



Andy Beshear
GOVERNOR
Jacqueline Coleman
LIEUTENANT GOVERNOR

PUBLIC PROTECTION CABINET
Kentucky Office of Claims and Appeals
Board of Claims

500 Mero Street, 2SC1
Frankfort, KY 40601
Phone: (502) 782-8255
Fax: (502) 573-4817

Ray A. Perry
SECRETARY
John Hardesty
EXECUTIVE DIRECTOR
Samuel T. Wright, III
BOARD CHAIRPERSON
Dale Sights
MEMBER
Kathryn M. Thomas
MEMBER

NOTICE OF REGULAR MEETING

Date: May 16, 2023

Time: 10:00 AM Eastern Standard Time (EST)

Location: Zoom

- Call to order and roll call
- Swearing in of Member Kathryn Thomas
- Executive Director's Report
- Approval of April 2023 Minutes
- Full Board Review
- Motions
- Recommended Orders
- Agreed Orders or For Instructions
- Adjournment

Zoom Link:

https://us06web.zoom.us/join/98tyKuGqqz4pEtCsth2HRpwQGY_4b_zwiGZdgrdsrjHnUxJ3RCHyOrZ6G-drEfrJ



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Meeting Agenda

Date: May 16, 2023

When moving into Executive Session, use the following language: [Move for the Board to enter executive session, pursuant to KRS 61.815 and KRS 61.810 (1) (c) and (j) to discuss proposed or pending litigation and deliberate on individual adjudications in “*please state the relevant case number of all cases to be discussed in closed session.*” Motion must be seconded.]

I. SWEARING IN OF MEMBER KATHRYN THOMAS

1st: 2nd:

II. APRIL 2023 MONTHLY REPORT

During the month of April 2023, the Board of Claims received **91** negligence claims filed against the Commonwealth.

The Board rendered **43** decisions in claims *under \$2,500.00* in April 2023. Of those, **19** were dismissed and **24** were awarded for a total amount awarded of **\$13,941.80**.

At its April 2023 meeting, the Board reversed **3** claims upon Full Board Review, dismissed **4** claims upon Motions, *sua sponte* dismissals, or Recommended Orders, and approved **5** Agreed Orders of Dismissal, awarding an additional amount of **\$96,956.12**. With the claims under \$2,500.00, and those decided at the April 2023 Meeting, the Board decided **55** claims, dismissing a total of **23** claims, and awarding a total of **32** claims for a total amount awarded of **\$110,897.92**.

III. APPROVAL OF APRIL MINUTES

1st: 2nd:



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IV. FULL BOARD REVIEW

BC-23-0121

SANDRA WINDGASSEN

v.

TRANSPORTATION CABINET
DEPARTMENT OF HIGHWAYS (KYTC)

- Findings of Fact, Order and Opinion Dismissing
- Respondent's Amended Answer
- Claimant's Request for Full Board Review

V. MOTIONS

BC-22-0918

JERRY MARSTALL

v.

TOURISM, ARTS & HERITAGE CABINET
DEPARTMENT OF PARKS

- Respondent's Motion for Summary Disposition (holdover from April meeting)

BC-23-0109

THERESA MONROE

v.

JUSTICE & PUBLIC SAFETY CABINET
DEPARTMENT OF PUBLIC ADVOCACY (DPA)

- Respondent's Motion to Dismiss
- Claimant's Responses

BC-23-0113

THERESA MONROE

v.

OFFICE OF THE BELL COUNTY COMMONWEALTH'S ATTORNEY

- Respondent's Motion for Summary Disposition
- Claimant's Response



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BC-23-0114

THERESA MONROE

v.

JUSTICE & PUBLIC SAFETY CABINET
KENTUCKY STATE POLICE (KSP)

-Respondent's Motion to Dismiss

VI. RECOMMENDED ORDERS

BC-21-0518

HARROD CONCRETE & STONE CO.

v.

KYTC

-Recommended Order of Dismissal

-Claimant's Exceptions (holdover from April meeting)

BC-22-0028

JAMES LAWSON

v.

KYTC

-Recommended Order of Dismissal (holdover from April meeting)

BC-22-0540

ALAN LUEBBERS

v.

KYTC

-Recommended Order of Dismissal

-Claimant's Exceptions



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VII. AGREED ORDERS or FOR INSTRUCTIONS

BC-20-0469

TRADEWATER ORGANICS, LLC

v.

JUSTICE & PUBLIC SAFETY CABINET
KENTUCKY STATE POLICE

-Status update on Final Order

BC-23-0268

SOOJIN CONOVER

v.

LOUISVILLE METRO POLICE DEPARTMENT

-Dismissal for lack of jurisdiction over municipalities

BC-15-0459

ROMEO DELROSARIO

v.

KYTC

-Agreed Order of Dismissal

BC-22-0726

MARK JORDAN

v.

KYTC

-Agreed Order of Dismissal

BC-22-0896

LOUISVILLE GAS & ELECTRIC CO.

v.

KYTC

-Agreed Order of Dismissal

-Settlement Agreement