

COMMONWEALTH OF KENTUCKY
Board of Claims
Agenda
April 21, 2016

*Sullivan Out
Minutes Adopted*

The Board of Claims received 70 new claims during the month of March, 2016. Paula reports that a total of 56 claims were set up and one (1) claim was returned for lack of jurisdiction.

Investigator Jackie Lynch decided 43 claims under \$1,000.00 in March, 2016. Jackie reports that 35 of these claims were denied and eight (8) were awarded, for a total amount awarded of \$3,082.99.

At its Board meeting on March 17, 2016, the Board dismissed 19 claims and awarded seven (7) claims totaling \$115,549.87. Together with the claims investigated in-house, the Board dismissed a total of 54 claims and awarded a total of fifteen (15) claims for a total amount awarded of \$118,632.86 in March, 2016.

For Instructions From the Board

BC-2013-00086

Ambie Cotton and Lesa Stinnett vs. Transportation Cabinet / Dept. of Highways

Notes: This claim has been held in abeyance since 2013. However, no response has been received from the Claimants to the Board's recent Orders of 12/10/15, 2/112/16, and 3/7/16.

Counsel's Recommendation: Enter an Order dismissing the claim for failure to comply with the Orders of this Board. ✓

BC-2014-00523

Jessica Sparkman vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order of Dismissal for \$7,500.00 filed by the parties.

Counsel's Recommendation: Enter the Agreed Order awarding the Claimant \$7,500.00 in settlement of this matter. ✓

BC-2015-00522

Chervon North Amercia vs. Tourism, Arts and Heritage Cabinet / Ky. State Fair Board

Notes: Agreed Order awarding the Claimant \$14,229.00 filed.

Counsel's Recommendation: Enter the Agreed Order awarding the Claimant \$14,229.00 in settlement of this matter. ✓

BC-2015-00668

Agnes Mangrum vs. Commonwealth of Kentucky

Notes: April 21, 2016

Counsel's Recommendation- Rule the Claimant in Default and Dismiss ✓

BC-2015-00668

Agnes Mangrum vs. Commonwealth of Kentucky

Notes: April 21, 2016

Counsel's Recommendation- Rule the Claimant in Default and Dismiss ✓

BC-2015-00683

Sheila Henderson vs. University of Kentucky

Notes: April 21, 2016-Default Order
Counsel's Recommendation-Rule the Claimant in Default and Dismiss ✓

BC-2015-00692

Glenda Sizemore vs. Commonwealth of Kentucky

Notes: April 21, 2016-Default Order
Counsel's Recommendation-Rule the Claimant in Default and Dismiss ✓

BC-2015-00693

Anthony Webb vs. Commonwealth of Kentucky

Notes: April 21, 2016-Default Order
Counsel's Recommendation-Rule the Claimant in Default and Dismiss ✓

BC-2015-00700

Champion Security Services, LLC, by and through Curtis Gordon, Jr. vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order of Dismissal awarding the Claimant \$1,087.12 filed by the parties.

Counsel's Recommendation: Enter the Agreed Order awarding the Claimant \$1,087.12 in settlement of this matter. ✓

BC-2015-00726

Patricia Floden vs. University of Louisville

Notes: Agreed Order of Dismissal filed by the parties.

Counsel's Recommendation: Enter an Order dismissing the claim as agreed to by the parties. ✓

BC-2015-00730

John May vs. University of Kentucky

Notes: April 21, 2016-Default Order
Counsel's Recommendation-Rule the Claimant in Default and Dismiss ✓

BC-2015-00763

Maxim Crane Works L.P. vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order awarding the Claimant \$2,665.82 in settlement of this matter.

Counsel's Recommendation: Enter an Order awarding the Claimant \$2,665.82 in settlement of this matter. ✓

BC-2015-00767

Steven McIntosh vs. University of Kentucky

Notes: April 21, 2016-Default Order
Counsel's Recommendation-Rule the Claimant in Default and Dismiss ✓

BC-2015-00773

Steven Pesina vs. University of Kentucky

Notes: April 21, 2016-Default Order
Counsel's Recommendation-Rule the Claimant in Default and Dismiss ✓

BC-2015-00805

Mary Nealy vs. Commonwealth of Kentucky

Notes: April 21, 2016-Default Order
Counsel's Recommendation- Rule the Claimant in Default and Dismiss ✓

BC-2015-00828

Morris Fallis vs. University of Kentucky

Notes: April 21, 2016-Default Order
Counsel's Recommendation-Rule the Claimant in Default and Dismiss ✓

BC-2015-00962

Jonathan Davis vs. McCracken County Commonwealth Attorney Dan Boaz

Notes: Respondent's Answer denying liability and requesting dismissal for failure to state a claim upon which relief can be granted.
Counsel's Recommendation: Enter an Order of Dismissal for failure to state a claim upon which relief can be granted. ✓

BC-2015-01008

Mechanical Systems Contractors vs. Tourism, Arts and Heritage Cabinet / Ky. State Fair Board

Notes: Respondent's settlement offer of \$18,152.41 and Claimant's acceptance of same.
Counsel's Recommendation: Enter an Order awarding the Claimant \$18,152.41 in settlement of this matter. ✓

BC-2015-01022

Ruth Baker; Alice Stidham vs. University of Kentucky

Notes: Respondent's Answer recommending payment of the claim.
Counsel's Recommendation: Enter an Order awarding the Claimant \$2,350.00 as recommended by the Respondent. ✓

BC-2016-00132

Linda Purper vs. University of Kentucky

Notes: Respondent's Answer recommending payment of the claim.

Counsel's Recommendation: Enter an Order awarding the Claimant \$1,317.00 as recommended by the Respondent. ✓

Full Board Review

BC-2015-00688

Arthur Ace vs. Department of Highways / Transportation

Notes: 12/17/15 Board awarded \$500
01/15/16 Claimant requests FBR on the amount of Award
01/20/16 Check
04/08/12 FBR Memo to Claimant and Respondent
On Agenda for 4/21/16

Pass to future docket

BC-2015-01024

Van Rhodes vs. Department of Highways / Transportation

Notes: 2/22/16 Board ordered Dismissed
3/16/16 Claimant requests FBR. Copy to Resp.
3/18/16 FBR Memo to Cl. and Resp. on agenda for 4/21/16

Reverse + award \$ 380.99

BC-2015-01040

Teddy Honaker vs. Department of Highways / Transportation

Notes: 2/22/16 Board ordered dismissed
3/10/16 Claimant requests FBR. Copy to Resp.
3/11/16 FBR Memo to CL and Resp. On agenda for 4/21/16.

Pass to May docket

BC-2015-01042

Melissa Scheidler vs. Eastern Kentucky University / E.K.U.

Notes: 03/03/16 Board ordered dismissed
03/17/16 Claimant requests FBR (\$212.88)
03/18/16 FBR Memo to Cl. and Resp. On agenda on 4/21/16

Uphold original dismissal

BC-2016-00003

Uriah Pasha vs. Justice and Public Safety Cabinet / Justice and Public Safety Cabinet

Notes: 3/18/16 Board ordered dismissed
3/21/16 Claimant's Add. Info.
3/28/16 Requests FBR. Copy to Resp
3/29/16 FBR Memo to Cl. and Resp. On agenda for 4/21/16

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BC-2016-00011

Andrew Murphy vs. Department of Highways / Transportation

Notes: 3/18/15 Board ordered dismissed
3/25/16 Claimant requests FBR (\$203.44)
3/28/16 FBR Mermo to Cl. and Resp. On agenda for 4/21/16.

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BC-2016-00041

H. Peach vs. Department of Highways / Transportation

*Pass to Future
Locket*

Notes: 3/18/16 Board ordered dismissed
3/30/16 Claimant requests FBR (\$287.98)
3/30/16 FBR Memo to Cl. and Resp. On agenda for 4/21/16

BC-2016-00131

Clayton Clouse vs. Justice and Public Safety Cabinet / Justice and Public Safety Cabinet

*Uphold
Dismissal*

Notes: 3/18/16 Board ordered dismissed
4/5/16 Claimant requests FBR (\$158.73)
4/6/16 FBR Memo to Cl. and Resp. On agenda for 4/21/16

Motions

BC-2012-00589

Karen Vanover vs. Transportation Cabinet / Dept. of Highways

Notes: Claimant's Motion to Dismiss as her total offsets exceed the Board's statutory maximum award of \$200,000.00.

Counsel's Recommendation: Enter the Order of Dismissal as requested by the Claimant. ✓

BC-2015-00614

Shantanu Neravetta vs. University of Louisville

Notes: Briefs regarding the Board's jurisdiction over alleged tortious activity filed by the parties pursuant to the Board's Order of January 21, 2016 in response to the Claimant's Motion for Reconsideration of the Board's prior Order of Dismissal.

Counsel's Recommendation: Enter an Order of Dismissal for failure to state a claim upon which relief can be granted. ✓

BC-2015-00996

Damon Wilgus vs. Transportation Cabinet / Dept. of Highways

Notes: Claimant's Motion to Alter, Amend or Vacate the Board's Order of Dismissal dated 2/18/16 and Motion to Hold in Abeyance; no response to these motions were filed by the Respondent.

Counsel's Recommendation: Enter an Order for the Respondent to respond to the Claimant's motions within fifteen (15) days. ✓

BC-2015-00997

Debra Wilgus vs. Transportation Cabinet / Dept. of Highways

Notes: Claimant's Motion to Alter, Amend or Vacate the Board's Order of Dismissal of 2/18/16 and Motion to Hold in Abeyance; no response to these motions was filed by the Respondent.

Counsel's Recommendation: Enter an Order for the Respondent to respond to the Claimant's motions within fifteen (15) days. ✓

BC-2016-00057

Mary Hall vs. Transportation Cabinet / Dept. of Highways

Notes: Respondent's unopposed Motion to Dismiss.

Counsel's Recommendation: Enter an Order of Dismissal pursuant to KRS 44.070 for lack of jurisdiction over Indiana Dept. of Transportation or its contractors. ✓

BC-2016-00067

Joseph Peters vs. Transportation Cabinet / Dept. of Highways

Notes: Respondent's unopposed Motion to Dismiss.

Counsel's Recommendation: Overrule the Motion to Dismiss as premature and assign the claim to Hearing Officer Natalie Lile for further proceedings. ✓

BC-2016-00075

Artis Anderson vs. Cabinet for Health and Family Services

Notes: Respondent's Motion to Dismiss or Motion for Summary Judgment with attachments; the Claimant's response filed thereto; and the Respondent's reply.

Counsel's Recommendation: Enter an Order of Dismissal for failure to state a claim upon which relief can be granted. ✓

Recommended Order

BC-2012-00396

Ronald Sattenberg vs. University of Louisville

Notes: Hearing Officer Jan West's Opinion and Order granting the Respondent's Motion to Dismiss.

Counsel's Recommendation: Adopt the recommendation of the hearing officer granting the Respondent's Motion to Dismiss the claim. ✓

BC-2014-00801

Clifford Jones vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Natalie Lile's Recommended Order of Dismissal.

Counsel's Recommendation: Adopt the recommendation of the hearing officer dismissing the claim. ✓

BC-2015-00346

John Brady vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Jan West's Recommended Order of Dismissal.

Counsel's Recommendation: Adopt the recommendation of the hearing officer dismissing the claim. ✓

BC-2015-00402

Tara Odle-Baker vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Jan West's Findings of Fact, Conclusions of Law and Recommended Order awarding the Claimant \$1,000.00.

Counsel's Recommendation: Adopt the recommendation of the hearing officer awarding the Claimant \$1,000.00. ✓

BC-2015-00502

Otis Coley vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Jan West's Recommended Order of Dismissal.

Counsel's Recommendation: Adopt the recommendation of the hearing officer dismissing the claim. ✓

Total number of Claims: 40

**COMMONWEALTH OF KENTUCKY
BOARD OF CLAIMS
*Addendum***

April 21, 2016

BC-2015-768

Dana L. Gevedon v. Transportation Cabinet / Dept. of Highways

Agreed Order of Dismissal for \$1,000.00 filed by the parties.

Counsel's Recommendation: Enter the Agreed Order awarding the Claimant \$1,000.00 in settlement of this matter. ✓

BC-2015-845

Della Faye Bridges v. Transportation Cabinet / Dept. of Highways

Agreed Order of Dismissal for \$1,000.00 filed by the parties.

Counsel's Recommendation: Enter the Agreed Order awarding the Claimant \$1,000.00 in settlement of this matter. ✓
