

COMMONWEALTH OF KENTUCKY

Board of Claims

Agenda

July 21, 2011

Jim Sullivan Absent

The Board of Claims received 135 new claims during the month of June, 2011. A total of 139 claims were set up, according to Assistant Clerk Paula Woolums. Paula also returned two (4) claims for lack of jurisdiction.

Investigators Jackie Lynch and Wanda Luttrell decided 99 claims (under \$1,000.00) in June, 2011. Jackie reports that 38 claims were dismissed and 61 claims were awarded, for a total amount awarded of \$25,819.62.

Adopted

At its Board meeting on June 16, 2011, the Board dismissed 17 claims and awarded one claim totaling \$913.72. Together with the claims investigated in-house, the Board dismissed a total of 55 claims and awarded a total of 62 claims for a total amount awarded of \$26,733.34 in June, 2011.

Board Member L. E. Forgy, whose term expired June 30, 2011, was thanked for his service to the Board of Claims by Executive Director Virginia Woodward on behalf of the staff.

Suzanne Cassidy will be new Bd. member. beginning in Aug. 2011, replacing L. E. Forgy.

For Instructions From the Board

BC-2007-00082

Pamela Seymour vs. Boone County Board of Education

Notes: Agreed Order of Dismissal filed.

Counsel's Recommendation: Enter the Agreed Order of Dismissal as stipulated by the parties, dismsising the claim in its entirety. ✓

BC-2009-00905

Larry Hatfield vs. Commonwealth of Kentucky

Notes: July 21, 2011- Default Order

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

BC-2009-00960

Dwayne Brand vs. Justice and Public Safety Cabinet

Notes: July 21, 2011- Defalut Order

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

BC-2009-00985

Daland Thomas vs. Transportation Cabinet / Dept. of Highways

Notes: July 21, 2011- Default Order

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

BC-2010-00623

Mark Loveless vs. Commonwealth of Kentucky

Notes: July 21, 2011 Default Order

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

BC-2010-00655

Sandra Carter vs. Transportation Cabinet / Dept. of Highways

Notes: July 21, 2011- Default Order

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

BC-2010-00660

Deborah Shetterly vs. Transportation Cabinet / Dept. of Highways

Notes: July 21, 2011- Default Order

Counsel's Recommendation- Rule the claimant in Default and Dismiss the Claim. ✓

BC-2010-00664

Jayma Forrest vs. Commonwealth of Kentucky

Notes: July 21, 2011- Default Order

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

BC-2010-00690

Christine Edwards vs. University of Kentucky

Notes: July 21, 2011- Default Order

Counsel's Recommendations- Rule the Claimant in Default and Dismiss the Claim. ✓

BC-2010-00715

Don Bearden vs. Commonwealth of Kentucky

Notes: July 21, 2011-Default Order

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

BC-2010-00737

Jason Cannon vs. University of Kentucky

Notes: July 21, 2011- Default Order

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

BC-2010-00748

John Gadd vs. Transportation Cabinet / Dept. of Highways

Notes: July 21, 2011- Default Order

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

BC-2010-00769

Eric Knight vs. Commonwealth of Kentucky

Notes: July 21, 2011- Default Order

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

BC-2010-00783

Lafit Omerovic vs. Commonwealth of Kentucky

Notes: July 21, 2011- Default Order

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

BC-2010-00791

Clara Marcum vs. University of Kentucky

Notes: July 21, 2011- Default Order

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

BC-2010-00795

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

Notes: July 21, 2011- Default Order

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

BC-2010-00815

Helen Shaw vs. University of Kentucky

Notes: July 21, 2011- Default Order

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

BC-2011-00052

ORx, LLC. vs. Transportation Cabinet / Dept. of Highways

Notes: Notice of Voluntary Dismissal filed by the Claimant.

Counsel's Recommendation: Enter a Final Order dismissing the claim at the request of the Claimant. ✓

BC-2011-00277

Thomas Lowe; Devin Lowe vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order of Dismissal awarding \$750.00 to Claimants.

Counsel's Recommendation: Enter the Agreed Order of Dismissal as stipulated by the parties, awarding the Claimants \$750.00. ✓

BC-2011-00509

Steven Wright vs. Transportation Cabinet / Dept. of Highways

Notes: Release and Settlement Agreement executed by the parties.

Counsel's Recommendation: Enter a Final Order awarding Claimant \$1,000.00 in settlement of this claim as stipulated in the Release and Settlement Agreement entered into by the parties. ✓

Full Board Review

BC-2011-00268
Robert Fritz vs. Justice and Public Safety Cabinet

Uphold original dismissal

Notes: 4/28/11 Board ordered dismissed
6/20/11 Claimant requests FBR. Several earlier attempts at contact. Didn't keep us current of current address. (\$232.00).

BC-2011-00293
Randy Belcher vs. Justice and Public Safety Cabinet

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Notes: 5/19/11 Board ordered dismissed, lack of Jurisdiction
6/13/11 Claimant requests FBR (\$150.00).

BC-2011-00406
Lawson Noble vs. Transportation Cabinet / Dept. of Highways

See BC-11-407 in Addendum packets Reverse & Pay

Notes: 6/20/11 Board ordered dismissed
6/28/11 Claimant requests FBR (\$500.00).

Reverse & Pay

Reverse & Pay

Motions

BC-2009-00803
Bonnie Gamache vs. Transportation Cabinet / Dept. of Highways

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

Counsel's Recommendation: Enter a Final Order dismissing the claim pursuant to KRS 44.073(15). ✓

BC-2011-00226
Tammy Salyers vs. Transportation Cabinet / Dept. of Highways

Notes: Respondent's Motion to Dismiss. No response filed thereto by the Claimant.

Counsel's Recommendation: Overrule Motion to Dismiss and assign claim to Hearing Officer Jan West for further proceedings. ✓

BC-2011-00296
Michael Brown vs. Transportation Cabinet / Dept. of Highways

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

Counsel's Recommendation: Sustain the Motion to Dismiss pursuant to KRS 44.110. ✓

BC-2011-00382
George Winchester vs. Finance and Administration Cabinet / Dept. of Revenue

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-2011-00572

Larry Back vs. University of Kentucky

Notes: Joint Motion to Hold [Claim] in Abeyance.

Counsel's Recommendation: Enter Order holding claim in abeyance pending settlement negotiations between the parties. ✓

Recommended Order

BC-2007-00029

Elizabeth Barrett vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Braxton Crenshaw's Findings of Fact, Conclusions of Law and Recommended Order awarding ~~\$72,977.44~~ to Claimant and Respondent's Exceptions filed thereto. ✓

\$14,556.44

Counsel's Recommendation: Adopt the recommendation of the hearing officer and award Claimant ~~\$72,977.44~~ *\$14,556.44*. ✓

BC-2007-00818

Charles Pilant vs. Transportation Cabinet / Dept. of Highways

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

** Motion for Ext. of Time filed -
move to Aug. agenda. **

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

BC-2008-00004

Mary Jill Hall vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Jan West's Findings of Fact, Conclusions of Law and Recommended Order awarding ~~\$46,020.00~~ to Claimant and Claimant's Exceptions filed thereto. ✓

Exceptions filed by both parties. \$71,020.00

\$71,020.00

Counsel's Recommendation: Adopt the recommendation of the hearing officer awarding ~~\$46,020.00~~ to Claimant.

BC-2008-00204

Lysa Cooper vs. Transportation Cabinet / Department of Highways

Notes: Hearing Officer Jan West's Recommended Order denying the Respondent's Motion to Dismiss and the Respondent's Exceptions filed thereto. ✓

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

BC-2008-00205

Estate of Aydan Cooper vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Jan West's Opinion and Recommended Order overruling the Respondent's Motion to Dismiss and the Respondent's Exceptions filed thereto. ✓

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

BC-2009-00104

Jack Blanton vs. Transportation Cabinet / Dept. of Highways

Claimant filed Exceptions.

Notes: Hearing Officer Jan West's Findings of Fact, Conclusions of Law and Recommended Order awarding \$200,000.00 to Claimant and Respondent's Exceptions filed thereto.

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

BC-2009-00189

Julia Lewis vs. Tourism, Arts and Heritage Cabinet / Ky. State Fair Board

Notes: Hearing Officer Jan West's Findings of Fact, Conclusions of Law and Recommended Order awarding \$841.76 to Claimant.

Counsel's Recommendation: Adopt the recommendation of the hearing officer awarding \$841.76 to Claimant. ✓

BC-2009-00619

Edie Brown vs. Tourism, Arts and Heritage Cabinet / Ky. State Fair Board

Exceptions Filed by Claimant.

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-2009-00851

Lisa Barbosa vs. Cabinet for Health and Family Services

Notes: Hearing Officer Braxton Crenshaw's Recommended Order holding the claim in abeyance pending a companion Fayette Circuit Court matter.

Counsel's Recommendation: Adopt the recommendation of the hearing officer holding the matter in abeyance pending the outcome of Fayette Circuit Court, Case No. 09-CI-5734. ✓

BC-2009-00980

Joe Smith 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-2010-00180

Brenda Lee vs. University of Kentucky

Notes: Hearing Officer Bo Fugazzi's Recommended Order of Dismissal.

Counsel's Recommendation: Enter a Final Order dismissing the claim at the request of the Claimant. ✓

BC-2010-00347

Dale Becker vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: Hearing Officer Jan West's Findings of Fact, Conclusions of Law and Recommended Order denying payment of the claim and Claimant's Exceptions filed thereto.

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

BC-2010-00400

Keith Frye 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 denying payment of the claim. ✓

BC-2010-00580

Maury Booker; Marell Booker vs. Transportation Cabinet / Dept. of Highways

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 denying payment of the claim. ✓

BC-2010-00586

Lauren Fillengame vs. Tourism, Arts and Heritage Cabinet / Ky. State Fair Board

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. ✓

*Exceptions Filed
by
Claimant.*

Total number of Claims: 45

**COMMONWEALTH OF KENTUCKY
BOARD OF CLAIMS**

*Addendum
July 21, 2011*

BC-2006-760

Charles Proffitt and Rebecca Proffitt v. University of Kentucky

Agreed Order of Dismissal and Approval of Settlement of \$90,005.00 to Claimants filed.

Counsel's Recommendation: Enter the Agreed Order of Dismissal awarding Claimants \$90,005.00 and dismissing the claim with prejudice as settled. ✓

BC-2008-204

Lysa Cooper v. Transportation Cabinet, Dept. of Highways

Agreed Order of Dismissal filed..

Counsel's Recommendation: Enter the Agreed Order of Dismissal dismissing the claim with prejudice as stipulated to by the parties. ✓

BC-2009-497

Walter H. Jones v. Transportation Cabinet, Dept. of Highways

Agreed Order Extending Time for Filing Exceptions filed.

Counsel's Recommendation: Enter the Agreed Order Extending Time for Filing Exceptions to August 1, 2011, as stipulated to by the parties. ✓

BC-2010-686

Christina Williamson v. Cabinet for Health & Family Services


Notification received from the Claimant that the claim was settled by the Commonwealth's liability insurance carrier.

Counsel's Recommendation: Enter a Final Order dismissing the claim as settled by the Commonwealth's liability insurance carrier. ✓

BC-2011-407

Keith Dragoo v. Transportation Cabinet

Full Board Review on this claim is related to BC-11-406, also on this month's agenda. Both Claimants assert that there were no signs posted after a break in the pavement was made. They both hit this pavement break at 4:15 a.m. and 4:45 a.m. on the same date.

Reverse a Pay 
\$500⁰⁰