

COMMONWEALTH OF KENTUCKY

Board of Claims

Agenda

July 16, 2015

Minutes Adopted

The Board of Claims received 83 new claims during the month of June, 2015. Paula reports that 105 claims were set up and three (3) were returned for lack of jurisdiction.

Investigator Jackie Lynch decided 105 claims under \$1,000.00 in June, 2015. Jackie reports that 56 of these claims were denied and 49 were awarded, for a total amount awarded of \$16,954.83.

At its Board meeting on June 18, 2015, the Board dismissed seven (7) claims and awarded six (6) claims totaling \$160,014.00. Together with the claims investigated in-house, the Board dismissed a total of 63 claims and awarded a total of 55 claims for a total amount awarded of \$176,968.83 in June, 2015.

For Instructions From the Board

BC-2007-00579

Karen Dean and Kenneth Dean vs. Transportation Cabinet / Dept. of Highways

Notes: Claimants' Status Report indicating that Claim No. BC-07-579 and BC-07-580 can be dismissed as settled by the Mercer Circuit Court.

Counsel's Recommendation: Enter an Order dismissing the claims with prejudice. ✓

BC-2014-00726

Billie Trent vs. University of Kentucky and Ky. Community & Technical College Systems

Notes: Agreed Order of Settlement and Dismissal filed.

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

BC-2014-00815

Danny LeMaster vs. Justice and Public Safety Cabinet

Notes: July 16, 2015- Default Order

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

BC-2014-00824

Henry Baxter vs. Commonwealth of Kentucky

Notes: July 16, 2015-Default Order

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

BC-2014-00832

Preston Strode vs. Commonwealth of Kentucky

Notes: July 16, 2015- Default Order

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

BC-2015-00008

Stephen Neary vs. Commonwealth of Kentucky

Notes: July 16, 2015- Default Order

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

BC-2015-00029

Debra Johnson vs. Department of Education

Notes: Agreed Order for \$2,650.00 filed.

Counsel's Recommendation: Enter the Agreed Order awarding the Claimant \$2,650.00 in settlement of this matter. ✓

BC-2015-00036

Shonda Coatley vs. Tourism, Arts and Heritage Cabinet / Ky. State Fair Board

Notes: Agreed Order of Dismissal filed.

Counsel's Recommendation: Enter the Agreed Order of Dismissal awarding the Claimant \$600.00 in settlement of this claim. ✓

BC-2015-00047

David Seacat vs. Tourism, Arts and Heritage Cabinet

Notes: July 16, 2015-Default Order

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

BC-2015-00059

Michelle Townsend vs. Commonwealth of Kentucky

Notes: July 6, 2015- Default Order

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

BC-2015-00062

Margaret Hulson vs. Commonwealth of Kentucky

Notes: July 16, 2015-Default Order

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

BC-2015-00065

Janie Strunk vs. Commonwealth of Kentucky

Notes: July 16, 2015- Default Order

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

BC-2015-00093

~~Joseph Hutson vs. Department of Public Advocacy~~

Notes: Agreed Order granting continuance to file response to Motion to Dismiss.

Counsel's Recommendation: Enter the Agreed Order granting the Claimant a second continuance to respond to the Motion to Dismiss. ✓

BC-2015-00475

Charles Anderson vs. Transportation Cabinet / Dept. of Highways

Notes: Notification from State Risk and Insurance Services Division that this claim was paid in full by the Ky. Self-Insured Auto Program (KSAP).

Counsel's Recommendation: Enter an Order of Dismissal as paid in full by KSAP. ✓

BC-2015-00556

Patrick Mullen vs. Transportation Cabinet / Dept. of Highways

Notes: Notification from the State Risk and Insurance Services Division that the claim was paid in full by the Kentucky Self-Insured Auto Program.

Counsel's Recommendation: Enter an Order of Dismissal as paid in full by KSAP. ✓

Full Board Review

BC-2014-00804

Brian Wefensette vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: 2/16/15 Board ordered dismissed
2/26/15 Claimant requests FBR. Copy to Resp.
3/4/15 FBR Memo to Cl. and Resp. On agenda for 3/19/15
3/20/15 FBR Memo to Cl and Resp. HELD OVER TIL 4/16/15
5/21/15 FBR Memo to Cl and Resp. Held over until 6/18/15
6/26/15 FBR Memo to CL and Resp. Held over until 7/16/15

*Reverse +
Pay
\$231.04*

BC-2015-00098

Uriah Pasha vs. Justice and Public Safety Cabinet / Justice and Public Safety Cabinet

Notes: 5/26/15 Board ordered dismissed.
6/5/15 Claimant requests FBR (\$351.53)
6/18/15 Board Agenda. Held over claim until July 16th Board Agenda.

Upheld

BC-2015-00329

Marie Woods vs. Department of Highways / Transportation

Notes: 6/17/15 Board ordered dismissed
7/2/15 Claimant requests FBR (\$150)
7/2/15 FBR Memo to Cl. and Resp.

Upheld

Motions

BC-2012-00504

Curtis Nelson vs. Administrative Office of The Courts

Notes: Joint Motion to Vacate Board's Previous Order and Renewed Motion to Dismiss with Prejudice.

Counsel's Recommendation: Enter the Agreed Order of Dismissal with Prejudice. ✓

BC-2015-00270

Patrick Smith; Courtney Smith vs. Rowan County Board of Education

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

Counsel's Recommendation: Enter an Order overruling the Motion to Dismiss and assigning the claim to Hearing Officer Mike Wilson for further proceedings. ✓

BC-2015-00290

John Hardin vs. Transportation Cabinet / Dept. of Highways

Notes: Respondent's unopposed Motion to Dismiss and Answer.

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

BC-2015-00338

Mark Rogers vs. Transportation Cabinet / Dept. of Highways

Notes: Respondent's unopposed Motion to Dismiss.

Counsel's Recommendation: Enter an Order of Dismissal pursuant to KRS 44.110. ✓

BC-2015-00349

Bryon Roberts vs. Transportation Cabinet / Dept. of Highways

Notes: Respondent's unopposed Motion to Dismiss pursuant to KRS 44.073(15) and copy of the contract for road work.

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

BC-2015-00428

Communications Exhibitis, Inc. vs. Tourism, Arts and Heritage Cabinet / State Fair Board

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

Counsel's Recommendation: Enter an Order overruling the Motion to Dismiss and assigning the claim to Hearing Officer Mike Wilson for further proceedings. ✓

BC-2015-00483

Lisa Darby vs. Transportation Cabinet / Dept. of Highways

Sullivan recused.

Notes: Respondent's unopposed Motion to Dismiss.

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

BC-2015-00500

Dominique Brock vs. Justice and Public Safety Cabinet / Dept. of Corrections

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

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

BC-2015-00501

Dominique Brock vs. Justice and Public Safety Cabinet / Dept. of Corrections

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

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

BC-2015-00534

Paul Thieneman vs. Transportation Cabinet / Dept. of Highways

Notes: Respondent's unopposed Motion to Dismiss.

Counsel's Recommendation: Enter an Order dismissing the claim pursuant to KRS 44.110. ✓

Recommended Order

BC-2013-00312

Robert Still 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: ~~Enter an Order rejecting the recommendation of Hearing Officer West and remanding to her for further proceedings.~~ *Adopt the recommendation.*

BC-2013-00509

Andrew Asher 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 the Claimant \$39,782.40; the Claimant's exceptions filed thereto; and the Respondent's exceptions filed thereto.

Counsel's Recommendation: Adopt the recommendation of the hearing officer awarding the Claimant \$39,782.40 in damages. ✓

BC-2014-00691

Delores Carter vs. University of Louisville

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

Counsel's Recommendation: Enter an Order adopting the recommendation of the hearing officer denying the Respondent's Motion to Dismiss. ✓

BC-2014-00698

Robert 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.

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

BC-2015-00068

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

Notes: Hearing Officer Jan West's Recommended Order of Dismissal.

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

Total number of Claims: 33

COMMONWEALTH OF KENTUCKY
BOARD OF CLAIMS
Addendum

July 16, 2015

BC-2015-569

Joyce Black Lee v. Department of Veterans Affairs

Respondent's Answer recommending payment and Claimant's written acceptance of same.

Counsel's Recommendation: Enter an Order awarding the Claimant \$14,725.84 in settlement of this matter. ✓
