

Office Of Claims And Appeals
Crime Victims Compensation Board
Minutes

March 12, 2024

Total
Claims: **69**

Executive Director Hardesty reported to the Board that for February 2024:

Crime Victims Compensation:

- 34 claims were received
- 34 claims were set up
- 21 full investigations were completed
- 35 claims were assigned/reassigned to investigators
- 6 claims were awarded
- Total Awarded: \$21,235.50 (including additional and emergency awards)
- 1 additional award was rendered
- 6 claims were denied
- 1 claim was ordered withdrawn at the request of the Claimant

Restitution and Collections:

- \$10,815.43 received in restitution
- \$305.77 received in donations
- \$0.00 received through subrogation
- \$1,020.89 received through PIECP program
- Total Received: \$12,142.09

The Sexual Assault Examination Program:

- 54 claims were received
- 54 claims were set up
- 18 claims were awarded
- Total Awarded: \$9,631.68
- 12 claims were denied

43 total claims were decided by the Board for February 2024.

Board Chair Parsons called the meeting to order at 10:22 AM and conducted roll call.

The following were in attendance at this month's meeting: Board Chair Parsons, Members Leenerts and Roberts, Executive Director Hardesty, Staff Attorneys Bevins-Sullivan and Horsman, Executive Staff Advisor Shields, and Investigator White. Investigator Hubbard and Restitution/Collections Officer Barrie were absent.

Board Chair Parsons motioned to accept the February 2024 minutes. Member Leenerts seconded the motion. Having all in favor, the motion carried.

Board Chair Parsons welcomed Staff Attorney Horsman to the agency and Staff Attorney Horsman introduced herself to the Board.

Executive Director Hardesty gave his Executive Director's report to the Board.

Executive Director Hardesty advised the Board that SB 319 has been filed and is currently making its way through the Senate. SB 319 would substantially expand the program. SB 319 passed out of committee unanimously and is on the Orders of the Day for today's (3/12/2024) session. It is possible that the bill will pass and, if that happens, will then proceed to the House.

Executive Director Hardesty reminded the Board that their Statements of Financial Disclosure are due no later than 4/15/2024.

Executive Director Hardesty advised the Board that interviews for the victim advocate position will be scheduled soon.

Executive Director Hardesty advised the Board that a statutory duty exists to publicize the CVC program. To that end, Executive Director Hardesty stated that public service announcements will be made by radio to promote the program. Additionally, Executive Staff Advisor Shields will go on some of the noon talk shows across the Commonwealth to promote the program. Both the radio and television spots will not occur until after this year's legislative session.

Executive Director Hardesty and the Board discussed the use of open session and discussing confidential and/or sensitive claim information on the record. After discussion, the Board stated it would begin going into closed session to discuss any confidential and/or sensitive claim information before issuing decisions on claims in open session.

Board Member Roberts motioned to go into executive session at approximately 11:07 AM to discuss the following claims: CV-2023-00221, CV-2019, 00075, CV-2021-00237, CV-2022-00177, CV-2022-00257, CV-2022-00260, CV-2023-00004, CV-2023-00026, CV-2023-00049, CV-2023-00060, CV-2023-00073, CV-2023-00103, CV-2023-00140, CV-2023-00205, CV-2023-00209, CV-2022-00232, CV-2023-00277, CV-2023-00283, CV-2023-00295, CV-2023-00309, CV-2023-00316, CV-2023-00329, CV-2023-00331, CV-2023-00336, CV-2024-00015, CV-2022-00308, CV-2023-00179, CV-2023-00185, CV-2023-00206, CV-2023-00257, CV-2023-00340, CV-2023-00356, CV-2023-00357, and CV-2024-00033. Member Leenerts seconded the motion. Having all in favor, the motion carried. The Board officially entered executive session at approximately 11:07 AM.

Board Chair Parsons motioned to exit executive session at approximately 1:37 PM. Member Leenerts seconded the motion. Having all in favor, the motion carried. The Board officially exited executive session at approximately 1:37 PM.

For Instructions From the Board

CV-2016-00134/Ramirez, Pedro on behalf of Ramirez, Christopher \$0.00

Board Action: Board ordered dismissed

Comments: Member Roberts motioned to affirm the debt owed by Inmate Rudy Villarreal and deny his appeal. Member Leenerts seconded the motion. Having all in favor, the motion carried.

CV-2021-00064/Coleman, Felicia on behalf of Hampton, Ronneka \$0.00

Board Action: Board ordered dismissed

Comments: Member Roberts motioned to affirm the debt owed by Inmate Ancinio Friar and deny his appeal. Member Leenerts seconded the motion. Having all in favor, the motion carried.

CV-2021-00144/Roberts, Melissa on behalf of Roberts, James \$0.00

Board Action: Board ordered dismissed

Comments: Member Roberts motioned to affirm the debt owed by Inmate Bryan Bruce, III and deny his appeal. Member Leenerts seconded the motion. Having all in favor, the motion carried.

CV-2022-00182/Hurt, Reba on behalf of Hurt, LaLand \$0.00

Board Action: Board ordered dismissed

Comments: Member Roberts motioned to affirm the debt owed by Inmate Robert Harris and deny his appeal. Member Leenerts seconded the motion. Having all in favor, the motion carried.

CV-2023-00106/Nevitt, Katrina \$0.00

Board Action: Board ordered dismissed

Comments: Member Roberts motioned to deny the Motion to Dismiss filed by Inmate Jeffrey Fulton and stated that Fulton needed to go through the proper appeal process. Member Leenerts seconded the motion. Having all in favor, the motion carried.

CV-2023-00221/JF on behalf of RF \$0.00

Board Action: Board held over until another meeting

Comments: Member Roberts motioned to have a Recommended Order issued denying the claim for contributory conduct. Member Leenerts seconded the motion. Having all in favor, the motion carried.

Recommended Orders - Awards

CV-2019-00075/JT \$30,000.00

Board Action: Board awarded

Comments: Member Roberts motioned to award \$30,000.00. Member Leenerts seconded the motion. Having all in favor, the motion carried.

CV-2021-00237/SP on behalf of TP \$4,815.00

Board Action: Board awarded

Comments: Member Roberts motioned to award \$4,815.00. Member Leenerts seconded the motion. Having all in favor, the motion carried.

CV-2022-00177/DK \$10,148.00

Board Action: Board awarded

Comments: Member Roberts motioned to accept and adopt but modify the Recommended Order to award the Claimant \$10,148.00. Member Leenerts seconded the motion. Having all in favor, the motion carried.

CV-2022-00257/AM \$4,384.87

Board Action: Board awarded

Comments: Member Roberts motioned to award \$4,384.87 but place the expense from U of L Physicians in abeyance for 60 days to allow time for the provider to confirm account information with claims investigator. Member Leenerts seconded the motion. Having all in favor, the motion carried.

CV-2022-00260/MM on behalf of AH \$2,979.07

Board Action: Board awarded

Comments: Member Roberts motioned to award \$2,979.07. Member Leenerts seconded the motion. Having all in favor, the motion carried.

CV-2023-00004/LP \$7,773.98

Board Action: Board awarded

Comments: Board Member Roberts motioned to accept and adopt but modify the Recommended Order to award the Claimant \$7,773.98 and deny the claim for M/D because the Claimant received more from GoFundMe than is otherwise awardable. Member Leenerts seconded the motion. Having all in favor, the motion carried.

CV-2023-00026/KSP \$3,722.56

Board Action: Board awarded

Comments: Member Roberts motioned to award \$3,722.56. Member Leenerts seconded the motion. Having all in favor, the motion carried.

CV-2023-00049/JD \$410.23

Board Action: Board awarded

Comments: Member Roberts motioned to award the Claimant an additional \$410.23. Member Leenerts seconded the motion. Having all in favor, the motion carried.

CV-2023-00060/SP \$220.00

Board Action: Board awarded

Comments: Member Roberts motioned to award \$220.00. Member Leenerts seconded the motion. Having all in favor, the motion carried.

CV-2023-00073/LM on behalf of LR \$0.00

Board Action: Board held over until another meeting

Comments: Member Roberts motioned to table the claim until the April docket pending negotiation attempts by the claims investigator. Member Leenerts seconded the motion. Having all in favor, the motion carried.

CV-2023-00103/OB \$4,139.00

Board Action: Board awarded

Comments: Member Roberts motioned to award \$4,139.00. Member Leenerts seconded the motion. Having all in favor, the motion carried.

CV-2023-00140/KY \$4,912.94

Board Action: Board awarded

Comments: Member Roberts motioned to accept and adopt but modify the Recommended Order and award the Claimant \$4,912.94. Member Leenerts seconded the motion. Having all in favor, the motion carried.

CV-2023-00205/CB \$3,500.00

Board Action: Board awarded

Comments: Member Roberts motioned to award \$3,500.00. Member Leenerts seconded the motion. Having all in favor, the motion carried.

CV-2023-00209/SS \$3,286.92

Board Action: Board awarded

Comments: Member Roberts motioned to award \$3,286.92. Member Leenerts seconded the motion. Having all in favor, the motion carried.

CV-2023-00232/EP \$818.00

Board Action: Board awarded

Comments: Member Roberts motioned to accept and adopt but modify the Recommended Order to award the Claimant \$818.00 and to authorize payment to Woodyard Dental Care in the amount of \$5,208.00 to be paid once an itemized bill has been submitted to the Board. Member Leenerts seconded the motion. Having all in favor, the motion carried.

CV-2023-00277/DD on behalf of DD \$7,500.00

Board Action: Board awarded

Comments: Member Roberts motioned to award \$7,500.00. Member Leenerts seconded the motion. Having all in favor, the motion carried.

CV-2023-00283/MM on behalf of LB \$0.00

Board Action: Board held over until another meeting

Comments: Member Roberts motioned to table this claim until the April docket pending negotiation attempts by the claims investigator. Member Leenerts seconded the motion. Having all in favor, the motion carried.

CV-2023-00295/EM \$980.00

Board Action: Board awarded

Comments: Member Roberts motioned to award the Claimant an additional \$980.00. Member Leenerts seconded the motion. Having all in favor, the motion carried.

CV-2023-00309/BB on behalf of SB \$4,182.52

Board Action: Board awarded

Comments: Member Roberts motioned to award the Claimant \$4,182.52 and to place the claims for lost earnings outside the bereavement period and loss of support in abeyance for sixty days to allow the Claimant sufficient time to secure the needed documentation and submit it to the Board. Member Leenerts seconded the motion. Having all in favor, the motion carried.

CV-2023-00316/DC on behalf of TB \$7,500.00

Board Action: Board awarded

Comments: Member Roberts motioned to award \$7,500.00. Member Leenerts seconded the motion. Having all in favor, the motion carried.

CV-2023-00329/CD on behalf of SD \$6,366.00

Board Action: Board awarded

Comments: Member Roberts motioned to award \$6,366.00. Member Leenerts seconded the motion. Having all in favor, the motion carried.

CV-2023-00331/RT \$7,313.55

Board Action: Board awarded

Comments: Member Roberts motioned to accept and adopt but modify the Recommended Order to award the Claimant \$7,313.55. Member Leenerts seconded the motion. Having all in favor, the motion carried.

CV-2023-00336/KB on behalf of TH \$7,500.00

Board Action: Board awarded

Comments: Member Roberts motioned to award \$7,500.00. Member Leenerts seconded the motion. Having all in favor, the motion carried.

CV-2024-00015/JP on behalf of JR \$7,500.00

Board Action: Board awarded

Comments: Member Roberts motioned to award \$7,500.00. Member Leenerts seconded the motion. Having all in favor, the motion carried.

Recommended Orders - Denials

CV-2022-00308/MH \$0.00

Board Action: Board ordered dismissed

Comments: Member Roberts motioned to deny the claim but grant the Claimant leave to refile if the Claimant is able to provide sufficient documentation to substantiate claim at a later date. Member Leenerts seconded the motion. Having all in favor, the motion carried.

CV-2023-00179/PE \$0.00

Board Action: Board ordered dismissed

Comments: Member Roberts motioned to deny the claim but grant the Claimant leave to refile if the Claimant is able to submit proof that she is a victim of criminally injurious conduct and documentation to substantiate her claim. Member Leenerts seconded the motion. Having all in favor, the motion carried.

CV-2023-00185/JR \$0.00

Board Action: Board ordered dismissed

Comments: Member Roberts motioned to accept and adopt the Recommended Order and deny the claim but reserve issuing a determination on waiving the statute of limitations until the Claimant refiles since she was granted leave to refile. Member Leenerts seconded the motion. Having all in favor, the motion carried.

CV-2023-00206/CR \$0.00

Board Action: Board ordered dismissed

Comments: Member Roberts motioned to deny the claim. Member Leenerts seconded the motion. Having all in favor, the motion carried.

CV-2023-00257/AR \$0.00

Board Action: Board ordered dismissed

Comments: Member Roberts motioned to deny the claim but grant the Claimant leave to refile if the Claimant is able to obtain the required documentation and submit it to the Board. Member Leenerts seconded the motion. Having all in favor, the motion carried.

CV-2023-00340/WF on behalf of KK \$0.00

oard Action: Board ordered dismissed

Comments: After reviewing and discussing the Claimant's exceptions, Member Roberts motioned to deny the claim. Member Leenerts seconded the motion. Having all in favor, the motion carried.

CV-2023-00356/BW on behalf of JB \$0.00

Board Action: Board ordered dismissed

Comments: After reviewing and discussing the Claimant's exceptions, Member Roberts motioned to deny the claim. Member Leenerts seconded the motion. Having all in favor, the motion carried.

CV-2023-00357/CB on behalf of DD \$0.00

Board Action: Board ordered dismissed

Comments: Member Roberts motioned to deny the claim. Member Leenerts seconded the motion. Having all in favor, the motion carried.

CV-2024-00033/DW on behalf of YW \$0.00

Board Action: Board ordered dismissed

Comments: Member Roberts motioned to deny the claim. Member Leenerts seconded the motion. Having all in favor, the motion carried.

Sexual Assault Examination Awards

SA-2023-00664/Owensboro Health Regional Hospital on behalf of AH \$450.00

Board Action: Board awarded

Comments: Member Roberts motioned to award \$450.00. Member Leenerts seconded the motion. Having all in favor, the motion carried.

SA-2023-00730/Medical Center Bowling Green on behalf of DS \$650.00

Board Action: Board awarded

Comments: Member Roberts motioned to award \$650.00. Member Leenerts seconded the motion. Having all in favor, the motion carried.

SA-2023-00764/Baptist Health Paducah on behalf of CC \$550.00

Board Action: Board awarded

Comments: Member Roberts motioned to award \$550.00. Member Leenerts seconded the motion. Having all in favor, the motion carried.

SA-2024-00011/Medical Center Bowling Green on behalf of MG \$200.00

Board Action: Board awarded

Comments: Member Roberts motioned to award \$200.00. Member Leenerts seconded the motion. Having all in favor, the motion carried.

SA-2024-00018/Still Waters Center at Ampersand on behalf of JZ \$200.00

Board Action: Board awarded

Comments: Member Roberts motioned to award \$200.00. Member Leenerts seconded the motion. Having all in favor, the motion carried.

SA-2024-00027/Cincinnati Children's Hospital Medical Center on behalf of SM \$450.00

Board Action: Board awarded

Comments: Member Roberts motioned to award \$450.00. Member Leenerts seconded the motion. Having all in favor, the motion carried.

SA-2024-00028/Scott Appalachian Industries, Inc. on behalf of CT \$545.00

Board Action: Board awarded

Comments: Member Roberts motioned to award \$545.00. Member Leenerts seconded the motion. Having all in favor, the motion carried.

SA-2024-00030/CAC of the Bluegrass on behalf of BL \$894.00

Board Action: Board awarded

Comments: Member Roberts motioned to award \$894.00. Member Leenerts seconded the motion. Having all in favor, the motion carried.

SA-2024-00031/CAC of the Bluegrass on behalf of AL \$894.00

Board Action: Board awarded

Comments: Member Roberts motioned to award \$894.00. Member Leenerts seconded the motion. Having all in favor, the motion carried.

SA-2024-00033/Judi's Place for Kids on behalf of SG \$894.00

Board Action: Board awarded

Comments: Member Roberts motioned to award \$894.00. Member Leenerts seconded the motion. Having all in favor, the motion carried.

SA-2024-00035/Judi's Place for Kids on behalf of JH \$894.00

Board Action: Board awarded

Comments: Member Roberts motioned to award \$894.00. Member Leenerts seconded the motion. Having all in favor, the motion carried.

SA-2024-00036/CAC of the Bluegrass on behalf of HL \$894.00

Board Action: Board awarded

Comments: Member Roberts motioned to award \$894.00. Member Leenerts seconded the motion. Having all in favor, the motion carried.

SA-2024-00037/CAC of the Bluegrass on behalf of JJ \$894.00

Board Action: Board awarded

Comments: Member Roberts motioned to award \$894.00. Member Leenerts seconded the motion. Having all in favor, the motion carried.

SA-2024-00038/Baptist Health Hardin Hospital on behalf of BJ \$141.96

Board Action: Board awarded

Comments: Member Roberts motioned to award \$141.96. Member Leenerts seconded the motion. Having all in favor, the motion carried.

SA-2024-00039/CAC of the Bluegrass on behalf of WS \$894.00

Board Action: Board awarded

Comments: Member Roberts motioned to award \$894.00. Member Leenerts seconded the motion. Having all in favor, the motion carried.

SA-2024-00040/CAC of the Bluegrass on behalf of OL \$894.00

Board Action: Board awarded

Comments: Member Roberts motioned to award \$894.00. Member Leenerts seconded the motion. Having all in favor, the motion carried.

SA-2024-00041/CAC of the Bluegrass on behalf of GP \$894.00

Board Action: Board awarded

Comments: Member Roberts motioned to award \$894.00. Member Leenerts seconded the motion. Having all in favor, the motion carried.

SA-2024-00042/Lexington SANE Program on behalf of CO \$200.00

Board Action: Board awarded

Comments: Member Roberts motioned to award \$200.00. Member Leenerts seconded the motion. Having all in favor, the motion carried.

SA-2024-00046/Fort Logan Hospital on behalf of SS \$650.00

Board Action: Board awarded

Comments: Member Roberts motioned to award \$650.00. Member Leenerts seconded the motion. Having all in favor, the motion carried.

SA-2024-00048/St. Elizabeth Healthcare on behalf of MW \$450.00

Board Action: Board awarded

Comments: Member Roberts motioned to award \$450.00. Member Leenerts seconded the motion. Having all in favor, the motion carried.

SA-2024-00050/Barren River Area Child Advocacy Center on behalf of IJ \$894.00

Board Action: Board awarded

Comments: Member Roberts motioned to award \$894.00. Member Leenerts seconded the motion. Having all in favor, the motion carried.

Sexual Assault Examination Denials

SA-2023-00706/Medical Center Bowling Green on behalf of CH \$0.00

Board Action: Board ordered dismissed

Comments: Member Roberts motioned to dismiss the claim. Member Leenerts seconded the motion. Having all in favor, the motion carried.

SA-2023-00733/Mercy Health Lourdes - Paducah on behalf of SJ \$0.00

Board Action: Board ordered dismissed

Comments: Member Roberts motioned to dismiss the claim. Member Leenerts seconded the motion. Having all in favor, the motion carried.

SA-2023-00735/Mercy Health Lourdes - Paducah on behalf of TT \$0.00

Board Action: Board ordered dismissed

Comments: Member Roberts motioned to dismiss the claim. Member Leenerts seconded the motion. Having all in favor, the motion carried.

SA-2023-00738/Frankfort Regional Medical Center on behalf of QB \$0.00

Board Action: Board ordered dismissed

Comments: Member Roberts motioned to dismiss the claim. Member Leenerts seconded the motion. Having all in favor, the motion carried.

SA-2023-00740/Tristar Greenview Regional Hospital on behalf of MS \$0.00

Board Action: Board ordered dismissed

Comments: Member Roberts motioned to dismiss the claim. Member Leenerts seconded the motion. Having all in favor, the motion carried.

SA-2023-00751/Medical Center Bowling Green on behalf of CG \$0.00

Board Action: Board ordered dismissed

Comments: Member Roberts motioned to dismiss the claim. Member Leenerts seconded the motion. Having all in favor, the motion carried.

SA-2023-00757/Mercy Health Lourdes - Paducah on behalf of TS \$0.00

Board Action: Board ordered dismissed

Comments: Member Roberts motioned to dismiss the claim. Member Leenerts seconded the motion. Having all in favor, the motion carried.

SA-2024-00029/St. Elizabeth Healthcare on behalf of CL \$0.00

Board Action: Board ordered dismissed

Comments: Member Roberts motioned to dismiss the claim. Member Leenerts seconded the motion. Having all in favor, the motion carried.

SA-2024-00047/Baptist Health Corbin on behalf of AM \$0.00

Board Action: Board ordered dismissed

Comments: Member Roberts motioned to dismiss the claim. Member Leenerts seconded the motion. Having all in favor, the motion carried.

The Board set its next meeting for April 9, 2024 at 10:00 AM EST to be held at the Board's offices located at 500 Mero Street, Frankfort, KY in conference room 259SW. A Microsoft Teams option will also be provided.

Board Chair Parsons motioned to adjourn this month's meeting at 2:15 PM. Member Leenerts seconded the motion. Having all in favor, the motion carried. The March 2024 meeting of the Crime Victims Compensation Board was officially adjourned at 2:15 PM.