

COMMONWEALTH OF KENTUCKY
BOARD OF CLAIMS
May 25, 2021 Meeting

MINUTES

The meeting, conducted via Zoom, was called to order at 10:00 a.m., and the following business was conducted in addition to decisions rendered in Crime Victim Compensation Board (CVCB) claim matters. Minutes for CVCB matters are provided separately.

In attendance were Board members Joe Childers, Michael Plummer, and Dale Sights. A quorum existed so business was conducted. Also, in attendance were Executive Director Edith Halbleib, Staff Attorney G. Mitchell Mattingly, Clerks Raymond Shields and Katie Dean. Hearing Officers Jim Howard and Eden Davis Stephens also attended.

After the Executive Director provided the board with the monthly report of Board of Claims activity, the following claims were taken up for consideration:

AGREED ORDERS or for instructions:

BC-2012-0064
ESTATE OF BRIAN P. MURPHY, JEWELL MURPHY, ADMINISTRATRIX
v.
UNIVERSITY OF LOUISVILLE, SCHOOL OF MEDICINE

The board members voted to order the entry of the agreed order dismissing the case and dismissed.

BC-2021-0278
GEORGE CLAY WILLIAMS
v.
TRANSPORTATION CABINET, DEPARTMENT OF HIGHWAYS

The board members voted to order the Respondent to pay the amount of \$2,528.73, as agreed.

FULL BOARD REVIEWS

NA

MOTIONS

BC-2021-0146

PATRICIA SALYERS

v.

TOURISM, ARTS AND HERITAGE CABINET, DEPARTMENT OF PARKS

The board members voted to sustain the Respondent's Motion to Dismiss based on KRS 49.120, the statute, otherwise known as the statute of limitations, that provides when claims must be presented to the Board of Claims as well as on jurisdictional grounds and dismissed the claim.

RECOMMENDED ORDERS

CC-2020-0299

HUNTER HANKS

v.

WESTERN KENTUCKY UNIVERSITY

The board members voted to adopt the hearing officer's Recommended Order finding a lack of proof of negligence.

CC-2020-0223

JOSEPH MATTHEW BYRDWELL

v.

KENTUCKY ADMINISTRATIVE OFFICE OF THE COURTS;
HON. DOREEN S. GOODWIN, HENRY CIRCUIT COURT JUDGE;
and GINA LYLE, HENRY CIRCUIT COURT CLERK

The board members voted to adopt the hearing officer's Recommended Order sustaining the motion for summary judgment. The hearing officer recommended a conclusion that the acts were discretionary judicial acts in addition to concluding the tolling of the statute, KRS 49.120, otherwise known as the statute of limitations, that provides when claims must be presented to the Board of Claims, is not applicable and dismissed the case.

BC-2020-0379

DUO COUNTY TELEPHONE

v.

KENTUCKY TRANSPORTATION CABINET

The board members voted to adopt the hearing officer's Recommended Order sustaining a Motion to Dismiss that was treated as a Motion for Summary Judgment. The hearing officer recommended dismissal based on KRS 49.120, the statute, otherwise known as the statute of limitations, that provides when claims must be presented to the Board of Claims.