



PUBLIC PROTECTION CABINET

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John Hardesty
EXECUTIVE DIRECTOR

August 27, 2024 Meeting

MINUTES

The meeting, conducted via Microsoft Teams, was called to order at approximately 10:06 am., and the following business was conducted in Board of Claims matters.

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

A quorum existed and business was conducted. Also in attendance were: Executive Director John Hardesty, Staff Attorneys Shelby Bevins-Sullivan and Linda Horsman, Clerk Katie Dean, Hearing Officers Charles Miller and Barry Sullivan, Attorney Nathan Goens for Respondent Department of Corrections, Attorneys Peter Klear and Evan Jones for Department of Parks, Attorney David Agnew for Claimant Zoe Gerstle, Attorney Matt Lynch for Respondent Office of Unemployment Insurance, Attorney Whitney Stepp-Gay for Respondent University of Kentucky, and Claimants Ixchelt Smith, Shannon-Dale Baird, and Alex Sanders.

After Director Hardesty delivered the monthly report for the Board of Claims for July 2024, the July 2024 Minutes were approved. Member Sights moved to approve the July 2024 Minutes with Chairman Wright 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-23-1019: Gregory Crawford v. Transportation Cabinet, Dept. of Highways (KYTC)

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

- The Board affirmed its prior decision, dismissing the claim.

BC-24-0305: Laticia Gates v. KYTC

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

- The Board affirmed its prior decision, dismissing the claim.

BC-24-0312: Robert Madison v. KYTC

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

- The Board affirmed its prior decision, dismissing the claim.

BC-24-0494: Ixcheltl Smith v. KYTC

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

- The Board vacated the prior decision, awarding the Claimant damages.

BC-24-0513: Kendal Bach v. KYTC

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

- The Board vacated its prior decision, awarding the Claimant damages.

At approximately 10:47 am, Member Thomas moved to enter an Executive Session pursuant to KRS 61.815 and KRS 61.810(1)(c) and (j) to deliberate on the following case: BC-23-0832. Member Sights seconded. Having all in favor, the Board went into Executive Session.

At approximately 10:59 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-23-0832: Shannon-Dale Baird v. Justice & Public Safety Cabinet, Department of Corrections and Kentucky State Police, et al.

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

- The Board sustained Respondent Department of Corrections's Motion to Dismiss.

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

- The Board sustained Respondent Kentucky State Police's Motion to Dismiss.

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

- The Board dismissed, *sua sponte*, Respondent Franklin County Detention Center from the action for lack of jurisdiction over county entities.

BC-24-0438: Creative Minds Development Center, LLC v. Cabinet of Health and Family Services (CHFS)

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

- The Board granted the Claimant's request to withdraw the claim.

BC-22-0015: Ashley Hart v. Tourism, Arts & Heritage Cabinet, Dept. of Parks (DOP)

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

- The Board accepted and adopted the Recommended Order of Partial Dismissal.

BC-22-0625: Bruce Jung v. KYTC

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

- The Board accepted and adopted the Recommended Order of Dismissal.

BC-23-0250: Raymond Hunter v. KYTC

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

- The Board accepted and adopted the Recommended Agreed Order of Dismissal.

BC-23-0477: Estate of Mike Robertson v. University of Kentucky (UK)

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

- The Board entered the Agreed Order of Dismissal.

BC-23-0736: Mary Clapp v. DOP

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

- The Board entered the Agreed Order of Dismissal.

BC-24-0371: Zoe Gerstle v. Labor Cabinet, Office of Unemployment Insurance

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

- The Board entered the Agreed Order of Dismissal.

BC-23-0596: Alex Alastary Sanders v. Franklin County Attorney's Office and Frankfort Police Department

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

- The Board dismissed this, *sua sponte*, for failure to file within the one-year statute of limitations and for lack of jurisdiction over county and municipal entities.

BC-23-0882: Leta Brown v. University of Louisville

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

- The Board dismissed this claim for failure to respond to the Show Cause Order.

BC-23-0931: Pleun Troost v. Western Kentucky University

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

- The Board dismissed this claim, *sua sponte*, as moot.

BC-23-0932: NT Trading, Inc., c/c/ Esra Bicioglu v. Unknown

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

- The Board dismissed this claim for failure to respond to the Show Cause Order.

BC-23-0936: Ashley Keith v. CHFS

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

- The Board dismissed this claim for failure to respond to the Show Cause Order.

BC-23-0959: David Draper v. KYTC

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

- The Board dismissed this claim for failure to respond to the Show Cause Order.

BC-24-0027: Luke Koenig v. Unknown

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

- The Board dismissed this claim for failure to respond to the Show Cause Order.

BC-24-0054: Bellarmino University v. Tourism, Arts & Heritage Cabinet, State Fair Board

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

- The Board dismissed this claim for failure to respond to the Show Cause Order.

BC-24-0101: Gonzalo Lopez v. KYTC

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

- The Board dismissed this claim for failure to respond to the Show Cause Order.

BC-24-0204: Phil Love IV v. Tates Creek Crossing Apartments

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

- The Board dismissed this claim, *sua sponte*, for lack of jurisdiction over private entities.

BC-24-0316: Vicky Craft v. UK

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

- The Board placed this claim in abeyance pending the outcome of similar cases before the Boyd Circuit Court and the Court of Appeals. The Board also ordered the parties to submit a status report in ninety (90) days from the date the order is served.

Chairman Wright motioned to schedule the Board's September meeting for September 24, 2024 at 10:00 am EST. Member Sights seconded the motion. Having all in favor, the Motion carried. The Board scheduled its September meeting for September 24, 2024 at 10:00 am EST.

Member Thomas moved to adjourn the meeting at approximately 11:01 am with Member Sights seconding. Having all in favor, the Motion carried, and the meeting adjourned.