

COMMONWEALTH OF KENTUCKY

Board of Claims

Agenda

February 18, 2016

Minutes Approved

The Board of Claims received 30 new claims during the month of January, 2016. Paula reports that a total of 38 claims were set up and two (2) claims were returned for lack of jurisdiction.

Investigator Jackie Lynch decided 36 claims under \$1,000.00 in January, 2016. Jackie reports that 23 of these claims were denied and 13 were awarded, for a total amount awarded of \$5,247.55.

At its Board meeting on January 21, 2016, the Board dismissed 19 claims and awarded eight (8) claims totaling \$31,473.12. Together with the claims investigated in-house, the Board dismissed a total of 42 claims and awarded a total of 21 claims for a total amount awarded of \$36,720.67 in January, 2016.

Ed discussed possible cuts to BAC + could lose / hearing officer.

For Instructions From the Board

BC-2012-00337

Ashley Peach, et. al. vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order of Dismissal for \$125,000.00 filed.

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

BC-2013-00403

Bryan Robbins vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order awarding the Claimant \$50,000.00 in settlement of this claim. ✓

Counsel's Recommendation: Enter the Agreed Order awarding the Claimant \$50,000.00 in settlement of this claim. ✓

BC-2014-00807

Estate of Johnny K. Maynard by and through Amy Maynard, Administratrix vs. Justice and Public Safety Cabinet / Ky. State Police

Notes: Claimant's Notice of Voluntary Dismissal filed.

Counsel's Recommendation: Enter an Order dismissing the claim as settled by the parties in Lawrence Circuit Court. ✓

BC-2015-00515

Avelina Semibillo vs. Commonwealth of Kentucky

Notes: February 18, 2016- Default Order ✓

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

BC-2015-00516

Avelina Semibillo vs. Commonwealth of Kentucky

Notes: February 18, 2016-Default Order ✓

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

BC-2015-00543

Jett Terrie vs. University of Kentucky

Notes: February 18, 2016-Default Order
Counsel's Recommendation: Rule the Claimant in Default and Dismiss. ✓

BC-2015-00555

Michael Campbell vs. Transportation Cabinet / Dept. of Highways

Notes: February 18, 2016-Default Order
Counsel's Recommendation: Rule the Claimant in Default and Dismiss. ✓

BC-2015-00565

Tony Anthony vs. Commonwealth of Kentucky

Notes: February 18, 2016-Default Order
Counsel's Recommendation: Rule the Claimant in Default and Dismiss. ✓

BC-2015-00566

Pearl Napier vs. Commonwealth of Kentucky

Notes: February 18, 2016-Default Order
Counsel's Recommendation: Rule the Claimant in Default and Dismiss. ✓

BC-2015-00570

Pat Vetter vs. Commonwealth of Kentucky

Notes: February 18, 2016-Default Order
Counsel's Recommendation: Rule the Claimant in Default and Dismiss. ✓

BC-2015-00579

Tammy McKinney vs. Commonwealth of Kentucky

Notes: February 18, 2016-Default Order
Counsel's Recommendation: Rule the Claimant in Default and Dismiss. ✓

BC-2015-00583

Truda Boggess vs. Commonwealth of Kentucky

Notes: February 18, 2016-Default Order
Counsel's Recommendation: Rule the Claimant in Default and Dismiss. ✓

BC-2015-00881

Bosch Automotive vs. Tourism, Arts and Heritage Cabinet / Ky. State Fair Board

Notes: Agreed Order of Dismissal filed by the parties.

Counsel's Recommendation: Enter the Agreed Order dismissing the claim with prejudice. ✓

BC-2015-01047

Koch Industries C/O 2020 Exhibits vs. Tourism, Arts and Heritage Cabinet / State Fair Board

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

Counsel's Recommendation: Enter an Order awarding the Claimant \$7,885.09 in settlement of this matter. ✓

BC-2016-00536

Lara Pack vs. Commonwealth of Kentucky

Notes: February 18, 2016-Default Order

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

Motions

BC-2012-00466

Ronna Carmicle, Parent and Next Friend of Bradley Carmicle vs. Ky. Department of Education and Board of Education of Casey County

Notes: Claimant's Motion to Withdraw as Counsel filed.

Counsel's Recommendation: Enter an Order permitting Claimant's counsel to withdraw and granting Claimant 60 days to obtain new counsel. ✓

BC-2015-00976

John Easterling vs. University of Kentucky

Notes: Respondent's unopposed Motion to Dismiss.

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

BC-2015-00996

Damon Wilgus vs. Transportation Cabinet / Dept. of Highways

Notes: Respondent's unopposed Motion to Dismiss.

Counsel's Recommendation: Enter an Order granting the Respondent's Motion to Dismiss pursuant to KRS 44.073(15). ✓

Additional information given to Bd. Members

BC-2015-00997

Debra Wilgus vs. Transportation Cabinet / Dept. of Highways

Notes: Respondent's unopposed Motion to Dismiss.

Counsel's Recommendation: Enter an Order sustaining the Respondent's Motion to Dismiss pursuant to KR 44.073(15). ✓

Additional information given to Bd. Members

BC-2015-01026

Ashley McDougle vs. Administrative Office of the Courts

Notes: Respondent's unopposed Motion to Dismiss.

Counsel's Recommendation: Enter an Order of Dismissal pursuant to KRS 26A.100(3). ✓

BC-2015-01044

Jason Geist vs. Transportation Cabinet / Dept. of Highways

Notes: Respondent's unopposed Motion to Dismiss.

Counsel's Recommendation: Enter an Order of Dismissal for lack of jurisdiction over local streets maintained by Louisville Metro Government. ✓

Recommended Order

BC-2011-01104

Sharon Ware vs. Tourism, Arts & Heritage Cabinet / Department of Parks

Notes: Hearing Officer Mike Wilson'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-2012-00580

Samantha Thompson vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Jan West's Recommended Order of Dismissal for Claimant's failure to pursue her claim.

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

BC-2015-00142

Scoby Faulkner vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Natalie Lile'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 the claim. ✓

BC-2015-00350

Donita Lashley vs. Western Kentucky University

Notes: Hearing Officer Mike Wilson's Recommendation to Dismiss for lack of subject matter jurisdiction.

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

BC-2015-00463

Donald Nisonger vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Natalie Lile'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 the claim. ✓

BC-2015-00467

Tri County Electric Membership Corporation vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Natalie Lile's Recommended Order of Dismissal for Claimant's failure to prosecute its claim.

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

BC-2015-00587

Danielle Menard vs. Tourism, Arts and Heritage Cabinet / Dept. of Parks

Notes: Hearing Officer Natalie Lile's Recommended Order of Dismissal for Claimant's failure to prosecute her claim.

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

BC-2015-00715

Zachary Zoeller vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Natalie Lile's Recommended Order of Dismissal for Claimant's failure to pursue his claim.

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

BC-2015-00827

Jeffrey Wagner vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Jan West's [Recommended] Order dismissing claim as withdrawn by the Claimant.

Counsel's Recommendation: Enter a Final Order dismissing the claim at the Claimant's request.

Total number of Claims: 30

COMMONWEALTH OF KENTUCKY
BOARD OF CLAIMS
Addendum

February 18, 2016

BC-2012-00573

Marquette Transportation Company Offshore, LLC v. Transportation Cabinet / Dept. of Highways

Agreed Order of Dismissal filed by the parties.

Counsel's Recommendation: Enter the Agreed Order dismissing the claim with prejudice at the request of the parties. ✓

BC-2015-00013

Robert Miller, Natural Parent and Guardian of Jacqueline Miller, a Minor v. Fayette County Board of Education

Agreed Order of Dismissal filed by the parties.

Counsel's Recommendation: Enter the Agreed Order dismissing the claim with prejudice at the request of the parties. ✓

BC-2016-00018

Matthew J. Capozzoli v. Transportation Cabinet / Dept. of Highways

Answer recommending payment of the claim filed.

Counsel's Recommendation: Enter an Order awarding the Claimant \$1,361.12 in settlement of this matter. ✓
