

Commonwealth of Kentucky
Board of Claims
October 26, 2021 Meeting

AMENDED 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, Executive Director John Hardesty, Clerk Katie Dean, Hearing Officers Eden Davis Stephens and Shawn D. Chapman, Attorney Evan Jones for the Department of Parks, Attorney Zack McKee for Claimant Brian Dumphord, Attorney Rob Miller for Respondent Murray State University, and Claimants Janeffer Saylor French and Dr. Ogechi Anyanwu.

After Executive Director Hardesty delivered the monthly report of Board of Claims activity, the September 2021 minutes were approved. Member Dale Sights moved to approve the September 2021 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:

BC-20-0467: Joanna Schluff 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-20-361: Gary Haley. 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 Voluntary Dismissal.

BC-20-424: Letti Hall for the Estate of Scott P. Hall v. KYTC, Dept. of Highways

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

- The Board agreed to enter the Notice of Voluntary Dismissal.

BC-21-0461: Donnie King, Administrator of the Estate of Amelia Morrow King v. University of Louisville

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

- The Board agreed to enter the Agreed Order Placing Claim in abeyance due to contemporaneous suit in Jefferson Circuit.

BC-21-0382: Janeffer Saylor French v. University of Kentucky, Good Samaritan Hospital
Motion: 1st Dale Sights, 2nd Michael Plummer. Chair Joe Childers recused. Having all in favor, the motion carried.

- Ms. French appeared before the Board upon her request for Full Board Review. Her claim was dismissed due to a default. Ms. French explained that she thought the orders sent to her previously were fraudulent, but that she learned a valuable lesson in paying attention to official documents issued by the Board. Accordingly, the Board vacated the prior default order and gave Ms. French ten (10) days to submit the required information previously requested.

BC-21-531: Jaclyn Bowlin v. Boone Co. Public Works and Boone Co. Fiscal Court
Motion: 1st Dale Sights, 2nd Michael Plummer. Having all in favor, the motion carried.

- Upon the Claimant's request for Full Board Review, the Board agreed to place this claim in abeyance pending a determination by the Boone Circuit Court as to whether the Board has jurisdiction over the Respondent. The claim had been previously dismissed due to lack of jurisdiction over county governments.

BC-20-507: Daniel Smith v. KSP, Trooper A.W. Lee
Motion: 1st Dale Sights, 2nd Michael Plummer. Chair Joe Childers recused. Having all in favor, the motion carried.

- Upon KSP's Motion to Dismiss, the Board granted the motion, dismissing because Smith filed his claim outside of the one-year Statute of Limitations.

BC-21-0309: Brian Dumphord v. KSP
Motion: 1st Dale Sights, 2nd Michael Plummer. Chair Joe Childers recused. Having all in favor, the motion carried.

- The Board granted the Claimant's Motion to Stay Proceedings, placing the claim in abeyance pending the resolution of the federal civil and state criminal actions in relation to this claim.

BC-17-303, 310, 312, 320, 376, 378, 412, 494: Ram Khanal, Michael Starling, William S. Randall, Ogechi Anyanwu, Rhonda Adams, Richard Harp, Emily Smith, and Yamuna Gandhi Kolli v. Murray State University (MSU)
Motion: 1st Michael Plummer, 2nd Dale Sights. Having all in favor, the motion carried.

- The Board consolidated all of these cases into one claim and assigned it to a hearing officer to rule on MSU's request for dismissal, with particular attention to the existence of *res ipsa loquitur* as it relates to MSU's liability for the gas explosion.

BC-21-0455: Brian Dowell v. KYTC, Dept. of Highways
Motion: 1st Dale Sights, 2nd Michael Plummer. Having all in favor, the motion carried.

- The Board assigned this claim to a hearing officer.

BC-21-0097: Joseph Byrdwell v. Cabinet of Health and Family Services (CHFS)

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

- The Board passed this case to the November meeting to give Mr. Byrdwell an additional opportunity to respond to the Respondent's Motion to Dismiss/Summary Disposition.

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 granted the Respondent's Motion for Summary Disposition under the Recreational Use Doctrine (KRS 411.190), dismissing the claim.

BC-21-0571: Sean Huddleston v. Dept. of Public Advocacy (DPA)

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

- The Board passed this claim to the November meeting to allow counsel for Claimant an opportunity to respond to the Respondent's Motion to Dismiss.

Member Plummer moved to adjourn the meeting at approximately 11:00 a.m., with Member Sights seconding. Having all in favor, the meeting adjourned.