

COMMONWEALTH OF KENTUCKY
Board of Claims
Agenda
May 17, 2012

Minutes Approved

The Board of Claims received 61 new claims during the month of April, 2012. A total of 73 claims were set up, according to Assistant Clerk Paula Woolums. Paula also returned two (2) claims for lack of jurisdiction.

Investigators Jackie Lynch and Wanda Luttrell decided 37 claims under \$1,000.00 in April, 2012. Jackie reports that 21 of these claims were dismissed and 16 were awarded, for a total amount awarded of \$5,822.60.

At its Board meeting on April 19, 2012, the Board dismissed 14 claims and awarded 10 claims totaling \$307,027.11. Together with the claims investigated in-house, the Board dismissed a total of 35 claims and awarded a total of 26 claims for a total amount awarded of \$312,849.71 in April, 2012.

For Instructions From the Board

BC-2008-00285

Toni Parker, Next Friend of Kathryn P. Waddle vs. Transportation Cabinet / Dept. of Highways

Notes: Claimant's Status Report indicating that the claim has been settled in parallel civil litigation.

Counsel's Recommendation: Enter a Final Order dismissing the claim with prejudice as settled upon the recommendation of the Claimant. ✓

BC-2009-00477

St. Matthews Real Estate Closing Center, LLC vs. Transportation Cabinet / Dept. of Highways

Notes: Recent status reports filed by the parties indicate that the alleged damage occurred in a construction zone controlled by the Respondent's contractor.

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

BC-2011-00915

Shirley Nolen vs. Commonwealth of Kentucky

Notes: May 17, 2012- Default Order

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

BC-2011-01041

Edna Black vs. Commonwealth of Kentucky

Notes: May 17, 2012- Default Order

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

BC-2011-01052

Gaila Willard vs. Commonwealth of Kentucky

Notes: May 17, 2012- Default Order

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

BC-2011-01059

Timothy Harrod vs. Commonwealth of Kentucky

Notes: May 17, 2012- Default Order

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

BC-2011-01107

Terry Jackson vs. Transportation Cabinet / Dept. of Highways

Notes: May 17, 2012- Default Order

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

BC-2011-01118

Estate of Nurcan Ceylan vs. Justice and Public Safety Cabinet / Ky. State Police

Notes: Agreed Order of Dismissal signed by the parties and submitted for approval by hearing officer Dan Rudloff.

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

BC-2011-01141

Ronnie Leedy vs. Transportation Cabinet / Dept. of Highways

Notes: May 17, 2012- Default Order

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

BC-2011-01159

Mark Pennington vs. Transportation Cabinet / Dept. of Highways

Notes: May 17, 2012- Default Order

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

BC-2012-00187

Erin Wise vs. Transportation Cabinet / Dept. of Highways

Notes: Respondent's Answer recommending payment in full of the Claimant's alleged damages.

Counsel's Recommendation: Enter a Final Order awarding \$1,055.00 to Claimant as payment in full for his damages. ✓

BC-2012-00187

Erin Wise vs. Transportation Cabinet / Dept. of Highways

Notes: Respondent's Answer recommending payment in full of the Claimant's alleged damages.

Counsel's Recommendation: Enter a Final Order awarding \$1,055.00 to Claimant as payment in full for his damages. ✓

Full Board Review

BC-2011-01184

Donald Violet vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: 4/13/12 Board ordered dismissed ✓
4/20/12 Claimant requests FBR (\$158.00) ✓

upheld

BC-2012-00028

Fred West vs. Justice and Public Safety Cabinet / Dept. of Corrections ✓

Upheld

Notes: 3/26/12 Board ordered dismissed
4/11/12 Claimant requests FBR (\$253.75)

BC-2012-00080

Terry Fryman vs. Transportation Cabinet / Dept. of Highways

Reversed + Awarded

Notes: 4/13/12 Board ordered dismissed.
4/30/12 Claimant's request for FBR (\$500.00) ✓

BC-2012-00082

Carla Isaacs vs. Transportation Cabinet / Dept. of Highways

Upheld

Notes: 4/19/12 Order - dismissing
5/07/12 Claimant requests FBR (\$250.00) ✓

Motions

BC-2010-00750

Ernie Fowler vs. Transportation Cabinet / Dept. of Highways

Notes: Respondent's Motion for Summary Judgment; no response filed thereto by the Claimant.

Counsel's Recommendation: Sustain the Motion for Summary Judgment dismissing the claim with prejudice. ✓

BC-2012-00050

Skillet Touring , LLC. vs. Tourism, Arts and Heritage Cabinet / Ky. State Fair Board

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

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

BC-2012-00064

Brian Murphy; Jewell Murphy vs. University of Louisville

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 Jan West for further proceedings. ✓

BC-2012-00079

Jack Roehm vs. Kentucky Department of Education and Magoffin County Board of Education

Notes: Respondent Kentucky Department of Education's Motion to Dismiss and Claimant's response filed thereto.

Counsel's Recommendation: Overrule the Motion to Dismiss and hold the claim in abeyance pending the outcome of Magoffin Circuit Court Case No. 11-CI-00374. ✓

BC-2012-00101

Charles Farmer vs. Justice and Public Safety Cabinet / Dept. of Corrections; and Ky. Community & Technical College System

Notes: Respondent Justice & Public Safety Cabinet's Motion to Dismiss; no response filed thereto by the Claimant.

Counsel's Recommendation: Sustain Respondent Justice & Public Safety Cabinet's Motion to Dismiss and assign the remaining claim against Respondent Ky. Community & Technical College System to Hearing Officer Braxton Crenshaw for further proceedings. ✓

BC-2012-00118

Freida Downey 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 as the Board does not have jurisdiction to hear and adjudicate claims against county governmental agencies. ✓

Recommended Order

BC-2009-00612

Charles Tussey vs. Energy & Environment Cabinet / Dept. of Natural Resources / Division of Oil and Gas

Notes: Hearing Officer Braxton Crenshaw's Findings of Fact, Conclusions of Law and Recommended Order awarding \$8,797.42 to the Claimant.

Counsel's Recommendation: Adopt the recommendation of the hearing officer and awarding the Claimant \$8,797.42. ✓

BC-2010-00264

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

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-2011-00129

Dalphine Worley vs. Transportation Cabinet / Department of Highways

Notes: Hearing Officer Braxton Crenshaw'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-2011-00171

Moon-He Baik 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 denying payment of the claim. ✓

BC-2011-00226

Tammy Salyers vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Jan West's Opinion and Recommended Order dismissing the claim with prejudice for Claimant's failure to respond to the orders of the hearing officer.

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

BC-2011-00462

Pamela Bowman 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 denying payment of the claim. ✓

Total number of Claims: 28

COMMONWEALTH OF KENTUCKY
BOARD OF CLAIMS
Addendum

May 17, 2012

BC-2012-167

Elton T. Rice v. University of Kentucky

Answer recommending payment of the full amount claim filed.

Counsel's Recommendation: Enter a Final Order awarding \$2,800.00 to the Claimant. ✓

BC-2012-183

Christina Carter v. Western Kentucky University

Agreed Order of Dismissal with prejudice filed.

Counsel's Recommendation: Enter the Agreed Order awarding \$6,000.00 to the Claimant as stipulated by the parties. ✓
