas@bellsouth.net>; Ted Lavit <tlavit@windstream.net>
Subject: Re: Beth Maze hearing on September 9, 2019 [IMAN-DMS.FID527151]

The content is that Dagney James told Olivia Amlung that she, Dagney James, had transferred the Criminal Syndication indictments to Judge Maze, and Judge Maze had nothing to do with the transfer. I really don't think I should have to tell you the contents of the conversation. Ms. Amlung should have told you, and it should have been disclosed without my asking for it, if, in fact, my information is correct. The conversation would likely have an impact on Count V of the charges. As for the source of my information, I must respectfully decline to identify the source.



Thomas E. Clay, P.S.C.



CLAY DANIEL WINNER LLC
917 Lily Creek Road
Louisville, KY 40243
Office 502.561.2005
Fax: 502.589.5500
Email: tclay@tclaylaw.com

This electronic communication, including any attachments, may contain confidential information, subject to attorney-client privilege and further exempt from disclosure. The contents of this email, including any attachments, are intended solely for the use of the individual or entity to whom it is addressed. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this message is strictly prohibited and may be unlawful. If you have received this message in error, please delete this message, including any attachments, and further contact the original sender by email or the office of CLAY DANIEL WINNER LLC at (502) 561-2005.

IRS Circular 230 disclosure: To ensure compliance with requirements imposed by the IRS, you are hereby notified that any tax advice contained in this electronic communication, including any attachments, is not intended or to be used for the purpose of (i) avoiding tax penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any unlawful transaction or matter addressed therein.

From: Jeff Mando <JMando@aswdlaw.com>
Date: Thursday, August 8, 2019 at 12:36 PM
To: Thomas Clay <tclay@tclaylaw.com>
Subject: RE: Beth Maze hearing on September 9, 2019 [IMAN-DMS.FID527151]

I can stipulate to the fact that Olivia spoke with Ms. James, but what is the content of the conversation that you want me to agree to? And, what is your source? I am not trying to be difficult, I just need more information.

From: Thomas Clay <tclay@tclaylaw.com>
Sent: Thursday, August 8, 2019 12:21 PM
To: Jeff Mando <JMando@aswdlaw.com>
Subject: Re: Beth Maze hearing on September 9, 2019 [IMAN-DMS.FID527151]

Jeff:

Can you let me know if you are willing to stipulate the conversation between Ms. Amlung and Ms. James, or do I have to subpoena Ms. Amlung or take her deposition?



Clay Daniel Winner, LLC

Thomas E. Clay, P.S.C.
CLAY DANIEL WINNER LLC
917 Lily Creek Road
Louisville, KY 40243
Office 502.561.2005

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

**BETH LEWIS MAZE, CIRCUIT COURT JUDGE
21st JUDICIAL CIRCUIT**

NOTICE OF VIDEO DEPOSITION

Please take notice that the Judicial Conduct Commission, by and through counsel, pursuant to the Kentucky Rules of Civil Procedure, will take the video deposition of **MARK COLLIER** on **Wednesday, August 28, 2019 at 1:00 p.m.** at the Madison Circuit Courthouse, 101 West Main Street, 3rd Floor, Richmond, KY 40475, before a court reporter duly authorized to administer an oath, the deposition to continue from day to day until complete.

Respectfully submitted,

/s/ Jeffrey C. Mando

Jeffrey C. Mando, Esq. (#43548)
Olivia F. Amlung, Esq. (#97449)
ADAMS, STEPNER,
WOLTERMANN & DUSING, PLLC
40 West Pike Street
Covington, KY 41011
859.394.6200
859.3.92.7263 – Fax
jmando@aswdlaw.com
oamlung@aswdlaw.com

Counsel for Judicial Conduct Commission

CERTIFICATE OF SERVICE

This is to certify that true and correct copy of the foregoing has been served via electronic mail on this the **26th** day of August, 2019, upon the following:

Thomas E. Clay, Esq.
Clay Daniel Winner, LLC
917 Lily Creek Road
Louisville, KY 40243
tclay@tclaylaw.com

Ms. Jimmy Shaffer
Executive Secretary
KY Judicial Conduct Commission
P.O. Box 4266
Frankfort, KY 40604
jimmyshaffer@kycourts.net

/s/ Jeffrey C. Mando _____

Jeffrey C. Mando, Esq.

cc: Barlow Reporting

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

**BETH LEWIS MAZE, CIRCUIT COURT JUDGE
21st JUDICIAL CIRCUIT**

**COUNSEL FOR THE COMMISSION'S RESPONSE IN OPPOSITION TO JUDGE MAZE'S
MOTION TO DISQUALIFY ADAMS, STEPNER, WOLTERMANN & DUSING, PLLC**

Counsel for the Kentucky Judicial Conduct Commission ("JCC"), for his Response to Judge Maze's Motion to Disqualify Adams, Stepner, Woltermann, and Dusing, PLLC and/or Olivia F. Amlung, Esq., states the following:

I. INTRODUCTION

Judge Beth Lewis Maze is a Circuit Court Judge for Kentucky's 21st Judicial Circuit consisting of Bath, Menifee, Montgomery, and Rowan counties. She is facing six (6) charges before the JCC alleging violations of the Kentucky Code of Judicial Conduct. Pursuant to SCR 4.110, Adams, Stepner, Woltermann, & Dusing, PLLC (hereinafter, "ASWD") has been designated to gather and present evidence before the Commission at the September 9, 2019 Hearing to adjudicate the charges against Judge Maze. Olivia Amlung is an attorney employed by ASWD who has worked on the case.

In a tactical move designed to delay the hearing on her disciplinary charges, Judge Maze has moved that the JCC disqualify ASWD and/or Ms. Amlung. In her Motion, Judge Maze contends that Ms. Amlung is an essential witness to her defense, which gives rise to a conflict of interest meriting disqualification. Since Judge Maze's argument has no basis in fact or law, her Motion must be denied.

II. JUDGE MAZE HAS FAILED TO DEMONSTRATE GOOD CAUSE FOR DISQUALIFICATION OF THE JCC'S APPOINTED COUNSEL

Disqualification is “a drastic measure which courts should be hesitant to impose except when absolutely necessary.” *Zurich Ins. Co. v. Knotts*, 52 S.W.3d 555, 560 (Ky. 2001) citing *University of Louisville v. Shake*, 5 S.W.3d 107 (Ky. 1999). Disqualification separates a party from the counsel of its choice with immediate and measurable effect, which is not to be taken lightly. *Id.*

In her Motion, Judge Maze does not explain why the drastic remedy of disqualification is merited, choosing instead to merely recite the commentary from SCR 3.130(3.7). Accordingly, on the face of the Motion, Judge Maze has failed to set forth adequate cause for disqualification of Ms. Amlung, let alone ASWD. The subpoena issued to Ms. Amlung cannot serve as the basis for Judge Maze’s request for disqualification. She has failed to demonstrate an actual need for Ms. Amlung’s testimony or a conflict of interest which would merit disqualification. She has likewise failed to consider, much less address, the prejudice faced by the Commission should Ms. Amlung be barred from participating at the September 9, 2019 Hearing. For these reasons, Judge Maze’s Motion must be denied.

A. THE SUBPOENA ISSUED TO MS. AMLUNG SHOULD BE QUASHED

Counsel for the Commission explained the grounds for quashing the subpoena to Ms. Amlung in his Motion to Quash, which Counsel adopts and incorporates by reference. And, since Judge Maze relies on the subpoena to Ms. Amlung as her grounds for moving to disqualify ASWD, her Motion to Disqualify falls apart should the JCC quash the subpoena.

B. JUDGE MAZE HAS NOT DEMONSTRATED AN ACTUAL CONFLICT OF INTEREST

Assuming *arguendo* that the JCC does not quash the subpoena to Ms. Amlung, Judge Maze's Motion is still inherently flawed. In determining whether an attorney must be disqualified for serving in a dual role, "the lawyer must also consider that the dual role may give rise to a conflict of interest that will require compliance with Rules 1.7 or 1.9." SCR 3.130(3.7). Since Judge Maze has failed to establish any conflict of interest that would merit disqualification, her Motion must be denied.

C. JUDGE MAZE HAS NOT DEMONSTRATED AN ACTUAL NEED FOR MS. AMLUNG'S TESTIMONY

Disqualification of an attorney sought to be called as a witness for the opposing party "is subject to a more stringent standard because a litigant may call his or her opponent's attorney as a trial tactic, seeking to disqualify the attorney from the case." *Zurich*, 52 S.W.3d at 559 (internal citations omitted). To permit a party to subpoena opposing counsel for testimony and merit disqualification, "[t]here must be a genuine need for the attorney's testimony, which should be material to the movant's case as well as prejudicial to the interests of the attorney's client" *Id.* Here, Judge Maze has not made any such showing.

Judge Maze's sole purpose in subpoenaing Ms. Amlung is to have her testify to statements which Dagny James may or may not have said. (Mot. to Disqualify, ¶ 2 - 7) The testimony sought is hearsay in its purest form, and is therefore inadmissible. Since Ms. James has been subpoenaed to testify at the September 9, 2019 Hearing, her statements are more appropriately introduced via her own testimony. To insist that Ms. Amlung testify to what Ms. James said during their conversation is inappropriate and prohibited by KRE 802.

In *Zurich*, the Kentucky Supreme Court declined to disqualify an attorney who was subpoenaed to testify on behalf of an adverse party. 52 S.W.3d at 560. The Court opined that disqualification was not merited because the movant had failed to demonstrate that: (a) the attorney's testimony is important to its proof at trial; (b) there is any probability that the attorney's testimony will conflict with that of other witnesses; and (c) the information sought from the attorney is unattainable from other sources. *Id.* Just like *Zurich*, Judge Maze has also failed to establish any of these factors.

Finally, whether or not Ms. James made statements to Ms. Amlung is irrelevant to Judge Maze's defense of the underlying charges, including Count V. Judge Maze's claim that Ms. Amlung's testimony "is material to Judge Maze's defense to Count V" is no more than a conclusory statement unsupported by logic and the Kentucky Rules of Evidence. (Mot. to Disqualify at ¶ 4)

Because Judge Maze has failed to demonstrate an actual need for Ms. Amlung's testimony, her Motion to Disqualify must be denied.

D. DISQUALIFICATION OF MS. AMLUNG WOULD CAUSE UNDUE PREJUDICE TO THE JCC

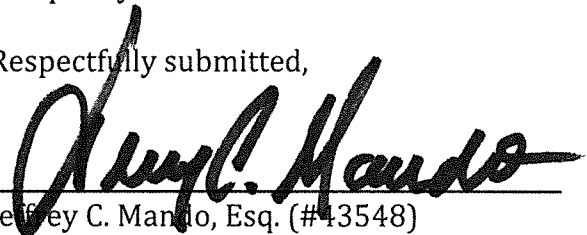
The Kentucky Supreme Court directs that "[t]he crucial inquiry in determining whether an attorney can act as both an advocate and a witness is the prejudicial effect it will have upon the attorneys' own client." *Zurich*, 52 S.W.3d at 559. Indeed, "balancing is required between the interests of the opposing parties lest the rule be used as a tactical weapon for expense, delay, inconvenience, and sequestration of a witness." *Id.* Here, with the Hearing less than two weeks away, disqualifying Ms. Amlung from participation would cause undue prejudice to her client.

This matter has been pending for almost two years, and Ms. Amlung has been heavily involved throughout the proceedings. She is well-versed in the factual and legal issues. To disqualify her at this point, thereby requiring new co-counsel to be recruited, would be exceedingly difficult, if not impossible. More importantly, it would be a disservice to the client.

III. CONCLUSION

For the foregoing reasons, Counsel for the Kentucky Judicial Conduct Commission respectfully requests that Judge Maze's Motion to Disqualify be denied.

Respectfully submitted,



Jeffrey C. Mando, Esq. (#13548)

Olivia F. Amlung, Esq. (#97449)

ADAMS, STEPNER,

WOLTERMANN & DUSING, PLLC

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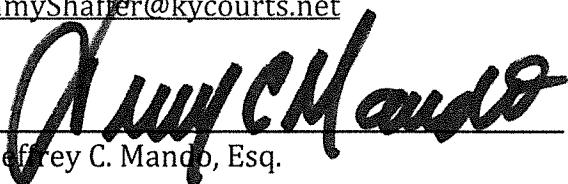
*Counsel for the Kentucky Judicial Conduct
Commission*

CERTIFICATE OF SERVICE

This is to certify that true and correct copy of the foregoing has been served via electronic mail on this the ~~20~~ day of August, 2019, upon the following:

Thomas E. Clay, Esq.
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Louisville, KY 40243
tclay@tclaylaw.com

Ms. Jimmy Shaffer
Executive Secretary
KY Judicial Conduct Commission
P.O. Box 4266
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jimmyshaffer@kycourts.net



Jeffrey C. Mando, Esq.

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION

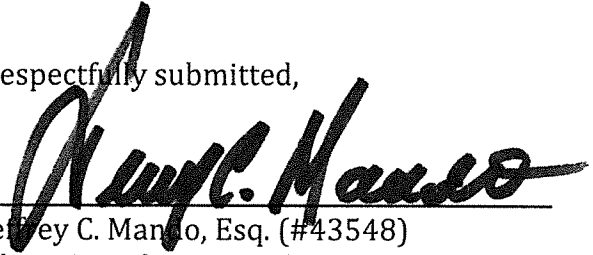
IN RE THE MATTER OF:

BETH LEWIS MAZE, CIRCUIT COURT JUDGE
21st JUDICIAL CIRCUIT

COUNSEL FOR THE COMMISSION'S MOTION
TO QUASH SUBPOENA TO OLIVIA F. AMLUNG, ESQ.

Counsel for the Kentucky Judicial Conduct Commission ("JCC") respectfully moves the Commission to quash the Subpoena issued to Olivia F. Amlung, Esq. A Memorandum in Support is attached.

Respectfully submitted,



Jeffrey C. Mando, Esq. (#43548)
Olivia F. Amlung, Esq. (#97449)
ADAMS, STEPNER,
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*Counsel for Kentucky Judicial Conduct
Commission*

CERTIFICATE OF SERVICE

This is to certify that true and correct copy of the foregoing has been served via electronic mail on this the 28 day of August, 2019, upon the following:

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Laura C. Tipton, Esq.
Sarah Ellen Eads Adkins
Assistant Attorneys General
Office of the Attorney General
700 Capital Avenue, Suite 18
Frankfort, KY 40601
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sara.adkins@ky.gov



Jeffrey C. Mango, Esq.

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

**BETH LEWIS MAZE, CIRCUIT COURT JUDGE
21st JUDICIAL CIRCUIT**

**MEMORANDUM IN SUPPORT OF MOTION TO
QUASH SUBPOENA ITO OLIVIA F. AMLUNG, ESQ.**

Counsel for the Kentucky Judicial Conduct Commission ("JCC"), in support of his Motion to Quash the Subpoena issued to Olivia F. Amlung, Esq., states the following:

I. INTRODUCTION

Judge Beth Lewis Maze is a Circuit Court Judge for Kentucky's 21st Judicial Circuit consisting of Bath, Menifee, Montgomery, and Rowan counties. She is facing six (6) charges alleging violations of the Kentucky Code of Judicial Conduct. To adjudicate its charges against Judge Maze, the JCC scheduled a Hearing on December 3, 2018.

In preparation of the Hearing, Counsel for the JCC issued subpoenas for witnesses to appear and testify, including Judge Maze's staff attorney, Dagny James. On November 14, 2018, the JCC served Ms. James with a subpoena commanding her to appear December 3 – 6, 2018 to testify at the hearing. (Subpoena attached as Exhibit A) To prevent all witnesses from showing up at the start of the hearing and wait until they were called to testify, Counsel for the Commission created a schedule of when each witness was expected to testify and as a courtesy, Ms. Amlung contacted each witness to inform them of the date and time when it was reasonably anticipated they would need to appear.

On November 28, 2018, Ms. Amlung left a voice message for Ms. James indicating when and where she was expected to appear to testify and to call should she have any

questions. That same day, Ms. James called Ms. Amlung.¹ During the conversation, Ms. James expressed her frustrations, repeatedly indicating that she was angry at all involved parties – Judge Maze, the JCC, Ronnie Goldy, and Judge Lane – for how everything has been handled.

Ms. James also commented on her frustration with the Syndicate Cases, specifically with how the 21st Circuit approached their division and prosecution. However, Ms. James never indicated that she transferred any cases on her own volition. Ms. James further confirmed that she and Rachel Walters contacted multiple sources on behalf of Judge Maze to inquire about potential CI conflicts with the Syndicate Cases.

Ms. James did not give an official or unofficial statement to Ms. Amlung, and the telephone conversation had no use for impeachment had Ms. James decided to testify differently at the December 3, 2018 Hearing. Ms. Amlung also presumed that Ms. James, who had worked for Judge Maze for years and had a close relationship with her, had already had the same discussion with Judge Maze and/or her counsel.

Judge Maze now attempts to wield this conversation between Ms. Amlung and Ms. James as a basis to subpoena Ms. Amlung to testify despite knowing that any such testimony about the telephone conversation would be pure hearsay. Consequently, there is either an ulterior motive behind the subpoena or it is solely intended to lay a false premise for disqualifying Counsel for the Commission and delaying the September 9, 2019 Hearing. Either way, the subpoena must be quashed.

¹ Counsel for the Commission objects to Judge Maze's demands for disclosure of the information provided by Ms. James to Ms. Amlung, Counsel's mental impressions and recollections are protected by the attorney work-product doctrine. Nonetheless, and without waiving the objection, Ms. Amlung provides the following summary account.

II. MS. AMLUNG CANNOT BE COMPELLED TO GIVE TESTIMONY THAT MAY CAUSE THE DISCLOSURE OF PRIVILEGED INFORMATION

An attorney may not depose opposing counsel on matters that intrude upon client communications or attorney work-product. The Kentucky Supreme Court has clearly spoken in this regard:

“[The] practice of deposing opposing counsel detracts from the quality of client representation. Counsel should be free to devote his or her time and efforts to preparing the client’s case without the fear of being interrogated by his or her opponent.”

McMurry v. Eckert, 833 S.W.2d. 828 (Ky. 1992).

Attorney work-product includes investigatory work and mental impressions of the attorney. The work product doctrine is designed to protect the adversary system of justice, and is rooted in the United States Supreme Court’s decision in *Hickman v. Taylor*, 329 US 495 (1947). As the Supreme Court stated in *Hickman*,

“Historically, a lawyer is an officer of the court and is bound to work for the advancement of justice while faithfully protecting the rightful interests of his clients. In performing his various duties, however, it is essential that a lawyer work with a certain degree of privacy, free from unnecessary intrusion by opposing parties and their counsel. Proper preparation of a client’s case demands that he assemble information, sift what he considers to be the relevant from the irrelevant facts, prepare his legal theories and plan his strategy without undue and needless interference. That is the historical and the necessary way in which lawyers act within the framework of our system of jurisprudence to promote justice and to protect their clients’ interests. This work is reflected, of course, in interviews, statements, memoranda, correspondence, briefs, mental impressions, personal beliefs, and countless other tangible and intangible ways—aptly though roughly termed by the Circuit Court of Appeals in this case as the [w]ork product of the lawyer. Were such materials open to opposing counsel on mere demand, much of what is now put down in writing would remain unwritten. An attorney’s thoughts, heretofore inviolate, would not be his own. Inefficiency, unfairness and sharp practices would inevitably develop in the giving of legal advice and in the preparation of cases for trial. The effect on the legal profession would be demoralizing. And the interests of the clients and the cause of justice would be poorly served.

Several courts have extended work-product protection to non-parties when doing so vindicated the purposes underlying the doctrine. *See, e.g., Allied Irish Banks, P.L.C. v. Bank of America, N.A.*, 252 F.R.D. 163, 175 (S.D.N.Y. 2008); *Fed. Election Comm'n v. Christian Coalition*, 179 F.R.D. 22, 24 (D.D.C. 1998); *Basinger v. Glacier Carriers, Inc.*, 107 F.R.D. 771, 772 (M.D. Pa. 1985).

The work product doctrine applies to protect an attorney from giving deposition testimony even in a case that he/she is not representing a party, where the deposition testimony would compromise his/her representation of a client and lead to disclosure of work product generated in that separate case. *O'Connell v. Cowan*, 332 S.W.3d. 34 (Ky. 2010). Citing to the aforementioned holdings from outside jurisdictions, as well as its earlier decision in *Morrow v. Brown, Todd, & Heyburn*, 957 S.W.2d. 722 (Ky. 1997), the Supreme Court emphasized that the work-product doctrine protects the adversary system of justice, and can only be overcome by a showing of compelling need by the person seeking to take the attorney's deposition. *O'Connell, supra*. Such need requires an affirmative showing that there are no other means existing to obtain the information other than deposing opposing counsel; the information sought is relevant and not privileged; and, the information is crucial to the preparation of the case. *McMurry*, 833 S.W.2d. at 829.

Judge Maze has not shown such a compelling need to have Ms. Amlung testify. Not only is the testimony Judge Maze seeks from Ms. Amlung privileged as work-product, the testimony is inadmissible hearsay.

In an August 6, 2019 email, Judge Maze's counsel indicated that he intended to call Ms. Amlung to testify "about the contents of a telephone conversation she had with Dagney (sic) James, staff attorney for the 21st Judicial Circuit, in which Ms. James stated that she,

Ms. James, was the individual who allotted the 'Syndication' indictments to Judge Maze without any input from Judge Maze." (08.06.19 Email, attached as Exhibit B) In an August 19, 2019 Motion, counsel again confirmed that his sole purpose in subpoenaing Ms. Amlung was to have her testify as to the statements allegedly made by Dagny James. (*See generally* Mot. to Disqualify)

While Ms. Amlung disagrees that Ms. James made the statements referenced by Judge Maze's counsel, testimony regarding Ms. James' statements are best elicited from Ms. James, herself – *not* Ms. Amlung. Since Ms. James has been subpoenaed to testify at the September 9, 2019 Hearing, there are clearly other available means for Judge Maze to obtain the information other than cross-examining Ms. Amlung.

In addition, the testimony sought is irrelevant. Whether or not Ms. James transferred the Syndicate cases to Judge Maze's docket on her own volition has no impact in proving or defending the charge at issue. Charge V focuses on Judge Maze's actions in attempting to obtain the identities of Confidential Informants in the Syndicate Cases and alleges, *inter alia*, that Judge Maze violated Rule 2.9 of the Code of Judicial Conduct's prohibition against *ex parte* communications. Accordingly, whether or not Ms. James made the decision to transfer the Syndicate Cases has no bearing on whether Judge Maze inappropriately attempted to obtain CI information and engaged in *ex parte* communications during her attempts to do so.

In sum, Judge Maze has failed to make an affirmative showing that there are no other existing means to obtain the information sought other than through Ms. Amlung's testimony. *McMurry*, 833 S.W.2d. at 829. She has likewise failed to demonstrate that the

information sought is relevant, not privileged, and crucial to the preparation of the case. *Id.* For these reasons, her subpoena to call Ms. Amlung to testify must be quashed.

III. MS. AMLUNG'S TESTIMONY WOULD AMOUNT TO NOTHING MORE THAN INADMISSIBLE HEARSAY

Per SCR 4.240, “[a]t a hearing before the Commission only evidence admissible under the Kentucky Rules of Evidence shall be received.” KRE 802’s prohibition against inadmissible hearsay is therefore applicable to the proceedings against Judge Maze.

Judge Maze’s sole purpose in subpoenaing Ms. Amlung is to have her testify as to the statements allegedly made by Dagny James during a phone call on November 28, 2018. (*See generally* Mot. to Disqualify) Specifically, Judge Maze intends to have Ms. Amlung testify that, during the telephone conversation, Ms. James informed Ms. Amlung that “Judge Maze had nothing to do with the transfer of the ‘Syndicate Cases’ to Judge Maze’s docket, and, in fact Judge Maze knew nothing about how the cases were transferred.” (*Id.* at ¶ 3) While Ms. Amlung maintains that Ms. James did not make any such statement, the testimony is prohibited by KRE 802’s prohibition against inadmissible hearsay.

“Hearsay” is defined as “a statement, other than one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted.” KRE 801(c). A “declarant” is a person who makes a statement. KRE 801(b). Judge Maze seeks to have Ms. Amlung testify that Ms. James, the declarant, stated that Judge Maze had nothing to do with the transfer of the Syndicate cases. She therefore hopes to use this testimony for the truth of the matter asserted. The testimony is rank hearsay.

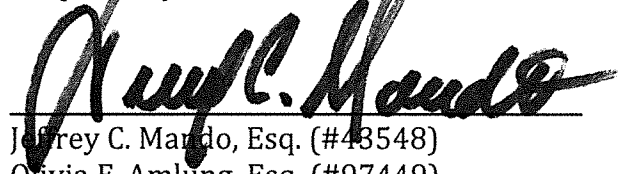
Since Ms. James has been subpoenaed to testify at Judge Maze’s Final Hearing, she can testify regarding her alleged involvement in the Syndicate Cases. Any testimony which

Ms. Amlung could offer is inadmissible. As such, Ms. Amlung should not be required to testify.

IV. CONCLUSION

A subpoena that is issued “for an improper purpose, such as harassment” will not be enforced. *Landrum v. Lassiter*, 2018 Kan. App. Unpub. LEXIS 1007, *12 (Ky. App. Nov. 16, 2018) citing *United States v. Westinghouse Elec. Corp.*, 788 F.2d 164, 166 (3d Cir. 1986). Because Judge Maze has no legitimate evidentiary purpose for subpoenaing Ms. Amlung, it is reasonable to conclude that the real purpose of the subpoena is to seek disqualification of Counsel for the Commission and delay the Hearing. The subpoena is improper and must be quashed.

Respectfully submitted,



Jeffrey C. Mando, Esq. (#48548)
Olivia F. Amlung, Esq. (#97449)
ADAMS, STEPNER,
WOLTERMANN & DUSING, PLLC
40 West Pike Street
Covington, KY 41011
859.394.6200
859.3.92.7263 – Fax
jmando@aswdlaw.com
oamlung@aswdlaw.com

*Counsel for the Kentucky Judicial Conduct
Commission*

CERTIFICATE OF SERVICE

This is to certify that true and correct copy of the foregoing has been served via electronic mail on this the 28 day of August, 2019, upon the following:

Thomas E. Clay, Esq.
Clay Daniel Winner, LLC
917 Lily Creek Road
Louisville, KY 40243
tclay@tclaylaw.com

Ms. Jimmy Shaffer
Executive Secretary
KY Judicial Conduct Commission
P.O. Box 4266
Frankfort, KY 40604
jimmyshaffer@kycourts.net

Laura C. Tipton, Esq.
Sarah Ellen Eads Adkins
Assistant Attorneys General
Office of the Attorney General
700 Capital Avenue, Suite 18
Frankfort, KY 40601
laurac.tipton@ky.gov
sara.adkins@ky.gov


Jeffrey C. Mando, Esq.

MEMBERS:

STEPHEN D. WOLNITZKEK, CHAIR
COVINGTON

JUDGE JEFF S. TAYLOR
OWENSBORO

JUDGE EDDY COLEMAN
PIKEVILLE

JUDGE DAVID BOWLES
LOUISVILLE

MICHAEL A. NOFTSGER
SOMERSET

DR. DON I. THARPE
NICHOLASVILLE

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION
P.O. Box 4266
FRANKFORT, KENTUCKY 40604-4266
PHONE 502-564-1231 FAX 502-564-1233

ALTERNATES:

R. MICHAEL SULLIVAN
OWENSBORO

JUDGE GLENN E. ACREE
LEXINGTON

JUDGE MITCH PERRY
LOUISVILLE

JUDGE KAREN THOMAS
COVINGTON

EXECUTIVE SECRETARY
MS. JIMMY SHAFFER

SUBPOENA

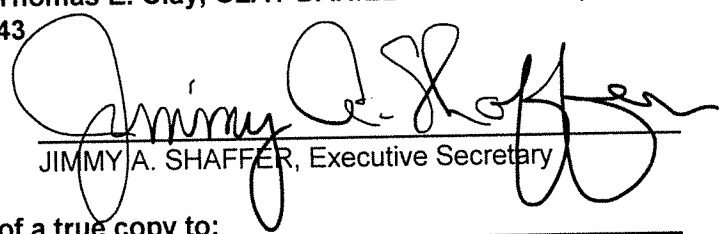
TO: Olivia Amlung

IN RE: BETH LEWIS MAZE, CIRCUIT COURT JUDGE
21ST JUDICIAL CIRCUIT

You are hereby commanded to appear before the Judicial Conduct Commission in the Fayette Circuit Court, 120 North Limestone, Lexington, Kentucky, at 9:00 a.m. on September 9, 2019, to testify in the above matter, and to bring with you _____

This subpoena is issued on application of Thomas E. Clay, CLAY DANIEL WINNER LLC, 917 Lily Creek Road, Louisville, KY 40243

DATE: 8/5/19


JIMMY A. SHAFFER, Executive Secretary

This subpoena was served by delivery of a true copy to: _____

This _____ day of _____, 2019.

By: _____

Christy Walkley

From: Thomas Clay <tclay@tclaylaw.com>
Sent: Tuesday, August 6, 2019 9:50 AM
To: Jeff Mando <JMando@aswdlaw.com>
Cc: Heather Watkins <hwatkins@tclaylaw.com>
Subject: Judge Eddy Coleman and Olivia Amlung

Jeff:
Does JCC intend to have Judge Coleman present for the hearing? We would like to call him, if JCC does not. If JCC intends to have him present, we will not need to subpoena him.

We also intend to call Ms. Amlung to testify about the contents of a telephone conversation she had with Dagney James, staff attorney for the 21st Judicial Circuit, in which Ms. James stated that she, Ms. James, was the individual who allotted the "Syndication" indictments to Judge Maze without any input from Judge Maze. If my understanding of this conversation is wrong, please let me know. We would also consider a stipulation of the conversation in lieu of Ms. Amlung's testimony. Thank you for your consideration.



Thomas E. Clay, P.S.C.
CLAY DANIEL WINNER LLC
917 Lily Creek Road
Louisville, KY 40243
Office 502.561.2005
Fax: 502.589.5500
Email: tclay@tclaylaw.com

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IRS Circular 230 disclosure: To ensure compliance with requirements imposed by the IRS, you are hereby notified that any tax advice contained in this electronic communication, including any attachments, is not intended or to be used for the purpose of (i) avoiding tax penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any unlawful transaction or matter addressed therein.

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION
2017 254 AND 255

IN RE THE MATTER OF:

BETH LEWIS MAZE, CIRCUIT COURT JUDGE
21ST JUDICIAL CIRCUIT

**RESPONSE TO MOTION TO QUASH SUBPOENAS
AND SUBPOENAS DUCES TECUM**

Non-parties Ronnie Goldy, Keith Craycraft, and Ashton McKenzie move for an order quashing subpoenas duces tecum on them for production of text messages. The motion should be denied.

As has been demonstrated in the repeated and thus far futile efforts of the non-parties to have the subpoenas and court orders for production overturned, the efforts to conceal the texts messages should fail. (See Ex. 1, Verified Motion and Memorandum of Defendant Regarding Witness Intimidation by Deanna Roberts, and Ex. 2, Appellee Judge Beth Maze's Response to Motion to Stay Order Pending Appeal).

The third parties, by counsel, have made numerous troubling statements in their motion.

1. "Maze has tried repeatedly in her criminal Bath Circuit Court case to obtain the text messages from these and other non-parties." Motion, p. 1. First "Maze" is still the duly elected Chief Circuit Judge of the 21st Judicial Circuit. Second, the order from Special Judge Phil Patton has ordered A.T.&T. to produce the subject records for in camera review by August 20, 2019. (Ex. 3)

2. "The Bath Circuit Court's decision rested entirely on the fact that the Commonwealth names him as a possible witness, not on any analysis of the applicable standard." Motion, p. 2. This statement is simply false. Judge Patton stated on the record at the March 8,

2019, hearing that he had viewed the video deposition of Kim Barker Tabor three times. In that deposition taken for this JCC proceeding, Clerk Tabor described a conspiracy to have Judge Maze removed from office, and she identified the conspirators and the anticipated career moves in the event their plot was successful. When the JCC denied Judge Maze's motion to seal Ms. Tabor's testimony, conspirator Deanna Robert sent the "Wtf" text to Ms. Tabor. Judge Patton clearly understood the implications of this conduct as well as Judge Maze's right to compulsory process under the Sixth Amendment to the U.S. Constitution.

3. The non-parties quote Rule 26.02 as authority supporting their motion to quash. The subpoenas issued to the non-parties are trial subpoenas, not discovery. The subpoenas are based upon evidence of record (Tabor's testimony), use of texts by one of the conspirators (Deanna Roberts), and information Judge Maze has that another witness has been threatened by text by one of the conspirators.

4. The non-parties, through their counsel, have repeatedly referred to Judge Maze's efforts to secure production of these phone records as a "fishing expedition." Motion, pg. 3. To be clear, Judge Maze has no interest in personal texts or texts that are irrelevant to the third parties' conspiracy to have Judge Maze removed from office.

5. "Whether a conspiracy exists or not is to relevant to and could have no bearing on charges brought against Maze by the JCC." Motion, p.4. The third parties are not privy to Judge Maze's defenses to the JCC charges, and they are in no position to opine as to what is or is not relevant to her strategy.

6. "There is no allegation of any non-parties named here." Motion, p. 2 While Judge Maze is under no obligation to allege any conduct at this juncture in addition to what is already in the record, Judge Maze is possession of video footage from September 17, 2017, from the

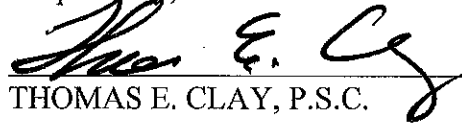
Owingsville Dispatch Center showing Mr. Goldy's arrival at the Dispatch Center at the time Judge Maze's ex-husband was in custody. Owingsville Police Officers are also present.

7. The question is what are these people trying to hide? Their latest desperate attempt to conceal the texts comes after Special Judge Patton received the AT&T records. (Ex. 7 and 8)

8. Judge Maze is agreeable for the JCC to conduct the same in camera review of records ordered by Special Judge Patton.

The motion should be denied.

Respectfully,



THOMAS E. CLAY, P.S.C.
CLAY DANIEL WINNER, LLC
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Louisville, KY 40243
(502) 561-2005
tclay@tclaylaw.com

CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the foregoing Response to Motion to Quash Subpoenas and Subpoenas Duces Tecum, was this 29th day of August, 2019, mailed and e-mailed via U.S. Postal Service, first class postage to the following:

Hon. Jeffrey C. Mando
Hon. Olivia F. Amlung
ADAMS STEPNER WOLTERMANN & DUSING, PLLC
40 West Pike Street
Covington, KY 41011
Counsel for the Judicial Conduct Commission

Ms. Jimmy Shaffer
Executive Secretary
Kentucky Judicial Conduct Commission
P.O. Box 4266
Frankfort, KY 40604



THOMAS E. CLAY, P.S.C.

COMMONWEALTH OF KENTUCKY
BATH CIRCUIT COURT
CRIMINAL DIVISION
CASE NO. 18-CR-00059

COMMONWEALTH OF KENTUCKY

PLAINTIFF

VS.

**VERIFIED MOTION AND MEMORANDUM
OF DEFENDANT REGARDING WITNESS INTIMIDATION
BY DEANNA ROBERTS**

LAURA LEWIS MAZE, AKA: BETH LEWIS MAZE

DEFENDANT

* * * * *

MOTION

The undersigned is counsel for the defendant in the above-styled action. The undersigned requests the court to schedule a hearing to afford Danna Roberts an opportunity to show cause, if any, why she should not be held in contempt of court for threatening a material witness in this action, Kim Barker Tabor. The undersigned adopts as if fully set out herein the facts contained in the memorandum in support of this motion.

MEMORANDUM

On November 26, 2018, Rowan Circuit Clerk Kim Barker Tabor gave testimony relating to "charges brought by the Judicial Conduct omission (JCC) about the two (2) orders for drug tests for her ex-husband." These two orders are also the subjects of the three-count indictment pending before this court. (See video disc and transcript of Ms. Tabor's testimony attached hereto as Exhibit 1.)

Ms. Tabor had heard conversations for at least two (2) years prior to JCC proceedings, and her deposition testimony provides direct evidence that Circuit Judge William Lane, Commonwealth's Attorney Ronnie Goldy, District Judge William Roberts, Judge Roberts' wife and Judge Lane's secretary Deanna Roberts, Assistant Commonwealth Attorneys Keith Craycraft

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and Ashton McKenzie, “were going to try to take down Judge Maze whenever her ex-husband got arrested.” (Transcript of testimony p. 4-5 attached)

Ms. Tabor also testified Deanna Roberts “pretty much rules what goes on - - there. . . . She pretty much runs Drug Court in both Rowan County and Bath County.” (*Id.*, p. 8)

Counsel for Judge Maze moved to seal Ms. Tabor’s testimony because of her expressed fear of retaliation in the event her testimony became known to the individuals listed above. (*Id.*, pg. 15) Counsel for JCC objected. (*Id.*) Thereafter, on November 29, 2018, JCC denied the motion to seal the deposition. (Exhibit 2)

Within a few minutes Kim Tabor received a text from Deanna Roberts with a screen shot of JCC’s Order, and, true to Ms. Tabor’s expressed apprehension, Deanna Roberts’ text contained the following threat: “Wtf did you say?” (Exhibit 3)

Counsel for Judge Maze stated on the record at the February 27, 2019, what “Wtf” means.

Ms. Tabor is a material witness in both the JCC proceeding and this criminal prosecution.

The defense believes Deanna Roberts’ conduct may be a violation of KRS 524.040, Intimidating a Witness in the Legal Process, and KRS 61.990(3), Violation of the Whistleblower Act.

The defendant requests the Court to issue a show cause order to be served upon Deanna Roberts to afford her the opportunity to show cause why she should not be held in contempt for threatening or intimidating a witness in a matter pending before this court.

The defendant is not on a fishing expedition as has been alleged by the Attorney General’s office but has subpoenaed text messages for very specific dates when certain actions by these individuals took place against Judge Maze to cause her harm or smear her name. As such, the defendant respectfully moves the Court to deny the motions to quash subpoenas duces tecum for production of phone records and texts filed by Judge Lane, Mr. Goldy, Mr. Craycraft, Ms.

McKenzie, and Ms. Roberts. The defendant requests the court conduct an in camera inspection of these records to ascertain whether the records contain *Brady or Giglio* material relevant to the defendant's defense.

Respectfully,

/s/ Thomas E. Clay
THOMAS E. CLAY, P.S.C.
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Louisville, KY 40243
(502) 561-2005
tclay@tclaylaw.com

CERTIFICATE OF SERVICE

It is hereby certified that on this 5th day of March, 2019, I electronically filed the foregoing Verified Motion and Memorandum by using the electronic filing system and notification of same was copied to all registered electronic filing participants in the above-styled action. A copy was mailed via U.S. Postal Service, first class mail to all non-registered parties.

Maridelle Malone
Special Prosecutor
20th Judicial Circuit
110 Washington Street
Greenup, KY 41144

Melvin C. Leonhart
20th Judicial Circuit
110 Washington Street
Greenup, KY 41144

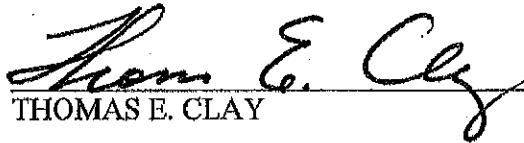
/s/ Thomas E. Clay
THOMAS E. CLAY, P.S.C.

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VERIFICATION

I, Thomas Clay, state that I have read the foregoing Verified Motion and Memorandum and the statements contained therein are true to the best of my knowledge and belief.


THOMAS E. CLAY

STATE OF KENTUCKY)
)SS
COUNTY OF JEFFERSON)

Subscribed and sworn to before me by Thomas E. Clay on this 4th day of March, 2019.

My commission expires: 7-27-2022.


NOTARY PUBLIC, KY STATE LARGE

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JUDICIAL CONDUCT COMMISSION HEARING

TESTIMONY OF KIM BARKER-TABOR

0E58F45A-92A5-46A7-B365-6143E4B59FBC : 000005 of 000030



EXH : 000001 of 000020

EXHIBITS

- 1 - DVD
- 2 - AOC FORM
- 3 - AOC ORDERS
- 4 - AOC ORDERS

1 DIRECT EXAMINATION

2 BY MR. CLAY:

3 Q Do you know the other circuit court judge in the
4 21st Circuit?

5 A Bill Lane?

6 Q Yes.

7 A Yes.

8 Q And do you know the Commonwealth's Attorney?

9 A Yes.

10 Q Are you familiar with the office arrangement that
11 those two gentlemen have?

12 A No.

13 Q Okay. Have you ever heard Judge Lane and Mr.
14 Goldy discuss Judge Maze?

15 A Yes.

16 Q Would you tell us about that?

17 A They would just -- like, what part do I need -- I
18 mean, they would just talk about her in -- in general, and
19 especially now that this is happening, that's all that they
20 want to talk about.

21 Q Were you aware of any conversations before this
22 proceeding began with the Judicial Conduct Commission where
23 they were talking about getting rid of her?

24 MS. AMLUNG: Object to form, but you can still
25 answer.

1 A Yeah. Say -- say that one more time, please.

2 Q Were you aware of any conversations between Judge
3 Lane and Mr. Goldy prior to this proceeding with the
4 Judicial Conduct Commission where they wanted to get rid of
5 her?

6 MS. AMLUNG: Again, object to form, but you can
7 still answer.

8 A I wasn't under the -- the -- yes. About --
9 approximately two years ago, Mr. Goldy had mentioned that
10 our district judge, Judge Roberts, was going to move up to
11 circuit judge, and then he, himself, was going to move up
12 to district judge. But this whole time, I thought that
13 they were talking about when Judge Lane retired because we
14 had heard that Judge Lane went to the Retirement Board.
15 Not -- I -- I did not know it was...

16 Q You didn't know they were talking about Judge
17 Maze?

18 A No.

19 Q Did you later learn they were, in fact, talking
20 about Judge Maze?

21 A Yes.

22 Q Could you tell us about that?

23 A I was under the impression that they were going
24 to try to take down Judge Maze whenever her ex-husband got

1 arrested. I had heard conversation that -- that this would
2 get her to resign.

3 Q By taking her down, getting her off the bench --

4 A Yes.

5 Q -- one way or another?

6 A Yes.

7 Q Did you have any discussions with Judge Maze
8 after her ex-husband was arrested in September of 2017
9 about the relationship between her and her ex-husband? Do
10 you recall that?

11 A As in if she was married to him?

12 Q No. More along the lines of whether they were
13 going to continue to see each other or he was going to have
14 to just distance himself from her. Do you remember
15 anything like that?

16 MS. AMLUNG: Object to form, but again, you can
17 still answer.

18 Q And if you don't, that --

19 A I don't -- I don't really --

20 Q Okay.

21 A -- recall anything of that. I -- I do remember
22 asking her if they were still married, and that's when I
23 learned that they were -- had been -- she had divorced him
24 when he was in trouble the first time.

1 Q Right. So you had a discussion with her about
2 the fact they were divorced?

3 A Yes.

4 Q And prior to that time -- was this in September
5 of last year, do you recall, or maybe a little after that
6 when you discussed her marital status with her ex-husband?

7 MS. AMLUNG: Object to form.

8 A I -- I -- I don't remember.

9 Q Okay. Could we elaborate a little bit more about
10 the personalities involved here? We've got Judge Lane,
11 we've got Mr. Goldy, and there's some relatives who were
12 also involved in these discussions, wives and relatives.
13 Are you aware of any of those discussions, ma'am?

14 A Wives, as in Judge Roberts' wife?

15 Q Yes, ma'am.

16 MS. AMLUNG: Objection.

17 Q And what's her name?

18 A Deanna.

19 Q Right. Is she involved -- I guess a term that
20 could be applied to this situation that I would use is
21 palace intrigue. Do you know what that means?

22 A No, sir.

23 Q That there are schemes going on, that there are
24 plans that people have about how they're going to carry out

1 these plots. Does that make sense? Do you understand what
2 I'm saying?

3 A Yes, sir.

4 Q That was --

5 MS. AMLUNG: Object to form.

6 Q And that was going on here, wasn't it?

7 MS. AMLUNG: Object to form.

8 A I would say yes.

9 Q Okay. In addition to Judge Lane and Mr. Goldy,
10 who else was involved in these discussions, to your
11 knowledge?

12 A There was -- so can I just -- can I just say this
13 real quick? So in Deanna's office, which Judge Lane is in,
14 whenever they have -- whenever we have court involving
15 Ronnie Goldy, Keith Craycraft, Ashton McKenzie, they all go
16 into one office like, for breaks or whatever, and they
17 talk. They have lunch. And I'm -- don't know what all
18 they discuss, but that is a big...

19 Q Judge Maze didn't participate in those meetings,
20 did she?

21 A No. And even whenever she is -- even if she's --
22 whenever she's in Rowan County, her office is like, right
23 down the hall, and she -- I -- I don't see -- I mean, she
24 just stays to herself down the hall.

1 Q To your knowledge, does Deanna Roberts play a
2 role in making judicial decisions in that circuit?

3 A Absolutely.

4 Q Tell us about that.

5 A She "pretty much rules what goes on -- on there."
6 She will do things as in issue warrants, and then she will
7 let -- then she'll call Judge Lane and -- and tell him, you
8 know, what has happened. I've witnessed that before. She
9 pretty much runs Drug Court in both Rowan County and Bath
10 County.

11 Q In what manner does she do that, ma'am?

12 A She pretty much tells people and -- how to
13 sanction them and does the orders for sanctions and -- and
14 things of that nature.

15 Q You're not involved in family law, but does Ms.
16 Roberts make decisions about visitation and custody and
17 things of that nature, to your knowledge?

18 MS. AMLUNG: Object to form.

19 A A lot of times she gives Judge Lane -- she pretty
20 much tells Judge Lane what to do.

21 Q And he does it?

22 A And he does it.

23 Q Are you aware of a situation where an order was
24 presented -- a decree of dissolution was presented to Judge
25 Lane, and there was another dissolution proceeding pending

1 at that time? Do you know anything about that? And Judge
2 Lane signed an order without any proof? Do you know what
3 I'm talking about?

4 A I think I may have heard something, but I -- I
5 wasn't a witness to -- to that.

6 Q Okay.

7 A Uh-huh. (AFFIRMATIVE)

8 Q Were you aware of any problems in the
9 relationship between Judge Maze and the Assistant
10 Commonwealth's Attorney, Ms. Ashton -- McKenzie?

11 A I -- just -- just -- I did not know that there
12 was anything between Judge Maze and Ashton. I knew -- or
13 had heard that there was some issues between Dagny, which
14 is Judge Lane's paralegal, and Ashton. They had a little
15 tiff.

16 Q Who's the other Assistant Commonwealth's
17 Attorney?

18 A Keith Craycraft.

19 Q Are you aware of any issues that have arisen
20 recently regarding Mr. Craycraft?

21 A I saw it on the news.

22 Q About the lawsuit that was filed?

23 A Yes.

24 Q Are you aware of anything regarding these
25 criminal syndication indictments?

1 A Do I have knowledge of it?

2 Q Yes, ma'am.

3 A It was not in my county. No.

4 Q Okay. You brought a CD with you, I believe, from
5 your records?

6 A I did.

7 Q Is that on Mr. Richard Roland?

8 A It is.

9 Q Have you had a chance to watch that?

10 A I -- I quickly glanced through there to make sure
11 I had the correct one. And I'm sorry for ignoring. He's
12 just asking me questions, so I don't want you to feel bad
13 that I'm leaving you out.

14 MS. AMLUNG: Oh, no. You've got to just leave me
15 out right now because this -- this is not my ballgame right
16 now. You're perfectly fine.

17 BY MR. CLAY:

18 Q Did you form any impressions in reviewing that
19 DVD with Mr. Roland?

20 A Ashton is -- Ashton is -- she -- she likes to
21 argue, I guess, which attorneys do. But she's -- she has
22 the -- toward the end, she -- she made a -- a -- a snide
23 remark. I couldn't really hear what all was said to Dagny,
24 which is the paralegal, something to the effect of like,

1 make a decision. I don't know the exact wording, but she's
2 ready to go home.

3 Q Are you the custodian of that DVD, ma'am?

4 A Yes, sir.

5 Q And did you produce it yourself?

6 A I did.

7 MR. CLAY: So we would move to have that admitted
8 as an exhibit in Judge Maze's proceeding before the
9 Commission.

10 BY MR. CLAY:

11 A And -- and can I say something else?

12 Q By all means.

13 A I worry for my safety and my job if Judge Lane or
14 Ronnie Goldy, Deanna, Ashton, if what is said today gets to
15 them (CRYING). I just want you all to know that. So if
16 something does happen, that is why, because that is how --
17 that's what has happened -- what -- you don't -- you don't
18 cross them. You don't (CRYING) -- I'm so sorry, but I just
19 needed you all to know that.

20 Q Are you afraid --

21 A So if anything happens...

22 Q Are you afraid of retaliation in the event --

23 A Very much so.

24 Q -- they find out about your testimony?

1 A Yes. I didn't know that -- that we were going to
2 be discussing them. I just thought I was going to tell you
3 about my relationship. But having discussed that, it -- it
4 -- it will be bad if they find out that I said anything
5 about them.

6 Q Have you seen those individuals retaliate against
7 others who have taken positions contrary to them?

8 MS. AMLUNG: Object to form.

9 A Not -- not -- not personally, but just what
10 people have said.

11 MR. CLAY: May we have just a moment? We may be
12 through. And --

13 MS. AMLUNG: Kim, do you want a tissue? Are you
14 okay?

15 MS. BARKER-TABOR: (NODS HEAD - AFFIRMATIVE)

16 MS. AMLUNG: Do you guys mind?

17 BY MR. CLAY:

18 Q Ma'am, I've handed you a document there. Could
19 you identify that for the record, please?

20 A It's a AOC order -- Administrative Office of the
21 Courts order.

22 Q Is that an order for the 21st Judicial Circuit?

23 A It is for all -- all 120 counties. It's a order
24 that -- it's a standard order that everyone uses.

1 Q And if you would look in the lower left-hand
2 corner of that blank order, what does it say down there?

3 A "Distribution."

4 Q Is that the order that's routinely used by Judge
5 Maze in the 21st Circuit?

6 MS. AMLUNG: Object to form.

7 A It just depends on when she -- she's the rube
8 (phonetic) of order, and she doesn't always have the
9 updated forms, but yes, she has used this one before.

10 Q What do you mean by "she doesn't always have the
11 updated forms?"

12 A (LAUGHS) I'm sorry. So when we were moving from
13 one end of town to our new judicial center, I don't -- we --
14 - there was forms -- a gory (phonetic) of forms, and then
15 our office also had forms that weren't online yet. We were
16 still, you know, using the paper forms. (LAUGHS) She -- we
17 -- you know, we were told by Administrative Office of the
18 Courts to -- you know, we could throw those away if we
19 wanted to because they were going to revise everything and
20 -- and she went through her trash and got forms that she --
21 you know, that she would still use, and we had -- we have a
22 hard time breaking her of using the old -- older forms.
23 We're still trying. (LAUGHS) Things are on the computer
24 system now, and -- and a lot of times, her -- her computer

1 system doesn't want to work with our Wi-Fi, and -- but
2 that's what I mean by that.

3 Q Okay. So that form that I just showed you there
4 -- and we'll mark the DVD as Exhibit 1 and the form I just
5 showed you as Exhibit 2 if we could. Would you mind
6 writing in Exhibit 2 down there on the lower corner of
7 that? I want to show you what we'll mark as Exhibits 3 and
8 4, and are those kind of like what you were talking about,
9 those old orders?

10 A Yes. They -- those came from the judicial cen --
11 or the courthouse. We were considered courthouse. We were
12 on the bottom, and the county employees were on the top.
13 And then when we went to the other end of town, we have two
14 separate buildings. So those were from back in the day.

15 Q What's different about the lower left-hand corner
16 of Exhibit 2 --

17 A Can I put this down here?

18 Q -- absolutely -- and the lower left-hand corners
19 of Exhibits 3 and 4?

20 A 4, on the revision of the 8-97, the Exhibit 2,
21 where it says, "Distribution," lower left on this one,
22 which is June of '88 has "Seen and Order of Entry Waived."

23 Q So they're different?

24 A They -- yes. One has "Distribution," and the
25 other one has "Seen By and Order of Entry Waived."

1 Q Both 3 and 4 have that "Order of Entry Waived," I
2 believe; is that correct?

3 A Correct.

4 Q And 3 and 4 are older orders which were obsolete
5 at the time there was this move?

6 A Yeah. They -- it was re -- and I think we have
7 another revision, a newer form of this one even now.

8 MR. CLAY: Then I would move for admission of
9 Exhibits 1 through 4. And just -- we talked about this off
10 the record, but I'm going to make it part of the record.
11 We're going to move to seal your testimony here today
12 pending further orders by the Judicial Conduct Commission
13 in hopes that this will never become part of the public
14 record, so you won't have to suffer this fear of
15 retaliation.

16 MS. AMLUNG: And, again, just for the purpose of
17 the records, we will just oppose for the purpose that we
18 did not ask her here, and JCC has an interest in preserving
19 the public's knowledge.

20 MR. CLAY: Well, it seems to me like JCC would
21 have an interest in protecting this clerk from being
22 retaliated against by Judge Lane and Mr. Goldy. It seems
23 to me like they would have that interest as well.

24 MR. AMLUNG: Well, Mr. Clay, we can let them
25 decide. There's no need to be hostile with me.

1 (EXHIBIT 1 ADMITTED INTO EVIDENCE)

2 (EXHIBIT 2 ADMITTED INTO EVIDENCE)

3 (EXHIBIT 3 ADMITTED INTO EVIDENCE)

4 (EXHIBIT 4 ADMITTED INTO EVIDENCE)

5 BY MR. CLAY:

6 Q If you got Exhibits 3 and 4 as they are currently
7 indicated there, would you view that for distribution?

8 A So if I -- if I had received this order from --
9 from Judge Maze -- is that what you're asking me?

10 Q Yes, ma'am.

11 A Would I have -- would I have sent it out as a
12 distribution?

13 Q Yes, ma'am.

14 A Yes.

15 Q That's all.

16 A Like, I would make sure that whoever was listed
17 got a copy of this.

18 MS. AMLUNG: Oh, is that all your questions? Oh,
19 I apologize.

20 CROSS EXAMINATION

21 BY MS. AMLUNG:

22 Q All right, Ms. Tabor?

23 A Yes.

1 Q Tabor. Okay. My name's Olivia Amlung. I
2 represent the Judicial Conduct Commission. First, before -
3 - do you need a -- just a minute? Are you --

4 A I'm okay.

5 Q You're okay? Okay. I just have a few questions
6 for you. Again, since this is a deposition, just some
7 like, ground rules. I don't know is a perfectly acceptable
8 answer, so don't feel like you have to give me words that I
9 ask for, okay?

10 A (NODS HEAD - AFFIRMATIVE)

11 Q First, have you read the charges that have been
12 brought against Judge Maze? Have you seen any of those?

13 A I was told by Deanna Roberts where to -- to find
14 the complaint.

15 Q Okay. Did you read any of those?

16 A I read the first -- first one, and it really
17 doesn't -- didn't happen in -- nothing happened like, in
18 Rowan County --

19 Q Uh-huh. (AFFIRMATIVE)

20 A -- so I -- I chose not to.

21 Q Okay. So then you're aware of the two orders
22 that were signed by Judge Maze on September 18th of 2017?

23 A These?

24 Q Correct. The two orders --

25 A Yes.

1 Q -- in front of you, Exhibits 3 and 4?

2 A Yes.

3 Q Do you have any personal firsthand knowledge of
4 whether those orders were entered, signed, anything about
5 those orders?

6 A I don't.

7 Q Okay.

8 A But being -- but being a -- being a clerk for so
9 long, you know, for so many years like, I -- this didn't go
10 through the Clerk's office --

11 Q Right.

12 A -- because it doesn't have a stamp on it.

13 Q Okay. But then --

14 A Is that what you mean?

15 Q Partially, yes.

16 A Okay.

17 Q So let me clarify it for -- a little bit for you.

18 So then those specific two orders right in front of you,
19 Exhibits 3 and 4, you've never seen those before all these
20 charges were brought, correct?

21 A Correct.

22 Q You don't have any personal knowledge of those
23 specific orders?

24 A Correct.

1 Q Okay. Do you have any firsthand knowledge of
2 what Mr. Clay referred to earlier as the syndicate cases?

3 A No.

4 Q Okay. Because you said those were not in your
5 county, correct?

6 A Correct.

7 Q Okay. So do you have any firsthand knowledge
8 really about anything involved in those complaints that you
9 read?

10 A No.

11 Q Okay. So as the Circuit Clerk, and you've been
12 in the Clerk's office for quite some time, your name has
13 been assigned to many orders and documents that have gone
14 through the Clerk's office, correct?

15 A Correct.

16 Q Do you read all of those before you put your name
17 on them?

18 A Some things already have my name on them like --

19 Q That's fair.

20 A -- you know, like subpoenas and things.

21 Q Uh-huh. (AFFIRMATIVE)

22 A They already have like, my name on them, and then
23 like, a deputy would sign off on them and give them to an
24 attorney. So at that time, the attorney would fill out the

1 subpoena, or whoever needed to issue a subpoena, so I -- I
2 -- I don't.

3 Q So let me clarify then.

4 A Okay. Sorry.

5 Q So when you are actively signing your name or
6 filling something out in an order, you think it's best
7 practice to read the things that you're filling out,
8 correct?

9 A Yes.

10 Q Okay. So is it fair to say then when you're
11 looking at Exhibits 3 and 4 where it says, I believe, "Have
12 Seen and Agreed" --

13 A Uh-huh. (AFFIRMATIVE)

14 Q -- if you're filing that out, and writing names
15 below that, are you -- when you are doing that, personally,
16 are you telling people that those individuals have seen and
17 agreed?

18 A I would assume. Yes.

19 Q Okay.

20 MS. AMLUNG: That's all the questions I have.

21 Thank you.

22 MS. BARKER-TABOR: Uh-huh. (AFFIRMATIVE)

23 MR. CLAY: That's all.

24 MS. AMLUNG: Okay.

25

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION

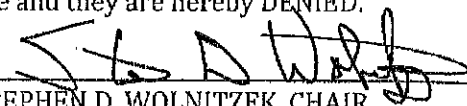
IN RE THE MATTER OF:

BETH LEWIS MAZE, CIRCUIT COURT JUDGE
21st JUDICIAL CIRCUIT

ORDER

Upon due consideration of Judge Maze's Motion to Continue Based Upon Newly Provided Discovery and the Response in Opposition; Judge Maze's Motion to Rule Text Messages of Champ Maze Inadmissible and to Strike from Exhibit List and the Response in Opposition; and Judge Maze's Motion to Seal the Deposition of Kim Barker Tabor to Prevent Retaliation and the Response in Opposition; and the Commission being fully advised and informed, it is hereby ordered that the Motions be and they are hereby DENIED.

Date: November 29th, 2018


STEPHEN D. WOLNITZEK, CHAIR

CERTIFICATE OF SERVICE

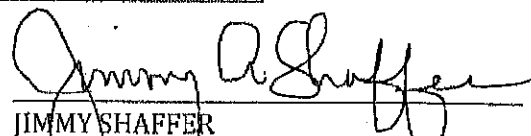
This is to certify that true and correct copy of the foregoing has been served upon the following via electronic and U.S. Mail, postage prepaid, on this the 29th day of November 2018:

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Clay Daniel Winner, LLC
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JIMMY SHAFFER
EXECUTIVE SECRETARY



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EXH : 000001 of 000001

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COMMONWEALTH OF KENTUCKY
MEDICAL COMDUCT COMMISSION

IN RE: MATTHEW DEE
BETH LEACH WARE, CIRCUIT CLERK/JUDGE
337 HOSPITAL CIRCUIT

ORDINANCE

Upon the consideration of Judge Nancy Wilson of Graham, Ross, Ryan, Smith,
Pawelak, Anderson and the appearance in opposition, Judge Nancy Wilson of Bath Circuit
Court, and Judge Wade S. Miller of Bath Circuit Court, and the appearance in
opposition, and Judge Wade S. Miller of Bath Circuit Court, and the appearance in
opposition, and the Commission being fully advised in all the premises, it is hereby ordered that the Respondent do as follows: REQUIT
Date: November 25, 2018

CERTIFICATE OF SERVICE

This is to certify that the undersigned has caused the foregoing to be served upon the Respondent, by first class mail, on the _____ day of
November 2018.

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Franklin, KY 40514

Wtf did u say?



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EXH : 000001 of 000001

COMMONWEALTH OF KENTUCKY
BATH CIRCUIT COURT
CRIMINAL DIVISION
CASE NO. 18-CR-00059

COMMONWEALTH OF KENTUCKY

PLAINTIFF

VS.

**ORDER GRANTING IN CAMERA INSPECTION
OF TEXT MESSAGES**

LAURA LEWIS MAZE, AKA: BETH LEWIS MAZE

DEFENDANT

* * * * *

This matter having come before this Court following the issuance of subpoenas for the text messages and motions to quash for Judge William Lane, Ronnie Goldy, Keith Craycraft, Ashton McKenzie, Deanna Roberts and Kelly Goldy, and this Court having reviewed pleadings, exhibits, and having considered RCr 7.26 (2), IT IS HEREBY ORDERED AS FOLLOWS:

AT&T shall immediately produce, for in camera inspection, to the Bath Circuit Clerk, under seal, to Courthouse Annex, 19 East Main Street, P.O. Box 558, Owingsville, Kentucky 40360-0558, text messages for the following phone numbers and corresponding dates:

1. William E. Lane-(859) 585-6487, for September 18 & 19, 2017; October 12, 13, 14, 2017; November 13, 14, 2017; June 14, 18 & 19, 2018; July 23, 24, 25, 2018; August 2, 6, & 7, 2018; November 1, 2018 and December 6, 2018.
2. Ronnie Goldy-(606) 776-1735, for September 18 & 19, 2017; October 3, 4, 5, 2017; October 12, 13, 14, 15, 2017; November 9, 10, 11, 12, 13, 14, 2017; May 22, 2018; June 12, 13, 14, 15, 18 & 19, 2018; July 24 & 25, 2018; October 8 & 9, 2018; November 1, 2018 and December 6, 2018.

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- 3. Keith Craycraft-(859) 5845-0933 for September 18, 19, 2017, October 3, 4, 5 , 2017; October 11, 12, 13, 14, 15, 2017; November 9, 10, 11, 12, 13, 14, 2017; July 25, 2018; November 1, 2018 and December 6, 2018.
- 4. Ashton McKenzie- (606) 776-6670 for September 18, 19, 20, 2017; October 3, 4, 5, 2017, October 11, 12, 13, 14, 15, 2017; November 9, 10, 11, 12, 13, 14, 2017; January 23, 24 & 25, 2018; June 14, 15, 2018; July 24, 25, 2018, November 1, 2018 and December 6, 2018.

SO ORDERED THIS _____ DAY OF _____, 2019,

PHIL PATTON,
SPECIAL BATH CIRCUIT JUDGE

TENDERED BY:

/s/ Thomas E. Clay
THOMAS E. CLAY, P.S.C.
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tclay@tclaylaw.com

DISTRIBUTION:
Special Commonwealth Attorney, Melvin Leonhart
Assistant Attorney General, Laura Tipton
Hon. Thomas Clay

COMMONWEALTH OF KENTUCKY
BATH CIRCUIT COURT
CRIMINAL DIVISION
CASE NO. 18-CR-00059

COMMONWEALTH OF KENTUCKY

PLAINTIFF

VS.

ORDER GRANTING IN CAMERA INSPECTION
OF TEXT MESSAGES

LAURA LEWIS MAZE, AKA: BETH LEWIS MAZE

DEFENDANT

* * * * *

This matter having come before this Court following the issuance of subpoenas for the text messages and motions to quash for Deanna Roberts' text messages, and this Court having reviewed pleadings, exhibits, and having considered RCr 7.26 (2), IT IS HEREBY ORDERED AS FOLLOWS:

Sprint shall immediately produce, for in camera inspection, to the Bath Circuit Clerk, under seal, to Courthouse Annex, 19 East Main Street, P.O. Box 558, Owingsville, Kentucky 40360-0558, text messages for Deanna Roberts, (606) 356-3775, for the following dates: September 18, 19, 20, 2017; October 3, 4, 5, 2017; October 11, 12, 13, 14, 15, 2017; November 9, 10, 11, 12, 13, 14, 2017; January 23, 24, & 25, 2018; June 14 & 19, 2018, July 25, 2018, November 6, 2018 and December 1, 2018.

SO ORDERED THIS _____ DAY OF _____, 2019,

PHIL PATTON,
SPECIAL BATH CIRCUIT JUDGE

0E58F45A-92A5-46A7-5365-5143E4E59FBC : 000029 of 000030

TD : 000001 of 000002

TENDERED BY:

/s/ Thomas E. Clay
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Assistant Attorney General, Laura Tipton
Hon. Thomas Clay

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COMMONWEALTH OF KENTUCKY
COURT OF APPEALS
NO. 2019-CA-001181

WILLIAM LANE, RONNIE GOLDY,
and DEANNA ROBERTS

APPELLANTS

V. **RESPONSE TO MOTION TO STAY ORDER PENDING APPEAL**

LAURA LEWIS MAZE
and THE COMMONWEALTH OF KENTUCKY

APPELLEES

Comes the Appellee, Circuit Judge Beth Lewis Maze and for her response to the non-parties' Motion to Stay Order Pending Appeal states this Court should deny the motion for the following reasons:

I.

**THE REQUESTED TEXT PHONE MESSAGES ARE
BEING PRODUCED PURSUANT TO A COURT ORDER AFTER
DUE CONSIDERATION BY THE TRIAL JUDGE FOR IN-CAMERA INSPECTION**

There are numerous fallacies in the non-parties' Motion to Stay. The records are not being produced pursuant to a subpoena duces tecum, but a Court Order. (Exhibit A to Appellants' Motion For Stay). Secondly, the trial court's order does not rest entirely on the fact that the Commonwealth's Bill of Particulars lists Appellants as "potential witnesses." Appellee Judge Maze filed a portion of the deposition testimony of the elected Rowan Circuit Clerk, Kim Barker Tabor. (Exhibit 1 hereto.) In that testimony Clerk Tabor described how she had overheard Circuit Judge William Lane, District Judge William Roberts, Deanna Roberts, Judge Roberts' wife and Judge Lane's secretary, and 21st Judicial Circuit Commonwealth's Attorney Ronnie Goldy

plotting to have Judge Maze removed. The plot was to have Judge Roberts elevated to circuit judge and Goldy made district judge. (Exhibit 1, pp 3-5)

After providing this testimony, Clerk Tabor broke down and cried on the record. (Ex. 1, p. 11). Clerk Tabor worried for her safety and her job “if Judge Lane or Ronnie Goldy, Deanna, Ashton [McKenzie, Assistant Commonwealth Attorney], if what is said today gets to them (CRYING).” “[Y]ou don’t cross them.” *Id.*

True to her fears, following the publication on JCC’s website of JCC’s denial of Judge Maze’s motion to seal Clerk Tabor’s deposition, Appellant Deanna Roberts sent Kim Tabor a snapshot of JCC’s order with the comment “WTF did you say?” (Exhibits 2 and 2A)

All of this information was in the record and considered by the trial judge when he entered his orders on March 11, 2019 (Exhibits 3 and 4)

Judge Patton stated on the record at the hearing on March 14, 2019, that he had viewed the video deposition of Clerk Kim Barker Tabor three (3) times.

Judge Patton denied Judge Maze’s motion to hold Deanna Roberts in contempt for “alleged witness intimidation.” (Exhibit 5)

Judge Maze represents to this Court, by counsel, that she has information that another witness has been threatened by one of the non-party appellants.

Judge Maze believes this conduct could violate KRS 524.040, Intimidating a participant in the legal process. Clerk Kim Barker Tabor is a witness in the JCC proceeding presently scheduled for a hearing on September 9, 2019, as well as the criminal prosecution scheduled for trial November 12, 2019.

Appellee Judge Maze respectfully disagrees that “The procedural history of this matter is not straight forward.” (Motion To Stay, p. 1)

The original special prosecutor Melvin Leonhart stated on the record that all appellees and Judge William Roberts were going to be “material witnesses” in this criminal prosecution. When Mr. Leonhart and Maridelle Malone withdrew as special prosecutors, Hon. Michelle Snodgrass was appointed special prosecutor. She initially stated that none of the appellants would be witnesses; however, when she filed a court ordered Bill of Particulars, she listed the three appellants as “potential” witnesses. (See Appellants’ Ex. A, p. 1)

As Judge Patton stated in his August 2, 2019, Order Regarding Text Messages, “The issue of production of text messages of named non-parties has been addressed several times.” *Id.*

Appellants’ concerns about “harm” are also unfounded. The trial judge’s in-camera review is designed to assure that only evidence relevant to the criminal prosecution would be subject to disclosure. The Appellee Judge Maze has no interest in Appellants’ “private text messages” or “confidential text messages relating to other criminal cases.” (Motion To Stay, p. 2)

II.

APPELLANTS MAKE NO REPRESENTATION THAT THE TEXT MESSAGES CONTAIN NO BRADY/GIGLIO MATERIAL

Counsel for Appellants makes no representation to this Court that the text messages ordered produced do not have Brady/Giglio material. Appellee Judge Maze has established that Appellant Deanna Roberts has used a text message to threaten one known witness who will testify in both the Judicial Conduct Commission (JCC) proceeding and the criminal trial.

While the role of counsel for these non-party appellants is somewhat blurred by virtue of their positions as Assistant Attorneys General, Appellee Judge Maze believes they are still governed by SCR 3.130 (3.8) Special responsibilities of a prosecutor, specifically (c).

Appellee Judge Maze believes that these Assistant Attorneys General have a duty to inquire of these “witnesses” whether there is any information in the texts at issue which would be relevant to the conspiracy to have Judge Maze removed, and whether any of the texts contain threats to any other witnesses based upon the evidence in the record. In fact, Judge Maze questions whether the Attorney General should be investigating the conduct of the Appellants instead of assisting them in their effort to conceal the texts.

III.

**DOES THE REPRESENTATION OF THE NON-PARTY
APPELLANTS AND REPRESENTATION BY THE ATTORNEY
GENERAL OF THE COMMONWEALTH IN THIS APPEAL
PRESENT A CONFLICT OF INTEREST?**

KRS 15.020 states, inter alia, “[H]e [the Attorney General] shall appear for the Commonwealth in all cases in the Supreme Court or Court of Appeals wherein the Commonwealth is interested....”

While counsel for Appellants lists as the style of this appeal in their Motion To Stay Order Pending Appeal as William Lane, Ronnie Goldy, and Deanna Roberts Appellants v. Laura Lewis Maze as Appellee, the Notice of Appeal filed by counsel on August 6, 2019, states, “The Appellees are Laura Lewis Maze, the Defendant in this proceeding, and the Commonwealth of Kentucky, the Plaintiff in this proceeding.” (Exhibit 6, p. 2)

While the special prosecutor has not filed a response to appellants’ Motion To Stay, Appellee Judge Maze believes SCR 3.130 (1.7) conflict of interest: current clients, is applicable to the dual representation by the Attorney General’s office of the non-party appellants and the Commonwealth of Kentucky in this appeal.

For the foregoing reasons, Appellee Judge Maze requests this Court to deny the third parties' Motion To Stay.

Respectfully Submitted,



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Counsel for Defendant Laura Lewis Maze

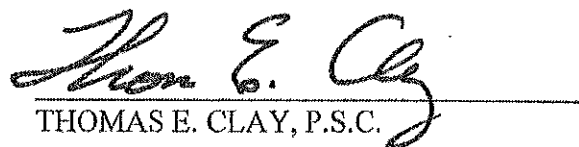
CERTIFICATE OF SERVICE

It is hereby certified that on this 9th day of August, 2019 electronically filed the foregoing Response to Motion to Stay Order Pending Appeal with the Bath Circuit Clerk and the Court by using the electronic filing system and notification of same was copied to all registered filing participants in the above styled action to:

Hon. Michelle Snodgrass
Special Commonwealth Attorney
17th Judicial Circuit
601 Washington Street, Suite 201
Newport, KY 41071

Hon. Laura Tipton
Hon. Sarah E. Adkins
Assistant Attorneys General
Capitol Building, Suite 18
700 Capitol Avenue
Frankfort, KY 40601-2449

Hon. Phillip R. Patton
Special Judge
c/o Bath Circuit Clerk
P.O. Box 558
Owingsville, KY 40360



THOMAS E. CLAY, P.S.C.

JUDICIAL CONDUCT COMMISSION HEARING

TESTIMONY OF KIM BARKER-TABOR



EXHIBITS

- 1 - DVD
- 2 - AOC FORM
- 3 - AOC ORDERS
- 4 - AOC ORDERS

1 DIRECT EXAMINATION

2 BY MR. CLAY:

3 Q Do you know the other circuit court judge in the
4 21st Circuit?

5 A Bill Lane?

6 Q Yes.

7 A Yes.

8 Q And do you know the Commonwealth's Attorney?

9 A Yes.

10 Q Are you familiar with the office arrangement that
11 those two gentlemen have?

12 A No.

13 Q Okay. Have you ever heard Judge Lane and Mr.
14 Goldy discuss Judge Maze?

15 A Yes.

16 Q Would you tell us about that?

17 A They would just -- like, what part do I need -- I
18 mean, they would just talk about her in -- in general, and
19 especially now that this is happening, that's all that they
20 want to talk about.

21 Q Were you aware of any conversations before this
22 proceeding began with the Judicial Conduct Commission where
23 they were talking about getting rid of her?

24 MS. AMLUNG: Object to form, but you can still
25 answer.

1 A Yeah. Say -- say that one more time, please.

2 Q Were you aware of any conversations between Judge
3 Lane and Mr. Goldy prior to this proceeding with the
4 Judicial Conduct Commission where they wanted to get rid of
5 her?

6 MS. AMLUNG: Again, object to form, but you can
7 still answer.

8 A I wasn't under the -- the -- yes. About --
9 approximately two years ago, Mr. Goldy had mentioned that
10 our district judge, Judge Roberts, was going to move up to
11 circuit judge, and then he, himself, was going to move up
12 to district judge. But this whole time, I thought that
13 they were talking about when Judge Lane retired because we
14 had heard that Judge Lane went to the Retirement Board.
15 Not -- I -- I did not know it was...

16 Q You didn't know they were talking about Judge
17 Maze?

18 A No.

19 Q Did you later learn they were, in fact, talking
20 about Judge Maze?

21 A Yes.

22 Q Could you tell us about that?

23 A I was under the impression that they were going
24 to try to take down Judge Maze whenever her ex-husband got

1 arrested. I had heard conversation that -- that this would
2 get her to resign.

3 Q By taking her down, getting her off the bench --

4 A Yes.

5 Q -- one way or another?

6 A Yes.

7 Q Did you have any discussions with Judge Maze
8 after her ex-husband was arrested in September of 2017
9 about the relationship between her and her ex-husband? Do
10 you recall that?

11 A As in if she was married to him?

12 Q No. More along the lines of whether they were
13 going to continue to see each other or he was going to have
14 to just distance himself from her. Do you remember
15 anything like that?

16 MS. AMLUNG: Object to form, but again, you can
17 still answer.

18 Q And if you don't, that --

19 A I don't -- I don't really --

20 Q Okay.

21 A -- recall anything of that. I -- I do remember
22 asking her if they were still married, and that's when I
23 learned that they were -- had been -- she had divorced him
24 when he was in trouble the first time.

1 Q Right. So you had a discussion with her about
2 the fact they were divorced?

3 A Yes.

4 Q And prior to that time -- was this in September
5 of last year, do you recall, or maybe a little after that
6 when you discussed her marital status with her ex-husband?

7 MS. AMLUNG: Object to form.

8 A I -- I -- I don't remember.

9 Q Okay. Could we elaborate a little bit more about
10 the personalities involved here? We've got Judge Lane,
11 we've got Mr. Goldy, and there's some relatives who were
12 also involved in these discussions, wives and relatives.
13 Are you aware of any of those discussions, ma'am?

14 A Wives, as in Judge Roberts' wife?

15 Q Yes, ma'am.

16 MS. AMLUNG: Objection.

17 Q And what's her name?

18 A Deanna.

19 Q Right. Is she involved -- I guess a term that
20 could be applied to this situation that I would use is
21 palace intrigue. Do you know what that means?

22 A No, sir.

23 Q That there are schemes going on, that there are
24 plans that people have about how they're going to carry out

1 these plots. Does that make sense? Do you understand what
2 I'm saying?

3 A Yes, sir.

4 Q That was --

5 MS. AMLUNG: Object to form.

6 Q And that was going on here, wasn't it?

7 MS. AMLUNG: Object to form.

8 A I would say yes.

9 Q Okay. In addition to Judge Lane and Mr. Goldy,
10 who else was involved in these discussions, to your
11 knowledge?

12 A There was -- so can I just -- can I just say this
13 real quick? So in Deanna's office, which Judge Lane is in,
14 whenever they have -- whenever we have court involving
15 Ronnie Goldy, Keith Craycraft, Ashton McKenzie, they all go
16 into one office like, for breaks or whatever, and they
17 talk. They have lunch. And I'm -- don't know what all
18 they discuss, but that is a big...

19 Q Judge Maze didn't participate in those meetings,
20 did she?

21 A No. And even whenever she is -- even if she's --
22 whenever she's in Rowan County, her office is like, right
23 down the hall, and she -- I -- I don't see -- I mean, she
24 just stays to herself down the hall.

1 Q To your knowledge, does Deanna Roberts play a
2 role in making judicial decisions in that circuit?

3 A Absolutely.

4 Q Tell us about that.

5 A She "pretty much rules what goes on -- on there."
6 She will do things as in issue warrants, and then she will
7 let -- then she'll call Judge Lane and -- and tell him, you
8 know, what has happened. I've witnessed that before. She
9 pretty much runs Drug Court in both Rowan County and Bath
10 County.

11 Q In what manner does she do that, ma'am?

12 A She pretty much tells people and -- how to
13 sanction them and does the orders for sanctions and -- and
14 things of that nature.

15 Q You're not involved in family law, but does Ms.
16 Roberts make decisions about visitation and custody and
17 things of that nature, to your knowledge?

18 MS. AMLUNG: Object to form.

19 A A lot of times she gives Judge Lane -- she pretty
20 much tells Judge Lane what to do.

21 Q And he does it?

22 A And he does it.

23 Q Are you aware of a situation where an order was
24 presented -- a decree of dissolution was presented to Judge
25 Lane, and there was another dissolution proceeding pending

1 at that time? Do you know anything about that? And Judge
2 Lane signed an order without any proof? Do you know what
3 I'm talking about?

4 A I think I may have heard something, but I -- I
5 wasn't a witness to -- to that.

6 Q Okay.

7 A Uh-huh. (AFFIRMATIVE)

8 Q Were you aware of any problems in the
9 relationship between Judge Maze and the Assistant
10 Commonwealth's Attorney, Ms. Ashton -- McKenzie?

11 A I -- just -- just -- I did not know that there
12 was anything between Judge Maze and Ashton. I knew -- or
13 had heard that there was some issues between Dagny, which
14 is Judge Lane's paralegal, and Ashton. They had a little
15 tiff.

16 Q Who's the other Assistant Commonwealth's
17 Attorney?

18 A Keith Craycraft.

19 Q Are you aware of any issues that have arisen
20 recently regarding Mr. Craycraft?

21 A I saw it on the news.

22 Q About the lawsuit that was filed?

23 A Yes.

24 Q Are you aware of anything regarding these
25 criminal syndication indictments?

1 A Do I have knowledge of it?

2 Q Yes, ma'am.

3 A It was not in my county. No.

4 Q Okay. You brought a CD with you, I believe, from
5 your records?

6 A I did.

7 Q Is that on Mr. Richard Roland?

8 A It is.

9 Q Have you had a chance to watch that?

10 A I -- I quickly glanced through there to make sure
11 I had the correct one. And I'm sorry for ignoring. He's
12 just asking me questions, so I don't want you to feel bad
13 that I'm leaving you out.

14 MS. AMLUNG: Oh, no. You've got to just leave me
15 out right now because this -- this is not my ballgame right
16 now. You're perfectly fine.

17 BY MR. CLAY:

18 Q Did you form any impressions in reviewing that
19 DVD with Mr. Roland?

20 A Ashton is -- Ashton is -- she -- she likes to
21 argue, I guess, which attorneys do. But she's -- she has
22 the -- toward the end, she -- she made a -- a -- a snide
23 remark. I couldn't really hear what all was said to Dagny,
24 which is the paralegal, something to the effect of like,

1 make a decision. I don't know the exact wording, but she's
2 ready to go home.

3 Q Are you the custodian of that DVD, ma'am?

4 A Yes, sir.

5 Q And did you produce it yourself?

6 A I did.

7 MR. CLAY: So we would move to have that admitted
8 as an exhibit in Judge Maze's proceeding before the
9 Commission.

10 BY MR. CLAY:

11 A And -- and can I say something else?

12 Q By all means.

13 A I worry for my safety and my job if Judge Lane or
14 Ronnie Goldy, Deanna, Ashton, if what is said today gets to
15 them (CRYING). I just want you all to know that. So if
16 something does happen, that is why, because that is how --
17 that's what has happened -- what -- you don't -- you don't
18 cross them. You don't (CRYING) -- I'm so sorry, but I just
19 needed you all to know that.

20 Q Are you afraid --

21 A So if anything happens...

22 Q Are you afraid of retaliation in the event --

23 A Very much so.

24 Q -- they find out about your testimony?

1 A Yes. I didn't know that -- that we were going to
2 be discussing them. I just thought I was going to tell you
3 about my relationship. But having discussed that, it -- it
4 -- it will be bad if they find out that I said anything
5 about them.

6 Q Have you seen those individuals retaliate against
7 others who have taken positions contrary to them?

8 MS. AMLUNG: Object to form.

9 A Not -- not -- not personally, but just what
10 people have said.

11 MR. CLAY: May we have just a moment? We may be
12 through. And --

13 MS. AMLUNG: Kim, do you want a tissue? Are you
14 okay?

15 MS. BARKER-TABOR: (NODS HEAD - AFFIRMATIVE)

16 MS. AMLUNG: Do you guys mind?

17 BY MR. CLAY:

18 Q Ma'am, I've handed you a document there. Could
19 you identify that for the record, please?

20 A It's a AOC order -- Administrative Office of the
21 Courts order.

22 Q Is that an order for the 21st Judicial Circuit?

23 A It is for all -- all 120 counties. It's a order
24 that -- it's a standard order that everyone uses.

1 Q And if you would look in the lower left-hand
2 corner of that blank order, what does it say down there?

3 A "Distribution."

4 Q Is that the order that's routinely used by Judge
5 Maze in the 21st Circuit?

6 MS. AMLUNG: Object to form.

7 A It just depends on when she -- she's the rube
8 (phonetic) of order, and she doesn't always have the
9 updated forms, but yes, she has used this one before.

10 Q What do you mean by "she doesn't always have the
11 updated forms?"

12 A (LAUGHS) I'm sorry. So when we were moving from
13 one end of town to our new judicial center, I don't -- we --
14 -- there was forms -- a gory (phonetic) of forms, and then
15 our office also had forms that weren't online yet. We were
16 still, you know, using the paper forms. (LAUGHS) She -- we
17 -- you know, we were told by Administrative Office of the
18 Courts to -- you know, we could throw those away if we
19 wanted to because they were going to revise everything and
20 -- and she went through her trash and got forms that she --
21 you know, that she would still use, and we had -- we have a
22 hard time breaking her of using the old -- older forms.
23 We're still trying. (LAUGHS) Things are on the computer
24 system now, and -- and a lot of times, her -- her computer

1 system doesn't want to work with our Wi-Fi, and -- but
2 that's what I mean by that.

3 Q Okay. So that form that I just showed you there
4 -- and we'll mark the DVD as Exhibit 1 and the form I just
5 showed you as Exhibit 2 if we could. Would you mind
6 writing in Exhibit 2 down there on the lower corner of
7 that? I want to show you what we'll mark as Exhibits 3 and
8 4, and are those kind of like what you were talking about,
9 those old orders?

10 A Yes. They -- those came from the judicial cen --
11 or the courthouse. We were considered courthouse. We were
12 on the bottom, and the county employees were on the top.
13 And then when we went to the other end of town, we have two
14 separate buildings. So those were from back in the day.

15 Q What's different about the lower left-hand corner
16 of Exhibit 2 --

17 A Can I put this down here?

18 Q -- absolutely -- and the lower left-hand corners
19 of Exhibits 3 and 4?

20 A 4, on the revision of the 8-97, the Exhibit 2,
21 where it says, "Distribution," lower left on this one,
22 which is June of '88 has "Seen and Order of Entry Waived."

23 Q So they're different?

24 A They -- yes. One has "Distribution," and the
25 other one has "Seen By and Order of Entry Waived."

1 Q Both 3 and 4 have that "Order of Entry Waived," I
2 believe; is that correct?

3 A Correct.

4 Q And 3 and 4 are older orders which were obsolete
5 at the time there was this move?

6 A Yeah. They -- it was re -- and I think we have
7 another revision, a newer form of this one even now.

8 MR. CLAY: Then I would move for admission of
9 Exhibits 1 through 4. And just -- we talked about this off
10 the record, but I'm going to make it part of the record.
11 We're going to move to seal your testimony here today
12 pending further orders by the Judicial Conduct Commission
13 in hopes that this will never become part of the public
14 record, so you won't have to suffer this fear of
15 retaliation.

16 MS. AMLUNG: And, again, just for the purpose of
17 the records, we will just oppose for the purpose that we
18 did not ask her here, and JCC has an interest in preserving
19 the public's knowledge.

20 MR. CLAY: Well, it seems to me like JCC would
21 have an interest in protecting this clerk from being
22 retaliated against by Judge Lane and Mr. Goldy. It seems
23 to me like they would have that interest as well.

24 MR. AMLUNG: Well, Mr. Clay, we can let them
25 decide. There's no need to be hostile with me.

1 (EXHIBIT 1 ADMITTED INTO EVIDENCE)

2 (EXHIBIT 2 ADMITTED INTO EVIDENCE)

3 (EXHIBIT 3 ADMITTED INTO EVIDENCE)

4 (EXHIBIT 4 ADMITTED INTO EVIDENCE)

5 BY MR. CLAY:

6 Q If you got Exhibits 3 and 4 as they are currently
7 indicated there, would you view that for distribution?

8 A So if I -- if I had received this order from --
9 from Judge Maze -- is that what you're asking me?

10 Q Yes, ma'am.

11 A Would I have -- would I have sent it out as a
12 distribution?

13 Q Yes, ma'am.

14 A Yes.

15 Q That's all.

16 A Like, I would make sure that whoever was listed
17 got a copy of this.

18 MS. AMLUNG: Oh, is that all your questions? Oh,
19 I apologize.

20 CROSS EXAMINATION

21 BY MS. AMLUNG:

22 Q All right, Ms. Tabor?

23 A Yes.

1 Q Tabor. Okay. My name's Olivia Amlung. I
2 represent the Judicial Conduct Commission. First, before -
3 - do you need a -- just a minute? Are you --

4 A I'm okay.

5 Q You're okay? Okay. I just have a few questions
6 for you. Again, since this is a deposition, just some
7 like, ground rules. I don't know is a perfectly acceptable
8 answer, so don't feel like you have to give me words that I
9 ask for, okay?

10 A (NODS HEAD - AFFIRMATIVE)

11 Q First, have you read the charges that have been
12 brought against Judge Maze? Have you seen any of those?

13 A I was told by Deanna Roberts where to -- to find
14 the complaint.

15 Q Okay. Did you read any of those?

16 A I read the first -- first one, and it really
17 doesn't -- didn't happen in -- nothing happened like, in
18 Rowan County --

19 Q Uh-huh. (AFFIRMATIVE)

20 A -- so I -- I chose not to.

21 Q Okay. So then you're aware of the two orders
22 that were signed by Judge Maze on September 18th of 2017?

23 A These?

24 Q Correct. The two orders --

25 A Yes.

1 Q -- in front of you, Exhibits 3 and 4?

2 A Yes.

3 Q Do you have any personal firsthand knowledge of

4 whether those orders were entered, signed, anything about

5 those orders?

6 A I don't.

7 Q Okay.

8 A But being -- but being a -- being a clerk for so

9 long, you know, for so many years like, I -- this didn't go

10 through the Clerk's office --

11 Q Right.

12 A -- because it doesn't have a stamp on it.

13 Q Okay. But then --

14 A Is that what you mean?

15 Q Partially, yes.

16 A Okay.

17 Q So let me clarify it for -- a little bit for you.

18 So then those specific two orders right in front of you,

19 Exhibits 3 and 4, you've never seen those before all these

20 charges were brought, correct?

21 A Correct.

22 Q You don't have any personal knowledge of those

23 specific orders?

24 A Correct.

1 Q Okay. Do you have any firsthand knowledge of
2 what Mr. Clay referred to earlier as the syndicate cases?

3 A No.

4 Q Okay. Because you said those were not in your
5 county, correct?

6 A Correct.

7 Q Okay. So do you have any firsthand knowledge
8 really about anything involved in those complaints that you
9 read?

10 A No.

11 Q Okay. So as the Circuit Clerk, and you've been
12 in the Clerk's office for quite some time, your name has
13 been assigned to many orders and documents that have gone
14 through the Clerk's office, correct?

15 A Correct.

16 Q Do you read all of those before you put your name
17 on them?

18 A Some things already have my name on them like --

19 Q That's fair.

20 A -- you know, like subpoenas and things.

21 Q Uh-huh. (AFFIRMATIVE)

22 A They already have like, my name on them, and then
23 like, a deputy would sign off on them and give them to an
24 attorney. So at that time, the attorney would fill out the

1 subpoena, or whoever needed to issue a subpoena, so I -- I
2 -- I don't.

3 Q So let me clarify then.

4 A Okay. Sorry.

5 Q So when you are actively signing your name or
6 filling something out in an order, you think it's best
7 practice to read the things that you're filling out,
8 correct?

9 A Yes.

10 Q Okay. So is it fair to say then when you're
11 looking at Exhibits 3 and 4 where it says, I believe, "Have
12 Seen and Agreed" --

13 A Uh-huh. (AFFIRMATIVE)

14 Q -- if you're filing that out, and writing names
15 below that, are you -- when you are doing that, personally,
16 are you telling people that those individuals have seen and
17 agreed?

18 A I would assume. Yes.

19 Q Okay.

20 MS. AMLUNG: That's all the questions I have.

21 Thank you.

22 MS. BARKER-TABOR: Uh-huh. (AFFIRMATIVE)

23 MR. CLAY: That's all.

24 MS. AMLUNG: Okay.

25

Done

Photo



Dee

COMMONWEALTH OF KENTUCKY
FISCAL CONTROL COMMISSION

IN RE: THE MATTER OF
DRILL LEADS MAKE CHECKOUT CREDIT CARD
C/O JOURNAL-BRIGHT

ORDER

Upon the consideration of Judge Nancy Mayberry Owsen's Order, signed and
forwarded herewith, and the response of Applicant, Judge Nancy Owsen's final call
Message to Drury Medical Center and 500 South Park Drive and the response of
Applicant, Judge Nancy Owsen's final call to the Department of the State Police to have a
Return on Arrest Warrant in Captains and the Tennessee State Police and
the response of Applicant to the Return on Arrest Warrant in Captains and
the response of Applicant to the Return on Arrest Warrant in Captains and

ORDER RE: JUDGE'S ORDER

This is to certify that the full and final copy of the Judgment for the Applicant
to Attorney General and the full and final copy of the Judgment for the Applicant
to Attorney General

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Case No. 2019-00000

Wtf did u say?

Mobile keyboard interface with icons for navigation, search, and social media. The keyboard layout includes rows for QWERTYUIOP, ASDFGHJKL, and ZXCVBNM, along with a back arrow, a close button, and a search icon.

EXHIBIT
2

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION

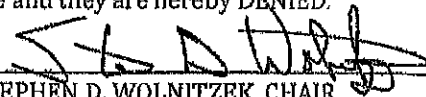
IN RE THE MATTER OF:

BETH LEWIS MAZE, CIRCUIT COURT JUDGE
21st JUDICIAL CIRCUIT

ORDER

Upon due consideration of Judge Maze's Motion to Continue Based Upon Newly Provided Discovery and the Response in Opposition; Judge Maze's Motion to Rule Text Messages of Champ Maze Inadmissible and to Strike from Exhibit List and the Response in Opposition; and Judge Maze's Motion to Seal the Deposition of Kim Barker Tabor to Prevent Retaliation and the Response in Opposition; and the Commission being fully advised and informed, it is hereby ordered that the Motions be and they are hereby DENIED.

Date: November 27th, 2018


STEPHEN D. WOLNITZEK, CHAIR

CERTIFICATE OF SERVICE

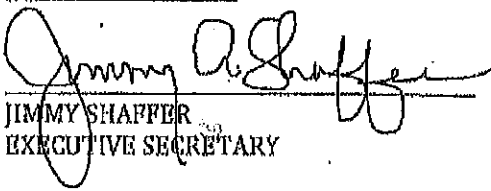
This is to certify that true and correct copy of the foregoing has been served upon the following via electronic and U.S. Mail, postage prepaid, on this the 27th day of November 2018:

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JIMMY SHAFFER
EXECUTIVE SECRETARY



COMMONWEALTH OF KENTUCKY
BATH CIRCUIT COURT
CRIMINAL DIVISION
CASE NO. 18-CR-00059

COMMONWEALTH OF KENTUCKY

PLAINTIFF

VS.

ORDER ON PENDING MOTIONS

LAURA LEWIS MAZE, AKA: BETH LEWIS MAZE

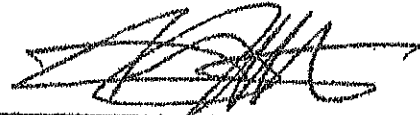
DEFENDANT

Several matters are before the Court on motions of the Defendant. The Court has reviewed all the pleadings and has considered arguments of counsel.

IT IS HEREBY ORDERED:

- 1) The motion of the Defendant to require Deanna Roberts to show cause why she should not be held in contempt for alleged witness intimidation is **DENIED**.
- 2) The motion of the Defendant that the Commonwealth provide in a Bill of Particulars the names and addresses, if known, of any witnesses, exculpatory witness or persons observing or participating in the crimes charged in the indictment is **GRANTED**.
- 3) The Defendant's motion sanction and to disqualify Special Prosecutor Maridelle Malone is **DENIED**.
- 4) The motions to quash filed by nonparties are **GRANTED** in part. However, see the separate orders regarding **IN CAMERA INSPECTION** of designated cell phone numbers and designated dates. After distribution to counsel the orders regarding text messages shall be sealed.
- 5) Counsel shall bring their calendars with them, to the pretrial conference on March 14, 2019 and be prepared to set a trial date.

So ordered this 11th day of March, 2019.



HON. PHIL PATTON
SPECIAL JUDGE

CLERK TO SEND COPIES TO:
All attorneys of record



COMMONWEALTH OF KENTUCKY
BATH CIRCUIT COURT
CRIMINAL DIVISION
CASE NO. 18-CR-00059

COMMONWEALTH OF KENTUCKY

PLAINTIFF

VS.

ORDER GRANTING IN CAMERA INSPECTION
OF TEXT MESSAGES

LAURA LEWIS MAZE, AKA: BETH LEWIS MAZE

DEFENDANT

This matter having come before this Court following the issuance of subpoenas for the text messages and motions to quash for Judge William Lane, Ronnie Goldy, Keith Craycraft, Ashton McKenzie, Deanna Roberts and Kelly Goldy, and this Court having reviewed pleadings, exhibits, and having considered RCr.7.26 (2), IT IS HEREBY ORDERED AS FOLLOWS:

AT&T shall immediately produce, for in camera inspection, to the Bath Circuit Clerk, under seal, to Courthouse Annex, 19 East Main Street, P.O. Box 558, Owingsville, Kentucky 40360-0558, text messages for the following phone numbers and corresponding dates:

1. William E. Lane-(859) 585-6487, for September 18 & 19, 2017; October 12, 13, 14, 2017; November 13, 14, 2017; June 14, 18 & 19, 2018; July 23, 24, 25, 2018; August 2, 6, & 7, 2018; November 1, 2018 and December 6, 2018.
2. Ronnie Goldy-(606) 776-1735, for September 18 & 19, 2017; October 3, 4, 5, 2017; October 12, 13, 14, 15, 2017; November 9, 10, 11, 12, 13, 14, 2017; May 22, 2018; June 12, 13, 14, 15, 18 & 19, 2018; July 24 & 25, 2018; October 8 & 9, 2018; November 1, 2018 and December 6, 2018.

TENDERED BY:

/s/ Thomas E. Clay
THOMAS E. CLAY, P.S.C.
CLAY DANIEL WINNER, LLC
917 Lily Creek Road
Louisville, KY 40243
(502) 561-2005
tclay@claylaw.com

DISTRIBUTION:
Special Commonwealth Attorney, Melvin Leonhart
Assistant Attorney General, Laura Tipton
Hon. Thomas Clay *and all other attorneys of record*

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COMMONWEALTH OF KENTUCKY
BATH CIRCUIT COURT
CRIMINAL DIVISION
CASE NO. 18-CR-00059

COMMONWEALTH OF KENTUCKY

PLAINTIFF

VS.

ORDER GRANTING IN CAMERA INSPECTION
OF TEXT MESSAGES

LAURA LEWIS MAZE, AKA: BETH LEWIS MAZE

DEFENDANT

This matter having come before this Court following the issuance of subpoenas for the text messages and motions to quash for Deanna Roberts' text messages, and this Court having reviewed pleadings, exhibits, and having considered RCr 7.26 (2), IT IS HEREBY ORDERED AS FOLLOWS:

Sprint shall immediately produce, for in camera inspection, to the Bath Circuit Clerk, under seal, to Courthouse Annex, 19 East Main Street, P.O. Box 558, Owingsville, Kentucky 40360-0358, text messages for Deanna Roberts, (606) 356-3775, for the following dates: September 18, 19, 20, 2017; October 3, 4, 5, 2017; October 11, 12, 13, 14, 15, 2017; November 9, 10, 11, 12, 13, 14, 2017; January 23, 24, & 25, 2018; June 14 & 19, 2018, July 25, 2018, November 6, 2018 and December 1, 2018.

SO ORDERED THIS 11 DAY OF March, 2019,



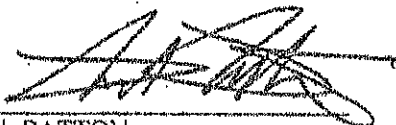
PHIL PATTON,
SPECIAL BATH CIRCUIT JUDGE

FT: 000061 of 000062



3. Keith Craycraft-(859) 5845-0933 for September 18, 19, 2017; October 3, 4, 5, 2017; October 11, 12, 13, 14, 15, 2017; November 9, 10, 11, 12, 13, 14, 2017; July 25, 2018; November 1, 2018 and December 6, 2018.
4. Ashton McKenzie- (606) 776-6670 for September 18, 19, 20, 2017; October 3, 4, 5, 2017; October 11, 12, 13, 14, 15, 2017; November 9, 10, 11, 12, 13, 14, 2017; January 23, 24 & 25, 2018; June 14, 15, 2018; July 24, 25, 2018, November 1, 2018 and December 6, 2018.

SO ORDERED THIS 11 DAY OF March, 2019.


PHIL PATTON,
SPECIAL BATH CIRCUIT JUDGE

TENDERED BY:

/s/ Thomas E. Clay
THOMAS E. CLAY, P.S.C.
CLAY DANIEL WINNER, LLC
917 Lilly Creek Road
Louisville, KY 40243
(502) 561-2005
tcclay@tcclaylaw.com

DISTRIBUTION:
Special Commonwealth Attorney, Melvin Leonhart
Assistant Attorney General, Laura Tipton
Hon. Thomas Clay *as all other attorneys of record*

COMMONWEALTH OF KENTUCKY
BATH CIRCUIT COURT
CRIMINAL DIVISION
CASE NO. 18-CR-00059

COMMONWEALTH OF KENTUCKY

PLAINTIFF

VS.

ORDER ON PENDING MOTIONS

LAURA LEWIS MAZE, AKA: BETH LEWIS MAZE

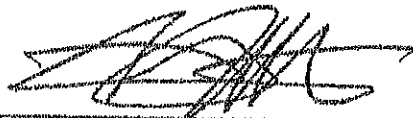
DEFENDANT

Several matters are before the Court on motions of the Defendant. The Court has reviewed all the pleadings and has considered arguments of counsel.

IT IS HEREBY ORDERED:

- 1) The motion of the Defendant to require Deanna Roberts to show cause why she should not be held in contempt for alleged witness intimidation is **DENIED**.
- 2) The motion of the Defendant that the Commonwealth provide in a Bill of Particulars the names and addresses, if known, of any witnesses, exculpatory witness or persons observing or participating in the crimes charged in the indictment is **GRANTED**.
- 3) The Defendant's motion sanction and to disqualify Special Prosecutor Maridelle Malone is **DENIED**.
- 4) The motions to quash filed by nonparties are **GRANTED** in part. However, see the separate orders regarding **IN CAMERA INSPECTION** of designated cell phone numbers and designated dates. After distribution to counsel the orders regarding text messages shall be sealed.
- 5) Counsel shall bring their calendars with them, to the pretrial conference on March 14, 2019 and be prepared to set a trial date.

So ordered this 11th day of March, 2019.



HON. PHIL PATTON
SPECIAL JUDGE

CLERK TO SEND COPIES TO:
All attorneys of record



COMMONWEALTH OF KENTUCKY
BATH CIRCUIT COURT
CRIMINAL DIVISION
CASE NO. 18-CR-00059

COMMONWEALTH OF KENTUCKY

PLAINTIFF

VS.

ORDER GRANTING IN CAMERA INSPECTION
OF TEXT MESSAGES

LAURA LEWIS MAZE, AKA: BETH LEWIS MAZE

DEFENDANT

This matter having come before this Court following the issuance of subpoenas for the text messages and motions to quash for Judge William Lane, Ronnie Goldy, Keith Craycraft, Ashton McKenzie, Deanna Roberts and Kelly Goldy, and this Court having reviewed pleadings, exhibits, and having considered RCr 7.26 (2), IT IS HEREBY ORDERED AS FOLLOWS:

AT&T shall immediately produce, for in camera inspection, to the Bath Circuit Clerk, under seal, to Courthouse Annex, 19 East Main Street, P.O. Box 558, Owingsville, Kentucky 40360-0558, text messages for the following phone numbers and corresponding dates:

1. William E. Lane-(859) 585-6487, for September 18 & 19, 2017; October 12, 13, 14, 2017; November 13, 14, 2017; June 14, 18 & 19, 2018; July 23, 24, 25, 2018; August 2, 6, & 7, 2018; November 1, 2018 and December 6, 2018.
2. Ronnie Goldy-(606) 776-1735, for September 18 & 19, 2017; October 3, 4, 5, 2017; October 12, 13, 14, 15, 2017; November 9, 10, 11, 12, 13, 14, 2017; May 22, 2018; June 12, 13, 14, 15, 18 & 19, 2018; July 24 & 25, 2018; October 8 & 9, 2018; November 1, 2018 and December 6, 2018.

COMMONWEALTH OF KENTUCKY
BATH CIRCUIT COURT
CRIMINAL ACTION NO. 18-CR-00059

COMMONWEALTH OF KENTUCKY

PLAINTIFF

v.

LAURA LEWIS MAZE

DEFENDANT

NOTICE OF APPEAL

Notice is given that nonparties William Lane, Circuit Judge for the Commonwealth's 21st Judicial Circuit, Deanna Roberts, administrative assistant to Judge Lane, and Ronnie Goldy, Commonwealth's Attorney for the 21st Judicial Circuit, hereby appeal from this Court's August 2, 2019 Order Regarding Text Messages (App. 1, hereto). That Order has the effect of partially denying the nonparties' motions to quash Defendant's subpoenas duces tecum. As recognized in *Allstate Property & Casualty Ins. Co. v. Kleinfeld*, 568 S.W.3d 327, 333 (Ky. 2019), the denial of a nonparty's motion to quash is a final and immediately appealable judgment. 568 S.W.3d 327, 333 (Ky. 2019) (citing *Marion Nat. Bank v. Abell's Adm'x*, 88 Ky. 428, 11 S.W. 300, 301 (1889)). See also *id.* at 333, n. 23 ("An order denying a motion to quash a subpoena duces tecum is not appealable as to a party in the proceedings. However, as to a nonparty to the proceedings, *Marion Nat. Bank v. Abell's Adm'x* ruled that the order is final and appealable.") (quoting Thomas L. Osborne, *Trial Handbook for Kentucky Lawyers*, Trial Handbook for Ky. Law. § 23:5, Subpoena duces tecum (Nov, 2017 update)).



The Appellants are Judge William Lane, Commonwealth's Attorney Ronnie Goldy, and Ms. Deanna Roberts, nonparty movants to this proceeding.

The Appellees are Laura Lewis Maze, the Defendant in this proceeding, and the Commonwealth of Kentucky, the Plaintiff in this proceeding.

Appellants have paid any filing fees required by CR 76.42(2), made applicable in criminal actions by RCr 12.02, simultaneously with the electronic filing of this Notice of Appeal.

Respectfully Submitted,

/s/ Laura C. Tipton

Laura C. Tipton
Assistant Attorney General
Office of the Attorney General
700 Capital Ave., Suite 18
Frankfort, KY 40601
(502) 696-5300
(502) 564-2894 (FAX)
laurac.tipton@ky.gov

*Counsel for the Commonwealth's Attorney,
Judge William Lane, and Deanna Roberts*

COMMONWEALTH OF KENTUCKY
BATH CIRCUIT COURT
CASE NO. 18-CR-00059
SPECIAL JUDGE PHIL PATTON

COMMONWEALTH OF KENTUCKY

PLAINTIFF

V.

ORDER REGARDING TEXT MESSAGES

LAURA LEWIS MAZE

DEFENDANT

* * * * *

The issue of production of text messages of named non-parties has been addressed several times. After the Commonwealth advised the Court that it would no be calling the non-parties as witnesses the Court set aside its prior order on production.

The Commonwealth has now listed three of the non-parties as potential witnesses and the Defendant has filed a renewed motion for production for specified text messages, **IT IS HEREBY ORDERED THAT ON OR BEFORE AUGUST 30, 2019:**

That AT &T and Spring SHALL provide to the Court, text messages for the below phone numbers for the dates listed. Said text messages shall be sent to the Bath Circuit Clerk, Claudette Faudere Courthouse Annex, 19 E. Main Street, P.O. Box 558, Owingsville, Kentucky 40360. The Clerk shall seal all texts provided and shall then provide the texts to the undersigned for in-camera inspection.

AT&T SHALL provide to the Court cell phone text messages of William E. Lane (859) 585-6487, for September 18 & 19, 2017; October 12, 13, 14, 2017; November 13,14, 2017; June 14,18 & 19, 2018; July 23,24,25, 2018; August 2,6,& 7, 2018; November 1, 2018 and Dec 6, 2018, are available.

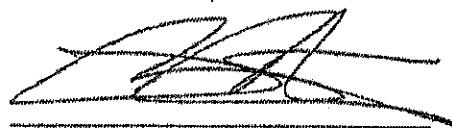
EXHIBIT

3

AT&T SHALL provide to the Court the cell phone text messages of Ronnie Goldy (606) 776-7135, for September 18 & 19, 2017; October 12, 13, 14, 2017; November 13,14, 2017; June 14,18 & 19, 2018; July 23,24,25, 2018; August 2,6,& 7, 2018; November 1, 2018 and Dec 6, 2018, are available.

Sprint SHALL provide to the Court the cell phone text messages of Deanna Roberts (606) 356-3775 for September 18 & 19, 20, 2017; October 3, 4, 5, 2017; October 11, 12, 13, 14, 2017; November 9, 10, 11, 12, 13, 14, 2017; January 23, 24 & 25, 2018; June 14,18 & 19, 2018; July 23, 24, 25, 2018; August 2,6,& 7, 2018; November 1, 2018 and Dec 6, 2018, are available.

So ordered this 2nd day of August, 2019.



HON. PHIL R. PATTON
SPECIAL JUDGE

CLERK TO SEND COPIES TO:

Special Commonwealth's Atty, Hon. Michelle Snodgrass
Assistant Commonwealth's Atty, Hon, Laura Tipton
Hon. Thomas Clay
All Attorneys of Record

CERTIFICATE OF SERVICE

This is to certify that true and correct copy of the foregoing has been served via electronic mail on this the 26th day of August, 2019, upon the following:

Thomas E. Clay, Esq.
Clay Daniel Winner, LLC
917 Lily Creek Road
Louisville, KY 40243
tclay@tclaylaw.com

Ms. Jimmy Shaffer
Executive Secretary
KY Judicial Conduct Commission
P.O. Box 4266
Frankfort, KY 40604
jimmyshaffer@kycourts.net

/s/ Jeffrey C. Mando

Jeffrey C. Mando, Esq.

cc: Barlow Reporting

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION

IN RE THE MATTER OF:

BETH LEWIS MAZE, CIRCUIT COURT JUDGE
21st JUDICIAL CIRCUIT

NOTICE OF VIDEO DEPOSITION

Please take notice that the Judicial Conduct Commission, by and through counsel, pursuant to the Kentucky Rules of Civil Procedure, will take the video deposition of **MARK COLLIER** on **Wednesday, August 28, 2019 at 1:00 p.m.** at the Madison Circuit Courthouse, 101 West Main Street, 3rd Floor, Richmond, KY 40475, before a court reporter duly authorized to administer an oath, the deposition to continue from day to day until complete.

Respectfully submitted,

/s/ Jeffrey C. Mando

Jeffrey C. Mando, Esq. (#43548)
Olivia F. Amlung, Esq. (#97449)
ADAMS, STEPNER,
WOLTERMANN & DUSING, PLLC
40 West Pike Street
Covington, KY 41011
859.394.6200
859.3.92.7263 – Fax
jmando@aswdlaw.com
oamlung@aswdlaw.com

Counsel for Judicial Conduct Commission

COMMONWEALTH OF KENTUCKY
BATH CIRCUIT COURT
CASE NO. 18-CR-00059
SPECIAL JUDGE PHIL PATTON

COMMONWEALTH OF KENTUCKY

PLAINTIFF

V.

RESPONSE TO MOTION TO STAY ORDER
PENDING APPEAL

LAURA LEWIS MAZE

DEFENDANT

* * * * *

1. On August 6, 2019, the non-parties Judge Lane, Roberts, and Goldy filed a notice of appeal from this Court's Order Regarding Text Messages.
2. The non-parties also filed a motion to stay order pending appeal.
3. A long line of cases beginning with *Johnson v. Commonwealth*, 17 S.W.3d 109 (Ky.2000), holds that this Court loses jurisdiction, except in limited circumstances, to act upon the third parties' motion.

The trial court's entry of the *nunc pro tunc* order after the filing of the notice of appeal runs afoul of our well-established rule, as stated in *Johnson v. Commonwealth*, 17 S.W.3d 109, 113 (Ky.2000): "As a general rule, except with respect to issues of custody and child support in a domestic relations case, the filing of a notice of appeal divests the trial court of jurisdiction to rule on any issues while the appeal is pending." See also *City of Devondale v. Stallings*, 795 S.W.2d 954, 957 (Ky. 1990)("A notice of appeal, when filed, transfers jurisdiction of the case from the circuit court to the appellate court. It places the named parties in the jurisdiction of the appellate court."). Hence, upon the filing of a notice of appeal, a circuit court loses jurisdiction over the particular case, owing to the transfer of the jurisdiction to the appellate court.

Wright v. Ecolab, Inc., 461 S.W.3d 753 (Ky.2015)

WHEREFORE, the defendant moves this Court to deny the third parties' motion.

Respectfully Submitted,

/s/ Thomas E. Clay

Thomas E. Clay, P.S.C.

CLAY DANIEL WINNER, LLC

917 Lily Creek Road

Louisville, KY 40243

Telephone: (502) 561-2005

Facsimile: (502) 589-5500

tclay@tclaylaw.com

Counsel for Defendant Laura Lewis Maze

CERTIFICATE OF SERVICE

It is hereby certified that on this 9th day of August, 2019 electronically filed the foregoing Response to Motion to Stay Order Pending Appeal with the Bath Circuit Clerk and the Court by using the electronic filing system and notification of same was copied to all registered filing participants in the above styled action to:

Hon. Michelle Snodgrass
Special commonwealth Attorney
601 Washington Street, Suite 201
Newport, KY 41071

Hon. Laura Tipton
Capitol Building, Suite 118
700 Capitol Avenue
Frankfort, KY 40601-2449

/s/ Thomas E. Clay

THOMAS E. CLAY, P.S.C.

COMMONWEALTH OF KENTUCKY
BATH CIRCUIT COURT
CASE NO. 18-CR-00059
SPECIAL JUDGE PHIL PATTON

COMMONWEALTH OF KENTUCKY

PLAINTIFF

V.

TEXT MESSAGES/JURISDICTION

LAURA LEWIS MAZE

DEFENDANT

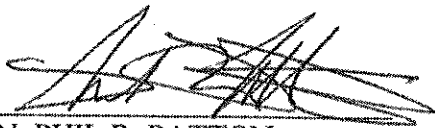
* * * * *

After the Special Prosecutor revealed that non-parties, Judge William Lane, his administrative assistant, Deanna Roberts and Commonwealth's Attorney Ronnie Goldy, were potential trial witnesses for the Commonwealth, the Court granted a Motion for Production of Text Messages for specified dates for in-camera review by the Court (8/2/19).

The non-parties filed a Notice of Appeal and a Motion to Stay the order pending appeal (8/6/19). The Defendant filed a response seeking denial of the motion (8/9/19). The non-parties filed a reply in support of the motion (8/9/19), followed by a response by the Defendant (8/13/19).

The Court after review of the pleadings and being sufficiently advised finds that it is **without jurisdiction to either grant or deny the Motion to Stay**. The filing of the Notice of Appeal divested this Court of jurisdiction and transferred jurisdiction on the issue to the Court of Appeals.

So ordered this 14th day of August, 2019.


HON. PHIL R. PATTON
SPECIAL JUDGE

CLERK TO SEND COPIES TO:

Hon. Thomas Clay
Special Commonwealth's Atty, Hon. Michelle Snodgrass
Hon. Theodore H. Lavit
Hon. Thomas P. Jones

COMMONWEALTH OF KENTUCKY
BATH CIRCUIT COURT
CRIMINAL ACTION NO. 18-CR-00059

COMMONWEALTH OF KENTUCKY

PLAINTIFF

v.

NOTICE-MOTION-ORDER

LAURA LEWIS MAZE

DEFENDANT

NOTICE

The following Motion will be heard, as necessary, at the Court's convenience.

MOTION TO QUASH SUBPOENAS

Non-parties Ronnie Goldy, Commonwealth's Attorney for the 21st Judicial Circuit, and Keith Craycraft and Ashton McKenzie, Assistant Commonwealth's Attorneys for the 21st Judicial Circuit (collectively, the "Commonwealth's Attorney parties"), by and through counsel, move for an order quashing the subpoenas served on them by Defendant Laura Lewis Maze. (See Exhibits A, B, and C, attached.) Specifically, Mr. Goldy moves to quash the subpoena for his text messages regarding the Defendant; he does not object to appearing to testify, as he recognizes that he is a witness to and victim of the alleged criminal conduct. Mr. Craycraft and Ms. McKenzie move to quash the subpoenas in their entirety. In support of this Motion, the Commonwealth's Attorney parties offer the following Memorandum of Law. A tendered order is attached.

**MEMORANDUM IN SUPPORT OF MOTION
TO QUASH SUBPOENAS**

The text message issue is not new to this Court.¹ Defendant previously subpoenaed the Commonwealth's Attorney parties and AT&T for their text message records in December 2018.

¹The non-parties incorporate by reference as if fully set forth herein previous filings in this case, including their initial motion to quash and March 8, 2019 Reply, their March 14, 2019 Motion to Reconsider, their May 7, 2019

Defendant quickly abandoned her request for the text messages directly from the phones of the Commonwealth's Attorney parties, seeking the records only from AT&T. Further, she abandoned her request for the text message records of Mr. Craycraft and Ms. McKenzie, seeking only the records of Mr. Goldy and other non-parties the Commonwealth named as potential witnesses. Following protracted litigation, the Court ordered AT&T to turn over the text message records of Mr. Goldy and other nonparties for review *in camera* on August 2, 2019. That order is currently on appeal in the Kentucky Court of Appeals. Although the appeal does not technically involve subpoenas duces tecum for text messages directly from the Commonwealth's Attorney non-parties' personal cell phones, access to such records clearly is at issue before the appellate court. Accordingly, the current subpoenas should be quashed at least as long as the appeal is pending.

Further, as the non-parties have stated many times, Kentucky Rule of Criminal Procedure ("RCr") 7.02 governs subpoenas in criminal cases. A subsection of that Rule provides for subpoenas duces tecum as follows:

A subpoena may also command the person to whom it is directed to produce the books, papers, documents, data and data compilations or other objects designated therein. The court on motion made promptly may quash or modify the subpoena if compliance would be unreasonable or oppressive. The court may direct that books, papers, documents, data and data compilations or objects designated in the subpoena be produced before the court at a time prior to the trial or prior to the time when they are to be offered in evidence and may upon their production permit the books, papers, documents, data and data compilations or objects or portions thereof to be inspected by the parties and their attorneys.

RCr 7.02(3).

Response in Opposition to Defendant's Motion to Lift Stay, their May 15, 2019 Notice of Filing, their May 29, 2019 Response in Opposition to Defendant's Motion to Require AT&T Certification, their June 26, 2019 Response in Opposition to Defendant's Motion to Alter, Amend or Vacate, and the July 29, 2019 Response in Opposition to Defendant's Renewed Motion for Text Messages.

In *Commonwealth v. House*, 295 S.W.3d 825 (Ky. 2009), the Kentucky Supreme Court explained that RCr 7.02(3) was taken verbatim from Federal Rule of Criminal Procedure 17(c)” *Id.* at 828. Accordingly, the Court adopted the federal court’s construction of the rule, “conclud[ing] that, like the federal rule, RCr 7.02(3) is not a discovery device, but rather a means of procuring evidence and of permitting pre-trial inspection of evidence when inspection at trial would disrupt the proceedings.” The Court cited favorably the federal four-part test for determining when a criminal party is entitled to the production of subpoenaed material prior to trial, under which the party seeking production must show:

(1) that the documents are evidentiary and relevant; (2) that they are not otherwise procurable reasonably in advance of trial by exercise of due diligence; (3) that the party cannot properly prepare for trial without such production and inspection in advance of trial and that the failure to obtain such inspection may tend unreasonably to delay the trial; and (4) that the application is made in good faith and is not intended as a general “fishing expedition.”

Id. (quoting *United States v. Nixon*, 418 U.S. 683, 699-700 (1974)). The Court also agreed with the federal courts that a subpoena duces tecum is unreasonable if “the party demanding production can point to nothing more than hope or conjecture that the subpoenaed material will provide admissible evidence.” *Id.* at 829. Notably, “motions to quash subpoenas are subject to the trial court’s sound discretion” *Id.* at 828.

Here, the subpoenas duces tecum Defendant Maze served on the Commonwealth’s Attorney non-parties are unreasonable and oppressive, as they pursue records as part of a fishing expedition. Notably, Commonwealth’s Attorney Goldy recused from the instant criminal case, and a special prosecutor has been assigned. Thus, neither the Commonwealth’s Attorney nor anyone in his office has text messages relating to this criminal matter. Further, as to the subpoenas for their testimony, Mr. Craycraft and Ms. McKenzie have no relevant testimony to

provide at trial. Only Mr. Goldy, a witness and victim, may provide relevant testimony regarding the criminal allegations against the Defendant.

In prior filings in this Court, Maze has made baseless allegations of a conspiracy among the nonparties to have her removed from office. The Commonwealth's Attorney parties deny the existence of any such conspiracy, and they deny that they have any text messages or testimony to give relating to any such conspiracy. Regardless, however, there is no way any such conspiracy could provide Maze with a defense to the pending charges of forgery and tampering with public records.

Defendant Maze cannot show that she is seeking evidentiary and relevant records. She only hopes that the Commonwealth's Attorney non-parties might have some text message on a cell phone that will insert irrelevant issues into her trial and divert or confuse the jury. The defense should not be permitted to invade the personal cell phone of a witness and victim, much less the personal cell phones of two individuals with no knowledge relevant to her alleged crimes. The defense's efforts to do so should be shut down.

CONCLUSION

For the foregoing reasons, the Commonwealth's Attorney non-parties respectfully ask the Court to quash the subpoenas duces tecum served on Commonwealth's Attorney Goldy. They further ask the Court to quash the subpoenas served on Mr. Craycraft and Ms. McKenzie in their entirety.

Respectfully submitted,

/s/ Laura C. Tipton

Laura C. Tipton

Sarah Ellen Eads Adkins

Assistant Attorneys General

Office of the Attorney General

700 Capital Ave., Suite 18

Frankfort, KY 40601

(502) 696-5300

laurac.tipton@ky.gov

sarah.adkins@ky.gov

Counsel for the Commonwealth's Attorney Parties

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing via the Court's electronic filing system on this the 19th day of August 2019, which will send an electronic notice to all registered parties, and on the same day caused a true and accurate copy of the same to be sent via U.S. mail, first-class and postage pre-paid, to the following:

Thomas E. Clay
Clay Daniel Winner
917 Lily Creek Road
Louisville, KY 40243

Thomas Pryse Jones
Thomas P. Jones Law Office, PLLC
P.O. Drawer O
Beattyville, KY 41311


Theodore H. Lavit
Theodore H. Lavit & Associates PSC
224 North Spalding Avenue
P.O. Box 676
Lebanon, KY 40033

Michelle Snodgrass
Office of the Commonwealth's Attorney
17th Judicial Circuit
601 Washington Street
Suite 201
Newport, KY 41071

Hon. Phillip R. Patton
c/o Bath Circuit Clerk
Bath County Courthouse Annex
19 E. Main Street
P.O. Box 558
Owingsville, KY 40360

/s/ Laura C. Tipton

Laura C. Tipton

.AOC-025 Rev. 5-03 Page 1 of 1 Commonwealth of Kentucky Court of Justice www.kycourts.net CR 45; RCr 7.02	 <input checked="" type="checkbox"/> SUBPOENA <input checked="" type="checkbox"/> SUBPOENA DUCES TECUM	Case No. <u>18-CR-00059</u>
		Court <u>Circuit</u>
		County <u>Bath</u>
		Date _____

COMMONWEALTH OF KENTUCKY

PLAINTIFF

VS

BETH LEWIS MAZE

DEFENDANT

The Commonwealth of Kentucky to:

Name Ronnie Goldy

Address _____

You are commanded to appear before: (select one of three choices)

Bath Circuit Court _____ Court The Grand Jury of _____ County

Other _____

You are to appear at: The Bath Circuit courtroom in the Bath Co. Courthouse Annex, or if venue is moved, to any location to which venue is changed for the above case.

on the 12th day of November, 2019, at 8:45 a.m. OR p.m. Eastern Central Time

To testify in behalf of Beth Lewis Maze

To produce Text messages regarding Judge Maze

To give depositions

Claudette Faudere Clerk
 Issuing Officer

By: _____ D.C.


Thomas E. Clay
 Name of Requesting Attorney

Phone # 502-561-2005

This subpoena was served by delivery of a true copy to: _____

This _____ day of _____, 20____, By: _____ Title _____

EXHIBIT A

AOC-025 Doc. Code: RS Rev. 5-03 Page 1 of 1 Commonwealth of Kentucky Court of Justice www.kycourts.net CR 45; RCr 7.02	 <input checked="" type="checkbox"/> SUBPOENA <input checked="" type="checkbox"/> SUBPOENA DUCES TECUM	Case No. <u>18-CR-00059</u> Court <u>Circuit</u> County <u>Bath</u> Date _____
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COMMONWEALTH OF KENTUCKY

PLAINTIFF

VS

DEFENDANT

BETH LEWIS MAZE

The Commonwealth of Kentucky to:

Name Keith Craycraft

Address _____

You are commanded to appear before: (select one of three choices)

- Bath Circuit Court _____ Court The Grand Jury of _____ County
- Other _____

You are to appear at: The Bath Circuit courtroom in the Bath Co. Courthouse Annex, or if venue is moved, to any location to which venue is changed for the above case.

on the 12th day of November, 2019, at 8:45 a.m. OR p.m. Eastern Central Time

- To testify in behalf of Beth Lewis Maze
- To produce Text messages regarding Judge Maze

To give depositions

Claudette Faudere Clerk
 Issuing Officer

By: _____ D.C.


Thomas E. Clay
 Name of Requesting Attorney

Phone # 502-561-2005

This subpoena was served by delivery of a true copy to: _____

This _____ day of _____, 20____, By: _____ Title _____

EXHIBIT B

AOC-025 Rev. 5-03 Page 1 of 1 Commonwealth of Kentucky Court of Justice www.kycourts.net CR 45; RCr 7.02	Doc. Code: RS	 <input checked="" type="checkbox"/> SUBPOENA <input checked="" type="checkbox"/> SUBPOENA DUCES TECUM	Case No. <u>18-CR-00059</u> Court <u>Circuit</u> County <u>Bath</u> Date _____
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COMMONWEALTH OF KENTUCKY PLAINTIFF

VS

BETH LEWIS MAZE DEFENDANT

The Commonwealth of Kentucky to:

Name Ashton McKenzie

Address _____

You are commanded to appear before: (select one of three choices)

Bath Circuit Court _____ Court The Grand Jury of _____ County

Other _____

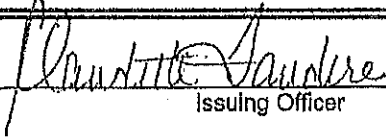
You are to appear at: The Bath Circuit courtroom in the Bath Co. Courthouse Annex, or if venue is moved, to any location to which venue is changed for the above case.

on the 12th day of November, 2019, at 8:45 a.m. OR p.m. Eastern Central Time

To testify in behalf of Beth Lewis Maze

To produce text messages regarding Judge Maze

To give depositions



Issuing Officer Clerk
By: _____ D.C.

Thomas E. Clay

Name of Requesting Attorney
Phone # 502-561-2005

This subpoena was served by delivery of a true copy to: _____

This _____ day of _____, 2_____, By: _____

Title

EXHIBIT C

COMMONWEALTH OF KENTUCKY
BATH CIRCUIT COURT
CRIMINAL ACTION NO. 18-CR-00059

COMMONWEALTH OF KENTUCKY

PLAINTIFF

v.

ORDER

LAURA LEWIS MAZE

DEFENDANT

* * * * *

The Court, having reviewed the Commonwealth's Attorney parties' Motion to Quash and being otherwise sufficiently advised, hereby **ORDERS** that the Motion is **GRANTED**. The August 5, 2019 subpoena duces tecum served on Commonwealth's Attorney Ronnie Goldy is hereby **QUASHED**, and the August 5, 2019 subpoenas served on Assistant Commonwealth's Attorneys Keith Craycraft and Ashton McKenzie are **QUASHED** in their entirety.

Entered this ___ day of _____, 2019.

Hon. Phillip R. Patton
Special Judge, Bath Circuit Court

Tendered by:

/s/ Laura C. Tipton
Laura C. Tipton
Sarah Ellen Eads Adkins
Assistant Attorney General
Office of the Attorney General
700 Capitol Avenue
Capitol Building, Suite 18
Frankfort, Kentucky 40601
(502) 696-5300

Distribution to:

Thomas E. Clay
Clay Daniel Winner
917 Lily Creek Road
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COMMONWEALTH OF KENTUCKY
BATH CIRCUIT COURT
CASE NO. 18-CR-00059
SPECIAL JUDGE PHIL PATTON

COMMONWEALTH OF KENTUCKY

PLAINTIFF

V.

NOTICE OF RECEIPT OF RECORDS FROM AT&T

LAURA LEWIS MAZE

DEFENDANT

* * * * *

The Court has received a sealed envelope from AT&T of North Palm Beach, Florida. The envelope contained:

1. A copy of the Order Regarding Text Messages, dated August 2, 2019.
2. A flash drive. "After conducting a thorough search of all identifiers listed in the legal demand, all available information responsive to this demand is enclosed."
and
3. A Certificate of Authenticity of Demestic Records.

So ordered this 27th day of August, 2019.



HON. PHIL R. PATTON
SPECIAL JUDGE

CLERK TO SEND COPIES TO:

Hon. Michelle Snodgrass
Hon, Laura Tipton
Hon. Thomas Clay
Hon, Corey Plybon
Hon. Ted Lavet
Hon. Thomas P. Jones

EXHIBIT

7

COMMONWEALTH OF KENTUCKY
BATH CIRCUIT COURT
CRIMINAL ACTION NO. 18-CR-00059

COMMONWEALTH OF KENTUCKY

PLAINTIFF

v.

NOTICE-MOTION-ORDER

LAURA LEWIS MAZE

DEFENDANT

NOTICE

The following Motion will be heard, as necessary, at the Court's convenience.

MOTION

Non-parties William Lane, Circuit Judge for the Commonwealth's 21st Judicial Circuit; Deanna Roberts, administrative assistant to Judge Lane; and Ronnie Goldy, Commonwealth's Attorney for the 21st Judicial Circuit, by and through undersigned counsel, submit the following Motion for Relief pending resolution their Motion for Stay at the Court of Appeals.

The procedural history of this matter has been repeated several times and will be summarized here. Maze issued subpoenas duces tecum in Bath Circuit Court for the non-parties' cell phone text messages in December 2018 and January 2019. The non-parties moved to quash, but this Court denied their motions, in part, in March 2019, ordering production of the records for review *in camera*. Upon a motion to reconsider, however, this Court set aside its prior ruling and denied the subpoenas.

Following the Commonwealth's Bill of Particulars naming Judge Lane, Ms. Roberts, and Mr. Goldy as potential witnesses in the criminal trial, Maze renewed her subpoenas duces tecum to obtain their text message records. On August 2, Bath Circuit Court granted Maze's request, and ordered disclosure of the non-parties' text message records for *in camera* review.

0AF0CEC5-31DF-47AE-8986-881B074DB30A : 000001 of 000034

REL : 000001 of 000004



On August 6, 2019, Judge Lane, Ms. Roberts, and Mr. Goldy appealed this Court's August 2 ruling to the Court of Appeals and also moved this Court to stay its August 2 Order. This Court determined it did not have jurisdiction to rule on the Motion to Stay. Accordingly, the Appellants moved the Kentucky Court of Appeals to stay this Court's August 2 Order. **(Exhibit A.)** The Notice of Appeal and Motion to Stay are pending before the Court of Appeals.

On August 27, 2019, this Court filed a Notice of Receipt of Records from AT&T, indicating it had received, in relevant part, a flash drive containing the text message records in question. Judge Lane, Ms. Roberts, and Mr. Goldy now move this Court to abstain from *in camera* review of these text messages pending the resolution of their Motion to Stay at the Court of Appeals.

The Court of Appeals' ruling on the Motion to Stay will determine whether or not the text messages in question should be reviewed *in camera* prior to resolution of the appeal. As argued before this Court and the Court of Appeals, once disclosed, the non-parties' records cannot be recalled. *See The St. Luke Hosp., Inc. v. Kopowski*, 160 S.W.3d 771, 775 (Ky. 2005). If this Court reviews the text messages *in camera*, the harm to non-parties will occur before the Court of Appeals can consider the Motion to Stay, much less the issue of whether or not the text messages should be reviewed *in camera* at all. Accordingly, this Court should abstain from reviewing the text message records until the Court of Appeals determines whether it is lawful to do so.

CONCLUSION

For the foregoing reasons, Judge Lane, Ms. Roberts, and Mr. Goldy ask this Court to refrain from *in camera* review of the text message records as the matter is currently pending before the Court of Appeals.

Respectfully submitted,

/s/ Sarah Ellen Eads Adkins

Sarah Ellen Eads Adkins

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*Counsel for Judge William Lane, Deanna Roberts,
and Commonwealth's Attorney Ronnie Goldy*

0AF0CEC5-31DF-47AE-8986-881B074DB30A : 000003 of 000034

REL : 000003 of 000004

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing Motion via the Court's electronic filing system on this the 27th day of August, 2019, and on the same day caused a true and accurate copy of the same to be sent via U.S. mail and electronic mail to counsel of record and Special Judge Phillip R. Patton:

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/s/ Sarah Ellen Eads Adkins
Sarah Ellen Eads Adkins

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION
2017 254 AND 255

IN RE THE MATTER OF:

BETH LEWIS MAZE, CIRCUIT COURT JUDGE
21ST JUDICIAL CIRCUIT

MOTION TO COMPEL TESTIMONY OF
JUDGE EDDY COLEMAN

* * * * *

Comes Judge Beth Lewis Maze, by counsel, and moves the Judicial Conduct Commission (JCC) for an order compelling Judge Eddy Coleman to provide answers to questions he refused to answer during his trial deposition, and in support of this motion states as follows:

1. Judge Eddy Coleman was deposed on August 23, 2019.
2. Judge Coleman was represented by Hon. Charles Cole, Sturgill, Turner, Barker, and Maloney, PLLC, Lexington, Kentucky.
3. In the course of the deposition, which was videotaped using the court's recording equipment, Mr. Cole objected to several questions by Judge Maze's counsel and instructed Judge Coleman not to answer the question, contrary to CR 30.02(4)(e).
4. Judge Maze's counsel duly certified the questions, and she now seeks an order from the JCC requiring Judge Coleman to answer the certified questions.
5. The bases for Mr. Cole's instruction not to answer the certified questions was:
(CERTIFIED QUESTION)
Q. Okay. So would the fact that Kim Tabor was scared, would that have any impact on whether this Interference with Judicial Administration statute would apply to what happened when Deanna Roberts sent that text to Kim Tabor?

MR. COLE: I'm going to object. He's not going to opine on what the law is, and there's a pending civil action against him. I think one of the claims is whistleblower, and judicial immunity's been asserted. It's not appropriate for him, as a judge, to comment on the law and have it applied to a fact pattern.

MR. CLAY: So is that an instruction on -- not to answer the question?

MR. COLE: Yes.

MR. CLAY: Based on?

JUDGE COLEMAN: What he just said.

MR. CLAY: Is there some kind of privilege that would prevent an answer to that?

MR. COLE: We have a -- in the civil case, you're aware, there's a motion to dismiss based upon judicial privilege, which is absolute, and you're asking a judge to opine on a fact pattern and apply it to the law, and that's not appropriate.

MR. CLAY: Okay. Then I want to certify that question.

MR. COLE: All right.

BY MR. CLAY:

Q. Also, Exhibit 4 is another statute, 524.055, Retaliating Against a Participant in a Legal Process. Were you aware that Ms. Tabor had been identified -- well, not only has she been identified, but her testimony had been taken to be presented to the Judicial Conduct Commission?

(EXHIBIT 4 MARKED FOR IDENTIFICATION)

A. I do not recall what I knew in November 29th. I believe that's true.

(CERTIFIED QUESTION)

Q. Okay. So would that qualify her as a participant in the legal process under 524.055?

MR. COLE: I'm going to enter the same objection and direct him not to answer.

MR. CLAY: Okay. And certify that question. I don't know who we're going to certify it to, but I guess we'll have to figure that out later.

JUDGE COLEMAN: To the chair -- to the chair of the Commission.

MR. CLAY: Okay.

JUDGE COLEMAN: Well, it will be a short time this will all be --

MR. CLAY: Sure.

JUDGE COLEMAN: A witness is a participant in a judicial trial. Go ahead.

BY MR. CLAY:

Q. Okay. Now, if -- I'm assuming -- or asking you to assume that Judge Maze believed we had a problem here, that it could be a felony. Does Judge Maze have any kind of duty to report that?

MR. COLE: I'm going to object to the form of the question to even include the word "assuming," and so it's speculation.

A. Could you clean that question up a little bit?

(CERTIFIED QUESTION)

BY MR. CLAY:

Q. I'll try. If Judge Maze believed that Deanna Roberts may have committed a felony in sending that text to Kim Tabor, "WTF did you say?", and Kim Tabor advised that she was scared as a result of that, did Judge Maze have a duty to report that conduct?

MR. COLE: That's the same objection. I'm going to instruct him not to answer.

MR. CLAY: On the basis of what?

MR. COLE: He's, again, opining as to facts and how they apply to the law.

MR. CLAY: He's an expert. He's a circuit judge and has been for decades.

MR. COLE: And I'm going to enter the objection --

MR. CLAY: Okay.

MR. COLE: -- and the instruction not to answer.

MR. CLAY: Well, certify that question.

* * * * *

(CERTIFIED QUESTION)

Q. Zero? Okay. This is Exhibit 6, which is a copy of KRS 61.101, which I'll represent to you is the first statutory provision of the Whistleblower Act. Is -- under this definition of employee, is Judge Maze an employee of the Commonwealth of Kentucky?

(EXHIBIT 6 MARKED FOR IDENTIFICATION)

MR. COLE: I'm going to enter the same objection. He's not going to comment on facts as they're applied to the law.

MR. CLAY: Certify that question.

BY MR. CLAY:

(CERTIFIED QUESTION)

Q. Is the Commonwealth of Kentucky Judge Maze's employer under subparagraph two in 61.101?

MR. COLE: I know that's probably obvious, but the same objection.

MR. CLAY: Certify that question.

BY MR. CLAY:

(CERTIFIED QUESTION)

Q. Is Deanna Roberts an employee of the Commonwealth of Kentucky?

MR. COLE: Same objection.

MR. CLAY: Certify that question.

JUDGE COLEMAN: Let me -- let's take a small break.

MR. CLAY: All right, sir.

JUDGE COLEMAN: I want to speak to my attorney. Hold on.

(OFF THE RECORD)

BY MR. CLAY:

(CERTIFIED QUESTION)

Q. I believe we were at Exhibit 6, and we were talking about employee versus employer, and you'd been instructed not to answer questions about whether Judge Maze is an employee, whether Deanna Roberts is an employee. I was going to ask you if Kim Tabor was an employee, which I assume will provoke the same instruction not to answer.

MR. COLE: I think you asked it already, but my same objection.

MR. CLAY: Not Kim Tabor. I don't think I asked Kim Tabor. I asked Deanna Roberts. Okay. Same objection?

MR. COLE: Same objection.

MR. CLAY: Okay. Certify that question.

BY MR. CLAY:

Q And I'm not trying to play games, Your Honor. What I'm trying to establish is that Judge Maze made a disclosure to you, which I believe is protected by the Whistleblower Act. Not only is it protected by the Whistleblower Act, but her disclosure is mandated by Title 18, Section 4 of the United States Code, which says she has to disclose that to an appropriate individual, specifically, to some judge or other person in civil or military authority. So that's the purpose of my questioning. I don't want there to be any mystery about that. So we're going -- next is Exhibit 7. It's KRS 61.102.

(EXHIBIT 7 MARKED FOR IDENTIFICATION)

MS. AMLUNG: Thank you.

(CERTIFIED QUESTION)

Q. And I want to ask the questions, and I assume it will -- these questions will result in the same instruction not to answer. But the text that Judge Maze sent you, did that involve actual or suspected violations of the law, criminal statutes?

MR. COLE: And I won't repeat my objection, but it's the same objection and instruct not to answer.

MR. CLAY: All right. And certify that question.

BY MR. CLAY:

Q. Now, the -- Exhibit 7, KRS 61.102, identifies individuals who are appropriate recipients of whistleblower-protected communications, and I've marked on there -- highlighted "the judiciary." So my question is: Was Judge Maze's disclosure to you of what she suspected to be a whistleblower violation appropriate under KRS 61.102(1) in that you are a member of the judiciary?

MR. COLE: We'll stipulate he's a member of the judiciary, but otherwise, instruct not to answer.

Q. Okay. Then the question is: Is it appropriate for an individual to make whistleblower-protected communication disclosures to you as a member of the judiciary?

MR. COLE: The statute speaks for itself.

MR. CLAY: That's not an answer, and I don't want you testifying. I want Judge Coleman to testify. I appreciate that.

MR. COLE: Ask the question again.

A. Ask the question.

(CERTIFIED QUESTION)

BY MR. CLAY:

Q. All right, sir. Is disclosing this type of information by someone who is asserting whistleblower protection appropriate to make this disclosure to you as a member of the judiciary?

MR. COLE: And he's not going to comment on the law as it applies to a particular fact pattern, and so I'm going to object to him -- object and instruct him not to answer.

MR. CLAY: Certify that question.

BY MR. CLAY:

A. I've got to figure out -- let me read the -- I'm going to read the law. I've never read this before.

Q. We'll take as long as you would like, Your Honor, for you to read all of it. I've got another one here that -- I can throw that at you, too. This is the last portion of the whistleblower statute that I'm going to be talking about. This is Exhibit 8. This is KRS 61.990.

(EXHIBIT 8 MARKED FOR IDENTIFICATION)

A. I'll have to go over it.

Q. So I think we've covered 61.102 and, again, this is going to be an obvious question, but one of the provisions of KRS 61.990(3) is that, "Any person who willfully violates the provisions of KRS 61.102(1) shall be guilty of a Class A misdemeanor." Did I read that correctly?

A. That's what it says.

(CERTIFIED QUESTION)

Q. So, to your knowledge, has anyone taken any action with respect to Judge Maze that would tend to -- "No employer shall subject the reprisal or directly or indirectly use or threaten to use any official authority or influence in any matter whatsoever which tends to discourage, restrain, depress, dissuade, deter, prevent, interfere with, coerce, or discriminate against any employee who, in good faith, reports, discloses, divulges, or otherwise brings to the attention of the judiciary." Are there any implications in that with what's happened to Judge Maze?

MR. COLE: Same objection and instruct not to answer.

MR. CLAY: Certify that question.

* * * * *

6. Judge Maze has made no secret that she believes the conduct charged in Count VI of the JCC action has Whistleblower Act implications.

7. She is an employee of the Commonwealth of Kentucky.

8. Her employer is the Commonwealth of Kentucky.

9. She reported actual or suspected violations of criminal laws to Judge Coleman, a judge, who is specifically identified as an appropriate individual to receive Whistleblower protected communication.

10. Judge Maze was obligated under 18 U.S.C. § 4, Misprison of a felony, to make a report to appropriate individuals, including specifically a judge.

11. The questions to Judge Coleman which he was instructed not to answer go to the heart of Judge Maze's defense to Count VI.

WHEREFORE, Judge Maze moves the JCC to order Judge Eddy Coleman to answer the certified question from his trial deposition.

Respectfully,



THOMAS E. CLAY, P.S.C.
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CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the foregoing Response to Motion to Compel Testimony of Judge Eddy Coleman, was this 29th day of August, 2019, mailed and e-mailed via U.S. Postal Service, first class postage to the following:

Hon. Jeffrey C. Mando
Hon. Olivia F. Amlung
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Counsel for the Judicial Conduct Commission

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Hon. Charlie Cole
Sturgill, Turner, Barker & Moloney, PLLC
333 West Vine Street, Suite 1500
Lexington, KY 40507


THOMAS E. CLAY, P.S.C.

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION
2017 254 AND 255

IN RE THE MATTER OF:

BETH LEWIS MAZE, CIRCUIT COURT JUDGE
21ST JUDICIAL CIRCUIT

PROPOSED VOIR DIRE QUESTIONS FOR JCC

1. Is the Commission considering anything related to case #2017-254?
2. Is the Commission considering anything from Earl Weaver's investigation and, if so, what?
3. Is the Commission considering any statements by Sancha Hayes or Andre Burns?
4. Has Judge David Bowles reached a conclusion on the outcome based upon his comments at the informal conference?
5. Has Judge Karen Thomas reached a conclusion on the outcome based upon his comments at the informal conference?
6. Have any members read/heard any of the grand jury testimony in Judge Maze's criminal prosecution?

Respectfully,



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CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the foregoing Motion for Continuance, was this 29th day of August, 2019, mailed and e-mailed via U.S. Postal Service, first class postage to the following:

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THOMAS E. CLAY, P.S.C.

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION
CASE NOS. 2017-254 AND 2017-255

IN RE THE MATTER OF :
CIRCUIT JUDGE BETH LEWIS MAZE

JUDGE MAZE'S AMENDED EXHIBIT LIST

1. AOC Order Form 103-1 REV. 9-97.
2. Copy of Local Rules for 21ST Judicial Circuit.
3. Video Clips from Sancha Hayes 08/04/2016, 09/01/16, 10/06/16, 05/04/17, 10/05/17.
4. Criminal History of Sancha Hayes.
5. Case Memo of Sancha Hayes in Bath County 17-T-00547.
6. Lab Corp Hair Follicle Drug Test on Beth Lewis Maze previously provided.
7. Resume of Beth Lewis Maze.
8. PVA Records on U.S. 60 property.
9. Deeds for U.S. 60 property.
10. Video of Richard Roland, 08/04/17.
11. Video of David Tate Hearing on 11/09/17.
12. Andre Burns Videos in 08-CR-00017, on 08/08/08 @ 01:25:59 p.m.-01:29:42 p.m., 09/12/08 @ 02:0041 p.m.-02:03:56 p.m.
13. Andre Burns Videos in 11-CR-00118 ON 06/10/11 @ 03:41:14 p.m.-03:45:00, p.m., 07/08/11 @ 01:13:33 p.m.-01:14:51 p.m., 10/18/11 @ 01:51:02 p.m.-01:52:12 p.m., and 02:14:53 p.m.-02:25:45, p.m., 10/27/11 @ 12:44:37 p.m.-01-02:37 p.m., 02/27/12 -JURY TRIAL BEGINNING AT 8:37:55-CONCLUSION. 03/09/12 @ 03:15:30 p.m.-03:18:53 p.m.
14. Andre Burns Video in 2018 CASE ON 09/18/18 @ 10:06:20 a.m.-10:10:17 a.m.

15. AT&T Text messages of Ronnie Goldy, Bill Lane and Deanna Roberts if received.
16. Federal lawsuit NICKY MILLER V. MONTGOMERY COUNTY ET AL,
17. Photograph of the Front Door of the Home Beth Lewis Maze lived in 2006.
18. Affidavit of Deana L. Fawns.
19. Medical records of Richard Chandler Maze from St. Clair Hospital in Morehead, and Medical records from University of Kentucky Hospital and Commonwealth Nephrology and Timeline.
20. Medical Records of Arthur T. Maze from Mayo Clinic and University of Kentucky Hospital.
21. Medical records of Thomas B. Maze from University of Kentucky Hospital Mayo Clinic and Central Baptist Cardiology and University of Kentucky Department of Nephrology.
22. 18-CV-00619, *MILLER V. MONTGOMERY CO, ET AL.*
23. Copy of Proposed Rule RCr 13:15, which was distributed for consideration by the Criminal Rules Committee in September, 2017.
24. Orders signed by Judge Lane in Syndicate cases, entered June 18, 2018, and previously provided.
25. Christina Brown Order.
26. Krista Bussell Indictment in 18-CR-00162 AND 18-CR-00157 and Criminal History in 18-CR-162, amended to Possession and diverted and 18-CR-157, Criminal Syndicate, Class B Felony – Dismissed.
27. Writing examples of Justin Sutherland.

Respectfully,

KDf TEC

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CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the foregoing Amended Exhibit List, was this 29th day of August, 2019, mailed and e-mailed via U.S. Postal Service, first class postage to the following:

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Hon. Olivia F. Amlung
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THOMAS E. CLAY, P.S.C.

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION
CASE NOS. 2017-254 AND 2017-255

IN RE THE MATTER OF:
CIRCUIT JUDGE BETH LEWIS MAZE

JUDGE MAZE'S AMENDED WITNESS LIST

The following witnesses will testify consistent with Judge Maze's defenses:

1. Former Chief Justice Joseph Lambert.
2. Carl Reesor-Private Investigator.
3. Judge Eddy Coleman.
4. Steve O'Daniel – Private Investigator.
5. Jimmy Shaffer.
6. Olivia Amlung.
7. Judge Eddy Coleman.
8. Judge Julia Adams - Retired Circuit Judge-Clark & Madison.
9. Justin Sutherland – Owingsville Police Department
10. Todd Tout - Owingsville Chief of Police
11. Ronnie Goldy - CWA
12. Keith Craycraft - ACWA
13. Ashton McKenzie - ACWA
14. Earl Willis – Bath County Jailer
15. Wendy Walker – Regional PT Supervisor
16. Judge William Roberts – 21st Judicial Circuit District Judge
17. Deana Roberts – Judge Roberts' wife and Judge Lane's secretary
18. Michael Campbell – Attorney
19. Rachel Walters – Judge Maze's secretary
20. Dagny James – Judge Maze's staff attorney
21. Judge Bill Lane – 21st Judicial Circuit Judge, Division 1
22. Teresa Clayton - Chief Deputy Circuit Clerk for Montgomery County
23. Kim Barker Tabor - Rowan Circuit Clerk
24. Tanya Terry - Montgomery Circuit Clerk
25. Claudette Faudere - Bath Circuit Clerk
26. Lu Ann Oney - Deputy Bath Circuit Clerk
27. Justice Bill Cunningham
28. Terry Goodman - Optometrist
29. Krista Bussell
30. Kenny Skeans - Process Server
31. Hon. Heidi Ingle - Assistant Commonwealth Attorney-Clark & Madison
32. Hon. Tom Smith - Retired Commonwealth Attorney-Clark & Madison

33. Carmen Rogers - Drug Court Director
34. Kelli Schoolar - Drug Court graduate and now team member
35. Judge Bill Mains – Retired Circuit Judge for the 21st Judicial Circuit
36. Stuart Read – DPA Attorney
37. Kelly Botts – Chief Deputy Clerk of Meniffee County
38. Judge Paul Isaacs – Retired Circuit Judge
39. Bridget Hofler – Defense Attorney
40. Eric Jones – Montgomery County Jailer
41. Jeff Walson – Retired Family Court Judgment
42. Betty Megan Williams – Asst. County Attorney for Meniffee County
43. Shannon Lawson-Child Support Supervisor with Meniffee Co. Attorney
44. Judge Rick Stiltner- Meniffee Co Judge Ex. And former Commissioner of KSP
45. David Charles – Montgomery County Sheriff
46. Mark Collier – former detective with Montgomery County Sheriff’s Dept.
47. Matt Sparks – Sheriff of Rowan County
48. Joe Cline – Chief Deputy Sheriff of Rowan County
49. David Myrus – Det. For Rowan and Bath Sheriff Departments
50. Burl Purdue – Sheriff of Clark County
51. Brett Kirkland – KSP Trooper
52. Paul Cox – DPA attorney
53. Sara Daily – DPA attorney
54. Charles Landon – DPA Director
55. Judge John Cox – Retired District Judge for 21st Judicial Circuit
56. David Beyer – Retired Supervising Special Agent FBI
57. Michael Davidson - Attorney
58. Ray Bugucki - Attorney
59. Tom Jones – Retired Circuit Judge
60. Saronda Gayheart, LabCorp – Lab Tech
61. Judge Julie Ward – Campbell Circuit Judge
62. Judge Patsy Summe – Kenton Circuit Judge
63. Aaron Roberts – Mt. Sterling Police Officer
64. Jason Oney – Probation and Parole 21st Judicial Circuit
65. Heather Eldridge – Probation and Parole 21st Judicial Circuit
66. Wayne Ross – Preacher, Drug Court Team Member, owns Rehab
67. Lowell Rice - Preacher
68. Jamie Copher – Deputy Sheriff Rowan County, formerly Bath Co. Deputy
69. Kevin Robinson - Attorney
70. Grover Carrington - Attorney
71. Megan Coldiron – ARC Regional Rehab Director
72. Cecil Lawson – Editor of Owingsville News Outlook
73. Ira Kilburn - Attorney
74. Breanna Listerman – DPA Attorney
75. Clay Mguffin – DPA Attorney
76. Erica Lykins – Rehab director
77. Deana Fawns – Judge Maze’s former secretary
78. Donna Gail Maze – Judge Maze’s ex-mother-in-law

79. Earl Rogers - Attorney
80. David Anderson -- Defendant in Judge Maze's court
81. Blake Ballard -- Defendant in Judge Maze's court
82. Patrick Myer -- Defendant in Judge Maze's court
83. Jacob Curtis -- Defendant in Judge Maze's court
84. Judge Sara Combs -- Court of Appeals Judge
85. Howard Stone -- Attorney
86. Sgt Gabbard -- Sgt. at Montgomery County Regional Jail
87. Ian Roberts -- Chief Deputy Jailer for Montgomery County
88. Tina Myers - Deputy Jailer for Montgomery County
89. Kaye Templin -- Former Director of Gateway Juvenile Diversion Center
90. Joe Gomes -- Current Director of Gateway Juvenile Diversion Center
91. Will T. Scott -- Retired Supreme Court Justice
92. David Barber -- Former Court of Appeals Judge and Supreme Court Justice
93. Justin Crocket -- Chief Deputy Jailer for Clark County
94. Kelly Collinsworth -- Head of Pro Se Clinic for 21st Judicial Circuit
95. Leah Hawkins - Attorney
96. Lucy Letton -- Statewide Drug Court Director
97. Marilyn Sloan -- CDW Director
98. Michael Curtis - Attorney
99. Greg Hall -- County Attorney for Menifee County
100. Brent Cox - Attorney
101. Margaret Johnson -- Drug counselor
102. Pierce Hamblin - Attorney
103. Robin Webb - Attorney
104. Roger Riggs - Attorney
105. Will Wilhoit - Attorney
106. Steve O'Conner - Attorney
107. Tommie Sue Esteppe -- Judge Maze's former secretary
108. Mike Ray -- Preacher

Respectfully,

A handwritten signature in black ink, appearing to read 'T. Clay' with 'for TEC' written to the right.

THOMAS E. CLAY, P.S.C.
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(502) 561-2005
tclay@tclaylaw.com

CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the foregoing Amended Witness List, was this 29th day of August, 2019, mailed and e-mailed via U.S. Postal Service, first class postage to the following:

Hon. Jeffrey C. Mando
Hon. Olivia F. Amlung
ADAMS STEPNER WOLTERMANN & DUSING, PLLC
40 West Pike Street
Covington, KY 41011
Counsel for the Judicial Conduct Commission

Ms. Jimmy Shaffer
Executive Secretary
Kentucky Judicial Conduct Commission
P.O. Box 4266
Frankfort, KY 40604



THOMAS E. CLAY, P.S.C.

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION

IN RE: BETH LEWIS MAZE, CIRCUIT COURT JUDGE
21ST JUDICIAL CIRCUIT

MOTION TO QUASH SUBPOENAS DUCES TECUM
AND MEMORANDUM IN SUPPORT

Non-parties William Lane, Circuit Judge for the Commonwealth's 21st Judicial Circuit, and Deanna Roberts, administrative assistant to Judge Lane, by and through undersigned counsel, move the Commission for an order quashing the subpoenas duces tecum served on them by counsel for Laura Lewis Maze. The subpoenas duces tecum broadly seek their text messages regarding Maze. The subpoena served on Judge Lane further seeks "all orders transferring all Montgomery 2018 syndicate cases to Judge Maze." The requested records are irrelevant and, in the case of the transfer orders, publicly available. Accordingly, the subpoenas duces tecum should be quashed.

In support of this Motion, the non-parties provide the following Memorandum of Law.

I. Procedural History

Maze is before the Judicial Conduct Commission ("JCC") for charges relating to various actions she made during the initiation and pendency of criminal drug charges against her ex-husband. The JCC has subsequently added charges relating to her conduct in front of the JCC. Maze is also currently facing felony criminal charges in Bath Circuit Court.

On August 5, 2019, Maze subpoenaed the above-named non-parties to appear at her September 9, 2019, hearing before the JCC and bring "text messages regarding Judge Maze" with them. (*See* Subpoenas, Exhibits A and B.) Judge Lane's subpoena also asks him to bring "all orders transferring all Montgomery 2018 syndicate cases to Judge Maze." (*See* Exhibit A.)

The text message issue is not new, but has been litigated and is currently on appeal. Maze has tried repeatedly in her criminal Bath Circuit Court case to obtain the text messages from these and other non-parties. Specifically, Maze issued subpoenas duces tecum in Bath Circuit Court for the non-parties' cell phone text message records in December 2018 and January 2019. The non-parties moved to quash, but Bath Circuit Court denied their motions, in part, in March 2019, ordering production of the records for review *in camera*. Upon a motion to reconsider, however, Bath Circuit Court set aside its prior ruling and denied the subpoenas.

Following the Commonwealth's Bill of Particulars naming Judge Lane and Ms. Roberts as potential witnesses in the criminal trial, Maze renewed her subpoena duces tecum to obtain their text message records.¹ On August 2, Bath Circuit Court granted Maze's request and again ordered disclosure of Judge Lane's and Ms. Roberts's text message records for review *in camera*. The Bath Circuit Court's decision rested entirely on the fact that the Commonwealth named the two as possible witness, not on any analysis of the applicable standard. On August 6, 2019, Judge Lane, Ms. Roberts, and a third non-party appealed the Circuit Court's August 2 ruling to the Court of Appeals, where the Notice is pending.

On August 6, 2019, Maze moved to continue her hearing before the JCC "to allow her to obtain evidence in the form of text messages." Mirroring her motions in Bath Circuit Court, Judge Maze argued that the requested text messages "would reflect discussions between . . . individuals who have been conspiring to get rid of [her]," alleging a conspiracy or scheme to remove her from office. The JCC denied her request for a continuance. Maze's renewed and repeated attempts to gain access to irrelevant text messages should be quashed by the JCC.

¹ In the same filing, Maze renewed her request for the text message records of non-party Ronnie Goldy, Commonwealth's Attorney for the 21st Judicial Circuit.

II. Legal Standards

“A subpoena that commands the person to whom it is directed to produce designated documents or tangible things or to permit inspection of premises may relate only to matters within the scope of discovery permitted by Rule 26.02.” CR 45.04.² CR 26.02 limits the scope of discovery to “any matter, not privileged, which is relevant to the subject matter involved in the pending action.” In a separate context, the Kentucky Supreme Court has noted that “[d]iscovery should be limited to its purpose and not permitted to routinely and unnecessarily expand into needless exposure of superfluous matters and information that are personal to the witness and have no real relevancy to his or her credibility.” *Primm v. Isaac*, 127 S.W.3d 630, 638 (Ky. 2004).

CR 45.02 provides in pertinent part, “[t]he court, upon motion made promptly and in any event at or before the time specified in the subpoena for compliance therewith, may [] quash or modify the subpoena if it is unreasonable and oppressive.” Though decided in the criminal context, the Supreme Court of Kentucky analyzed the same “unreasonable or oppressive” standard in *Com. v. House*, 295 S.W.3d 825, 829 (Ky. 2009). A subpoena duces tecum is unreasonable and “nothing but a classic fishing expedition” when “the party demanding production can point to nothing more than hope or conjecture that the subpoenaed material will provide admissible evidence.” *Id.*

III. Argument

Here, as in her criminal case, Maze again seeks to obtain text messages from non-parties that she hopes may contain evidentiary material—specifically material indicating a conspiracy among the non-parties to have her removed from office. Judge Lane and Ms. Roberts

² “[T]he Rules of Civil Procedure shall apply to proceedings before the commission.” KY ST S CT Rule 4.160.

unequivocally deny the existence of any such conspiracy. Correspondingly, they deny that they have any text messages that would evidence any such conspiracy.

Regardless, however, the subpoenaed text messages are not within the scope of discovery. CR 26.02. Whether a conspiracy exists or not is not relevant to and could have no bearing on charges brought against Maze by the JCC. The scope of the JCC's proceedings involve only Maze's alleged personal actions to interfere in her husband's criminal case and the JCC proceedings against her. There is no allegation of any conduct by any non-party named here. Instead, the requested text messages are attempts to obtain "superfluous" information personal in nature to the non-parties. *Primm*, 127 S.W.3d at 638. Maze has provided no evidence whatsoever in Bath Circuit Court or in front of the JCC that any conspiracy exists or that any alleged conspiracy could affect the proceedings in front of the JCC. Notably, the subpoenas duces tecum include no date range for the text messages, further demonstrating that the request is a fishing expedition.

Finally, the transfer orders Maze subpoenas from Judge Lane are publicly available in the files of the Montgomery Circuit Clerk. Thus, to the extent such records are relevant, Maze may obtain them without any need for a non-party to bring them to the hearing.

IV. Conclusion

For the foregoing reasons, the JCC should quash Maze's subpoenas duces tecum to Judge Lane and Ms. Roberts. The subpoenas for the text messages represent nothing more than a fishing expedition for information that could have no bearing on the JCC's hearing and ultimate decision, and the subpoena for the transfer orders seeks public records that Maze does not need to obtain from a non-party.

Respectfully submitted,

/s/ Sarah Ellen Eads Adkins

Laura C. Tipton
Sarah Ellen Eads Adkins
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sarah.adkins@ky.gov
*Counsel for the Judge Lane, Ms. Roberts, and
The Commonwealth's Attorney Parties*

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Motion to Quash was sent this 29th day of August, 2019, via U.S. mail to the Kentucky Judicial Conduct Commission, and I further certify that a true and accurate copy was served the same day by electronic mail and U.S. mail upon the following:

Mr. Jimmy Shaffer
Executive Secretary
KY Judicial Conduct commission
P.O. Box 4266
Frankfort, KY 40604
jimmyshaffer@kycourts.net

Thomas E. Clay
Clay Daniel Winner
917 Lily Creek Road
Louisville, KY 40243
tclay@tclaylaw.com

Jeffrey C. Mando, Esq.
Olivia F. Amlung, Esq.
Adams, Stegner, Woltermann & Dusing
40 West Pike Street
Covington, KY 41011
jmando@aswdlaw.com
oamlung@aswdlaw.com

/s/ Sarah Ellen Eads Adkins

Sarah Ellen Eads Adkins

Exhibit A

MEMBERS:

STEPHEN D. WOLNITZKE, CHAIR
COVINGTON

JUDGE JEFF S. TAYLOR
OWENSBORO

JUDGE EDDY COLEMAN
PIKEVILLE

JUDGE DAVID BOWLES
LOUISVILLE

MICHAEL A. NOFTSGER
SOMERSET

DR. DON T. THARPE
NICHOLASVILLE

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION

P.O. Box 4266
FRANKFORT, KENTUCKY 40604-4266
PHONE 502-564-1231 FAX 502-564 1233

ALTERNATES:

R. MICHAEL SULLIVAN
OWENSBORO

JUDGE GLENN E. ACHRE
LEXINGTON

JUDGE MITCH PERRY
LOUISVILLE

JUDGE KAREN THOMAS
COVINGTON

EXECUTIVE SECRETARY
MS. JIMMY SHAFFER

SUBPOENA

TO: *Sudge William hand*

IN RE: BETH LEWIS MAZE, CIRCUIT COURT JUDGE
21ST JUDICIAL CIRCUIT

You are hereby commanded to appear before the Judicial Conduct Commission in the Fayette
Circuit Court, 120 North Limestone, Lexington, Kentucky, at 9:00 a.m. on September 9, 2019, to

testify in the above matter, and to bring with you *text regarding Judge Maze*
and all orders from May 2018 regarding 2018 September
cases to Judge Maze.

This subpoena is issued on application of Thomas E. Clay, CLAY DANIEL WINNER LLC,
917 Lily Creek Road, Louisville, KY 40243

DATE: *8/5/19*

Jimmy A. Shaffer
JIMMY A. SHAFFER, Executive Secretary

This subpoena was served by delivery of a true copy to: _____

This _____ day of _____, 2019.

By: _____

Exhibit B

MEMBERS:

STEPHEN D. WOLNITZEK, CHAIR
COVINGTON

JUDGE JEFF S. TAYLOR
OWENSBORO

JUDGE EDDY COLEMAN
PIKEVILLE

JUDGE DAVID BOWLES
LOUISVILLE

MICHAEL A. NOFTSGER
SOMERSET

DR. DON I. THARPE
NICHOLASVILLE

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION
P.O. Box 4266
FRANKFORT, KENTUCKY 40604-4266
PHONE 502-564-1231 FAX 502-564-1233

ALTERNATES:

R. MICHAEL SULLIVAN
OWENSBORO

JUDGE GLENN E. ACREE
LEXINGTON

JUDGE MITCH PERRY
LOUISVILLE

JUDGE KAREN THOMAS
COVINGTON

EXECUTIVE SECRETARY
MS. JIMMY SHAFFER

SUBPOENA

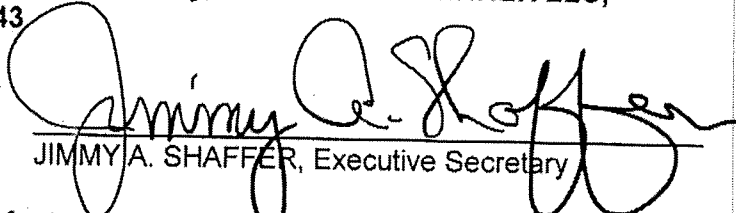
TO: Deanna Roberts

IN RE: **BETH LEWIS MAZE, CIRCUIT COURT JUDGE
21ST JUDICIAL CIRCUIT**

You are hereby commanded to appear before the Judicial Conduct Commission in the Fayette Circuit Court, 120 North Limestone, Lexington, Kentucky, at 9:00 a.m. on September 9, 2019, to testify in the above matter, and to bring with you text messages regarding
Judge Maze.

This subpoena is issued on application of Thomas E. Clay, CLAY DANIEL WINNER LLC, 917 Lily Creek Road, Louisville, KY 40243

DATE: 8/5/19


JIMMY A. SHAFFER, Executive Secretary

This subpoena was served by delivery of a true copy to: _____

This _____ day of _____, 2019.

By: _____

Supreme Court of Kentucky

2018-SC-000633-RR

BETH LEWIS MAZE, CIRCUIT JUDGE

APPELLANT

V.

IN SUPREME COURT

KENTUCKY JUDICIAL CONDUCT COMMISSION

APPELLEE

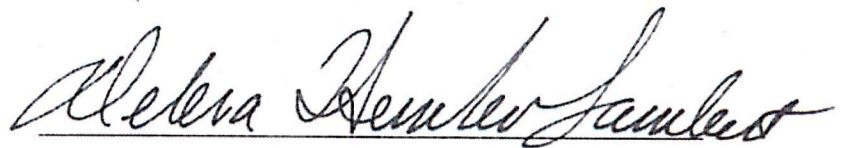
ORDER GRANTING STAY PENDING REVIEW BY THE SUPREME COURT OF THE UNITED STATES

On motion of the appellant, Beth Lewis Maze, pursuant to CR 76.44(b), a stay of execution and enforcement of this Court's Opinion and Order entered June 13, 2019, which became final on June 25, 2019, is granted for a period of ninety (90) days to and including September 23, 2019, in order that Beth Lewis Maze may make application to the Supreme Court of the United States for a Writ of Certiorari. Additional stays should be obtained from the United States Supreme Court.

Further action before the Judicial Conduct Commission in Maze's judicial conduct disciplinary proceeding is similarly stayed pending the filing of a Petition for Writ of Certiorari with the Supreme Court of the United States.

ENTERED: August 30~~th~~, 2019.


JUSTICE MICHELLE M. KELLER


JUSTICE DEBRA HEMBREE LAMBERT

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION
2017 254 AND 255

IN RE THE MATTER OF:

BETH LEWIS MAZE, CIRCUIT COURT JUDGE
21ST JUDICIAL CIRCUIT

RESPONSE TO MOTION TO QUASH SUBPOENA

Comes Judge Beth Lewis Maze, by counsel, and for her response to motion to quash the subpoena issued to Olivia Amlung and states as follows:

Judge Maze has not spoken to Dagny James since October 2, 2018.

Judge Maze always receives the Montgomery County Grand Jury Report, and Ms. James is in charge of assessing the cases to see if any Defendants have pending cases in the other division or whether any cases assigned to Judge Lane already have pending cases in Judge Maze's division, and then to effectuate the transfers per local rule R21C-185, with both judges signing off on the transfer order.

Judge Maze's process server has made many unsuccessful attempts to serve Dagny James for several weeks now. JCC's position notwithstanding, Ms. James' statements are not work product as statements of a witness are not work product.

Judge Maze purposely addressed the conflict issue with others present because Ms. James has requested, for weeks, that Mr. Glody let her know whether there were any conflicts prior to transferring cases, and he continued to ignore her request. Judge Maze asked Detective Collier specifically whether she had any conflicts with any of the cases, in the presence of Mr. Goldy, DPA attorneys and court staff. Others in the courtroom that day have been subpoenaed, along

with law enforcement who will testify that Mr. Goldy was telling individuals that Judge Maze was trying to find out CI information to help her ex-husband and that Judge Maze was concerned about those statements by Goldy. Judge Maze was an Assistant Attorney General and an Assistant Commonwealth Attorney and knows full well the danger of disclosing confidential informant names. She would never and has never requested names of confidential informants. Ms. Amlung's testimony is just another piece of the puzzle.

Ms. Amlung's Subpoena should not be quashed because her testimony is not excluded by the hearsay rule pursuant to KRE 801A(b)(4) which states:

(b) Admission of parties. A statement is not excluded by the hearsay rule, even though the declarant is available as a witness, if the statement is offered against a party and is:

(4) A statement by the party's agent or servant concerning a matter within the scope of the agency or employment made during the existence of the relationship;

WHEREFORE, Judge Maze moves the Commission to deny the motion to quash the subpoena issued to Ms. Olivia Amlung.

Respectfully,



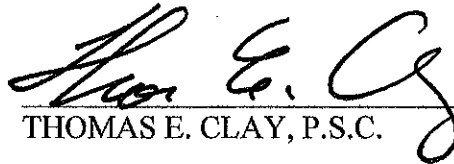
THOMAS E. CLAY, P.S.C.
CLAY DANIEL WINNER, LLC
917 Lily Creek Road
Louisville, KY 40202
(502) 561-2005
tclay@tclaylaw.com

CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the foregoing Response to Motion to Quash Subpoena was this 5th day of September 2019, mailed and e-mailed via U.S. Postal Service, first class postage to the following:

Hon. Jeffrey C. Mando
Hon. Olivia F. Amlung
ADAMS STEPNER WOLTERMANN & DUSING, PLLC
40 West Pike Street
Covington, KY 41011
Counsel for the Judicial Conduct Commission

Ms. Jimmy Shaffer
Executive Secretary
Kentucky Judicial Conduct Commission
P.O. Box 4266
Frankfort, KY 40604


THOMAS E. CLAY, P.S.C.

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION

IN RE THE MATTER OF:

BETH LEWIS MAZE, CIRCUIT COURT JUDGE
21st JUDICIAL CIRCUIT

COUNSEL FOR THE COMMISSION'S REPLY IN SUPPORT OF MOTION
TO QUASH SUBPOENA TO OLIVIA F. AMLUNG

Counsel for the Kentucky Judicial Conduct Commission (“JCC”), for his Reply in support of his Motion to Quash the Subpoena issued to Olivia F. Amlung, Esq., states the following:

I. MS. AMLUNG CANNOT BE COMPELLED TO GIVE TESTIMONY THAT MAY CAUSE THE DISCLOSURE OF PRIVILEGED INFORMATION

In her Response, Judge Maze defends her subpoena to Ms. Amlung solely by arguing that “Ms. James’ statements are not work product.” (Resp. p. 1) Counsel for the Commission agrees, which is precisely why the JCC intends to call Ms. James as a witness at the Hearing. Ms. James may testify as to any statements she may or may not have said – Ms. Amlung, however, may not.

Ms. Amlung does not have a “piece of the puzzle” to contribute. (Resp. at p. 2) In her Response, Judge Maze focuses on a narrative about her communications regarding confidential informants in which Ms. Amlung has no role. (*Id.*)

Judge Maze has failed to sufficiently demonstrate a compelling need for Ms. Amlung’s testimony which would overcome the pressing work-product concerns. *O’Connell v. Cowan*, 332 S.W.3d. 34 (Ky. 2010). More importantly, she has failed to respond to

Counsel's argument that the testimony sought is better elicited through the testimony of Ms. James. *McMurry v. Eckert*, 833 S.W.2d. 828 (Ky. 1992).

Finally, in her Response, Judge Maze does not address Counsel for the JCC's concerns that requiring Ms. Amlung to testify would detract from her representation of the JCC and intrude upon attorney work-product. She therefore presumably concedes that Ms. Amlung's mental impressions and notes from her conversation with Ms. James are protected by the attorney work-product doctrine.

For these reasons, her subpoena to call Ms. Amlung to testify must be quashed.

II. MS. AMLUNG'S TESTIMONY WOULD AMOUNT TO NOTHING MORE THAN INADMISSIBLE HEARSAY

Judge Maze suggests that Ms. Amlung's testimony is admissible pursuant to KRE 801A(b)(4), which permits hearsay testimony regarding statements made by a party's agent. While the JCC agrees that Ms. James is Judge Maze's agent, the exception does not apply.

Judge Maze's sole purpose in subpoenaing Ms. Amlung is to have her testify as to the statements allegedly made by Dagny James during a phone call on November 28, 2018. (*See generally* Mot. to Disqualify) Specifically, Judge Maze intends to have Ms. Amlung testify that, during the telephone conversation, Ms. James informed Ms. Amlung that "Judge Maze had nothing to do with the transfer of the 'Syndicate Cases' to Judge Maze's docket, and, in fact Judge Maze knew nothing about how the cases were transferred." (*Id.* at ¶ 3) While Counsel for the JCC contends that this testimony has nothing to do with the allegations in Charge V, which is focused on her *ex parte* contacts with law enforcement and the Commonwealth's Attorney's Office regarding Confidential Informant information, Judge

Maze presumably seeks to introduce this testimony because she believes it will be consistent with her own defense.

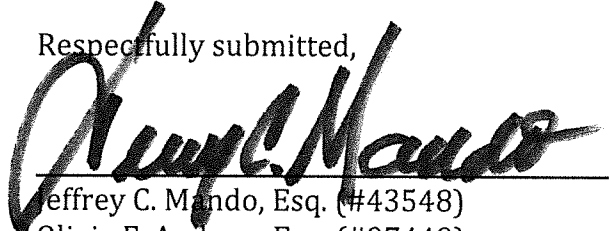
KRE 801A(b)(4) permits the admission of an otherwise inadmissible hearsay statement which: (1) is “offered *against* a party;” and (2) is made by the same party’s agent against whom it is being used. (emphasis added) Here, the out-of-court statement is from Dagney James, who is Judge Maze’s staff attorney and agent. Thus, Judge Maze cannot wield KRE 801A to elicit a statement made by her own agent and made for her own defense. KRE 801A(b) only “allows the introduction as non-hearsay of an adverse party’s admissions . . . but only *against the declaring party.*” *Hyman & Armstrong, P.S.C. v. Gunderson*, 279 S.W.3d 93, 119 (Ky. 2008).

Since Ms. James has been subpoenaed to testify at Judge Maze’s Hearing, she can testify regarding her alleged involvement in the Syndicate Cases. Any testimony which Ms. Amlung could offer is inadmissible, as KRE 801A does not apply.

III. CONCLUSION

For all these reasons, the subpoena to Ms. Amlung is improper and must be quashed.

Respectfully submitted,



Jeffrey C. Mando, Esq. (#43548)

Olivia F. Amlung, Esq. (#97449)

ADAMS, STEPNER,

WOLTERMANN & DUSING, PLLC

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859.3.92.7263 – Fax

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oamlung@aswdlaw.com

*Counsel for the Kentucky Judicial Conduct
Commission*

CERTIFICATE OF SERVICE

This is to certify that true and correct copy of the foregoing has been served via electronic mail on this the 6 day of September, 2019, upon the following:

Thomas E. Clay, Esq.
Clay Daniel Winner, LLC
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tclay@tclaylaw.com

Ms. Jimmy Shaffer
Executive Secretary
KY Judicial Conduct Commission
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Laura C. Tipton, Esq.
Sarah Ellen Eads Adkins
Assistant Attorneys General
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Frankfort, KY 40601
laurac.tipton@ky.gov
sara.adkins@ky.gov



Jeffrey C. Mando, Esq.

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

**BETH LEWIS MAZE, CIRCUIT COURT JUDGE
21st JUDICIAL CIRCUIT**

**COUNSEL FOR THE COMMISSION'S RESPONSE TO JUDGE MAZE'S
MOTION TO COMPEL TESTIMONY OF JUDGE EDDY COLEMAN**

Counsel for the Kentucky Judicial Conduct Commission ("JCC"), for his Response to Judge Maze's Motion to Compel Testimony of Judge Eddy Coleman, states as follows:

1. As alleged in Count VI of the charges against Judge Maze, she engaged in *ex parte* contact with Judge Eddy Coleman on November 24, 2018, four days before the hearing on the charges was set to commence. Specifically, Judge Maze sent a text message to Judge Coleman stating "Eddy, [K.T.] just sent this to me. This from [D.R.] and she is so afraid." Judge Maze's text message included a screenshot of a second text message purportedly sent from D.R. to a witness in the JCC's proceedings, K.T. This message said "WTF did you say?" in reference to Judge Maze's motion to seal K.T.'s deposition testimony.

2. Because of Judge Maze's *ex parte* contact, Judge Coleman recused himself from participating in the proceedings against her.

3. To perpetuate Judge Coleman's testimony for the hearing, Judge Maze secured Judge Coleman's deposition on August 23, 2019. In light of Judge Maze's pending federal suit against the JCC and its members, including Judge Coleman, his personal counsel (Charles Cole) was present to represent him at the deposition.

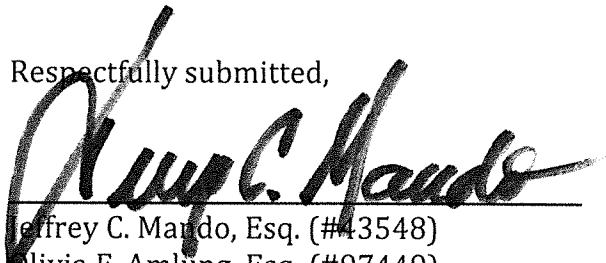
4. During the course of the deposition, Judge Maze's counsel asked Judge Coleman to opine on provisions of law and to apply them to specific fact patterns and

whether actions taken by non-parties to the proceedings violated the law. Judge Coleman's personal counsel objected to the questions and instructed him not to answer.

5. Since counsel for the JCC did not instruct Judge Coleman not to answer questions from Judge Maze's counsel, counsel for the Commission takes no position on Judge Maze's motion to compel Judge Coleman to answer the questions. Instead, Judge Coleman's personal counsel should be afforded an opportunity to respond to the Motion, particularly in light of Judge Maze's federal suit against Judge Coleman.

6. Notwithstanding counsel for the Commission's position, the information sought by Judge Maze's counsel in his questioning of Judge Coleman is irrelevant to the prosecution or defense of the charges against Judge Maze and would, therefore, be inadmissible at the Hearing.

Respectfully submitted,



Jeffrey C. Mando, Esq. (#43548)

Olivia F. Amlung, Esq. (#97449)

ADAMS, STEPNER,

WOLTERMANN & DUSING, PLLC

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Covington, KY 41011

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859.3.92.7263 - Fax

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oamlung@aswdlaw.com

*Counsel for the Kentucky Judicial Conduct
Commission*

CERTIFICATE OF SERVICE

This is to certify that true and correct copy of the foregoing has been served via electronic mail on this the 6 day of September, 2019, upon the following:

Thomas E. Clay, Esq.
Clay Daniel Winner, LLC
917 Lily Creek Road
Louisville, KY 40243
tclay@tclaylaw.com

Ms. Jimmy Shaffer
Executive Secretary
KY Judicial Conduct Commission
P.O. Box 4266
Frankfort, KY 40604
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Laura C. Tipton, Esq.
Sarah Ellen Eads Adkins
Assistant Attorneys General
Office of the Attorney General
700 Capital Avenue, Suite 18
Frankfort, KY 40601
laurac.tipton@ky.gov
sara.adkins@ky.gov



Jeffrey C. Mando, Esq.

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

**BETH LEWIS MAZE, CIRCUIT COURT JUDGE
21ST JUDICIAL CIRCUIT**

AMENDED NOTICE OF TIME AND PLACE FOR HEARING

NOTICE is hereby given that the hearing in these formal proceedings will now be held commencing October 28, 2019, at 9:00 a.m. in the Fayette Circuit Court, 120 North Limestone, Lexington, Kentucky.

CERTIFICATE OF SERVICE

This is to certify that true and correct copy of the foregoing has been served upon the following via electronic and U.S. Mail, postage prepaid, on this the 27th day of September 2019:

Thomas E. Clay, Esq.
Clay Daniel Winner, LLC
917 Lily Creek Road
Louisville, KY 40243
tclay@tclaylaw.com

Jeffery C. Mando
Adams, Stepner, Woltermann &
Dusing, PLLC
40 Pike Street
Covington, KY 41011
jmando@aswdlaw.com


JIMMY SHAFER
EXECUTIVE SECRETARY

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

**BETH LEWIS MAZE, CIRCUIT COURT JUDGE
21ST JUDICIAL CIRCUIT**

**JUDGE EDDY COLEMAN'S RESPONSE TO
JUDGE BETH MAZE'S MOTION TO COMPEL**

Judge Eddy Coleman, through counsel, responds to Judge Beth Lewis Maze's motion to compel Judge Coleman's testimony as follows:

INTRODUCTION

Judge Coleman was deposed by Judge Maze's counsel on August 23, 2019. During the course of the deposition, Judge Maze's counsel on several occasions asked questions requesting that Judge Coleman, through deposition testimony, apply facts to a legal standard and testify as to a legal conclusion regarding interpretation of a statute.¹ However, these questions are impermissible for two reasons. First, the subject matter of these questions is irrelevant to Judge Maze's disciplinary proceedings before the Judicial Conduct Commission and is not reasonably calculated to lead to the discovery of admissible evidence in this case. Rather, the testimony Judge Maze seeks is relevant only to her lawsuit alleging a violation of the Kentucky Whistleblower Act, which is currently pending in state court. If Judge Maze wishes to take discovery regarding her Whistleblower claim, she must do so in due time in that case, not in the proceedings before the Commission. Second, it is inappropriate for a fact witness to testify to

¹ The deposition was recorded via video recording, utilizing the courthouse's video recording system. However, the deposition was not transcribed by a court reporter. The transcript quoted at length in Judge Maze's motion to compel appears to be Judge Maze's transcription of the deposition. A copy of the video deposition is attached to this response as Exhibit 1.

conclusions regarding the meaning of a statute because issues of statutory interpretation are decided by the Court, not the finder of fact. For these reasons, the testimony Judge Maze seeks to compel is impermissible, and Judge Maze's motion to compel should be denied.

ARGUMENT

"At a hearing before the Commission only evidence admissible under the Kentucky Rules of Evidence shall be received." SCR 4.240. Further, "[t]o the extent applicable and not inconsistent with [the SCR], the Rules of Civil Procedure shall apply to proceedings before the commission. . ." SCR 4.160. Under the Civil Rules, to be obtained in discovery, the evidence sought must be reasonably calculated to lead to the discovery of admissible evidence. CR 26.02.

First, the testimony Judge Maze seeks to compel is irrelevant to the JCC charges against her. Rather, this testimony concerns Judge Maze's Whistleblower Claim and her corresponding lawsuit. In support of her motion, Judge Maze asserts "Judge Maze has made no secret that she believes the conduct charged in Count VI of the JCC action has Whistleblower Act implication." Judge Maze Motion to Compel, p. 8. Further, in Judge Coleman's deposition, Judge Maze's counsel stated, "What I'm trying to establish is that Judge Maze made a disclosure to you, which I believe is protected by the Whistleblower Act . . . So that's the purpose of my questioning." Motion to Compel, p. 5. In Judge Maze's counsel's own words, the testimony sought is relevant to Judge Maze's Whistleblower lawsuit, not to her judicial misconduct charges.

Second, even if the testimony Judge Maze seeks were relevant, which it is not, it is inappropriate for Judge Coleman to testify to legal conclusions involving statutory interpretation.² The testimony Judge Maze seeks to compel is exactly that. For example, Judge

² During the deposition, Judge Maze's counsel asserted that Judge Coleman, as a circuit judge, was in fact an expert witness. However, that is inaccurate. Judge Maze's counsel made no effort to qualify Judge Coleman as an expert witness, nor did counsel identify Judge Coleman as an expert witness or disclose that counsel intended to solicit expert testimony from Judge Coleman at any time prior to the deposition. Regardless, expert witnesses do not

Maze's counsel asked Judge Coleman whether "this Interference with Judicial Administration statute *would apply to what happened* when Deanna Roberts sent that text to Kim Tabor." Exhibit 1, VR 2019-08-23_10.35.45.111, at 15:50; Motion to Compel at 1-2. Judge Coleman's counsel objected to this line of questioning, stating the witness was "not going to opine on what the law is, and there's a pending civil action against him. I think one of the claims is whistleblower, and judicial immunity's been asserted. It's not appropriate for him, as a judge, to comment on the law and have it applied to a fact pattern." Exhibit 1, VR 2019-08-23_10.35.45.111, at 16:12; Judge Maze Motion to Compel, p. 2. Judge Maze's counsel further asked whether Ms. Tabor would qualify "as a participant in the legal process under [KRS] 524.055," whether Judge Maze had a legal duty to report a possible felony, whether Judge Maze and Deanna Roberts are employees of the Commonwealth of Kentucky as defined in the Kentucky Whistleblower Act, and whether Judge Maze's *ex parte* communication to Judge Coleman was appropriate under the Kentucky Whistleblower Act. Exhibit 1, VR 2019-08-23_10.35.45.111, 2019-08-23_10.59.03.776; Judge Maze Motion to Compel at 2-7. Judge Coleman's counsel reiterated his objection to this line of questioning. *Id.* These questions plainly ask the witness to testify regarding interpretation of the Kentucky Whistleblower Act.

While sitting judges of course apply the facts to the law when *presiding* over a case, witness testimony regarding statutory interpretation is inappropriate, as it invades the province of the Court. The interpretation of the terms and standards in the Kentucky Whistleblower Act is likewise a question of the law for the presiding Court to decide. *See Workforce Development Cabinet v. Gaines*, 276 S.W.3d 789, 792-94 (Ky. 2008) (meaning of "appropriate body or authority" under the Kentucky Whistleblower Act is a question of law decided by the Court); *see*

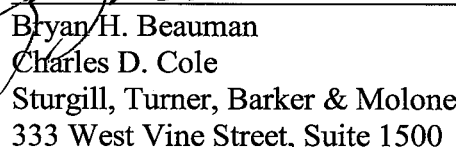
interpret statutes; that is the province of the Court or adjudicatory body the case is before. Legal conclusions regarding statutory interpretation are exactly the testimony Judge Maze seeks to compel.

also *Wilson v. City of Central City*, 372 S.W.3d 863, 865-66 (Ky. 2012) (examining whether a city constitutes a “political subdivision” under the Kentucky Whistleblower Act); (examining whether statements by employee were a “report,” “disclosure,” or “divulgence” within the meaning of the whistleblower statute as “purely a matter of statutory construction and interpretation, which is a question of law”). In other words, witness testimony is not appropriate on questions of law to be decided by the Court or tribunal. Otherwise, in any civil or criminal case a judge would be called by both parties and offer opinions on the legal matters involved. Because the testimony Judge Maze seeks involves a pure question of statutory interpretation, it is impermissible to ask of a witness and her motion to compel should be denied.

CONCLUSION

For these reasons, Judge Maze’s motion to compel deposition testimony should be denied.

Respectfully submitted,



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COUNSEL FOR JUDGE
EDDY COLEMAN


CERTIFICATE OF SERVICE

I hereby certify that on September 23, 2019, a true and accurate copy of the foregoing was served via U.S. Mail, first class postage prepaid, and e-mail to the following:

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BETH LEWIS MAZE

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COUNSEL FOR JUDGE
EDDY COLEMAN

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION
2017 254 AND 255

IN RE THE MATTER OF:

BETH LEWIS MAZE, CIRCUIT COURT JUDGE
21ST JUDICIAL DISTRICT

**REPLY TO RESPONSE TO JUDGE MAZE'S
MOTION TO COMPEL**

* * * * *

The Response filed on behalf of Judge Eddy Coleman, a distinguished jurist, is, frankly, perplexing.

Contrary to the statement that “the subject matter of these questions is irrelevant,” *viz.*, the plain meaning, not “interpretation of a statute,” Judge Coleman’s testimony about the Whistleblower Act goes to the heart of Judge Maze’s defense to Count VI. Her disclosure to Judge Coleman about the threatening text to Kim Tabor from Deanna Roberts was not only protected by 61.101, et seq., it was mandated by 18 U.S.C. § 4.

Secondly, it is not up to counsel for Judge Coleman to establish relevancy, CR 30.02(e) reserves that responsibility to the commission.

Where counsel for Judge Coleman comes up with “the subject matter of these questions. . . is not reasonably calculated to lead to the discovery of admissible evidence” is a mystery. This is not a discovery deposition; it is a trial deposition pursuant to Judge Coleman’s request.

Counsel for Judge Coleman is again mistaken in asserting Judge Maze should pursue discovery in her Franklin County Whistleblower case. First, that case has been dismissed. Secondly, this deposition was not discovery.

Counsel’s statement that “it is inappropriate for a fact witness to testify to conclusions regarding the meaning of a statute because issues of statutory interpretation are decided by the

court, not the finder of fact.” Who designated Judge Coleman as a “fact witness”? He is a Chief Regional Circuit Judge of many years’ experience. He is eminently qualified to interpret statutes. Is he a finder of fact? This assertion is perplexing.

Additionally, counsel for Judge Coleman cites no authority for these statements.

In the Argument, counsel for Judge Coleman again resorts to citing a discovery rule, CR 26.02, about evidence reasonably calculated to lead “to discovery.” This is NOT A DISCOVERY DEPOSITION.

Again, “irrelevance” is not a basis to instruct a witness not to answer a question, and relevance is a test to be applied by the Commission, not counsel for Judge Coleman.

Counsel for Judge Coleman posits in footnote 2 that counsel for Judge Maze did not identify Judge Coleman as an expert witness, with no citation to anything that imposes such a requirement on Judge Maze, nor any attempt to qualify Judge Coleman as an expert witness, again with no cited authority. Qualifications for expert testimony are for the tribunal to determine. Regardless, the stated reasons by Judge Coleman’s counsel offer no basis for his instruction to Judge Coleman not to answer questions.

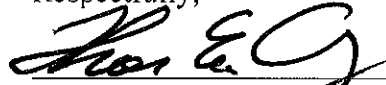
Counsel for Judge Coleman quotes one of his objections at page 3. He forbid Judge Coleman from opining “on what the law is.” On what authority does he issue such an instruction? The fact that “there’s a pending civil action against him” is no basis to refuse to answer questions, whether Judge Coleman has asserted judicial immunity or not.

Judge Maze’s questions about the Whistleblower act regarding interpretation of that statute did not justify counsel’s position for Judge Coleman to be instructed not to answer. There was no privilege asserted, nor any other legally justifiable basis for such an instruction.

The only authorities cited by counsel for Judge Coleman do not remotely address the issue of whether counsel's instructions had any legal basis. Clearly, the instructions were improper.

Judge Maze requests that Judge Coleman's deposition be resumed for Judge Maze to be allowed to complete her examination.

Respectfully,



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CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the foregoing Reply to Response to Judge Maze's Motion to Compel, was this 26th day of September, 2019, mailed and emailed via U.S. Postal Service, first class postage to the following:

Hon. Jeffrey C. Mando
Hon. Olivia F. Amlung
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Counsel for the Judicial Conduct Commission

Ms. Jimmy Schaffer
Executive Secretary
Kentucky Judicial Conduct Commission
P.O. Box 4266
Frankfort, KY 40604



THOMAS E. CLAY, P.S.C.

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION
2017 254 AND 255

IN RE THE MATTER OF:

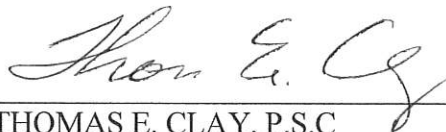
BETH LEWIS MAZE, CIRCUIT COURT JUDGE
21ST JUDICIAL CIRCUIT

NOTICE OF VIDEO DEPOSITION

* * * * *

Please take notice that on **Friday, October 4, 2019 at 1:00 p.m.**, Judge Beth Lewis Maze will take the video deposition of Teresa Clayton, Chief Deputy Montgomery Circuit Clerk, at City Hall, 33 North Maysville Street, Suite 200, Mt. Sterling, Kentucky 40353, in the District Court courtroom, upon oral examination pursuant to the Kentucky Civil Rules of Procedure, before a Notary Public, or before some other officer authorized by law to administer oaths. The oral examination will continue from day to day until completed. You are invited to attend and cross-examine.

Respectfully,



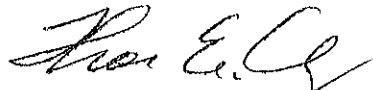
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CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the foregoing was e-mailed this 5th day of October, 2019 to:

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Hon. Olivia F. Amlung
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Executive Secretary
Kentucky Judicial Conduct Commission
P.O. Box 4266
Frankfort, KY 40604



THOMAS E. CLAY, P.S.C.

MEMBERS:

STEPHEN D. WOLNITZEK, CHAIR
COVINGTON

JUDGE JEFF S. TAYLOR
OWENSBORO

JUDGE EDDY COLEMAN
PIKEVILLE

JUDGE DAVID BOWLES
LOUISVILLE

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ALTERNATES:

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OWENSBORO

JUDGE GLENN E. ACREE
LEXINGTON

JUDGE MITCH PERRY
LOUISVILLE

JUDGE KAREN THOMAS
COVINGTON

EXECUTIVE SECRETARY
MS. JIMMY SHAFFER

SUBPOENA


TO: Theresa Clayton

IN RE: BETH LEWIS MAZE, CIRCUIT COURT JUDGE
21ST JUDICIAL CIRCUIT

You are hereby commanded to appear in the City Hall, 33 North Maysville Street, Suite 200, Mt. Sterling, KY 40353, at 1:00 p.m. on October 4, 2019, to give a deposition in the above matter, and to bring with you _____

This subpoena is issued on application of Thomas E. Clay, 917 Lily Creek Road, Louisville, KY 40243.

DATE: 10/1/19 _____


JIMMY A. SHAFFER, Executive Secretary

This subpoena was served by delivery of a true copy to: _____

This _____ day of _____, 2019.

By: _____

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

**BETH LEWIS MAZE, CIRCUIT COURT JUDGE
21ST JUDICIAL CIRCUIT**

ORDER ON PENDING MOTIONS

Upon consideration of the August 19, 2019, motion by non-parties Ronnie Goldy, Keith Craycraft, and Ashton McKenzie to Quash Subpoenas and Subpoenas Duces Tecum, and the responses thereto, it is by the Commission ORDERED that the motion be, and it is hereby, GRANTED.

Upon consideration of the August 22, 2019, motion by Judge Maze to Disqualify the Firm of Adams Stepner Wolterman & Dusing, and the response thereto, it is by the Commission ORDERED that the motion be, and it is hereby, DENIED.

Upon consideration of the August 28, 2019, motion by counsel for the Commission to Quash the Subpoena to Olivia F. Amlung, Esq., and the response and reply thereto, it is by the Commission ORDERED that the motion be, and it is hereby, GRANTED.

Upon consideration of the August 29, 2019, motion by Judge Maze to Compel Testimony of Judge Eddy Coleman, and the response thereto, it is by the Commission ORDERED that the motion be, and it is hereby, DENIED.

Upon consideration of the August 29, 2019, motion by non-parties William Lane and Deanna Roberts to Quash Subpoenas Duces Tecum, and the response thereto, it is by the Commission ORDERED that the motion be, and it is hereby, GRANTED.

October ^{7th} 2018


STEPHEN D. WOLNITZEK, CHAIR

Judge Eddy Coleman and Judge Mitch Perry have recused from any consideration of this matter.

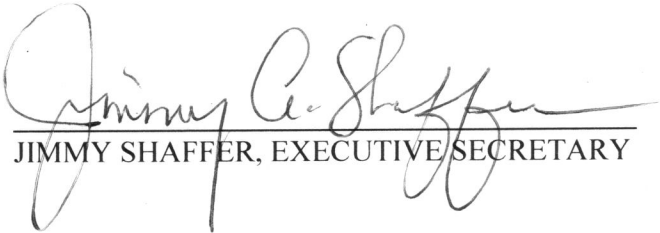
CERTIFICATE OF SERVICE

This is to certify that true and correct copy of the foregoing has been served upon the following via electronic and U.S. Mail on this the 7th day of October 2019:

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JIMMY SHAFFER, EXECUTIVE SECRETARY

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

**BETH LEWIS MAZE, CIRCUIT COURT JUDGE
21st JUDICIAL CIRCUIT**

SECOND AMENDED WITNESS LIST

Counsel for the Judicial Conduct Commission submits the following Witness List for the SCR 4.020 final disposition hearing scheduled for October 28, 2019 at 9:00 a.m.:

1. Judge Beth Lewis Maze, who is expected to testify consistent with her written statements to the JCC (November 15, 2017 and February 28, 2018) and her WLEX 18 interview from August 9, 2018;
2. Michael Campbell, who is expected to testify consistent with his personal knowledge of the allegations in the Notice of Formal Proceedings. Mr. Campbell's testimony will be submitted via video deposition by stipulation of the parties;
3. David Charles, who is expected to testify consistent with his personal knowledge of the allegations in the Notice of Formal Proceedings. Mr. Charles' testimony will be submitted via video deposition by stipulation of the parties;
4. Judge Ed Coleman, who is expected to testify consistent with his personal knowledge of the allegations set forth in the Notice of Formal Proceedings. Judge Coleman's testimony will be submitted via video deposition by stipulation of the parties;
5. Mark Collier, who is expected to testify consistent with his personal knowledge of the allegations set forth in the Notice of Formal Proceedings. Mr. Collier's testimony will be submitted via video deposition by stipulation of the parties;
6. Sgt. Jimmy Daniels, who is expected to testify consistent with his statement given on September 18, 2018;
7. Ronnie Goldy, Jr., who is expected to testify consistent with his statement given on August 27, 2018;

8. Kim Hunt Price, who is expected to testify consistent with her statement given on August 27, 2018;
9. Dagny James, who is expected to testify consistent with her personal knowledge of the allegations set forth in the Notice of Formal Proceedings;
10. Charles O. Landon, who is expected to testify consistent with his personal knowledge of the allegations set forth in the Notice of Formal Proceedings;
11. Hon. William Lane, who is expected to testify consistent with his statement given on September 20, 2018;
12. Det. Jim McDonald, who is expected to testify consistent with his personal knowledge of the allegations in the Notice of Formal Proceedings;
13. J. Rachel Noyes, who is expected to testify for the purpose of authenticating correspondence and documents sent from Judge Maze to the Judicial Conduct Commission;
14. Officer Justin Sutherland, who is expected to testify consistent with his statement given on September 10, 2018;
15. Rachel Walters, who is expected to testify consistent with her personal knowledge of the allegations in the Notice of Formal Proceedings.

This Witness List does not include any individuals that may be called solely for the purpose of impeachment of a party or witness. Counsel for the Commission reserves the right to supplement this list.

Respectfully submitted,

/s/ Jeffrey C. Mando

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Olivia F. Amlung, Esq. (#97449)
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oamlung@aswdlaw.com

Counsel for Judicial Conduct Commission

CERTIFICATE OF SERVICE

This is to certify that true and correct copy of the foregoing has been served via electronic on this the 7th day of October 2019, upon the following:

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tclay@tclaylaw.com

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Executive Secretary
KY Judicial Conduct Commission
P.O. Box 4266
Frankfort, KY 40604
JimmyShaffer@kycourts.net

/s/ Jeffrey C. Mando

Jeffrey C. Mando, Esq.

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION

IN RE: BETH LEWIS MAZE, CIRCUIT COURT JUDGE
21ST JUDICIAL CIRCUIT

**MOTION TO QUASH SUBPOENAS AND SUBPOENAS DUCES TECUM
AND MEMORANDUM IN SUPPORT**

Non-parties William Lane, Circuit Judge for the Commonwealth's 21st Judicial Circuit; Deanna Roberts, administrative assistant to Judge Lane; Ronnie Goldy, Commonwealth's Attorney for the 21st Judicial Circuit; and Keith Craycraft and Ashton McKenzie, Assistant Commonwealth's Attorneys, by and through undersigned counsel, move the Commission for an order quashing the subpoenas duces tecum served on them by Laura Lewis Maze. The subpoenas duces tecum broadly seek the non-parties' text messages for multiple dates in 2017 and 2018. The subpoena served on Judge Lane further seeks "all orders prepared by [him] transferring all criminal syndicate cases in Montgomery Circuit Court actions on June 19, 2018, to Judge Maze." The requested records are irrelevant and, in the case of the transfer orders, publicly available. Accordingly, the subpoenas duces tecum should be quashed.

Mr. Craycraft and Ms. McKenzie further move the Commission for an order quashing the subpoenas for their testimony.¹ In support of this Motion, the non-parties provide the following Memorandum of Law.

I. Procedural History

Maze is before the Judicial Conduct Commission ("JCC") for charges relating to various actions she took during the initiation and pendency of criminal drug charges against her ex-

¹ The subpoenas served on the non-parties seek both their testimony and their text messages. Judge Lane, Mr. Goldy, and Ms. Roberts do not oppose appearing to testify before the JCC but object to bringing their text messages to the hearing. Ms. McKenzie and Mr. Craycraft oppose the subpoenas in their entirety.

husband. The JCC has subsequently added charges relating to her conduct in front of the JCC. Maze is also currently facing felony criminal charges in Bath Circuit Court.

On August 5, 2019, Maze subpoenaed the above-named non-parties to appear at her September 9, 2019, hearing before the JCC and bring text messages “regarding Judge Maze” with them. The non-parties moved to quash. Before the JCC could rule, however, the Kentucky Supreme Court stayed the JCC proceedings until September 23, 2019.

After the stay expired, the JCC rescheduled Maze’s hearing for October 28, 2019, and Maze re-issued the subpoenas to the non-parties. The new subpoenas, rather than seeking all text messages “regarding Judge Maze,” seek all the non-parties’ text messages for multiple dates in 2017 and 2018. (*See* Subpoenas, Exhibits A, B, C, D, and E.) The new subpoenas thus are narrower – in seeking only text messages for certain dates – and broader – in that they are not limited to messages regarding Maze – than the original subpoenas.

Notably, the issue here is not new. Maze has tried repeatedly in her criminal Bath Circuit Court case to obtain the text messages from these non-parties. Specifically, Maze issued subpoenas *duces tecum* in Bath Circuit Court for the non-parties’ cell phone text messages in December 2018 and January 2019. The non-parties moved to quash, but Bath Circuit Court denied their motions, in part, in March 2019, ordering production of the records from cell phone service providers for review *in camera*. Upon a motion to reconsider, however, Bath Circuit Court set aside its prior ruling and denied the subpoenas.

Following the Commonwealth’s filing of a Bill of Particulars naming Judge Lane, Mr. Goldy, and Ms. Roberts as potential witnesses in the criminal trial, Maze renewed her subpoena *duces tecum* to obtain their text message records. Maze did not renew her request for the text messages of Mr. Craycraft and Ms. McKenzie. On August 2, Bath Circuit Court granted Maze’s

request, and again ordered disclosure of the three non-parties' text message records for review *in camera*. The Bath Circuit Court's decision rested entirely on the fact that the Commonwealth named the three as possible witnesses, not on any analysis of the applicable standard. On August 6, 2019, Judge Lane, Mr. Goldy, and Ms. Roberts appealed the Circuit Court's August 2 ruling to the Court of Appeals, where the Notice is pending.

On August 6, 2019, Maze moved to continue her hearing before the JCC "to allow her to obtain evidence in the form of text messages." Mirroring her motions in Bath Circuit Court, Judge Maze argued that the requested text messages "would reflect discussions between . . . individuals who have been conspiring to get rid of [her]" and elaborated on a conspiracy scheme she alleges occurred to remove her from office. The JCC denied her request for a continuance.

Maze's renewed and repeated attempts to gain access to irrelevant text messages should be quashed by the JCC.

II. Legal Standards

Kentucky Rule of Civil Procedure ("CR") 45.04 applies to subpoenas for hearings or trials.² Under the rule, "A subpoena that commands the person to whom it is directed to produce designated documents or tangible things or to permit inspection of premises may relate only to matters within the scope of discovery permitted by Rule 26.02." CR 45.04. CR 26.02 limits the scope of discovery to "any matter, not privileged, which is relevant to the subject matter involved in the pending action." In a separate context, the Kentucky Supreme Court has noted that "[d]iscovery should be limited to its purpose and not permitted to routinely and unnecessarily expand into needless exposure of superfluous matters and information that are

² "[T]he Rules of Civil Procedure shall apply to proceedings before the commission." KY ST S CT Rule 4.160.

personal to the witness and have no real relevancy to his or her credibility.” *Primm v. Isaac*, 127 S.W.3d 630, 638 (Ky. 2004).

CR 45.02 provides in pertinent part, “[t]he court, upon motion made promptly and in any event at or before the time specified in the subpoena for compliance therewith, may [] quash or modify the subpoena if it is unreasonable and oppressive.” Though decided in the criminal context, the Supreme Court of Kentucky analyzed the same “unreasonable or oppressive” standard in *Commonwealth v. House*, 295 S.W.3d 825, 829 (Ky. 2009). A subpoena duces tecum is unreasonable and “nothing but a classic fishing expedition” when “the party demanding production can point to nothing more than hope or conjecture that the subpoenaed material will provide admissible evidence.” *Id.*

III. Argument

Here, as in her criminal case, Maze again seeks to obtain text messages from non-parties that she hopes may contain evidentiary material—specifically material indicating a conspiracy among the non-parties to have her removed from office. The non-parties unequivocally deny the existence of any such conspiracy. They further deny that they possess any text messages that would evidence any such conspiracy or relate to the JCC charges.

Regardless, however, the subpoenaed text messages are not within the scope of discovery. CR 26.02. Whether a conspiracy exists or not is not relevant to and could have no bearing on charges brought against Maze by the JCC. The scope of the JCC’s proceedings involve only Maze’s alleged personal actions to interfere in her husband’s criminal case and the JCC proceedings against her. There is no allegation of any conduct by any non-party named here. Instead, the requested text messages are attempts to obtain “superfluous” information personal in nature to the non-parties. *Primm*, 127 S.W.3d at 638. Maze has provided no

evidence whatsoever that any alleged conspiracy could affect the proceedings in front of the JCC. Moreover, she has provided no information regarding the significance of the dates listed in the subpoenas.

Additionally, the transfer orders Maze subpoenas from Judge Lane are publicly available in the files of the Montgomery Circuit Clerk, the custodian of the records. Judge Lane does not possess copies of the final orders. Thus, to the extent such records are relevant to the JCC proceedings, Maze may obtain them from the clerk without any need for a non-party to bring them to the hearing.

Furthermore, Mr. Craycraft and Ms. McKenzie can offer no testimony relevant to the JCC proceedings. Notably, Commonwealth's Attorney Goldy and his assistants Mr. Craycraft and Ms. McKenzie have had no involvement in prosecuting the criminal action against Maze in Bath Circuit Court. Instead, a special prosecutor has been assigned to the matter.

IV. Conclusion

For the foregoing reasons, the JCC should quash Maze's subpoenas to Mr. Craycraft and Ms. McKenzie in full, and the JCC should quash Maze's subpoenas to Judge Lane, Mr. Goldy, and Ms. Roberts for their text messages. The subpoenas to the non-parties represent nothing more than a fishing expedition for information that could have no bearing on the JCC's hearing and ultimate decision.

Respectfully submitted,

A handwritten signature in cursive script, reading "Laura C. Tipton", is positioned above a horizontal line.

Laura C. Tipton
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(502) 564-2894 (FAX)
laurac.tipton@ky.gov
sarah.adkins@ky.gov
Counsel for the Non-Parties

CERTIFICATE OF SERVICE

I hereby certify that this Motion to Quash was sent via U.S. mail to the Kentucky Judicial Conduct Commission, and a true and accurate copy was served by electronic mail and U.S. mail on this the 7th day of October, 2019, upon the following:

Mr. Jimmy Shaffer
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KY Judicial Conduct commission
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Laura C. Tipton

Exhibit A

EXHIBIT A

MEMBERS:

STEPHEN D. WOLNITZEK, CHAIR
COVINGTON

JUDGE JEFF S. TAYLOR
OWENSBORO

JUDGE EDDY COLEMAN
PIKEVILLE

JUDGE DAVID BOWLES
LOUISVILLE

MICHAEL A. NOFTSGER
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P.O. Box 4266
FRANKFORT, KENTUCKY 40604-4266
PHONE 502-564-1231 FAX 502-564-1233

ALTERNATES:

R. MICHAEL SULLIVAN
OWENSBORO

JUDGE GLENN E. ACREE
LEXINGTON

JUDGE MITCH PERRY
LOUISVILLE

JUDGE KAREN THOMAS
COVINGTON

EXECUTIVE SECRETARY
Ms. JIMMY SHAFFER

SUBPOENA

TO: *William Lane*

IN RE: **BETH LEWIS MAZE, CIRCUIT COURT JUDGE
21ST JUDICIAL CIRCUIT**

You are hereby commanded to appear before the Judicial Conduct Commission in the Fayette Circuit Court, 120 North Limestone, Lexington, Kentucky, at 9:00 a.m. on October 28, 2019, to testify in the above matter, and to bring with you text messages ordered to be

produced in the Beth Circuit case 18-cr-00059 and all
orders prepared by you transcribing all Criminal Syndicate Cases in
Montgomery Circuit Court Actions on June 19, 2018, to Judge Maze.
for July 25, 2018 and August 6-7, 2018

*Produce
text
messages*

This subpoena is issued on application of Thomas E. Clay, 917 Lily Creek Road, Louisville, KY 40243.

DATE: 9/25/2019

Jimmy A. Shaffer
JIMMY A. SHAFFER, Executive Secretary

This subpoena was served by delivery of a true copy to: _____

This _____ day of _____, 2019.

By: _____

Exhibit B

EXHIBIT B

MEMBERS:

STEPHEN D. WOLNITZEK, CHAIR
COVINGTON

JUDGE JEFF S. TAYLOR
OWENSBORO

JUDGE EDDY COLEMAN
PIKEVILLE

JUDGE DAVID BOWLES
LOUISVILLE

MICHAEL A. NOFTSGER
SOMERSET

DR. DON THARPE
NICHOLASVILLE

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION
P.O. Box 4266
FRANKFORT, KENTUCKY 40604-4266
PHONE 502-564-1231 FAX 502-564-1233

ALTERNATES:

R. MICHAEL SULLIVAN
OWENSBORO

JUDGE GLENN E. ACREE
LEXINGTON

JUDGE MITCH PERRY
LOUISVILLE

JUDGE KAREN THOMAS
COVINGTON

EXECUTIVE SECRETARY
Ms. JIMMY SHAFFER

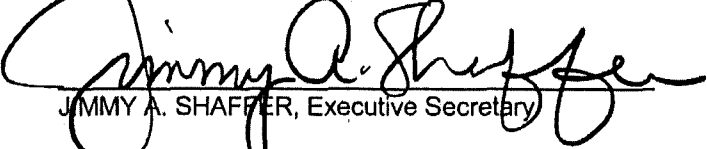
SUBPOENA

TO: *Deanna Roberts*

IN RE: **BETH LEWIS MAZE, CIRCUIT COURT JUDGE
21ST JUDICIAL CIRCUIT**

You are hereby commanded to appear before the Judicial Conduct Commission in the Fayette Circuit Court, 120 North Limestone, Lexington, Kentucky, at 9:00 a.m. on October 28, 2019, to testify in the above matter, and to bring with you All text messages ordered to be produced, for those specific dates ordered produced in Beth Lewis Maze 18-cr-00059; and produce text messages for July 25, 2018 & August 4-7, 2018.

This subpoena is issued on application of Thomas E. Clay, 917 Lily Creek Road, Louisville, KY 40243.

DATE: 9/25/2019 
JIMMY A. SHAFFER, Executive Secretary

This subpoena was served by delivery of a true copy to: _____

_____ This _____ day of _____, 2019.

By: _____

Exhibit C

EXHIBIT C

MEMBERS:

STEPHEN D. WOLNITZEK, CHAIR
COVINGTON

JUDGE JEFF S. TAYLOR
OWENSBORO

JUDGE EDDY COLEMAN
PIKEVILLE

JUDGE DAVID BOWLES
LOUISVILLE

MICHAEL A. NOFTSGER
SOMERSET

DR. DON THARPE
NICHOLASVILLE

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION
P.O. Box 4266
FRANKFORT, KENTUCKY 40604-4266
PHONE 502-564-1231 FAX 502-564-1233

ALTERNATES:

R. MICHAEL SULLIVAN
OWENSBORO

JUDGE GLENN E. ACREE
LEXINGTON

JUDGE MITCH PERRY
LOUISVILLE

JUDGE KAREN THOMAS
COVINGTON

EXECUTIVE SECRETARY
Ms. JIMMY SHAFFER

SUBPOENA

TO: Ronnie Boldy

IN RE: BETH LEWIS MAZE, CIRCUIT COURT JUDGE
21ST JUDICIAL CIRCUIT

You are hereby commanded to appear before the Judicial Conduct Commission in the Fayette
Circuit Court, 120 North Limestone, Lexington, Kentucky, at 9:00 a.m. on October 28, 2019, to

testify in the above matter, and to bring with you Text messages for Sept. 18, 19, 20, 2017;

Oct. 3, 4, 5, 12, 13, 14, 15, 2017; Nov. 9, 10, 11, 12, 13, 14, 15, 2017; June 11, 12, 13, 14, 15, 2018;

June 19, 20, 21, 22, 23, 24, 25, 26, 2018; Aug. 27, 2018; October 5, 6, 7, 8, 9, 2018, Nov. 1, 2018; Dec. 6, 2018.

July 25, 2018 + August 6-7, 2018.

This subpoena is issued on application of Thomas E. Clay, 917 Lily Creek Road, Louisville, KY
40243.

DATE: 9/25/2019

Jimmy A. Shaffer
JIMMY A. SHAFFER, Executive Secretary

This subpoena was served by delivery of a true copy to: _____

This _____ day of _____, 2019.

By: _____

EXHIBIT D

MEMBERS:

STEPHEN D. WOLNITZEK, CHAIR
COVINGTON

JUDGE JEFF S. TAYLOR
OWENSBORO

JUDGE EDDY COLEMAN
PIKEVILLE

JUDGE DAVID BOWLES
LOUISVILLE

MICHAEL A. NOFTSGER
SOMERSET

DR. DON THARPE
NICHOLASVILLE

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION
P.O. Box 4266
FRANKFORT, KENTUCKY 40604-4266
PHONE 502-564-1231 FAX 502-564-1233

ALTERNATES:

R. MICHAEL SULLIVAN
OWENSBORO

JUDGE GLENN E. ACREE
LEXINGTON

JUDGE MITCH PERRY
LOUISVILLE

JUDGE KAREN THOMAS
COVINGTON

EXECUTIVE SECRETARY
MS. JIMMY SHAFFER

SUBPOENA


TO: *Keith Pragercraft*

IN RE: **BETH LEWIS MAZE, CIRCUIT COURT JUDGE
21ST JUDICIAL CIRCUIT**

You are hereby commanded to appear before the Judicial Conduct Commission in the Fayette Circuit Court, 120 North Limestone, Lexington, Kentucky, at 9:00 a.m. on October 28, 2019, to testify in the above matter, and to bring with you To produce text messages for:

*September 18, 19, 20, 2017; Oct. 3, 4, 5 & 12, 13, 14, 15 2017; Nov. 9, 10, 11, 12, 13, 14, 15, 2017;
June 11, 12, 13, 14, 15, 2018; June 19, 20, 21, 22, 23, 24, 25, 26, 2018; August 27, 2018; Aug. 27,
October 5, 6, 7, 8, 9, 2018; Nov. 1, 2018; December 4, 2018, July 25, 2018 2018.*

This subpoena is issued on application of Thomas E. Clay, 917 Lily Creek Road, Louisville, KY 40243.

DATE: 9/25/2019 
JIMMY A. SHAFFER, Executive Secretary

This subpoena was served by delivery of a true copy to: _____

This _____ day of _____, 2019.

By: _____

EXHIBIT E

MEMBERS:

STEPHEN D. WOLNITZEK, CHAIR
COVINGTON

JUDGE JEFF S. TAYLOR
OWENSBORO

JUDGE EDDY COLEMAN
PIKEVILLE

JUDGE DAVID BOWLES
LOUISVILLE

MICHAEL A. NOFTSGER
SOMERSET

DR. DON THARPE
NICHOLASVILLE

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION
P.O. Box 4266
FRANKFORT, KENTUCKY 40604-4266
PHONE 502-564-1231 FAX 502-564-1233

ALTERNATES:

R. MICHAEL SULLIVAN
OWENSBORO

JUDGE GLENN E. ACREE
LEXINGTON

JUDGE MITCH PERRY
LOUISVILLE

JUDGE KAREN THOMAS
COVINGTON

EXECUTIVE SECRETARY
MS. JIMMY SHAFFER

SUBPOENA

TO: Ashton McKenzie

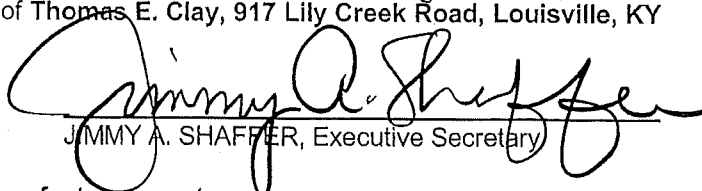
IN RE: BETH LEWIS MAZE, CIRCUIT COURT JUDGE
21ST JUDICIAL CIRCUIT

You are hereby commanded to appear before the Judicial Conduct Commission in the Fayette Circuit Court, 120 North Limestone, Lexington, Kentucky, at 9:00 a.m. on October 28, 2019, to testify in the above matter, and to bring with you To produce text messages for:

Sept 18, 19, 20, 2017; Oct 3, 4, 5, & 12, 13, 14, 15, 2017; January 23, 24, 25, 2018;
June 11, 12, 13, 14, 15, 19, 20, 21, 22, 23, 24, 25, 26, 2018; August 27, 2018; Oct. 5, 6, 7, 8, 9, 2018;
November 1, 2018; December 6, 2018; July 25, 2018; August 6 & 7, 2018.

This subpoena is issued on application of Thomas E. Clay, 917 Lily Creek Road, Louisville, KY 40243.

DATE: 9/25/2019


JIMMY A. SHAFFER, Executive Secretary

This subpoena was served by delivery of a true copy to: _____

This _____ day of _____, 2019.

By: _____

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION
CASE NOS. 2017-254 AND 2017-255

IN RE THE MATTER OF:
CIRCUIT JUDGE BETH LEWIS MAZE

JUDGE MAZE'S AMENDED WITNESS LIST

The following witnesses will testify consistent with Judge Maze's defenses:

1. Former Chief Justice Joseph Lambert.
2. Carl Reesor-Private Investigator.
3. Judge Eddy Coleman.
4. Steve O'Daniel – Private Investigator.
5. Jimmy Shaffer.
6. Olivia Amlung.
7. Judge Julia Adams - Retired Circuit Judge-Clark & Madison.
8. Justin Sutherland – Owingsville Police Department
9. Todd Tout - Owingsville Chief of Police
10. Ronnie Goldy - CWA
11. Keith Craycraft - ACWA
12. Ashton McKenzie - ACWA
13. Earl Willis – Bath County Jailer
14. Wendy Walker – Regional PT Supervisor
15. Judge William Roberts – 21st Judicial Circuit District Judge
16. Deana Roberts – Judge Roberts' wife and Judge Lane's secretary
17. Michael Campbell – Attorney
18. Rachel Walters – Judge Maze's secretary
19. Dagny James – Judge Maze's staff attorney
20. Judge Bill Lane – 21st Judicial Circuit Judge, Division 1
21. Teresa Clayton - Chief Deputy Circuit Clerk for Montgomery County
22. Kim Barker Tabor - Rowan Circuit Clerk
23. Tanya Terry - Montgomery Circuit Clerk
24. Claudette Faudere - Bath Circuit Clerk
25. Lu Ann Oney - Deputy Bath Circuit Clerk
26. Justice Bill Cunningham
27. Connie Goodpaster-Former Montgomery Circuit Clerk
28. Terry Goodman - Optometrist
29. Krista Bussell
30. Kenny Skeans - Process Server
31. Hon. Heidi Ingle - Assistant Commonwealth Attorney-Clark & Madison
32. Hon. Tom Smith - Retired Commonwealth Attorney-Clark & Madison

33. Carmen Rogers - Drug Court Director
34. Jerry Hall - Former Montgomery County Bailiff
35. Madison Wells – Nurse at Clark Regional Hospital on 9/18/19
36. Kelli Schoolar - Drug Court graduate and now team member
37. Judge Bill Mains – Retired Circuit Judge for the 21st Judicial Circuit
38. Stuart Read – DPA Attorney
39. Kelly Botts – Chief Deputy Clerk of Menifee County
40. Judge Paul Isaacs – Retired Circuit Judge
41. Bridget Hofler – Defense Attorney
42. Eric Jones – Montgomery County Jailer
43. Jeff Walson – Retired Family Court Judgment
44. Betty Megan Williams – Asst. County Attorney for Menifee County
45. Shannon Lawson-Child Support Supervisor with Menifee Co. Attorney
46. Judge Rick Stiltner- Menifee Co Judge Ex. And former Commissioner of KSP
47. David Charles – Montgomery County Sheriff
48. Mark Collier – former detective with Montgomery County Sheriff’s Dept.
49. Matt Sparks – Sheriff of Rowan County
50. Joe Cline – Chief Deputy Sheriff of Rowan County
51. David Myrus – Det. For Rowan and Bath Sheriff Departments
52. Burl Purdue – Sheriff of Clark County
53. Brett Kirkland – KSP Trooper
54. Paul Cox – DPA attorney
55. Sara Daily – DPA attorney
56. Charles Landon – DPA Director
57. Judge John Cox – Retired District Judge for 21st Judicial Circuit
58. David Beyer – Retired Supervising Special Agent FBI
59. Michael Davidson - Attorney
60. Ray Bugucki - Attorney
61. Tom Jones – Retired Circuit Judge
62. Saronda Gayheart, LabCorp – Lab Tech
63. Judge Julie Ward – Campbell Circuit Judge
64. Judge Patsy Summe – Kenton Circuit Judge
65. Aaron Roberts – Mt. Sterling Police Officer
66. Hon. Jay Fossett - Attorney
67. Hon. Frank Warnock - Attorney
68. Hon. Jeff Sanders
69. Jason Oney – Probation and Parole 21st Judicial Circuit
70. Heather Eldridge – Probation and Parole 21st Judicial Circuit
71. Wayne Ross – Preacher, Drug Court Team Member, owns Rehab
72. Lowell Rice - Preacher
73. Jamie Copher – Deputy Sheriff Rowan County, formerly Bath Co. Deputy
74. Kevin Robinson - Attorney
75. Grover Carrington - Attorney
76. Megan Coldiron – ARC Regional Rehab Director
77. Cecil Lawson – Editor of Owingsville News Outlook
78. Ira Kilburn - Attorney

79. Breanna Listerman – DPA Attorney
80. Clay Mguffin – DPA Attorney
81. Erica Lykins – Rehab director
82. Deana Fawns – Judge Maze’s former secretary
83. Donna Gail Maze – Judge Maze’s ex-mother-in-law
84. Earl Rogers - Attorney
85. David Anderson – Defendant in Judge Maze’s court
86. Blake Ballard – Defendant in Judge Maze’s court
87. Patrick Myer – Defendant in Judge Maze’s court
88. Jacob Curtis – Defendant in Judge Maze’s court
89. Judge Sara Combs – Court of Appeals Judge
90. Howard Stone – Attorney
91. Sgt Gabbard – Sgt. at Montgomery County Regional Jail
92. Ian Roberts – Chief Deputy Jailer for Montgomery County
93. Tina Myers - Deputy Jailer for Montgomery County
94. Kaye Templin – Former Director of Gateway Juvenile Diversion Center
95. Joe Gomes – Current Director of Gateway Juvenile Diversion Center
96. Will T. Scott – Retired Supreme Court Justice
97. David Barber – Former Court of Appeals Judge and Supreme Court Justice
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99. Kelly Collinsworth – Head of Pro Se Clinic for 21st Judicial Circuit
100. Leah Hawkins - Attorney
101. Lucy Letton – Statewide Drug Court Director
102. Marilyn Sloan – CDW Director
103. Michael Curtis - Attorney
104. Greg Hall – County Attorney for Menifee County
105. Brent Cox - Attorney
106. Margaret Johnson – Drug counselor
107. Pierce Hamblin - Attorney
108. Robin Webb - Attorney
109. Roger Riggs - Attorney
110. Will Wilhoit - Attorney
111. Steve O’Conner - Attorney
112. Tommie Sue Esteppe – Judge Maze’s former secretary
113. Mike Ray – Preacher

Respectfully



THOMAS E. CLAY, P.S.C.
CLAY DANIEL WINNER, LLC
917 Lily Creek Road
Louisville, KY 40243
(502) 561-2005
tclay@tclaylaw.com

CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the foregoing Amended Witness List, was this 15th day of October, 2019, e-mailed via U.S. Postal Service, first class postage to the following:

Hon. Jeffrey C. Mando
Hon. Olivia F. Amlung
ADAMS STEPNER WOLTERMANN & DUSING, PLLC
40 West Pike Street
Covington, KY 41011
Counsel for the Judicial Conduct Commission

Ms. Jimmy Shaffer
Executive Secretary
Kentucky Judicial Conduct Commission
P.O. Box 4266
Frankfort, KY 40604


THOMAS E. CLAY, P.S.C.

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION
CASE NOS. 2017-254 AND 2017-255

IN RE THE MATTER OF:
CIRCUIT JUDGE BETH LEWIS MAZE

JUDGE MAZE'S SECOND AMENDED WITNESS LIST

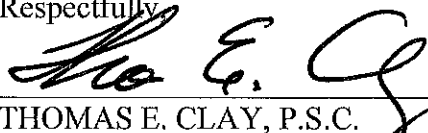
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4. Steve O'Daniel – Private Investigator.
5. Jimmy Shaffer.
6. Olivia Amlung.
7. Judge Julia Adams - Retired Circuit Judge-Clark & Madison.
8. Justin Sutherland – Owingsville Police Department
9. Todd Tout - Owingsville Chief of Police
10. Ronnie Goldy - CWA
11. Keith Craycraft - ACWA
12. Ashton McKenzie - ACWA
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17. Michael Campbell – Attorney
18. Rachel Walters – Judge Maze's secretary
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28. Terry Goodman - Optometrist
29. Krista Bussell
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32. Hon. Tom Smith - Retired Commonwealth Attorney-Clark & Madison

33. Carmen Rogers - Drug Court Director
34. Jerry Hall - Former Montgomery County Bailiff
35. Madison Wells – Nurse at Clark Regional Hospital on 9/18/19
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38. Stuart Read – DPA Attorney
39. Kelly Botts – Chief Deputy Clerk of Menifee County
40. Judge Paul Isaacs – Retired Circuit Judge
41. Bridget Hofler – Defense Attorney
42. Eric Jones – Montgomery County Jailer
43. Jeff Walson – Retired Family Court Judgment
44. Betty Megan Williams – Asst. County Attorney for Menifee County
45. Shannon Lawson-Child Support Supervisor with Menifee Co. Attorney
46. Judge Rick Stiltner- Menifee Co Judge Ex. And former Commissioner of KSP
47. David Charles – Montgomery County Sheriff
48. Mark Collier – former detective with Montgomery County Sheriff's Dept.
49. Matt Sparks – Sheriff of Rowan County
50. Joe Cline – Chief Deputy Sheriff of Rowan County
51. David Myrus – Det. For Rowan and Bath Sheriff Departments
52. Burl Purdue – Sheriff of Clark County
53. Brett Kirkland – KSP Trooper
54. Paul Cox – DPA attorney
55. Sara Daily – DPA attorney
56. Charles Landon – DPA Director
57. Judge John Cox – Retired District Judge for 21st Judicial Circuit
58. David Beyer – Retired Supervising Special Agent FBI
59. Michael Davidson - Attorney
60. Ray Bugucki - Attorney
61. Tom Jones – Retired Circuit Judge
62. Saronda Gayheart, LabCorp – Lab Tech
63. Judge Julie Ward – Campbell Circuit Judge
64. Judge Patsy Summe – Kenton Circuit Judge
65. Aaron Roberts – Mt. Sterling Police Officer
66. Hon. Jay Fossett - Attorney
67. Hon. Frank Warnock - Attorney
68. Hon. Jeff Sanders
69. Jason Oney – Probation and Parole 21st Judicial Circuit
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71. Wayne Ross – Preacher, Drug Court Team Member, owns Rehab
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73. Jamie Copher – Deputy Sheriff Rowan County, formerly Bath Co. Deputy
74. Kevin Robinson - Attorney
75. Grover Carrington - Attorney
76. Megan Coldiron – ARC Regional Rehab Director
77. Cecil Lawson – Editor of Owingsville News Outlook
78. Ira Kilburn - Attorney

79. Breanna Listerman – DPA Attorney
80. Clay Mguffin – DPA Attorney
81. Erica Lykins – Rehab director
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83. Donna Gail Maze – Judge Maze’s ex-mother-in-law
84. Earl Rogers - Attorney
85. David Anderson – Defendant in Judge Maze’s court
86. Blake Ballard – Defendant in Judge Maze’s court
87. Patrick Myer – Defendant in Judge Maze’s court
88. Jacob Curtis – Defendant in Judge Maze’s court
89. Judge Sara Combs – Court of Appeals Judge
90. Howard Stone – Attorney
91. Sgt Gabbard – Sgt. at Montgomery County Regional Jail
92. Ian Roberts – Chief Deputy Jailer for Montgomery County
93. Tina Myers - Deputy Jailer for Montgomery County
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95. Joe Gomes – Current Director of Gateway Juvenile Diversion Center
96. Will T. Scott – Retired Supreme Court Justice
97. David Barber – Former Court of Appeals Judge and Supreme Court Justice
98. Justin Crocket – Chief Deputy Jailer for Clark County
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100. Leah Hawkins - Attorney
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102. Marilyn Sloan – CDW Director
103. Michael Curtis - Attorney
104. Greg Hall – County Attorney for Menifee County
105. Brent Cox - Attorney
106. Margaret Johnson – Drug counselor
107. Pierce Hamblin - Attorney
108. Robin Webb - Attorney
109. Roger Riggs - Attorney
110. Will Wilhoit - Attorney
111. Steve O’Conner - Attorney
112. Tommie Sue Esteppe – Judge Maze’s former secretary
113. Mike Ray – Preacher
114. Jason York – Bath County EMS

Respectfully,



THOMAS E. CLAY, P.S.C.
CLAY DANIEL WINNER, LLC
917 Lily Creek Road
Louisville, KY 40243
(502) 561-2005
tclay@tclaylaw.com

CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the foregoing Amended Witness List, was this 16th day of October, 2019, e-mailed via U.S. Postal Service, first class postage to the following:

Hon. Jeffrey C. Mando
Hon. Olivia F. Amlung
ADAMS STEPNER WOLTERMANN & DUSING, PLLC
40 West Pike Street
Covington, KY 41011
Counsel for the Judicial Conduct Commission

Ms. Jimmy Shaffer
Executive Secretary
Kentucky Judicial Conduct Commission
P.O. Box 4266
Frankfort, KY 40604



THOMAS E. CLAY, P.S.C.

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION
CASE NOS. 2017-254 AND 2017-255**

**IN RE THE MATTER OF :
CIRCUIT JUDGE BETH LEWIS MAZE**

AMENDED EXHIBITS

1. Answers to all charges;
2. SCR's Including revisions
Canon 2.11 comment 3
SCR
Canon 2E.(1) commentary;
3. Earl Willis' grand jury testimony;
4. *York v. Commonwealth*, 815 S.W.2d 415 (Ky.App.1991) and *Summers, Clerk v. City of Louisville*, 130 S.W.1101 (Ky.App.1910) and *Ex-parte Farley*, 570 S.W.2d 617 (y. 1978);
5. Michael Campbell's grand jury testimony;
6. Deposition of Kim Tabor;
7. Judge Maze self-report;
8. Interview with WLEX 18;
9. Order of Lane Transferring Syndicate Cases to Judge Maze;
10. Lane's "Memorandum of Order";
11. Shannon Hampton orders and docket sheet;
12. Krista Bussell indictment and orders;

13. Christina Brown order;
14. Deposition of Theresa Clayton;
15. Deposition of Betty Megan Barber;
16. Deposition of David Charles, Mt. Sterling Chief of Police;
17. Video of Owingsville dispatch from September 18, 2017;
18. David Tate video from November 9, 2017;
19. Richard Roland video clip from August 4, 2017;
20. Sancha Hayes video clips from August 4, 2016, September 1, 2016, October 6, 2016 May 4, 2017 and October 5, 2017;
21. Criminal History and case memo in 17-T-0054 on Sancha Hayes;
22. Writing samples of Justin Sutherland;
23. Video of Rule Day September 14, 2018;
24. Video of motion docket June 14, 2018;
25. AOC Order form 103-1 REV. 9-97;
26. Resume of Beth Lewis Maze;
27. Nicky Miller v. Montgomery County ET AL;
28. Copy of proposed rule RCr 13:15

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

**BETH LEWIS MAZE, CIRCUIT COURT JUDGE
21ST JUDICIAL CIRCUIT**

NOTICE OF FILING

Counsel for the Judicial Conduct Commission hereby give notice of the filing of the transcript of the deposition testimony of David Charles in the above-referenced matter.

Respectfully submitted,

/s/ Jeffrey C. Mando

Jeffrey C. Mando, Esq. (#43548)
Olivia F. Amlung, Esq. (#97449)
ADAMS, STEPNER,
WOLTERMANN & DUSING, PLLC
40 West Pike Street
Covington, KY 41011
859.394.6200
859.3.92.7263 – Fax
jmando@aswdlaw.com
oamlung@aswdlaw.com

Counsel for Judicial Conduct Commission

CERTIFICATE OF SERVICE

This is to certify that true and correct copy of the foregoing has been served upon via electronic mail on this the **23rd** day of October 2019, upon the following:

Thomas E. Clay, Esq.
Clay Daniel Winner, LLC
917 Lily Creek Road
Louisville, KY 40243
tclay@tclaylaw.com

Ms. Jimmy Shaffer
Executive Secretary
KY Judicial Conduct Commission
P.O. Box 4266
Frankfort, KY 40604
JimmyShaffer@kycourts.net

/s/ Jeffrey C. Mando

Jeffrey C. Mando, Esq.

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION

IN RE THE MATTER OF

HON. BETH LEWIS MAZE, CIRCUIT COURT JUDGE
21ST JUDICIAL CIRCUIT

FINDINGS OF FACT, CONCLUSIONS OF LAW AND FINAL ORDER

I

STATEMENT OF CHARGES

The Judicial Conduct Commission of the Commonwealth of Kentucky 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 Beth Lewis Maze, Circuit Court Judge, 21st Judicial Circuit on May 21, 2018. On September 10, 2018, the Commission filed two additional charges of misconduct against Judge Maze. On October 18, 2018, the Commission filed one additional charge against Maze, which was revised on October 19, 2018. On January 31, 2019, the Commission filed one additional charge against Judge Maze. (Notice of Formal Proceedings and Charges dated May 21, 2018, Amended Notice of Formal Proceedings and Charges dated September 10, 2018, Second Amended Notice of Formal Proceedings and Charges dated October 18, 2018, Revised Second Amended Notice of Formal Proceedings and Charges dated October 19, 2018, and Third Amended Notice of Formal Proceedings and Charges dated January 31, 2019 are attached hereto and incorporated herein by reference.)

II **PROCEEDINGS**

1. The Respondent, Judge Beth Lewis Maze, is the Circuit Court Judge in Division 2 for the 21st Judicial Circuit consisting of Bath, Menifee Montgomery and Rowan Counties, Kentucky.

2. The Commission authorized an investigation into the allegations in Count I and Count II after receipt of a self-report of possible judicial misconduct from 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 provided additional information bearing on the Commission's investigation.

4. A Notice of Formal Proceedings and Charges consisting of Counts I and II was filed against the Respondent on May 21, 2018, under Supreme Court Rule 4.180. Counsel for the Respondent filed an Answer to the charges on August 20, 2018.

5. As a result of further investigation, the Commission filed an Amended Notice of Formal Proceedings and Charges on September 10, 2018, adding Counts III and IV to the charges of misconduct against the Respondent. Counsel for the Respondent filed an Answer to the charges on September 24, 2018.

6. On September 24, 2018, an Agreed Order of Temporary Suspension was entered by the Commission suspending Respondent from acting in her official capacity as a judge and from the performance of her duties without affecting her pay.

7. As a result of further investigation, the Commission filed a Second Amended Notice of Formal Proceedings and Charges against the Respondent on October 18, 2018, adding Count V to the charges.

8. The Commission filed a Revised Second Amended Notice of Formal Proceedings and Charges against the Respondent on October 19, 2018.

9. Counsel for the Respondent filed an Answer to the Second Amended Notice and Revised Second Amended Notice of Formal Proceedings and Charges on November 2, 2018.

10. On November 19, 2018, the Commission denied the Respondent's Motion to Stay Proceedings Pending Resolution of the Criminal Prosecution, the Respondent's Motion to Continue Hearing, and the Respondent's Motion for Opportunity to Appear Informally.

11. On November 29, 2018, the Commission denied the Respondent's Motion to Continue Based upon Newly Provided Discovery, the Respondent's Motion to Rule Text Messages of Champ Maze Inadmissible, and the Respondent's Sealed Motion to Seal Deposition of Kim Barker Tabor.

12. The Commission filed a Third Amended Notice of Formal Proceedings and Charges against the Respondent on January 31, 2019, adding Count VI to the charges. Counsel for the Respondent filed an Answer to the Third Amended Notice of Formal Proceedings and Charges on February 8, 2019.

13. On July 10, 2019, the Commission granted the Respondent's Motion to Continue the Proceedings scheduled for August 19, 2019 and rescheduled the hearing to commence on September 9, 2019, at 9:00 a.m. in the Fayette Circuit Court, Lexington, Kentucky. In that same order the Commission extended its time for making its final disposition of this matter to November 30, 2019.

14. On September 24, 2019, the Commission by amended notice reset the hearing in this matter to commence on October 28, 2019, at 9:00 a.m. in the Fayette Circuit Court, Lexington, Kentucky.

15. By Order entered on October 7, 2019, the Commission granted a Motion by non-parties, Ronnie Goldy, Keith Craycraft and Ashton McKenzie to Quash Subpoenas and Subpoenas Duces Tecum; denied a Motion by Respondent to Disqualify the Firm of Adams, Stepner, Woltermann and Dusing as Counsel for the Commission; granted a Motion by Counsel for the Commission to Quash the Subpoena to Olivia F. Amlung; denied a Motion by Respondent to Compel the Testimony of Judge Eddy Coleman; and granted a Motion by non-parties William Lane and Deanna Roberts to Quash Subpoenas Duces Tecum.

16. The hearing on these charges commenced on October 28, 2019, at 9:00 a.m. in Courtroom I of the Fayette Circuit Court with the Commission represented by the Hon. Jeffrey C. Mando and the Hon. Olivia Amlung and the Respondent present and represented by the Hon. Thomas E. Clay and the Hon. Theodore H. Lavit. Counsel for the Commission requested that the rule be invoked as to the separation of witnesses and said motion was sustained.

17. The Respondent was called to the stand by Counsel for the Commission at which time Counsel for the Respondent stated she was invoking her Fifth Amendment Privilege and would not be testifying or responding to any questions. Due to the futility of having the Respondent take the stand, Counsel for the Commission acquiesced and did not require the Respondent to testify. It should be noted that SCR 4.220 states in part, "the failure of the Judge to testify in his/her own behalf...maybe considered, unless it appears that such failure was occasioned by circumstances beyond his/her control."

18. The five (5) voting members of the Commission in this case are as follows: Bar Member Hon. Stephen D. Wolnitzek, Court of Appeals Member Judge Jeff S. Taylor, Alternate District Judge Member Karen Thomas, Citizen Members Mr. Michael A. Noftzger and Dr. Donald I. Tharpe. In attendance during the hearing was Alternate Member Judge Glenn E. Acree, who exercised no vote in this matter. Circuit Judge Member Eddy Coleman and Alternate Circuit Judge Member Mitch Perry both recused from this matter. District Judge Member David Bowles was ill and unable to participate. Alternate Bar Member R. Michael Sullivan did not participate.

19. Although a copy was not provided to the Commission by Respondent, Counsel for the Commission filed in the record an incomplete copy of a letter dated October 24, 2019, the Respondent sent to the Governor and copied to the Chief Justice. The letter did not state that Respondent was resigning from office but rather, stated she was retiring effective midnight October 27, 2019. The Respondent declined to testify under oath to confirm her retirement nor did she present any document from the Kentucky Judicial Form Retirement System indicating she had filed papers with them to retire. In lieu of sworn testimony from the Respondent, the Respondent presented the testimony of an expert witness, James Deckard, a Chief of Staff to a previous Governor of Kentucky. Mr. Deckard testified that the Respondent had officially vacated her office as Circuit Judge at midnight on October 27, 2019, thus creating a Judicial Vacancy for the 21st Circuit Judgeship under Section 118 of the Kentucky Constitution. Also entered into the record was an electronic copy of a letter sent from the Chief Justice on October 28, 2019, notifying the Kentucky Secretary of State of the Judicial Vacancy.

III

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Judicial Conduct Commission concludes that the following Findings of Fact and Conclusions of Law have been established by clear and convincing evidence.

COUNT I

On September 18, 2017, the Respondent learned her ex-husband had been arrested on several criminal charges including possession of a controlled substance. The Respondent immediately made several attempts to contact the Bath County Jailer Earl Willis to obtain information on his arrest. After making contact with Mr. Willis the Respondent contacted pre-trial services in an attempt to secure a pre-trial officer from outside of the Respondent's Judicial Circuit to conduct the Respondent's ex-husband's pre-trial interview. The Respondent then contacted District Judge William Roberts to discuss the matter, only to be advised that neither he nor Judge Donald Blair would preside and that the matter would be referred to the Chief Regional Judge for the appointment of a Special Judge.

Jailer Willis then made contact with the Respondent and informed her he was assisting the Respondent's ex-husband in obtaining a drug test from St. Joseph Hospital in Mt. Sterling, Kentucky. Jailer Willis informed the Respondent that the hospital would not administer the drug test without a court order. In response, the Respondent issued an Order to St. Joseph Hospital to perform the drug screen. When St. Joseph refused to perform the drug screen, the Respondent issued a second Order to Clark County Medical Center in a second attempt to allow her ex-husband to obtain the drug screen he desired. While under arrest and in the custody of Jailer Willis the Respondent had direct communication with her ex-husband by telephone. The Respondent failed to report this communication to the Commission in her self-report.

Respondent's disqualification was mandatory and there otherwise was no necessity established for her intervention in her ex-husband's criminal case. At no time was there a necessity that the Respondent act as a Judge in this matter.

By a vote of 5-0, the Commission finds with respect to Count I that the Respondent violated SCR 4.020(1)(B)(i) and that the actions of the Respondent constituted misconduct in office. Furthermore, the Respondent's actions violated SCR 4.300 and the relevant portions of the following Canons of the Code of Judicial Conduct, as they existed at the time of the violation:

Canon 1 in that the Respondent failed to maintain high standards of conduct and uphold the integrity and independence of the Judiciary;

Canon 2A in that the Respondent failed to respect and comply with the law and to act at all times in a manner that promotes public confidence in the integrity and impartiality of the Judiciary;

Canon 2D in that the Respondent lent the prestige of Judicial Office to advance the private interests of others;

Canon 3B(7) in that the Respondent initiated or considered *ex parte* communications with parties and;

Canon 3E(1) in that the Respondent failed to disqualify herself in a proceeding in which the Respondent's impartiality might reasonably be questioned.

COUNT II

On September 18, 2017, the Respondent completed the first of two generic-form court orders by hand-writing instructions to St. Joseph Hospital in Mt. Sterling Kentucky to perform drug testing for the benefit of her ex-husband. When St. Joseph Hospital refused to honor the Order, Respondent completed and executed a second form Order in the same fashion.

Respondent never presented either of these Orders to the Circuit Clerk for entry in the record of the criminal case against her ex-husband.

By a vote of 5-0, the Commission finds with respect to Count II that the Respondent violated SCR 4.020(1)(B)(i) in that the actions of the Respondent constituted misconduct in office. Further, the Respondent's actions violated SCR 4.300, the Code of Judicial Conduct and the relevant portions of the following Canons of the Code of Judicial Conduct as they existed at the time of the violation:

Canon 1 in that the Respondent failed to maintain and enforce high standards of conduct and did not personally observe those standards so that the integrity and impartiality of the Judiciary would be preserved;

Canon 2A in that the Respondent did not respect and comply with the law and did not act at all times in a manner that promotes public confidence in the integrity and impartiality of the Judiciary and;

Canon 3E(1) in that the Respondent failed to disqualify herself in a proceeding in which the Judge's impartiality might reasonably be questioned.

COUNT III

On September 18, 2017, the Respondent issued two separate Orders for a drug screen to St. Joseph Hospital and Clark County Medical Center, respectively. On the first Order the Respondent wrote "Commonwealth Att. & Bath Co. Attorney" on the "Attorney for the Plaintiff" signature line indicating that both attorneys had seen and agreed to the Order and its contents. The Respondent additionally placed Attorney Michael Campbell's name on the "Attorney for Defendant" signature line. On the second Order the Respondent wrote, "Bath County Attorney" on the "Attorney for the Plaintiff" signature line, indicating that the Bath

County Attorney had seen and agreed to the order and its contents. The prosecutors and Michael Campbell testified they never saw or agreed to either of the Orders.

The Respondent never informed the Commonwealth Attorney or County Attorney that she had placed their names on these Orders. The Respondent contacted Michael Campbell on September 19, 2017 to ask him to represent her ex-husband but did not tell him that she had placed his name on one of these Orders as counsel for her ex-husband.

By a vote of 5-0, the Commission finds with respect to Count III that the Respondent violated SCR 4.020(1)(B)(i) and that the actions of the Respondent constituted 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, as they existed at the time of the violation:

Canon 1 in that the Respondent failed to maintain and enforce high standards of conduct and did not personally observe those standards and did not uphold the integrity and impartiality of the Judiciary;

Canon 2A in that the Respondent failed to respect and comply with the law and act at all times in a manner that promotes public confidence in the integrity and impartiality of the Judiciary and;

Canon 3B(2) in that the Respondent failed to be faithful to the law and maintain professional competence in it.

COUNT IV

Throughout the preliminary investigation of this matter up to and including the hearing, the Respondent failed to disclose her actions as described in Count III to the Commission. At no time did the Respondent acknowledge placing the titles of the Commonwealth/County Attorney or the name of Michael Campbell on these form Orders. A review of the form Orders in question

shows that they are quite distinguishable from a different form Order Respondent said she meant to use. However, that form, unlike the form she did in fact use, does not contain a seal of the Commonwealth at the top and the two form Orders do not look similar.

Of even greater concern is that neither of the Orders was ever entered of record in the Circuit Clerk's Office nor distributed to the parties as required by the Rules of Criminal Procedure. This unrefuted fact renders Respondent's explanation that she was confused by an outdated form unpersuasive. Because the Respondent prevented the entry of the Orders, the clerk could not distribute them, and they never were distributed by anyone, to anyone, until Respondent sent them to the Commission. An argument that the Respondent mistook these signature lines for distribution lines defies logic because it is contradicted by her subsequent conscious decision to withhold them from the clerk, thereby preventing the distribution. Insisting on this dubious reasoning undermines the credibility of the Respondent's representation that she was confused by the form.

By a vote of 5-0, the Commission finds with respect to Count IV that the Respondent violated SCR 4.020 (1)(B)(i) and that the actions of the Respondent constituted misconduct in office and violated SCR 4.300, the Code of Judicial Conduct, in that the Respondent failed to observe high standards of conduct in violation Canon 2, Rule 2.16 requiring judges to cooperate with the Commission, which includes acting candidly and honestly.

COUNT V

The Commission by a vote of 5-0, concludes that the charge in Count V was not proven by clear and convincing evidence. Therefore, Count V is dismissed.

COUNT VI

On November 29, 2018, just four (4) days before the Respondent's hearing before the Commission was set to commence, the Respondent, who was suspended from her Judicial duties and who had no authority to communicate with Judge Eddy Coleman regarding the text message for any reason, made *ex parte* contact with Judge Coleman, a sitting member of the Judicial Conduct Commission, regarding the Commission's denial of a Motion filed by Counsel for Respondent in the proceedings pending against the Respondent. Specifically, the Respondent sent a text message to Judge Coleman stating "Eddy, Kim Tabor just sent this to me. It is from Deanna Roberts and she is so afraid." The text message included a screenshot from a previous text message purportedly sent from Deanna Roberts to Kim Tabor, a witness in the Commission's proceedings. This second message said, "WTF did you say?" This referred to a screenshot of a November 29, 2018, Commission Order denying a Motion to seal Kim Tabor's deposition testimony. The Respondent's *ex parte* contact with Judge Coleman prompted his recusal from sitting in these proceedings on the charges against the Respondent.

By a vote of 5-0, the Commission finds with respect to Count VI that the Respondent violated SCR 4.020 (1)(B)(i) and that the actions of the Respondent constituted misconduct in office and violated SCR 4.300, the Code of Judicial Conduct, in that the Respondent violated:

Canon 1, Rule 1.1 in that Respondent failed to comply with the law;

Canon 1, Rule 1.2 in that Respondent failed to act at all times in a manner that promotes public confidence, independence, integrity and impartiality of the Judiciary;

Canon 1, Rule 1.3 in that Respondent used or attempted to use her position to gain personal advantage or deferential treatment;

Canon 2, Rule 2.8 in that Respondent criticized the fact finders about their decision other than in a court order or opinion in a proceeding and;

Canon 2, Rule 2.9 in that Respondent initiated or engaged in *ex parte* communications and failed to make reasonable efforts, as much as was within her control, to refrain from engaging in *ex parte* communications with other court officials involved in a case.

ORDER

Judge Maze has been found guilty of violating the Code of Judicial Conduct and engaging in misconduct as a result of five (5) separate counts. Her actions in attempting to assist her ex-husband show a disregard for the Code of Judicial Conduct and the Canons and Rules which govern a judge's conduct in Kentucky. While this certainly is concerning, of greater concern to the Commission, is the fact that Judge Maze has failed to be candid or cooperate with the Commission during the course of its investigation.

Judge Maze was not forthcoming with pertinent information. She self-reported this matter to the Commission, but that self-report failed to contain important and relevant information such as her actual relationship with her ex-husband, including the fact that they lived at the same residence. Nor did she advise those who worked closely with her, such as her Staff Attorney, who was unaware that Judge Maze was divorced.

Judge Maze further claimed that "the rule of necessity" left her no choice but to act so that the needed evidence would not be lost. However, her self-report itself indicated that the evidence she was concerned with would remain for three days in a person's body; that is, it would not evanesce and be undetectable before her ex-husband would be able to obtain a test on his own. In fact, Judge Maze's ex-husband was able to bond out of jail approximately four hours after being booked into a detention facility and, the following day, he independently obtained the desired drug

tests. It is also significant that, notwithstanding Judge Maze's claim that no other judge was available to issue drug testing orders, Chief Regional District Judge Hall was available during that same timeframe to set the bond for Judge Maze's ex-husband.

Subsequent to that self-report Judge Maze failed to be candid with the Commission, failed in all respects to advise the Commission of all the pertinent facts surrounding her self-report and failed to cooperate as required by the Canons and Rules.

But the most troubling aspect of this situation is that Judge Maze does not understand or appreciate the harm that she has done to the Judiciary. Judge Maze has consistently indicated that no one was harmed. That is far from the truth. The Judiciary, as a whole, has been greatly harmed. Judge Maze issued inappropriate Orders to benefit her ex-husband. Many in Bath County understood the relationship between Judge Maze and her ex-husband to be much closer than that typical of divorced couples. In fact, a fair amount of testimony demonstrated that some of Judge Maze's co-workers believed she and her ex-husband were still married on September 18, 2017, when she engaged in this improper conduct.

All too often members of the public believe there are two systems of justice: one for those who have friends and one for those who do not. Judge Maze, by her actions, gives credence to the belief that for those who have connections a different justice system exists. Not one person testified that the actions of Judge Maze were normal or done as a matter of course. The jailer could not advise as to one other detainee who got to ride around in the front seat of the jailer's vehicle without being handcuffed, being able to keep his wallet and being able to speak directly to the Judge who was assisting him in getting drug tested. Suffice it to say that other people charged with possession of drugs in Bath County did not have the privilege of personal access to a Judge nor were they allowed to ride around in a cruiser in lieu of being lodged in an appropriate detention facility. That

is the harm and where the harm lies. The fact that Judge Maze does not recognize this is the most troubling aspect of this case.

Putting names of attorneys on court orders is problematic when the attorneys know nothing of their names being affixed to those Orders. Failing to file Court Orders in the record is problematic even if the persons to whom those Orders were directed ignored them. The Orders were nonetheless sent to members of the public who likely saw that the names of the Defendant and the Judge issuing the Orders were the same.

As we have frequently been informed, in small towns everybody knows everybody's business. Then it is likely that someone at these two separate hospitals knew who Champ Maze and Beth Maze were, knew that they had a close relationship and yet she was entering Orders on his behalf, feeding into the false narrative that there are two systems of justice. At no time has Judge Maze indicated by her words or her actions that she understands what she has done to the reputation of the Judiciary.

Her lack of candor in arguing that she mistook the Agreed Order form for a Distribution Form rings hollow. A mere glance at those Orders would tell you they are not close to being the same. The Orders she signed both have seals on them. The Order she says she mistook them for does not. The Commission was informed that Judge Maze reads everything and is always well prepared. If that is her reputation, then to say that she misread these forms for another one, rings hollow.

The fact that Respondent says she meant to use the form that merely said to whom the Order was to be distributed rings even more hollow when the Order is not placed in the record. If the public cannot rely on Judges being candid and forthcoming, then our system is greatly harmed. The public relies on the integrity, fairness, and candor of every Judge. When a Judge lacks those

qualities, the promise of equal justice under the law is a myth. The public expects, and is entitled to, Judges who model and exemplify these virtues whether on or off the bench. Satisfying this expectation by obeying Canons and Rules governing judicial conduct is a small price to pay for the honor of serving citizens who, when they appear before a Judge, are typically in the midst of the most trying events of their lives. And when a Judge falters, he or she must be mindful of the duty to correct the error by being forthcoming, forthright, and complete in his or her cooperation with the Commission. Such cooperation is yet another duty, but it is also evidence of contrition. On the other hand, the lack of that kind of cooperation reflects a further disrespect for the Canons and Rules. In this regard, Judge Maze woefully failed to measure up.

Finally, Judge Maze contacted a sitting member of this Commission four (4) days before a hearing was to commence in regard to her alleged misconduct. She knew about *ex parte* communications being improper as she indicated in her self-report that she could not contact Judge Blair as that would have been an improper *ex parte* communication. But she had no problem in contacting Judge Coleman, a sitting member of this Commission, in what appeared to be a criticism of the Commission's Order in failing to seal a deposition and then advising him that the witness in question was fearful. First of all, anyone who had looked at the Rules under which the Judicial Conduct Commission operates would have known that there was no way that the deposition of Kim Tabor could have been sealed. The Judicial Conduct Commission operates under Supreme Court Rules. It does not have inherent powers as do Courts of Law.

It should be noted again that at the time of this *ex parte* communication Judge Maze was suspended as a Judge and therefore had no duty to contact Judge Coleman. It is further noted that no evidence was presented at the hearing, other than the witness' unsubstantiated perception, that she was being threatened or was facing imminent harm or danger. The evidence was that one of

the people of whom the Circuit Clerk apparently was fearful exchanged Christmas gifts with her last year.

Rule 4.130(1) reads in part as follows, “upon the filing of an Answer to a notice of formal proceedings or the expiration of time for filing an Answer, the Notice and all subsequent pleadings filed with the Commission shall not be confidential.” As such there is no way that evidence in a hearing before the Judicial Conduct Commission could ever be made confidential as that would be contrary to the Rules of the Supreme Court under which this Commission operates. For a Judge to contact a sitting member of this Commission four (4) days before a hearing is scheduled to begin in an *ex parte* manner is a blatant violation of the rules. The member of this Commission recognized the gravity, as he immediately recused from this action. Judge Maze has never accepted that she was wrong in contacting Judge Coleman. She has consistently maintained that she was acting as a whistleblower reporting to her Chief Regional Judge that a potential crime was being committed or that someone was interfering with the proper administration of justice. Why she did not let her attorney handle this matter is unknown. Why she would not report, or more importantly, advise the individual to report this matter to the appropriate law enforcement authorities is unknown. What she expected her Chief Regional Judge to do to protect a scared witness is unknown. What is clear is that she caused a member of this Commission to have to recuse from hearing the charges against her. That is problematic.

The Commission has been informed that Judge Maze has retired and that the Office of Circuit Judge Division 2 in the 21st Judicial Circuit is vacant. In that case, the most that this Commission can do in regard to discipline is the issuance of a public reprimand. The Commission based upon Judge Maze counsel’s representation therefore publicly reprimands Judge Beth Lewis Maze, Circuit Judge 21st Judicial Circuit.

The Commission would be remiss if it did not emphasize to other members of the Judiciary that the violations in this case were more serious than reflected in the limited penalty of a public reprimand. If Judge Maze was still a sitting Judge, the Commission would remove her from office. The first Canon in the former Canons and the first Rule in the current Rules require Judges to maintain high standards of conduct, to uphold the integrity and independence of the Judiciary, and to avoid the appearance of impropriety. The conduct of Judge Maze inflicted grave harm to those members of the Judiciary who strive and succeed at adherence to these values. Her actions were improper, and any informed member of the public knows they were improper. Her subsequent decision to ignore her duty of candor to the Commission and replace that duty with successive excuses for violating the Canons and Rules compounded and complicated the proceedings. Judge Maze's actions on the evening of September 18, 2017, were a travesty of her duties under the Canons and Rules and a sadly accurate example of what a Judge should not do when faced with such circumstances. From that date forward, Judge Maze has failed to acknowledge or admit that what she did was wrong, and that strongly suggests to the Commission that she would repeat this conduct if she could do so without anyone being the wiser.

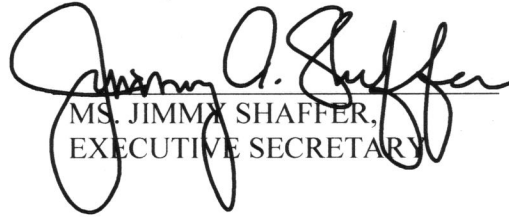
Rule 4.270 provides that the Commission's Order shall become effective within Ten (10) days after service, unless an appeal is filed within that time.

I hereby certify that the Findings of Fact, Conclusions of Law and Final Order represent an action of the Judicial Conduct Commission this 7th day of November 2019.


STEPHEN D. WOLNITZEK
CHAIR OF THE COMMISSION

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon Judge Beth Lewis Maze Circuit Court Judge, 21st Judicial Circuit, by mailing and emailing same to her attorneys, Thomas E. Clay, Clay Daniel Winner, LLC, 917 Lily Creek Road, Louisville, KY 40243, tclay@tclaylaw.com, and Ted Lavit, 224 N. Spalding Ave, Lebanon, KY 40033, and upon Jeffrey C. Mando and Olivia F. Amlung, Counsel for the Commission, 40 W. Pike Street Covington, KY 41011, jmando@aswdlaw.com, oamlung@aswdlaw.com, the 7th day of November 2019.


MS. JIMMY SHAFFER,
EXECUTIVE SECRETARY

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

**BETH LEWIS MAZE, CIRCUIT COURT JUDGE
21ST JUDICIAL CIRCUIT**

NOTICE OF FORMAL PROCEEDINGS AND CHARGES

Notice is hereby given of the initiation of formal proceedings under Rule 4.180 of Rules of the Supreme Court. At the times set out in this Notice, you were Circuit Court Judge for Kentucky's 21st Judicial Circuit consisting of Bath, Menifee, Montgomery, and Rowan counties. The charges are as follows:

Count I

On September 18, 2017, you received information that your ex-husband had been arrested on several criminal charges including possession of a controlled substance. You immediately made several attempts to contact the Bath County Jailer, Earl Willis, to obtain information on his arrest. After making contact with Mr. Willis, you contacted pretrial services in an attempt to secure a pretrial officer from outside of your judicial circuit to conduct your ex-husband's pretrial interview. You then contacted District Judge William Roberts to discuss the matter, only to be advised that neither he nor Judge Donald Blair would preside and that the matter would be referred to the Chief Regional Judge for the appointment of a special judge.

You then made contact with Jailer Willis again who informed you that he was assisting your ex-husband in obtaining a drug test from St. Joseph Hospital in Mount Sterling, Kentucky. Jailer Willis informed you that the hospital would not give your ex-husband a drug test without a court order. In response, you issued an Order to St. Joseph

Hospital to perform the drug screen. When St. Joseph refused to perform the drug screen, you issued a second Order to Clark County Medical Center in a second attempt to allow your ex-husband to obtain the drug screen he desired.

Your actions violate SCR 4.020(1)(b)(i) and constitute misconduct in office. Furthermore, your actions violate SCR 4.300 and the relevant portions of the following Canons of the Code of Judicial Conduct, as they existed at the time of the violation:¹

- **Canon 1** which requires judges to maintain high standards of conduct and uphold the integrity and independence of the judiciary.
- **Canon 2A** which requires judges to respect and comply with the law and act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.
- **Canon 2D** which prohibits judges from lending the prestige of judicial office to advance the private interests of others.
- **Canon 3B(7)** which prohibits judges from initiating or considering *ex parte* communications with parties.
- **Canon 3E(1)** which requires a judge to disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned.

Count II

On September 18, 2017, you issued two separate Orders for a drug screen to St. Joseph Hospital and Clark County Medical Center for the benefit of your ex-husband. Neither of these Orders were included in the official record or sent to the Bath County Attorney.

Your actions violate SCR 4.020(1)(b)(i) and constitute misconduct in office. Furthermore, your actions violate SCR 4.300 and the relevant portions of the following Canons of the Code of Judicial Conduct, as they existed at the time of the violation:²

¹ The Canons cited by the Commission herein were the versions in effect at the time of the violation. The provisions within the cited Canons are now contained in Rules 1.1, 1.2, 1.3, 2.9, and 2.11.

- **Canon 1** which requires judges to maintain high standards of conduct and uphold the integrity and independence of the judiciary.
- **Canon 2A** which requires judges to respect and comply with the law and act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.
- **Canon 3E(1)** which requires a judge to disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned.

The jurisdiction of the Judicial Conduct Commission in this matter is under SCR 4.020(1)(b)(i) and (v), and (1)(c) 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 hearing, to remove a judge whom it finds to lack the constitutional statutory qualifications for the judgeship in question.

For your information, the Commission wishes to call 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. He may file an answer within 15 days after service of the notice. Upon the filing of his 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.

² The Canons cited by the Commission herein were the versions in effect at the time of the violation. The provisions within the cited Canons are now contained in Rules 1.1, 1.2 and 2.11.

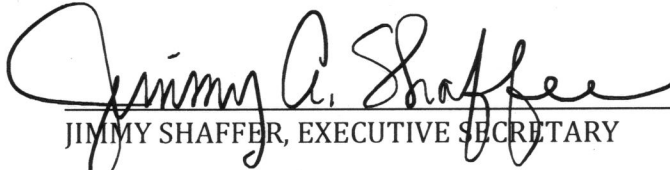
Please mail your answer to: Ms. Jimmy Shaffer, Executive Secretary, Kentucky
Judicial Conduct Commission, P.O. Box 4266, Frankfort, Kentucky 40604-4266.

May 21st, 2018.


STEPHEN D. WOLNITZEK, CHAIR

CERTIFICATE OF SERVICE

I hereby certify that copy hereof was served on Beth Lewis Maze, Circuit Court
Judge, by serving the same to her attorneys, Thomas E. Clay, Esq., 462 S. Fourth Street,
Louisville, KY 40202; and Jeffrey M. Walson, Esq., Rowady Hendricks Law P.S.C., 212 South
Maple Street, Winchester, KY 40391, this 21st day of May, 2018.


JIMMY SHAFFER, EXECUTIVE SECRETARY

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

**BETH LEWIS MAZE, CIRCUIT COURT JUDGE
21ST JUDICIAL CIRCUIT**

AMENDED NOTICE OF FORMAL PROCEEDINGS AND CHARGES

Notice is hereby given of the initiation of formal proceedings under Rule 4.180 of Rules of the Supreme Court. At the times set out in this Notice, you were Circuit Court Judge for Kentucky's 21st Judicial Circuit consisting of Bath, Menifee, Montgomery, and Rowan counties. The charges are as follows:

Counts I and II in the May 21, 2018 Notice of Formal Proceedings and Charges are incorporated by reference and reaffirmed as if fully set forth herein.

Count III

On September 18, 2017, you issued two separate Orders for a drug screen to St. Joseph Hospital and Clark County Medical Center, respectively. On the first Order, you wrote "Bath Co. Attorney" on the "Attorney for the Plaintiff" signature line, indicating that the Bath County Attorney had seen and agreed to the Order and its contents. On the second Order, you wrote "Commonwealth Att. & Bath Co. Attorney" on the "Attorney for the Plaintiff" signature line, indicating that both attorneys had seen and agreed to the Order and its contents. You additionally signed Michael Campbell's name on the "Attorney for Defendant" signature line.

Both the Commonwealth and County Attorneys have denied ever seeing or agreeing to the above-referenced Orders and there is no indication that you had authorization to sign either their names or that of Michael Campbell to the September 18, 2017 Orders.

Your actions violate SCR 4.020(1)(b)(i) and constitute misconduct in office. Furthermore, your actions violate SCR 4.300 and the relevant portions of the following Canons of the Code of Judicial Conduct, as they existed at the time of the violation:¹

- **Canon 1** which requires judges to maintain high standards of conduct and uphold the integrity and independence of the judiciary.
- **Canon 2A** which requires judges to respect and comply with the law and act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.
- **Canon 3B(2)** which requires judges to be faithful to the law and maintain professional competence in it.

Count IV

Throughout the preliminary investigation of this matter, up to and including your most recent correspondence with the Commission, you failed to disclose your actions as described in Count III to the Commission.

Your actions violate SCR 4.020(1)(b)(i) and constitute misconduct in office. Furthermore, your actions violate SCR 4.300 and the relevant portions of the following Canons of the Code of Judicial Conduct, as they existed at the time of the violations:²

- **Rule 2.16** which requires judges to cooperate with the Commission, which includes acting candidly and honestly.

The jurisdiction of the Judicial Conduct Commission in this matter is under SCR 4.020(1)(b)(i) and (v), and (1)(c) 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

¹ The Canons herein were the versions in effect at the time of the violation. The provisions within the cited Canons are now contained in Rules 1.1, 1.2, and 2.5.

² The Rules herein were the versions in effect at the time of the violation, having become effective on January 1, 2018.

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 hearing, to remove a judge whom it finds to lack the constitutional statutory qualifications for the judgeship in question.

For your information, the Commission wishes to call your attention to the following

Supreme Court Rule:

RULE 4.180 FORMAL PROCEEDINGS

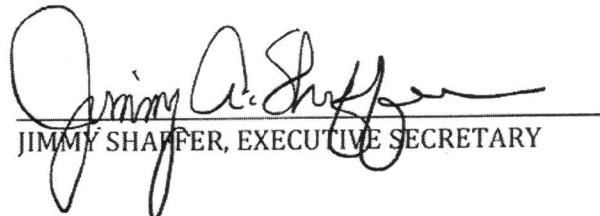
If the Commission concludes that formal proceedings should be initiated, it shall notify the judge. He may file an answer within 15 days after service of the notice. Upon the filing of his answer, or the expiration of time for so filing, the Commission shall set a time and place for the hearing and shall 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, Kentucky 40604-4266.

September 10th, 2018.


STEPHEN D. WOLNITZEK, CHAIR

I hereby certify that copy hereof was served on Beth Lewis Maze, Circuit Court Judge, by serving the same to her attorneys, Thomas E. Clay, Esq., 462 S. Fourth Street, Louisville, KY 40202; and Jeffrey M. Walson, Esq., Rowady Hendricks Law P.S.C., 212 South Maple Street, Winchester, KY 40391, this 10th day of September, 2018.


JIMMY SHAFFER, EXECUTIVE SECRETARY

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

**BETH LEWIS MAZE, CIRCUIT COURT JUDGE
21ST JUDICIAL CIRCUIT**

SECOND AMENDED NOTICE OF FORMAL PROCEEDINGS AND CHARGES

Notice is hereby given of the initiation of formal proceedings under Rule 4.180 of Rules of the Supreme Court. At the times in this Notice, you were Circuit Court Judge for Kentucky's 21st Judicial Circuit consisting of Bath, Menifee, Montgomery, and Rowan counties. The charges are as follows:

Counts I and II in the May 21, 2018 Notice of Formal Proceedings and Charges, and **Counts III and IV** in the September 10, 2018 Amended Notice of Formal Proceedings, are incorporated by reference and reaffirmed as if fully set forth herein.

Count V

In 2018, the Bath County Grand Jury returned indictments against 100 plus individuals for drug trafficking. The cases were commonly referred to as the "Syndicate Cases." This network of drug trafficking cases was separated into four separate groups, or "syndicates," to account for individual cases, co-defendants, and companion cases. On May 22, 2018, you, Judge William E. Lane, Commonwealth's Attorney Ronnie Goldy, and Head of DPA Charles Landon met to discuss a strategy for handling the Syndicate Cases. At the meeting, in the interests of fairness and efficiency, it was agreed that you would preside over two syndicates and Judge Lane would preside over the other two syndicates. Each judge also agreed to set a special docket on June 14, 2018 to address the Syndicate Cases.

However, on the morning of June 14, 2018, in contravention of the agreement, you directed that all the Syndicate Cases be transferred to your division.

On numerous occasions between May 22, 2018 and June 14, 2018, you made inquiries regarding the Confidential Informants (“CIs”) involved in these drug trafficking cases. Upon information and belief, you or your staff initiated *ex parte* communications with attorneys, staff, and law enforcement officers to inquire whether or not the CIs in the Syndicate Cases were the CIs involved in the criminal cases against your ex-husband, Champ Maze.

Your actions violate SCR 4.020(1)(b)(i) and constitute misconduct in office. Furthermore, your actions violate SCR 4.300 and the relevant portions of the following Canons of the Code of Judicial Conduct, as they existed at the time of the violation:¹

- **Rule 1.2** which requires judges to respect and comply with the law and act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.
- **Rule 1.3** which prohibits judges from using the prestige of the judicial office to advance the personal or economic interests of the judge or others.
- **Rule 2.4(B)** which prohibits a judge from allowing family, social, political, financial, or other interests or relationships to influence the judge's judicial conduct or judgment.
- **Rule 2.9** which prohibits judges from engaging in *ex parte* communications.

The jurisdiction of the Judicial Conduct Commission in this matter is under SCR 4.020(1)(b)(i) and (v), and (1)(c) 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

¹ These rules were the versions in effect at the time of the violation, having become effective on January 1, 2018.

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 hearing, to remove a judge whom it finds to lack the constitutional statutory qualifications for the judgeship in question.

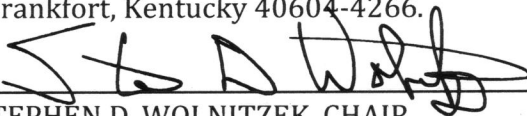
For your information, the Commission wishes to call your attention to the following Supreme Court Rule:

RULE 4.180 FORMAL PROCEEDINGS

If the Commission concludes that formal proceedings should be initiated, it shall notify the judge. He may file an answer within 15 days after service of the notice. Upon the filing of his 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, Kentucky 40604-4266.

October 18, 2018.


STEPHEN D. WOLNITZEK, CHAIR

I hereby certify that copy hereof was served on Beth Lewis Maze, Circuit Court Judge, by serving the same to her attorneys, Thomas E. Clay, Esq., Clay Daniel Winner, LLC, 917 Lily Creek Road Louisville, KY 40243, and Stephen Ryan, 7104 Hillcircle Court, Louisville, KY 40214, this 18th day of October, 2018.


JIMMY SHAFFER, EXECUTIVE SECRETARY

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

**BETH LEWIS MAZE, CIRCUIT COURT JUDGE
21ST JUDICIAL CIRCUIT**

REVISED SECOND AMENDED NOTICE OF FORMAL PROCEEDINGS AND CHARGES

Notice is hereby given of the initiation of formal proceedings under Rule 4.180 of Rules of the Supreme Court. At the times in this Notice, you were Circuit Court Judge for Kentucky's 21st Judicial Circuit consisting of Bath, Menifee, Montgomery, and Rowan counties. The charges are as follows:

Counts I and II in the May 21, 2018 Notice of Formal Proceedings and Charges, and **Counts III and IV** in the September 10, 2018 Amended Notice of Formal Proceedings, are incorporated by reference and reaffirmed as if fully set forth herein.

Count V

In 2018, the Montgomery¹ County Grand Jury returned indictments against 100 plus individuals for drug trafficking. The cases were commonly referred to as the "Syndicate Cases." This network of drug trafficking cases was separated into four separate groups, or "syndicates," to account for individual cases, co-defendants, and companion cases. On May 22, 2018, you, Judge William E. Lane, Commonwealth's Attorney Ronnie Goldy, and Head of DPA Charles Landon met to discuss a strategy for handling the Syndicate Cases. At the meeting, in the interests of fairness and efficiency, it was agreed that you would preside over two syndicates and Judge Lane would preside over the other two syndicates. Each judge also agreed to set a special docket on June 14, 2018 to address the Syndicate Cases.

¹ The earlier version of the Second Amended Notice Of Formal Proceedings And Charges mistakenly identifies this as the *Bath* County Grand Jury.

However, on the morning of June 14, 2018, in contravention of the agreement, you directed that all the Syndicate Cases be transferred to your division.

On numerous occasions between May 22, 2018 and June 14, 2018, you made inquiries regarding the Confidential Informants (“CIs”) involved in these drug trafficking cases. Upon information and belief, you or your staff initiated *ex parte* communications with attorneys, staff, and law enforcement officers to inquire whether or not the CIs in the Syndicate Cases were the CIs involved in the criminal cases against your ex-husband, Champ Maze.

Your actions violate SCR 4.020(1)(b)(i) and constitute misconduct in office. Furthermore, your actions violate SCR 4.300 and the relevant portions of the following Canons of the Code of Judicial Conduct, as they existed at the time of the violation:²

- **Rule 1.2** which requires judges to respect and comply with the law and act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.
- **Rule 1.3** which prohibits judges from using the prestige of the judicial office to advance the personal or economic interests of the judge or others.
- **Rule 2.4(B)** which prohibits a judge from allowing family, social, political, financial, or other interests or relationships to influence the judge's judicial conduct or judgment.
- **Rule 2.9** which prohibits judges from engaging in *ex parte* communications.

The jurisdiction of the Judicial Conduct Commission in this matter is under SCR 4.020(1)(b)(i) and (v), and (1)(c) 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

² These rules were the versions in effect at the time of the violation, having become effective on January 1, 2018.

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 hearing, to remove a judge whom it finds to lack the constitutional statutory qualifications for the judgeship in question.

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

RULE 4.180 FORMAL PROCEEDINGS

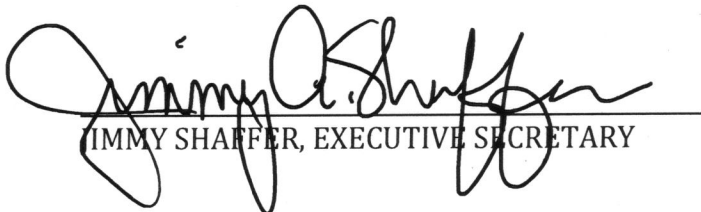
If the Commission concludes that formal proceedings should be initiated, it shall notify the judge. He may file an answer within 15 days after service of the notice. Upon the filing of his answer, or the expiration of time for so filing, the Commission shall set a time and place for the hearing and shall 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, Kentucky 40604-4266.

October 19th, 2018.


STEPHEN D. WOLNITZEK, CHAIR

I hereby certify that copy hereof was served on Beth Lewis Maze, Circuit Court Judge, by serving the same to her attorneys, Thomas E. Clay, Esq., Clay Daniel Winner, LLC, 917 Lily Creek Road Louisville, KY 40243 and Stephen Ryan, Esq., 7104 Hillcircle Court, Louisville, KY 40214, this 19th day of October, 2018.


JIMMY SHAFFER, EXECUTIVE SECRETARY

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

**BETH LEWIS MAZE, CIRCUIT COURT JUDGE
21ST JUDICIAL CIRCUIT**

THIRD AMENDED NOTICE OF FORMAL PROCEEDINGS AND CHARGES

Notice is hereby given of the filing of an additional charge pursuant to Rule 4.190 of the Rules of the Supreme Court.

At the times set out in this Notice, you were Circuit Court Judge for Kentucky's 21st Judicial Circuit consisting of Bath, Menifee, Montgomery, and Rowan counties. The charges are as follows:

Counts I and II in the May 21, 2018 Notice of Formal Proceedings and Charges, **Counts III and IV** in the September 10, 2018 Amended Notice of Formal Proceedings, and **Count V** in the October 19, 2018 Revised Second Amended Notice of Formal Proceedings are incorporated by reference and reaffirmed as if fully set forth herein.

Count VI

On November 29, 2018, just four (4) days before your final hearing before the Commission, you made *ex-parte* contact with Judge Eddy Coleman – a sitting member of the Judicial Conduct Commission – regarding the Commission’s denial of a Motion you filed in the proceedings pending against you. Specifically, you sent a text message to Judge Coleman stating “Eddy, [K.T.] just sent this to me. This from [D.R.] and she is so afraid.” The text message included a screenshot of a second text message purportedly sent from D.R. to a witness in the Commission’s proceedings, K.T. This second message said “WTF did you say?” in reference to a Motion to Seal K.T.’s deposition testimony filed by your counsel.

Your *ex-parte* contact with Judge Coleman prompted his recusal from the proceedings on the Charges against you.

Your actions violate SCR 4.020(1)(b)(i) and constitute misconduct in office. Furthermore, your actions violate SCR 4.300 and the relevant portions of the following Canons of the Code of Judicial Conduct:

- **Rule 1.1** which requires judges to comply with the law.
- **Rule 1.2** which requires judges to act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary.
- **Rule 1.3** which prohibits a judge from using or attempt to use his or her position to gain personal advantage or deferential treatment of any kind.
- **Rule 2.8** which prohibits a judge from criticizing fact-finders for their decisions other than in a court order or opinion in a proceeding.
- **Rule 2.9** which prohibits a judge from initiating *ex parte* communications, and requires that judges make reasonable efforts to ensure that, as much as is within his or her control, other court officials refrain from engaging in *ex parte* communications.

The jurisdiction of the Judicial Conduct Commission in this matter is under SCR 4.020(1)(b)(i) and (v), and (1)(c) 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 hearing, to remove a judge whom it finds to lack the constitutional statutory qualifications for the judgeship in question.

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

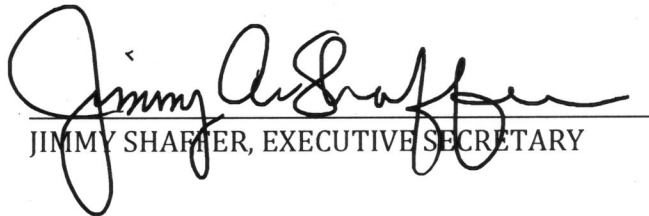
Per SCR 4.180, your Answer is due within fifteen (15) days after service of this Notice.

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

January 3rd, 2019.


STEPHEN D. WOLNITZEK, CHAIR

I hereby certify that copy hereof was served on Beth Lewis Maze, Circuit Court Judge, by serving the same to her attorneys, Thomas E. Clay, Esq., 917 Lily Creek Road, Louisville, KY 40243; William E. Johnson, Esq., 326 West Main Street, Frankfort, KY 40601; and Stephen Ryan, 7104 Hillcircle Court, Louisville, KY 40214, this 3rd day of January, 2019.


JIMMY SHAFFER, EXECUTIVE SECRETARY

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION

IN RE THE MATTER OF:

BETH LEWIS MAZE, CIRCUIT COURT JUDGE
21ST JUDICIAL DISTRICT

**MOTION TO ALTER, AMEND, OR VACATE FINDINGS
OF FACT, CONCLUSIONS OF LAW AND FINAL
ORDER PURSUANT TO CR 59.05, AND
MOTION FOR ADDITIONAL FINDINGS
OF FACT PURSUANT TO CR 52.02**

* * * * *

Comes the Respondent Hon. Beth Lewis Maze and moves the Commission for additional findings of fact pursuant to CR 52.02 specifically with regard to the following issues:

COUNT I

1. Whether an Owingsville police officer requested a chemical test on Champ Maze on September 18, 2017, in accordance with the testimony of Bath County Jailer Earl Willis.
2. What specific communication Judge Maze had with her ex-husband Champ Maze on September 18, 2017.
3. The factual basis for the Commission's conclusion without reference to any facts or evidence of record that "[T]here was no necessity established for her intervention in her ex-husband's case. At no time was there a necessity that the Respondent act as Judge in this matter." Findings, p.7.

COUNT II

Respondent Judge Maze requests the Commission make specific findings of the following facts:

1. Judge Maze did not alter in any manner the two orders she signed on September 18, 2017, between that date and the date on which she mailed the orders to the JCC along with her self-report.

2. That the orders Judge Maze sent to the JCC with her self-report were the original orders she prepared on September 18, 2017.

COUNT III

Respondent Judge Maze requests the Commission make specific findings of the following facts:

1. Judge Maze did not sign the name of Commonwealth's Attorney Ronnie Goldie on either order.

2. Judge Maze did not sign the name of Bath County Attorney Kim Hunt Price on either order.

3. That the printed "Michael Campbelle" does not resemble Michael Campbell's signature, as he so testified, and that the name of Michael Campbell is misspelled on the order.

COUNT IV

Respondent Judge Maze requests the Commission make specific findings of the following facts:

1. Please state the Rule or Rules of Criminal Procedure that require distribution of the orders to the parties.

COUNT VI

The Respondent requests the Commission make specific findings on sustaining every single objection to the questions certified to the Commission from Judge Eddy Coleman's

deposition. The Respondent requests that findings be stated as to the basis for the Commission's sustaining each and every objection.

With regard to the Order, Judge Maze requests the following:

1. Citation to testimony from the hearing that establishes Judge Maze and her ex-husband "lived at the same residence." Order, p. 12

2. State specifically how Judge Maze "failed to cooperate as required by the Canons and Rules," including whether the Commission considers her refusal to testify as evidence of her failure to cooperate. Order, p.13.

3. State what evidence supports Judge Maze's responsibility reflected in the statement, "The jailer could not advise as to one other detainee who got to ride around in the front seat of the jailer's vehicle without being handcuffed, being able to keep his wallet and being able to speak directly to the Judge who was assisting him in getting drug tested." Order, p. 13.

4. State evidence of record to support the statement, "But she had no problem in contacting Judge Coleman. . . .in what appeared to be a criticism of the Commission's Order in failing to seal a deposition. . . ." Order, p. 15.


5. Clarify what appears to be an inconsistency between the statement, "Judge Maze. . .had no duty to contact Judge Coleman," and the duty imposed by 18 U.S.C. § 4. Order, p. 15.

6. State the reasons Judge Maze did not qualify as a Whistleblower under KRS 61.101, et seq.

7. Judge Maze further requests a finding from the Commission that her actions with regard to each count on which the Commission found her conduct constituted misconduct that she did not act in good faith with specific findings of fact supporting any conclusion that she did not act in good faith.

If the Commission finds additional facts in accordance with Judge Maze's request for additional findings, Judge Maze requests the Commission alter and amend its Findings of Fact, Conclusions of Law and Final Order pursuant to CR 59.05 to dismiss Counts I, II, III, IV, and VI.

Respectfully,


THOMAS E. CLAY, P.S.C.
CLAY DANIEL WINNER, LLC
917 Lily Creek Road
Louisville, KY 40243
(502) 561-2005
tclay@tlcaylaw.com

CERTIFICATE OF SERVICE

13th It is hereby certified that a true and correct copy of the foregoing Motion, was this day of November 2019, mailed and emailed via to the following:

Hon. Jeffrey C. Mando
Hon. Olivia F. Amlung
ADAMS STEPNER WOLTERMANN & DUSING, PLLC
40 West Pike Street
Covington, KY 41011
Counsel for the Judicial Conduct Commission

Ms. Jimmy Schaffer
Executive Secretary
Kentucky Judicial Conduct Commission
P.O. Box 4266
Frankfort, KY 40604


THOMAS E. CLAY, P.S.C.

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

**BETH LEWIS MAZE, CIRCUIT COURT JUDGE
21ST JUDICIAL CIRCUIT**

**COUNSEL FOR THE JCC'S RESPONSE IN OPPOSITION TO
JUDGE MAZE'S CR 59.05 MOTION TO ALTER, AMEND OR VACATE**

The Kentucky Judicial Conduct Commission ("JCC"), by and through counsel, for its Response in Opposition to Judge Maze's CR 59.05 Motion to Alter, Amend or Vacate, states the following:

I. INTRODUCTION

Judge Beth Lewis Maze is a former Circuit Court Judge for Kentucky's 21st Judicial Circuit consisting of Bath, Menifee, Montgomery, and Rowan counties. In 2018, the JCC initiated formal proceedings against Judge Maze, ultimately bringing a total of six (6) charges alleging violations of the Kentucky Code of Judicial Conduct. To adjudicate these charges, the JCC held a Hearing on October 28 – 30, 2019.

Prior to the Hearing, Judge Maze submitted a resignation letter to the Governor's office indicating her intent to retire effective October 27, 2019. Regardless of her resignation, the Hearing proceeded with the JCC hearing testimony from over 20 witnesses and receiving evidence presented by counsel for both the JCC and Judge Maze.

Pursuant to SCR 4.260, the JCC entered its Findings of Fact, Conclusions of Law, and Final Order on November 7, 2019. In its Order, the JCC found that the allegations in Counts I, II, III, IV, and VI had been established by clear and convincing evidence and publicly reprimanded Judge Maze.

On November 13, 2019, Judge Maze filed a “Motion to Alter, Amend, or Vacate Findings of Fact, Conclusions of Law and Final Order Pursuant to CR 59.05, and Motion for Additional Findings of Fact pursuant to CR 52.02.” Judge Maze’s Motion should be denied for the following reasons.

II. JUDGE MAZE HAS FAILED TO ESTABLISH GROUNDS TO ALTER, AMEND OR VACATE THE JCC’S NOVEMBER 7, 2019 ORDER

CR 59.05 relief is an *extraordinary* remedy which should be used sparingly. *Gullion v. Gullion*, 163 S.W.2d 888 (Ky. 2005). To ensure that it is, Kentucky law limits the grounds on which a judgment can be altered, amended, or vacated. Pursuant to CR 59.05, a motion can only be granted to: (a) correct manifest errors of law or fact upon which the judgment is based; (b) account for newly discovered or previously unavailable evidence that would affect the judgment; (c) prevent manifest injustice; or (d) account for an intervening change in controlling law. *Id.*

In her Motion, Judge Maze does not argue that she has established any of these recognized grounds for relief. In fact, she does not even cite to CR 59.05 aside from her Motion’s caption and in her final request for relief. Instead, she demands the Commission make specific findings of fact which she believes are merited, contending that if such additional findings of fact are incorporated into the JCC’s final judgment, the JCC must dismiss the charges against her. This flawed rationale is insufficient to merit relief under CR 59.05.

Judge Maze’s Motion does not cite any new or previously unavailable evidence, any intervening change in controlling law, or any justification for a belief that the JCC’s November 7, 2019 Order must be altered or amended to prevent manifest injustice. To the contrary, Judge Maze relies on the *same* law, the *same* evidence, and the *same* arguments as

she did at the Hearing. Without providing any justification for her request, she merely asks the JCC to reassess the evidence presented at the Hearing and make new factual findings. There is no basis for the JCC to do so.

III. JUDGE MAZE HAS FAILED TO ESTABLISH GROUNDS FOR ADDITIONAL FINDINGS BY THE COMMISSION

SCR 4.260(1) requires the JCC to “make written findings of fact and conclusions of law which shall be filed with the record in the case.” In accordance with this Rule, the JCC rendered a 17-page Order supporting its conclusion that five out of the six charges against Judge Maze had been established by clear and convincing evidence. The Order identifies each charge and outlines the factual findings which support it.

Judge Maze does not request that the JCC change or amend any of its findings of fact. She alternatively requests: (1) that specific, additional findings of fact be incorporated into the JCC’s final order, and (2) that the JCC point to the evidentiary record it relied upon in making certain findings. Neither the Supreme Court Rules nor the Civil Rules of Procedure call for the relief Judge Maze has requested.

The JCC is required to issue findings as prescribed by SCR 4.260 and SCR 4.160 which, when read together, direct the JCC to issue findings of fact and conclusions of law demonstrating whether the charges have been demonstrated by clear and convincing evidence. Those determinations are subject to review by the Supreme Court of Kentucky if an appeal is filed within ten days of the final order’s entry. SCR 4.290. In short, there is no authority establishing that CR 52 and a party’s ability to request additional findings is applicable to the JCC’s proceedings.

Nonetheless, assuming *arguendo* that CR 52 applies, Judge Maze is still not entitled to the relief requested. CR 52.01 requires that “[i]n all actions tried upon the facts without

a jury or with an advisory jury, the court shall find the facts specifically and state separately its conclusions of law thereon and render an appropriate judgment.” When a party believes the court failed to find a fact "on an issue *essential to the judgment*[" he or she can seek relief pursuant to CR 52.02. *Am. Founders Bank, Inc. v. Moden Invs., LLC*, 432 S.W.3d 715, 723 (Ky. Ct. App. 2014) citing CR 52.04; CR 52.02 (emphasis added).

CR 52.02 directs that a court “*may* amend its findings or make additional findings and may amend the judgment accordingly” upon motion from a party made within ten days from the entry of a final order. But a court’s decision to amend its findings is purely discretionary. The Court of Appeals has explained:

CR 52.02 does not require a trial court to make additional findings in response to a motion. The rule simply states that the court "may amend its findings or make additional findings" in response to a motion. By its own terms, the rule permits the trial court to determine the sufficiency of its factual findings.

McKinney v. McKinney, 257 S.W.3d 130, 134 (Ky. Ct. App. 2008) quoting *Jarrett v. Jarrett*, 2006-CA-001557-MR, 2007 Ky. App. LEXIS 447 (August 31, 2007). Relief pursuant to CR 52.02 is reserved for “essential issues of fact” which the trial court agrees may be insufficiently set forth. *See Id.*; *see also Am. Founders Bank, supra*.

The JCC has made sufficient and specific findings to support its conclusions, and those findings are detailed in its November 7, 2019 Order. Indeed, Judge Maze does not allege otherwise. Instead, she merely asks for additional findings of fact which are totally divorced from the charges.

For example, Judge Maze requests specific findings to indicate that the names she affixed to the September 17 Orders did not resemble the signatures of those individuals. But whether or not she attempted to duplicate the individuals’ signatures is completely irrelevant to determining whether she violated Canons 1, 2A, and 3B(2) of the Kentucky

Code of Judicial Conduct. As such, regardless of whether or not the JCC agrees with Judge Maze's factual assertions, the requested findings are not essential to the issues and amendment of the November 7, 2019 Order is unjustified.

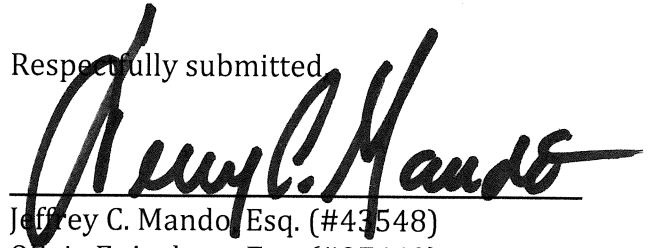
Judge Maze also requests that the JCC supplement its findings with specific citations to the record. However, Judge Maze has failed to cite any authority – whether it be CR 52.02 or otherwise – requiring the JCC to make specific record citations with its findings of fact.

In short, Judge Maze's Motion does not attack the sufficiency of the JCC's Order, but instead improperly asks for a substitution of the evidence presented and for the JCC to make specific citations to the record to justify its determinations. Judge Maze presumes that, if the JCC agrees to make certain findings, the JCC's conclusion that she violated the Kentucky Code of Judicial Conduct will change *ipso facto*. This presumption is unfounded. Judge Maze has failed to demonstrate entitlement to relief under CR 52.02.

IV. CONCLUSION

For these reasons, Counsel for the JCC respectfully requests that the JCC deny Judge Maze's Motion to Alter, Amend, or Vacate Findings of Fact, Conclusions of Law and Final Order Pursuant to CR 59.05, and Motion for Additional Findings of Fact pursuant to CR 52.02.

Respectfully submitted



Jeffrey C. Mando, Esq. (#43548)

Olivia F. Amlung, Esq. (#97449)

ADAMS, STEPNER,

WOLTERMANN & DUSING, PLLC

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Covington, KY 41011

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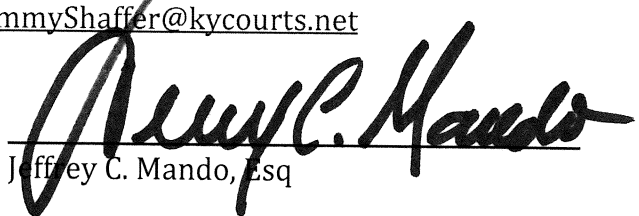
*Counsel for the Kentucky Judicial Conduct
Commission*

CERTIFICATE OF SERVICE

This is to certify that true and correct copy of the foregoing has been served via electronic mail on this the 18 day of November, 2019, upon the following:

Thomas E. Clay, Esq.
Clay Daniel Winner, LLC
917 Lily Creek Road
Louisville, KY 40243
tclay@tclaylaw.com

Ms. Jimmy Shaffer
Executive Secretary
KY Judicial Conduct Commission
P.O. Box 4266
Frankfort, KY 40604
jimmyshaffer@kycourts.net



Jeffrey C. Mando, Esq

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION

IN RE THE MATTER OF:

BETH LEWIS MAZE, CIRCUIT COURT JUDGE
21ST JUDICIAL CIRCUIT

ORDER

Upon consideration of Judge Maze's Motion to Alter, Amend or Vacate Findings of Fact, Conclusions of Law and Final Order Pursuant to CR 59.05 and Motion for Additional Findings of Fact Pursuant to CR 52.02 and the Response in Opposition, it is by the Commission ORDERED that the motion be, and it is hereby, DENIED.


November 15th, 2019


STEPHEN D. WOLNITZEK, CHAIR

Judge Eddy Coleman and Judge Mitch Perry have recused from any consideration of this matter.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon Judge Beth Lewis Maze Circuit Court Judge, 21st Judicial Circuit, by mailing and emailing same to her attorneys, Thomas E. Clay, Clay Daniel Winner, LLC, 917 Lily Creek Road, Louisville, KY 40243, tclay@tclaylaw.com, and Ted Lavit, 224 N. Spalding Ave, Lebanon, KY 40033, and upon Jeffrey C. Mando and Olivia F. Amlung, Counsel for the Commission, 40 W. Pike Street Covington, KY 41011, jmando@aswdlaw.com, oamlung@aswdlaw.com, the 15th day of November 2019.


JIMMY SHAFFER, EXECUTIVE SECRETARY