

Commonwealth of Kentucky
Board of Claims
September 30, 2021 Meeting

MINUTES

The meeting, conducted via Zoom, was called to order at 10:00 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 Staff Attorney Shelby Bevins-Sullivan, newly-appointed Executive Director John Hardesty, Clerk Katie Dean, Hearing Officers Eden Davis Stephens and James Howard, Attorney Evan Jones for the Department of Parks, Attorney Fox DeMoisey for Claimant Elmer Maggard, Attorney Aaron Silletto for the Office of the Attorney General.

After Executive Director Hardesty delivered the monthly report of Board of Claims activity, the August 2021 minutes were approved. Member Michael Plummer moved to approve the August 2021 Minutes with Member Dale Sights 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-21-0016: Tommy and Debarah Billings v. KYTC, Dept. of Highways
Motion: 1st Michael Plummer, 2nd Dale Sights. Having all in favor, the motion carried.

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

BC-21-0159: Andrea Gibbins and Terry Mays, Jr. v. KYTC, Dept. of Highways
Motion: 1st Michael Plummer, 2nd Dale Sights. Having all in favor, the motion carried.

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

BC-21-0371: Jerry Downey v. KYTC, Dept. of Highways
Motion: 1st Michael Plummer, 2nd Dale Sights. Having all in favor, the motion carried.

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

BC-21-0181: John Combs v. KYTC, Dept. of Highways
Motion: 1st Michael Plummer, 2nd Dale Sights. Having all in favor, the motion carried.

- The Board agreed to enter the Recommended Order of Dismissal due to settlement.

CC-19-0498 & 0499: Janice Cannon Rex v. Kentucky State Police (KSP), Trooper Joseph Boyce

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

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

CC-20-0333: Danny Hurst v. KYTC, Dept. of Highways

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

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

BC-21-0044: Shari Gearding v. Northern Kentucky University (NKU)

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

- The Board agreed to place this claim in abeyance pending the Claimant's completion of facial reconstructive surgery, to which counsel for NKU had no objection.

BC-21-0214: Tanya Russell v. KYTC, Dept. of Highways

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

- The Board agreed to place this claim in abeyance on request by counsel for Claimant due to the Claimant's ongoing medical treatment.

BC-20-0241: Andrew Campbell v. Tourism, Arts, and Heritage Cabinet, Dept. of Parks

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

- The Board agreed to enter the Recommended Order of Settlement, dismissing the claim.

BC-21-0454: Ashley Goodlett v. KYTC, Dept. of Highways

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

- Upon Full Board Review, the Board affirmed Member Michael Plummer's prior decision, dismissing the claim.

BC-20-0507: Daniel Smith v. KSP, Trooper A.W. Lee

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

- The Board decided to pass this case to the October Meeting.

BC-17-0064: Dan Bondick v. TAHC, Dept. of Parks

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

- The Board overruled the Respondent's Motion to Dismiss and Show Cause, and the case is to be assigned to a hearing officer.

CC-19-0268: Connie Wright v. TAHC, Dept. of Parks, Pine Mountain State Park

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

- The Board overruled the Respondent's Motion to Dismiss, and the case is to be assigned to a hearing officer.

BC-21-0296: Christopher Rieber v. TAHC, Dept. of Parks, General Butler State Park
Motion: 1st Michael Plummer, 2nd Dale Sights. Having all in favor, the motion carried.

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

BC-21-0251: Angela Redd v. TAHC, Dept. of Parks, Kenlake State Park/Cherokee Park
Motion: 1st Michael Plummer, 2nd Dale Sights. Having all in favor, the motion carried.

- The Board agreed to pass this case to its October Meeting with instructions to send a letter to the Claimant, asking her to respond to the Respondent's Motion for Summary Disposition, fifteen (15) days before the next meeting.

BC-21-0029: Peppy Martin v. Office of the Attorney General (OAG)
Motion: 1st Michael Plummer, 2nd Dale Sights. Having all in favor, the motion carried.

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

BC-21-0412: Peppy Martin v. Administrative Office of the Courts (AOC), Franklin Circuit Clerk Amy Feldman
Motion: 1st Michael Plummer, 2nd Dale Sights. Having all in favor, the motion carried.

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

BC-15-1004: Elmer Maggard, Ph.D. v. Board of Psychology Examiners; Mark Brengelman and Jack Conway, individually and in his official capacity
Motion: 1st Michael Plummer, 2nd Dale Sights. Having all in favor, the motion carried.

- After counsel for the Claimant and Respondent presented their arguments, and after discussion from the Board, the Board overruled the Respondent's Motion for Summary Disposition. The Board agreed to take the following actions: (1) formally dismiss OAG and Board of Psychology Examiners as parties due to prior settlement; (2) Assign to hearing officer on question of jurisdiction.

CC-18-0703: Grayson Findlay v. Western Kentucky University (WKU)
Motion: 1st Michael Plummer, 2nd Dale Sights. Having all in favor, the motion carried.

- The Board discussed the Final Order drafted by Chairman Childers, rejecting the Amended Recommended Order by Hearing Officer Doug Hardin. The Board agreed to enter the Final Order.

Member Plummer moved to adjourn the meeting at approximately 11:10 a.m., with Member Sights seconding. Having all in favor, the meeting adjourned.