

COMMONWEALTH OF KENTUCKY

Board of Claims

Agenda

August 19, 2010

The Board of Claims received 124 new claims during the month of July, 2010. A total of 67 claims were set up, according to Assistant Clerk Paula Woolums. Paula also dismissed six (6) claims for being under the \$100.00 threshold.

Investigators Jackie Lynch and Wanda Luttrell decided 65 claims (under \$1,000.00) in July, 2010. Jackie reports that 41 claims were dismissed and 24 claims were awarded, for a total amount awarded of \$8,939.79.

At its Board meeting on July 15, 2010, the Board dismissed 21 claims and awarded two (2) claims totaling \$10,771.94. Together with the claims investigated in-house, the Board dismissed a total of 62 claims and awarded a total of 26 claims for a total amount awarded of \$19,711.73 in July, 2010.

For Instructions From the Board

BC-2007-00817

ARI Network Services, Inc. vs. Tourism, Arts & Heritage Cabinet / Kentucky State Fair Board

Notes: Agreed Order Dismissing as Settled filed.

Counsel's Recommendation: Enter Agreed Order and award Claimant \$10,721.74 in settlement of this matter. ✓

BC-2008-00684

Susan Williams vs. Transportation Cabinet

Notes: Agreed Order of Dismissal filed by the parties.

Counsel's Recommendation: Dismiss the claim as agreed to by the parties. ✓

BC-2009-00403

Heather Newsome vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Recommended Order of Dismissal filed.

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

BC-2009-00676

Ashley Angel; Dewayne Angel vs. Justice and Public Safety Cabinet / Ky. State Police

Notes: Agreed Order of Dismissal filed by the parties.

Counsel's Recommendation: Dismiss the claim as agreed to by the parties. ✓

BC-2009-00827

Clay Pipeline, Inc., vs. Transportation Cabinet

Notes: Agreed Order of Dismissal awarding \$3,707.88 to Claimant.

Counsel's Recommendation: Enter Agreed Order of Dismissal and award Claimant \$3,707.88. ✓

BC-2010-00026

Alice Chaney vs. Tourism, Arts and Heritage / Ky. State Fair Board

Notes: Agreed Order of Settlement and Dismissal filed.

Counsel's Recommendation: Enter Agreed Order and award Claimant \$3,274.67 in full settlement of this claim. ✓

BC-2010-00172

Sarah Smith vs. Transportation Cabinet / Department of Highways

Notes: March 4, 2010 Order to Comply or Show Cause

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

BC-2010-00285

Anthony Carson vs. Transportation Cabinet

Notes: Agreed Order of Dismissal filed.

Counsel's Recommendation: Enter Agreed Order of Dismissal, awarding Claimant \$1,000.00. ✓

BC-2010-00289

Mary Younce vs. Transportation Cabinet

Notes: Agreed Order of Dismissal awarding \$1,000.00 to Claimant.

Counsel's Recommendation: Enter Agreed Order of Dismissal and award Claimant \$1,000.00. ✓

BC-2010-00525

Janet Schwartz; Richard Schwartz vs. University of Kentucky / Chandler Medical Center

Notes: Agreed Order of Settlement filed.

Counsel's Recommendation: Enter Agreed Order of Settlement awarding Claimant \$200,000.00. ✓

Full Board Review

BC-2010-00306

Clarence Moore vs. Transportation Cabinet / Dept. of Highways

Reverse + Award

Notes: 6/15/10 Board ordered dismissed ✓
6/22/10 Claimant requests FBR (\$588.85) ✓
7/15/10 FBR held over to August Agenda

BC-2010-00379

Shirley Chester vs. Transportation Cabinet / Department of Highways

Upheld

Notes: 7/9/10 Board ordered dismissed
7/30/10 Claimant requests FBR (\$500)

BC-2010-00380

Tenetria Frazier vs. Transportation Cabinet / Department of Highways

Held over

Notes: 6/8/10 Board awarded \$500, insurance deductible.
6/22/10 Check paid claim; file closed
7/6/10 Claimant stated insurance wouldn't cover tires and rims, wants remainder of receipts/estimates paid by Board of Claims.

BC-2010-00420

Derek Holbrook vs. Transportation Cabinet / Department of Highways

Revised Award

Notes: 7/22/10
8/2/10

Board ordered dismissed
Claimant requests FBR (\$417.68) ✓

Motions

BC-2009-01025

Brenda Carnes and Greg Dennis vs. Transportation Cabinet / Dept. of Highways

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

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

BC-2010-00374

Kendrick Mitchell vs. Transportation Cabinet / Dept. of Highways

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

Counsel's Recommendation: Sustain the Respondent's Motion to Dismiss due to the Board's lack of jurisdiction over contractors. ✓

BC-2010-00424

Harlie Lewis 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 Respondent's Motion to Dismiss for the Claimant's failure to state a claim upon which relief can be granted. ✓

BC-2010-00428

Keith Long vs. Justice and Public Safety Cabinet / Ky. State Police

Notes: Respondent's Investigative Answer and Motion to Dismiss; no response was filed by the Claimant.

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

BC-2010-00473

David Ward vs. Justice and Public Safety Cabinet / Dept. of Corrections

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

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

Recommended Order

BC-2005-01087

Speedco/Exhibitgroup Giltspur vs. Tourism, Arts & Heritage Cabinet / Kentucky State Fair Board

Notes: Hearing Officer Jan West's Recommended Opinion and Order dismissing the claim for lack of prosecution.

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

BC-2006-00639

Rita Collett vs. Tourism, Arts & Heritage Cabinet / Department of Parks

Notes: Hearing Officer Braxton Crenshaw's Recommended Findings of Fact, Conclusions of Law and Order dismissing the claim with prejudice.

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

BC-2009-00417

Larry Dennison vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: Former Hearing Officer Todd Farmer's Recommended Order denying both parties' Motions for Summary Judgment and the exceptions filed thereto.

Counsel's Recommendation: Reject the recommendation of the hearing officer; sustain the Respondent's Motion for Summary Judgment pursuant to KRS 44.073(15); and overrule the Claimant's Motion for Summary Judgment as moot. ✓

BC-2009-00462

Daniel Hallahan; Stacey Hallahan vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Jan West's Findings of Fact, Conclusions of Law and Recommended Order awarding \$4,338.85 to Claimants.

Counsel's Recommendation: Adopt the recommendation of the hearing officers and award accordingly. ✓

BC-2010-00018

Ronald Schmidt vs. Transportation Cabinet

Notes: Hearing Officer Jan West's Opinion and Recommended Order dismissing the claim with prejudice for failure to respond to the orders of the hearing officer.

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

Total number of Claims: 24

**COMMONWEALTH OF KENTUCKY
BOARD OF CLAIMS**

*Addendum
June 17, 2010*

BC-08-904

Keith Means v. University of Kentucky

Agreed Order of Settlement and Dismissal.

Counsel's Recommendation: Enter Order of Settlement awarding Claimant \$25,000.00 and dismissing the claim pursuant to the agreement of the parties. ✓

BC-10-509

Shirley Jean Allen v. University of Kentucky

Agreed Order of Extension of Time to File Answer to September 3, 2010. ✓

Counsel's Recommendation: Enter a modified order granting Respondent an extension of time to September 2, 2010 to file an Answer, due to the state furlough day being September 3, 2010.
