

Commonwealth of Kentucky  
Board of Claims  
**December 15, 2022 Meeting**

**MINUTES**

The meeting, conducted via Zoom, was called to order at approximately 10:01 am., and the following business was conducted in Board of Claims matters.

In attendance were Board members Joshua Hicks and Dale Sights. Interim Chair Hicks 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 Natalie Lile, Clerk Katie Dean, Hearing Officers Eden Davis Stephens and Shawn D. Chapman, Attorneys Sarah Noble and Evan Jones for Tourism, Arts & Heritage Cabinet, Attorney Melissa Norman Bork for Hon. Brandi Rogers, Attorneys Richard Lilly and Nathan Goens for Justice & Public Safety Cabinet, Department of Corrections, Attorney Tonya Rager for University of Kentucky, Attorney Melanie Lowe for Department of Advocacy, Attorney B.D. Nunnery for Claimant Prestonsburg Dairy Cheer, Attorney Bartley Hagerman for Claimant Lisa Varner, and Claimants Calvin Mosley and Daniel Spilling.

After Executive Director Hardesty delivered the monthly report for the Board of Claims for November 2022, the November 2022 minutes were approved. Member Dale Sights moved to approve the November 2022 Minutes with Interim Chair Hicks 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-21-0695: Paul Cappiello v. Tourism, Arts & Heritage Cabinet, Department of Parks (DOP)**

1st: Dale Sights, 2nd: Joshua Hicks. Having all in favor, the motion carried.

- The Board affirmed its prior decision, awarding the Claimant \$988.12 in damages.

**BC-22-0776: Calvin Mosley v. Honorable Brandi Rogers, Union Family Court**

1st: Dale Sights, 2nd: Joshua Hicks. Having all in favor, the motion carried.

- The Board sustained the Respondent's Motion to Dismiss.

**BC-22-0791: Elizabeth Vaughn v. DOP**

1st: Dale Sights, 2nd: Joshua Hicks. Having all in favor, the motion carried.

- The Board sustained the Respondent's Motion for Summary Disposition.

**BC-22-0740:** Timothy Ballard v. Justice & Public Safety Cabinet, Department of Corrections (DOC), et al.

1st: Dale Sights, 2nd: Joshua Hicks. Having all in favor, the motion carried.

- The Board sustained the Respondent's Motion to Dismiss.

**BC-22-0786:** Marcus Lawrence, Sr. v. DOC, et al.

1st: Dale Sights, 2nd: Joshua Hicks. Having all in favor, the motion carried.

- The Board sustained the Respondent's Motion to Dismiss and denied the Claimant's Motion to Strike.

**BC-22-0787:** Marcus Lawrence, Sr. v. DOC, et al.

1st: Dale Sights, 2nd: Joshua Hicks. Having all in favor, the motion carried.

- The Board sustained the Respondent's Motion to Dismiss and denied the Claimant's Motion to Strike.

At approximately 10:42 am, Member Sights 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-21-0695, BC-22-0776, BC-22-0791, BC-22-0740, BC-22-0786, BC-22-0787, CC-19-0843, BC-22-0127, BC-22-0212, BC-22-0789, and BC-21-0670. Interim Chair Hicks seconded. Having all in favor, the Board went into Executive Session.

At approximately 11:06 am, Member Sights moved to exit the Executive Session and return to Open Session. Interim Chair Hicks seconded. Having all in favor, the motion carried, and no official action was taken during the Executive Session.

**CC-19-0843:** Chelsea Spurlock v. University of Kentucky

1st: Dale Sights, 2nd: Joshua Hicks. Having all in favor, the motion carried.

- The Board accepted and adopted the Recommended Order without modification.

**BC-22-0127:** Daniel Spilling v. Justice & Public Safety Cabinet, Department of Public Advocacy (DPA)

1st: Dale Sights, 2nd: Joshua Hicks. Having all in favor, the motion carried.

- The Board accepted and adopted the Recommended Order without modification.

**BC-22-0212:** Maureen Chapman v. DPA

1st: Dale Sights, 2nd: Joshua Hicks. Having all in favor, the motion carried.

- The Board accepted and adopted the Recommended Order without modification.

**BC-21-0441:** Daniel Heeb v. Transportation Cabinet, Department of Highways (KYTC)

1st: Dale Sights, 2nd: Joshua Hicks. Having all in favor, the motion carried.

- The Board allowed Hearing Officer Stephens to withdraw her Recommended Order, remanding it from the Agenda.

**BC-22-0789: Prestonsburg Dairy Cheer v. Kentucky National Guard**

1st: Dale Sights, 2nd: Joshua Hicks. Having all in favor, the motion carried.

- The Board passed this matter to the January meeting to allow the Respondent time to respond to the Claimant.

**BC-22-0906: Lisa Varner as Next Friend of Abbagail Varner v. Clark County Board of Education**

1st: Dale Sights, 2nd: Joshua Hicks. Having all in favor, the motion carried.

- The Board granted the Claimant's request to hold this matter in abeyance pending the outcome of a parallel suit in Clark Circuit Court.

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

1st: Dale Sights, 2nd: Joshua Hicks. Having all in favor, the motion carried.

- The Board dismissed this claim, *sua sponte*, for lack of jurisdiction over a municipality and non-Kentucky governmental entity.

**BC-21-0545: AT&T v. Marshall County Sheriff's Department**

1st: Dale Sights, 2nd: Joshua Hicks. Having all in favor, the motion carried.

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

**BC-22-0579: USAA As Subrogee for Jason and Robin Matthieu v. KYTC**

1st: Dale Sights, 2nd: Joshua Hicks. Having all in favor, the motion carried.

The Board dismissed this claim, *sua sponte*, for lack of jurisdiction over subrogation claims.

**BC-21-0719: Sarah Jones v. Northern Kentucky University**

1st: Dale Sights, 2nd: Joshua Hicks. Having all in favor, the motion carried.

- The Board entered the Agreed Order of Dismissal due to settlement of the claim.

**BC-22-0630: Solomon Whiting v. KYTC**

1st: Dale Sights, 2nd: Joshua Hicks. Having all in favor, the motion carried.

- The Board entered the Agreed Order of Dismissal due to settlement of the claim.

The Board also scheduled its monthly meetings for 2023 on the fourth Tuesday of the month. Interim Chair Hicks moved with Member Sights seconding the motion. Having all in favor, the motion carried.

Member Sights moved for adjournment at approximately 11:15 am with Interim Chair Hicks seconding the motion. Having all in favor, the motion carried and the meeting adjourned.