

**COMMONWEALTH OF KENTUCKY**  
**Board of Claims**  
**Agenda**  
**August 20, 2015**

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The Board of Claims received 79 new claims during the month of July, 2015. Paula reports that 68 claims were set up and two (2) were returned for lack of jurisdiction.

Investigator Jackie Lynch decided 38 claims under \$1,000.00 in July, 2015. Jackie reports that 17 of these claims were denied and 21 were awarded, for a total amount awarded of \$8,210.43.

At its Board meeting on July 16, 2015, the Board dismissed 23 claims and awarded five (5) claims totaling \$57,989.24. Together with the claims investigated in-house, the Board dismissed a total of 40 claims and awarded a total of 26 claims for a total amount awarded of \$66,199.67 in July, 2015.

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**For Instructions From the Board**

BC-2011-00072

Estate of Dustin H. Franklin vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order of Settlement for \$190,000.00 filed.

Counsel's Recommendation: Enter the Agreed Order of Settlement awarding the Claimant ~~\$200,000.00~~ <sup>\$190,000<sup>00</sup></sup> in this matter. ✓

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BC-2012-00562

John Seay vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order of Settlement for \$1000.00 filed.

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

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BC-2013-00452

Darlene Simpson vs. University of Kentucky

Notes: Claimant's Notice of Voluntary Dismissal.

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

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BC-2014-00572

Diane Music vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order of Dismissal for \$2,000.00 filed.

Counsel's Recommendation: Enter the Agreed Order awarding the Claimant \$2,000.00 in settlement of this claim. ✓

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BC-2015-00027

Shirlee Hall vs. Tourism, Arts and Heritage Cabinet / Dept. of Parks

Notes: August 20, 2015- Default Order

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

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BC-2015-00559

Timothy Ganschow vs. Transportation Cabinet / Dept. of Highways

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

Counsel's Recommendation: Enter an Order awarding the Claimant \$1,136.91. ✓

BC-2015-00621

Jessica McHone vs. University of Kentucky

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

Counsel's Recommendation: Enter an Order awarding the Claimant \$8,871.00. ✓

**Full Board Review**

BC-2015-00136

Steven Campbell vs. Transportation Cabinet / Dept. of Highways

Notes: 6/18/15 Board ordered dismissed  
7/2/15 Claimant requests FBR (\$152.03). Copy to Resp.  
7/9/15 FBR Memo to CL. and Resp.

*Reverse + award*

BC-2015-00253

Justin Combs vs. Transportation Cabinet / Dept. of Highways

Notes: 6/22/15 Board ordered dismissed  
7/7/15 Claimant requests FBR (\$226.90)  
7/9/15 FBR Memo to Cl. and Resp. On agenda for 8/20/15

*Uphold*

BC-2015-00293

Mary Burton vs. Transportation Cabinet / Dept. of Highways

Notes: 7/7/15 Board awarded \$250, the lowest of two estimates  
7/10/15 Claimant requests FBR on amount of award. They want \$310 that they owe to the garage for two tires and alignment, They don't want their \$250 back for the other tires they bought.  
7/17/15 FBR Memo to Cl. and Resp. put on agenda for 8/20/15.

*\$1600<sup>00</sup> award*  
*total award for 2 tires + alignment*

BC-2015-00420

Lewis Davenport vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: 6/19/15 Board ordered dismissed  
7/2/15 Claimant requests FBR (\$151.80)  
7/9/15 FBR Memo to Cl. and Resp. On agenda 8/20

*Uphold*

BC-2015-00429

Erin Parker vs. Transportation Cabinet / Dept. of Highways

Notes: 6/22/15 Board ordered dismissed  
7/7/15 Claimant requests FBR. Copy to R.  
7/8/15 FBR Memo to Cl. and Resp. (\$500)

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BC-2015-00554

Chris Smith vs. Transportation Cabinet / Dept. of Highways

Notes: 7/17/15 Board awarded \$250.  
7/30/15 Claimant's letter, unhappy with \$250 award  
8/5/15 FBR Memo to Claimant and Respondent

Upheld  
4-1

BC-2015-00558

James Cambron vs. Transportation Cabinet / Dept. of Highways

Notes: 7/17/15 Board ordered dismissed  
7/18/15 Claimant requests FBR (\$500)  
8/4/15 FBR Memo to Claimant and Respondent

Upheld

### Motions

BC-2014-00713

Tayna Fogle vs. Department of Education

Notes: Claimant's Motion to Voluntarily Dismiss the Claim.

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

BC-2015-00415

Paul Cronin vs. Tourism, Arts and Heritage Cabinet / Ky. Horse Park

Notes: Respondent's Motion to Dismiss for lack of jurisdiction; no response filed by the Claimant.

Counsel's Recommendation: ✓ Overrule the Motion to Dismiss and assign the claim to Hearing Officer Mike Wilson for further proceedings. ✓

BC-2015-00453

Vivian Collins vs. University of Kentucky

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

Counsel's Recommendation: ✓ Enter an Order dismissing for failure to state a claim as this is a contract dispute between the parties and not a claim of negligence. ✓

BC-2015-00462

Bill Dunn vs. Transportation Cabinet / Dept. of Highways; and Energy and Environment Cabinet / Division of Water

Notes: Respondents' Motions to Dismiss and the Claimant's response filed thereto.

Counsel's Recommendation: ✓ Overrule the Motions to Dismiss and assign the claim to Hearing Officer Jan West for further proceedings. ✓

BC-2015-00477

Jerry McAninch vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: Respondent's unopposed Motion to Dismiss.

Counsel's Recommendation: ✓ Enter an Order dismissing the claim pursuant to KRS 44.110(1). ✓

BC-2015-00522

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

Notes: Respondent's unopposed Motion to Dismiss.

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

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BC-2015-00525

Victor Garakan vs. Transportation Cabinet / Dept. of Highways

Notes: Respondent's unopposed Motion to Dismiss.

Counsel's Recommendation: Enter an Order of Dismissal pursuant to KRS 44.073(15). ✓

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BC-2015-00551

Vicki Marchand vs. Transportation Cabinet / Dept. of Highways

Notes: Respondent's unopposed Motion to Dismiss.

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

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BC-2015-00609

Dominique Brock vs. Justice and Public Safety Cabinet / Dept. of Corrections

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

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

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BC-2015-00615

Earnest Johnson vs. Education and Workforce Development Cabinet / Department of Education

Notes: Respondent's Motion to Dismiss.

Counsel's Recommendation: Reserve the Respondent's Motion to Dismiss and serve the claim on the Department of Workforce Investment for a response. ✓

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### **Recommended Order**

BC-2012-00565

George Dickey; Marsha Dickey vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Mike Wilson's Recommendation to Dismiss.

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

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BC-2014-00308

Rebecca Preston, Individually and as Administratrix of the Estate of Timothy G. Wilson vs. University of Kentucky

Notes: Hearing Officer Mike Wilson's Recommendation to Dismiss.

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

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BC-2014-00594

Jessica Segraves vs. University of Kentucky

Notes: Hearing Officer Mike Wilson's Recommendation to Dismiss.

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

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BC-2014-00803

Evaristo More Zulueta vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Mike Wilson's Recommendation to approve the parties' settlement.

Counsel's Recommendation: Adopt the recommendation of the Hearing Officer awarding the Claimant \$1,500.00 in settlement of this matter. ✓

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BC-2015-00050

Solomon Whiting vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Mike Wilson's Findings of Fact, Conclusions of Law and Recommended Order dismissing the claim.

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

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BC-2015-00066

Courtney Ridgell vs. University of Kentucky

Notes: Hearing Officer Mike Wilson's Recommendation to Dismiss.

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

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Total number of Claims: 30

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COMMONWEALTH OF KENTUCKY  
BOARD OF CLAIMS  
*Addendum*

*August 20, 2015*

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**BC-2015-428**

Communication Exhibits v. Tourism, Arts & Heritage Cabinet, Ky. State Fair Board

Agreed Order of Dismissal awarding the Claimant \$1,000.00 in settlement of this matter.

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

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