

Commonwealth of Kentucky
Board of Claims
May 24, 2022 Meeting

MINUTES

The meeting, conducted via Zoom, was called to order at approximately 10:01 am., and the following business was conducted in Board of Claims matters.

In attendance were Board members Joshua Hicks and Dale Sights. Member Sights called the meeting to order. Member Hicks was then sworn in by Staff Attorney Natalie Lile. Member Sights moved to nominate Member Hicks to the position of Interim Chair. Member Hicks seconded the motion. Having all in favor, the motion carried.

A quorum existed and business was conducted. Also in attendance were Executive Director John Hardesty, Staff Attorneys Shelby Bevins-Sullivan and Natalie Lile, Clerk Katie Dean, Hearing Officers Eden Davis Stephens and Shawn D. Chapman, Attorneys John Ghaelian and Joshua Hurley for Labor Cabinet, Attorneys Daniel Schulman, Evan Jones, and Sarah Noble for Tourism, Arts & Heritage Cabinet, Attorney Ashley Daily for Finance and Administration Cabinet, Attorney Scott Wilder for Claimant Ashley Hart, Attorney Luci Hurst for Transportation Cabinet, Attorney Kristin Wehking for Justice and Public Safety Cabinet, and Claimants Ashley Hart and James Abney.

After Executive Director Hardesty delivered the monthly report for the Board of Claims for May 2022, the March 2022 minutes were approved as no meeting was conducted in April due to having two (2) Board vacancies. Member Dale Sights moved to approve the March 2022 Minutes with Interim Chair Hicks seconding. Having all in favor, the Motion carried.

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

CC-19-0341: James and Connie Sue Baker v. Transportation Cabinet, Dept. of Highways (KYTC)

Motion: 1st Dale Sights, 2nd Joshua Hicks. Having all in favor, the motion carried.

- The Board approved the Agreed Order of Dismissal

BC-20-0479: William and Marsha Lowe v. KYTC

Motion: 1st Dale Sights, 2nd Joshua Hicks. Having all in favor, the motion carried.

- The Board approved the Agreed Order of Dismissal.

BC-21-0233: Yves Garner v. Justice & Public Safety Cabinet, Kentucky State Police (KSP)

Motion: 1st Dale Sights, 2nd Joshua Hicks. Having all in favor, the motion carried.

- The Board approved the Agreed Order of Dismissal

BC-21-0405: Katherine Brown v. University of Kentucky (UK)

Motion: 1st Dale Sights, 2nd Joshua Hicks. Having all in favor, the motion carried.

- The Board approved the Agreed Order of Dismissal

BC-21-0577: Trena Waddles v. KYTC

Motion: 1st Dale Sights, 2nd Joshua Hicks. Having all in favor, the motion carried.

- The Board approved the Agreed Order of Dismissal.

BC-21-0658: Darlene Etter v. KYTC

Motion: 1st Dale Sights, 2nd Joshua Hicks. Having all in favor, the motion carried.

- The Board approved the Agreed Order of Dismissal.

BC-22-0021: Harshit Varia v. KYTC

Motion: 1st Dale Sights, 2nd Joshua Hicks. Having all in favor, the motion carried.

- The Board approved the Agreed Order of Dismissal.

BC-22-0351: Herbert Steele v. UK

Motion: 1st Dale Sights, 2nd Joshua Hicks. Having all in favor, the motion carried.

- The Board approved the Agreed Order of Dismissal.

CC-18-0648: Vickie Butler v. Tourism, Arts & Heritage Cabinet, State Fair Board

Motion: 1st Dale Sights, 2nd Joshua Hicks. Having all in favor, the motion carried.

- The Board dismissed the claim for failure to respond to its Show Cause order issued in January 2022.

At approximately 10:25 am, Interim Chair Hicks 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-21-0338, 0339, 0341, 0401, BC-22-0417, BC-21-0098, BC-21-0572, BC-22-0023, BC-20-0417, BC-20-0439, BC-22-0015, BC-22-0157, CC-18-0486, BC-20-0469, BC-21-0189, BC-21-0455, and BC-21-0557. Member Sights seconded. Having all in favor, the Board went into Executive Session.

At approximately 11:05 am, Member Sights moved to exit the Executive Session and return to Open Session. Interim Chair Hicks seconded. Having all in favor, the motion carried, and no official action was taken during the Executive Session.

BC-21-0338, 0339, 0341, and 401: Larry Ellis v. Office of the Governor, et al.

Motion: 1st Dale Sights, 2nd Joshua Hicks. Having all in favor, the motion carried.

- The Board denied Ellis's request to reopen his past claims previously dismissed.

BC-22-0417: Larry Ellis v. Public Protection Cabinet, Office of Claims and Appeals, Board of Claims

Motion: 1st Joshua Hicks, 2nd Dale Sights. Having all in favor, the motion carried.

- The Board recused itself from this case as it is the Respondent. Two (2) members of the Board of Tax Appeals will be specially appointed to rule on this claim.

BC-21-0098: Esau Milliner v. Justice and Public Safety Cabinet, Dept. of Corrections (DOC)
Motion: 1st Dale Sights, 2nd Joshua Hicks. Having all in favor, the motion carried.

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

BC-21-0572: Stephen Hartz v. Tourism, Arts & Heritage Cabinet, Dept. of Fish and Wildlife Resources

Motion: 1st Joshua Hicks, 2nd Dale Sights. Having all in favor, the motion carried.

- The Board affirmed its prior decision, awarding the Claimant.

BC-22-0023: James Abney v. UK

Motion: 1st Joshua Hicks, 2nd Dale Sights. Having all in favor, the motion carried.

- The Board affirmed its prior decision, awarding the Claimant \$1,000.00 for his deductible.

BC-20-0417: Rhonda Page v. Labor Cabinet, Office of Unemployment Insurance

Motion: 1st Dale Sights, 2nd Joshua Hicks. Having all in favor, the motion carried.

- The Board granted the Respondent's Motion to Dismiss, dismissing the claim.

BC-20-0439: William Walker v. DOC

Motion: 1st Joshua Hicks, 2nd Dale Sights. Having all in favor, the motion carried.

- The Board granted the Respondent's Motion to Dismiss, dismissing the claim.

BC-22-0015: Ashley Hart v. Tourism, Arts & Heritage Cabinet, Dept. of Parks (DOP)

Motion: 1st Joshua Hicks, 2nd Dale Sights. Having all in favor, the motion carried.

- The Board overruled the Respondent's Motion for Summary Disposition and assigned the claim to a hearing officer.

BC-22-0157: Nancy Tillman v. Finance and Administration Cabinet, Dept. of Revenue

Motion: 1st Dale Sights, 2nd Joshua Hicks. Having all in favor, the motion carried.

- The Board overruled the Respondent's Motion to Dismiss and assigned the claim to a hearing officer.

CC-18-0486: Donna House v. Finance and Administration Cabinet

Motion: 1st Dale Sights, 2nd Joshua Hicks. Having all in favor, the motion carried.

- The Board accepted and adopted Hearing Officer Chapman's Recommended Order without modification, dismissing the claim.

BC-20-0469: Tradewater Organics, LLC v. Justice and Public Safety Cabinet, Kentucky State Police and Tourism, Arts & Heritage Cabinet, Dept. of Fish and Wildlife Resources

Motion: 1st Dale Sights, 2nd Joshua Hicks. Having all in favor, the motion carried.

- The Board accepted and adopted Hearing Officer Stephens's Recommended Order without modification, dismissing the Dept. of Fish and Wildlife Resources from the claim.

BC-21-0189: The Estate of Jared Pritchett v. Tourism, Arts & Heritage Cabinet, Dept. of Parks
Motion: 1st Dale Sights, 2nd Joshua Hicks. Having all in favor, the motion carried.

- The Board accepted and adopted Hearing Officer Chapman's Recommended Order without modification, dismissing the claim.

BC-21-0455: Brian Dowell v. KYTC

Motion: 1st Dale Sights, 2nd Joshua Hicks. Having all in favor, the motion carried.

- The Board accepted Hearing Officer Stephens's Recommended Order without modification, dismissing the claim.

BC-21-0557: Jonathan McClain v. Tourism, Arts & Heritage Cabinet, State Fair Board

Motion: 1st Dale Sights, 2nd Joshua Hicks. Having all in favor, the motion carried.

- The Board accepted and adopted Hearing Officer Stephens's Recommended Order without modification, dismissing the claim.

Having no further business, Member Sights moved to adjourn the meeting with Interim Chair Hicks seconding the motion. Having all in favor, the motion carried, and the meeting adjourned at approximately 11: 34 am.