



**Andy Beshear**  
GOVERNOR

**Jacqueline Coleman**  
LIEUTENANT GOVERNOR

## PUBLIC PROTECTION CABINET

**Kentucky Office of Claims and  
Appeals**

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**John Hardesty**  
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### **January 28, 2025 Meeting**

### **MINUTES**

The meeting, conducted via Microsoft Teams, was called to order at approximately 10:19 am., and the following business was conducted in Board of Claims matters.

In attendance were Board members Samuel Wright, Kathryn Thomas, and Dale Sights. Chairman Wright called the meeting to order.

A quorum existed and business was conducted. However, because Chairman Wright's camera could not be turned on during the meeting, he did not participate in any voting.

Also in attendance were: Executive Director John Hardesty, Staff Attorneys Shelby Bevins-Sullivan and Linda Horsman, Clerk Katie Dean, Attorney Robert Chaney for Respondent Department of Corrections, Attorneys Margaret Pisacano and Whitney Stepp-Gay for Respondent University of Kentucky, Attorney Jamhal Wooldridge for Respondent Cabinet of Health and Family Services, Attorney Casimir Thornberry for Respondent Judicial Conduct Commission, Attorney Kevin Imhof for Claimant Tradewater Organics, LLC, Attorney Samantha Bevins for Respondent Kentucky State Police, Attorney Peter Klear for Respondent Department of Parks, Attorneys Jerome "Jay" Prather and Connor Niceley for Claimant Ashley Larmour, Administratrix of the Estate of Sophia Sturgill, Attorney Kyle Ray for Respondent Transportation Cabinet, Attorney Tyler Votel for Claimants Jon & Joann Berry, and Claimants Marc Moore, DaTanya Morgan, Norman Greer, and Charles Jones.

After Executive Director Hardesty delivered the monthly report for the Board of Claims for November and December 2024, the November 2024 Minutes were approved. Member Thomas moved to approve the November 2024 Minutes with Member Sights seconding. Having majority in favor, the Motion carried.

After approval of the prior meeting's Minutes, the following cases were taken up for consideration:

**BC-23-0822: Christopher Gabel v. Transportation Cabinet, Dept. of Highways (KYTC)**

1st: Kathryn Thomas 2nd: Dale Sights. Having majority in favor, the Motion carried.

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

**BC-24-0387: Glenn Odom v. Justice & Public Safety Cabinet, Dept. of Corrections, Kentucky State Penitentiary**

1st: Dale Sights 2nd: Kathryn Thomas. Having majority in favor, the Motion carried.

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

**BC-24-0695: Robert Bialik v. KYTC**

1st: Kathryn Thomas 2nd: Dale Sights. Having majority in favor, the Motion carried.

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

**BC-24-0714: Marc Moore v. University of Kentucky (UK)**

1st: Kathryn Thomas 2nd: Dale Sights. Having majority in favor, the Motion carried.

- The Board remanded this claim from the Agenda upon the parties' request.

**BC-24-0800: Norman Greer v. KYTC**

1st: Kathryn Thomas 2nd: Dale Sights. Having majority in favor, the Motion carried.

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

At approximately 11:35 am, Member Thomas 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-23-0822, BC-24-0566, and BC-20-0469. Member Sights seconded. Having majority in favor, the Board went into Executive Session.

At approximately 12:10 pm, Member Sights moved to exit the Executive Session and return to Open Session. Member Thomas seconded. Having majority in favor, the motion carried, and no official action was taken during the Executive Session.

**BC-24-0566: DaTanya Morgan v. Kentucky Dept. of Education, et al.**

1st: Kathryn Thomas 2nd: Dale Sights. Having majority in favor, the Motion carried.

- The Board sustained Respondent Cabinet of Health and Family Services's Motion to Dismiss.

1st: Kathryn Thomas 2nd: Dale Sights. Having majority in favor, the Motion carried.

- The Board sustained Respondent Judicial Conduct Commission's Motion for Summary Disposition

1st: Kathryn Thomas 2nd: Dale Sights. Having majority in favor, the Motion carried.

- The Board moved to seal Exhibit 11 instead of striking it from the record, as moved by Respondent Judicial Conduct Commission.

1st: Kathryn Thomas 2nd: Dale Sights. Having majority in favor, the Motion carried.

- The Board dismissed Respondent Louisville Metro Police Department, *sua sponte*, for lack of jurisdiction over consolidated local governments.

**BC-24-0823: Johnny Holderman v. Justice & Public Safety Cabinet, Department of Corrections**

1st: Kathryn Thomas 2nd: Dale Sights. Having majority in favor, the Motion carried.

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

**BC-20-0038: William Fuson v. KYTC**

1st: Dale Sights 2nd: Kathryn Thomas. Having majority in favor, the Motion carried.

- The Board adopted the Recommended Order of Dismissal.

**BC-20-0469: Tradewater Organics, LLC v. Justice & Public Safety Cabinet, Kentucky State Police**

1st: Kathryn Thomas 2nd: Dale Sights. Having majority in favor, the Motion carried.

- The Board adopted but modified the Recommended Order Awarding Damages, consistent with discussions held in Executive Session.

**BC-22-0015: Ashley Hart v. Tourism, Arts & Heritage Cabinet, Department of Parks**

1st: Dale Sights 2nd: Kathryn Thomas. Having majority in favor, the Motion carried.

- The Board adopted the Recommended Order Granting Respondent's Second Renewed Motion for Summary Disposition.

**BC-22-0828: Ashley Larmour, Administratrix of the Estate of Sophia Sturgill v. KYTC**

1st: Kathryn Thomas 2nd: Dale Sights. Having majority in favor, the Motion carried.

- The Board adopted the Recommended Order Granting Respondent's Motion for Summary Disposition.

**BC-23-0901: Phyllis Anderson v. UK**

1st: Kathryn Thomas 2nd: Dale Sights. Having majority in favor, the Motion carried.

- The Board adopted the Recommended Order Granting Respondent's Motion to Dismiss.

**BC-23-0801: Dave King v. KYTC**

1st: Kathryn Thomas 2nd: Dale Sights. Having majority in favor, the Motion carried.

- The Board entered the Agreed Order of Dismissal.

**BC-24-0722: Rickey Risner v. UK**

1st: Kathryn Thomas 2nd: Dale Sights. Having majority in favor, the Motion carried.

- The Board entered a Final Order awarding the Claimant \$3,000.00 in damages.

**BC-24-0826: Issac Landsaw v. UK**

1st: Kathryn Thomas 2nd: Dale Sights. Having majority in favor, the Motion carried.

- The Board entered a Final Order awarding the Claimant \$3,600.00 in damages.

**BC-24-0019: Mary Mack v. KYTC**

1st: Kathryn Thomas 2nd: Dale Sights. Having majority in favor, the Motion carried.

- The Board dismissed the claim for failure to respond to the Show Cause Order.

**BC-24-0424: Myles Hyman v. Lee Adjustment Center**

1st: Dale Sights 2nd: Kathryn Thomas. Having majority in favor, the Motion carried.

- The Board dismissed the claim for failure to respond to the Show Cause Order.

**BC-24-0425: Eugene Wade v. Lee Adjustment Center**

1st: Dale Sights 2nd: Kathryn Thomas. Having majority in favor, the Motion carried.

- The Board dismissed the claim for failure to respond to the Show Cause Order.

**BC-24-0514: Keshawn Dumas v. KYTC**

1st: Dale Sights 2nd: Kathryn Thomas. Having majority in favor, the Motion carried.

- The Board dismissed the claim for failure to respond to the Show Cause Order.

**BC-24-0592: Deloris Darnall v. Brad Harrison**

1st: Kathryn Thomas 2nd: Dale Sights. Having majority in favor, the Motion carried.

- The Board dismissed the claim, *sua sponte*, for lack of jurisdiction over private individuals.

**BC-24-0621: Jennifer Sears v. Unknown**

1st: Dale Sights 2nd: Kathryn Thomas. Having majority in favor, the Motion carried.

- The Board dismissed the claim for failure to respond to the Show Cause Order.

**BC-24-0624: Constance Brenneman v. KYTC**

1st: Dale Sights 2nd: Kathryn Thomas. Having majority in favor, the Motion carried.

- The Board dismissed the claim for failure to respond to the Show Cause Order.

**BC-24-0723: Makisha Howard Sumner v. Department for Local Government**

1st: Dale Sights 2nd: Kathryn Thomas. Having majority in favor, the Motion carried.

- The Board dismissed the claim for failure to respond to the Show Cause Order.

**BC-24-0728: Charles Jones v. Tourism, Arts & Heritage Cabinet, State Fair Board**

1st: Dale Sights 2nd: Kathryn Thomas. Having majority in favor, the Motion carried.

- The Board dismissed the claim for failure to respond to the Show Cause Order.

**BC-24-0925: Jon & Joean Berry v. Northern Kentucky Water District**

1st: Dale Sights 2nd: Kathryn Thomas. Having majority in favor, the Motion carried.

- The Board dismissed the claim, *sua sponte*, for lack of jurisdiction over Respondent Northern Kentucky Water District because it is a municipal agency.

**BC-24-0940: Julia Mischenko v. UK**

1st: Kathryn Thomas 2nd: Dale Sights. Having majority in favor, the Motion carried.

- The Board entered a Final Order awarding the Claimant \$4,000.00 in damages.

**BC-24-0946: USAA, as Subrogee of Kirk Clement v. Tourism, Arts & Heritage Cabinet, Kentucky Horse Park**

1st: Kathryn Thomas 2nd: Dale Sights. Having majority in favor, the Motion carried.

- The Board dismissed the claim, *sua sponte*, for lack of jurisdiction over subrogation claims.

**BC-24-0947: USAA, as Subrogee of Daniel George v. KYTC**

1st: Kathryn Thomas 2nd: Dale Sights. Having majority in favor, the Motion carried.

- The Board dismissed the claim, *sua sponte*, for lack of jurisdiction over subrogation claims.

**BC-24-0951: American Electric Power v. KYTC, c/o The Claims Center, LLC v. KYTC**

1st: Kathryn Thomas 2nd: Dale Sights. Having majority in favor, the Motion carried.

- The Board dismissed the claim, *sua sponte*, for failure to file within the one-year statute of limitations.

**BC-24-0959: Natasha Gray v. UK**

1st: Dale Sights 2nd: Kathryn Thomas. Having majority in favor, the Motion carried.

- The Board granted the Claimant's Request to Withdraw.

**BC-24-0969: Michael Hayes, Administrator of the Estate of Krista Hayes v. King's Daughters Medical Center**

1st: Kathryn Thomas. 2nd: Dale Sights. Having majority in favor, the Motion carried.

- The Board passed the claim to its February meeting so that the parties may submit a Joint Motion to Dismiss and a Settlement Agreement.

**BC-24-1001: Allstate Insurance Company, as Subrogee of Theresa Porter v. KYTC**

1st: Dale Sights 2nd: Kathryn Thomas. Having majority in favor, the Motion carried.

- The Board dismissed the claim, *sua sponte*, for lack of jurisdiction over subrogation claims.

**BC-24-1090: Jesse Godsey v. KYTC**

1st: Kathryn Thomas 2nd: Dale Sights. Having majority in favor, the Motion carried.

- The Board entered a Final Order awarding the Claimant \$4,000.00 in damages.

Member Sights motioned to schedule the Board's February meeting for February 25, 2025 at 10:00 am EST. Member Thomas seconded the motion. Having majority in favor, the Motion carried. The Board scheduled its February meeting for February 25, 2025 at 10:00 am EST.

Member Sights moved to adjourn the meeting at approximately 12:35 pm with Member Thomas seconding. Having all in favor, the Motion carried, and the meeting adjourned.