

COMMONWEALTH OF KENTUCKY
Board of Claims
Agenda
December 17, 2010

Minutes Accepted
Absent: Plymmer
& Phillips

The Board of Claims received 41 new claims during the month of November, 2010. A total of 41 claims were set up, according to Assistant Clerk Paula Woolums. Paula also returned one (1) subrogation claim for lack of jurisdiction and two (2) claims filed against non-state agencies.

Investigators Jackie Lynch and Wanda Luttrell decided 28 claims (under \$1,000.00) in November, 2010. Jackie reports that 17 claims were dismissed and 11 claims were awarded, for a total amount awarded of \$3,492.76.

At its Board meeting on November 18, 2010, the Board dismissed 29 claims and awarded eight (8) claims totaling \$37,409.00. Together with the claims investigated in-house, the Board dismissed a total of 46 claims and awarded a total of 19 claims for a total amount awarded of \$40,901.76 in November, 2010.

For Instructions From the Board

BC-2006-00491

Lori Anderson vs. Tourism, Arts & Heritage Cabinet / Kentucky Horse Park

Notes: Agreed Order awarding \$10,000.00 to Claimant filed.

Counsel's Recommendation: Enter Agreed Order awarding \$10,000.00 to Claimant in settlement of this matter. ✓

BC-2007-00396

Sandra Lanting vs. Transportation Cabinet, Dept. of Highways

Notes: Agreed Order of Settlement filed.

Counsel's Recommendation: Enter the Agreed Order awarding Claimant \$1,050.00 in settlement of this claim. ✓

BC-2008-00765

Diane Mobley, Executrix of the Estate of Megan Morris vs. Transportation Cabinet / Department of Highways

Notes: Claimant's Voluntary Withdrawal of Claim for lack of jurisdiction filed.

Counsel's Recommendation: Enter a Final Order dismissing the claim for lack of jurisdiction over county roadways. ✓

BC-2009-00792

Tina Savelyev vs. Tourism, Arts and Heritage Cabinet / Dept. of Parks

Notes: Agreed Order awarding \$15,000.00 to Claimant filed.

Counsel's Recommendation: Enter the Agreed Order of Settlement and award Claimant \$15,000.00 in settlement of this claim. ✓

BC-2010-00004

Carolyn Johns vs. Education and Workforce Development Cabinet / Office of Employment and Training

Notes: Notice of Settlement and Release filed by the parties.

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

BC-2010-00067

Larry Frans vs. Tourism, Arts and Heritage / Dept. of Fish and Wildlife Resources

Notes: Agreed Order awarding Claimant a settlement of \$1,000.00 filed.

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

BC-2010-00081

Jennifer Thomas vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Stipulation of Settlement filed by the parties.

Counsel's Recommendation: Enter a Final Order awarding Claimant \$13,750.00 in settlement of this matter as stipulated by the parties. ✓

BC-2010-00171

David Kempfer vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order of Dismissal filed.

Counsel's Recommendation: Enter Agreed Order awarding Claimant \$500.00 in settlement of this claim. ✓

BC-2010-00199

Kayla Music vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order of Dismissal filed.

Counsel's Recommendation: Enter Agreed Order awarding Claimant \$800.00 in settlement of this claim. ✓

BC-2010-00597

BellSouth Telecommunications, Inc., d/b/a/ AT and T Kentucky vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order of Dismissal filed.

Counsel's Recommendation: Enter the Agreed Order of Dismissal, dismissing the claim with prejudice as agreed to by the parties. ✓

BC-2010-00625

Tonya Butcher vs. Tourism, Arts and Heritage / Dept. of Parks

Notes: Notification from State Risk and Insurance Services Division that this claim was paid by the Commonwealth's liability insurance carrier.

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

BC-2010-00653

Rickey Wasson vs. Transportation Cabinet / Dept. of Highways

Notes: Notification from State Risk and Insurance Services Division that entire amount claimed was paid by the Commonwealth's liability insurance carrier.

Counsel's Recommendation: Enter a Final Order dismissing the claim as settled by the Commonwealth's liability insurance carrier. ✓

Full Board Review

BC-2010-00644

William Campbell vs. Justice and Public Safety Cabinet

Notes: 10-28-10 Board ordered dismissed.
11-17-10 Claimant requests FBR (\$316.02)

*Upheld original
decision*

Motions

BC-2010-00076

Morgan Trimble vs. Transportation Cabinet / Dept. of Highways

Notes: Claimant's Motion to Dismiss.

Counsel's Recommendation: Enter a Final Order dismissing the claim with prejudice as settled between the parties. ✓

BC-2010-00550

Jason Mullikin vs. Department of Public Advocacy and Attorney's General Office

Notes: Respondent Department of Public Advocacy's Motion to Dismiss; no response filed by the Claimant.

Counsel's Recommendation: Enter a Final Order dismissing the claim for the Claimant's failure to state a claim upon which relief can be granted as the Board has no jurisdiction over constitutional claims of ineffective assistance of counsel. ✓

BC-2010-00678

Jason Mullikin 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 a Final Order dismissing the claim for lack of jurisdiction over county agencies or entities. ✓

BC-2010-00679

John Watkins vs. Transportation Cabinet / Dept. of Highways

Notes: Respondent's Motion to Dismiss due to contractor involvement.

Counsel's Recommendation: Sustain the Motion to Dismiss pursuant to KRS 44.073(15) and dismiss the claim with prejudice. ✓

Recommended Order

BC-2001-00622

James Blair vs. Transportation Cabinet / Department of Highways

Notes: Hearing Officer Braxton Crenshaw's Findings of Fact, Conclusions of Law and Recommended Order awarding \$9,350.00 to Claimant.

Counsel's Recommendation: Adopt the recommendation of the hearing officer, awarding Claimant \$9,350.00 and dismissing the claim with prejudice. ✓

BC-2004-00716

James Sallie vs. Transportation Cabinet / Department of Highways

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

Counsel's Recommendation: Adopt the recommendation of the hearing officer and enter a Final Order granting the Respondent's Motion to Dismiss. ✓

BC-2006-00293

Belen Mader vs. Tourism, Arts & Heritage Cabinet / Department of Parks

Notes: Hearing Officer Braxton Crenshaw's Findings of Fact, Conclusions of Law and Recommended Order awarding \$421.00 in damages.

Counsel's Recommendation: Adopt the recommendation of the hearing officer, awarding Claimant \$421.00 and dismissing the claim with prejudice. ✓

BC-2007-00029

Elizabeth Barrett vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Braxton Crenshaw's Findings of Fact, Conclusions of Law and Recommended Order denying payment of the claim and executed Agreed Order extending the deadline for filing exceptions to the recommendation to December 23, 2010.

Counsel's Recommendation: Enter an Order extending the deadline to file exceptions to the recommendation submitted by the hearing officer for the Board's consideration to December 23, 2010. ✓

BC-2009-00182

Brandon Harrel; Carson Harrel vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Lansden King's Recommended Order of Dismissal.

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

BC-2009-00195

Frostie Crowley vs. Transportation Cabinet / Dept. of Highways

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

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

BC-2009-00610

Monna Clark vs. Transportation Cabinet / Dept. of Highways

Pulled off Agenda

Notes: Hearing officer Jan West requested this week that this claim be removed from the Board's agenda as it was submitted prematurely.

Counsel's Recommendation: Hold the claim over until a future Board meeting at the request of the hearing officer. ✓

BC-2009-00742

Melissa Turpin vs. Tourism, Arts & Heritage Cabinet / Frankfort Convention Center

Notes: Hearing Officer Jan West's Findings of Fact, Conclusions of Law and Recommended Order denying the claim.

Adopt Recommendation

BC-2009-00950

Charlotte Hardin vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Lansden King's Findings of Fact, Conclusions of Law and Recommended Order denying payment of the claim.

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

BC-2009-00963

Carolyn Geary vs. Tourism, Arts and Heritage Cabinet / Ky. State Fair Board

Notes: Hearing Officer Jan West's Findings of Fact, Conclusions of Law and Recommended Order denying payment of the claim.

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

BC-2010-00075

Michael Riddle vs. Transportation Cabinet / Department of Highways

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

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

BC-2010-00082

Michael Love vs. Transportation Cabinet / Department of Highways

Notes: Hearing Officer William Rudloff's Recommended Order of Dismissal.

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

BC-2010-00234

Daniel Barbeau vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Lansden King's Recommended Order of Dismissal.

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

Total number of Claims: 30

COMMONWEALTH OF KENTUCKY
BOARD OF CLAIMS
Addendum
December 17, 2010

BC-2004-588 and BC-04-596

Charlene Hamilton and Nadine Lykins v. Transportation Cabinet, Dept. of Highways

Agreed Order of Dismissal filed.

Counsel's Recommendation: Enter the Agreed Order and dismiss the claim with ✓
prejudice as settled, *awarding \$23,000.00 to Claimants.*

BC-2009-340

Catherine L. Cannon v. Tourism, Arts & Heritage Cabinet, Ky. State Fair Board

Agreed Order of Settlement and Dismissal filed.

Counsel's Recommendation: Enter Agreed Order awarding Claimant \$1,718.39
in settlement of this claim. ✓

BC-2009-597

Estate of Michelle Lynn Cline, by and through its Administrator, Ronald D. Cline v.
Transportation Cabinet, Dept. of Highways

Joint Motion for Approval of Settlement Agreement.

Counsel's Recommendation: Enter a Final Order awarding Claimant \$6,500.00 in ✓
settlement of this claim.

BC-09-864

David and Beth Eberenz v. Transportation Cabinet, Dept. of Highways

Agreed Order of Settlement filed.

Counsel's Recommendation: Enter the Agreed Order awarding \$25,000.00 to the
Claimants as stipulated by the parties. ✓

BC-2010-331

Jamie Lynn Blankenship v. Transportation Cabinet, Dept. of Highways

Agreed Order of Settlement and Dismissal filed.

Counsel's Recommendation: Enter Agreed Order awarding Claimant \$1,114.63 in settlement of this claim. ✓

BC-10-522

Corey Draper v. Transportation Cabinet, Dept. of Highways

Agreed Order of Settlement and Dismissal filed.

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

BC-10-747

Traci Younger v. Tourism, Arts & Heritage Cabinet, Dept. of Parks

Respondent's offer of settlement of \$1,243.53 and Claimant's letter of acceptance.

Counsel's Recommendation: Enter a Final Order awarding Claimant \$1,243.53 in settlement of this claim. ✓

BC-10-835

Estate of Foqrul Majumder v. University of Kentucky

Agreed Order of Dismissal and Settlement filed.

Counsel's Recommendation: Enter Agreed Order of Settlement and Dismissal awarding Claimant \$200,000.00 in settlement of this claim. ✓
