

COMMONWEALTH OF KENTUCKY
Board of Claims
Agenda
December 17, 2009

*Minutes
Adopted*

The Board of Claims received ⁹³ new claims during the month of November, 2009. A total of 72 new claims were set up, according to Assistant Clerk Paula Woolums. Paula also dismissed four (4) claims for being under the \$100.00 threshold.

Investigators Jackie Lynch and Wanda Luttrell decided 28 claims (under \$1,000.00) in November, 2009. Jackie reports that 14 claims were dismissed and 14 claims were awarded, for a total amount awarded of \$4,413.37.

At its Board meeting on November 19, 2009, the Board dismissed 40 claims and awarded sixteen (16) claims totaling \$783,773.98. Together with the claims investigated in-house, the Board dismissed a total of 54 claims and awarded a total of 30 claims for a total amount awarded of \$788,187.35 in November, 2009.

For Instructions From the Board

BC-2005-00843

Kathy Patton; Terrence Patton vs. Transportation Cabinet / Department of Highways

Notes: Claimant's Report of Settlement and Motion to Dismiss.

Counsel's Recommendation: Enter Final Order dismissing the claim as settled by the parties. ✓

BC-2007-00164

Jill Schuler; Nathan Schuler; Brian Schuler vs. University of Kentucky Medical Center

Notes: Agreed Order of Voluntary Dismissal filed.

Counsel's Recommendation: Enter Agreed Order of Voluntary Dismissal and dismiss the claim as settled by the parties. ✓

BC-2007-00682

Larry Lewis vs. University of Kentucky Medical Center

Notes: Agreed Order of Settlement and Dismissal for \$180,000.00 out of ANOC funds and \$180,000.00 out of UK funds, for a total recommended settlement of \$360,000.00.

Counsel's Recommendation: Enter Order of Settlement and Dismissal and award Claimant \$180,000.00 out of ANOC funds. ✓

BC-2008-00685

Jefferey Thomas vs. Justice and Public Safety Cabinet / Justice and Public Safety Cabinet

Notes: Counsel's Recommendation: Rule the Claimant in default and dismiss the claim. ✓

BC-2008-00920

Donald Carpenter; Donna Osbourne vs. Transportation Cabinet

Notes: Notification from State Risk & Insurance Services that claim has been paid by the Commonwealth's insurance carrier.

Counsel's Recommendation: Enter Final Order dismissing claim as settled. ✓

BC-2008-01016

Trent Fry; Tracey Fry vs. Scott County Board of Education

Notes: Agreed Order of Settlement and Dismissal with Prejudice filed.

Counsel's Recommendation: Enter Agreed Order and dismiss the claim as settled by the parties. ✓

BC-2009-00128

Billy Lewis vs. Transportation Cabinet

Notes: Agreed Order of Settlement and Dismissal.

Counsel's Recommendation: Enter Agreed Order and award Claimant \$3,000.00 in settlement of this claim. ✓

BC-2009-00354

James Hayden vs. Transportation Cabinet / Department of Highways

Notes: Agreed Order of Settlement and Dismissal filed.

Counsel's Recommendation: Enter Agreed Order and award Claimant \$750.00 in settlement of this claim.

— MOVE TO NEXT MTG. ✓

BC-2009-00661

Carolyn Nuckols vs. Commonwealth of Kentucky

Notes: Counsel's Recommendation: Rule the Claimant in Default and dismiss the claim. ✓

BC-2009-00674

Shirley Harris vs. Commonwealth of Kentucky

Notes: Counsel's Recommendation: Rule the Claimant in Default and dismiss the claim. ✓

BC-2009-00739

Troy Roark; Erma Roark vs. Williamsburg Police Department

Notes: Claim filed against a non-state agency.

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

BC-2009-00814

Daniel King and Freda King vs. Energy and Environment Cabinet / Department for Natural Resources / Division of Abandoned Mine Lands

Notes: Respondent's Answer requesting payment of claim as requested by Claimants.

Counsel's Recommendation: Enter Final Order awarding \$3,097.81 to Claimants. ✓

BC-2009-00826

Kenneth Wood vs. Commonwealth of Kentucky

Notes: Counsel's Recommendation: Rule the Claimant in Default and dismiss the claim. ✓

BC-2009-00846

James Conn, d/b/a Multi Storage Systems, LLC vs. Military Affairs

Notes: Respondent's Answer Admitting Liability.

Counsel's Recommendation: Enter Final Order awarding Claimant \$8,037.00. ✓

Full Board Review

BC-2009-00640

Gerald Burke vs. Transportation Cabinet / Department of Highways

upheld

Notes: 11/5/09 Board awarded \$500, Claimant's auto insurance deductible
11/18/09 Claimant requests FBR on amount of award (\$500).

BC-2009-00702

Timothy Johnston vs. St. Patrick's Dismas Charities

upheld

Notes: 11/3/09 Board ordered dismissed
11/10/09 Claimant requests FBR (\$500)

Motions

BC-2001-00799

William France; Nancey France; Gaston France vs. Transportation Cabinet / Dept. of Highways and Ky. Railroad Commission

Notes: Respondent's Motion for Involuntary Dismissal. No response was filed by the Claimant.

Counsel's Recommendation: Enter Final Order sustaining the Motion to Dismiss and dismissing the claim for failure to prosecute. ✓

BC-2006-00365

Mark Estes vs. Transportation Cabinet

Notes: Claimant's Status Report moving for dismissal of the claim.

Counsel's Recommendation: Enter Final Order dismissing the claim at Claimant's request. ✓

BC-2006-00731

Dennis Abner vs. Transportation Cabinet / Dept. of Highways

Notes: Claimant's Motion for Voluntary Dismissal and Respondent's unopposed response.

Counsel's Recommendation: Enter Final Order dismissing the claim with prejudice for lack of jurisdiction. ✓

BC-2009-00784

Herbert Smith vs. Justice and Public Safety Cabinet / Dept. of Corrections

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

Counsel's Recommendation: Enter Final Order sustaining the Motion to Dismiss for failure to state a claim upon which relief can be granted. ✓

BC-2009-00801

Ronnie Haney vs. Tourism, Arts & Heritage Cabinet / Department of Fish and Wildlife

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

Counsel's Recommendation: Enter Final Order sustaining the Motion to Dismiss and dismiss the claim for failure to file within the applicable statute of limitations. ✓

BC-2009-00806

Roland Cureton vs. Justice and Public Safety Cabinet / Dept. of Corrections

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

Counsel's Recommendation: Consolidate with claims BC-09-809, BC-09-822 and BC-09-845 and sustain the Motion to Dismiss for failure to state any claim upon which relief can be granted. ✓

BC-2009-00809

Roland Cureton vs. Justice and Public Safety Cabinet / Dept. of Corrections

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

Counsel's Recommendation: Consolidate with claims BC-09-806, BC-09-822 and BC-09-845 and sustain the Motion to Dismiss for failure to state any claim upon which relief can be granted. ✓

BC-2009-00822

Roland Cureton vs. Justice and Public Safety Cabinet / Dept. of Corrections

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

Counsel's Recommendation: Consolidate with claims BC-09-806, BC-09-809 and BC-09-845 and sustain the Motion to Dismiss for failure to state any claim upon which relief can be granted. ✓

BC-2009-00845

Roland Cureton vs. Justice and Public Safety Cabinet / Dept. of Corrections

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

Counsel's Recommendation: Consolidate with claims BC-09-806, BC-09-809 and BC-09-822 and sustain the Motion to Dismiss for failure to state any claim upon which relief can be granted. ✓

Recommended Order

BC-2007-00685

Craig Lakes vs. Fayette County Board of Education

Notes: Hearing Officer Braxton Crenshaw's Recommended Order denying the claim.

Counsel's Recommendation: Adopt the recommendation of the hearing officer and enter a Final Order denying the claim. ✓

BC-2007-00716

Estate of Erika Ford by Tara Ford, Administrator vs. Transportation Cabinet

Notes: Hearing Officer Todd Farmer's Recommended Order of Dismissal for failure to prosecute.

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

BC-2007-00801

DLR Goup, Inc. vs. Finance and Administration Cabinet

Notes: Hearing Officer Braxton Crenshaw's Recommended Order Granting the Respondent's Motion to Dismiss.

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

BC-2008-00641

Bernetta Clark vs. Transportation Cabinet / Dept. of Highways

Exceptions filed by Claimant

Notes: Hearing Officer Todd Farmer's Recommended Order denying the claim.

Counsel's Recommendation: Enter Final Order adopting the recommendation of the hearing officer and dismissing the claim. ✓

BC-2008-01215

Vernon Tate vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Jan West's Recommended Order awarding Claimant \$1,532.49.

Counsel's Recommendation: Enter Final Order adopting the recommendation and awarding \$1,532.49 to Claimant. ✓

Total number of Claims: 30

COMMONWEALTH OF KENTUCKY
BOARD OF CLAIMS
Addendum
December 17, 2009

BC-07-174	Betty Chipman v. Boone Co. PVA
BC-07-175	William Chipman v. Boone Co. PVA
BC-07-176	Phyllis Puckett v. Boone Co. PVA
BC-07-177	Gaines Huey v. Boone Co. PVA
BC-07-178	Roger Mullins v. Boone Co. PVA
BC-07-179	Janet Huesman v. Boone Co. PVA
BC-07-180	Leo Huesman v. Boone Co. PVA
BC-07-181	Lillian Burns v. Boone Co. PVA
BC-07-182	Wayne Wagner v. Boone Co. PVA
BC-07-183	Robin Johnson v. Boone Co. PVA
BC-07-184	Cindy Knoerl v. Boone Co. PVA
BC-07-185	Jennifer Moore v. Boone Co. PVA
BC-07-186	Jeff Moore v. Boone Co. PVA
BC-07-187	Joyce Ravenscraft v. Boone Co. PVA
BC-07-188	Eula Stephenson v. Boone Co. PVA
BC-07-189	Rollin Strawn v. Boone Co. PVA
BC-07-190	Larry Sturgill v. Boone Co. PVA
BC-07-191	Stephen Kuhnell v. Boone Co. PVA
BC-07-192	Lisa Kuhnell v. Boone Co. PVA
BC-07-193	Charlene Cooper v. Boone Co. PVA
BC-07-194	James R. Brown v. Boone Co. PVA
BC-07-195	Roselee Brown v. Boone Co. PVA
BC-07-196	Pauline Flynn v. Boone Co. PVA
BC-07-197	Cindy Briggs v. Boone Co. PVA
BC-07-198	Dan Briggs v. Boone Co. PVA
BC-07-209	Daryl Miller v. Boone Co. PVA
BC-07-215	Pauline Flynn v. Boone Co. PVA
BC-07-324	Dianne Arkenau v. Boone Co. PVA
BC-07-325	Gary Kinman v. Boone Co. PVA
BC-07-326	Sandy Mullins v. Boone Co. PVA
BC-07-327	Scott Fisk v. Boone Co. PVA
BC-07-469	Kenneth Turner v. Boone Co. PVA

Agreed Order of Dismissal filed in the above-referenced claims.

Counsel's Recommendation: Enter Agreed Order of Dismissal ✓

BC-08-942

Vaughn H. Rasor and Kristen M. Rasor v. Transportation Cabinet, Dept. of Highways

Notice of Voluntary Dismissal filed.

Counsel's Recommendation: Enter Final Order dismissing the claim at the claimants' request. ✓

BC-09-584

Daniel Hieneman v. Transportation Cabinet, Dept. of Highways

Claimant called the Clerk of the Board on 12/14/09 and voluntarily dismissed his claim.

Counsel's Recommendation: Enter Final Order dismissing the claim at the claimant's request. ✓

BC-09-626

Lilly Poff v. University of Kentucky

Respondent's offer of settlement and Claimant's written acceptance.

Counsel's Recommendation: Enter Final Order awarding \$475.00 to Claimant in settlement of this claim. ✓

BC-90-1313

Robin L. Babbitt, et al. v. Transportation Cabinet, Dept. of Highways

Respondent's Motion for Approval to File Appeal in Franklin Circuit Court, pursuant to KRS 44.140(1).

Counsel's Recommendation: Enter Order of Approval. ✓
