

COMMONWEALTH OF KENTUCKY
Claims Commission
Minutes
June 26, 2018

The Kentucky Claims Commission received 80 negligence claims filed against the Commonwealth during the month of May, 2018. A total of 71 claims were set up and served on state agencies.

The Claims Commission processed and/or decided 36 claims under \$2,500.00 in May, 2018. Twelve (12) of these claims were dismissed and 24 were awarded, for a total amount awarded of **\$14,369.33**.

At its meeting on May 22, 2018, the Kentucky Claims Commission awarded five (5) negligence claims totaling **\$176,208.06**. Together with the claims investigated in-house, the Claims Commission dismissed a total of 12 negligence claims and awarded a total of 29 negligence claims for a total amount awarded of **\$190,577.39** in May, 2018.

CLERK'S NOTE: All claims from 2018 and forward will be numbered as CC (for Claims Commission) rather than BC.

Members Present: Marcus Carey, Commission Chair
 Carlo Wessels, Commission Member
 Mitchell Mattingly, Staff Attorney
 Patrick Flannery, Office of Administrative Hearings
 Raymond Shields, CVC Clerk
 Lisa Robinson, Claims Clerk

FOR INSTRUCTIONS FROM THE COMMISSION:

BC-2014-678

William Davis v. Transportation Cabinet, Dept. of Highways
Commission entered an Order awarding the Claimant \$25,000.00 as agreed by the parties.

BC-2017-215

Jacqueline L. Ragsdale v. University of Kentucky
Commission entered the Agreed Order of Settlement awarding the Claimant \$250,000.00.

BC-2017-218

T.S., a minor, By and Through Marjorie Shular, His Mother v. Spencer.Co. Board of Education
Commission entered the Agreed Order of Dismissal as requested by the parties.

BC-2017-476

Jolene Rose v. Transportation Cabinet, Dept. of Transportation
Commission entered the Agreed Order awarding the Claimant \$2,000.00 in settlement of this claim.

CC-2018-040

Keith Garrett v. University of Kentucky

Commission entered an Order awarding the Claimant \$2,795.00 in settlement of this claim.

FULL COMMISSION REVIEWS

BC-2017-213

Joseph Shaw Quinn v. Transportation Cabinet, Dept. of Highways

Commission upheld its original dismissal of this claim.

BC-2017-566

Almond Grant v. Transportation Cabinet, Dept. of Highways

Commission upheld its original dismissal of this claim.

CC-2018-018

Julie Moon v. Transportation Cabinet, Dept. of Highways

Commission upheld its original dismissal of this claim.

CC-2018-038

Paul Mays #158130 v. Justice & Public Safety Cabinet, Dept. of Corrections

Commission upheld its original decision of awarding no damages due to the depreciation of the value of the property making this claim less than the minimum threshold pursuant to KRS 49.180.

MOTIONS

CC-2018-008

Charles Reed v. Justice & Public Safety Cabinet, Dept. of Corrections; and Commonwealth Attorney's Office, 30th Judicial District

Commission granted both Respondents' Motions to Dismiss.

CC-2018-135

Kevin R. Conrad #204798 v. Justice & Public Safety Cabinet, Dept. of Corrections

Commission ordered Claimant to itemize his damages and held the Motion to Dismiss.

RECOMMENDED ORDERS

BC-2016-169

Marvin Butts v. Transportation Cabinet, Dept. of Highways

Notes: Hearing Officer Allen O. Wilson's Findings of Fact, Conclusions of Law and Recommended Order awarding the Claimant \$1,894.00 in damages.

Commission held this claim over to the July, 2018 Agenda.

BC-2016-325

James Whittemore v. Justice & Public Safety Cabinet, Dept. of State Police

Notes: Hearing Officer Allen O. Wilson's Recommended Order Granting Respondent's Motion for Summary Judgment and the Claimant's exceptions.

Commission adopted the recommendation of the hearing officer.

BC-2017-267

David Eschenbach v. Transportation Cabinet, Dept. of Highways

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

Commission adopted the recommendation of the hearing officer.

BC-2017-395

Robert M. Parks v. Transportation Cabinet, Dept. of Highways

Notes: Hearing Officer Jim Howard's Findings of Fact, Conclusions of Law and Recommended Order denying payment of the claim and the Claimant's exceptions.

Commission adopted the recommendation of the hearing officer.

BC-2017-531

Trevor Rohlman v. University of Kentucky

Notes: Hearing Officer Jim Howard's Findings of Fact, Conclusions of Law and Recommended Order denying payment of the claim and the Claimant's exceptions.

Commission adopted the recommendation of the hearing officer.

Total number of claims: 16