



Andy Beshear
GOVERNOR
Jacqueline Coleman
LIEUTENANT GOVERNOR

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

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Ray A. Perry
SECRETARY

John Hardesty
EXECUTIVE DIRECTOR

Samuel T. Wright, III
BOARD CHAIRPERSON

Dale Sights
MEMBER

Kathryn M. Thomas
MEMBER

May 16, 2023 Meeting

MINUTES

The meeting, conducted via Zoom, was called to order at approximately 10:00 am., and the following business was conducted in Board of Claims matters.

Newly appointed member, Kathryn Thomas, was sworn in prior with Staff Attorney Natalie Lile administering the oath. In attendance were Board members Samuel Wright, Dale Sights, and Kathryn Thomas. Chairman Wright called the meeting to order.

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, Attorney Sarah Noble for Tourism, Arts & Heritage Cabinet, Attorney Kevin Imhof for Claimant Tradewater Organics, LLC, Attorney Desmond Fitzgerald for Claimant Soojin Conover, Attorney Jerry Patton for Claimant Romeo Delrosario, and Claimants Sandra Windgassen, Jerry Marstall, Soojin Conover, and James Lawson.

After Executive Director Hardesty delivered the monthly report for the Board of Claims for April 2023, the April Minutes were approved. Member Dale Sights moved to approve the April 2023 Minutes with Chairman Wright seconding. Having all in favor, the Motion carried.

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

BC-23-0121: Sandra Windgassen v. Transportation Cabinet, Dept. of Highways (KYTC)

1st: Samuel Wright 2nd: Dale Sights. Having all in favor, the motion carried.

- The Board vacated its prior decision, awarding the Claimant \$500.00 for her deductible.

BC-22-0918: Jerry Marstall v. Tourism, Arts & Heritage Cabinet, Dept. of Parks (DOP)

1st: Kathryn Thomas 2nd: Dale Sights. Having all in favor, the motion carried.



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- The Board overruled DOP's Motion for Summary Disposition and ordered DOP to submit an Answer within fifteen (15) days from the date of service, at which point the claim would be decided on the merits.

BC-23-0109: Theresa Monroe v. Justice & Public Safety Cabinet, Dept. of Public Advocacy (DPA)

1st: Kathryn Thomas 2nd: Dale Sights. Having all in favor, the motion carried.

- The Board sustained the DPA's Motion to Dismiss.

BC-23-0113: Theresa Monroe v. Office of the Bell County Commonwealth's Attorney

1st: Kathryn Thomas 2nd: Dale Sights. Having all in favor, the motion carried.

- The Board sustained the Respondent's Motion for Summary Disposition.

BC-23-0114: Theresa Monroe v. Justice & Public Safety Cabinet, Kentucky State Police (KSP)

1st: Kathryn Thomas 2nd: Dale Sights. Having all in favor, the motion carried.

- The Board sustained KSP's Motion to Dismiss.

At approximately 10:57 am, Chairman Wright 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-23-0121, BC-22-0918, BC-23-0109, BC-23-0113, BC-23-0114, BC-21-0518, BC-22-0028, and BC-20-0469. Member Sights seconded. Having all in favor, the Board went into Executive Session.

At approximately 11:44 am, Member Thomas moved to exit the Executive Session and return to Open Session. Member Sights seconded. Having all in favor, the motion carried, and no official action was taken during the Executive Session.

BC-21-0518: Harrod Concrete & Stone Co. v. KYTC

1st: Kathryn Thomas 2nd: Dale Sights. Having all in favor, the motion carried.

- The Board accepted and adopted the Recommended Order, dismissing the claim.

BC-22-0028: James Lawson v. KYTC

1st: Dale Sights 2nd: Kathryn Thomas. Having all in favor, the motion carried.



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- The Board accepted in part, rejected in part the Recommended Order, and entered judgment in favor of the Claimant.

BC-22-0540: Alan Luebbers v. KYTC

1st: Samuel Wright 2nd: Dale Sights. Having all in favor, the motion carried.

- The Board accepted and adopted the Recommended Order, dismissing the claim.

BC-20-0469: Tradewater Organics, LLC v. Justice & Public Safety Cabinet, Kentucky State Police (KSP)

1st: Dale Sights 2nd: Samuel Wright. Having all in favor, the motion carried.

- The Board ordered staff to generate a final order consistent with discussions held in Executive Session.

BC-23-0268: Soojin Conover v. Louisville Metro Police Department

1st: Samuel Wright 2nd: Dale Sights. Having all in favor, the motion carried.

- The Board dismissed this claim, *sua sponte*, for lack of jurisdiction over the Respondent.

BC-15-0459: Romeo Delrosario v. KYTC

1st: Samuel Wright 2nd: Dale Sights. Having all in favor, the motion carried.

- The Board entered the Agreed Order of Settlement.

BC-22-0726: Mark Jordan v. KYTC

1st: Dale Sights 2nd: Kathryn Thomas. Having all in favor, the motion carried.

- The Board entered the Agreed Order of Dismissal.

BC-22-0896: Louisville Gas & Electric Company v. KYTC

1st: Kathryn Thomas 2nd: Dale Sights. Having all in favor, the motion carried.

- The Board entered the Agreed Order of Dismissal.

The Board scheduled its June meeting on Monday, June 19, 2023 at 10:00 am EST.

Member Sights moved to adjourn the meeting at approximately 12:00 pm, with Member Thomas seconding. Having all in favor, the motion carried, and the meeting adjourned.