

COMMONWEALTH OF KENTUCKY
Claims Commission
Minutes
February 27, 2018

The Kentucky Claims Commission received 43 negligence claims filed against the Commonwealth during the month of January, 2018. Angela reports that 39 claims were set up and, of those, only seven (7) were over \$2,500.00.

Investigators Angela Robertson and Raymond Shields decided 48 claims under \$2,500.00 in January, 2018. Angela reports that 31 of these claims were dismissed and 17 were awarded, for a total amount awarded of **\$10,810.87**.

At its meeting on January 23, 2018, the Kentucky Claims Commission dismissed four (4) negligence claims and awarded three (3) negligence claims totaling \$207,500.00. Together with the claims investigated in-house, the Claims Commission dismissed a total of 35 negligence claims and awarded a total of 20 negligence claims for a total amount awarded of **\$218,310.87** in January, 2018.

Members Present: Marcus Carey, Commission Chair
 Carlo Wessels, Commission Member
 Delana S. Sanders, Commission Member
 Patrick Flannery, Interim KCC Executive Director
 Mitchell Mattingly, KCC Staff Attorney
 James Howard, Office of Administrative Hearings
 Raymond Shields, KCC Crime Victims Compensation Clerk
 Lisa Robinson, KCC Claims Clerk

Mitchell Mattingly, KCC Staff Attorney, updated the Commission on the status of the new KCC regulations. They will be filed on March 1, 2018 and a public hearing, if needed, is scheduled for March 27, 2018 (next meeting date of the Commission).

The Commission Chair recognized Larry Hembree, who retired after 20 years of service with state government, the last nine (9) of which were spent with the Kentucky Claims Commission and its predecessors. Commissioner Carey expressed appreciation for Mr. Hembree's service to the staff, the Commissioners and to the former Board members, and acknowledged Mr. Hembree as a servant leader to his co-workers. A reception for Mr. Hembree was held by the Claims Commission staff on February 22, 2018, at which time he was given a wooden, engraved plaque in recognition of his service to the Commonwealth.

FOR INSTRUCTIONS FROM THE COMMISSION:

BC-2012-064

Estate of Brian P. Murphy v. University of Louisville
Commission removed this claim from abeyance and reassigned it to Hearing Officer James Howard.

BC-2016-063, BC-2016-064, BC-2016-065 and BC-2016-066 (Consolidated)

Commission entered an Agreed Order of Dismissal filed as these consolidated claims were settled in the Jefferson Circuit Court, Case No. 16-CI-317.

FULL COMMISSION REVIEWS:

BC-2017-278

Melody Duran v. Transportation Cabinet, Dept. of Highways
Commission upheld its original dismissal of this claim.

BC-2017-280

Joe Iracane v. Tourism, Arts & Heritage Cabinet, Dept. of Parks
Commission upheld its original dismissal of this claim.

MOTIONS:

BC-2017-524

Angela Franklin v. Cabinet for Health & Family Services
Commission rendered an order adding the Finance and Administration Cabinet as a respondent and dismissing the Cabinet for Health and Family Services as a respondent.

BC-2017-543

Gary Shane Morris v. Eastern Kentucky University
Commission granted the Motion to Dismiss as a collateral and dependent claim, pursuant to KRS 49.020(1).

RECOMMENDED ORDERS:

BC-2016-311

Christopher Timms v. Transportation Cabinet, Dept. of Highways
Commission dismissed for the Claimant's failure to prosecute this matter, as recommended by the hearing officer.

BC-2016-612

Jessie LaPointe v. Tourism, Arts & Heritage Cabinet, Dept. of Parks
Commission denied payment of the claim as recommended by the hearing officer.

BC-2017-025

Mary P. Messner v. Tourism, Arts & Heritage Cabinet, Dept. of Parks
Commission dismissed this claim at the request of the Claimant.

BC-2017-145

Joycelyn Hardin v. Transportation Cabinet, Dept. of Highways
Commission denied payment of this claim as recommended by the hearing officer.

BC-2017-163

Cindy K. Bradley v. Tourism, Arts & Heritage Cabinet, Dept. of Parks
Commission dismissed this claim at the request of the Claimant.

BC-2017-197

Terrence Sims v. Justice & Public Safety Cabinet, Dept. of Corrections
Commission dismissed this claim at the recommendation of the hearing officer.

BC-2017-275

Charlie Pierce v. University of Kentucky
Commission dismissed this claim at the recommendation of the hearing officer.

BC-2017-304

Yogi Perkins v. Tourism, Arts & Heritage Cabinet, Dept. of Parks
Commission dismissed for the Claimant's failure to prosecute this matter, as recommended by the hearing officer.

BC-2017-450

Jeffrey Cable v. Justice & Public Safety Cabinet, Dept. of State Police
Commission dismissed this claim at the request of the Claimant.

Total number of Claims: 15