



Andy Beshear
GOVERNOR
Jacqueline Coleman
LIEUTENANT GOVERNOR

PUBLIC PROTECTION CABINET
Kentucky Office of Claims and Appeals
Board of Claims

500 Mero Street, 2SC1
Frankfort, KY 40601
Phone: (502) 782-8255
Fax: (502) 573-4817

Ray A. Perry
SECRETARY

John Hardesty
EXECUTIVE DIRECTOR

Samuel T. Wright, III
BOARD CHAIRPERSON

Dale Sights
MEMBER

Kathryn M. Thomas
MEMBER

August 29, 2023 Meeting

MINUTES

The meeting, conducted via Zoom, was called to order at approximately 10:00 am., and the following business was conducted in Board of Claims matters.

In attendance were Board members Samuel Wright, Dale Sights, and Kathryn Thomas. Chairman Wright called the meeting to order.

A quorum existed and business was conducted. Also in attendance were Executive Director John Hardesty, Staff Attorney Shelby Bevins-Sullivan, Clerk Katie Dean, Hearing Officers Eden Davis Stephens and Shawn D. Chapman, Attorney James O'Toole for Claimant Diane Lamb, Attorney Lauren Lewis for Respondent Kentucky State Police, Attorney Jamhal Woolridge for Respondent Cabinet of Health and Family Services, Attorney Nathan Goens for Respondent Department of Corrections, and Paralegal Wendy Lucas for Respondent University of Kentucky.

After Executive Director Hardesty delivered the monthly report for the Board of Claims for July 2023, the July Minutes were approved. Member Kathryn Thomas moved to approve the July 2023 Minutes with Member Dale Sights seconding. Having all in favor, the Motion carried.

After approval of the prior meeting's Minutes, the following cases were taken up for consideration:

BC-23-0090: Randy Turner v. Justice and Public Safety Cabinet, Dept. of Corrections (DOC)

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

- The Board vacated its prior decision and the claim would be served on DOC to answer the claim.

BC-23-0517: Jay Buckner v. Transportation Cabinet, Dept. of Highways (KYTC)

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

- The Board affirmed its prior decision, dismissing the claim but granting leave to re-file.



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BC-22-0877: Diane Lamb v. Justice and Public Safety Cabinet, Kentucky State Police (KSP)

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

- The Board overruled KSP's Motion to Strike, but held in abeyance KSP's Motion to Dismiss and Lamb's Motion to Consolidate pending a ruling from the Franklin Circuit Court in a related claim.

BC-23-0230: Nashawn Tyus v. DOC

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

- The Board sustained DOC's Motion to Dismiss.

At approximately 10:47 am, Chairman Wright 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-23-0090, BC-23-0517, BC-22-0877, BC-23-0230, and BC-23-0422. Member Thomas seconded. Having all in favor, the Board went into Executive Session.

At approximately 11:59 am, Member Sights moved to exit the Executive Session and return to Open Session. Member Thomas seconded. Having all in favor, the motion carried, and no official action was taken during the Executive Session.

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

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

- The Board overruled CHFS's Motion to Dismiss and assigned this claim to a hearing officer.

BC-21-0035: Tony Duncan v. KYTC

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

- The Board accepted and adopted the Recommended Order, dismissing the claim.

BC-21-0691: Pacific Mountain Express v. KYTC

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

- The Board accepted and adopted the Recommended Order, dismissing the claim.



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BC-22-0670: Sherry Matthews v. University of Kentucky (UK)

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

- The Board accepted and adopted the Recommended Order, dismissing the claim.

BC-21-0214: Tanya Russell v. KYTC

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

- The Board entered the Agreed Order of Dismissal.

BC-21-0670: Charles Vinson v. City of Evansville, Indiana and Chief Billy Bolin

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

- The Board dismissed this claim, *sua sponte*, for lack of jurisdiction over a county entity.

BC-22-0651: Gregory Fassbender v. KYTC

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

- The Board entered the Agreed Order of Dismissal.

BC-22-0789: Prestonsburg Dairy Cheer v. Department of Veterans Affairs

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

- The Board entered the Agreed Order of Dismissal.

BC-22-1003: Elaine Burns v. KYTC

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

- The Board entered the Agreed Order of Dismissal.

BC-23-0153: Erika Arnold v. KYTC

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

- The Board entered the Agreed Order of Dismissal.

BC-23-0169: David Seigel v. KYTC

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

- The Board entered the Agreed Order of Dismissal.



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BC-23-0279: Eric Saunders v. KYTC

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

- The Board entered the Agreed Order of Dismissal.

BC-23-0342: Rodrigo Macias v. UK

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

- The Board entered a Final Order, awarding the Claimant \$6,791.00.

BC-23-0363: Sheilyn Patton v. KYTC

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

- The Board entered the Agreed Order of Dismissal.

BC-23-0440: Gerald Jeffery v. KYTC

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

- The Board entered a Final Order dismissing the claim for falling outside of the statute of limitations.

BC-23-0451: Derrick Cross v. KYTC

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

- The Board entered a Final Order, awarding the Claimant \$2,500.00.

The Board scheduled its September Meeting for Tuesday, September 26, 2023 at 10:00 am EST.

Member Sights moved to adjourn the meeting at approximately 12:08 pm with Member Thomas seconding. Having all in favor, the Motion carried, and the meeting adjourned.