



**Andy Beshear**  
GOVERNOR  
**Jacqueline Coleman**  
LIEUTENANT GOVERNOR

**PUBLIC PROTECTION CABINET**  
**Kentucky Office of Claims and Appeals**  
**Board of Claims**  
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**Ray A. Perry**  
SECRETARY  
**John Hardesty**  
EXECUTIVE DIRECTOR

**Joshua Hicks**  
MEMBER

**Dale Sights**  
MEMBER

## NOTICE OF REGULAR MEETING

Date: August 23, 2022

Time: 10:00 AM Eastern Standard Time (EST)

Location: Zoom

- Call to order and roll call
- Approve minutes of July 26, 2022 meeting
- Executive Director's Report
- Full Board Review
- Motions
- Recommended Orders
- Agreed Orders or For Instructions
- Review of Calendar and next meeting
- Adjournment

\*Please consult the Board's website calendar for meeting materials and the Zoom link\*

COMMONWEALTH OF KENTUCKY  
PUBLIC PROTECTION CABINET  
OFFICE OF CLAIMS AND APPEALS  
BOARD OF CLAIMS

**Meeting Agenda**

**Date: August 23, 2022**

When moving into Executive Session, use the following language: [Move for the Board to enter executive session, pursuant to KRS 61.815 and KRS 61.810 (1) (c) and (j) to discuss proposed or pending litigation and deliberate on individual adjudications in “*please state the relevant case number of all cases to be discussed in closed session.*” Motion must be seconded.]

**I. July 2022 Monthly Report:**

During the month of July 2022, the Board of Claims received **64** negligence claims filed against the Commonwealth.

The Board rendered **86** decisions in claims *under \$2,500.00* in July 2022. Of those, **26** were dismissed and **60** were awarded for a total amount awarded of **\$36,138.97**.

At its July 2022 meeting, the Board approved **4** Agreed Orders of Dismissal, granted **3** additional awards upon Full Board Review, awarding an additional amount of **\$258,213.40**. With the claims under \$2,500.00, and those decided at the July 2022 Meeting, the Board decided **106** claims, dismissing a total of **39** claims, and awarding a total of **67** claims, the total amount awarded being **\$294,352.37**.

**II. APPROVAL OF JULY 2022 MINUTES:**

1st:                      2nd:

**III. FULL BOARD REVIEW**

**BC-22-0262:**

FREDERICK MILLER

v.

JUSTICE AND PUBLIC SAFETY CABINET  
DEPARTMENT OF CORRECTIONS (DOC)  
EASTERN KENTUCKY CORRECTIONAL COMPLEX

-Findings of Fact, Opinion, and Order Awarding

**BC-22-0333:**

MARCUS LAWRENCE, SR.

v.

JUSTICE AND PUBLIC SAFETY CABINET  
DEPARTMENT OF CORRECTIONS (DOC)  
KENTUCKY STATE PENITENTIARY

-Findings of Fact, Opinion, and Order Awarding

-Claimant's Motion to Increase Award Amount

**BC-21-0685**

FRANK GALATI

v.

TRANSPORTATION CABINET

DEPARTMENT OF HIGHWAYS (KYTC)

-Order Vacating (Holdover from July meeting)

**BC-22-0058**

AARON FREE

v.

KYTC

-Findings of Fact, Opinion, and Order Dismissing

**BC-22-0215**

TEONA RAYBURN

v.

KYTC

-Order Vacating (Holdover from July meeting)

**BC-22-0448**

JOSEPH MARTIN

v.

UNIVERSITY OF KENTUCKY (UK)

-Order Awarding

**BC-22-0598**

AARON BOWLING

v.

UK

-Order Awarding Deductible Amount (\$500)

**IV. MOTIONS**

**BC-22-0220**

STEPHANIE BROWN

v.

JUSTICE AND PUBLIC SAFETY CABINET

KENTUCKY STATE POLICE

-Respondent's Motion to Dismiss

## **V. RECOMMENDED ORDERS**

### **BC-15-1004**

ELMER MAGGARD, PH.D

v.

BOARD OF PSYCHOLOGY EXAMINERS;  
OFFICE OF THE ATTORNEY GENERAL;  
JACK BRENGELMAN and  
JACK CONWAY, Individually and  
in his Official Capacity

-Recommended Order of Dismissal

-Claimant's Exceptions

### **CC-19-0829 & 0830**

ELIZABETH HOLDER and  
ANN MARGARET HOLDER

v.

UNIVERSITY OF KENTUCKY and  
CENTRAL KENTUCKY MANAGEMENT SERVICES

-Recommended Order of Dismissal

### **BC-20-0459**

EDGAR BRINKMAN

v.

KYTC

-Recommended Order of Dismissal

-Claimant's Exceptions

### **BC-21-0340**

EOWYN CURRIVEAN

v.

CABINET OF HEALTH AND FAMILY SERVICES  
WESTERN STATE HOSPITAL

-Recommended Order of Dismissal due to Settlement

### **BC-21-0751**

KENTUCKY UTILITIES

v.

KYTC

-Recommended Order of Dismissal

### **BC-22-0157**

NANCY TILLMAN

v.

FINANCE AND ADMINISTRATION CABINET

-Recommended Order of Dismissal

**VI. AGREED ORDERS or FOR INSTRUCTIONS**

**BC-17-0303**

RAM KHANAL

v.

MURRAY STATE UNIVERSITY

-Joint Motion to Approve Settlement

-Agreed Order of Dismissal

-Release

**BC-17-0305**

DIANA DETERS

v.

TOURISM, ARTS & HERITAGE CABINET

DEPARTMENT OF PARKS

-Agreed Order of Dismissal

**BC-21-0567**

DAVID NOE

v.

KYTC

-Agreed Order of Dismissal

-Settlement Agreement and Release

**BC-21-0681**

QUINN BURTON

v.

KYTC

-Agreed Order of Dismissal

-Settlement Agreement and Release

**BC-22-0062**

ELIZABETH HEHMAN

v.

NORTHERN KENTUCKY UNIVERSITY

-Agreed Order of Dismissal

-Settlement Agreement and Release

**BC-22-0590**

MOBA CORPORATION, INC.

v.

TOURISM, ARTS & HERITAGE CABINET

STATE FAIR BOARD

-Answer Admitting Negligence and Agreement to Pay Full Amount of Claim

**BC-22-0690**  
PATRICIA FOX  
v.  
UK

-Answer Admitting Negligence and Agreement to Pay Full Amount of Claim

**BC-22-0570**  
EAN HOLDINGS  
v.  
COLORADO STATE UNIVERSITY

-Dismissal for lack of jurisdiction

**BC-22-0675, 0676, and 0677**  
TYLER SCHIMER  
v.  
POWELL COUNTY SHERIFF'S DEPT.;  
STANTON POLICE DEPT.;  
POWELL COUNTY DETENTION CENTER

-Dismissal for lack of jurisdiction

**VII. SCHEDULING OF SEPTEMBER MEETING**

**VIII. ADJOURNMENT**

1st:            2nd: