

COMMONWEALTH OF KENTUCKY
BOARD OF CLAIMS
December 22, 2020, regular meeting

MINUTES

The meeting conducted via Zoom and was called to order at 10:00 a.m., and the following business was conducted in addition to decisions rendered in Crime Victim Compensation Board (CVCB) claim matters. Minutes for CVCB matters are provided separately.

In attendance were Board members Joe Childers, Dale Sights, and Michael Plummer. Also, in attendance were Executive Director Edith Halbleib, Staff Attorney G. Mitchell Mattingly, Clerks Raymond Shields and Katie Dean, Sheila Tharpe, along with staff assistant Amanda McCuiston. Hearing Officers Jim Howard and Eden Davis Stephens also attended.

AGREED ORDERS or for instructions:

BC-2016-0537

JACK E. SMITHERS AND TAMMY SMITHERS

v

UNIVERSITY OF KENTUCKY

The Board voted to sustain the Joint Motion to Dismiss and Order the entry of the Agreed Order of Dismissal and Settlement, awarding the Claimant \$70,000.

CC-2018-0351

BRYCE D. BENTLEY, by and through Timothy Bentley, his Guardian

v.

EASTERN KENTUCKY UNIVERSITY

The Board voted to Order the entry of the -Agreed Order of Dismissal and Dismissed the claim.

CC-2020-0240

CARRINGTON YATES

v.

TRANSPORTATION CABINET, DEPARTMENT OF HIGHWAYS

The Board voted to Order the entry of the Agreed Order of Dismissal; Case Settled, and awarding the Claimant \$2,500.00.

FULL BOARD REVIEWS

CC-2020-0291

KARI HARPER

v.

TRANSPORTATION CABINET, DEPARTMENT OF HIGHWAYS

The Board voted to uphold the prior dismissal of the claim.

CC-2020-295

MICHAEL LINDSEY

v.

TOURISM, ARTS, AND HERITAGE CABINET
DEPARTMENT OF PARKS

The Board chair took note that Counsel for the Respondent was in attendance as a visitor at the Board zoom meeting. The Board's attorney interjected in order to prevent an ex parte communication between counsel and the board members because there had been no notice that the parties would be heard on the matter. So, the Board elected to provide the Claimant and counsel for the Respondent an opportunity to attend the next meeting via zoom and be heard.

CC-2020-0347

MARLA SLOAN

v.

UNIVERSITY OF KENTUCKY

The Board voted to reverse the prior decision dismissing and to find the Respondent liable for negligence and award the Claimant \$1,668.00 as damages.

BC-2020-0388

KATELYNN R. DASENBROCK

v.

TRANSPORTATION CABINET, DEPARTMENT OF HIGHWAYS

The Board voted to reverse the prior decision dismissing and to find the Respondent liable for negligence and award the Claimant \$500.00 as damages.

BC-2020-0394

RASHAWN VERNER

v.

TRANSPORTATION CABINET, DEPARTMENT OF HIGHWAYS

The Board voted to reverse the prior decision dismissing and to find the Respondent liable for negligence and award the Claimant \$500.00 as damages.

MOTIONS

CC-2020-0331

ROBERT WARE

V

CABINET FOR HEALTH AND FAMILY SERVICES

The Board voted to enter an Order reserving a decision on the Respondent's Motion to Dismiss and assigned the matter to Hearing Officer Jim Howard to conduct proceedings. The Claimant will then have the opportunity to establish whether the Board should appoint a guardian ad litem to represent the interests of the claimant under legal disability, as provided in KRS 49.120(5).

RECOMMENDED ORDERS

CC-2017-0142

ESTATE OF ZAVIER FROEBER

v.

TRANSPORTATION CABINET, DEPARTMENT OF HIGHWAYS

The Board voted to adopt the Recommended Order, awarding the Claimant \$191,360.00.

CC-2018-0703

FINDLEY

v.

WESTERN KENTUCKY UNIVERSITY

The Board voted to Order the entry of the agreed extension of time to file exceptions.

CC-2019-0353

KELSEY LANHAM

v.

TRANSPORTATION CABINET, DEPARTMENT OF HIGHWAYS

The Board voted to adopt the Recommended Order, awarding the Claimant \$2,500.00.

NEXT MEETING: The next Board meeting is scheduled to take place on January 26, 2021.