

COMMONWEALTH OF KENTUCKY
Board of Claims
Agenda
December 15, 2011

Accepted

REVISED MINUTES

The Board of Claims received 60 new claims during the month of November, 2011. A total of 38 claims were set up, according to Assistant Clerk Paula Woolums. Paula also returned two (2) claims for lack of jurisdiction.

Investigators Jackie Lynch and Wanda Luttrell decided 49 claims (under \$1,000.00) in November, 2011. Jackie reports that 27 claims were dismissed and 22 claims were awarded, for a total amount awarded of \$8,655.69.

At its Board meeting on November 17, 2011, the Board dismissed 24 claims and awarded 12 claims totaling \$107,499.68. Together with the claims investigated in-house, the Board dismissed a total of 53 claims and awarded a total of 32 claims for a total amount awarded of **\$116,155.37** in November, 2011.

For Instructions From the Board

BC-2007-00833

Nicholas House vs. Education and Workforce Development Cabinet / Office of Career & Technical Education

Notes: Notice of Settlement and Settlement Agreement filed.

Counsel's Recommendation: Enter a Final Order awarding \$260.99 to the Claimant in settlement of this claim. ✓

BC-2009-00879

Lee Anne Purdon (now Franklin) vs. University of Kentucky

Notes: Agreed Order of Dismissal and Settlement awarding \$5,500.00 to the Claimant.

Counsel's Recommendation: Enter a Final Order dismissing this claim as settled and awarding the Claimant \$5,500.00 through her bankruptcy trustee. ✓

BC-2010-00489

John Hager; Donna Hager vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order awarding \$125,000.00 to the Claimant in settlement of this matter.

Counsel's Recommendation: Enter the Agreed Order awarding the Claimant \$125,000.00 in settlement of this matter. ✓

BC-2011-00069

Deborah Gordon vs. Tourism, Arts and Heritage Cabinet/ Ky. State Fair Board

Notes: December 15, 2011- Default Order

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

BC-2011-00186

Royce Burus vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order awarding the Claimant \$1,000.00 in settlement of this claim.

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

BC-2011-00227

Brooke Slone vs. Tourism, Arts and Heritage Cabinet / Dept. of Parks

Notes: Agreed Order awarding the Claimant \$30,000.00 in settlement of this claim.

Counsel's Recommendation: Enter the Agreed Order awarding the Claimant \$30,000.00 in settlement of this claim. ✓

BC-2011-00517

Douglas Yates vs. Transportation Cabinet / Department of Highways

Notes: Board's October 28, 2011 Show Cause Order to the Claimant requesting a response to its August 18, 2011 Order; no response has been received from the Claimant to either Order.

Counsel's Recommendation: Enter a Default Order dismissing the claim with prejudice for the Claimant's failure to comply with the Orders of this tribunal. ✓

BC-2011-00578

Timothy Barker vs. Commonwealth of Kentucky

Notes: December 15, 2011- Default Order

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

BC-2011-00588

Michael Hamilton vs. University of Kentucky

Notes: December 15, 2011- Default Order

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

BC-2011-00593

Roger Day vs. Commonwealth of Kentucky

Notes: December 15, 2011- Default Order

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

BC-2011-00597

Ronald Freeman vs. Commonwealth of Kentucky

Notes: December 15, 2011- Default Order

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

BC-2011-00598

Helen Tropiejko vs. Transportation Cabinet / Department of Highways

Notes: December 15, 2011- Default Order

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

BC-2011-00609

Charles Robinson vs. University of Kentucky

Notes: December 15, 2011- Default Order

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

BC-2011-00613

Harold Medlock vs. Commonwealth of Kentucky

Notes: December 15, 2011- Default Order
Counsel's Recommendation: Rule the Claimant in Default and Dismiss. ✓

BC-2011-00651

Eric Woods vs. Commonwealth of Kentucky

Notes: December 15, 2011- Default Order
Counsel's Recommendation: Rule the Claimant in Default and Dismiss. ✓

BC-2011-00659

Dianna Allen vs. Commonwealth of Kentucky

Notes: December 15, 2011- Default Order
Counsel's Recommendation: Rule the Claimant in Default and Dismiss. ✓

BC-2011-00692

Kathleen Noe vs. University of Kentucky

Notes: December 15, 2011- Default Order
Counsel's Recommendation: Rule the Claimant in Default and Dismiss. ✓

BC-2011-00775

Ruth Laferty vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order awarding \$1,000.00 to the Claimant rendered.

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

BC-2011-00825

Tim Horn vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order of Settlement awarding the Claimant \$816.00.

Counsel's Recommendation: Enter the Agreed Order of Settlement awarding the Claimant \$816.00 in settlement of this claim. ✓

BC-2011-00831

Estate of Maggie Cornett, by and through Chris Cornett, Administrator vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Final Order of Settlement and Dismissal filed.

Counsel's Recommendation: Enter the Agreed Final Order awarding the Claimant \$98,500.00 in settlement of this claim. ✓

BC-2011-00832

Alex Ryan, a Minor vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Final Order awarding \$48,535.83 to the Claimant in settlement of this claim.

Counsel's Recommendation: Enter the Agreed Final Order awarding the Claimant \$48,525.83 in settlement of this claim. ✓

BC-2011-00857

Damon Redd vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order awarding \$2,533.60 in settlement of the claim filed by the parties.

Counsel's Recommendation: Enter the Agreed Order awarding the Claimant \$2,533.60 in settlement of this claim. ✓

BC-2011-00947

Dennis Dilley vs. Tourism, Arts and Heritage Cabinet / Ky. State Fair Board

Notes: Notification from State Risk & Insurance Services Division that claim was paid by the Commonwealth's liability insurance carrier.

Counsel's Recommendation: Enter a Final Order dismissing the claim as paid by the Commonwealth's liability insurance carrier. ✓

BC-2011-01068

Ella Perkins vs. University of Kentucky

Notes: Respondent's Answer recommending payment of the claim in full.

Counsel's Recommendation: Enter a Final Order awarding the Claimant \$1,378.00 for lost dentures. ✓

Full Board Review

BC-2011-00702

Donnie Haddix vs. Transportation Cabinet / Department of Highways

Notes: 8/29/11 Board ordered dismissed
11/15/11 Claimant requests FBR (\$127.75). ✓

Reverse & award

BC-2011-00761

Brandon Perry vs. Transportation Cabinet / Department of Highways

Notes: 10/24/11 Board ordered dismissed
11/07/11 Claimant requests FBR (\$500.00).

Uphold dismissal

BC-2011-00811

Robert Hodge vs. Transportation Cabinet / Department of Highways

Notes: 9/29/11 Board ordered dismissed.
10/9/11 Claimant requests FBR (\$500.00). ✓

Reverse & award

BC-2011-00986

Kathryn Davis vs. Transportation Cabinet / Department of Highways

Notes: 11/22/11 Board dismissed claim.
11/30/11 Claimant requests FBR (\$500.00).

Uphold dismissal

Motions

BC-2007-00681

Rosie Dyer, by her Father and Next Friend, Paul Dyer vs. Board of Education of Marion County

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

Counsel's Recommendation: Enter a Final Order granting the Motion to Dismiss for the Board's lack of jurisdiction over discretionary acts. ✓

BC-2011-00016

Victoria Denhatler vs. Transportation Cabinet and Eastern Kentucky University

Notes: Claimant's Motion to Dismiss (as settled) filed.

Counsel's Recommendation: Enter a Final Order dismissing the claim as moved by the Claimant. ✓

BC-2011-00516

Mary Jones vs. University of Kentucky

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

Counsel's Recommendation: Enter a Final Order dismissing the claim for failure to file within one year from the time the claim for relief accrued, pursuant to KRS 44.110. ✓

BC-2011-00873

Louisville Paving Company, Inc. vs. Transportation Cabinet / Dept. of Highways

Notes: Respondent's Motion to Dismiss and Answer specifying contractor involvement.

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

BC-2011-00928

Heather Allgood vs. Cabinet for Health and Family Services

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

Counsel's Recommendation: ~~Forthcoming at meeting.~~ *Sustain Motion to Dismiss* ✓

BC-2011-00961

Joyce Avery vs. Transportation Cabinet / Dept. of Highways

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

Counsel's Recommendation: Overrule the Motion to Dismiss and assign the claim to Hearing Officer Jan West for further proceedings. ✓

Recommended Order

BC-2006-00292

Tiffany Thomspson, et al. vs. Transportation Cabinet

Notes: Hearing Officer Braxton Crenshaw's Recommended Order of Dismissal.

Counsel's Recommendation: Adopt the recommendation of the hearing officer dismissing the claim with prejudice. ✓

BC-2008-00983

Betty Greenwell vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: Hearing Officer Lansden King'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 denying payment of this claim. ✓

BC-2010-00307

Southern Quality Meats, Inc. vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Jan West's Findings of Fact, Conclusions of Law and Recommended Order awarding \$3,000.00 to the Claimant and Respondent's Exceptions filed thereto.

Counsel's Recommendation: Adopt the recommendation of the hearing officer awarding the Claimant \$3,000.00 in damages. ✓

BC-2010-00663

Lila Simpson vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer William Rudloff'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 denying payment of this claim. ✓

BC-2010-00699

Barbara May vs. Transportation Cabinet / Department of Highways

Notes: Hearing Officer William Rudloff's Findings of Fact, Conclusions of Law and Recommended Order dismissing the claim with prejudice.

Counsel's Recommendation: Adopt the recommendation of the hearing officer denying payment of the claim. ✓

BC-2010-00744

Deborah Cox vs. Tourism, Arts and Heritage Cabinet / Ky. State Fair Board

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 denying payment of this claim. ✓

BC-2011-00120

Jessica Engle vs. Transportation Cabinet / Department of Highways

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 denying payment of this claim. ✓

BC-2011-00301

Heather Wainscott vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Lansden King's Recommended Order of Dismissal.

Counsel's Recommendation: Adopt the recommendation of the hearing officer denying payment of this claim. ✓

BC-2011-00416

Richard Ellis vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Braxton Crenshaw's Recommended Order of Dismissal.

Counsel's Recommendation: Adopt the recommendation of the hearing officer dismissing this claim with prejudice. ✓

BC-2011-00428

Melissa Berryhill vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer William Rudloff'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 denying payment of this claim. ✓

BC-2011-00564

Larry Frazee vs. Transportation Cabinet / Department of Highways

Notes: Hearing Officer William Rudloff's Recommended Findings of Fact, Conclusions of Law and Order denying payment of the claim and the Claimant's exceptions filed thereto.

Counsel's Recommendation: ~~Forthcoming at meeting.~~

Reject recommendation and award \$17,400.00.

BC-2011-00632

Dewey Wagers vs. University of Kentucky

Notes: Hearing Officer Braxton Crenshaw's Recommended Order of Dismissal.

Counsel's Recommendation: Adopt the recommendation of the hearing officer dismissing this claim with prejudice. ✓

BC-2011-00755

Matthew DiBenedetto vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: Hearing Officer Lansden King's Recommended Order denying the Respondent's Motion to Dismiss and recommending that the Claimant file an itemization of damages that includes supporting documentation setting forth the fair market value of each item.

Counsel's Recommendation: Adopt the recommendation of the hearing officer denying the Respondent's Motion to Dismiss and remanding this claim to Hearing Officer Todd Farmer for further proceedings. ✓

Total number of Claims: 47

COMMONWEALTH OF KENTUCKY
BOARD OF CLAIMS
Addendum
December 15, 2011

BC-2011-1155

Lowell Jude, Administrator of the Estate of Nina Jude v. University of Kentucky

Joint Motion of Dismissal and Settlement filed.

Counsel's Recommendation: Enter an Order awarding the Claimant \$15,000.00 in settlement of this matter as agreed to by the parties. ✓
