

COMMONWEALTH OF KENTUCKY

Board of Claims

Agenda

June 16, 2016

*Minutes Accepted*

The Board of Claims received 61 new claims during the month of May, 2016. Paula reports that a total of 51 claims were set up.

Investigator Jackie Lynch decided 54 claims under \$1,000.00 in May, 2016. Jackie reports that 38 of these claims were denied and 16 were awarded, for a total amount awarded of \$6,638.90.

At its Board meeting on May 19, 2016, the Board dismissed 22 claims and awarded four (4) claims totaling \$9,073.82. Together with the claims investigated in-house, the Board dismissed a total of 60 claims and awarded a total of 20 claims for a total amount awarded of \$15,712.72 in May, 2016.

*Closed session, then Open session w/ note on terminating Lindsay Crawford + Virginia Woodward. Motion passed.*

**For Instructions From the Board**

BC-2015-00091

Rita Bedore vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Settlement for \$1,200.00 filed by the parties.

Counsel's Recommendation: Enter an Order awarding the Claimant \$1,200.00 as agreed to by the parties. ✓

BC-2015-00355

Diana Rickmon vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order awarding the Claimant \$600.00 filed.

Counsel's Recommendation: Enter the Agreed Order awarding the Claimant \$600.00 in settlement of this matter. ✓

BC-2015-00620

Baylee Booth, by and through Lesley Hicks vs. Tourism, Arts and Heritage Cabinet / Dept. of Fish & Wildlife Resources

Notes: Claimant's Notice of Voluntary Dismissal.

Counsel's Recommendation: Enter an Order dismissing the claim as settled in circuit court. ✓

BC-2015-00735

Leonard Allgayer vs. Transportation Cabinet / Dept. of Highways

Notes: June 16, 2016-Default Order

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

BC-2015-00783

Jody Holbrook vs. Tourism, Arts and Heritage Cabinet / Dept. of Parks

Notes: June 16, 2016-Default Order

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

BC-2015-00807

Jermaine Smith vs. Commonwealth of Kentucky

Notes: June 16, 2016-Default Order  
Counsel's Recommendation-Rule the Claimant in Default and Dismiss ✓

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BC-2015-00837

Ronnie Searight vs. Commonwealth of Kentucky

Notes: June 16, 2016-Default Order  
Counsel's Recommendation-Rule the Claimant in Default and Dismiss ✓

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BC-2015-00848

James Shuck vs. Tourism, Arts and Heritage Cabinet / Dept. of Parks

Notes: June 16, 2016-Default Order  
Counsel's Recommendation-Rule the Claimant in Default and Dismiss ✓

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BC-2015-00849

Edward Kapal vs. Transportation Cabinet / Dept. of Highways

Notes: June 16, 2016-Default Order  
Counsel's Recommendation- Rule the Claimant in Default and Dismiss ✓

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BC-2015-00851

Phyllis Schuller vs. Commonwealth of Kentucky

Notes: June 16, 2016-Default Order  
Counsel's Recommendation- Rule the Claimant in Default and Dismiss ✓

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BC-2015-00855

Mid-America South Corporation vs. Tourism, Arts and Heritage Cabinet / Ky. State Fair Board

Notes: June 16, 2016-Default Order  
Counsel's Recommendation-Rule the Claimant in Default and Dismiss ✓

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BC-2015-00873

Jiali Han vs. Murray State University

Notes: June 16, 2016-Default Order  
Counsel's Recommendation- Rule the Claimant in Default and Dismiss ✓

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BC-2015-00937

Kaitlin Lewis vs. Morehead State University

Notes: June 16, 2016-Default Order  
Counsel's Recommendation- Rule the Claimant in Default and Dismiss ✓

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BC-2016-00182

Johnny Ginn vs. University of Kentucky

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

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

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BC-2016-00240

Community Trust Bank vs. Transportation Cabinet / Dept. of Highways

Notes: Notification from State Risk & Insurance Services that the claim was paid by the Commonwealth's self-insured auto program (KSAP).

Counsel's Recommendation: Enter an Order of Dismissal as paid in full by KSAP. ✓

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**Motions**

BC-2015-00884

Estate of Leatrice Simmons vs. Justice and Public Safety Cabinet / Dept. of State Police

Notes: Claimant's Motion to Dismiss as settled.

Counsel's Recommendation: Enter an Order dismissing the claim as settled at the Claimant's request. ✓

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BC-2016-00008

Shona Bergeron, f/k/a Michael Bergeron vs. Transportation Cabinet / Dept. of Highways

Notes: Motion to Withdraw filed by the Claimant's attorney.

Counsel's Recommendation: Enter an Order allowing the Claimant's attorney to withdraw from this claim and giving the Claimant sixty (60) days in which to obtain new counsel. ✓

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BC-2016-00148

Barbara Burkhead vs. Tourism, Arts and Heritage Cabinet / State Fair Board

Notes: Respondent's unopposed Motion to Dismiss.

Counsel's Recommendation: Overrule the Motion to Dismiss and assign the claim to a hearing officer in the new fiscal year beginning July 1, 2016. ✓

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BC-2016-00150

Claude Dadge vs. University of Kentucky

Notes: Respondent's unopposed Motion to Dismiss.

Counsel's Recommendation: Overrule the Motion to Dismiss and assign the claim to a hearing officer in the new fiscal year beginning July 1, 2016. ✓

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BC-2016-00154

Brittney Greenlee vs. Tourism, Arts and Heritage Cabinet / State Fair Board

Notes: Respondent's unopposed Motion to Dismiss.

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

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BC-2016-00159

Todd Bonds vs. Justice and Public Safety Cabinet / Dept. of Corrections

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

Counsel's Recommendation: Enter an Order sustaining the Partial Motion to Dismiss and remanding the claim to the Board's Investigator to determine damages, pursuant to KRS 44.086. ✓

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BC-2016-00201

William Hubbard vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: Respondent's Motion for Summary Judgment, Claimant's response to the motion, and Respondent's reply filed thereto.

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

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BC-2016-00207

Susan Hutcherson, Individually and as Administratrix of the Estate of Reginald Price vs. Eastern Kentucky University

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

Counsel's Recommendation: Enter an Order of Dismissal for failure to state a claim upon which relief can be granted as Respondent had no legal duty to prevent the Claimant's decedent from committing suicide. ✓

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### **Recommended Order**

BC-2014-00645

Jacquelyn O'Daniel v. Eastern Kentucky University

Notes: Hearing Officer Mike Wilson's Recommendation to Dismiss.

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

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BC-2015-00538

Christopher Cummins vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Jan West's Recommended Order of Dismissal.

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

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BC-2015-00586

Sherrie Turner vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Jan West's Recommended Order of Dismissal.

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

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BC-2015-00615

Earnest Johnson vs. Education and Workforce Development Cabinet / Department of Education

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. ✓

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BC-2015-00657

Marvin and Sherry McCoy vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Natalie Lile's Recommended Order of Dismissal.

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

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BC-2016-00067

Joseph Peters vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Natalie Lile's Recommended Order of Dismissal.

Counsel's Recommendation: Adopt the recommendation of the hearing officer dismissing the claim at the Claimant's request. ✓

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Total number of Claims: 29

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

*June 16, 2016*

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**BC-2008-320**

Rebecca Clayburn v. Transportation Cabinet, Dept. of Highways

Agreed Order of Dismissal for \$30,000.00 filed.

Counsel's Recommendation: Enter the Agreed Order awarding the Claimant \$30,000.00 in settlement of this matter. ✓

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**BC-2015-801**

Global Sorl Auto and Truck Parts, Inc. v. Tourism, Arts & Heritage Cabinet, Ky. State Fair Board

Agreed Order of Dismissal for \$12,000.00 filed.

Counsel's Recommendation: Enter the Agreed Order awarding the Claimant \$12,000.00 in settlement of this matter. ✓

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**BC-2016-101**

Adrian Weaver v. Transportation Cabinet, Dept. of Highways

Notification from the Finance Cabinet's State Risk & Insurance Services Division that this claim was paid in full by KSAP, the Commonwealth's self-insured auto program.

Counsel's Recommendation: Enter an Order of Dismissal as paid by the Commonwealth's self-insured auto program (KSAP). ✓

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**BC-2016-227**

Derrick Farmer v. Tourism, Arts & Heritage Cabinet, Ky. State Fair Board

Respondent's Answer recommending payment of \$22,895.00.

Counsel's Recommendation: Enter an Order awarding the Claimant \$22,895.00 in settlement of this matter. ✓

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**BC-2016-234**

Dylan Mattingly v. Murray State University

Agreed Order of Dismissal for \$1,063.35 filed.

Counsel's Recommendation: Enter the Agreed Order awarding the Claimant \$1,063.35 in settlement of this matter. ✓

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