

COMMONWEALTH OF KENTUCKY  
Board of Claims  
Agenda  
August 20, 2009

July '09  
Approved  
Minuted

The Board of Claims received 72 new claims during the month of July, 2009. A total of 109 new claims were set up, according to Assistant Clerk Paula Woolums. Paula also dismissed 2 claims for being under the \$100.00 threshold.

Investigators Jackie Lynch and Wanda Luttrell decided 70 claims (under \$1,000.00) in July, 2009. Thirty eight (38) claims were dismissed and 32 claims were awarded, for a total amount awarded of \$9,112.25.

At its Board meeting on July 16, 2009, the Board dismissed 25 claims and awarded six (6) claims totaling \$244,789.02. Together with the claims investigated in-house, the Board dismissed a total of 63 claims and awarded a total of 38 claims for a total amount awarded of \$253,901.27 in July, 2009.

**For Instructions From the Board**

BC-2008-00426

Leonel Cadagan vs. Transportation Cabinet

Notes: Agreed Order of Settlement filed.

Counsel's Recommendation: Enter Agreed Order of Settlement and award Claimant \$1,000.00. ✓

BC-2008-01158

Kathy Janes vs. Tourism, Arts and Heritage Cabinet / Dept. of Parks

Notes: Agreed Order of Settlement filed.

Counsel's Recommendation: Enter Agreed Order of Settlement and award Claimant \$7,500.00. ✓

BC-2009-00193

Lyman Patterson vs. Commonwealth of Kentucky

Notes: August 20, 2009

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

BC-2009-00263

Brian Coleman vs. Commonwealth of Kentucky

Notes: August 20, 2009

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

BC-2009-00302

India Jewell vs. Transportation Cabinet / Department of Highways

Notes: August 20, 2009

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

BC-2009-00359

Gary Weaver vs. Transportation Cabinet / Department of Highways

Notes: August 20, 2009

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

BC-2009-00420

Nicholas Lanning vs. Tourism, Arts and Heritage / Ky. Historical Society

Notes: Notice from State Risk & Insurance Division that claim was paid in full by the state's liability insurance carrier.

Counsel's recommendation: Enter Final Order dismissing claim as settled. ✓

BC-2009-00530

Kenneth Collins vs. Military Affairs

Notes: Respondent's Investigative Response admitting liability.

Counsel's Recommendation: Enter Final Order awarding \$8,008.00 to Claimant. ✓

BC-2009-00531

Donna Wiley vs. Tourism, Arts and Heritage Cabinet / Dept. of Parks

Notes: Respondent's Answer Admitting Liability and recommending payment of claim.

Counsel's Recommendation: Enter Final Order awarding \$1,223.44 to Claimant. ✓

BC-2009-00569

Bellsouth Telecommunications, Inc., d/b/a At and T Kentucky vs. Transportation Cabinet

Notes: Notice from State Risk & Insurance Division that this claim was settled by the Commonwealth's liability insurance carrier.

Counsel's Recommendation: Enter Final Order dismissing claim as settled. ✓

BC-2009-00590

Daviess County Fire Department vs. Transportation Cabinet / Dept. of Highways

Notes: Notice from State Risk & Insurance Division that this claim was settled by the Commonwealth's liability insurance carrier.

Counsel's Recommendation: Enter Final Order dismissing claim as settled. ✓

**Full Board Review**

BC-2009-00257

Patricia Holliday vs. Transportation Cabinet / Dept. of Highways

*Overturned & awarded*

Notes: 6/12/09 Board ordered dismissed ✓  
6/24/09 Claimant requests FBR (\$273.13) ✓  
7/16/09 Board held over for August Bd meeting

BC-2009-00266

Lonnie Thompson vs. Department of Highways / Transportation

*Upheld Dismissal*

Notes: 7/6/09 Board ordered dismissing. ✓  
7/20/09 Claimant requests FBR (\$433.22)

BC-2009-00348

John Gardner vs. Justice and Public Safety Cabinet

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Notes: 7/17/09 Board ordered dismissed ✓  
7/28/09 Claimant requests FBR (\$139.96)

**Motions**

BC-2008-00889

Leisa Pietrzak; Bob Pietrzak vs. Cabinet for Health and Family Services

Notes: Respondent's Motion to Dismiss and Claimant's response.

Counsel's Recommendation: Enter Final Order dismissing claim as settled. ✓

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**Recommended Order**

BC-2005-00746

Gerald Newton vs. Finance and Administration Cabinet and Department of Military Affairs

Notes: Hearing Officer Darren Embry's Recommended Order granting Respondent's Motion for Summary Judgment.

Counsel's Recommendation: Enter Final Order adopting the recommendation of the hearing officer and dismissing the claim. ✓

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BC-2005-00954

Laura Dishon vs. Transportation Cabinet / Department of Highways

Notes: Hearing Officer Jan West's Opinion and Recommended Order denying Respondent's Motion for Summary Judgment.

Counsel's Recommendation: Enter Final Order overruling Motion for Summary Judgment and remanding to hearing officer for further proceedings. ✓

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BC-2007-00707

Mary Rice vs. Tourism, Arts & Heritage Cabinet / Department of Parks

Notes: Hearing Officer Braxton Crenshaw's Recommended Order of Dismissal.

Counsel's Recommendation: Adopt the recommendation of the hearing officer and dismiss the claim. ✓

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BC-2008-00152

Hattie Anderson vs. University of Louisville

Notes: Hearing Officer Charles Miller's Recommended Order of Dismissal.

Counsel's Recommendation: Adopt the recommendation of the hearing officer and dismiss the claim. ✓

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BC-2008-01081

Janice Poindexter vs. Transportation Cabinet

Notes: Hearing Officer Braxton Crenshaw's Recommended Order dismissing claim.

Counsel's Recommendation: Enter Final Order adopting the recommendation of the hearing officer and dismissing the claim. ✓

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BC-2008-01093

John Livesay vs. Justice and Public Safety Cabinet / Department of State Police

Notes: Agreed Order of Dismissal filed by Hearing Officer Darren Embry.

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

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BC-2008-01141

Cynthia Bell vs. Transportation Cabinet / Department of Highways

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

Counsel's Recommendation: Enter Final Order adopting the recommendation of the hearing officer. ✓

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BC-2008-01164

Thomas Booker vs. Justice and Public Safety Cabinet / Department of State Police

Notes: Hearing Officer Darren Embry's Recommended Order of Dismissal at Claimant's request.

Counsel's Recommendation: Enter Final Order dismissing the claim as recommended by the hearing officer. ✓

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BC-2009-00326

Miles Farms, LLC vs. Transportation Cabinet / Department of Highways

Notes: Agreed Order of Settlement filed by Hearing Officer Todd Farmer.

Counsel's Recommendation: Enter Agreed Order of Settlement and award Claimant \$67,815.52 in settlement of this claim. ✓

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Total number of Claims: 24

**COMMONWEALTH OF KENTUCKY  
BOARD OF CLAIMS**

*Addendum  
August 20, 2009*

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**BC-~~2002-488~~ 2009-601**

Estate of Kelly Dean Rice by Doris Rice, Executrix v. University of Kentucky

Agreed Order of Settlement and Dismissal filed.

Counsel's Recommendation: Enter Agreed Order of Settlement and Dismissal and award Claimant \$96,000.00. ✓

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**BC-2004-749**

Sean Starowitz and Robert Starowitz v. Education Cabinet

Agreed Order Dismissing filed.

Counsel's Recommendation: Enter Agreed Order Dismissing and dismiss claim. ✓

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