

Complaint: Probate judge used position to raid estate

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In her role as a deputy field investigator with the state Office of the Medical Investigator, Pamela Smith was sent on March 9, 2017, to look into the death of 82-year-old Dominic Domingo. Then, in her role as Sierra County probate judge, she appointed her own husband as special administrator to his estate.

Randy Smith went on to move nearly \$300,000 from Domingo's accounts into their own, ignoring "living heirs entitled to the estate."

That's according to criminal complaints filed Tuesday by the state Attorney General's Office against the Truth or Consequences couple. The criminal charges come more than a year after Pamela Smith resigned as probate judge in lieu of further disciplinary proceedings by the Judicial Standards Commission.

Asked Tuesday about Pamela Smith's employment status at OMI, a spokesman for the UNM Health Sciences Center said, "We are not able to answer due to pending litigation."

The complaints allege that the probate court records granting authority to a special administrator were "filed and altered unlawfully by Pamela Smith," to give Randy Smith access to Domingo's bank accounts. The couple used the money to pay their mortgage and other debts, and to improve Randy Smith's boat repair and consignment sale business, among other things, according to the complaint.

"Pamela Smith, as a probate judge in Sierra County, had a fiduciary responsibility of presiding over an orderly administration of justice," a special agent wrote. "... Instead, Mrs. Smith committed criminal acts of willful misconduct while serving in office."

The Smiths could not be reached for comment Tuesday evening. It's not clear who is representing them in the case.

Pamela Smith wrote in her OMI report that the chief of TorC police indicated Domingo had no next of kin. But in a recorded interview, the chief said he knew Domingo and knew he had family in New York. She also claimed that she received the same answer from a pension fund administrator, the complaint alleges. In fact, that company had sent a condolence letter to Domingo's sister and nephew.

And Domingo's nephew, Joseph Paone, told an investigator that he once met Randy Smith as he repaired his uncle's car.

"Mr. Smith was misrepresenting himself as the special administrator by knowing there were living heirs that should have prevented him from accessing the estate of Dominic Domingo," his complaint says.

Paone says the Smiths later hired an investigator who offered him a \$192,000 "payoff settlement," which he pointed out to investigators was less than the amount taken from his uncle's accounts. Domingo's family learned of his death through a letter from his pension administrator.

Pamela Smith is charged with crimes including engaging in an official act for personal financial gain, tampering with public records, forgery, fraud, money laundering and conspiracy. Her husband, Randy, is accused of fraud, money laundering and conspiracy.

Paone has filed a civil suit against the Smiths, OMI, the Sierra County Board of Commissioners, and the state of New Mexico.

Frances Crockett Carpenter, the Albuquerque attorney representing him, said Tuesday that along with the missing money, the Smiths still have Domingo's remains.

She said her client's hope is that no other families find themselves in this position.

"They want to make sure this never happens to anyone again," Crockett Carpenter said. "That a person that has been given the permission and the privilege to hold office will never see that as anything but that, and that they won't use their powers of office to commit fraud and steal and do all the awful things that they did."

Asked whether the Attorney General's Office believes other families were targeted, a spokesman for the office said he could not comment.

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