



**Andy Beshear**  
GOVERNOR  
**Jacqueline Coleman**  
LIEUTENANT GOVERNOR

**PUBLIC PROTECTION CABINET**  
**Kentucky Office of Claims and Appeals**  
**Board of Claims**  
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**Ray A. Perry**  
SECRETARY  
**John Hardesty**  
EXECUTIVE DIRECTOR

**Joshua Hicks**  
MEMBER

**Dale Sights**  
MEMBER

## **August 23, 2022 Meeting**

### **MINUTES**

The meeting, conducted via Zoom, was called to order at approximately 10:00 am., and the following business was conducted in Board of Claims matters.

In attendance were Board members Joshua Hicks and Dale Sights. Interim Chair Hicks called the meeting to order.

A quorum existed and business was conducted. Also in attendance were Executive Director John Hardesty, Staff Attorneys Shelby Bevins-Sullivan and Natalie Lile, Clerk Katie Dean, Hearing Officers Eden Davis Stephens and Shawn D. Chapman, Claimants Frank Galati, Marcus Lawrence, Aaron Bowling, Attorney Fox DeMoisey for Claimant Dr. Elmer Maggard, Attorney Kaitlin Coons Astorino for Claimant Tyler Schrimmer, Attorney Todd Shipp for Transportation Cabinet, Attorney Whitney Stepp-Gay for University of Kentucky, Attorney Ashley Daily for Finance and Administration Cabinet, and Attorneys Sarah Noble and Evan Jones for Tourism, Arts & Heritage Cabinet.

After Executive Director Hardesty delivered the monthly report for the Board of Claims for July 2022, the July 2022 minutes were approved. Member Dale Sights moved to approve the July 2022 Minutes with Interim Chair Hicks seconding. Having all in favor, the Motion carried.

After approval of the prior meeting's Minutes, the following cases were taken up for consideration:

**BC-22-0262:** Frederick Miller v. Justice and Public Safety Cabinet, Department of Corrections (DOC), Eastern Kentucky Correctional Complex

1st: Dale Sights, 2nd: Joshua Hicks. Having all in favor, the motion carried.

- The Board affirmed its prior decision awarding Miller \$379.50.

**BC-22-0333:** Marcus Lawrence, Sr. v. Justice and Public Safety Cabinet, DOC, Kentucky State Penitentiary

1st: Dale Sights, 2nd: Joshua Hicks. Having all in favor, the motion carried.



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- The Board denied Lawrence's Motion to Increase Damages, but it affirmed its prior decision awarding him \$1776.40.

**BC-21-0685: Frank Galati v. Transportation Cabinet, Department of Highways (KYTC)**

1st: Dale Sights, 2nd: Joshua Hicks. Having all in favor, the motion carried.

- The Board reinstated its prior decision dismissing the claim.

**BC-22-0058: Aaron Free v. KYTC**

1st: Dale Sights, 2nd: Joshua Hicks. Having all in favor, the motion carried.

- The Board affirmed its prior decision dismissing the claim.

**BC-22-0215: Teona Rayburn v. KYTC**

1st: Dale Sights, 2nd: Joshua Hicks. Having all in favor, the motion carried.

- The Board held this claim in abeyance pending KYTC's submission of an amended Answer agreeing to pay Rayburn's damages.

**BC-22-0448: Joseph Martin v. University of Kentucky (UK)**

1st: Dale Sights, 2nd: Joshua Hicks. Having all in favor, the motion carried.

- The Board affirmed its prior decision awarding Martin \$979.76.

**BC-22-0598: Aaron Bowling v. UK**

1st: Dale Sights, 2nd: Joshua Hicks. Having all in favor, the motion carried.

- The Board vacated its prior decision awarding Bowling \$500.00 for his deductible, then awarded Bowling a total amount of \$2,241.58.

**BC-22-0220: Stephanie Brown v. Justice and Public Safety Cabinet, Kentucky State Police**

1st: Dale Sights, 2nd: Joshua Hicks. Having all in favor, the motion carried.

- The Board granted the Respondent's Motion to Dismiss.

At approximately 12:57 pm, Member Sights moved to enter an Executive Session pursuant to KRS 61.815 and KRS 61.810(1)(c) and (j) to deliberate on the following cases: BC-22-0262, BC-22-0333, BC-21-0685, BC-22-0058, BC-22-0215, BC-22-0448, BC-22-0598, BC-22-0598, BC-22-0220, BC-15-1004, CC-19-0829 & 0830, BC-21-0340, BC-20-0459, BC-21-0751, BC-



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22-0157, BC-22-0570, and BC-22-0675, 0676, and 0677. Interim Chair Hicks seconded. Having all in favor, the Board went into Executive Session.

At approximately 1:33 pm, Member Sights moved to exit the Executive Session and return to Open Session. Interim Chair Hicks seconded. Having all in favor, the motion carried, and no official action was taken during the Executive Session.

**BC-15-1004:** Elmer Maggard, Ph.D. v. Board of Psychology Examiners, Office of the Attorney General, Jack Brengelman and Jack Conway, Individually and in his Official Capacity

1st: Dale Sights, 2nd: Joshua Hicks. Having all in favor, the motion carried.

- The Board accepted and adopted the Recommended Order.

**CC-19-0829 & 0830:** Elizabeth and Ann Margaret Holder v. UK and Central Kentucky Management Services

1st: Dale Sights, 2nd: Joshua Hicks. Having all in favor, the motion carried.

- The Board accepted and adopted the Recommended Order.

**BC-20-0459:** Edgar Brinkman v. KYTC

1st: Dale Sights, 2nd: Joshua Hicks. Having all in favor, the motion carried.

- The Board accepted and adopted the Recommended Order.

**BC-21-0340:** Eowyn Currivean v. Cabinet of Health and Family Services, Western State Hospital

1st: Dale Sights, 2nd: Joshua Hicks. Having all in favor, the motion carried.

- The Board accepted and adopted the Recommended Order.

**BC-21-0751:** Kentucky Utilities v. KYTC

1st: Dale Sights, 2nd: Joshua Hicks. Having all in favor, the motion carried.

- The Board accepted and adopted the Recommended Order.

**BC-22-0157:** Nancy Tillman v. Finance and Administration Cabinet

1st: Dale Sights, 2nd: Joshua Hicks. Having all in favor, the motion carried.

- The Board accepted and adopted the Recommended Order.

**BC-17-0303:** Ram Khanal v. Murray State University (MSU)

1st: Dale Sights, 2nd: Joshua Hicks. Having all in favor, the motion carried.



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- The Board entered the Joint Motion to Approve Settlement and Agreed Order of Dismissal.

**BC-17-0305:** Diana Deters v. Tourism, Arts & Heritage Cabinet, Department of Parks

1st: Dale Sights, 2nd: Joshua Hicks. Having all in favor, the motion carried.

- The Board entered the Agreed Order of Dismissal.

**BC-21-0567:** David Noe v. KYTC

1st: Dale Sights, 2nd: Joshua Hicks. Having all in favor, the motion carried.

- The Board entered the Agreed Order of Dismissal.

**BC-21-0681:** Quinn Burton v. KYTC

1st: Dale Sights, 2nd: Joshua Hicks. Having all in favor, the motion carried.

- The Board entered the Agreed Order of Dismissal.

**BC-22-0062:** Elizabeth Hehman v. Northern Kentucky University

1st: Dale Sights, 2nd: Joshua Hicks. Having all in favor, the motion carried.

- The Board entered the Agreed Order of Dismissal.

**BC-22-0590:** MOBA Corporation, Inc. v. Tourism, Arts & Heritage Cabinet, State Fair Board

1st: Dale Sights, 2nd: Joshua Hicks. Having all in favor, the motion carried.

- The Board entered a Final Order awarding the Claimant \$2,593.38 as the State Fair Board admitted negligence in its Answer.

**BC-22-0620:** Patricia Fox v. UK

1st: Dale Sights, 2nd: Joshua Hicks. Having all in favor, the motion carried.

- The Board entered a Final Order awarding the Claimant \$2,500.00 as UK admitted negligence in its Answer.

**BC-22-0570:** EAN Holdings v. Colorado State University

1st: Dale Sights, 2nd: Joshua Hicks. Having all in favor, the motion carried.

- The Board dismissed this claim for lack of jurisdiction as it is against a non-Kentucky state agency.



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**BC-22-0675, 0676, and 0677: Tyler Schrimmer v. Powell County Detention Center, Stanton Police Department, and Powell County Sheriff's Department**

1st: Dale Sights, 2nd: Joshua Hicks. Having all in favor, the motion carried.

- The Board agreed to hold this claim in abeyance for 90 days and ordered counsel for the Claimant to provide briefing on the issue of jurisdiction before the expiration of the 90-day period.

Having no further business, Member Sights moved to adjourn the meeting with Interim Chair Hicks seconding the motion. Having all in favor, the motion carried, and the meeting adjourned at approximately 1:41 pm.