

**COMMONWEALTH OF KENTUCKY**  
**Claims Commission**  
**Agenda**  
**August 29, 2017**

Effective June 29, 2017, KRS 49.10, *et seq.*, created the Kentucky Claims Commission. Pursuant to KRS 49.090(3), the Commission shall hold hearings on contested claims with a value of \$2,500.00 or greater but may decide claims under \$2,500.00 with a hearing.

The Kentucky Claims Commission received 56 negligence claims filed against the Commonwealth during the month of July, 2017. Sasha Petrey reports that 37 claims were set up and five (5) claims were returned for lack of jurisdiction.

Investigator Angela Robertson decided 16 claims under \$2,500.00 in July, 2017. Angela reports that nine (9) of these claims were denied and seven (7) were awarded, for a total amount awarded of \$3,152.87.

At its meeting on July 25, 2017, the Kentucky Claims Commission dismissed 13 negligence claims and awarded four (4) negligence claims totaling \$6,930.01. Together with the claims investigated in-house, the Claims Commission dismissed a total of 22 negligence claims and awarded a total of 11 negligence claims for a total amount awarded of **\$10,082.88** in July, 2017.

**FOR INSTRUCTIONS FROM THE COMMISSION:**

**BC-2015-415**

Paul Cronin vs. Tourism, Arts & Heritage Cabinet / Dept. of Parks

Notes: Agreed Order of Dismissal filed.

Counsel's Recommendation: Enter the Agreed Order dismissing the claim with prejudice as agreed by the parties. ✓

**BC-2016-253**

Clyva Jean Meece v. Northern Kentucky University

Notes: Claimant's Voluntary Dismissal filed.

Counsel's Recommendation: ✓ Enter an Order dismissing the claim with prejudice as requested by the Claimant. ✓

**BC-2016-304**

Thornton's Inc. v. Department of Agriculture ✓

Notes: Agreed Order of Dismissal filed. ✓

Counsel's Recommendation: Enter an Order dismissing the claim with prejudice as agreed by the parties.

**BC-2017-048**

Martin Guise v. Tourism, Arts & Heritage Cabinet / Dept. of Parks

Notes: Agreed Order of Dismissal filed.

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

**BC-2017-098**

Selestene E. Womble v. Tourism, Arts & Heritage Cabinet / Ky. State Fair Board

Notes: Answer recommending payment of the claim filed.

Counsel's Recommendation: Enter an Order awarding the Claimant \$1,594.11 in settlement of this claim. ✓

**BC-2017-00193**

PLR LLC, d/b/a Performance Lexus Rivercenter v. Transportation Cabinet / Dept. of Highways

Notes: Respondent's Answer denying liability and recommending dismissal filed.

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

MOTIONS:

**BC-2010-560**

Estate of Jeremiah Lee Muse v. University of Kentucky

Notes: Joint Motion to Dismiss the claim for \$20,000.00 filed.

Counsel's Recommendation: Enter an Order awarding the Claimant Estate \$20,000.00 in settlement of this claim. ✓

**BC-2016-539**

Scott Locke v. Murray State University

Notes: Claimant's Motion to Dismiss filed.

Counsel's Recommendation: Enter an Order granting the Claimant's Motion to Dismiss the claim with prejudice. ✓

**BC-2017-225**

Larry Robinson #174524 v. Justice & Public Safety Cabinet / Dept. of Corrections

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

Counsel's Recommendation: Enter an Order denying the Respondent's Motion to Dismiss and assigning the claim to Hearing Officer Jim Howard for further proceedings. ✓

RECOMMENDED ORDERS:

**BC-2013-139**

Gini G. Grace vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Tim Cocanougher's Recommended Order awarding the Claimant \$500.00 and the parties' Exceptions filed thereto.

Counsel's Recommendation: For discussion,

One-Third of  
\$35,000.00

**BC-2015-866**

Thomas J. Schirmann v. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Tim Cocanougher's Recommended Order of Dismissal.

Counsel's Recommendation: Adopt the recommendation of the hearing officer dismissing the claim at the Claimant's request. ✓

**BC-2016-374**

Dave Conway v. Transportation Cabinet / Energy & Environment Cabinet / Dept. for Natural Resources / Division of Abandoned Mine Lands

Notes: Hearing Officer Carson Kerr's Recommended Order of Dismissal.

Counsel's Recommendation: Adopt the recommendation of the hearing officer dismissing the claim at the Claimant's request. ✓

**Total number of Claims: 12**