



**Andy Beshear**  
GOVERNOR  
**Jacqueline Coleman**  
LIEUTENANT GOVERNOR

**PUBLIC PROTECTION CABINET**  
**Kentucky Office of Claims and Appeals**  
**Board of Claims**  
500 Mero Street, 2SC1  
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**Ray A. Perry**  
SECRETARY  
**John Hardesty**  
EXECUTIVE DIRECTOR

**Joshua Hicks**  
MEMBER

**Dale Sights**  
MEMBER

## MINUTES

The meeting, conducted via Zoom, was called to order at approximately 10:02 am., and the following business was conducted in Board of Claims matters.

In attendance were Board members Joshua Hicks and Dale Sights. Interim Chair Hicks called the meeting to order.

A quorum existed and business was conducted. Also in attendance were Executive Director John Hardesty, Staff Attorney Shelby Bevins-Sullivan, Clerk Katie Dean, Hearing Officers Eden Davis Stephens and Shawn D. Chapman, Claimants Frank Galati, Jan Freibert, Todd Crowell, Emily Johnston, Rich Passafiume, Patricia Hartry, Elizabeth Ferguson, and Shirley Steier, Attorney Sarah Michael for the Energy and Environment Cabinet, Attorney Mary Cromer for Claimant Theresa Coleman, Attorney Josh Roberts for the Cabinet of Health and Family Services, Attorney Matt Lynch for the Labor Cabinet, and Attorney Evan Jones for Tourism, Arts and Heritage Cabinet.

After Executive Director Hardesty delivered the monthly report for the Board of Claims for June 2022, the June 2022 minutes were approved. Member Dale Sights moved to approve the June 2022 Minutes with Interim Chair Hicks seconding. Having all in favor, the Motion carried.

After approval of the prior meeting's Minutes, the following cases were taken up for consideration:

**BC-17-0312: William S. Randall v. Murray State University**

1st: Dale Sights, 2nd: Joshua Hicks. Having all in favor, the motion carried.

- The Board approved the Joint Motion for Approval of Settlement, Release, and Agreed Order of Dismissal.

**CC-20-0209: Phillip and Mary Thaman v. Transportation Cabinet, Department of Highways (KYTC)**

1st: Dale Sights, 2nd: Joshua Hicks. Having all in favor, the motion carried.

- The Board approved the Agreed Order of Dismissal and Release.

**BC-21-0417: Joanna Hite Shelton v. KYTC**



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1st: Dale Sights, 2nd: Joshua Hicks. Having all in favor, the motion carried.

- The Board approved the Agreed Order of Dismissal.

### **BC-21-0625: Ricardo Rivera, Jr. v. KYTC**

1st: Dale Sights, 2nd: Joshua Hicks. Having all in favor, the motion carried.

- The Board approved the Agreed Order of Dismissal and Release.

At approximately 11:48 am, Member Sights moved to enter an Executive Session pursuant to KRS 61.815 and KRS 61.810(1)(c) and (j) to deliberate on the following cases: BC-21-0685, BC-22-0163, BC-22-0215, BC-22-0221, BC-22-401, BC-22-0438, BC-22-440, BC-22-0433, BC-22-0434, BC-22-0493, BC-22-0159, BC-22-0240, BC-21-0097, BC-21-0158, BC-21-0250, BC-21-0252, BC-21-0415, BC-21-0444, BC-21-0474, and BC-21-0549. Interim Chair Hicks seconded. Having all in favor, the Board went into Executive Session.

At approximately 12:57 pm, Member Sights moved to exit the Executive Session and return to Open Session. Interim Chair Hicks seconded. Having all in favor, the motion carried, and no official action was taken during the Executive Session.

### **BC-21-0685: Frank Galati v. KYTC**

1st: Dale Sights, 2nd: Joshua Hicks. Having all in favor, the motion carried.

- The Board vacated its prior decision and ordered both Mr. Galati and a representative of KYTC to appear before the Board at its August meeting.

### **BC-22-0163: Jan Freibert v. KYTC**

1st: Dale Sights, 2nd: Joshua Hicks. Having all in favor, the motion carried.

- The Board affirmed its prior decision awarding Ms. Freibert \$500.00 for her deductible amount.

### **BC-22-0215: Teona Rayburn v. KYTC**

1st: Dale Sights, 2nd: Joshua Hicks. Having all in favor, the motion carried.

- The Board vacated its prior decision and ordered both Ms. Rayburn and a representative of KYTC to appear before the Board at its August meeting.

### **BC-22-0221: Todd Crowell v. KYTC**

1st: Dale Sights, 2nd: Joshua Hicks. Having all in favor, the motion carried.

- The Board affirmed its prior decision dismissing the claim.



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### **BC-22-0401: Emily Johnston v. KYTC**

1st: Dale Sights, 2nd: Joshua Hicks. Having all in favor, the motion carried.

- The Board affirmed its prior decision awarding the Claimant and stated that her new claim will be decided on the merits once it has been properly served on KYTC, and KYTC has had an opportunity to respond.

### **BC-22-0438: Rich Passafiume v. KYTC**

1st: Dale Sights, 2nd: Joshua Hicks. Having all in favor, the motion carried.

- The Board affirmed its prior decision, dismissing the claim.

### **BC-22-0440: Sheena Bowens v. KYTC**

1st: Dale Sights, 2nd: Joshua Hicks. Having all in favor, the motion carried.

- The Board affirmed its prior decision, dismissing the claim.

### **BC-22-0433 & 0434: Patricia Hartry v. KYTC**

1st: Dale Sights, 2nd: Joshua Hicks. Having all in favor, the motion carried.

- The Board vacated its prior decisions and awarded Ms. Hartry \$2,105.40 for both of her claims.

### **BC-22-0493: Mark O. Williams v. KYTC**

1st: Dale Sights, 2nd: Joshua Hicks. Having all in favor, the motion carried.

- The Board vacated its prior decision and awarded Mr. Williams \$1,000.00 for his deductible amount.

### **BC-22-0159: Theresa Coleman v. Energy and Environment Cabinet, Division of Mines**

1st: Dale Sights, 2nd: Joshua Hicks. Having all in favor, the motion carried.

- The Board overruled the Respondent's Motion to Dismiss and assigned this claim to a hearing officer.

### **BC-22-0240: Winford Cornett v. Justice and Public Safety Cabinet, Kentucky State Police**

1st: Dale Sights, 2nd: Joshua Hicks. Having all in favor, the motion carried.

- The Board sustained the Respondent's Motion to Dismiss, dismissing the claim.



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**BC-21-0097: Joseph Byrdwell v. Cabinet of Health and Family Services, Office of Child Support Enforcement**

1st: Dale Sights, 2nd: Joshua Hicks. Having all in favor, the motion carried.

- The Board accepted and adopted the Recommended Order issued by Hearing Officer Shawn Chapman.

**BC-21-0158: Kevin Gunning v. Justice and Public Safety Cabinet, Department of Corrections**

1st: Dale Sights, 2nd: Joshua Hicks. Having all in favor, the motion carried.

- The Board accepted and adopted the Recommended Order issued by Hearing Officer Eden Davis Stephens.

**BC-21-0250: Charles Banks v. KYTC**

1st: Dale Sights, 2nd: Joshua Hicks. Having all in favor, the motion carried.

- The Board accepted and adopted the Recommended Order issued by Hearing Officer Eden Davis Stephens.

**BC-21-0252: Christopher Workman v. Labor Cabinet, Department of Unemployment Insurance**

1st: Dale Sights, 2nd: Joshua Hicks. Having all in favor, the motion carried.

- The Board accepted and adopted the Recommended Order issued by Hearing Officer Shawn Chapman.

**BC-21-0415: Chelsea McClure v. KYTC**

1st: Joshua Hicks, 2nd: Dale Sights. Having all in favor, the motion carried.

- The Board accepted but modified the Recommended Order issued by Hearing Officer Eden Davis Stephens, granting leave to McClure to reopen her claim if she demonstrates good cause why she did not respond to the Show Cause order.

**BC-21-0444: Anthony Ferguson v. KYTC**

1st: Dale Sights, 2nd: Joshua Hicks. Having all in favor, the motion carried.

- The Board accepted but modified the Recommended Order issued by Hearing Officer Eden Davis Stephens, granting leave to Ferguson to reopen his claim if it is later discovered that KYTC is responsible for the roadway at issue.

**BC-21-0474: Shirley Steier v. KYTC**

1st: Dale Sights, 2nd: Joshua Hicks. Having all in favor, the motion carried.



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- The Board accepted and adopted the Recommended Order issued by Hearing Officer Shawn Chapman.

**BC-21-0549: Terra Grubb v. Tourism, Arts & Heritage Cabinet, Department of Parks**

1st: Dale Sights, 2nd: Joshua Hicks. Having all in favor, the motion carried.

- The Board accepted and adopted the Recommended Order issued by Hearing Officer Eden Davis Stephens.

Having no further business, Member Sights moved to adjourn the meeting with Interim Chair Hicks seconding the motion. Having all in favor, the motion carried, and the meeting adjourned at approximately 1:13 pm.