

**COMMONWEALTH OF KENTUCKY**  
**Board of Claims**  
**Minutes**  
**December 17, 2010**

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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.

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Members Present: James F. Sullivan, Chair  
Thomas Handy, Board Member  
L. E. Forgy, Board Member  
Virginia Woodward, Executive Director  
G. Mitchell Mattingly, Board Attorney  
Jackie Lynch, Investigator  
Wanda Luttrell, Investigator  
Paula Woolums, Assistant Clerk  
Lisa G. Robinson, Clerk

**Addendum**

BC-2004-00588

Nadine Lykins vs. Transportation Cabinet / Department of Highways

Grant Award - \$23,000.00 [Board awarded]

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BC-2009-00340

Catherine Cannon vs. Tourism, Arts and Heritage / Ky. State Fair Board

Grant Award - \$1,718.39 [Board awarded]

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BC-2009-00597

Ronald Cline; Michelle Cline vs. Transportation Cabinet / Dept. of Highways

Grant Award - \$6,500.00 [Board awarded]

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BC-2009-00864

David Eberenz; Beth Eberenz vs. Transportation Cabinet / Dept. of Highways

Grant Award - \$25,000.00 [Board awarded]

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BC-2010-00331

Jamie Blankenship vs. Transportation Cabinet / Dept. of Highways

Grant Award - \$1,114.63 [Board awarded]

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BC-2010-00522

Corey Draper vs. Transportation Cabinet / Dept. of Highways

Grant Award - \$1,000.00 [Board awarded]

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BC-2010-00747

Traci Younger vs. Tourism, Arts and Heritage / Dept. of Parks

Grant Award - \$1,243.53 [Board awarded]

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BC-2010-00835

Estate of Foqrul Majumder vs. University of Kentucky

Grant Award - \$200,000.00 [Board awarded]

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**For Instructions From the Board**

BC-2006-00491

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

Grant Award - \$10,000.00 [Board awarded]

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BC-2007-00396

Sandra Lanting vs. Transportation Cabinet, Dept. of Highways

Grant Award - \$1,050.00 [Board awarded]

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BC-2008-00765

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

Grant Award - [Board ordered dismissed]

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BC-2009-00792

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

Grant Award - \$15,000.00 [Board awarded]

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BC-2010-00004

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

Grant Award - \$0.00 [Board ordered dismissed]

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BC-2010-00067

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

Grant Award - \$1,000.00 [Board awarded]

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BC-2010-00081

Jennifer Thomas vs. Transportation Cabinet / Dept. of Highways

Grant Award - \$13,750.00 [Board awarded]

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BC-2010-00171

David Kempfer vs. Transportation Cabinet / Dept. of Highways

Grant Award - \$500.00 [Board awarded]

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BC-2010-00199

Kayla Music vs. Transportation Cabinet / Dept. of Highways

Grant Award - \$800.00 [Board awarded]

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BC-2010-00597

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

Grant Award - \$0.00 [Board ordered dismissed]

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BC-2010-00625

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

Grant Award - \$0.00 [Board ordered dismissed]

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BC-2010-00653

Rickey Wasson vs. Transportation Cabinet / Dept. of Highways

Grant Award - \$0.00 [Board ordered dismissed]

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### **Full Board Review**

BC-2010-00644

William Campbell vs. Justice and Public Safety Cabinet

Grant Award - [Upheld previous dismissal]

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### **Motions**

BC-2010-00076

Morgan Trimble vs. Transportation Cabinet / Dept. of Highways

Grant Award - \$0.00 [Board ordered dismissed]

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BC-2010-00550

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

Grant Award - \$0.00 [Board ordered dismissed]

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BC-2010-00678

Jason Mullikin vs. Justice and Public Safety Cabinet / Dept. of Corrections

Grant Award - \$0.00 [Board ordered dismissed]

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BC-2010-00679

John Watkins vs. Transportation Cabinet / Dept. of Highways

Grant Award - [Board ordered dismissed]

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### **Recommended Order**

BC-2001-00622

James Blair vs. Transportation Cabinet / Department of Highways

Grant Award - \$9,350.00 [Board awarded]

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BC-2004-00716

James Sallie vs. Transportation Cabinet / Department of Highways

Grant Award - \$0.00 [Board ordered dismissed]

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BC-2006-00293

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

Grant Award - \$421.00 [Board awarded]

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BC-2007-00029

Elizabeth Barrett vs. Transportation Cabinet / Dept. of Highways

Grant Award - [Held over until next board meeting]

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BC-2009-00182

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

Grant Award - \$0.00 [Board ordered dismissed]

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BC-2009-00195

Frostie Crowley vs. Transportation Cabinet / Dept. of Highways

Grant Award - [Board ordered dismissed]

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BC-2009-00610

Monna Clark vs. Transportation Cabinet / Dept. of Highways

Grant Award - [Held over until next board meeting]

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BC-2009-00742

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

Grant Award - [Board ordered dismissed]

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BC-2009-00950

Charlotte Hardin vs. Transportation Cabinet / Dept. of Highways

Grant Award - [Board ordered dismissed]

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BC-2009-00963

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

Grant Award - [Board ordered dismissed]

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BC-2010-00075

Michael Riddle vs. Transportation Cabinet / Department of Highways

Grant Award - \$0.00 [Board ordered dismissed]

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BC-2010-00082

Michael Love vs. Transportation Cabinet / Department of Highways

Grant Award - \$0.00 [Board ordered dismissed]

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BC-2010-00234

Daniel Barbeau vs. Transportation Cabinet / Dept. of Highways

Grant Award - \$0.00 [Board ordered dismissed]

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Total number of Claims: 38

ANDERSON v. CHFS

The Board is without jurisdiction to render a decision based on discretionary acts. The board concludes that the acts complained of herein were judicial acts and subject to judicial immunity.

CLAYBURN:

Before rendering FO, the parties shall brief the legal issues and file the original here with a copy to HO Rudloff to render a recommendation to the Board. Claimant's brief shall be filed within 30 days of this Order and the Respondent's brief 30 days thereafter, unless otherwise agreed or ordered at the discretion of the hearing officer.