

Commonwealth of Kentucky
Board of Claims
December 21, 2021 Meeting

MINUTES

The meeting, conducted via Zoom, was called to order at 10:03 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, Clerk Katie Dean, Hearing Officers Eden Davis Stephens and Shawn D. Chapman, Attorney Ashley Daily for Finance and Administration Cabinet, Attorney Evan Jones for Tourism, Arts, and Heritage Cabinet, and Claimants John Hammond and Jerri McClure.

After Staff Attorney Bevins-Sullivan delivered the monthly report of Board of Claims activity on Executive Director John Hardesty's behalf, the November 2021 minutes were approved. Member Michael Plummer moved to approve the November 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-16-0078: Raymond Evans, Jr. v. Tourism, Arts, and Heritage Cabinet (TAHC), Kentucky State Fair Board

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

- The Board agreed to enter an order withdrawing the claim upon receipt of an email from Claimant's counsel indicating that Claimant Evans wished to withdraw his claim before the Board.

CC-18-0355: Christina Yeoman v. University of Kentucky (UK)

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-18-0734: Joyce K. Hall v. Kentucky Transportation Cabinet (KYTC), Dept. of Highways

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

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

CC-19-0371: Pamela Perry v. Cabinet of Health and Family Services (CHFS)

- This claim was mistakenly placed on the Agenda and was stricken from the docket due to it being fully resolved.

CC-20-0219: Amber Pitt v. Western Kentucky Community and Technical College (WKCTC)

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

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

BC-21-0332: Bracken Steak America, LLC v. TAHC, KY State Fair Board
Motion: 1st Dale Sights, 2nd Michael Plummer. Having all in favor, the motion carried.

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

BC-21-0554: Source Logistics, LLC v. Justice & Safety Cabinet, Department of Corrections (DOC), Northpoint Training Center

- This was passed until January 2022 meeting to see if Claimant agreed with \$5,000 award.

BC-21-0636: Jackson County Bank v. KYTC, Dept. of Highways

Motion: 1st Dale Sights, 2nd Michael Plummer

- The Board agreed to enter the Agreed Order of Settlement.

BC-17-0486: Catrina Conway v. KYTC, Dept. of Highways

Motion: 1st Dale Sights, 2nd Michael Plummer

- The Board agreed to enter an order dismissing the claim without prejudice after being advised that Claimant's counsel had informed Staff Attorney Bevins-Sullivan via email that the claim could be dismissed without prejudice, and counsel for Respondent had no objection.

CC-18-0648: Vickie Butler v. TAHC, KY State Fair Board

Motion: 1st Michael Plummer, 2nd Dale Sights

- The Board agreed to issue a Show Cause order to the Claimant as she did not respond to discovery requests in a prior Status Report order issued by the former Claims Commission. The Claimant has thirty (30) days from the service date to supply the requested information.

BC-21-0659: Jimmie Terrell v. McCracken Co. Board of Education, McCracken Fiscal Court, McCracken Co. Clerk, and Kentucky Board of Elections

Motion: 1st Dale Sights, 2nd Michael Plummer

- The Board agreed to dismiss, *sua sponte*, the McCracken Fiscal Court and McCracken County Clerk due to lack of jurisdiction over county governments. The other two parties are state government entities.

BC-21-0686: Gilda's Club Kentuckiana v. Louisville Metro Police Department, LG&E, and Louisville Metro Sewer District

Motion: 1st Michael Plummer, 2nd Dale Sights

- The Board agreed to dismiss, *sua sponte*, the claim because the Board does not have jurisdiction over city governments or private companies like LG&E.

BC-21-0563: Jerri McClure v. KYTC, Dept. of Highways

First Motion: 1st Dale Sights, 2nd Michael Plummer. Amended Motion: 1st Dale Sights, 2nd Joe Childers

- The Board agreed to affirm Member Plummer's decision to dismiss the claim due to the allegedly negligent act being committed by a contractor, over which the Board does not have jurisdiction. Ms. McClure had attended the meeting late, but was permitted to address the Board at the end of the docket. Member Plummer had a power spike in his

office and was not able to rejoin the meeting for Ms. McClure's address. After Ms. McClure spoke, the Board made an amended motion to affirm the prior decision.

BC-21-0609: John Hammond v. KYTC, Dept. of Highways

Motion: 1st Michael Plummer, 2nd Dale Sights

- The Board agreed to affirm Member Plummer's prior decision dismissing the claim due to the allegedly negligent act having been committed by a contractor, over which the Board does not have jurisdiction. It was further discovered during Mr. Hammond's address to the Board that the event occurred in Ohio, which is outside of the Board's jurisdiction also. Mr. Hammond was provided contact information for the Ohio Court of Claims.

CC-20-0144: Gregory Miles v. KYTC, Dept. of Highways

Motion: 1st Michael Plummer, 2nd Dale Sights

- The Board agreed to enter the Claimant's Motion to Dismiss as he requested to withdraw his claim.

BC-21-0416: Aaron Durham v. KYTC, Dept. of Highways

Motion: 1st Michael Plummer, 2nd Dale Sights

- The Board agreed to place this claim in abeyance due to a pending criminal case arising from the same incident in having been commenced in Lyon Circuit Court.

BC-21-0482: Waylon Hays v. TAHC, Dept. of Fish & Wildlife Services

Motion: 1st Michael Plummer, 2nd Dale Sights

- The Board granted the Respondent's Motion to Dismiss/Summary Disposition.

BC-21-0524: Shreesiddh, LLC d/b/a Little River Motel v. KYTC, Dept. of Highways

Motion: 1st Dale Sights, 2nd Michael Plummer

- The Board decided to assign this claim to a hearing officer.

BC-21-0549: Terra Grubb v. TAHC, Dept. of Parks

Motion: 1st Joe Childers, 2nd Dale Sights

- The Board decided to assign this claim to a hearing officer and have the hearing officer rule on the pending motion.

BC-21-0581: Angela Fisher v. Cabinet for Health and Family Services, Administrative Office of the Courts, Kentucky Court of Justice, and Brandi Duvall, Warren Circuit Clerk

Motion: 1st Michael Plummer, 2nd Dale Sights

- The Board granted the Respondents' respective Motion to Dismiss and Motion for Summary Disposition, dismissing the claim.

BC-21-0582: Michael McQueen v. Justice & Safety Cabinet, Department of Corrections

Motion: 1st Dale Sights, 2nd Michael Plummer

- The Board agreed to pass this until the January meeting to see if the Claimant had a response.

CC-19-0702: Demesha Taylor v. KYTC, Dept. of Highways

Motion: 1st Michael Plummer, 2nd Dale Sights

- The Board agreed to adopt Hearing Officer Doug Hardin's Recommended Order of Dismissal for failure to appear and participate in the proceedings.

BC-21-0491: Lloyd McCarty v. KYTC, Dept. of Highways

Motion: 1st Dale Sights, 2nd Michael Plummer

- Chairman Childers asked to place this back on the January Agenda to have Staff Attorney Bevins-Sullivan do research on statute of limitations issue and tolling.

After the cases were called, Board Member Dale Sights moved to adjourn the meeting with Chairman Joe Childers seconding the motion. Having all in favor, the meeting adjourned at approximately 11:48 am.