

COMMONWEALTH OF KENTUCKY

Board of Claims

Agenda

September 16, 2010

Minutes Accepted

It was incorrectly reported last month that the Board of Claims received 124 new claims in the month of July, 2010. The correct number of new claims received in July, 2010 is 64.

The Board of Claims received 72 new claims during the month of August, 2010. A total of 60 claims were set up, according to Assistant Clerk Paula Woolums. Paula dismissed two (2) claims for being under the \$100.00 threshold and returned six (6) claims for non-jurisdictional reasons.

Investigators Jackie Lynch and Wanda Luttrell decided 57 claims (under \$1,000.00) in August, 2010. Jackie reports that 32 claims were dismissed and 25 claims were awarded, for a total amount awarded of \$9,203.80.

At its Board meeting on August 19, 2010, the Board dismissed 13 claims and awarded eight (8) claims totaling \$45,710.82. Together with the claims investigated in-house, the Board dismissed a total of 45 claims and awarded a total of 33 claims for a total amount awarded of \$54,914.62 in August, 2010.

Plummer Absent  
Paula Absent

**For Instructions From the Board**

BC-2007-00461

Charles Owens; Leah Pharris; Jennifer Clark vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order of Dismissal filed.

Counsel's Recommendation: Enter Agreed Order of Dismissal and dismiss the claim at the request of the Claimants. ✓

BC-2007-00876

Josey Cruse vs. Department of Education and Madison County Schools

Notes: Agreed Order of Settlement recommended by Hearing Officer Braxton Crenshaw.

Counsel's Recommendation: Enter a Final Order dismissing the claim with prejudice at the agreement of the parties. ✓

BC-2008-00651

Darrin Brooks vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order of Settlement and Dismissal filed by the parties.

Counsel's Recommendation: Enter the Agreed Order awarding Claimant \$1,250.00 in settlement of this matter. ✓

BC-2009-00570

Tex Mitchell; Paulette Stapleton vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order of Settlement awarding \$2,500.00 to Claimants filed.

Counsel's Recommendation: Enter Agreed Order of Settlement awarding Claimants \$2,500.00. ✓

BC-2010-00163

Finley Hall vs. Transportation Cabinet / Dept. of Highways

Notes: July 8, 2010 Order to Comply or Show Cause

Counsel's Recommendation: Rule the Claimant in Default and Dismiss the Claim. ✓

BC-2010-00179

Joe Matthews vs. Transportation Cabinet / Dept. of Highways

Notes: July 8, 2010 Order to Comply or Show Cause

Counsel's Recommendation: Rule the Claimant in Default and Dismiss the Claim. ✓

---

BC-2010-00185

Sonya Sizemore vs. Commonwealth of Kentucky

Notes: July 8, Order for More Information

Counsel's Recommendation: Rule The Claimant in Default and Dismiss the Claim. ✓

---

BC-2010-00189

Ernie Copelin vs. Commonwealth of Kentucky

Notes: July 8, 2010 Order to Comply or Show Cause

Counsel's Recommendation: Rule the Claimant in Default and Dismiss the Claim. ✓

---

BC-2010-00200

Kathy Marcum vs. University of Kentucky

Notes: July, 8, 2010 Order to Comply or Show Cause

Counsel's Recommendation: Rule the Claimant in Default and Dismiss the Claim. ✓

---

BC-2010-00213

Joshua Teague vs. Transportation Cabinet / Dept. of Highways

Notes: July 8, 2010 Order to Comply or Show Cause

Counsel's Recommendation: Rule the Claimant in Default and Dismiss the Claim. ✓

---

BC-2010-00226

A and Z Towing and Recovery vs. Commonwealth of Kentucky

Notes: July 8, 2010 Order to Comply or Show Cause

Counsel's Recommendation: Rule the Claimant in Default and Dismiss the Claim. ✓

---

BC-2010-00229

Todd Franzosa vs. Transportation Cabinet / Dept. of Highways

Notes: July 8, 2010 Order to Comply or Show Cause

Counsel's Recommendation: Rule The Claimant in Default and Dismiss the Claim. ✓

---

BC-2010-00238

John Martin vs. Commonwealth of Kentucky

Notes: July 8, 2010 Order to Comply or Show Cause

Counsel's Recommendation: Rule the Claimant in Default and Dismiss the Claim. ✓

---

BC-2010-00242

Alta Meade vs. Commonwealth of Kentucky

Notes: July 8, 2010 Order for More Information or Show Cause

Counsel's Recommendation: Rule the Claimant in Default and Dismiss the Claim. ✓

---

BC-2010-00258

Lindsey Jeffries vs. Transportation Cabinet / Dept. of Highways

Notes: July 8, 2010 Order to Comply or Show Cause

Counsel's Recommendation: Rule The Claimant in Default and Dismiss the Claim. ✓

---

BC-2010-00270

Reginald Windham vs. Transportation Cabinet / Dept. of Highways

Notes: July 8, 2010 Order to Comply or Show Cause

Counsel's Recommendation: Rule The Claimant in Default and Dismiss the Claim. ✓

---

BC-2010-00273

Tabatha Addison vs. Commonwealth of Kentucky

Notes: July 8, 2010 Order to Comply or Show Cause

Counsel's Recommendation: Rule the Claimant in Default and Dismiss the Claim. ✓

---

BC-2010-00280

Christopher Kyle vs. Commonwealth of Kentucky

Notes: July 8, 2010 Order to Comply or Show Cause

Counsel's Recommendation: Rule The Claimant in Default and Dismiss the Claim. ✓

---

BC-2010-00288

Shabda Townsend vs. Commonwealth of Kentucky

Notes: July 8, 2010 Order to Comply or Show Cause

Counsel's Recommendation: Rule the Claimant in Default and Dismiss the Claim. ✓

---

BC-2010-00303

Ronald Curtis vs. Commonwealth of Kentucky

Notes: July 8, 2010 Order to Comply or Show Cause

Counsel's Recommendation: Rule the Claimant in Default and Dismiss the Claim. ✓

---

BC-2010-00333

Michael Lewis vs. Justice and Public Safety Cabinet

Notes: July 8, 2010 Order to Comply or Show Cause

Counsel's Recommendation: Rule the Claimant in Default and Dismiss the Claim. ✓

---

BC-2010-00335

Barbwire Express vs. Transportation Cabinet / Dept. of Highways

Notes: July 8, 2010 Order to Comply or Show Cause

Counsel's Recommendation: Rule the Claimant in Default and Dismiss the Claim. ✓

---

BC-2010-00337

Lucille Huckelby vs. Transportation Cabinet / Dept. of Highways

Notes: July 8, 2010 Order to Comply or Show Cause

Counsel's Recommendation: Rule the Claimant in Default and Dismiss the Claim. ✓

---

BC-2010-00342

Adam McLean vs. Commonwealth of Kentucky

Notes: July 8, 2010 Order to Comply or Show Cause

Counsel's Recommendation: Rule the Claimant in Default and Dismiss the Claim. ✓

---

BC-2010-00523

Darrell Johnson vs. University of Kentucky Medical Center

Notes: Agreed Order of Settlement filed by the parties.

Counsel's Recommendation: Enter the Agreed Order of Settlement, awarding \$2,500.00 to the Claimant. ✓

---

**Full Board Review**

BC-2010-00434

Deanna Posey-Banks vs. Transportation Cabinet / Dept. of Highways

Notes: 8/4/10 Board ordered dismissed  
8/12/10 Claimant requests FBR (\$500)

*Upheld  
Dismissal*

---

**Motions**

BC-2009-00068

Erwin Sherman vs. Tourism, Arts and Heritage Cabinet / Ky. State Fair Board

Notes: Respondent's Motion to Dismiss as Settled.

Counsel's Recommendation: Enter Final Order dismissing claim as settled by the parties. ✓

---

BC-2010-00351

Michael Lawless; Teresa Lawless vs. Transportation Cabinet / Dept. of Highways

Notes: Respondent's Motion to Dismiss; no response filed by the Claimants.

Counsel's Recommendation: Enter Final Order dismissing the claim for failure to file within one (1) year from the date the claim for relief accrued, pursuant to KRS 44.110. ✓

---

BC-2010-00404

James Harrison vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: Respondent's Motion to Dismiss and Claimant's response filed thereto.

Counsel's Recommendation: Sustain the Motion to Dismiss because the claim was not filed within one (1) year of the date that the claim for relief accrued, pursuant to KRS 44.110. ✓

---

BC-2010-00433

Ashley Johnson vs. University of Kentucky

Notes: Respondent's Answer and Motion to Dismiss. No response filed by the Claimant.

Counsel's Recommendation: Sustain the Motion to Dismiss for failure to state a claim upon which relief can be granted. ✓

---

**Recommended Order**

BC-2003-01174

Eric Conatser vs. Tourism, Arts & Heritage Cabinet / Department of Parks

Notes: Hearing Officer Braxton Crenshaw's Recommended Order of Dismissal.

Counsel's Recommendation: Adopt the recommendation of the hearing officer and dismiss the claim for failure to abide by the orders of the hearing officer. ✓

---

BC-2005-00951

Walter Knuckles vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Jan West's Findings of Fact, Conclusions of Law and Recommended Order denying the claim.

Counsel's Recommendation: Adopt the recommendation of the hearing officer and dismiss the claim with prejudice. ✓

---

BC-2007-00082

Pamela Seymour vs. Boone County Board of Education

Notes: Hearing Officer Lansden King's Recommended Order denying the Respondent's Motion for Summary Judgment as to Claimant Pamela Seymour's claims and granting the Respondent's Motion for Summary Judgment as to the claims of Kenneth Seymour, the Claimant's husband.

Counsel's Recommendation: Adopt the recommendations of the hearing officer and remand the claim to the hearing officer for further proceedings. ✓

---

BC-2007-00706

Barbara Flick vs. Tourism, Arts & Heritage Cabinet / Kentucky State Fair Board

Notes: Hearing Officer Jan West's Findings of Fact, Conclusions of Law and Recommended Order denying the claim.

Counsel's Recommendation: Adopt the recommendation of the hearing officer and dismiss the claim accordingly. ✓

---

BC-2008-00747

Marion Enlow vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer William J. Rudloff's Findings of Fact, Conclusions of Law and Recommended Order denying the claim.

Counsel's Recommendation: Adopt the recommendation of the hearing officer and dismiss the claim with prejudice. ✓

---

BC-2008-00983

Betty Greenwell vs. Justice and Public Safety Cabinet / Department of Corrections

Notes: Hearing Officer Lansden King's Recommended Order denying the Respondent's Motion to Dismiss.

Counsel's Recommendation: Adopt the recommendation of the hearing officer denying the Motion to Dismiss and remand the claim to the hearing officer for further proceedings. ✓

---

BC-2008-01242  
James Bunch vs. Transportation Cabinet / Dept. of Highways

*Reject + Remand 404U  
for hearing on damages. | Exceptions  
Filed*

Notes: Hearing Officer Jan West's Findings of Fact, Conclusions of Law and Recommended Order denying the claim.

Counsel's Recommendation: Adopt the recommendation of the hearing officer and dismiss the claim accordingly.

---

BC-2009-00021  
Samantha Royalty vs. University of Kentucky

Notes: Hearing Officer Lansden King's Recommended Order denying the Respondent's Motion for Summary Judgment.

Counsel's Recommendation: Adopt the recommendation of the hearing officer denying the Motion for Summary Judgment and remand the claim to the hearing officer for further proceedings. ✓

---

BC-2009-00024  
Jack Wood vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Jan West's Findings of Fact, Conclusions of Law and Recommended Order denying the claim.

Counsel's Recommendation: Adopt the recommendation of the hearing officer and dismiss the claim with prejudice. ✓

---

BC-2009-00069  
Michael Embree vs. Justice and Public Safety Cabinet / Department of Corrections

Notes: Hearing Officer Lansden King's Recommended Order granting Respondent's Motion for Summary Judgment.

Counsel's Recommendation: Adopt the recommendation of the hearing officer and dismiss the claim with prejudice. ✓

---

BC-2009-00391  
Eddie Vaughn vs. Justice and Public Safety Cabinet / Department of Corrections

Notes: Hearing Officer Lansden King's Recommended Order denying the Respondent's Motion to Dismiss and granting the Respondent's motion to prohibit the Claimant from producing an expert witness.

Counsel's Recommendation: Adopt the recommendations of the hearing officer and remand the claim to the hearing officer for further proceedings. ✓

---

BC-2009-00479  
Denford Sanders vs. Transportation Cabinet / Department of Highways

Notes: Hearing Officer Jan West's Findings of Fact, Conclusions of Law and Recommended Order denying the claim.

Counsel's Recommendation: Adopt the recommendation of the hearing officer and dismiss the claim with prejudice. ✓

---

BC-2009-00480  
Larry Cooper vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Jan West's Findings of Fact, Conclusions of Law and Recommended Order denying the claim.

Counsel's Recommendation: Adopt the recommendation of the hearing officer and dismiss the claim with prejudice. ✓

---

BC-2009-00981

David Martin vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Jan West's Opinion and Recommended Order dismissing the claim with prejudice for the Claimant's failure to appear at the final hearing and failure to respond to the subsequent Show Cause Order. ✓

Counsel's Recommendation: Adopt the recommendation of the hearing officer and dismiss the claim with prejudice for Claimant's failure to abide by the orders of the hearing officer.

---

Total number of Claims: 44

**COMMONWEALTH OF KENTUCKY**  
**BOARD OF CLAIMS**  
*Addendum*  
*September 16, 2010*

---

**BC-10-545**

Joe Jefferies v. Transportation Cabinet, Dept. of Highways

The Respondent's Answer filed herein asserts contractor involvement and attaches relative insurance information.

Counsel's Recommendation: Enter a Final Order dismissing the claim pursuant to KRS 44.073(15). ✓

---

**BC-10-591**

Ada Virginia Chenault v. Department of Military Affairs

Respondent's Motion for Extension of Time to file an Answer to the above-referenced claim.

Counsel's Recommendation: Enter an order granting the Respondent an extension of time to October 18, 2010 to file an Answer. ✓

---