

Commonwealth of Kentucky
Board of Claims
March 22, 2022 Meeting

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 Joe Childers, Michael Plummer, and Dale Sights. A quorum existed and business was conducted. Also in attendance were Executive Director John Hardesty, Staff Attorneys Shelby Bevins-Sullivan and Natalie Lile, Clerk Katie Dean, Hearing Officers Eden Davis Stephens and Shawn D. Chapman, Attorney Jillian Pierce for Transportation Cabinet, Attorney Sarah Noble for Tourism, Arts & Heritage Cabinet, and Claimants Noah and Larry Haug, Rebecca Minix, Robin Becker, Ashley Hart, and Paralegal Toni Gambrel with Gambrel and Wilder.

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

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

CC-20-0381: Jillian and Keith Nash v. Transportation Cabinet, Dept. of Highways (KYTC)
Motion: 1st Michael Plummer, 2nd Dale Sights. Having all in favor, the motion carried.

- The Board entered the Agreed Order of Dismissal due to settlement.

BC-20-0435: Oluwole Ajibade v. KYTC

Motion: 1st Michael Plummer, 2nd Dale Sights. Having all in favor, the motion carried.

- The Board entered the Agreed Order of Dismissal due to settlement.

BC-21-0519: State of South Dakota c/o Claim Associates v. KYTC

Motion: 1st Michael Plummer, 2nd Dale Sights. Having all in favor, the motion carried.

- The Board entered the Agreed Order of Dismissal due to settlement.

BC-21-0757: Cheryl Evans v. Justice & Safety Cabinet, Kentucky State Police (KSP)

Motion: 1st Michael Plummer, 2nd Dale Sights. Having all in favor, the motion carried.

- The Board entered the Agreed Order of Dismissal due to settlement.

BC-21-0546: Noah Haug v. KYTC

Motion: 1st Joe Childers, 2nd Dale Sights. Having all in favor, the motion carried.

- Claimant Noah Haug and his father, Larry Haug, appeared before the Board and explained that at the time of the accident, and when the claim was filed, Noah and Larry believed that the vehicle at issue had full coverage on it. However, it was later learned

that only liability coverage was on the vehicle. Upon learning this new information, the Board agreed to re-open the claim and give KYTC thirty (30) days to answer the claim.

BC-22-0015: Ashley Hart v. Tourism, Arts, & Heritage Cabinet, Dept. of Parks (DOP)

Motion: 1st Michael Plummer, 2nd Dale Sights. Having all in favor, the motion carried.

- The Board agreed to place this claim on the April Agenda due to Claimant's counsel having issues with Zoom.

The Board moved into Executive Session pursuant to KRS 61.815 and KRS 61.810(1)(c) and (j) to discuss and deliberate on BC-21-0351: Robin Becker v. KYTC at approximately 10:21 am.

Motion: 1st Joe Childers, 2nd Dale Sights. Having all in favor, the motion carried.

The Board moved to come out of Executive Session at approximately 10:27 am.

Motion: 1st Dale Sights, 2nd Michael Plummer. Having all in favor, the motion carried.

BC-21-0531: Robin Becker v. KYTC

Motion: 1st Michael Plummer, 2nd Dale Sights. Having all in favor, the motion carried.

- The Board agreed to accept and adopt the Recommended Order as the agency's Final Order, dismissing the claim.

BC-21-0427: Rebecca Minix v. University of Kentucky, Good Samaritan Hospital (UK)

Motion: 1st Dale Sights, 2nd Michael Plummer. Chairman Joe Childers recused. Having the majority in favor, the motion carried.

- The Board agreed to accept and adopt the Recommended Order as the agency's Final Order, dismissing the claim.