

COMMONWEALTH OF KENTUCKY
Board of Claims
Agenda
February 19, 2015

*Minutes
Accepted*

The Board of Claims received 61 new claims during the month of January, 2015. Paula reports that a total of 51 claims were set up and three (3) claims were returned for lack of jurisdiction.

Investigator Jackie Lynch decided 20 claims under \$1,000.00 in January, 2015. Jackie reports that ten (10) of these claims were denied and ten (10) were awarded, for a total amount awarded of \$4,535.15.

At its Board meeting on January 15, 2015, the Board dismissed 12 claims and awarded one (1) claim totaling \$1,148.00. The Board also granted a Motion for Payment for Claim No. BC-1998-133, Gaither Estate v. Ky. State Police, of \$148,787.12, which was ordered to be paid by the Kentucky Supreme Court in August, 2014. (This award was paid on February 6, 2014.)

Together with the claims investigated in-house, the Board dismissed a total of 22 claims and awarded a total of 11 claims for a total amount awarded of \$5,683.15 in January, 2015.

For Instructions From the Board

BC-2014-00390

Aaladin Cleaning Systems vs. Tourism, Arts and Heritage Cabinet / Ky. State Fair Board

Notes: Agreed Order of Dismissal filed.

Counsel's Recommendation: Enter the Agreed Order of Dismissal as agreed by the parties. ✓

BC-2014-00603

David Dawson vs. University of Kentucky

Notes: Agreed Order of Settlement filed.

Counsel's Recommendation: Enter the Agreed Order of Settlement awarding the Claimant \$2,000.00 in settlement of this claim. ✓

BC-2014-00676

James Smith vs. University of Kentucky

Notes: February 19, 2015 -Default Order

Counsel's Recommendation-Rule the Claimant in Default and Dismiss. ✓

BC-2014-00681

Barbara Gardner vs. Tourism, Arts and Heritage Cabinet / Ky. State Fair Board

Notes: February 19, 2015- Default Order

Counsel's Recommendation- Rule the Claimant in Default and Dismiss. ✓

BC-2014-00705

Nicholas Roush vs. University of Kentucky

Notes: Respondent's Answer recommending payment of the full amount claimed.

Counsel's Recommendation: Enter an Order awarding the Claimant \$2,133.92 in damages. ✓

BC-2014-00763

Kristin Johnson vs. Transportation Cabinet / Dept. of Highways

Notes: Respondent's Compliance with the Board's Order to produce a copy of the contract that specifies the contractor is responsible for any damage that occurs in the construction zone.

Counsel's Recommendation: Grant the Respondent's Motion to Dismiss pursuant to KRS 44.073(15). ✓

Full Board Review

BC-2014-00765

Maribeth Lines vs. Transportation Cabinet / Dept. of Highways

Notes: 12/23/14 Board ordered dismissed
1/5/16 Claimant requests FBR. On agenda for 2/19/15.

\$500⁰⁰ Reverse + award

BC-2014-00798

Jeffrey Carpenter vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: 1/22/15 Board ordered dismissed
2/3/15 Claimant requests FBR. On agenda for 2/19/15.

Holdover; Demand to Investigator.

Motions

BC-2014-00708

Lou Raby; Sid Raby vs. Franklin Simpson Board of Education

Notes: Claimants' Motion to Amend, Vacate or Otherwise Correct the Board's Order of 12/18/14 and the Respondent's response filed thereto.

Counsel's Recommendation: Reserve the Claimants' Motion to Amend, Vacate or Otherwise Correct the Board's Order of 12/18/14 and Order the Claimants to brief the issue of individual and/or official immunity within the Board of Claims Act within thirty (30) days. ✓

BC-2014-00748

Jeff Brummett vs. Transportation Cabinet / Dept. of Highways

Notes: Respondent's Answer and Motion to Dismiss referencing contractor involvement in the referenced work zone; no response filed thereto by the Claimant.

Counsel's Recommendation: Order the Respondent to produce a copy of the contract that specifies the contractor is responsible for any damage that occurs in the referenced construction zone. ✓

BC-2014-00761

Harold Eldred vs. University of Kentucky

Notes: Respondent's unopposed Motion to Dismiss.

Counsel's Recommendation: Sustain the Motion to Dismiss for failure to state a claim upon which relief can be granted as dentures are considered part of a person's body and not part of their estate. ✓

BC-2014-00793

Alicia King Tucker, Administratrix of the Estate of James E. King vs. Justice and Public Safety Cabinet / Ky. State Police

Notes: Respondent's unopposed Motion to Hold [claim] in Abeyance pending an associated Whitley Circuit Court action.

Counsel's Recommendation: Enter an Order of Abeyance pending the outcome of the associated Whitley Circuit Court action. ✓

BC-2014-00807

Amy Maynard vs. Justice and Public Safety Cabinet / Ky. State Police

Notes: Respondent's unopposed Motion to Hold Case in Abeyance.

Counsel's Recommendation: Enter an Order requiring the Claimant to file probate documents showing that she has been appointed administratrix of her husband's estate and reserving the Motion to Hold Case in Abeyance. ✓

BC-2014-00809

Teddy Allman vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: Respondent's unopposed Motion to Dismiss.

Counsel's Recommendation: Enter an Order of Dismissal for failure to state a claim upon which relief can be granted. ✓

BC-2014-00833

Rita Fleenor vs. Transportation Cabinet / Dept. of Highways

Notes: Respondent's Response referencing an associated civil action in Pike Circuit Court.

Counsel's Recommendation: Enter an Order requiring the Claimant to file probate documents showing that she has been appointed administratrix of her husband's estate. ✓

Recommended Order

BC-2009-00445

Charles Donaldson vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Braxton Crenshaw's Recommended Findings of Fact, Conclusions of Law and Recommended Order denying payment of the claim.

Counsel's Recommendation: Adopt the recommendation of the hearing officer denying payment of the claim. ✓

BC-2009-00621

Tommy Russell vs. Justice and Public Safety Cabinet / Department of Corrections

Notes: Hearing Officer Mike Wilson's Findings of Fact, Conclusions of Law and Recommended Order denying payment of the claim and the Claimant's exceptions filed thereto.

Counsel's Recommendation: Adopt the recommendation of the hearing officer denying payment of the claim. ✓

BC-2011-00014

Funda Hammonds vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: Hearing Officer Braxton Crenshaw's Findings of Fact, Conclusions of Law and Recommended Order denying payment of the claim and the Claimant's exceptions filed thereto.

Counsel's Recommendation: Adopt the recommendation of the hearing officer denying payment of the claim. ✓

BC-2012-00607

Tyler Simpson vs. Wayne County Board of Education

Notes: Hearing Officer Florence Huffman's Findings of Fact, Conclusions of Law and Recommended Order denying Respondent's Motion for Summary Judgment.

Counsel's Recommendation: Adopt the recommendation of the hearing officer denying Respondent's motion and reassigning the claim to Hearing Officer Jan West for further proceedings. ✓

BC-2013-00139

Gina Grace vs. Transportation Cabinet / Dept. of Highways

Notes: Former Hearing Officer Florence Huffman's Findings of Fact, Conclusions of Law and Recommended Order denying payment of the claim and the exceptions filed thereto by both parties.

Counsel's Recommendation: Adopt the recommendation of the hearing officer denying payment of the claim. ✓

BC-2013-00385

Micah Stillwell vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Jan West's Findings of Fact, Conclusions of Law and Recommended Order denying payment of the claim.

Counsel's Recommendation: Adopt the recommendation of the hearing officer denying payment of the claim. ✓

BC-2013-00398

Nicole Akande vs. Tourism, Arts and Heritage Cabinet / Ky. State Fair Board

Notes: Hearing Officer Jan West's Findings of Fact, Conclusions of Law and Recommended Order awarding \$1,012.90 in damages.

Counsel's Recommendation: Adopt the recommendation of the hearing officer awarding the Claimant \$1,012.90 in damages. ✓

BC-2014-00375

Kory Savage vs. Murray State University

Notes: Hearing Officer Jan West's Findings of Fact, Conclusions of Law and Recommended Order denying payment of the claim.

Counsel's Recommendation: Adopt the recommendation of the hearing officer denying payment of the claim. ✓

BC-2014-00479

Joshua Wagers vs. University of Kentucky

Notes: Hearing Officer Mike Wilson's Recommendation to Dismiss.

Counsel's Recommendation: Adopt the recommendation of the hearing officer dismissing the claim with prejudice. ✓

Total number of Claims: 24
