



Andy Beshear
GOVERNOR
Jacqueline Coleman
LIEUTENANT GOVERNOR

PUBLIC PROTECTION CABINET
Kentucky Office of Claims and Appeals
Board of Claims

500 Mero Street, 2SC1
Frankfort, KY 40601
Phone: (502) 782-8255
Fax: (502) 573-4817

Ray A. Perry
SECRETARY
John Hardesty
EXECUTIVE DIRECTOR
Samuel T. Wright, III
BOARD CHAIRPERSON
Dale Sights
MEMBER
Kathryn M. Thomas
MEMBER

NOTICE OF REGULAR MEETING

Date: November 28, 2023

Time: 10:00 AM Eastern Standard Time (EST)

Location: Zoom

- Call to order and roll call
- Approval of October 2023 minutes
- Executive Director's Report
- Full Board Review
- Motions
- Recommended Orders
- Agreed Orders or For Instructions
- Scheduling of January 2024 meeting
- Adjournment

Zoom link: <https://us06web.zoom.us/j/86394446973>



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Meeting Agenda

Date: November 28, 2023

When moving into Executive Session, use the following language: [Move for the Board to enter executive session, pursuant to KRS 61.815 and KRS 61.810 (1) (c) and (j) to discuss proposed or pending litigation and deliberate on individual adjudications in “*please state the relevant case number of all cases to be discussed in closed session.*” Motion must be seconded.]

I. OCTOBER 2023 MONTHLY REPORT

During the month of October 2023, the Board of Claims received **83** negligence claims filed against the Commonwealth.

The Board rendered **75** decisions in claims *under \$2,500.00* in October 2023. Of those, **38** were dismissed and **37** were awarded for a total amount awarded of **\$21,017.99**.

At its October 2023 meeting, the Board affirmed **1** claim and vacated **1** claim upon Full Board Review, assigned **1** claim to a hearing officer, adopted **1** Recommended Order of Dismissal, and approved **4** Agreed Orders of Dismissal, awarding an additional amount of **\$268,314.49**. With the claims under \$2,500.00, and those decided at the October 2023 Meeting, the Board decided **81** claims, dismissing a total of **40** claims, and awarding a total of **41** claims for a total amount awarded of **\$289,332.48**.

II. APPROVAL OF OCTOBER MINUTES

1st: 2nd:

III. FULL BOARD REVIEW

BC-23-0345

FLOYD SOUTHERLAND, III

v.

TRANSPORTATION CABINET

DEPARTMENT OF HIGHWAYS (KYTC)

-Findings of Fact, Order, and Opinion Dismissing

-Claimant’s Request for Full Board Review



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BC-23-0565

SOLOMON WHITING

v.

KYTC

- Findings of Fact, Order, and Opinion Dismissing
- Claimant's Request for Full Board Review

BC-23-0669

RANDY TURNER

v.

JUSTICE & PUBLIC SAFETY CABINET
DEPARTMENT OF CORRECTIONS (DOC)

- Findings of Fact, Order, and Opinion Dismissing
- Claimant's Request for Full Board Review
- Respondent's Response to Claimant's Request for Full Board Review

BC-23-0673

MARCUS LAWRENCE, SR

v.

DOC

- Findings of Fact, Order, and Opinion Dismissing
- Claimant's Request for Full Board Review

BC-23-0677

TIMOTHY (JADA) ROUSE

v.

DOC

- Findings of Fact, Order, and Opinion Dismissing
- Claimant's Request for Full Board Review



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BC-23-0731

RANDALL SCHULTZ

v.

KYTC

- Findings of Fact, Order, and Opinion Awarding (\$500.00)
- Claimant's Request for Full Board Review

IV. MOTIONS

BC-22-0904

JEFFERY JOHNSON

v.

DOC

- Respondent's Motion to Dismiss

BC-23-0737

RYAN FIELDS

v.

KYTC

- Respondent's Motion to Dismiss

V. RECOMMENDED ORDERS

N/A

VI. AGREED ORDERS OR FOR INSTRUCTIONS

BC-23-0570

JACQUELINE MILEY

v.

UNIVERSITY OF KENTUCKY (UK)

- Claimant's compliance with Board's order to produce documents
- Status Update



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BC-23-0812

ANTHONY MARTINSON

v.

BOONE COUNTY SHERIFF'S OFFICE
BUREAU OF DETENTION

-Dismiss, *sua sponte*, for lack of jurisdiction over county entities

BC-23-0813

ANTHONY MARTINSON

v.

BOONE COUNTY SHERIFF'S OFFICE
BUREAU OF DETENTION

-Dismiss, *sua sponte*, for lack of jurisdiction over county entities

CC-19-0503

PHAEDRA OLSEN

v.

KYTC

-Agreed Order of Dismissal

BC-23-0377

BOYD POROWSKI

v.

KYTC

-Agreed Order of Dismissal
-Settlement Agreement

BC-23-0527

KELLI BROWN

v.

KYTC

-Agreed Order of Dismissal
-Settlement Agreement



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BC-23-0548
CLYDE WHITE

v.
KYTC

-Agreed Order of Dismissal
-Settlement Agreement

BC-23-0569
NIKKI ZAMPARDO

v.
PUBLIC PROTECTION CABINET
DEPARTMENT OF HOUSING, BUILDINGS
AND CONSTRUCTION

-Agreed Order of Dismissal

BC-23-0828
FAE USA, INC.

v.
TOURISM, ARTS & HERITAGE CABINET
STATE FAIR BOARD

-Answer Admitting Negligence
-Entry of Final Order Awarding Claimant's Damages

V. SCHEDULING OF JANUARY 2024 MEETING

VI. ADJOURNMENT

1st: 2nd: