

COMMONWEALTH OF KENTUCKY  
Board of Claims  
Agenda  
March 18, 2010

*Tom Hardy not present*  
*Minutes Accepted*

The Board of Claims received 96 new claims during the month of February, 2010. A total of 70 claims were set up, according to Assistant Clerk Paula Woolums. Paula also dismissed six (6) claims for being under the \$100.00 threshold and returned four (4) claims for lack of jurisdiction.

Investigators Jackie Lynch and Wanda Luttrell decided 51 claims (under \$1,000.00) in February, 2010. Jackie reports that 36 claims were dismissed and 15 claims were awarded, for a total amount awarded of \$5,926.06.

At its Board meeting on February 18, 2010, the Board dismissed 24 claims and awarded ten (10) claims totaling \$187,178.01. Together with the claims investigated in-house, the Board dismissed a total of 60 claims and awarded a total of 25 claims for a total amount awarded of \$193,104.07 in February, 2010.

**For Instructions From the Board**

BC-2008-00884

Douglas Brady vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: Claim filed on behalf of a state inmate in the custody of a county detention center at the time of the alleged negligent act.

Counsel's Recommendation: Enter Order dismissing claim for lack of jurisdiction. ✓

BC-2009-00225

Bellsouth Telecommunications, Inc., d/b/a AT&T Kentucky vs. Transportation Cabinet

Notes: Agreed Order of Settlement submitted for approval.

Counsel's Recommendation: Enter Agreed Order of Settlement and award Claimant \$3,500.00 in settlement of this claim. ✓

BC-2009-00699

Henry Hall vs. Justice and Public Safety Cabinet / Justice and Public Safety Cabinet

Notes: Default Order Dismissing claim.

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

BC-2009-00744

Jarrod Richardson vs. Department of Highways / Transportation

Notes: Default Order Dismissing claim.

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

BC-2009-00750

Grady Burson vs. Transportation Cabinet

Notes: Agreed Order of Settlement submitted for approval.

Counsel's Recommendation: Enter Agreed Order of Settlement awarding Claimant \$1,000.00 in settlement of this claim. ✓

BC-2009-00841

Katoe Barbee vs. Department of Highways / Transportation

Notes: Default Order Dismissing claim.

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

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BC-2009-00915

Reggie Jones vs. Justice and Public Safety Cabinet / Justice and Public Safety Cabinet

Notes: Default Order Dismissing Claim.

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

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BC-2009-00986

Mansour Ibrahim vs. University of Kentucky Medical Center

Notes: Respondent's Answer and Offer of Settlement filed.

Counsel's Recommendation: Enter Final Order awarding Claimant \$50.00 in insurance deductible. ✓

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BC-2010-00020

Daniel Gambrel vs. University of Kentucky

Notes: Respondent's Answer admitting liability and recommending payment of the amount claimed.

Counsel's Recommendation: Enter Final Order awarding Claimant \$1,473.00. ✓

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BC-2010-00051

Rhonda Damron vs. Transportation Cabinet

Notes: Notification from State Risk & Insurance Services Division that this claim was paid by the Commonwealth's insurance carrier.

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

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**Full Board Review**

BC-2009-00736

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

Notes: 1/26/10 Board ordered dismissed  
2/9/10 Claimant requests FBR (\$282.00)

*Upheld.  
Dismissal*

BC-2009-00797

Carlton McIntosh vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: 2/04/10 Board ordered dismissed.  
2/17/10 Claimant requested FBR. (\$212.00)

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BC-2009-00823

Donald Taylor vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: 2/19/10 Board ordered dismissed  
3/1/10 Claimant requests FBR (\$696.05)

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BC-2009-00829

James Herrington vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: 1/27/10 Board ordered dismissed  
2/8/10 Claimant requests FBR. (\$460.00)

*Upheld  
Dismissal*

BC-2009-00869

LaShane Morris vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: 1/18/10 Board ordered dismissed  
2/11/10 Claimant requests FBR (\$600.00)

*H*

BC-2009-00883

Terry Robinson vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: 1/28/10 Board ordered dismissed  
2/8/10 Claimant requests FBR (\$304.14)

*H*

BC-2009-00908

Avery Graves vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: 1/28/10 Board ordered dismissed  
2/9/10 Claimant requests FBR (\$583.55)

*H*

BC-2009-00918

Joseph Corder vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: 1/28/10 Board ordered dismissed  
2/5/10 Claimant requests FBR (\$531.81)  
2/9/10 FBR Memo to Cl. and Resp for March Agenda

*H*

BC-2009-00940

Jerry Endsley vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: 2/04/10 Board ordered dismissed.  
2/16/10 Claimant requests FBR (\$150.00)

*H*

BC-2009-00972

Harold Mills vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: 2/26/10 Board ordered dismissed  
3/3/10 Claimant requests FBR (\$308.66)

*H*

BC-2009-00974

Frank Connor vs. University of Kentucky

Notes: 2/16/10 Board ordered award.  
3/02/10 Respondent requested FBR. (\$500.00)

*H*

### Motions

BC-2009-00751

Elizabeth Drury vs. Transportation Cabinet / Dept. of Highways

Notes: Respondent's Answer and Motion to Dismiss.

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

BC-2009-00849

Andre Draper-EI vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: Respondent's Answer and Motion to Dismiss.

Counsel's Recommendation: Enter Final Order granting Motion to Dismiss for failure to state a claim upon which relief can be granted. ✓

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BC-2009-00894

Richard Carver vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: Respondent's Answer admitting liability but disputing damages and Claimant's response filed thereto.

Counsel's Recommendation: Enter Final Order awarding Claimant \$129.32 as fair market value of his missing items. ✓

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BC-2009-00899

Patrick Burke vs. Justice and Public Safety Cabinet / Dept. of Corrections

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

Counsel's Recommendation: Enter Final Order sustaining the Motion to Dismiss for failure to state a claim upon which relief can be granted. ✓

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BC-2009-00964

Jason Skinner vs. Scott County Board of Education

Notes: Claimant's Motion for Reconsideration of the Board's Final Order of 2/18/10.

Counsel's Recommendation: Deny the Motion for Reconsideration. ✓

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BC-2010-00013

Roland Cureton vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: Respondent's Motion to Dismiss.

Counsel's Recommendation: Sustain the Motion to Dismiss for failure to state a claim upon which relief can be granted. ✓

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BC-2010-00014

Roland Cureton vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: Respondent's Motion to Dismiss.

Counsel's Recommendation: Sustain the Motion to Dismiss for failure to state a claim upon which relief can be granted. ✓

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BC-2010-00030

Lucky's Krazy Kustomz, Inc. vs. Transportation Cabinet

Notes: Respondent's Motion to Dismiss.

Counsel's Recommendation: Sustain the Motion to Dismiss for failure to state a claim upon which relief can be granted. ✓

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### **Recommended Order**

BC-2004-00943

Crystal Hall vs. Transportation Cabinet / Dept. of Highways

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

Counsel's Recommendation: Adopt the recommendation of the hearing officer and dismiss the claim with prejudice. ✓

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BC-2007-00739

Michael Force vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: Hearing Officer Todd Farmer's Recommended Order of Dismissal.

Counsel's Recommendation: Adopt the recommendation of the hearing officer and dismiss the claim for failure to comply with the orders of the hearing officer. ✓

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BC-2007-00813

Michael Force vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: Hearing Officer Todd Farmer's Recommended Order of Dismissal.

Counsel's Recommendation: Adopt the recommendation of the hearing officer and dismiss the claim for failure to comply with the orders of the hearing officer. ✓

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BC-2007-00873

Clarion Corp of Amercia vs. Tourism, Arts & Heritage Cabinet / Kentucky State Fair Board

Notes: Hearing Officer Jan West's Opinion and Recommended Order dismissing the claim at the Claimant's request.

Counsel's Recommendation: Adopt the recommendation of the hearing officer and dismiss the claim with prejudice. ✓

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BC-2008-00977

Marty Burton; Linda Burton vs. Transportation Cabinet

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

Counsel's Recommendation: Adopt the recommendation of the hearing officer and dismiss the claim with prejudice. ✓

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BC-2008-00990

Timothy Rouse vs. Justice and Public Safety Cabinet / Ky. State Penitentiary

Notes: Hearing Officer Todd Farmer's Recommended Order granting Respondent's Motion for Summary Judgment and Claimant's response filed thereto.

Counsel's Recommendation: Adopt the recommendation of the hearing officer and enter a Final Order granting the Motion for Summary Judgment and dismissing the claim with prejudice. ✓

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BC-2008-01062

Anna Hoskins, et al. vs. Transportation Cabinet

Notes: Hearing Officer Darren Embry's Recommended Order Granting the Respondent's Motion for Summary Judgment. ✓

Counsel's Recommendation: Adopt the recommendation of the hearing officer and dismissing the claim with prejudice. ✓

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BC-2008-01203

Victor Gilbert vs. Transportation Cabinet

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

Counsel's Recommendation: Adopt the recommendation of the hearing officer and dismiss the claim with prejudice. ✓

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DB-1062  
- Exceptions  
in Addendum  
folders

BC-2009-00016

Kelvin Thomas vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: Hearing Officer Todd Farmer's Recommended Order Denying Respondent's Motion for Summary Judgment.

Counsel's Recommendation: Adopt the recommendation of the hearing officer denying the Motion for Summary Judgment and remanding the claim for further proceedings. ✓

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BC-2009-00539

Timothy Ratliff vs. Transportation Cabinet / Department of Highways

Notes: Hearing Officer Darren Embry's Recommended Order of Dismissal.

Counsel's Recommendation: Adopt the recommendation of the hearing officer and dismiss the claim with prejudice. ✓

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BC-2009-00540

James Ratliff vs. Transportation Cabinet

Notes: Hearing Officer Darren Embry's Recommended Order of Dismissal (consolidated with BC-09-539).

Counsel's Recommendation: Adopt the recommendation of the hearing officer and dismiss the claim with prejudice. ✓

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Total number of Claims: 40

**COMMONWEALTH OF KENTUCKY  
BOARD OF CLAIMS**

*Addendum  
March 18, 2010*

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**BC-08-1166**

Estate of Megan E. Lucas by Michelle H. Lucas and Lori J. Lucas, Co-Administrators v.  
Transportation Cabinet

Agreed Order of Settlement and Dismissal filed.

Counsel's Recommendation: Enter Agreed Order of Settlement and Dismissal,  
awarding Claimant \$125,000.00 in settlement of this claim. ✓

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**BC-09-696**

Gospel Word Missionary Church v. Transportation Cabinet

Agreed Order of Settlement and Dismissal filed.

Counsel's Recommendation: Enter Agreed Order of Settlement and Dismissal,  
awarding Claimant \$1,450.27 in settlement of this claim. ✓

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**BC-10-032**

Georgia Butler v. Transportation Cabinet, Dept. of Highways

Notification from State Risk & Insurance Services Division that the claim has  
been paid by Travelers Insurance Company on behalf of the Transportation Cabinet.

Counsel's Recommendation: Enter Final Order dismissing the claim as settled for  
\$1,601.23 by the Commonwealth's insurance carrier. ✓

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**BC-10-038**

Jessica Lovett v. Murray State University

Agreed Order of Dismissal filed.

Counsel's Recommendation: Enter Agreed Order of Dismissal, awarding  
\$1,000.00 to Claimant in settlement of this claim. ✓

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