COMMONWEALTH OF KENTUCKY Claims Commission Minutes December 18, 2018

The Kentucky Claims Commission received 42 negligence claims filed against the Commonwealth during the month of **October, 2018**. As many claims as possible were perfected and served on state agencies by several members of the Claims Commission staff.

These staff members, including the Executive Director and the Staff Attorney, processed and/or decided approximately 68 claims under \$2,500.00 in **October, 2018**. Approximately 38 of these claims were dismissed and approximately 30 were awarded, for an estimated total amount awarded of \$23,261.03.

At its meeting on October 23, 2018, the Claims Commission dismissed four (4) negligence claims and awarded two (2) negligence claims totaling \$8,222.75. Together with the claims investigated pursuant to KRS 49.090(2), the Claims Commission dismissed approximately 42 negligence claims and awarded approximately 32 negligence claims for an estimated total amount awarded of \$31,483.78 in October, 2018. (The monthly reports for November, 2018 and December, 2018 will be included on the January 22, 2019 agenda.)

Members Present:

Marcus Carey, Esq., Commission Chairperson Carlo Wessels, Esq., Commission Member Tim Cocanougher, Esq., Executive Director Mitchell Mattingly, Esq., Staff Attorney Raymond Shields, CVC Clerk

Lisa Robinson, Negligence Claims Clerk

(Commission member Delana S. Sanders participated by telephone.)

FOR INSTRUCTIONS FROM THE COMMISSION:

BC-2015-706

Robert J. Watson v. Transportation Cabinet, Dept. of Highways Commission entered the Agreed Order of Dismissal for **\$750.00** filed by the parties.

BC-2017-028

Martha Jordan v. University of Kentucky Commission entered the Agreed Order of Settlement for \$25,000.00 filed by the parties.

BC-2017-392

Ann Nebraski v. University of Kentucky Commission entered the Agreed Order of Settlement for \$250.00 filed by the parties.

BC-2017-512

John Wilson v. Tourism, Arts & Heritage Cabinet, Dept. of Fish and Wildlife, et al. Commission entered an Agreed Order dismissing certain Respondents.

CC-2018-037

Sedgley Brockett v. Transportation Cabinet, Dept. of Highways Commission entered an Agreed Order of Dismissal signed by the parties and filed by the hearing officer.

CC-2018-472

Harold Kindle v. Tourism, Arts & Heritage Cabinet, Dept. of Parks Commission entered the Agreed Order of Settlement for **\$500.00** filed by the parties.

CC-2018-616

Penny Parrish v. University of Kentucky Commission entered an Order awarding **\$2,734.00** to the Claimant as recommended by the Respondent.

FULL COMMISSION REVIEWS

CC-2018-353

Leslie Haun #205731 v. Justice & Public Safety Cabinet, Dept. of Corrections Commission upheld its original dismissal of this claim.

CC-2018-572

Eddie Vaughn #182952 v. Justice & Public Safety Cabinet, Dept. of Corrections Commission upheld its original dismissal of this claim.

CC-2018-600

Marshall Brooks v. Justice & Public Safety Cabinet, Dept. of Corrections Commission upheld its original award to the Claimant of \$99.31.

CC-2018-637

Maxine Alexander v. Transportation Cabinet, Dept. of Highways Commission upheld its original award to the Claimant of \$378.41.

CC-2018-640

Joshua Duggins v. Justice & Public Safety Cabinet, Dept. of Corrections Commission upheld its original award to the Claimant of \$1,960.61.

CC-2018-645

Aaron Hart v. Transportation Cabinet, Dept. of Highways Commission upheld its original dismissal of this claim.

CC-2018-659

Cierra N. Brown v. Transportation Cabinet, Dept. of Highways Commission upheld its original dismissal of this claim.

CC-2018-663

Edward Payne v. Transportation Cabinet, Dept. of Highways Commission upheld its original dismissal of this claim.

Jacqueline T. Green v. Transportation Cabinet, Dept. of Highways Commission upheld its original dismissal of this claim.

CC-2018-745

Glenn Gorley v. Transportation Cabinet, Dept. of Highways Commission upheld its original dismissal of this claim.

MOTIONS

BC-2017-281

Lacinda Cheatham v. Transportatión Cabinet, Dept. of Highways Commission granted the Respondent's unopposed Motion to Dismiss as paid in full by KSAP.

BC-2017-390

Whitaker Bank Corporation v. Transportation Cabinet, Dept. of Highways Commission granted the Respondent's unopposed Motion to Dismiss as paid in full by KSAP.

CC-2018-657

Tim Maynard #123171 v. Justice & Public Safety Cabinet, Dept. of Corrections Commission granted the Respondent's unopposed Motion to Dismiss for lack of jurisdiction.

CC-2018-658

Tori Curtis #226115 v. Justice & Public Safety Cabinet, Dept. of Corrections Commission granted the Respondent's unopposed Motion to Dismiss for lack of jurisdiction.

RECOMMENDED ORDERS

BC-2015-1054

Leo Sandmann v. Transportation Cabinet, Dept. of Highways Commission adopted Hearing Officer Jim Howard's Findings of Fact, Conclusions of Law and Recommended Order awarding the Claimant \$15,055.96.

BC-2017-261

Mitchell Herron v. Transportation Cabinet, Dept. of Highways Commission adopted Hearing Officer Jim Howard's Findings of Fact, Conclusions of Law and Recommended Order denying payment of the claim.

CC-2018-181

Mack Combs v. Transportation Cabinet, Dept. of Highways Commission adopted Hearing Officer Jim Howard's Findings of Fact, Conclusions of Law and Recommended Order denying payment of the claim.

CC-2018-226

Mark Donaghy v. Transportation Cabinet, Dept. of Highways Commission adopted Hearing Officer Patrick Flannery's Recommended Order of Dismissal at the request of the Claimant.

Total number of claims: 25