

COMMONWEALTH OF KENTUCKY

Claims Commission

Agenda Minutes

August 29, 2017

Effective June 29, 2017, KRS 49.10, *et seq.*, created the Kentucky Claims Commission. Pursuant to KRS 49.090(3), the Commission shall hold hearings on contested claims with a value of \$2,500.00 or greater but may decide claims under \$2,500.00 with a hearing.

The Kentucky Claims Commission received 56 negligence claims filed against the Commonwealth during the month of July, 2017. Sasha Petrey reports that 37 claims were set up and five (5) claims were returned for lack of jurisdiction.

Investigator Angela Robertson decided 16 claims under \$2,500.00 in July, 2017. Angela reports that nine (9) of these claims were denied and seven (7) were awarded, for a total amount awarded of \$3,152.87.

At its meeting on July 25, 2017, the Kentucky Claims Commission dismissed 13 negligence claims and awarded four (4) negligence claims totaling \$6,930.01. Together with the claims investigated in-house, the Claims Commission dismissed a total of 22 negligence claims and awarded a total of 11 negligence claims for a total amount awarded of **\$10,082.88** in July, 2017.

Members Present: Marcus Carey, Commission Chair
 Carlo Wessels, Commission Member
 Delana S. Sanders, Commission Member
 Brian Richmond, Executive Director
 Patrick Flannery, Assistant Executive Director
 Mitchell Mattingly, Staff Attorney
 Lisa G. Robinson, Claims Clerk

FOR INSTRUCTIONS FROM THE COMMISSION:

BC-2015-415

Paul Cronin vs. Tourism, Arts & Heritage Cabinet / Dept. of Parks
Commission dismissed the claim with prejudice as agreed by the parties.

BC-2016-253

Clyva Jean Meece v. Northern Kentucky University
Commission dismissed the claim with prejudice as requested by the Claimant.

BC-2016-304

Thornton's Inc. v. Department of Agriculture
Commission entered an Order dismissing the claim with prejudice as agreed by the parties.

BC-2017-048

Martin Guise v. Tourism, Arts & Heritage Cabinet / Dept. of Parks
Commission dismissed the claim with prejudice as agreed by the parties.

BC-2017-098

Selestene E. Womble v. Tourism, Arts & Heritage Cabinet / Ky. State Fair Board
Commission awarded the Claimant \$1,594.11 in settlement of this claim.

BC-2017-00193

PLR LLC, d/b/a Performance Lexus Rivercenter v. Transportation Cabinet / Dept. of Highways
Commission dismissed for failure to state a claim upon which relief can be granted.

MOTIONS:

BC-2010-560

Estate of Jeremiah Lee Muse v. University of Kentucky
Commission awarded the Claimant Estate \$20,000.00 in settlement of this claim.

BC-2016-539

Scott Locke v. Murray State University
Commission granted the Claimant's Motion to Dismiss the claim with prejudice.

BC-2017-225

Larry Robinson #174524 v. Justice & Public Safety Cabinet / Dept. of Corrections
Commission denied the Respondent's Motion to Dismiss and assigned the claim to Hearing Officer Jim Howard for further proceedings.

RECOMMENDED ORDERS:

BC-2013-139

Chini G. Grace vs. Transportation Cabinet / Dept. of Highways
Commission rejected the hearing officer's recommendation and awarded the Claimant \$11,666.66 (1/3 of the estimated cost of \$35,000.00 to replace the Claimant's tree).

BC-2015-866

Thomas J. Schirmann v. Transportation Cabinet / Dept. of Highways
Commission adopted the recommendation of the hearing officer dismissing the claim at the Claimant's request.

BC-2016-374

Dave Conway v. Transportation Cabinet / Energy & Environment Cabinet / Dept. for Natural Resources / Division of Abandoned Mine Lands
Commission adopted the recommendation of the hearing officer dismissing the claim at the Claimant's request.

Total number of Claims: 12