

COMMONWEALTH OF KENTUCKY
BOARD OF CLAIMS
June 22, 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 Staff Attorney G. Mitchell Mattingly, Clerks Raymond Shields and Katie Dean. Mona Womack and Hearing Officers Jim Howard and Eden Davis Stephens also attended. Newly appointed Executive Director Michael A. Wright was also in attendance.

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-2016-0666

JUSTIN GRAVES, a MINOR BY AND THROUGH
HIS PARENTS AND NEXT FRIENDS,
JENYCE GRAVES AND MICHAEL GRAVES
v.
UNIVERSITY OF KENTUCKY

-The board voted to enter a final order to remove the claim from abeyance and dismiss.

BC-2021-0041

CHRIS MASON
v.
TRANSPORTATION CABINET, DEPARTMENT OF HIGHWAYS

-The board voted to enter a final order awarding the claimant \$3,700.00, as agreed.

BC-2021-0338

LARRY ELLIS
v.
OFFICE OF THE JEFFERSON COUNTY SHERIFF
JEFFERSON COUNTY SHERIFF JOHN EDWARD AUBREY

-The board voted to enter a final order dismissing the claim for lack of jurisdiction over the county official and for failure to state a claims upon which relief may be granted.

BC-2021-0339

LARRY ELLIS

v.

OFFICE OF THE GOVERNOR

GOVERNOR ANDREW GRAHAM BESHEAR

-The board voted to enter a final order dismissing the claim for failure to state a claim upon which relief may be granted.

BC-2021-0341

LARRY ELLIS

v.

OFFICE OF THE SUPREME COURT CLERK

SUPREME COURT CLERK KELLY STEPHENS

-The board voted to enter a final order dismissing the claim for failure to state a claim upon which relief may be granted.

FULL BOARD REVIEWS

BC-2021-0002

LADON F. CAULDER

v.

TRANSPORTATION CABINET, DEPARTMENT OF HIGHWAYS

-The board voted to uphold the initial decision and ordered the claim dismissed.

BC-2021-0120

RUSSELL LEWIS

v.

UNIVERSITY OF KENTUCKY

-The board voted to order the claim re-opened and to serve the claim on the Respondent and require an investigative response.

MOTIONS

BC-2020-0417

RHONDA PAGE

v.

KENTUCKY OFFICE OF UNEMPLOYMENT INSURANCE

-The board voted to overrule the respondent's motion to dismiss but converted the claim to one under \$2,500 and that the claimant shall clarify what damages are sought and to submit proof.

BC-2020-0480

ANGELA J. DAVENPORT

v.

CABINET FOR HEALTH AND FAMILY SERVICES

-The board voted to sustain the motion to dismiss based on KRS 49.120 and dismissed the claim.

BC-2020-0503

VERA JOAN BYRNE

v.

TOURISM, ARTS, AND HERITAGE CABINET, DEPARTMENT OF PARKS

-The board voted to sustain the claimant's motion to hold the claim in abeyance and to provide status in 90 days.

BC-2021-0098

ESAU MILLINER

v.

DEPARTMENT OF CORRECTIONS, KENTUCKY STATE PENITENTIARY

-The board voted to overrule the respondent's motion to dismiss and converted the claim to one that may proceed as one under \$2,500.00.

BC-2021-0102

BUSH & GUNN FARMS

v.

KENTUCKY STATE POLICE

-The board voted to sustain the respondent's motion to dismiss as the allegations clearly involved a discretionary function.

BC-2021-0154

GARY YORK

v.

TOURISM, ARTS, AND HERITAGE CABINET
DEPARTMENT OF FISH AND WILDLIFE RESOURCES

-The board voted to sustain the Motion to Dismiss the claim based on the contractor defense and dismissed the claim.

BC-2021-0158

KEVIN GUNNING

v.

DEPARTMENT OF CORRECTIONS, NORTHPOINT TRAINING CENTER

-The board voted to overrule the Respondent's Motion to Dismiss and to assign the case to a hearing officer to conduct appropriate proceedings.

RECOMMENDED ORDERS

CC-2018-0703

GREYSON FINDLEY

v.

WESTERN KENTUCKY UNIVERSITY

-This case was held over to a future docket for further review.

BC-2020-0040

ROSA FITCH

v.

TRANSPORTATION CABINET, DEPARTMENT OF HIGHWAYS

-The board voted to adopt the Recommended Order of Dismissal and dismissed the case.