

Commonwealth of Kentucky
Board of Claims
October 25, 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. Interim Chair Hicks 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 James O'Toole for Claimant Benjamin Jones, Attorneys Lauren Lewis and Shawna Kincer for Kentucky State Police, Attorney Evan Jones for Tourism, Arts & Heritage Cabinet, Attorneys Richard Lilly and Nathan Goens for Department of Corrections, Attorney Anna Whites and Earl McGuire for Claimant Emile Lackey, Attorney Vincent Aprile for Claimant Sean Huddleston, Attorney Melanie Lowe for Department of Public Advocacy, Attorney Kerry Smith for Transportation Cabinet, and Claimants Benjamin Jones, Christi Lee and Gena Clark.

After Executive Director Hardesty delivered the monthly report for the Board of Claims for September 2022, the September 2022 minutes were approved. Member Dale Sights moved to approve the September 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:

BC-22-00468: Benjamin Jones v. Justice & Public Safety Cabinet, Kentucky State Police

- The Board passed this to the November meeting to allow KSP an opportunity to reply to the Claimant's Response to KSP's Motion to Dismiss.

BC-22-00639: Stuart Bowling v. Tourism, Arts & Heritage Cabinet, Dept. of Parks

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

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

BC-22-00672: Damien Sublett v. Justice & Public Safety Cabinet, Dept. of Corrections (DOC), et al.

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

- The Board granted the Respondents' Motion to Dismiss.

BC-22-0680: Damien Sublett v. DOC, et al.

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

- The Board granted the Respondents' Motion to Dismiss.

BC-22-0249: Jeffery Johnson v. DOC, et al.

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

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

At approximately 11:18 am, Member Sights 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-22-0468, BC-22-0639, BC-22-0672, BC-22-0680, BC-22-0249, BC-22-0381, BC-22-0383, BC-22-0503, BC-22-514, CC-19-0748, BC-21-0120, BC-21-0571, BC-21-0697, BC-21-0706. Interim Chair Hicks seconded. Having all in favor, the Board went into Executive Session.

At approximately 11:50 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-22-0381: Jeffery Johnson v. DOC, et al.

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

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

BC-22-0383: Jeffery Johnson v. DOC, et al.

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

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

BC-22-0503: Jeffery Johnson v. DOC, et al.

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

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

BC-22-0514: Jeffery Johnson v. DOC, et al.

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

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

CC-19-0748: Emile Lackey v. Transportation Cabinet, Dept. of Highways (KYTC)

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

- The Board accepted but modified the Recommended Order.

BC-21-0571: Sean Huddleston v. Justice & Public Safety Cabinet, Department of Public Advocacy

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

- The Board rejected the Recommended Order and remanded the claim back to the hearing officer for further proceedings.

BC-21-120: Russell Lewis v. University of Kentucky

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

- The Board accepted and adopted the Recommended Order.

BC-21-0697: Victor Ovalle v. KYTC

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

- The Board accepted and adopted the Recommended Order.

BC-21-0706: Christi Lee, Administrator of the Estate of Christian Flynt v. KYTC

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

- The Board accepted and adopted the Recommended Default Order of Dismissal.

BC-22-0576: Liberty Mutual Ins. Co. on Behalf of Amy Combs v. KYTC

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

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

BC-22-0477: Qasem Hamad v. UK

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

- The Board dismissed this claim for the Claimant's failure to comply with its Show Cause order.

BC-22-0550: Gena Clark v. KYTC

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

- The Board ordered a Final Order to be generated awarding the Claimant the full amount of her claimed damages due to the Respondent's failure to comply with a Show Cause order.

BC-22-0592: Gregory Crawford v. KYTC

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

- The Board ordered a Final Order to be generated awarding the Claimant the full amount of his claimed damages due to the Respondent's failure to comply with a Show Cause order.

BC-21-0692: City of Benham v. KYTC

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

- The Board entered the Agreed Order of Dismissal.

BC-22-0246: Kadonna Hunter (now Gravley) v. KYTC

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

- The Board entered the Agreed Order of Dismissal.

BC-22-0291: Agnes Buntain v. KYTC

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

- The Board entered the Agreed Order of Dismissal.

BC-22-0437: Renee Perkins v. KYTC

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

- The Board entered the Agreed Order of Dismissal.

BC-22-0495: Gregory Crawford v. KYTC

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

- The Board entered the Agreed Order of Dismissal.

BC-22-0714: Cary Mendelsohn v. Tourism, Arts & Heritage Cabinet, State Fair Board

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

- The Board entered the Agreed Order of Dismissal.

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 11:58 am.