

COMMONWEALTH OF KENTUCKY
Board of Claims
Agenda
April 19, 2012

*CP addressed any
conflicts be noted
prior to a vote.*

The Board of Claims received 54 new claims during the month of March, 2012. A total of 75 claims were set up, according to Assistant Clerk Paula Woolums. Paula also returned three (3) claims for lack of jurisdiction.

Investigators Jackie Lynch and Wanda Luttrell decided 38 claims under \$1,000.00 in March, 2012. Jackie reports that 27 of these claims were dismissed and 11 were awarded, for a total amount awarded of \$4,156.56.

At its Board meeting on March 15, 2012, the Board dismissed 13 claims and awarded nine (9) claims totaling \$225,508.86. Together with the claims investigated in-house, the Board dismissed a total of 40 claims and awarded a total of 20 claims for a total amount awarded of \$229,665.42 in March, 2012.

For Instructions From the Board

BC-2007-00891

Marilyn Welsch vs. Transportation Cabinet / Dept. of Highways

Notes: Claimant's Notice of Dismissal filed.

Counsel's Recommendation: Enter a Final Order dismissing the claim with prejudice. ✓

BC-2010-00701

Jacob Barker, by and through his mother Amanda Barker vs. Elliott County School Board and Kentucky Department of Education

Notes: Agreed Order of Dismissal filed by the parties.

Counsel's Recommendation: Enter the Agreed Order of Dismissal dismissing the claim with prejudice. ✓

BC-2011-00974

Anna Townsend vs. Commonwealth of Kentucky

Notes: April 19, 2012- Default Order

Counsel's Recommendation: Rule the Claimant and Dismiss the Claim. ✓

BC-2011-01023

Lloyd Sizemore vs. Commonwealth of Kentucky

Notes: April 19, 2012- Default Order

Counsel's Recommendation: Rule the Claimant in Default and Dismiss. ✓

BC-2011-01026

Patricia Wooley vs. Commonwealth of Kentucky

Notes: April 19, 2012- Default Order

Counsel's Recommendation: Rule the Claimant in Default and Dismiss. ✓

BC-2011-01028

Phillis Fallis vs. Commonwealth of Kentucky

Notes: April 19, 2012- Default Order

Counsel's Recommendation: Rule the Claimant in Default and Dismiss the Claim. ✓

BC-2011-01038

John Besten vs. University of Kentucky

Notes: April 19, 2012- Default Order

Counsel's Recommendation: Rule the Claimant in Default and Dismiss. ✓

BC-2011-01118

Estate of Nurcan Ceylan vs. Justice and Public Safety Cabinet / Ky. State Police

Notes: Agreed Order of Dismissal signed by the parties and submitted for approval by hearing officer Dan Rudloff.

Counsel's Recommendation: Enter an Order of Dismissal ~~dismissing the claim with prejudice~~ ^{awarding the} at the agreement of the parties, \$200,000. ✓

BC-2011-01171

Stacie Holloway vs. University of Kentucky

Notes: Agreed Order of Settlement filed.

Counsel's Recommendation: Enter the Agreed Order of Settlement awarding the Claimant \$589.00 in settlement of this claim. ✓

BC-2012-00052

James Orr vs. Transportation Cabinet / Dept. of Highways

Notes: Respondent's Answer stating it will settle with Claimant for the full amount claimed.

Counsel's Recommendation: Enter a Final Order awarding Claimant \$1,258.11 as settlement of this claim. ✓

Full Board Review

BC-2011-01036

Patricia Freeman vs. Transportation Cabinet / Dept. of Highways

Notes: 11/30/11 Order - dismissing
3/15/12 Claimant requests FBR (\$500)

Reversed & awarded

Motions

BC-2010-00803

Mary Deaton, Administratrix of the Estate of Kenneth Sizemore vs. Justice and Public Safety Cabinet / Ky. State Police

Notes: Claimant's Motion to Dismiss filed.

Counsel's Recommendation: Enter a Final Order granting the Claimant's motion and dismissing the claim with prejudice. ✓

BC-2012-00032

Kelsey Powell vs. University of Kentucky

Notes: Respondent's Answer and Motion to Dismiss; no response filed thereto by the Claimant.

Counsel's Recommendation: Overrule the Respondent's Motion to Dismiss and assign the claim to hearing officer Braxton Crenshaw for further proceedings. ✓

BC-2012-00036

Motaz Alshaher vs. Transportation Cabinet

Notes: Respondent's Answer and Motion to Dismiss; no response filed thereto by the Claimant.

Counsel's Recommendation: Enter a Final Order granting the Respondent's Motion to Dismiss pursuant to KRS 44.073(15). ✓

Recommended Order

BC-2007-00780

Richard Bridgeman vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: Hearing Officer Braxton Crenshaw's Opinion and Order on Second Motion for Summary Judgment; Respondent's Motion to Reconsider Hearing Officer's Opinion and Order and Claimant's response filed thereto.

Counsel's Recommendation: Adopt the recommendation of the hearing officer denying the Respondent's Second Motion for Summary Judgment and further ordering the hearing officer to set a hearing date in this matter within thirty (30) days of the date of this Order. ✓

BC-2011-00015

Jeffrey Flannery vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Jan West's Findings of Fact, Conclusions of Law and Recommended Order awarding \$2,250.00 to the Claimant.

Counsel's Recommendation: Adopt the recommendation of the hearing officer awarding \$2,250.00 to the Claimant. ✓

BC-2011-00134

Stephanie Meehan vs. Tourism, Arts and Heritage Cabinet / Ky. State Fair Board

Notes: Hearing Officer Jan West's Findings of Fact, Conclusions of Law and Recommended Order denying payment of the claim.

Counsel's Recommendation: Adopt the recommendation of the hearing officer denying payment of the claim. ✓

BC-2011-00197

Lisa Weitgraven vs. Northern Kentucky University

Notes: Hearing Officer Fred Fugazzi's Findings of Fact, Conclusions of Law and Recommended Order denying payment of the claim.

Counsel's Recommendation: Adopt the recommendation of the hearing officer denying payment of the claim. ✓

BC-2011-00256

Elizabeth Conway vs. Transportation Cabinet / Dept. of Highways

Larry O'Bryan
John Phillips

Notes: Hearing Officer Jan West's Findings of Fact, Conclusions of Law and Recommended Order awarding \$1,000.00 to Claimant (Attorney General Jack Conway's wife).

Counsel's Recommendation: Any recusals need to be discussed prior to voting on this claim. Counsel recommends adopting the recommendation of the hearing officer and awarding the Claimant (Attorney General Jack Conway's wife) \$1,000.00. ✓

Plummer Recused

BC-2011-00446

Nicole Murray vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Braxton Crenshaw's Findings of Fact, Conclusions of Law and Recommended Order denying payment of the claim.

Counsel's Recommendation: Adopt the recommendation of the hearing officer denying payment of the claim. ✓

BC-2011-00888

Tony Benningfield vs. Tourism, Arts and Heritage Cabinet / Dept. of Parks

Notes: Hearing Officer Fred Fugazzi's Findings of Fact and Recommended Order denying payment of this claim.

Counsel's Recommendation: Adopt the recommendation of the hearing officer regarding the finding of liability only; modify the recommendation to award the Claimant \$250.00 due to the comparative fault doctrine found in Truman v. Comm. Dept. of Mines and Minerals, 726 S.W.2d 312 (Ky. App., 1986). ✓

Total number of Claims: 21

COMMONWEALTH OF KENTUCKY
BOARD OF CLAIMS

Addendum
April 19, 2012

BC-2004-314

Estate of Dakota Austin Yonts v. Cabinet for Health & Family Services

Agreed Order awarding \$110,000.00 to the Claimant filed.

Counsel's Recommendation: Enter the Agreed Order awarding the Claimant Estate \$110,000.00 in settlement of this claim. ✓

BC-2007-771

Linda Trumbo, Administratrix of the Estate of Alvin Robert Lee v. University of Louisville.

Claimant's Stipulation of Voluntary Dismissal filed.

Counsel's Recommendation: Enter a Final Order dismissing the claim with prejudice at the request of the Claimant. ✓

BC-2010-713

Jeff Scott v. Tourism, Arts & Heritage Cabinet, Dept. of Parks

Agreed Order of Dismissal filed.

Counsel's Recommendation: Enter the Agreed Order of Dismissal dismissing the claim without prejudice. ✓

BC-2011-1043

Patrick David Cowan v. Transportation Cabinet, Dept. of Highways

Agreed Order awarding \$1,000.00 to the Claimant filed.

Counsel's Recommendation: Enter the Agreed Order awarding the Claimant \$1,000.00 in settlement of this claim. ✓

BC-2012-00046

Estate of John T. Syner v. University of Kentucky

Joint Motion to Dismiss as Settled filed by the parties.

Counsel's Recommendation: Enter a Final Order awarding the Claimant Estate \$190,000.00 as agreed to by the parties. ✓

BC-2012-105

Kimberly Joe Harris v. Western Kentucky University

Agreed Order of Dismissal filed.

Counsel's Recommendation: Enter the Agreed Order of Dismissal awarding the Claimant \$180.00 in settlement of this claim. ✓
