



Andy Beshear
GOVERNOR
Jacqueline Coleman
LIEUTENANT GOVERNOR

PUBLIC PROTECTION CABINET
Kentucky Office of Claims and Appeals
Board of Claims

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Ray A. Perry
SECRETARY
John Hardesty
EXECUTIVE DIRECTOR
Samuel T. Wright, III
MEMBER
Dale Sights
MEMBER

MINUTES

The meeting, conducted via Zoom, was called to order at approximately 10:05 am., and the following business was conducted in Board of Claims matters.

In attendance were Board members Joshua Hicks, Dale Sights, and Samuel Wright. 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, Attorney Evan Jones for Tourism, Arts & Heritage Cabinet, Attorney Kevin Imhof for Claimant Tradewater Organics, LLC, Attorney Samantha Bevins for Kentucky State Police, Attorneys Robert Chaney and Nathan Goens for Justice & Public Safety Cabinet, Department of Corrections, Attorney Charla Sands for Kentucky National Guard, and Claimants Elizabeth Ferguson, Scott Halblieb, and Karen Farmer.

After Executive Director Hardesty delivered the monthly report for the Board of Claims for January 2023, the January minutes were approved. Member Dale Sights moved to approve the January 2023 Minutes with Member Wright 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-22-0669: Scott Halblieb v. Transportation Cabinet, Department of Highways (KYTC)

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

- The Board affirmed its prior decision, dismissing the claim.

BC-22-0891: Karen Farmer v. KYTC

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

- The Board affirmed its prior decision, awarding the Claimant \$500.00 for her deductible.



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BC-22-0824: Jeffery Johnson v. Justice and Public Safety Cabinet, Department of Corrections (DOC)

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

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

BC-22-0885: Jeffery Johnson v. DOC

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

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

BC-22-0867: Marcus Lawrence, Sr. v. DOC, et al.

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

- The Board sustained the Respondent's Motion for Summary Disposition under the Motion to Dismiss standard as the standard of review cited by DOC was for a Motion to Dismiss.

BC-22-0888: Marcus Lawrence, Sr. v. Office of the Governor, Gov. Andy Beshear

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

- The Board sustained the Respondent's Motion for Summary Disposition under the Motion to Dismiss standard as the standard of review cited by the Respondent was for a Motion to Dismiss.

At approximately 10:30 am, Member Wright 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-22-0669, BC-22-0891, CC-20-0331, BC-20-0469, and BC-21-0444. Member Sights seconded. Having all in favor, the Board went into Executive Session.

At approximately 11:44 am, Member Sights moved to exit the Executive Session and return to Open Session. Member Wright seconded. Having all in favor, the motion carried, and no official action was taken during the Executive Session.

CC-20-0331: Robert Ware v. Cabinet of Health and Family Services

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

- The Board accepted and adopted the Recommended Order, but dismissed the claim without prejudice.



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BC-20-0469: Tradewater Organics, LLC v. Justice and Public Safety Cabinet, Kentucky State Police (KSP)

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

- The Board agreed to hold a special session and oral argument on this claim.

BC-14-0507: Lisa Baker Phelps, Administrator for the Estate of Sara Helton v. University of Kentucky

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

- The Board entered the Agreed Order of Dismissal.

BC-21-0044: Shari Gearding v. Northern Kentucky University

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

- The Board entered the Agreed Order of Dismissal.

BC-22-0017: William Cummings, Jr. v. KYTC

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

- The Board entered the Agreed Order of Dismissal.

BC-21-0444: Anthony Ferguson v. KYTC

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

- The Board granted the Claimant's request to reopen the claim and reassigned the claim to a hearing officer.

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

- The Board remanded this claim from its Agenda docket, as the parties have no objection to the Board entering an order for the Claimant's deductible, pending the Claimant's submission of its insurance policies.

BC-23-0091: Michael Hall v. Cave City Police 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 municipal government entity.



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BC-23-0103: Michael Hall v. City of Glasgow Police Department

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

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

Member Sights moved for adjournment at approximately 11:53 am with Member Wright seconding the motion. Having all in favor, the motion carried and the meeting adjourned.