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EXECUTIVE DIRECTOR

November 28, 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.

In attendance were Board members Samuel Wright and Kathryn Thomas. Member Dale Sights was not present. Chairman Wright called the meeting to order.

A quorum existed and business was conducted. Also in attendance were Executive Director John Hardesty, Staff Attorney Shelby Bevins-Sullivan, Clerk Katie Dean, Hearing Officer Shawn D. Chapman, Attorney Allison Brown for Respondent Department of Corrections, Attorneys Bridget Dunaway and Jillian Pierce for Respondent Transportation Cabinet, Attorney Whitney Stepp-Gay for Respondent University of Kentucky, Attorney Molly Cassidy for Respondent Department of Housing, Buildings and Construction, Attorney Fred Ferrand for Claimant FAE USA, Inc., and Claimants Floyd Southerland, III, Randall Schultz, Jacqueline Miley, Ryan Fields, and Solomon Whiting.

After Executive Director Hardesty delivered the monthly report for the Board of Claims for October 2023, the October Minutes were approved. Member Kathryn Thomas moved to approve the October 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-23-0345: Floyd Southerland, III v. Transportation Cabinet, Dept. of Highways (KYTC)

1st: Kathryn Thomas 2nd: Samuel Wright. Having all in favor, the Motion carried.

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

BC-23-0565: Solomon Whiting v. KYTC

1st: Samuel Wright 2nd: Kathryn Thomas. Having all in favor, the Motion carried.

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

BC-23-0669: Randy Turner v. Justice & Public Safety Cabinet, Dept. of Corrections (DOC)

1st: Kathryn Thomas 2nd: Samuel Wright. Having all in favor, the Motion carried.

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

BC-23-0673: Marcus Lawrence, Sr. v. DOC

1st: Kathryn Thomas 2nd: Samuel Wright. Having all in favor, the Motion carried.

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

BC-23-0677: Timothy (Jada) Rouse v. DOC

1st: Kathryn Thomas 2nd: Samuel Wright. Having all in favor, the Motion carried.

- The Board ordered the parties to produce inventory sheets from the date of the incident and this matter would be heard again at the next available meeting.

BC-23-0731: Randall Schultz v. KYTC

1st: Kathryn Thomas 2nd: Samuel Wright. Having all in favor, the Motion carried.

- The Board ordered the Claimant to provide documentation from his insurance company regarding whether his policy would cover his damages, then the matter would be heard again at the next available meeting.

At approximately 10:50 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-23-0345, BC-23-0565, BC-23-0669, BC-23-0673, BC-23-0677, BC-23-0731, BC-23-0737, and BC-23-0588. Member Thomas seconded. Having all in favor, the Board went into Executive Session.

At approximately 11:57 am, Member Thomas moved to exit the Executive Session and return to Open Session. Chairman Wright seconded. Having all in favor, the motion carried, and no official action was taken during the Executive Session.

BC-22-0904: Jeffery Johnson v. DOC

1st: Kathryn Thomas 2nd: Samuel Wright. Having all in favor, the Motion carried.

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

BC-23-0737: Ryan Fields v. KYTC

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

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

BC-23-0570: Jacqueline Miley v. University of Kentucky (UK)

No motion necessary.

- The parties gave the Board a status update regarding whether the Claimant's insurance company would cover her damages and passed this matter to the January meeting.

BC-23-0812 & 0813: Anthony Martinson v. Boone County Detention Center, Bureau of Detention

1st: Samuel Wright 2nd: Kathryn Thomas. Having all in favor, the Motion carried.

- The Board dismissed these two (2) claims, *sua sponte*, for lack of jurisdiction over county entities.

CC-19-0503: Phaedra Olsen v. KYTC

1st: Kathryn Thomas 2nd: Samuel Wright. Having all in favor, the Motion carried.

- The Board entered the Agreed Order of Dismissal.

BC-23-0377: Boyd Porowski v. KYTC

1st: Kathryn Thomas 2nd: Samuel Wright. Having all in favor, the Motion carried.

- The Board entered the Agreed Order of Dismissal.

BC-23-0527: Kelli Brown v. KYTC

1st: Kathryn Thomas 2nd: Samuel Wright. Having all in favor, the Motion carried.

- The Board entered the Agreed Order of Dismissal.

BC-23-0548: Clyde White v. KYTC

1st: Kathryn Thomas 2nd: Samuel Wright. Having all in favor, the Motion carried.

- The Board entered the Agreed Order of Dismissal.

BC-23-0569: Nikki Zampardo v. Public Protection Cabinet, Dept. of Housing, Buildings and Construction

1st: Kathryn Thomas 2nd: Samuel Wright. Having all in favor, the Motion carried.

- The Board entered the Agreed Order of Dismissal.

BC-23-0828: FAE USA, Inc. v. Tourism, Arts & Heritage Cabinet, State Fair Board

1st: Kathryn Thomas 2nd: Samuel Wright. Having all in favor, the Motion carried.

- The Board entered a Final Order awarding the Claimant its damages based on the Respondent's Answer admitting negligence.

The Board cancelled its December Meeting and scheduled the 2024 meetings for the fourth Tuesday of every month. Chairman Wright made the motion with Member Thomas seconding. Having all in favor, the Motion carried.

Chairman Wright also discussed with Member Thomas and Board staff that he would like the Board to possibly hold quarterly in-person meetings, requesting this to be added as an item for the January Agenda.

The Board scheduled its January 2024 Meeting for Tuesday, January 23, 2024 at 10:00 EST. Chairman Wright made the motion with Member Thomas seconding. Having all in favor, the motion carried.

Member Thomas moved to adjourn the meeting at approximately 12:05 pm with Member Thomas seconding. Having all in favor, the Motion carried, and the meeting adjourned.