

COMMONWEALTH OF KENTUCKY
Board of Claims
Agenda
January 20, 2011

Paula absent
Minutes
Accepted

The Board of Claims received 49 new claims during the month of December, 2010. A total of 49 claims were set up, according to Assistant Clerk Paula Woolums. Paula also returned four (4) claims for lack of jurisdiction.

Investigators Jackie Lynch and Wanda Luttrell decided 27 claims (under \$1,000.00) in December, 2010. Jackie reports that 19 claims were dismissed and 8 claims were awarded, for a total amount awarded of \$2,323.45.

At its Board meeting on December 17, 2010, the Board dismissed 18 claims and awarded 17 claims totaling \$311,447.55. Together with the claims investigated in-house, the Board dismissed a total of 27 claims and awarded a total of 25 claims for a total amount awarded of \$313,771.00 in December, 2010.

In 2010, the Board of Claims received 848 claims, dismissed 677 claims, and awarded 294 claims for a total amount awarded in 2010 of \$1,281,805.62.

For Instructions From the Board

BC-2008-00049

Clifton Brown; Candice Brown vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order of Dismissal filed.

Counsel's Recommendation: Enter the Agreed Order dismissing the claim as settled by the parties. ✓

BC-2008-01139

Bill Kachler; Susan Kachler vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Judgment awarding \$10,000.00 to Claimants in settlement of this claim.

Counsel's Recommendation: Enter a Final Order adopting the Agreed Judgment and awarding \$10,000.00 to Claimants in settlement of this claim. ✓

BC-2008-01182

Carrollton Utilities vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order of Dismissal filed.

Counsel's Recommendation: Enter the Agreed Order of Dismissal as stipulated by the parties. ✓

BC-2009-00840

Catherine Kemble vs. Tourism, Arts and Heritage Cabinet / Dept. of Parks

Notes: Agreed Order awarding \$750.00 in settlement of this claim.

Counsel's Recommendation: Enter the Agreed Order of Settlement awarding Claimant \$750.00. ✓

BC-2009-00890

Francis Flynn vs. Transportation Cabinet

Notes: Agreed Order of Dismissal awarding \$25,000.00 to Claimant filed.

Counsel's Recommendation: Enter the Agreed Order of Settlement and Dismissal awarding Claimant \$25,000.00. ✓

BC-2010-00567

Archie Reynolds vs. Tourism, Arts and Heritage Cabinet / Dept. of Parks

Notes: January 20, 2010- Default Order

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

BC-2010-00583

Timothy Reed vs. University of Kentucky

Notes: January 20, 2010- Default Order

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

BC-2010-00680

Bonnie Richardson vs. University of Kentucky

Notes: Stipulation of Voluntary Dismissal filed.

Counsel's Recommendation: Enter the Stipulation of Voluntary Dismissal and dismiss the claim at the request of the parties. ✓

BC-2010-00776

Finley Gibson vs. University of Kentucky

Notes: Respondent's Answer admitting negligence and recommending payment of \$2,588.00 to Claimant.

Counsel's Recommendation: Enter a Final Order awarding \$2,588.00 to Claimant for lost dentures. ✓

Full Board Review

BC-2010-00725

Craig Eliasi vs. Justice and Public Safety Cabinet

Notes: 12/14/10 Board awarded \$40.72
12/28/10 Claimant requests FBR on amount of Award. (\$146.84)

*\$144.54 awarded
4-1*

BC-2010-00758

Eric Tyson vs. Cabinet for Health and Family Services

Notes: 12/17/10 Order - dismissing, Statute of Limitations
1/3/11 Claimant requests FBR (\$500)

*Dismissal
upheld*

Motions

BC-2009-00362

Susan Abell vs. University of Kentucky

Notes: Respondent's Motion for Summary Judgment; Claimant filed Agreed Order of Dismissal in response.

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

BC-2009-00365

Blake Simcock vs. Eastern Kentucky University

Notes: Respondent's Motion to Dismiss filed in May, 2009 and Claimant's response filed thereto in February, 2010 (but not served on the Board until December, 2010).

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

BC-2010-00468

Debra Anderson vs. Cabinet for Health and Family Services

Notes: Respondent's Motion to Dismiss or for Summary Judgment; Claimant's Response to Motion to Dismiss; and Respondent's Reply Memorandum of Law.

Counsel's Recommendation: Sustain the Motion to Dismiss for failure to state a claim upon which relief can be granted pursuant to the doctrine of judicial immunity. ✓

BC-2010-00639

Thomas Robards vs. Cabinet for Health and Family Services

Notes: Respondent's Motion to Dismiss and Claimant's response filed thereto.

Counsel's Recommendation: Sustain the Motion to Dismiss for failure to state a claim upon which relief can be granted pursuant to the Board's lack of jurisdiction over discretionary acts. ✓

BC-2010-00723

Bernard Hoskins vs. Transportation Cabinet / Dept. of Highways

Notes: Claimant's Motion to Vacate Board's Order of Abeyance; no response filed thereto by the Respondent.

Counsel's Recommendation: Sustain the Motion to Vacate Order of Abeyance and assign the claim to Hearing Officer William Rudloff for further proceedings. ✓

BC-2010-00726

Andre Draper-El vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: Respondent's Answer and Motion to Dismiss and Claimant's response filed thereto.

Counsel's Recommendation: Sustain the Motion to Dismiss for failure to state a claim upon which relief can be granted pursuant to the Board's lack of jurisdiction over alleged violations of the Claimant's constitutional rights. ✓

BC-2010-00738

Belinda Cavitt vs. Finance and Administration Cabinet / Dept. of Revenue

Notes: Respondent's Motion to Dismiss and Claimant's response filed thereto.

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

BC-2010-00751

Moosa Arshad vs. Tourism, Arts and Heritage Cabinet / Ky. State Fair Board

Notes: Respondent's Motion to Dismiss; no response filed thereto by the Claimant.

Counsel's Recommendation: Sustain the Motion to Dismiss for failure to state a claim upon which relief can be granted. ✓

BC-2010-00759

Priscilla Cargle vs. Cabinet for Health and Family Services

Notes: Respondent's Motion to Dismiss; no response filed thereto by the Claimant.

Counsel's Recommendation: Sustain the Motion to Dismiss for failure to state a claim upon which relief can be granted because the Commonwealth is not the owner of the property on which Claimant sustained her alleged injuries. ✓

BC-2010-00766

Denzil Cofer vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: Respondent's Motion to Dismiss; no response filed thereto by the Claimant.

Counsel's Recommendation: Sustain the Motion to Dismiss for failure to state a claim upon which relief can be granted as the Claimant failed to establish that the actions of the Respondent caused him any recoverable damages as a matter of fact and law. ✓

BC-2010-00798

Jason Mullikin vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: Respondent's Motion to Dismiss and Claimant's response also requesting dismissal of claim.

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

Recommended Order

BC-2007-00634

Carl Noble vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Braxton Crenshaw's Recommended Order of Dismissal.

Counsel's Recommendation: Adopt the recommendation of the hearing officer and dismiss the claim with prejudice. ✓

BC-2008-00320

Rebecca Clayburn vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer William Rudloff's Findings of Fact, Conclusions of Law and Recommended Order dismissing the claim.

Counsel's recommendation: Adopt the recommendation of the hearing officer and dismiss the claim with prejudice. ✓

BC-2008-00852

Elaine Greene vs. Transportation Cabinet / Department of Highways

Notes: Hearing Officer Braxton Crenshaw's Findings of Fact, Conclusions of Law and Recommended Order denying the claim and the Claimant's exceptions filed thereto.

Counsel's Recommendation: Adopt the recommendation of the hearing officer and dismiss the claim with prejudice. ✓

BC-2010-00043

Anita Kegley vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer William Rudloff's Findings of Fact, Conclusions of Law and Recommended Order dismissing the claim.

Counsel's Recommendation: Adopt the recommendation of the hearing officer and dismiss the claim with prejudice. ✓

BC-2010-00443

Patricia Roberts vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer William Rudloff's Findings of Fact, Conclusions of Law and Recommended Order dismissing the claim.

Counsel's Recommendation: Adopt the recommendation of the hearing officer and dismiss the claim with prejudice. ✓

Total number of Claims: 27

**COMMONWEALTH OF KENTUCKY
BOARD OF CLAIMS**

*Addendum
January 20, 2011*

BC-2005-702

Ophelia Coop v. University of Louisville

Claimant's Motion to Dismiss filed.

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

BC-2010-777

Donna Bass, POA for Harry Bass, II v. University of Kentucky

Answer recommending payment of the full amount claimed of \$1,150.00 for lost dentures.

Counsel's Recommendation: Enter a Final Order awarding Claimant \$1,150.00 in settlement of this claim. ✓
