

COMMONWEALTH OF KENTUCKY

Board of Claims

Agenda

December 18, 2014

Minutes Accepted -

The Board of Claims received 27 new claims during the month of November, 2014. Paula reports that a total of 27 claims were set up and one (1) claim was returned for lack of jurisdiction.

Investigator Jackie Lynch decided 20 claims under \$1,000.00 in November, 2014. Jackie reports that seven (7) of these claims were denied and 13 were awarded, for a total amount awarded of \$4,978.93.

At its Board meeting on November 20, 2014, the Board dismissed 15 claims and awarded 10 claims totaling \$26,608.20. Together with the claims investigated in-house, the Board dismissed a total of 22 claims and awarded a total of 23 claims for a total amount awarded of \$31,587.13 in November, 2014.

For Instructions From the Board

BC-2014-00531

Michael Brockman vs. Commonwealth of Kentucky

Notes: December 18, 2014- Default Order
Counsel's Recommendation- Rule the Claimant in Default and Dismiss ✓

BC-2014-00539

McKinley West vs. Justice and Public Safety Cabinet

Notes: December 18, 2014- Default Order
Counsel's Recommendation-Rule the Claimant in Default and Dismiss ✓

BC-2014-00548

Randall Tynes vs. Commonwealth of Kentucky

Notes: December 18, 2014- Default Order
Counsel's Recommendation- Rule the Claimant in Default and Dismiss ✓

BC-2014-00585

Joy Durham vs. Commonwealth of Kentucky

Notes: December 18, 2014-Default Order
Counsel's Recommendation- Rule the Claimant in Default and Dismiss ✓

BC-2014-00595

Paula Crowe vs. Commonwealth of Kentucky

Notes: December 18th-2014-Default Order
Counsel's Recommendation- Rule the Claimant in Default and Dismiss ✓

BC-2014-00596

Amanda Smith vs. Commonwealth of Kentucky

Notes: December 18, 2014- Default Order
Counsel's Recommendation- Rule the Claimant in Default and Dismiss ✓

BC-2014-00604

Jaime Elam vs. Commonwealth of Kentucky

Notes: December 18, 2014- Default Order
Counsel's Recommendation- Rule the Claimant in Default and Dismiss ✓

BC-2014-00689

Brian Fox vs. Western Kentucky University

Notes: Agreed Order of Settlement for \$1,000.00 filed.

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

BC-2014-00749

Britni Cohen-Wichner by and through her Mother and Next Friend Annique Cohen-Wichner
vs. Tourism, Arts and Heritage Cabinet / Ky. State Fair Board

Notes: Respondent's Answer recommending payment of the claim.

Counsel's Recommendation: Enter an Order awarding the Claimant \$2,184.59 in damages. ✓

Full Board Review

BC-2014-00660

Kevin Henderson vs. Justice and Public Safety Cabinet

Notes: 11/13/14 Board ordered dismissed
11/20/14 Claimant requests FBR. Copy to R.
11/20/14 FBR Memo to Cl. and Resp. On agenda for 12/18/14

*Uphold
Dismissal*

Motions

BC-2014-00628

Shuiping Jiang vs. Murray State University

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

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

BC-2014-00662

Keith Simoneau vs. Transportation Cabinet

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

Counsel's Recommendation: Enter an Order dismissing the claim pursuant to KRS 44.110(1). ✓

BC-2014-00679

Marcus Franklin vs. Transportation Cabinet / Dept. of Highways

Notes: Respondent's Answer and Motion to Dismiss; no response filed by the Claimant.

Counsel's Recommendation: Overrule the Motion to Dismiss and assign to Hearing Officer Mike Wilson for further proceedings. ✓

BC-2014-00700

Robert Rohr and Rita Rohr vs. Tourism, Arts and Heritage Cabinet / Dept. of Parks

Notes: Respondent's Motion to Dismiss; no response filed by the Claimants.

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

BC-2014-00708

Lou Raby; Sid Raby vs. Franklin Simpson Board of Education

Notes: Respondent's unopposed Motion to Dismiss individual employees as respondents.

Counsel's Recommendation: Sustain the Motion to Dismiss all claims filed against Respondent's individual employees and hold the remaining claim in abeyance pending the Claimants' civil claim for damages. ✓

BC-2014-00718

Ronald Lazas vs. Transportation Cabinet / Dept. of Highways

Notes: Respondent's unopposed Motion to Dismiss.

Counsel's Recommendation: Enter an Order of Dismissal pursuant to KRS 44.073(15). ✓

BC-2014-00726

Billie Trent vs. University of Kentucky and Ky. Community & Technical College Systems

Notes: Motions to Dismiss filed by both Respondents and the Claimant's responses; Motion to Hold in Abeyance and Motion to Amend Claim filed by the Claimant.

Counsel's Recommendation: Sustain the Claimant's Motion to Hold Claim in Abeyance pending the conclusions of a parallel Fayette Circuit Court matter currently on appeal and reserve all other motions. ✓

Recommended Order

BC-2011-00964

Sondra Webb vs. Livingston County Board of Education

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 denying payment of the claim. ✓

BC-2014-00191

~~Harold and Doris Harmon, et al. vs. Energy & Environment Cabinet / Dept. of Natural Resources~~

- Held over -

Petition for Relief filed in Pike Circuit Court by Respondent.

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

Counsel's Recommendation: Adopt the recommendation of the hearing officer denying the Respondent's Motion to Dismiss these 76 consolidated claims.

BC-2014-00304

Jay Doleman, III and Traci Doleman, Guardians of Jayda Doleman vs. Fayette Co. Board of Education

Notes: Hearing Officer Mike Wilson's Recommendation to Dismiss.

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

BC-2014-00376

Phyllis Roach vs. Justice and Public Safety Cabinet and Kentucky Parole Board

Notes: Hearing Officer Mike Wilson's Recommendation to Dismiss for lack of subject matter jurisdiction and Claimant's exceptions filed thereto.

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

Total number of Claims: 21

COMMONWEALTH OF KENTUCKY
BOARD OF CLAIMS
Addendum

December 18, 2014

BC-2014-00710

Richard Powers v. University of Kentucky

Respondent's Answer recommending payment of the full amount claimed.

Counsel's Recommendation: Enter an Order awarding the Claimant \$4,556.00 in settlement of this matter.

BC-2014-00802

Versailles Montessori School v. Transportation Cabinet, Dept. of Highways

Notification from the Ky. Self-Insured Auto Program (KSAP) that this claim was paid in full by their office.

Counsel's Recommendation: Enter an Order dismissing the claim as settled by KSAP.
