

**COMMONWEALTH OF KENTUCKY**  
**Board of Claims**  
**Agenda**  
**August 16, 2012**

*Minutes  
Accepted*

The Board of Claims received 46 new claims during the month of July, 2012. A total of 32 claims were set up, according to Assistant Clerk Paula Woolums. Paula also returned one claim for lack of jurisdiction.

Investigator Jackie Lynch decided 15 claims under \$1,000.00 in July, 2012. Jackie reports that seven (7) of these claims were dismissed and eight (8) were awarded, for a total amount awarded of \$3,520.70.

At its Board meeting on July 19, 2012, the Board dismissed 21 claims and awarded three (3) claims totaling \$2,895.00. Together with the claims investigated in-house, the Board dismissed a total of 28 claims and awarded a total of 11 claims for a total amount awarded of \$6,415.70 in July, 2012.

**For Instructions From the Board**

BC-2007-00102

Timothy Bowley vs. University of Louisville

Notes: Agreed Order of Dismissal with prejudice filed by the parties.

Counsel's Recommendation: Enter the Agreed Order of Dismissal as stipulated to by the parties. ✓

BC-2010-00485

Leroy Buckner vs. Tourism, Arts and Heritage Cabinet / Dept. of Parks

Notes: Agreed Order of Settlement and Dismissal filed.

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

BC-2011-00322

Lee Hill vs. Transportation Cabinet / Dept. of Highways

Notes: Claimant told former hearing officer Todd Farmer during a status conference on 12/5/11 that she wished to drop this claim; however, no Order was entered thereafter by the hearing officer.

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

BC-2011-00711

Mary Stanfield vs. Administrative Office of The Courts

Notes: Agreed Order of Dismissal and attached Settlement Agreement entered into by the parties.

Counsel's Recommendation: Enter the Agreed Order of Dismissal dismissing the claim with prejudice as stipulated to by the parties. ✓

BC-2012-00087

Bridget Ortega vs. Department of Highways / Transportation

Notes: August 16, 2012 Default Order

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

BC-2012-00089

Larry Johnson vs. Transportation Cabinet / Department of Highways

Notes: Order of Assignment to Hearing Officer Clay Patrick rendered 7/16/12; Hearing Officer Patrick resigned on 7/17/12; Claimant called the Clerk of the Board on 7/20/12 stating his desire to dismiss the claim rather than answer discovery requests from the Respondent.

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

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BC-2012-00133

Ronnie Ison vs. University of Kentucky

Notes: August 16, 2012 Default Order

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

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BC-2012-00152

Bobby Riddell vs. University of Kentucky

Notes: August 16, 2012 Default Order

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

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BC-2012-00268

Alexis Query vs. Tourism, Arts and Heritage Cabinet / Ky. State Fair Board

Notes: Claimant accepted Respondent's settlement offer of \$1,864.00.

Counsel's Recommendation: Enter a Final Order reimbursing the Claimant \$1,864.00 in settlement of this claim. ✓

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BC-2012-00281

Linda Ginter vs. University of Kentucky

Notes: Respondent's settlement offer of \$2,500.00 was accepted by the Claimant in correspondence to the Board received on 7/27/12.

Counsel's Recommendation: Enter a Final Order reimbursing the Claimant \$2,500.00 in settlement of this claim. ✓

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BC-2012-00298

Charles Dailey vs. Transportation Cabinet / Dept. of Highways

Notes: Respondent's Answer recommending payment of claimed amount.

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

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BC-2012-00325

James Stewart vs. Tourism, Arts and Heritage Cabinet / Dept. of Parks

Notes: Notification from the State Risk & Insurance Services Division that the Kentucky Self-Insured Auto Program paid the Claimant herein in full for damages sustained.

Counsel's Recommendation: Enter a Final Order dismissing the claim as paid by the Kentucky Self-Insured Auto Program. ✓

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BC-2012-00340

Maumer Cehic vs. Transportation Cabinet / Dept. of Highways

Notes: Respondent's Answer recommending payment of the amount claimed.

Counsel's Recommendation: Enter a Final Order reimbursing the Claimant \$1,000.00 in settlement of this matter. ✓

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### **Full Board Review**

BC-2012-00083

Lenora Warford vs. UK Medical Center / University of Kentucky

Notes: 5/21/12 Board ordered dismissed (\$650) ✓  
5/30/12 Claimant's letter asking to speak before the Board  
5/25/12 Spoke at length with Tammy Greer, daughter  
6/21/12 2nd Conversation with daughter  
7/11/12 FBR Memo to Cl. and Resp.

*Uphold*

BC-2012-00168

Roy Cole vs. Transportation Cabinet / Dept. of Highways

Notes: 6/4/12 Board ordered dismissed  
7/9/12 Claimant requests FBR (\$250) ✓

*Reverse + award*

BC-2012-00245

Amanda Wells vs. Transportation Cabinet / Dept. of Highways

Notes: 7/19/12 Board ordered dismissed ✓  
7/31/12 Claimant requests FBR. Copy to Respondent.  
8/3/12 FBR Memo to both parties.

*Uphold*

**Motions**

BC-2011-00505

Rickey Johnson vs. Justice and Public Safety Cabinet / Dept. of Corrections

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

Counsel's Recommendation: Enter a Final Order dismissing the claim pursuant to KRS 44.073(15). ✓

BC-2011-00676

Beverly Robb vs. Transportation Cabinet / Dept. of Highways

Notes: Respondent's Motion to Dismiss for Lack of Jurisdiction and Claimant's response filed thereto.

Counsel's Recommendation: Sustain the Motion to Dismiss for lack of jurisdiction pursuant to KRS 44.070(1). ✓

BC-2012-00244

William Sebolt, Jr., William B. Sebolt and Cindy Wells vs. Transportation Cabinet / Dept. of Highways

Notes: Respondent's Motion to Consolidate and Motion to Dismiss and Claimant's Response to Motion to Dismiss.

Counsel's Recommendation: Enter an Order consolidating claims BC-12-244, BC-12-246 and BC-12-247, overruling the Motion to Dismiss and assigning the consolidated claims to Hearing Officer Mike Wilson for further proceedings. ✓

BC-2012-00255

Mary Jett vs. Department of Education

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

Counsel's recommendation: Enter a Final Order dismissing the claim for failure to file within the Statute of Limitations pursuant to KRS 44.110. ✓

BC-2012-00280

Larry Ruther vs. Administrative Office of the Courts and Attorney General's Office

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

Counsel's Recommendation: Enter a Final Order of dismissal for failure to state a claim upon which relief can be granted. ✓

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BC-2012-00284

Daniel Cobble vs. Administrative Office of The Courts; Office of Attorney General; State Treasurer's Office; and Commonwealth Attorney Larry Cleveland

Notes: Respondents' Answers and Motions to Dismiss.

Counsel's Recommendation: Enter a Final Order of dismissal for failure to state a claim upon which relief can be granted. ✓

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**Recommended Order**

BC-2010-00605

Telana Bush-Faries; Glennis Christophel vs. Transportation Cabinet / Dept. of Highways

*Exceptions filed & mailed to Bd. Members*

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 and dismiss the claim accordingly. ✓

*Plummer Recused*

BC-2011-00617

Earl Gaddis; William Gaddis; Robert Gaddis; Geno Crawford vs. Justice and Public Safety Cabinet / Ky. State Police

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 and dismiss the claim accordingly. ✓

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BC-2011-01164

Jennifer Sutton vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Jan West's Opinion and Recommended Order dismissing the claim as defaulted.

Counsel's Recommendation: Adopt the recommendation of the hearing officer and dismiss the claim with prejudice for Claimant's failure to comply with the orders of this tribunal. ✓

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Total number of Claims: 25