

COMMONWEALTH OF KENTUCKY
Board of Claims
Agenda
July 19, 2012

Minutes Adopted

The Board of Claims received 47 new claims during the month of June, 2012. A total of 64 claims were set up, according to Assistant Clerk Paula Woolums. Paula also returned three (3) claims for lack of jurisdiction.

Investigators Jackie Lynch and Wanda Luttrell decided 49 claims under \$1,000.00 in June, 2012. Jackie reports that 34 of these claims were dismissed and 15 were awarded, for a total amount awarded of \$7,418.79.

At its Board meeting on June 21, 2012, the Board dismissed 22 claims and awarded eight (8) claims totaling \$108,599.49. Together with the claims investigated in-house, the Board dismissed a total of 56 claims and awarded a total of 23 claims for a total amount awarded of \$116,018.28 in June, 2012.

O'Bryan Absent

For Instructions From the Board

BC-2007-00637, BC-07-698, BC-07-699, BC-07-700

Estate of Tuesday Helton by Marsha Helton, Administratrix; Gina L. Triplett; Timothy A. Triplett; and Estate of Jennifer G. Triplett by Gina L. Triplett, Administratrix vs. Public Protection Cabinet / Office of Housing, Buildings and Construction

Notes: Board's Order to Comply or Show Cause rendered 5/24/12; no response filed thereto by the Claimants.

Counsel's Recommendation: Enter a Final Order dismissing the four consolidated claims (BC-07-637, BC-07-698, BC-07-699, and BC-07-700) for failure to comply with the orders of the Board. ✓

BC-2009-01019

April Younce vs. Transportation Cabinet / Dept. of Highways

Notes: Board's Order to Comply or Show Cause rendered 5/24/12; no response was filed thereto by the Claimant.

Counsel's Recommendation: Enter a Final Order dismissing the claim for failure to comply with the orders of the Board. ✓

BC-2010-00169

James Duncan vs. Transportation Cabinet / Dept. of Highways

Notes: Board's Order to Comply or Show Cause rendered 5/24/12; no response was filed thereto by the Claimant.

Counsel's Recommendation: Enter a Final Order dismissing the claim with prejudice for failure to comply with the orders of the Board. ✓

BC-2010-00448

BellSouth Telecommunications, Inc., d/b/a/ AT&T Kentucky vs. Transportation Cabinet / Dept. of Highways

Notes: Claimant's Status Report requesting dismissal of this claim as settled by the parties.

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

BC-2011-01158

Maurice Spaulding vs. Transportation Cabinet / Dept. of Highways

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

Counsel's Recommendation: Enter the Agreed Order of Settlement awarding \$1,000.00 to the Claimant. ✓

BC-2012-00048

Glenda Martin vs. Commonwealth of Kentucky

Notes: July 19, 2012- Default Order

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

BC-2012-00060

Beverly Adkins vs. University of Kentucky

Notes: July 19, 2012- Default Order

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

BC-2012-00066

Elizabeth Wyatt vs. Tourism, Arts and Heritage Cabinet / Dept. of Parks

Notes: July 19, 2012- Default Order

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

BC-2012-00067

Elden White vs. Commonwealth of Kentucky

Notes: July 19, 2012- Default Order

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

BC-2012-00073

Tonda Hazenstab vs. Commonwealth of Kentucky

Notes: July 19, 2012- Default Order

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

BC-2012-00090

Osie Goodgame vs. Transportation Cabinet / Dept. of Highways

Notes: July 19, 2012- Default Order

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

BC-2012-00111

Sandra Graham vs. Transportation Cabinet / Dept. of Highways

Notes: July 19, 2012- Default Order

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

BC-2012-00272

Janie Wright vs. University of Kentucky

Notes: Respondent's Answer recommending payment of the claim.

Counsel's Recommendation: Enter a Final Order reimbursing the Claimant \$1,545.00 for lost dentures. ✓

Full Board Review

BC-2012-00142

Debra Tallarico; Nicholas Tallarico vs. Transportation Cabinet / Dept. of Highways

Notes: 5/31/12 Board ordered dismissed ✓
6/19/12 Claimant requests FBR (\$594.30)

upheld original

BC-2012-00202

Andrea McNeill vs. Transportation Cabinet / Dept. of Highways

Notes: 6/14/12 Board ordered dismissed ✓
6/22/12 Claimant requests FBR (\$159.50)

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BC-2012-00203

Gene Wiley vs. Transportation Cabinet / Dept. of Highways

Notes: 6/18/12 Board ordered dismissed ✓
6/18/12 Claimant requests FBR (\$212.87). Copy to Respondent.

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BC-2012-00261

Christopher Hawkins vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: 6/7/12 Board dismissed for lack of Jurisdiction ✓
6/18/12 Claimant requests FBR (\$285.66)

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BC-2012-00266

Barbara Whigham vs. Tourism, Arts and Heritage Cabinet / Dept. of Parks

Notes: 6/29/12 Board ordered dismissed ✓
7/5/12 Claimant requests FBR (\$181.50)

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Motions

BC-2010-00830

Amanda Hillman vs. Tourism, Arts and Heritage Cabinet / Ky. State Fair Board

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

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

BC-2012-00141

McElroy Manufacturing, Inc. vs. Tourism, Arts and Heritage Cabinet / Ky. State Fair Board

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

Counsel's Recommendation: Enter a Final Order of dismissal for failure to state a claim upon which relief can be granted. ✓

BC-2012-00175

Christina Maples vs. Cabinet for Health and Family Services

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

Counsel's Recommendation: Enter a Final Order of dismissal with prejudice for failure to state a claim upon which relief can be granted. ✓

BC-2012-00240

Kevin Mitchell vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: Respondent's Motion to Dismiss; ^a response was filed thereto by the Claimant.

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

BC-2012-00256

Estill Warner vs. University of Kentucky

Notes: Respondent's Amended Answer and Motion to Dismiss.

Counsel's Recommendation: Enter a Final Order of dismissal for failure to state a claim upon which relief can be granted. ✓

Recommended Order

BC-2002-00160

Ralph Hamilton; Brenda Phillips vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Braxton Crenshaw'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 and dismiss the claim accordingly. ✓

BC-2010-00658

Tonya Norton vs. Transportation Cabinet / Dept. 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 and dismiss the claim accordingly. ✓

BC-2011-00225

Kenneth Gilliam vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Braxton Crenshaw'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 and dismiss the claim accordingly. ✓

BC-2011-00515

Sammie Kinman vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Fred Fugazzi, Jr.'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 and dismiss the claim accordingly. ✓

BC-2011-00880

Linda Forcier vs. Transportation Cabinet / Dept. of Highways

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

Counsel's Recommendation: Forthcoming at meeting.

Adopt recommendation

Total number of Claims: 28

**COMMONWEALTH OF KENTUCKY
BOARD OF CLAIMS
*Addendum***

July 19, 2012

BC-2011-548

Richard Lytton v. Finance and Administration Cabinet

Motion to Withdraw as Counsel filed by Claimant's attorney.

Counsel's Recommendation: Enter Order allowing counsel to withdraw. ✓

BC-2011-654

Louis Ferrari v. Transportation Cabinet / Dept. of Highways

Agreed Motion to Dismiss filed.

Counsel's Recommendation: Enter Order dismissing the claim without prejudice as agreed to by the parties. ✓

BC-2012-241

Vehab Cuturic v. Western Kentucky University

Agreed Order of Dismissal and Settlement filed.

Counsel's Recommendation: Enter the Agreed Order of Dismissal awarding the Claimant \$350.00 in settlement of this claim. ✓
