

**FILED**

APR 25 2024

CLERK  
SUPREME COURT

**SUPREME COURT OF KENTUCKY**

2023-SC-0495-OA

IN RE: DWIGHT HOPKINS, LINCOLN COUNTY CIRCUIT COURT CLERK

**FINDINGS OF FACT, CONCLUSIONS OF LAW  
AND RECOMMENDATIONS  
OF SPECIAL COMMISSIONER**

Pursuant to Supreme Court of Kentucky Order for Show Cause Hearing, the Special Commissioner herein conducted a two-day evidentiary hearing February 27 - 28, 2024 in the Lincoln County Judicial Center to develop a full factual record to determine whether good cause exists to support Dwight Hopkins’s removal from office of Lincoln County Circuit Court Clerk by the Supreme Court of Kentucky, pursuant to its powers under Section 114(3) of the Kentucky Constitution, based on Hopkins’ alleged violations of the Circuit Court Clerk Code of Conduct arising from Hopkins’ workplace behavior as described in the AOC Director’s written findings and conclusions, and Workplace Investigation Report.

The Special Advocate provided notice of the following grounds for removal under Kentucky Court of Justice Personnel Policies<sup>1</sup> and the Code of Conduct for Circuit Court Clerks<sup>2</sup>: Count I - Hostile Work Environment (Violation of Personnel Policies, Section 3.03, and Code of Conduct Section 8(2)(b)); Count II – Failure to Perform Duties with Courtesy and Respect (Violation of Code of Conduct, Sections 4(2)(a) and 8(2)(g)). Hon. Aaron J. Silletto and Hon. Zachary M. Zimmerer represented the Office of the Attorney General serving as Special

<sup>1</sup> The KCOJ Personnel Policies are set forth in the Administrative Procedures of the Court of Justice, Part III (abbreviated herein “Personnel Policies”).

<sup>2</sup> The Code of Conduct for Circuit Court Clerks is set forth in the Supreme Court’s Administrative Order 2014-12 (Ky. June 13, 2014) (abbreviated herein “Code of Conduct”).

Advocate. Mr. Hopkins was present and represented by Hon. Parker M. Wornall, Hon. Dayton N. Blair and Hon. Jason M. Nemes (not present at hearing).

On March 22, 2023, the Administrative Office of the Courts (hereinafter “AOC”) received seven separate complaints alleging Lincoln Circuit Court Clerk Dwight Hopkins (hereinafter “Hopkins”) engaged in acts of workplace harassment toward the complainants and that his behavior created a hostile work environment. Hopkins was placed on paid administrative leave, pending the outcome of an investigation by AOC. On June 15, 2023, the AOC Director provided the Chief Justice a Workplace Investigation Report, consistent with her duties under Personnel Policies, Section 3.03(7)(h). Additionally, the AOC Director forwarded her decision, report, and information to the Circuit Court Clerks Conduct Commission (hereafter “Conduct Commission”) for investigation consistent with Section 3.03(7)(j) of the Personnel Policies.

The Conduct Commission found that Hopkins violated multiple sections of the Circuit Court Clerk Code of Conduct and recommended a public reprimand and several other remedial disciplinary measures. As specifically detailed in the Order to Show Cause, the Chief Justice, upon being notified of the Conduct Commission’s recommendations, notified Hopkins in writing, and offered Hopkins an opportunity to respond. Hopkins, through counsel, objected to a public reprimand and completion of certain conditions, requesting a public hearing pursuant to Section 114 of the Kentucky Constitution. Section 114(3) of the Kentucky Constitution provides, “The clerks of the Circuit Court shall be removable from office by the Supreme Court upon good cause shown.” The Supreme Court appointed the Special Commissioner herein to conduct a full evidentiary hearing to address the allegations against Hopkins in a manner that

affords Hopkins adequate due process and to make findings of fact, conclusions of law, and recommendations to the Court.

### **FINDINGS OF FACT**

The evidentiary hearing in this matter was conducted over a two-day period during which the Special Advocate called the following witnesses:

1. Norma Atwood – Chief Deputy Clerk, Lincoln County Circuit Clerks Office (Complainant)
2. Tamara Releford - Deputy Clerk, Lincoln County Circuit Clerks Office (Complainant)
3. Lori Henderson - Deputy Clerk, Lincoln County Circuit Clerks Office (Complainant)
4. Robyn Blackburn - Deputy Clerk, Lincoln County Circuit Clerks Office (Complainant)
5. Dwight Hopkins – Lincoln County Circuit Court Clerk

Exhibit 1 – Text messages between Atwood and Hopkins

Exhibit 2 – Norma Atwood’s Complaint

Exhibit 3 – Tamara Releford’s Complaint

Exhibit 4 – Lori Henderson’s Complaint

Exhibit 5 – Robyn Blackburn’s Complaint

Exhibit 6 – Dwight Hopkins’ Written Rebuttal<sup>3</sup>

Hopkins was given the opportunity to confront and cross-exam all witnesses called by the Special Advocate and was provided an opportunity to present evidence on his behalf. Hopkins called the following witnesses:

1. Amanda Coulter, AOC Human Resource Director
2. Jake Staton, Clinton County Circuit Court Clerk

Exhibit 1 – Text messages between Releford and Angie Doolin

Exhibit 2 – Workplace Investigation Report with Human Recourses Director’s Recommendations (in pertinent part)<sup>4</sup>

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<sup>3</sup> Commonwealth Exhibits 2-6 were entered under seal pending final review of the Supreme Court

<sup>4</sup> Defendant’s Exhibit 2 was entered under seal pending final review of the Supreme Court

On November 8, 2022, Dwight Hopkins was elected Lincoln County Circuit Court Clerk. A brief history of the Lincoln County Circuit Court Clerk position will help clarify the events following the election. Hopkins was elected to fill the unexpired term of former Circuit Clerk, Teresa Reed (hereinafter “Reed”). Upon Reed’s retirement, Angie Doolin (hereinafter “Doolin”), the Lincoln County Chief Deputy Circuit Court Clerk, was appointed to fill the position of Lincoln County Circuit Court Clerk until the next general election. On November 8, 2022, the next general election, Hopkins defeated Doolin and was elected Lincoln County Circuit Court Clerk for the remainder of the unexpired term. Hopkins took the oath of office on November 15, 2022. This was Hopkins’ third run for office, having run unsuccessfully against Reed in 2012 and 2018.<sup>5</sup>

On November 11, 2022, prior to taking office, Hopkins reached out to Chief Deputy Clerk Norma Atwood (hereinafter “Atwood”) and requested a meeting. Understandably, both parties were apprehensive about meeting. Hopkins requested to meet at a local restaurant and requested that Atwood not bring her cell phone. Atwood did not bring her cell phone to the meeting but brought her sister to remain in the car. The meeting was cordial. They discussed general information, and Hopkins acknowledged that he was aware that Atwood and Doolin were friends but indicated that he did not think the friendship would be a problem. Atwood stated she would keep the friendship separate from work and affirmed that she had no plans to run for circuit clerk.<sup>6</sup>

Atwood was hired by Reed as a deputy clerk in 2014. In 2021, Doolin, upon being appointed Circuit Clerk, appointed Atwood Chief Deputy Clerk. In 2022, Hopkins assigned

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<sup>5</sup> Hopkins VR 02/27/24 1:58

<sup>6</sup> Atwood VR 02/27/24 10:02; Hopkins VR 02/27/24 2:12

Atwood the additional position of Assistant Bookkeeper.<sup>7</sup> Atwood, as Chief Deputy Clerk, is a non-tenured employee.<sup>8</sup> In addition to Atwood, there are seven deputy clerks employed in the Lincoln County Circuit Clerks Office. Of the seven deputy clerks, all were tenured except Tamara Releford (hereinafter “Releford”) and Amber Smith (hereinafter “Smith”). Both Releford and Smith were hired by Doolin.

By all accounts, from November 15, 2022, until February 24, 2023, the transition with Hopkins as the new circuit clerk went well. Hopkins acknowledged that he had no hands-on experience in a circuit clerk’s office and thought it best for the office if he maintained the current staff. He retained Atwood as Chief Deputy Clerk. He also acknowledged that he had no experience supervising employees when he assumed the position. He specifically noted that he did not have experience with a female staff.<sup>9</sup> Atwood thought they worked well together, and Hopkins relied on her experience.<sup>10</sup>

On Friday, February 24, 2023, while at work, Hopkins walked into the main office area while Releford was speaking with the other clerks. She was discussing an upcoming movie outing that employees of the Lincoln County Circuit Clerks Office planned to attend. Releford was not aware of Hopkins’ presence while she was talking. When the other clerks saw Hopkins, he testified that they tried to “tackle” Releford to keep him from hearing what she was saying.<sup>11</sup> Hopkins asserts that he learned of the movie outing nine days before this incident and had no issue with the staff attending. However, upon the staff trying to “tackle” Releford, he became

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<sup>7</sup> Atwood VR 02/27/24 9:55; Plaintiff’s Exhibit 1, pp. 88-89

<sup>8</sup> Personnel Policies, Sec. 1.04(4); Sec. 1.05(1)(b)

<sup>9</sup> Hopkins VR 02/27/24 2:00

<sup>10</sup> Atwood VR 02/27/24 10:07

<sup>11</sup> Hopkins VR 02/27/24 2:29

suspicious. Hopkins contacted someone outside the office who informed him that Doolin was also attending the movie outing.<sup>12</sup>

Atwood was out of the office for personal reasons on Friday, February 24, 2023. That evening, at approximately 5:30 p.m., Hopkins called Atwood on her personal cell phone. She was unable to answer, and Hopkins left a message. At 5:42 p.m., Hopkins also texted Atwood informing her he had called and left a message. Atwood listened to the message and stated that he sounded “irate.”<sup>13</sup> Atwood was concerned something had happened while she was away from work and returned his call. He informed her that they needed to sit down on Monday and have a serious talk. She inquired if she had done something wrong at work. He responded that she had not done anything wrong at work. She told him she did not want to worry all weekend and asked him to tell her what was wrong. Eventually, he explained that he learned from a source outside the clerk’s office that Doolin was attending the movie with the office staff, and he was upset that no one told him. Atwood explained the group was attending a movie during the evening as they had done before, and she did not think it necessary to tell him. She explained that there was no intention to upset him. He reiterated that he was upset because she did not think of him and how he would feel about the staff going to the movie with Doolin, his “archenemy.” He informed her he learned from social media that Doolin was running against him in 2024 and stated, “that is war.”<sup>14</sup>

Atwood explained that when the group of women learned the Magic Mike movie was playing at a theater in Lexington, they all planned a night out as they had done for the prior two Magic Mike movies. Attendees included friends of Atwood, employees of the Lincoln County

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<sup>12</sup> Hopkins VR 02/27/24 2:29

<sup>13</sup> Atwood VR 02/27/24 10:17

<sup>14</sup> Atwood VR 02/27/24 10:22

Circuit Court Clerk Office, former Lincoln County Circuit Court Clerk Reed, employees of the Garrard County Circuit Court Clerk Office, Doolin, and women that worked in a law office with Doolin.

Hopkins noted that Atwood was an “at will” employee and that Releford and Smith were still in their probationary period. Hopkins stated that he did not care about the tenured employees because he could not do anything about them. The conversation lasted approximately 40 minutes and by the end, Hopkins stated the understood and cordially ended the conversation. Atwood thought the matter was resolved.<sup>15</sup>

That same evening at approximately 6:30 p.m., Hopkins called Releford inquiring as to whether she knew former Circuit Court Clerk Doolin had organized the movie outing. Releford told Hopkins that she assumed Atwood organized the movie. She later learned that she was to reimburse Doolin who purchased tickets for the group. Hopkins was angry during the call. He concluded the phone call by telling Releford that he would “think about this all weekend,” leading her to believe that her job status was in jeopardy because she was on probationary status until February 28, 2023.<sup>16</sup>

Releford began employment as a deputy clerk on June 1, 2022, and was scheduled to complete her probationary period on November 30, 2022. However, with Hopkins assuming office mid-November, he requested her probationary period be extended for three months to allow him time to review her performance. Her probation was extended to the end of business February 28, 2023. On Friday, February 24, 2023, while at work, Hopkins made a comment that she only had a few days left on her probation giving her the impression that she was successfully

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<sup>15</sup> Atwood VR 02/27/24 10:24

<sup>16</sup> Releford VR 02/27/24 11:52-11:53

completing probation. After the phone call on the evening of February 24, 2023, Releford became concerned her job was in jeopardy.<sup>17</sup>

On Monday, February 27, 2023, Hopkins arrived at the office and did not speak with anyone.<sup>18</sup> Atwood asked Hopkins if he was mad, and he told her they would talk later. Approximately two hours after arriving at work, Hopkins sent Atwood a text message that he was ready to talk.<sup>19</sup> Atwood went to Hopkins' office, and he immediately brought up the movie outing and how it upset him. Hopkins felt Doolin organized the movie outing as a political outing, and Atwood's failure to tell Hopkins violated the agreement they made when they first met. Additionally, Hopkins testified that employees attending a Magic Mike movie where they might "get drunk" reflected poorly on his office.<sup>20</sup>

Hopkins told Atwood that she should not have included employees that are on probation. He then told Atwood that he was going to fire Releford.<sup>21</sup> Atwood stated she hated to see anyone lose their job over the movie outing. She reiterated that no one intended to hurt his feelings. Atwood told him that it was just a "ladies' night" and not meant to upset him.<sup>22</sup> Hopkins felt that they did not consider his feelings. Atwood apologized and stated she never intended on hurting his feelings. Hopkins kept saying that was the problem – she failed to think about him.

Hopkins told her they just saw things differently and then proceeded to share an analogy with her. The analogy was about two married men going to a strip club. One man felt bad about going, left the strip club, went home, and confessed to his wife. The second man stayed at the strip club and did not tell his wife. When the second man's wife found out six months later, the

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<sup>17</sup> Releford VR 02/27/24 11:53

<sup>18</sup> Releford VR 02/27/24 11:54

<sup>19</sup> Atwood VR 02/27/24 10:26

<sup>20</sup> Hopkins VR 02/27/24 2:35

<sup>21</sup> Atwood VR 02/27/24 10:27

<sup>22</sup> Atwood VR 02/27/24 10:28



man told her he had not thought about her and how she would feel. In this analogy, Hopkins was comparing himself to the wife. Atwood felt uncomfortable with the analogy.

Atwood described Hopkins as angry during the meeting. His voice was raised, he threw his hands in the air, rocked back in his chair, and scooted back from the desk. Clerks in the office could hear yelling coming from Hopkins' office. He called Doolin a bad person, used foul language toward Doolin stating "damn", "fucking", and "bitch", and referred to her as his "archenemy." Atwood stated that she had not experienced a situation like this and was very stressed.<sup>23</sup>

During the evidentiary hearing, Hopkins admits to using the strip club analogy.<sup>24</sup> He used the analogy to show Atwood how her failure to tell him about the movie made him feel. The entire discussion revolved around Atwood's personal life and her relationship with Doolin. Hopkins described the meeting as a "pressurized situation" and felt his actions were justified because Doolin was trying to "overthrow" his office.

Hopkins testified that he inherited a hostile workplace<sup>25</sup> and compared the work environment to being "dropped in a hot DZ."<sup>26</sup> The statement is better understood when taken in context of Hopkins military background. "DZ" being a military term for drop zone and "hot" presumably meaning in enemy territory. Hopkins explained that he suffers from PTSD. Hopkins was seriously injured in 1987 at the age of 18 while serving in an Army Airborne Battalion. He testified that his PTSD was very bad for 10 years.<sup>27</sup>

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<sup>23</sup> Atwood VR 02/27/24 10:29

<sup>24</sup> Hopkins VR 02/27/24 2:48

<sup>25</sup> Hopkins VR 02/27/24 2:57

<sup>26</sup> Hopkins VR 02/27/24 2:57

<sup>27</sup> Hopkins VR 02/27/24 2:01

The Special Advocate introduced into evidence the 134-page Rebuttal Hopkins filed with the Conduct Commission (hereinafter referred to as “Rebuttal”).<sup>28</sup> Hopkins acknowledged that he prepared the Rebuttal, not his attorney. Hopkins testified that he is predisposed to be aggressive when he feels harassed.<sup>29</sup> In the Rebuttal, he explains aggressiveness is a side effect of his PTSD when he feels “threatened or endangered either literally by threat of bodily harm or threat such as when I find out people are trying to overthrow my offices.”<sup>30</sup> He further explained, “My staff’s complicity in and with Angie Doolin’s conspiracy to overthrow my office has triggered my ADA in a threatening, intimidating, and harassing manner.” Hopkins acknowledges that his condition may cause him to “display aggression and irritability...” under such circumstances.<sup>31</sup>

Hopkins failed to understand why the strip club analogy might be offensive to employees.<sup>32</sup> In the Rebuttal, Hopkins wrote, “if my staff had no qualms about partying with a known (and possibly) criminal conspirator attempting to overthrow the efficacy of a vital government office, the I really don’t think many things make them uncomfortable.”<sup>33</sup> However, at the evidentiary hearing, Hopkins acknowledged that he regrets using the analogy as he did not intend to offend anyone.<sup>34</sup>

On Tuesday, February 28, 2023, Hopkins called Atwood into his office and asked her to shut the door. He then proceeded to apologize to her for using so many cuss words in their meeting the day before.<sup>35</sup> Hopkins testified that Atwood then informed him that Doolin had

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<sup>28</sup> Commonwealth Exhibit 6; Hopkins VR 02/27/24 2:05

<sup>29</sup> Hopkins VR 02/27/24 2:09

<sup>30</sup> Commonwealth Exhibit 6, pg. 210

<sup>31</sup> Commonwealth Exhibit 6, pg. 209

<sup>32</sup> Hopkins VR 02/27/24 2:56

<sup>33</sup> Rebuttal pg. 144

<sup>34</sup> Hopkins VR 02/27/24 2:57

<sup>35</sup> Atwood VR 02/27/24 10:35

offered to help the deputy clerks find other jobs. The information created a “pressurized situation” for Hopkins as he was just learning that Doolin was trying to “overthrow” or “blow up” his office. Atwood’s recounting of the event different from Hopkins’. Atwood testified she told Hopkins that she had asked Doolin to let her know of any job offerings, and Doolin stated that she would help as she felt responsible for losing the election. Atwood further testified that Hopkins turned her statement around and started saying that Doolin was trying to get clerks to quit. He accused Doolin of “blowing up” his office. No proof was presented that Doolin set-up any interviews for deputy clerk or that deputy clerks attended any interviews scheduled by Doolin.

Hopkins then asked Atwood to bring Releford into the office. Once Atwood and Releford were in Hopkins’ office, he requested Atwood to close the door. He stood up, pointed at Releford and in a loud hostile voice said, “What you did really pissed me off.”<sup>36</sup> He again was referring to the movie outing that included Doolin. Hopkins held up papers which Releford thought were termination papers. Releford apologized and started crying. Atwood told Hopkins that Releford was a good worker. Hopkins stated that he did not care, when he looked Releford, she made him sick. He then proceeded to stick his finger in his mouth and make a gagging gesture.<sup>37</sup> During the meeting, Hopkins told Releford she had an obligation to tell him about Doolin going to the movie. He brought up Doolin posting on social media that she was running against him and referred to her as his “archenemy.” Eventually, Hopkins acknowledged that he should not have said Releford made him sick.<sup>38</sup>

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<sup>36</sup> Atwood VR 02/27/24 10:36; Releford VR 02/27/24 11:55

<sup>37</sup> Atwood VR 02/27/24 10:37; Releford VR 02/27/24 11:59; Hopkins VR 02/27/24 2:58

<sup>38</sup> Releford VR 02/27/24 11:59; Hopkins VR 02/27/24 3:02

Hopkins admits to the actions but testified they were made while he was provoked. He blames Atwood for telling him that Doolin was trying to “overthrow” his office right before the meeting with Releford.<sup>39</sup> He believed that Atwood was trying to prejudice his mood against Releford stating in his Rebuttal that she “deliberately timed her revelation to me right before Ms. Releford’s tenure hearing, in order to provoke me to say something too improvisational, and then weaponize that against me.”<sup>40</sup>

He again told the analogy of the married men going to the strip club. Releford did not think the analogy applied as a relationship between spouses was very different than a work relationship. Releford has been a state employee for years, is a single mother and did not want to lose her job. She felt like she could not have a personal life.<sup>41</sup> Hopkins was angry because she had planned to attend a movie during the evening. He had no complaints regarding he work. Releford described Hopkins as hostile and angry, and stated she was crying uncontrollably during the meeting.<sup>42</sup>

Hopkins also spoke disrespectfully about women in general stating, “Men cannot be nice to women when they are their supervisors.”<sup>43</sup> Atwood described herself as shocked, stressed and crying during the meeting. The meeting lasted for approximately 1 hour and 15 minutes. By the end of the meeting, Hopkins concluded that he would not fire Releford and said he was throwing away the termination papers.<sup>44</sup>

As they were leaving the office, Releford wanted to end the meeting on a better note. She saw a picture of Hopkins and his family. She made the comment on how young they looked

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<sup>39</sup> Commonwealth Exhibit 6, pg. 145

<sup>40</sup> Commonwealth Exhibit 6, pg. 150

<sup>41</sup> Releford VR 02/27/24 11:58

<sup>42</sup> Releford VR 02/27/24 11:55; 11:58

<sup>43</sup> Releford VR 02/27/24 12:00

<sup>44</sup> Atwood VR 02/27/24 10:37; Releford VR 02/27/24 11:59

in the picture. He responded by commenting that his wife used to be “hot” weighing 110 pounds and that she now weighed 310 pounds and was disgusting.<sup>45</sup>

Hopkins admits to cursing, using the strip club analogy, and making the vomiting noise and gagging jester. He also admitted those actions did not show Atwood or Releford curtesy and respect.<sup>46</sup> Yet, Hopkins does not believe the analogy was inappropriate.<sup>47</sup> In his Rebuttal, he stated that he believed Releford was “gaslighting him on how ‘benign’ the Magic Mike outing was” and he explained that he used the analogy “as a teaching moment to express [his] objection to their underhanded political support of Ms. Doolin and not to be inappropriate.”<sup>48</sup>

Later in the day, February 28, 2023, Hopkins had another meeting with Atwood in his office. He announced that he was going to fire Smith, a probationary employee. He felt they did not “jive” and described her as a “smart aleck” and a “bitch.” Atwood stated that Smith was a good employee, she was assigned to Family Court and doing a good job; however, Hopkins did not seem to care that she was a good employee.<sup>49</sup>

On March 7, 2023, during a meeting between Hopkins and Atwood, Hopkins again stated he was going to fire Smith. Hopkins made several statements that made Atwood uncomfortable. He stated that “woman couldn’t be trusted,” “Women cannot tell the truth,” and “[Women] can’t help it, it’s just the way they are.”<sup>50</sup> He admits he stated, “men in today’s world have a deaf ear and have fallen to believe everything that a woman tells them.” He admits he stated, “women

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<sup>45</sup> Atwood VR 02/27/24 10:37; Releford VR 02/27/24 12:01

<sup>46</sup> Hopkins VR 02/27/24 3:02

<sup>47</sup> Hopkins VR 02/27/24 3:06

<sup>48</sup> Commonwealth Exhibit 6, pg. 150

<sup>49</sup> Atwood VR 02/27/24 10:42

<sup>50</sup> Atwood VR 02/27/24 10:44; 10:47

have to respect men, but that men have to respect God,” and “women need men and men want women.”<sup>51</sup>

He told an analogy of a married man going to a party and making out with a woman. The man’s mistake was not making out with the woman, it was going to the party. Hopkins admitted making the analogy and explained that he used it to show Atwood that she was putting herself in a bad situation being friends with Doolin and jeopardizing her job.<sup>52</sup> Again, Hopkins’ anger with Atwood was not related to her job performance.

He then told a different analogy that involved a white slave owner in the Antebellum era who would tell his wife he was going out for a stroll. Hopkins said the wife knew her husband was really going to the slave house, but she could not do anything about it. Hopkins statements made Atwood uncomfortable, and she found them offensive.<sup>53</sup>

Hopkins admits using the analogy but stated the meeting was contentious, and he used the analogy because he was in a “pressurized situation.”<sup>54</sup> He describes his use of the analogy in his Rebuttal. “I told CDA (Chief Deputy Atwood) that men peddling ridiculously absurd lies to their wives was an absurdity and so was her lies to me.” He further states, “I again reiterated to her that I thought her gaslighting of me by saying that her and my staff’s partying with Ms. Doolin even after Ms. Doolin was willing to blow up their careers in order to retaliate against me, felt like I was now being peddled an absurdity by an inordinate matriarchal double standard.”<sup>55</sup>

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<sup>51</sup> Hopkins VR 02/27/24 3:06; 3:16; Atwood VR 02/27/24 10:48

<sup>52</sup> Hopkins VR 02/27/24 3:02

<sup>53</sup> Atwood VR 02/27/24 10:47-10:48

<sup>54</sup> Hopkins VR 02/27/24 3:08 and 3:12

<sup>55</sup> Commonwealth Exhibit 6, pg. 162

On March 17, 2023, Hopkins asked Atwood to come in his office to meet. When she went into the office, he asked her if she was a perfectionist. She told him that she liked to do a good job. He then pointed out that he had cleaned his desk off and lit a candle so that she would be comfortable. Atwood said the atmosphere made her uncomfortable.<sup>56</sup> Hopkins acknowledged that he cleaned his desk and lit the candle and explained that he did so because Atwood is “OCD about neatness” and he thought it would relax her. Additionally, he explained he had impaired ability to smell and was concerned as his bathroom is beside his office.<sup>57</sup>

Hopkins then informed Atwood that he learned Doolin had come to “his building” and Atwood had not informed him. Atwood explained that Doolin entered through the front door security and dropped off a document for the prosecuting attorney at the counter. Hopkins stated he was going to have Doolin banned from the clerk’s office except for official business, she would need an appointment and he would be present when she was there.<sup>58</sup>

Hopkins continued to talk about the movie incident and told Atwood that she was “f..ing crazy” if she thought Doolin was her friend.<sup>59</sup> He was loud, and Atwood felt everyone in the office could hear the conversation. Hopkins asked Atwood if she resented him winning the election.

Hopkins proceeded to tell Atwood rumors about Doolin that were of a sexual nature.<sup>60</sup> Hopkins testified that Atwood did not see that Doolin was trying to “blow up” the office, and he was attempting to connect the dots for her.<sup>61</sup> Hopkins later testified that Atwood knew Doolin

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<sup>56</sup> Atwood VR 02/27/24 10:49

<sup>57</sup> Hopkins VR 02/27/24 3:21

<sup>58</sup> Atwood VR 02/27/24 10:52; Commonwealth Exhibit 6, pg. 164

<sup>59</sup> Atwood VR 02/27/24 10:53

<sup>60</sup> Hopkins VR 02/27/24 3:23-24

<sup>61</sup> Hopkins VR 02/27/24 3:14

was trying to “blow up” the office and she was keeping it from him.<sup>62</sup> Atwood felt that he blamed her for all Doolin’s actions. Hopkins never articulated what he hoped to accomplish during his meetings with Atwood. He did acknowledge at the evidentiary hearing that he made inappropriate statements, and he did not treat Atwood with courtesy and respect.

During the meeting, Smith was again brought up. Hopkins stated that Smith was a “bitch and so was her low life mother.”<sup>63</sup> At this point, Smith was still on probation. Smith’s mother was previously an employee of the Lincoln County Circuit Clerks Office but quit shortly after Hopkins took office for reasons unrelated to Hopkins. Smith did not testify, and no further evidence was presented regarding her possible termination.

The meeting lasted approximately 2 hours. At the end, Hopkins indicated he felt better, and he hoped Atwood did. Atwood testified that she did not feel better.<sup>64</sup>

Atwood testified that after the movie incident, she and Hopkins met alone almost every day. He always brought up the movie at every meeting.<sup>65</sup> At one point, he told her he studied her zodiac sign and his zodiac sign, and stated they should work well together. The comment made her uncomfortable.<sup>66</sup> He spoke negatively regarding his wife’s appearance. He told Atwood that she was a “good looking woman for her age.” Another time, he told her she was “cold hearted.”

She did not feel like she could talk to the staff about what she was experiencing due to all the bad things he was saying. Atwood said that because of Hopkins’ actions, she has stopped talking with Doolin. She sought seek medical help for panic attacks and high blood pressure

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<sup>62</sup> Hopkins VR 02/27/24 3:16

<sup>63</sup> Atwood VR 02/27/24 11:02

<sup>64</sup> Atwood VR 02/27/24 11:04

<sup>65</sup> Atwood VR 02/27/24 11:24

<sup>66</sup> Atwood VR 02/27/24 11:11



which her doctor attributes to stress. Additionally, her doctor referred her to a specialist to speak with about her issues.<sup>67</sup>

Deputy Clerk Lori Henderson (hereinafter “Henderson”) has been employed in the Lincoln County Circuit Court Clerk’s Office for 10 years. She always enjoyed work and felt like the office was a family. When Hopkins first took office, everything went well. He mainly stayed in his office. Following the movie, the atmosphere in the office changed.<sup>68</sup> Henderson described the work environment as “hostile” and “toxic.” She became a “nervous wreck” in fear she would be next. She testified that Hopkins had Atwood in his office almost daily after the movie and she heard her being “chewed out for hours at a time.” Henderson acknowledges that Hopkins never spoke to her about the movie outing.<sup>69</sup>

Henderson gave several examples of statements by Hopkins that she felt were offensive: “Women are supposed to respect men,” and “Women can’t tell the truth, they are just made that way.”<sup>70</sup> Additionally, one day Hopkins asked her if she knew what “quid pro quo” meant. He then explained that it meant “you scratch my back and I’ll scratch yours.” She felt violated and though his actions were “creepy.”<sup>71</sup>

Deputy Clerk Robin Blackburn (hereinafter “Blackburn”) was hired in 2006 and holds the position of Bookkeeper.<sup>72</sup> Her office is located approximately 10 feet from Hopkins’ office. She testified that when Hopkins first took office, everyone got along. After the movie outing the office atmosphere changed. Hopkins never raised his voice towards her or said anything inappropriate to her. However, from her office she could hear what he was saying when his

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<sup>67</sup> Atwood VR 02/27/24 11:06

<sup>68</sup> Henderson VR 02/27/24 1:17

<sup>69</sup> Henderson VR 02/27/24 1:23; 1:30

<sup>70</sup> Henderson VR 02/27/24 1:26

<sup>71</sup> Henderson VR 02/27/24 1:28

<sup>72</sup> Blackburn VR 02/27/24 1:37

voice was raised. She testified that he had Atwood in his office often and she heard his raised voice toward Atwood.<sup>73</sup> Additionally, Hopkins made disrespectful statements about women. While in her office, she heard him in his office say that “you could lay down the law with women, but it only lasts a little while” and “Women come in sit down and cross their legs and think they are in charge.”<sup>74</sup> He spoke loud enough that she heard the comments from her office.

Henderson and Blackburn each testified that their complaints were mainly based on Hopkins’ treatment of Atwood. Hopkins would have Atwood in his office for hours, and they could hear raised voices. The outbursts were not directed at Henderson or Blackburn. Both women felt that Atwood was being treated unfairly. Additionally, Blackburn was offended by Hopkins’ statements that she heard directly while sitting in her office.

Hopkins admits to making many of the statements and analogies about which the employees complained. He further admits that by making the statements, he failed to show his employees the courtesy and respect they were owed. He testified that he regretted many things he said including the analogies, but stated he was in high pressure situation, and he used them with good intent.<sup>75</sup>

On March 21, 2023, seven (7) of the eight (8) employees of the Lincoln County Circuit Clerks Office each filed a Circuit Clerk Complaint Form with the Circuit Clerk Conduct Commission and a KCOJ Employee Complaint Form with the AOC listing Hopkins as the subject of the Complaint. Amanda Coulter, AOC Human Resource Director, after investigating the matter, recommended that Hopkins received specific trainings to avoid any future workplace issues.<sup>76</sup>

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<sup>73</sup> Blackburn VR 02/27/24 1:44

<sup>74</sup> Blackburn VR 02/27/24 1:45-46; 1:53

<sup>75</sup> Hopkins VR 02/27/24 4:09

<sup>76</sup> Coulter VR 02/28/24 9:05

## CONCLUSIONS OF LAW

Dwight Hopkins, Lincoln County Circuit Court Clerk, is required to conduct himself in a manner that comports with the high standards of integrity, impartiality, and independence found in the Code of Conduct for the Judicial Branch (Personnel Policies, Sec. 2), the Code of Conduct for Circuit Court Clerks (Administrative Order 2014-12), and all Workplace Policies (Personnel Policies, Sec. 3) of the Court of Justice. The Special Advocate detailed the grounds for Hopkins' removal including violations of the Code of Conduct for Circuit Court Clerks and the Personnel Policies of the Court of Justice.

As stated in the Code of Conduct: "Circuit court clerks play a key role in the administration of justice.... Therefore, it is essential that circuit court clerks uphold high standards of integrity, impartiality, and independence in their personal and professional affairs in order to promote public confidence in the judicial system."

Code of Conduct, Section 2, specifically requires circuit clerks to comply with statutes and rules of the court:

All clerks shall comply with the Constitution of Kentucky, Kentucky Revised Statutes, Kentucky Supreme Court Rules, including the Kentucky Rules of Civil and Criminal Procedure, applicable portions of the Administrative Procedures of the Court of Justice, Part III, the lawful directives of the Chief Justice of the Supreme Court of Kentucky and the local judiciary, and orders of the Supreme Court of Kentucky and the local judiciary.

Code of Conduct, Section 4(2), requires circuit court clerks to perform their duties impartially:

- (a) With courtesy and respect for the public, litigants, lawyers, subordinate employees, and all others with whom the clerk interacts as a part of his or her official duties; and,
- (b) Without bias or prejudice, shown by words or conduct, based upon race, national origin, color, religion, sex, sexual orientation, age.... or political affiliation.

The Circuit Clerk Conduct Commission was created and intended to assist the Chief Justice “in determining whether disciplinary action and/or remedial measures against a circuit court clerk for alleged official misconduct or otherwise improper conduct is warranted.”<sup>77</sup> The Conduct Commission may recommend to the Chief Justice disciplinary action or remedial measures when the Conduct Commission finds sufficient evidence of the following:

- (i) Misconduct in office, as defined in the Circuit Court Clerk Code of Conduct
- (ii) Any willful refusal or persistent failure to perform duties and obligations as set forth in... applicable portions of the Administrative Procedures of the Court of Justice, Part III.
- (iii) Profession incompetence.
- (iv) Habitual intemperance.
- (v) Any willful or persistent failure to conform to official policies and directives adapted by the Supreme Court or issued by the Chief Justice in his constitutional capacity as Chief Executive Officer of the Court of Justice, and (g) Noncompliance with the Code of Conduct.<sup>78</sup>

The Administrative Procedures of the Court of Justice, Part III, Personnel Policies, apply with equal force to elected and appointed officials.<sup>79</sup> The Personnel Policies, state (in pertinent part): “It is the policy of the KCOJ to provide a work environment free of unlawful harassment or retaliation based on ... sex, ... political affiliation, or any other characteristic protected by law.”<sup>80</sup>

The Personnel Policies, Sec. 3.03(2), provide specific definitions with regards to the Unlawful Workplace Harassment policy, as follows:

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<sup>77</sup> Supreme Court Administrative Order 2019-08 (In re: Amendment to Administrative Procedures of the Court of Justice, Part XVI, Circuit Court Clerks Conduct Commission, Section 1)

<sup>78</sup> Supreme Court Administrative Order 2019-08 (In re: Amendment to Administrative Procedures of the Court of Justice, Part XVI, Circuit Court Clerks Conduct Commission, Section 6)

<sup>79</sup> Personnel Policies, Sec. 1.03, and Sec. 3.03(1)(c).

<sup>80</sup> Personnel Policies, Sec. 3.03(1)(a)

(a) “Unlawful Workplace Harassment” means unwelcome, or unsolicited speech or conduct based upon ...sex...political affiliation, or any other characteristic protected by law that creates a hostile work environment.

(b) “Hostile Work Environment” means an environment that a reasonable person would consider to be hostile or abusive and the person who is the object of the harassment perceives to be hostile or abusive based on characteristics protected by law as provided under Section 3.01(1)(a) of these Policies. A hostile work environment is determined by looking at all of the circumstances including, but not limited to: (1) the frequency of the alleged harassing conduct; (2) the severity of the alleged harassing conduct; (3) whether the alleged conduct was physically threatening or humiliating; and (4) whether the alleged harassing conduct has the purpose or effect of unreasonably interfering with an employee’s work performance or creating an intimidating, hostile, or offensive environment.

(c) “Quid Pro Quo Harassment” means unwelcome sexual advances, request for sexual favors, or other verbal or physical conduct when submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment, or submission to or rejection of such conduct by an individual is used as the basis for an employment decision affecting the individual.

(d) “Retaliation” means an adverse employment action taken against an employee because he or she has opposed any perceived unlawful workplace harassment...

The Personnel Policies, Sec. 3.03(3), define specific acts, both verbal and nonverbal, that constitute workplace harassment, as follows (in pertinent part):

(a) Verbal

- (i) Jokes that have the purpose or effect of stereotyping, demeaning, or making fun of an individual based upon...sex...political affiliation, or any other characteristic protected by law.
- (ii) Derogatory comments, slurs, epithets, threats, or propositions about an individual’s ...sex... political affiliation, or any other characteristic protected by law.
- (iii) Verbal innuendo or insinuation that relates to or reflects negatively on a particular...sex...political affiliation, or any other characteristic protected by law.

(c) Other

Making threatening reprisals as a result of negative response to harassment, or harassment as a form of retaliation.

All KCOJ employees who have a good faith complaint of unlawful workplace harassment are required to file a complaint within two business days of the alleged harassment or as soon as practical.<sup>81</sup>

### **Count I – Hostile Work Environment**

The Special Advocate establish by clear and convincing evidence that Hopkins engaged in acts of unlawful harassment in violation of the KCOJ Personnel Policies, Unlawful Workplace Harassment, Sec. 3.03.

On February 27, February 28, 2023, March 7, 2023, and March 17, 2023, Hopkins made unwelcome statements based on sex, the statements were derogatory towards women, the statements had the effect of stereotyping and demeaning Atwood and Releford. The statements served no legitimate work purpose and were made in retaliation for Atwood's and Releford's personal choices regarding attending a movie that Hopkins characterized as a political event. Personnel Policies Section 2.13(3)(b) affirms employees' right to attend political rallies as long as they are not on duty at the time. Hopkins' behavior during the meetings created an intimidating and hostile work environment.

Hopkins' actions towards Releford occurred at one meeting on February 28, 2023. He cursed her, told her she made him sick when he looked at her, and made a gagging gesture sticking his finger in his mouth. Additionally, he made derogatory, demeaning statements about women, and used inappropriate analogies when accusing her of being dishonest. His actions towards Releford were because of her personal decision to attend a movie that Hopkins perceived as a political event. His actions served no legitimate work purpose. Clearly, such behavior by an elected official towards an employee of the Court of Justice is inappropriate.

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<sup>81</sup> Personnel Policies, Sec. 3.03(7).

However, at the end of the meeting, Hopkins apologized, and no further acts of unlawful harassment towards Releford is alleged. While Hopkins' actions failed to show Releford courtesy and respect in violation of the Code of Conduct for Circuit Court Clerks, Hopkins' actions toward Releford were not frequent and did not have the purpose or effect of unreasonably interfering with Releford's work performance. She was granted tenure at the end of the meeting. Hopkins failed to conduct himself in comport with the high standards of integrity as found in the Code of Conduct. However, his actions toward Releford do not rise to the level of Unlawful Workplace Harassment as defined in the Personnel Policies.

Hopkins' actions towards Atwood were more frequent, occurring between February 24, 2023, until his removal. Once Hopkins learned that Doolin was planning on running against him in 2024, he was convinced that there was a conspiracy among the deputy clerks against him. He took out his frustration on Atwood, making numerous derogatory, stereotypical, demeaning statements regarding women. Hopkins also used analogies involving men going to a strip club and one man not being honest with his wife, a man going to a party and being unfaithful to his wife, and a slave owner being dishonest with his wife about having sexual relations with a slave. The analogies were designed to paint Atwood as the cheater and Hopkins as the victim. At no time did Hopkins voice any concerns about Atwood's work performance. His sole focus was Atwood's friendship with Doolin. Atwood testified to four specific meetings that Hopkins used unwelcome speech based on sex. Hopkins' behavior and comments toward Atwood were not regarding Atwood's work performance but rather in retaliation for Atwood's personal life outside the office and his belief regarding her political affiliation.

A reasonable person would consider Hopkins conduct toward Atwood to be hostile. Hopkins' conduct had the effect of creating an intimidating, hostile, abusive work environment

for Atwood based on her sex and political affiliation. Atwood sought medical help for conditions caused by the stressful environment.

Atwood serves as Chief Deputy Clerk, and it is understandable that Hopkins expects political loyalty from her. Hopkins had the authority to terminate Atwood upon taking office or any time thereafter. However, as long as she remains an employee of the Court of Justice, he must treat her with dignity and respect. Her status as a non-tenured employee does not permit Hopkins to ignore the Court of Justice Personnel Policies and the Circuit Court Clerk Code of Conduct. No employee should be subjected to this type of verbal humiliation or harassment. Hopkins actions toward Atwood constitute Unlawful Workplace Harassment.

His inappropriate comments and behavior occurred during a one-month period and ceased due to his temporary removal. While the short timeframe does not change the finding that Hopkins actions created a hostile work environment in violation of Personnel Policies Section 3.03, it should be considered in whether Hopkins' actions can be appropriately addressed through remedial measures before considering removal from office.

### **Count II – Failure to Perform Duties with Courtesy and Respect**

The Special Advocate established by clear and convincing evidence that Hopkins violated the Code of Conduct for Circuit Court Clerks, Sec. 2, Sec. 4, and Sec. 8(2)(b) and (g). Hopkins has repeatedly failed to perform his duties as Lincoln County Circuit Court Clerk with courtesy and respect toward Atwood and on one occasion Releford.

Hopkins admits that he failed to treat Atwood with curtesy and respect during meetings by making numerous derogatory and demeaning statements about women and by using analogies referring to marital infidelity. Hopkins admits that he failed to show courtesy and respect for Releford during the meeting February 28, 2023, and specifically by cursing, telling her she made



him sick, sticking his finger down his throat and making gagging sound, and using analogies referring to marital infidelity. His behavior failed to comport with the high standards of integrity required by the Code of Conduct, Sec. 4(2), and Sec. 8(2)(d) and (g).

Hopkins recognized that using cuss words during work meetings was inappropriate and apologized. His use of foul language was limited to a few instances and not so pervasive as to warrant remedial action.

Hopkins was in office for a limited time when he learned he would have political opposition in the 2024 election. This situation is not a particularly unusual for an elected official. However, where Hopkins' opponent, Doolin, had well established relationship with many of the deputy clerks, Hopkins' relationship with the deputy clerks deteriorated. He failed to treat Atwood and Releford with curtesy and respect. He created a hostile work environment for Atwood. All his actions were a direct result of his belief the deputy clerks were politically against him.

The undersigned respectfully submits that Hopkins' limited time in office, lack of management experience and a lack of a full understanding of the Court of Justice Personnel Policies should be considered in whether Hopkins' actions can be appropriately addressed through remedial measures before considering removal from office.

### **RECOMMENDATIONS**

Dwight Hopkins, Lincoln County Circuit Court Clerk, failed to conduct himself in a manner that comports with the high standards of integrity, impartiality, and independence found in the Code of Conduct for the Judicial Branch (Personnel Policies, Sec. 2), the Code of Conduct

for Circuit Court Clerks (Administrative Order 2014-12), and the Workplace Policies (Personnel Policies, Sec. 3) of the Court of Justice.

Pursuant to KRS 30A.010, circuit court clerks are “state officers who are subject to the administrative control of the Chief Justice.”<sup>82</sup> Upon a finding of harassment, “if the harasser is an elected or appointed official, he or she may be subject to discipline by the appropriate disciplinary authority.”<sup>83</sup> The Circuit Court Clerk Conduct Commission has the authority to recommend to the Chief Justice disciplinary action and/or remedial measures for improper conduct of a Circuit Clerk.<sup>84</sup>

The Circuit Court Clerk Conduct Commission recommended disciplinary action for Hopkins. The details of the recommendations were not part of the evidentiary hearing. The Chief Justice, exercising his exclusive authority to impose sanctions, sent Hopkins a draft order of sanctions. Hopkins instead chose the alternative option to have a hearing on the complaint allegations before the full Supreme Court under Section 114(3) of the Kentucky Constitution.

The Special Commissioner herein was ordered to make findings of fact, conclusions of law, and recommendations concerning whether good cause exists for the Supreme Court to remove Hopkins from office pursuant to Section 114(3) of the Kentucky Constitution. The undersigned has no authority to recommend specific disciplinary action.<sup>85</sup>

Hopkins’ violations of the Personnel Policies and Code of Conduct are of a serious nature and warrant, at a minimum, sanctions and/or remedial action. Wherefore, the Special Commissioner recommends that the Court, before it exercises its power of removal, impose a

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<sup>82</sup> CC Section 1

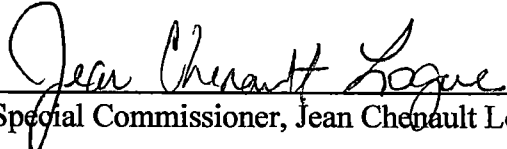
<sup>83</sup> Personnel Policies, Sec. 3.03(7)(j)

<sup>84</sup> Supreme Court Administrative Order 2019-08 (In re: Amendment to Administrative Procedures of the Court of Justice, Part XVI, Circuit Court Clerks Conduct Commission)

<sup>85</sup> Kentucky Supreme Court, Order of Reference entered 11/3/23

lesser sanction on Hopkins for violations of the Personnel Policies and Code of Conduct. Accordingly, the Special Commissioner recommends this matter be referred to the Chief Justice for determination of sanctions and/or remedial action. Should Hopkins refuse to comply with sanction and/or remedial measures as imposed by the appropriate disciplinary authority, the Special Commissioner recommends good cause exists to support Hopkins removal.

Entered this the 24<sup>th</sup> day April 2024.

  
Special Commissioner, Jean Chenault Logue