

Commonwealth of Kentucky
Board of Claims
November 15, 2022 Meeting

MINUTES

The meeting, conducted via Zoom, was called to order at approximately 10:01 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 Attorneys Shelby Bevins-Sullivan and Natalie Lile, Clerk Katie Dean, Hearing Officers Eden Davis Stephens and Shawn D. Chapman, Attorney James O'Toole for Claimant Benjamin Jones, Attorney Evan Jones for the Tourism, Arts & Heritage Cabinet, Attorneys Richard Lilly, Nathan Goens, and Edward Bayliss for the Justice & Public Safety Cabinet, Attorney Brennan Soergel for Claimant Michelle McMillan, Administrator of the Estate of Gynnya McMillen, Attorney Robert Blau for Claimant Daniel Heeb, and Claimants Alexis Quiroga and Christy Jo Stacey.

After Executive Director Hardesty delivered the monthly report for the Board of Claims for October 2022, the October 2022 minutes were approved. Member Dale Sights moved to approve the October 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-22-0272: Kenneth Taylor v. University of Kentucky

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

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

BC-22-0469: Andrew Young v. Justice & Public Safety Cabinet, Department of Corrections, Kentucky State Reformatory (DOC)

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

- The Board vacated its prior decision and ordered DOC to submit an Answer filed by one of its attorneys within 15 days from date of service of the order.

BC-22-0532: David Jewett v. DOC

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

- The Board vacated its prior decision and ordered DOC to submit an Answer filed by one of its attorneys within 15 days from date of service of the order.

BC-22-0782: Alexis Quiroga v. Transportation Cabinet, Department of Highways (KYTC)

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

- The Board awarded an additional award to Quiroga in the amount of \$1,099.10.

BC-22-0468: Benjamin Jones v. Justice & Public Safety Cabinet, Kentucky State Police

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

BC-22-0716: Christy Jo Stacey v. Tourism, Arts & Heritage Cabinet, Dept. of Parks

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

- The Board granted the Respondent's Motion for Summary Disposition.

BC-22-0707: Jeffery Johnson v. Justice & Public Safety Cabinet, Dept. of Corrections (DOC), et al.

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

- The Board granted the Respondents' Motion to Dismiss.

BC-22-0739: Jeffery Johnson v. DOC, et al.

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

- The Board granted the Respondents' Motion to Dismiss.

BC-22-0743: Jeffery Johnson v. DOC, et al.

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

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

At approximately 10:50 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-22-0272, BC-22-0469, BC-22-0532, BC-22-0782, BC-22-0468, BC-22-0716, BC-22-0707, BC-22-0739, BC-22-0743, BC-22-0744, BC-22-0749, BC-22-0750, BC-22-0752, BC-22-0724, BC-22-0742, BC-22-0746, BC-22-0748, BC-16-0668, BC-22-0441, BC-22-0558, and BC-22-0836. Interim Chair Hicks seconded. Having all in favor, the Board went into Executive Session.

At approximately 11:36 am, 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-22-0744: Jeffery Johnson v. DOC, et al.

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

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

BC-22-0749: Jeffery Johnson v. DOC, et al.

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

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

BC-22-0750: Jeffery Johnson v. DOC, et al.

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

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

BC-22-0752: Jeffery Johnson v. DOC, et al.

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

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

BC-22-0724: Marcus Lawrence, Sr. v. DOC, et al.

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

- The Board denied the Claimant's Motion to Strike and granted the Respondent's Motion to Dismiss.

BC-22-0742: Marcus Lawrence, Sr. v. DOC, et al.

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

- The Board denied the Claimant's Motion to Strike and granted the Respondent's Motion to Dismiss.

BC-22-0746: Marcus Lawrence, Sr. v. DOC, et al.

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

- The Board denied the Claimant's Motion to Strike and granted the Respondent's Motion to Dismiss.

BC-22-0748: Marcus Lawrence, Sr. v. DOC, et al.

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

- The Board denied the Claimant's Motion for Full Board Review and Motion to Strike and granted the Respondent's Motion to Dismiss.

BC-16-0668: Michelle McMillen, Administrator of the Estate of Gynnya McMillen v. Justice & Public Safety Cabinet, Department of Juvenile Justice

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

- The Board accepted and adopted the Recommended Order.

BC-22-0441: Daniel Heeb v. KYTC

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

- The Board passed this claim to the December meeting.

BC-22-0558: Garrison Property Casualty Insurance Company v. KYTC

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

- The Board dismissed this claim for lack of jurisdiction over subrogation claims.

BC-22-0836: State Farm v. KYTC

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

- The Board dismissed this claim for lack of jurisdiction over subrogation claims.

BC-22-0520: Daniel Geis v. KYTC

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

- The Board entered the Agreed Order of Dismissal.

BC-22-0766: Brooke Masick v. Administrative Office of the Courts, et al.

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

- The Board entered the Agreed Order of Partial Dismissal.

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 11:45 am.