

COMMONWEALTH OF KENTUCKY
Board of Claims
Agenda
July 16, 2009

Minutes
Approved

The Board of Claims received 78 new claims during the month of June, 2009. A total of 86 new claims were set up, according to Assistant Clerk Paula Woolums. Paula also dismissed one claim for being under the \$100.00 threshold.

Investigators Jackie Lynch and Wanda Luttrell decided 62 claims (under \$1,000.00) in June, 2009. Thirty one (31) claims were dismissed and 31 claims were awarded, for a total amount awarded of \$10,693.81.

At its Board meeting on June 18, 2009, the Board dismissed 21 claims and awarded six (6) claims totaling \$16,762.85. Together with the claims investigated in-house, the Board dismissed a total of 52 claims and awarded a total of 37 claims for a total amount awarded of \$27,456.66 in June, 2009.

For Instructions From the Board

BC-2008-00634

Robert Peck vs. Transportation Cabinet

Notes: Agreed Order of Dismissal filed.

Counsel's Recommendation: Enter Agreed Order of Dismissal and award Claimant \$700.00 in settlement of this claim. ✓

BC-2008-00759

Anthony Robinson vs. Justice and Public Safety Cabinet

Notes: June 19, 2008 Order for More Information
August 13, 2008 Order to Comply to Show Cause
September 19, 2008 Order
March 31, 2009 Order to Comply or Show Cause

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

BC-2008-01171

Deron Saylor vs. Justice and Public Safety Cabinet

Notes: December 5, 2008 Order for More Information
March 31, 2009 Order
May 11, 2009 Order to Comply or Show Cause

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

BC-2009-00034

William Bryant vs. Transportation Cabinet / Dept. of Highways

Notes: February 10, 2009 Order for More Information
March 26, 2009 Order
April 29, 2009 Order to Comply or Show Cause

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

BC-2009-00052

Hannah Dickey vs. Transportation Cabinet / Dept. of Highways

Notes: February 20, 2009 Order for More Information
April 20, 2009 Order to Comply or Show Cause

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

BC-2009-00084

Barbara McDonald vs. Commonwealth of Kentucky

Notes: February 17, 2009 Order for More Information
April 20, 2009 Order to Comply or Show Cause

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

BC-2009-00097

Darren Potter vs. Commonwealth of Kentucky

Notes: March 26, 2009 Order for More Information
April 29, 2009 Order to Comply or Show Cause

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

BC-2009-00103

Larry Forman vs. Transportation Cabinet / Dept. of Highways

Notes: February 17, 2009 Order for More Information
April 20, 2009 Order to Comply or Show Cause

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

BC-2009-00106

Arnold McIntosh vs. Transportation Cabinet / Dept. of Highways

Notes: February 24, 2009 Order for More Information
April 20, 2009 Order to Comply or Show Cause

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

BC-2009-00132

Anon Dickerson vs. Commonwealth of Kentucky

Notes: February 27, 2009 Order for More Information
April 20, 2009 Order to Comply or Show Cause

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

BC-2009-00163

E-Town Auto Supply Inc. vs. Transportation Cabinet / Dept. of Highways

Notes: March 18, 2009 Order for More Information
April 29, 2009 Order to Comply or Show Cause

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

BC-2009-00186

Ruth Browning vs. University of Kentucky

Notes: March 13, 2009 Order for More Information
April 29, 2009 Order to Comply

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

BC-2009-00228

Glenn Pickett vs. Commonwealth of Kentucky

Notes: March 18, 2009 Order for More Information
April 29, 2009 Order to Comply of Show Cause

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

BC-2009-00230

Danette Dillow vs. Commonwealth of Kentucky

Notes: March 18, 2009 Order for More Information
April 29, 2009 Order to Comply or Show Cause

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

BC-2009-00413

Larry Duncan vs. Justice and Public Safety Cabinet / Dept. of Corrections and Boyle Co. Detention Center

Notes: Claim filed against a county governmental agency.

Counsel's Recommendation: Enter Final Order dismissing the claim for lack of jurisdiction over county governmental entities. ✓

Full Board Review

BC-2008-01228

Manzer Stevenson vs. Justice and Public Safety Cabinet

Notes: 6/12/09 Board ordered dismissed
6/23/09 Claimant requests FBR (\$109.75)

Uphold dismissal

BC-2009-00115

Clifton Bentley vs. Transportation Cabinet / Dept. of Highways

Notes: 5/1/09 Board dismissed claim by FOF (\$500)
5/7/09 Claimant requested FBR. Talked about a lot of people who knew filing false claims at the Kennedy Bridge and getting huge checks.
5/15/09 FBR Memo to Cl. and Resp. On agenda for 6/18/09
5/26/09 Claimant's add. info., photo, Pro-Tint estimate.
6/18/09 Claim held over to July Agenda upon my and Mitch's request. Require Claimant to provide two more estimates or one paid receipt, other than Pro-Tint.

-\$460.00 approved-

BC-2009-00125

Clarence Briggs vs. Justice and Public Safety Cabinet

Notes: 5/28/09 Board dismissed claim by FOF
6/11/09 Claimant requested FBR (\$214.98)
6/15/09 FBR Memo to Claimant and Respondent

Uphold previous dismissal

BC-2009-00257

Patricia Holliday vs. Transportation Cabinet / Dept. of Highways

Notes: 6/12/09 Board ordered dismissed
6/24/09 Claimant requests FBR (\$273.13)

Held to 08/09 Docket

Motions

BC-2009-00068

Erwin Sherman vs. Tourism, Arts and Heritage Cabinet / Ky. State Fair Board

Notes: Claimant's Motion to Set Aside Previous Order Dismissing Claim.

Counsel's Recommendation: Enter Order setting aside previous dismissal and ordering parties to brief the Board on whether the Board has jurisdiction over this claim. ✓

BC-2009-00334

Michael Cole vs. Justice and Public Safety Cabinet / Northpoint Training Center

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. ✓

BC-2009-00341

Great West Casualty Company; Professional Expediting, Inc. vs. Transportation Cabinet

Notes: Respondent's Answer and Motion to Dismiss and Claimant's Response filed thereto. Held over from June, 2009 Board meeting.

Counsel's Recommendation: Enter Final Order dismissing the claim as a collateral or dependent claim, pursuant to KRS 44.070(1). ✓

BC-2009-00378

David Ward vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: Respondent's Motion to Dismiss and Claimant's Motion for Legal Aid.

Counsel's Recommendation: Enter Final Order sustaining Motion to Dismiss and overruling Motion for Legal Aid. ✓

BC-2009-00381

Megan Bellamy vs. Eastern Kentucky University

Notes: Respondent's Answer and Motion to Dismiss.

Counsel's Recommendation: Enter Order overruling Motion to Dismiss and assigning to Hearing Officer Braxton Crenshaw. ✓

Recommended Order

BC-2004-00402

Donnie Autry; Virginia White vs. Western Kentucky University

Notes: Hearing Officer Jan West's Findings of Fact, Conclusions of Law, and Recommended Order Awarding \$200,000.00 to Claimants; Exceptions filed by both Claimants and Respondent. Held over from June, 2009 Board meeting.

Counsel's Recommendation: Enter Final Order adopting the recommendation of the hearing officer and awarding \$200,000.00 to Claimants. ✓

BC-2007-00287

C.B. Sandlin; Sinda Sandlin vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Darren Embry's Recommended Order dismissing the claim.

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

BC-2007-00449

Monika Branham vs. Tourism, Arts & Heritage Cabinet / Kentucky Horse Park

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

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

BC-2007-00629

Timothy Rollin vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: Hearing Officer Todd Farmer's Recommended Order dismissing the claim for lack of jurisdiction.

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

BC-2007-00662

Mike Tewmey vs. Tourism, Arts & Heritage Cabinet / Dept. of Parks

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

Counsel's Recommendation: Enter Final Order dismissing claim as recommended. ✓

BC-2007-00786

Roger Niehaus vs. Transportation Cabinet

Notes: Hearing Officer Charles Miller's Recommended Order of Dismissal.

Counsel's Recommendation: Enter Final Order dismissing the claim as recommended. ✓

BC-2008-00721

Tewana Turner vs. University of Kentucky Medical Center

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

Counsel's Recommendation: Enter Final Order dismissing the claim as recommended. ✓

BC-2008-01012

Madison Allen vs. University of Kentucky

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

Counsel's Recommendation: Enter Final Order dismissing the claim as recommended. ✓

BC-2008-01044

Ruby Shadoan vs. University of Kentucky

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

Counsel's Recommendation: Enter Final Order dismissing the claim as recommended. ✓

Total number of Claims: 33

**COMMONWEALTH OF KENTUCKY
BOARD OF CLAIMS**

*Addendum
July 16, 2009*

BC-2002-488

Marvin Pickett v. University of Kentucky

Agreed Order of Settlement and Dismissal filed.

Counsel's Recommendation: Enter Agreed Order of Settlement and Dismissal and award Claimant \$39,000.00.

BC-2007-633

Premier Car Wash v. Transportation Cabinet

Agreed Order of Settlement and Dismissal filed.

Counsel's Recommendation: Enter Agreed Order of Settlement and Dismissal and award Claimant \$2,000.00.

BC-2009-447

Fasse Valves v. Tourism, Arts & Heritage Cabinet, Ky. State Fair Board

Answer admitting liability and recommending payment of claim.

Counsel's Recommendation: Enter Final Order awarding Claimant \$2,628.91.
