

COMMONWEALTH OF KENTUCKY

Board of Claims

Agenda

January 19, 2012

Minutes Approved

The Board of Claims received 51 new claims during the month of December, 2011. A total of 67 claims were set up, according to Assistant Clerk Paula Woolums. Paula also returned six (6) claims for lack of jurisdiction.

Investigators Jackie Lynch and Wanda Luttrell decided 37 claims (under \$1,000.00) in December, 2011. Jackie reports that 22 claims were dismissed and 15 claims were awarded, for a total amount awarded of \$5,635.19.

At its Board meeting on December 15, 2011, the Board dismissed 28 claims and awarded 16 claims totaling \$350,552.17. Together with the claims investigated in-house, the Board dismissed a total of 50 claims and awarded a total of 31 claims for a total amount awarded of \$356,187.36 in December, 2011.

*Larry O' Bryan
absent*

For Instructions From the Board

BC-2008-01114

Penny Hardy; K.B. Hardy vs. Bardstown City School Board

Notes: Agreed Order dismissing the claim with prejudice.

Counsel's Recommendation: Enter the Order dismissing the claim with prejudice as the parties agreed. ✓

BC-2011-00069

Deborah Gordon vs. Tourism, Arts and Heritage Cabinet/ Ky. State Fair Board

Notes: January 19, 2012- Default Order

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

BC-2011-00694

Patricia Begley vs. Commonwealth of Kentucky

Notes: January 19, 2012- Default Order

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

BC-2011-00748

Brenda Mills vs. Commonwealth of Kentucky

Notes: January 19, 2012- Default Order

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

BC-2011-00773

June France vs. University of Kentucky

Notes: January 19, 2012- Default Order

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

BC-2011-00795

Garland Nissan; Melody Nalley vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order of Dismissal filed.

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

BC-2011-00849

Donna Remington vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order of Settlement and Dismissal filed.

Counsel's Recommendation: Enter the Agreed Order of Settlement and Dismissal awarding the Claimant \$749.27 in settlement of this claim. ✓

BC-2011-00856

Jimmy Clark vs. Tourism, Arts & Heritage Cabinet / Department of Parks

Notes: January 19, 2012- Default Order

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

BC-2011-00896

Joan Schott vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order of Dismissal filed.

Counsel's Recommendation: Enter the Agreed Order of Dismissal dismissing the claim at the agreement of the parties. ✓

BC-2011-00900

Demutria Cager vs. Commonwealth of Kentucky

Notes: Default Order- January 19, 2012

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

BC-2011-00980

Tony Odom vs. Transportation Cabinet / Dept. of Highways

Notes: Respondent's Answer alleging contractor involvement.

Counsel's Recommendation: Enter a Final Order dismissing the claim pursuant to KRS 44.073(15). ✓

BC-2011-01056

Nationwide General Insurance Company; Michael Postell vs. Transportation Cabinet / Dept. of Highways

Notes: Claim filed by an insurer on behalf of its insured, mistakenly served on the Respondent as a claim over \$1,000.00.

Counsel's Recommendation: Enter an Order dismissing Nationwide General Insurance from the claim pursuant to KRS 44.070 and reducing the claim to \$500.00, thereby reassigning it to the Board's Investigator, Jackie Lynch, for investigation. ✓

Motions

BC-2010-00756

Henry Brockman; Deborah Brockman vs. Transportation Cabinet / Dept. of Highways

Notes: Respondent's Motion to Dismiss; no response received from the Claimants.

Counsel's Recommendation: Enter a Final Order granting the Respondent's Motion to Dismiss for failure to state a claim upon which relief can be granted. ✓

BC-2011-00711

Mary Stanfield vs. Administrative Office of The Courts

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

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

BC-2011-01020

Michael Salyer; Jammie Salyer vs. Transportation Cabinet / Dept. of Highways

Notes: Respondent's Motion to Dismiss and Claimants' Response filed thereto.

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

BC-2011-01040

Michael Lyman 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. ✓

BC-2011-01045

Andrew Roberts vs. Transportation Cabinet / Dept. of Highways

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

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

Recommended Order

BC-2010-00264

Henry Livingston vs. Justice and Public Safety Cabinet / Dept. of Corrections

Adopt

Notes: Hearing Officer Jan West's Opinion and Recommended Order granting the Respondent's Motion for Summary Judgment as to the Claimant's claims for violations of his constitutional rights but denying the Respondent's Motion for Summary Judgment as to the Claimant's property damage and personal injuries; and the Respondent's Exceptions filed thereto.

Counsel's Recommendation: Forthcoming at meeting.

~~Overrule~~ Reject RO + Remand to J. Westhoff

BC-2010-00571

Troy Cupp; Christopher Cupp vs. Transportation Cabinet / Dept. of Highways

Claimant brought in additional material (exceptions).

Notes: Hearing Officer Braxton Crenshaw's Recommended Opinion and Order denying payment of the claim.

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

BC-2010-00839

Bret Lonaker vs. Northern Kentucky University

Notes: Hearing Officer Jan West'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-2011-00194

Robert Doyle vs. Transportation Cabinet / Department of Highways

Notes: Hearing Officer Jan West'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-2011-00199

Cheri Abbott vs. Tourism, Arts and Heritage Cabinet / Ky. State Fair Board

Notes: Hearing Officer William Rudloff's Recommended Findings of Fact, Conclusions of Law and Order awarding the Claimant \$19,911.00 and the Respondent's Exceptions filed thereto.

Counsel's Recommendation: Adopt the recommendation of the hearing officer awarding the Claimant \$19,911.00 in damages. ✓

BC-2011-00247

Carol Bailey vs. University of Kentucky

Notes: Hearing Officer Fred Fugazzi's Recommended Findings of Fact, Conclusions of Law and Recommended Order awarding \$3,787.13 to the Claimant.

Counsel's Recommendation: Adopt the recommendation of the hearing officer awarding the Claimant \$3,787.13 in damages. ✓

BC-2011-00466

John Dickerson vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Fred Fugazzi's Recommended Order of Dismissal.

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

BC-2011-00543

Miles Bailey vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Fred Fugazzi's Recommended Findings of Fact, Conclusions of Law and Order awarding \$4,722.00 to the Claimant and the Respondent's Exceptions filed thereto.

Counsel's Recommendation: Adopt the recommendation of the hearing officer awarding the Claimant \$4,722.00 in damages. ✓

BC-2011-00566

Larry Coleman vs. Transportation Cabinet / Dept. of Highways

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

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

BC-2011-00573

Randy Vance vs. Tourism, Arts and Heritage Cabinet / Ky. State Fair Board

Notes: Hearing Officer Jan West's Opinion and Recommended Order dismissing the claim with prejudice.

Counsel's Recommendation: Adopt the recommendation of the hearing officer dismissing the claim with prejudice for the Claimant's failure to abide by the orders of this tribunal. ✓

BC-2011-00684

Gene Forte, Individually and as Administrator of the Estate of Carole Forte vs. Nelson
County Board of Education

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

Counsel's Recommendation: Reject the recommendation of the hearing officer and remand the claim to Hearing Officer Dan Rudloff for further proceedings. ✓

BC-2011-00807

Dorothy Eldridge vs. Transportation Cabinet / Department of Highways

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

Counsel's Recommendation: Adopt the recommendation of the hearing officer and dismiss the claim with prejudice pursuant to KRS 44.073(15). ✓

Total number of Claims: 29

COMMONWEALTH OF KENTUCKY
BOARD OF CLAIMS
Addendum
January 19, 2012

BC-2007-367

Allen Harris v. Transportation Cabinet, Dept. of Highways

Agreed Order of Dismissal awarding \$52,500.00 to the Claimant filed.

Counsel's Recommendation: Enter the Agreed Order of Dismissal awarding the Claimant \$52,500.00 in settlement of this claim. ✓

BC-2011-228

Ruby Mason v. University of Kentucky and Transportation Cabinet, Dept. of Highways

Agreed Order awarding the Claimant \$3,000.00 from Respondent University of Kentucky and \$2,000.00 from Respondent Transportation Cabinet, Dept. of Highways.

Counsel's Recommendation: Enter the Agreed Order awarding the Claimant a total of \$5,000.00 in settlement of this claim. ✓

BC-2011-512

Roxann Abbott v. University of Kentucky

Agreed Order of Settlement awarding the Claimant \$5,000.00 filed.

Counsel's Recommendation: Enter the Agreed Order of Settlement awarding the Claimant \$5,000.00 in settlement of this claim. ✓

BC-2011-704

Danielle Franklin v. Transportation Cabinet, Dept. of Highways

Agreed Order of Settlement awarding the Claimant \$1,000.00 filed.

Counsel's Recommendation: Enter the Agreed Order of settlement awarding the Claimant \$1,000.00 in settlement of this claim. ✓

BC-2011-904

Carla Williams v. Transportation Cabinet, Dept. of Highways

Agreed Order of Dismissal awarding the Claimant \$1,000.00 filed.

Counsel's Recommendation: Enter the Agreed Order of Dismissal awarding the Claimant \$1,000.00 in settlement of this claim. ✓

BC-2011-1124

Perkins and Perkins Farms v. Transportation Cabinet, Dept. of Highways

Notification from the State Risk and Insurance Services Division that this claim was paid in full by the Commonwealth's Self-Insured Auto Program.

Counsel's Recommendation: Enter a Final Order dismissing the claim as settled by the Kentucky Self-Insured Auto Program. ✓
