

COMMONWEALTH OF KENTUCKY
Board of Claims
Agenda
January 17, 2013

Minutes Accepted

The Board of Claims received 28 new claims during the month of December, 2012. A total of 31 claims were set up, according to Assistant Clerk Paula Woolums. Paula also returned four (4) claims for lack of jurisdiction.

Investigator Jackie Lynch decided 21 claims under \$1,000.00 in December, 2012. Jackie reports that 15 of these claims were denied and six (6) were awarded, for a total amount awarded of \$2,079.64.

At its Board meeting on December 20, 2012, the Board dismissed 14 claims and awarded eight (8) claims totaling \$111,543.76. Together with the claims investigated in-house, the Board dismissed a total of 29 claims and awarded a total of 14 claims for a total amount awarded of \$113,623.40 in December, 2012.

Summer Akdent

For Instructions From the Board

BC-2011-00470

Thomas Nelson vs. University of Louisville

Notes: Agreed Order Dismissing as settled.

Counsel's Recommendation: Enter the Agreed Order of Dismissal as stipulated by the parties. ✓

BC-2012-00234 ✓

Lucy Martin vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Settlement of \$12,500.00 filed.

Counsel's Recommendation: Enter the Agreed Order of Settlement awarding the Claimant \$12,500.00 in settlement of this matter. ✓

BC-2012-00441 ✓

Anthony Keaton vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order of Dismissal awarding \$1,000.00 to the Claimant.

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

BC-2012-00460

Wilber Robinson vs. Tourism, Arts and Heritage Cabinet / Dept. of Parks

Notes: January 17, 2013 Default Order

General Counsel's Recommendation: Rule the Claimant in Default and Dismiss. ✓

BC-2012-00469

Cynthia Pinar vs. Tourism, Arts and Heritage Cabinet / Dept. of Parks

Notes: Agreed Order of Settlement of \$5,227.11 filed by the parties.

Counsel's Recommendation: Enter the Agreed Order of Settlement awarding the Claimant \$5,227.11 in settlement of this matter. ✓

BC-2012-00545

Mary Jackson; Tim Jackson vs. Transportation Cabinet / Dept. of Highways

Notes: Respondent's Answer alleging contractor involvement and stating that the Respondent purchased easements from the Claimants prior to the construction work being performed in front of their home.

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

Full Board Review

BC-2012-00505

Wade Myers vs. Department of Highways / Transportation

\$500.00

Reverse + Award

Notes: 12/10/12 Board ordered dismissed
12/26/12 Claimant requests FBR
12/29/12 Put on agenda for 1/17/13

Motions

BC-2012-00563

Rosalyn Wakefield vs. Justice and Public Safety Cabinet / Dept. of State Police

Notes: Respondent's Motion to Dismiss and Claimant's Motion to Hold in Abeyance; also, notification that the Ky. Self-Insured Auto Program has a pending claim on this matter.

Counsel's Recommendation: Overrule the Motion to Dismiss, consolidate with Claim No. BC-12-591 and hold consolidated claims in abeyance pending liability insurance determination and Shelby Circuit Court action. ✓

BC-2012-00563

Rosalyn Wakefield vs. Justice and Public Safety Cabinet / Ky. State Police

Notes: Respondent's Motion to Dismiss and Claimant's objection filed thereto; also, Claimant's Motion to Hold [claim] in Abeyance pursuant to the Supreme Court decision in Forte v. Commonwealth of Kentucky.

Counsel's Recommendation:

~~DISCONTINUED~~

BC-2012-00591

Helen Waits vs. Justice and Public Safety Cabinet / Ky. State Police

Notes: Respondent's Motion to Dismiss and Claimant's objection filed thereto; also, notification that the Ky. Self-Insured Auto Program has a pending claim on this matter.

Counsel's Recommendation: Overrule the Motion to Dismiss, consolidate with Claim No. BC-12-563 and hold consolidated claims in abeyance pending liability insurance determination and Shelby Circuit Court action. ✓

Recommended Order

BC-1999-01126

Yolanda Douglas vs. University of Kentucky

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 denying payment of the claim. ✓

BC-2007-00049

Phillip Perkins; Andrew Perkins vs. Tourism, Arts & Heritage Cabinet / Department of Parks

Notes: Hearing Officer Mike Wilson's Findings of Fact, Conclusions of Law and Recommended Order granting Respondent's Motion for Summary Judgment and denying payment of the claim.

Counsel's Recommendation: Adopt the recommendation of the hearing officer granting the Motion for Summary Judgment and denying payment of the claim. ✓

BC-2009-00717

Scott Campbell vs. Transportation Cabinet / Dept. of Highways

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

Counsel's Recommendation: Adopt the recommendation of the hearing officer dismissing the claim with prejudice for the Claimant's failure to prosecute this claim. ✓

BC-2011-00072

Estate of Dustin H. Franklin vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Mike Wilson's Findings of Fact, Conclusions of Law and Recommended Order awarding the Claimant \$200,000.00.

Counsel's Recommendation: Adopt the recommendation of the hearing officer awarding the Claimant \$200,000.00 in this matter. ✓

BC-2011-00759

David Parrott 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 and the Claimant's exceptions filed thereto.

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

BC-2012-00061

Phil Harmon vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Jan West's Findings of Fact, Conclusions of Law and Recommended Order awarding \$5,050.64 to the Claimant.

Counsel's Recommendation: Adopt the recommendation of the hearing officer awarding the Claimant \$5,050.64. ✓

BC-2012-00076

Clara Buhl 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 denying payment of the claim. ✓

BC-2012-00137

Scott Luvin vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Mike Wilson's Recommended Order of Dismissal granting the Respondent's Motion to Dismiss.

Counsel's Recommendation: Adopt the recommendation of the hearing officer granting the Motion to Dismiss. ✓

Total number of Claims: 18

COMMONWEALTH OF KENTUCKY
BOARD OF CLAIMS
Addendum

January 17, 2013

BC-2009-00279 ✓

Herman Bates v. Transportation Cabinet, Dept. of Highways

Agreed Order filed awarding the Claimant \$3,000.00 in settlement of this matter.

Counsel's Recommendation: Enter the Agreed Order awarding the Claimant \$3,000.00 as agreed to by the parties. ✓

BC-2012-00253 ✓

Bellsouth Telecommunications, Inc., d/b/a AT&T Kentucky v. Transportation Cabinet, Dept. of Highways

Agreed Order filed awarding the Claimant \$650.00 in settlement of this matter.

Counsel's Recommendation: Enter the Agreed Order awarding the Claimant \$650.00 as agreed to by the parties. ✓

BC-12-00293 ✓

Kenneth Fields v. Transportation Cabinet, Dept. of Highways

Agreed Order filed awarding the Claimant \$2,000.00 in settlement of this matter.

Counsel's Recommendation: Enter the Agreed Order awarding the Claimant \$2,000.00 as agreed to by the parties. ✓
