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John Hardesty
EXECUTIVE DIRECTOR

April 28, 2025 Meeting

MINUTES

The meeting, conducted via Microsoft Teams, was called to order at approximately 10:02 am., and the following business was conducted in Board of Claims matters.

In attendance were Board members Samuel Wright, Kathryn Thomas and Dale Sights. Chairman Wright called the meeting to order. A quorum existed and business was conducted.

Also in attendance were: Executive Director John Hardesty, Staff Attorneys Shelby Bevins-Sullivan and Linda Horsman, Clerk Katie Dean, Attorneys Allison Brown and Richard Lilly for Respondent Department of Corrections, Attorneys D. Ryan McCray and Lynn Watson for Claimant Misty McKnight, Attorney Jamhal Wooldridge for Respondent Cabinet of Health and Family Services, Attorney Peter Klear for Respondent Department of Parks, Attorney Margaret Pisacano for Respondent University of Kentucky, and Claimants Frank Pollock, Antonio Smith, and Benjamin Emerson.

After Executive Director Hardesty delivered the monthly report for the Board of Claims for March 2025, the March Minutes were approved. Member Sights moved to approve the March Minutes with Vice Chair Thomas seconding. Having all in favor, the Motion carried.

Following approval of the March Regular Session Minutes and the April 2, 2025 Special Session Minutes, the Board discussed additional Legislative Research Commission staff suggestions to 802 KAR 2:010. Vice Chair Thomas moved to approve the additional staff suggestions with Member Sights seconding.

After the Board approved the staff suggestions, the following claims were taken up for consideration:

BC-24-0770: William Cope, Jr. v. Justice & Public Safety Cabinet, Department of Corrections (DOC)

1st: Samuel Wright 2nd: Dale Sights. Having all in favor, the Motion carried.

- The Board affirmed its prior decision, but dismissed the claim on different grounds due to the Claimant's failure to file within the statute of limitations.

BC-24-0828: David Ruoff v. Unknown

1st: Dale Sights 2nd: Kathryn Thomas. Having all in favor, the Motion carried.

- The Board affirmed its prior decision, dismissing the claim.

BC-24-0867: Danny Thomas v. DOC

1st: Kathryn Thomas 2nd: Dale Sights. Having majority in favor, the Motion carried.

- The Board affirmed its prior decision, dismissing the claim.

BC-24-0894: Frank Pollock v. Transportation Cabinet, Department of Highways (KYTC)

1st: Dale Sights 2nd: Kathryn Thomas. Having all in favor, the Motion carried.

- The Board affirmed its prior decision, dismissing the claim.

BC-24-0903: Christopher Luttrell v. DOC

1st: Dale Sights 2nd: Kathryn Thomas. Having all in favor, the Motion carried.

- The Board affirmed its prior decision, dismissing the claim.

At approximately 10:36 am, Member Sights moved to enter an Executive Session pursuant to KRS 61.815 and KRS 61.810(1)(c) and (j) to deliberate on the following cases: BC-24-0922. Vice Chair Thomas seconded. Having all in favor, the Board went into Executive Session.

At approximately 10:50 am, Member Sights moved to exit the Executive Session and return to Open Session. Chairman Wright seconded. However, during Executive Session, Vice Chair Thomas lost connection and could not return to the meeting. Having majority in favor, the motion carried, and no official action was taken during the Executive Session.

BC-24-1073: Misty McKnight v. DOC

1st: Dale Sights 2nd: Kathryn Thomas. Having all in favor, the Motion carried.

- The Board overruled Respondent DOC's Motion to Dismiss and assigned the claim to a hearing officer.

BC-22-0977 & 0978: Shane and Rachel Smith v. KYTC

1st: Kathryn Thomas 2nd: Dale Sights. Having all in favor, the Motion carried.

- The Board accepted and adopted the Recommended Order Adopting Agreed Order of Settlement.

BC-23-0422: Antonio Smith v. Cabinet of Health and Family Services (CHFS)

1st: Kathryn Thomas 2nd: Dale Sights. Having all in favor, the Motion carried.

- The Board modified the Recommended Order of Dismissal, dismissing the claim without prejudice.

BC-24-0569: William Brumagen v. CHFS

1st: Samuel Wright 2nd: Dale Sights. Having all in favor, the Motion carried.

- The Board entered the Recommended Order of Dismissal as Settled.

BC-24-0672: Pamela Wiltgen v. KYTC

1st: Samuel Wright 2nd: Dale Sights. Having all in favor, the Motion carried.

- The Board accepted but modified the Recommended Order Granting the Claimant's Request to Withdraw, dismissing the claim without prejudice.

BC-24-0922: Benjamin Emerson v. Tourism, Arts & Heritage Cabinet, Department of Parks

1st: Samuel Wright 2nd: Dale Sights. Having majority in favor, the Motion carried.

- The Board accepted and adopted the Recommended Order Granting Respondent's Motion for Summary Disposition, dismissing the claim.

BC-24-0969: Michael Hayes, Administrator of the Estate of Krista Hayes v. University of Kentucky, King's Daughters Medical Center

1st: Samuel Wright 2nd: Dale Sights. Having majority in favor, the Motion carried.

- The Board entered the Agreed Order of Dismissal and Settlement.

BC-24-1158: Erie Insurance Exchange, as Subrogee of James Hardwick v. KYTC

1st: Samuel Wright 2nd: Kathryn Thomas. Having majority in favor, the Motion carried.

- The Board dismissed, *sua sponte*, for lack of jurisdiction over subrogation claims.

Member Sights motioned to schedule the Board's May meeting for Wednesday, May 28, 2025 at 10:00 am EST. Chairman Wright seconded the motion. Having majority in favor, the Motion carried. The Board scheduled its May meeting for May 28, 2025 at 10:00 am EST.

Chairman Wright moved to adjourn the meeting at approximately 10:55 am with Member Sights seconding. Having majority in favor, the Motion carried, and the meeting adjourned.