

COMMONWEALTH OF KENTUCKY

Board of Claims

Agenda

January 21, 2010

Accepted 12/09  
Minutes

The Board of Claims received 77 new claims during the month of December, 2009. A total of 103 claims were set up, according to Assistant Clerk Paula Woolums. Paula also dismissed eight (8) claims for being under the \$100.00 threshold.

Investigators Jackie Lynch and Wanda Luttrell decided 46 claims (under \$1,000.00) in December, 2009. Jackie reports that 34 claims were dismissed and 12 claims were awarded, for a total amount awarded of \$4,944.84.

At its Board meeting on December 17, 2009, the Board dismissed 56 claims and awarded seven (7) claims totaling \$196,642.30. Together with the claims investigated in-house, the Board dismissed a total of 90 claims and awarded a total of 19 claims for a total amount awarded of \$201,587.14 in December, 2009.

**For Instructions From the Board**

BC-2008-00776

Kristopher Curry vs. Transportation Cabinet

Notes: Agreed Order of Dismissal.

Counsel's Recommendation: Enter Agreed Order of Dismissal and dismiss the claim with prejudice. ✓

BC-2008-01055

Makenzee Vanmeter, by and through her mother, Tammy Shoopman vs. Transportation Cabinet

Notes: Agreed Order of Settlement.

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

BC-2009-00318

Mary Emerson vs. Transportation Cabinet

Notes: Agreed Order of Settlement.

Counsel's Recommendation: Enter Agreed Order of Settlement and award Claimant \$700.00. ✓

BC-2009-00382

Lonzie Maggard vs. Transportation Cabinet / Dept. of Highways

Notes: January 21, 2010 Default Order

Counsel's Recommendation: Rule the Claimant in Default and Dimsiss the Claim. ✓

BC-2009-00716

Southern Quality Meats, Inc. vs. Transportation Cabinet

Notes: Claim filed by an insurance carrier on behalf of its insured.

Counsel's Recommendation: Enter Final Order dismissing claim pursuant to KRS 44.170(1). ✓

BC-2009-00890

Francis Flynn vs. Transportation Cabinet and Nelson County

Notes: Claim filed against the Transportation Cabinet and Nelson County regarding road maintenance.

Counsel's Recommendation: Enter Order dismissing Respondent Nelson Co. from the claim and assigning the claim to hearing officer Charles Miller for further proceedings. ✓

BC-2009-00934

Custom Products of Litchfield vs. Tourism, Arts and Heritage Cabinet / Ky. State Fair Board

Notes: Respondent's Answer offering to settle for the difference between the Claimant's damages and the Claimant's outstanding invoice owed to Respondent.

Counsel's Recommendation: Enter Final Order awarding Claimant \$1,359.48 in damages. ✓

BC-2009-00936

Marta Piper vs. Transportation Cabinet / Department of Highways

Notes: Agreed Order of Dismissal filed.

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

**Full Board Review**

BC-2009-00513

Dale Doolin vs. Transportation Cabinet / Dept. of Highways

*Uphold Original*

Notes: 10/9/09 Board ordered dismissed.  
12/9/09 Claimant called for status and said he did not receive the Board's Finding of Fact, Opinion & Order of 10/9/09. Was given 14-day extension to request FBR.  
12/28/09 Claimant requests FBR. Though five days late, request was honored because of the holidays.

BC-2009-00704

Anthony Mattingly vs. Justice and Public Safety Cabinet

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Notes: 12/2/09 Board ordered dismissed.  
12/4/09 Claimant requests FBR (\$490.00)

BC-2009-00731

John Boston vs. Justice and Public Safety Cabinet

*Uphold Original*

Notes: 12/17/09 Board ordered dismissed  
1/4/10 Claimant requests FBR. Copy to Resp. (\$812.75)  
1/11/10 FBR memo to Cl. and Resp.

BC-2009-00735

Mary Goss vs. Tourism, Arts and Heritage Cabinet / Ky. State Fair Board

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Notes: 12/1/09 Board ordered dismissed  
12/14/09 Claimant requests FBR (\$2100)

BC-2009-00770

Roland Roberts vs. Justice and Public Safety Cabinet

*Uphold Original*

Notes: 12/17/09 Board ordered dismissed.  
1/6/10 Claimant requests FBR (\$102.79)  
1/11/10 FBR Memo to cl. and resp.

BC-2009-00780

Brad Coursey vs. Transportation Cabinet / Dept. of Highways

*Reverse & Pay*

Notes: 12/07/09 Board ordered dismissed.  
1/07/10 Claimant requests FBR (\$228.98) ✓  
(Did not receive Order dismissing and was

BC-2009-00793

Robert Russell vs. Justice and Public Safety Cabinet

*Uphold Original*

Notes: 12/17/09 Board ordered dismissed  
1/5/10 Claimant requests FBR (\$542.60)  
1/11/10 FBR Memo for cl. and resp.

BC-2009-00815

Derquan Price vs. Justice and Public Safety Cabinet

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Notes: 12/17/09 Board ordered dismissed  
12/30/09 Claimant requests FBR (\$322.50)  
1/11/10 FBR Memo to cl. and resp.

BC-2009-00828

Billy Runyon vs. Energy and Environment Cabinet / Dept. of Natural Resources

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Notes: 12/28/09 Claimant requests FBR.  
1/4/09 Claimant called and talked to Mitch. Henry Spraks of the TC took photos

BC-2009-00909

Bobby Brown vs. Justice and Public Safety Cabinet

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Notes: 12/23/09 Board ordered dismissed  
1/7/10 Claimant requests FBR (\$908.45)  
1/11/10 FBR Memo to cl. and resp.

**Motions**

BC-2009-00788

Keith Jackson vs. Justice and Public Safety Cabinet / Dept. of Corrections

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

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

BC-2009-00835

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

Notes: Respondent's Motion to Dismiss.

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

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BC-2009-00891

Michael St.Clair vs. Justice and Public Safety Cabinet / Ky. State Police

Notes: Respondent's Investigative Response and 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. ✓

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BC-2009-00949

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

Notes: Respondent's Motion to Dismiss.

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

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**Recommended Order**

BC-2006-00297

Larry Duncan vs. Transportation Cabinet

Notes: Hearing Officer Braxton Crenshaw's Recommended Order of Dismissal.

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

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BC-2007-00767

Arnold O'Reilly vs. Transportation Cabinet

Notes: Hearing Officer Jan West's Opinion and Recommended Order dismissing the claim.

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

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BC-2007-00831

Mary Robertson 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.

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

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BC-2008-00979

Donnie Spence vs. Tourism, Arts and Heritage Cabinet / Dept. of Parks

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

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

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BC-2008-01088

Bernadette Mechels vs. Transportation Cabinet

Notes: Hearing Officer Todd Farmer's Recommended Order awarding \$17,500.00 to Claimant.

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

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*Exceptions filed.*

*Remand to hearing officer* ✓

BC-2009-00149

Teddy Marcum vs. Eastern Kentucky University

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

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

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BC-2009-00217

Justine Cesar-Burton vs. University of Kentucky

Notes: Hearing Officer Braxton Crenshaw's Recommended Order of Dismissal.

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

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BC-2009-00316

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

Notes: Hearing officer Jan West's Opinion and Recommended Order dismissing the claim for failure to respond to the orders of the hearing officer.

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

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BC-2009-00493

Robert Campbell vs. Transportation Cabinet / Dept. of Highways

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. ✓

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Total number of Claims: 31