

## MINUTES

### JOINT COMMITTEE ON SPECIAL CLAIMS AGAINST THE STATE

December 15, 2011  
546-S—Statehouse

#### Members Present

Representative Joe Patton, Chairperson  
Senator Tim Owens, Vice-chairperson  
Senator Terry Bruce  
Senator Kelly Kultala  
Senator Dennis Pyle  
Representative Rob Bruchman  
Representative Bill Feuerborn  
Representative Bob Grant  
Representative Mitch Holmes  
Representative Steve Huebert  
Representative Gregory Smith

#### Members Absent

Senator Ty Masterson  
Representative Phil Hermanson

#### Staff Present

Cindy Lash, Kansas Legislative Research Department  
Dylan Dear, Kansas Legislative Research Department  
Mike Heim, Office of the Revisor of Statutes  
Jason Thompson, Office of the Revisor of Statutes  
Kathy Letch, Committee Secretary  
Deb Burns, Committee Secretary

#### Conferees

Libby Snider, General Counsel, Kansas Department of Corrections  
Patricia Platt, Kansas Department of Revenue  
Edith Martin, Kansas Department of Revenue  
Cindy Mongold, Kansas Department of Revenue  
Leslie Rawlings, Kansas Department of Revenue  
Jenny Deters, Kansas Department of Revenue  
James Bartle, Kansas Department of Revenue  
Terry Presta, Presto Convenience Stores  
Ted D. Ayres, Wichita State University  
Elizabeth Reimer, Office of Judicial Administration  
Cory Cline, Claimant

## Morning Session

Chairperson Patton called the meeting to order.

*Representative Grant moved to approve the minutes of the November 1, 2011, meeting of the Joint Committee on Special Claims Against the State; Representative Holmes seconded the motion; the motion carried.*

Motor Fuel Tax Refunds were submitted by Patricia Platt, Kansas Department of Revenue (Attachment 1). *Representative Grant moved to approve; Representative Holmes seconded the motion; the motion carried.*

The Chairperson introduced Deb Burns, Kansas Legislative Research Department, to the Committee. Ms. Burns will be the Committee's Assistant, taking the place of Kathy Letch, in the coming Interim.

### HEARINGS ON CLAIMS FROM INMATES AT EL DORADO CORRECTIONAL FACILITY

The Chairperson opened the telephone hearings on claims filed by inmates at El Dorado Correctional Facility.

**Claim No. 6379, Claimant, Carl Ritz #74071**  
**v. Respondent, El Dorado Correctional Facility**  
**due to personal injury in the amount of \$500.00**

**Claimant** summarized the claim. He stated a door beside him was opened and shut in a jarring fashion, on his thumb. Claimant went to the clinic and the thumb was found to be broken. It was not an intentional injury, but it was done to get him away from the door. The broken thumb kept him from being able to work. The Claimant stated his thumb has caused him pain while trying to do other jobs in the unit. KDOC seems to think there was ample time for him to react to the door opening and get out of the way.

**Respondent, El Dorado Correctional Facility**  
**represented by Libby Snider, Legal Counsel, Kansas Department of Revenue (KDOC)**

**Respondent** stated the officer mistakenly thought the Claimant was from a different unit and did open the door partially and shut the door. Medical treatment was provided; his healing was complete. The recommendation is this claim be denied.

*Following discussion, the Joint Committee recommended that Claim No. 6379 be denied. (See section captioned "Committee Action and Recommendation.")*

**Claim No. 6382, Claimant, Chase C. Collins #76216**

**v. Respondent, El Dorado Correctional Facility  
due to personal injury in the amount of \$59.75**

**Claimant** summarized the claim. He stated he was playing basketball and his tooth was knocked out. He learned he could get a partial plate to replace the tooth at the cost of \$59.75 and was told it would have to come from his account. He asked if his family could pay the cost; he was told the Deputy Warden would have to approve the process. The Deputy Warden has not responded to the request. Claimant is not in pain or danger by not having the partial; nonetheless, he was incarcerated at the time the tooth was knocked out and should be able to have corrective action taken. KDOC will not allow money from his account to apply to dental work due to the amount of debt he owes in disciplinary fines.

**Respondent, El Dorado Correctional Facility  
represented by Libby Snider, Legal Counsel, Kansas Department of Revenue (KDOC)**

**Respondent** stated the dentures and other dental appliances are routinely provided, if deemed medically necessary. This is not the case with this Claimant. He does owe money due to disciplinary convictions which would have to be paid prior to his account funds being used for elective dental work. The recommendation is this claim be denied.

*Following discussion, the Joint Committee recommended that Claim No. 6382 be denied. (See section captioned "Committee Action and Recommendation.")*

**Claim No. 6384, Claimant, William R. Martin #94441**

**v. Respondent, Hutchinson Correctional Facility  
due to loss of property in the amount of \$565.07**

**Claimant** summarized the claim. He stated that while he was at work, his locker was broken into and his shoes were stolen. About a month later, his belongings were stolen while he was in the clinic. He was then put in segregation. When he was released, he was told that the rest of his belongings had been sent to Lansing Correctional Facility.

**Respondent, Hutchinson Correctional Facility  
represented by Libby Snider, Legal Counsel, Kansas Department of Revenue (KDOC)**

**Respondent** stated the unit team, initially, recommended payment for the shoes. KDOC says the claim is dubious. The recommendation is this claim be denied.

*Following discussion, the Joint Committee recommended that Claim No. 6384 be denied. (See section captioned "Committee Action and Recommendation.")*

**Claim No. 6396, Claimant, Allen Todd #88097**  
**v. Respondent, Lansing Correctional Facility**  
**due to loss of property in the amount of \$250.00**

**Claimant** summarized the claim. He stated he was not allowed to mail out his property, because the facility told him he did not have the funds. He stated he had the funds in his account. KDOC stated the charge for mailing out his property was \$25.00, yet when he checked with the USPO, he found the cost to be \$10.75. Also, his property did not follow him when he was transferred to a different facility, so to expect a visitor to come to a facility where he no longer lived to pick up property was absurd, he stated.

**Respondent, Hutchinson Correctional Facility**  
**represented by Libby Snider, Legal Counsel, Kansas Department of Revenue (KDOC)**

**Respondent** stated his electronics were not allowed to be in his possession due to a drop in Level. The property was not picked up on two occasions, so his property was donated to charity. The recommendation is this claim be denied.

*Following discussion, the Joint Committee recommended that Claim No. 6396 be denied. (See section captioned "Committee Action and Recommendation.")*

**Claim No. 6394, Claimant, Thomas Everson #35695**  
**v. Respondent, Hutchinson Correctional Facility**  
**due to loss of property in the amount of \$50.00**

**Claimant** summarized the claim. He stated he was in segregation, then transferred to a different facility, and put in segregation. He was not allowed to see what property was missing until he got out of segregation at the second facility.

**Respondent, Hutchinson Correctional Facility**  
**represented by Libby Snider, Legal Counsel, Kansas Department of Revenue (KDOC)**

**Respondent** stated the lost property was photographs (deceased family members and a deceased friend). KDOC does not assign any value to photographs; therefore, claimant has not suffered a monetary loss. The recommendation is this claim be denied.

*Following discussion, the Joint Committee recommended that Claim No. 6394 be denied. (See section captioned "Committee Action and Recommendation.")*

**HEARINGS ON CLAIMS FROM  
LANSING CORRECTIONAL FACILITY**

The Chairperson opened the telephone hearings on claims filed by inmates at Lansing Correctional Facility.

**Claim No. 6381, Claimant, Tim Robinson #48436**  
**v. Respondent, Hutchinson Correctional Facility**  
**due to loss of property in the amount of \$207.00**

**Claimant** summarized the claim. He stated his property was confiscated and paperwork placed with the property. He later found that personal photographs were missing; he filed a loss of property claim form and was informed it was being "looked in to." Since then, he has submitted four additional claim forms and was never advised to indicate on the form "resubmit."

**Respondent, Hutchinson Correctional Facility**  
**represented by Libby Snider, Legal Counsel, Kansas Department of Revenue (KDOC)**

**Respondent** stated the claimant possessed more than the allowed number of photographs, so they were confiscated. KDOC assigns no value to photographs. The recommendation is this claim be denied.

*Following discussion, the Joint Committee recommended that Claim No. 6381 be denied. (See section captioned "Committee Action and Recommendation.")*

**Claim No. 6371, Claimant, Wayne L. Morris #41222**  
**v. Respondent, Lansing Correctional Facility**  
**due to personal injury in the amount of \$2,500.00**

**Claimant** summarized the claim. He stated he was denied medical treatment for the last ten years. He really wants the medical treatment, not the money. He wants yard privilege at night.

**Respondent, Lansing Correctional Facility**  
**represented by Libby Snider, Legal Counsel, Kansas Department of Revenue (KDOC)**

**Respondent** stated the claim originally did not have specific medical treatments. The grievance was answered with morning yard privileges. The recommendation was this claim be denied.

*Following discussion, the Joint Committee recommended that Claim No. 6371 be denied. (See section captioned "Committee Action and Recommendation.")*

**Claim No. 6378, Claimant, Kenneth Lee Morris II #37318**  
**v. Respondent, Lansing Correctional Facility**  
**due to property damage in the amount of \$59.00**

**Claimant** summarized the claim. He stated upon returning to his cell after a shakedown, he found the soles of his boots were split from sole to the leather. The boots were roughly six

years old, but in pristine condition, as they had been worn only four or five times. He submitted a property claim and heard nothing further.

**Respondent, Lansing Correctional Facility  
represented by Libby Snider, Legal Counsel, Kansas Department of Revenue (KDOC)**

**Respondent** stated the investigating officer could not corroborate an officer causing the damage to the boots, nor the condition of the boots prior to the search of the cell. The recommendation is the claim be denied, or allowed for no more than \$29.65 due to depreciation.

*Following discussion, the Joint Committee recommended that Claim No. 6378 be denied. (See section captioned "Committee Action and Recommendation.")*

**Claim No. 6387, Claimant, Donald Leonard #97238**

**v. Respondent, Lansing Correctional Facility  
due to loss of property in the amount of \$500.00**

**Claimant** summarized the claim. He stated he purchased a television and owned it for only two months before he was dropped to a lower privilege level where he was not allowed to have electronics. No one told him he had to mail the television out of the facility. His television was then stolen by inmates.

**Respondent, Lansing Correctional Facility  
represented by Libby Snider, Legal Counsel, Kansas Department of Revenue (KDOC)**

**Respondent** stated the Claimant's television was stolen by two inmates (caught on video), one of whom got a disciplinary infraction. Due to the plug being broken off the cord when being yanked from the wall, the television was considered altered and thereby confiscated and destroyed. The recommendation is this claim be denied.

*Following discussion, the Joint Committee recommended that Claim No. 6387 be denied. (See section captioned "Committee Action and Recommendation.")*

**HEARING ON CLAIM FROM  
WINFIELD CORRECTIONAL FACILITY**

The Chairperson opened the telephone hearing on a claim filed by an inmate at Winfield Correctional Facility.

**Claim No. 6392, Claimant, Robert Johnson #55533**  
**v. Respondent, Kansas Department of Corrections (KDOC)**  
**due to personal injury in the amount of \$125,000.00**

**Claimant** summarized the claim. He stated he suffered injuries on a KDOC bus. The bus is not equipped to carry minimum and maximum custody prisoners at the same time. When sitting in his seat, handcuffed and shackled, the bus hit a curve and threw the Claimant from his seat. The medical staff wanted him to stay, his head was hurt (concussion), his neck and back were bleeding, and his knees will need surgery due to tearing of his ligaments. He has a hernia, and his kidneys are stressed as well. He is in pain every day. This claim previously was filed in 2010 and dismissed without prejudice.

**Respondent, Kansas Department of Corrections**  
**represented by Libby Snider, Legal Counsel, Kansas Department of Revenue (KDOC)**

**Respondent** stated the Claimant's medical records were reviewed by multiple KDOC medical personnel, and found nothing remarkable other than a hernia. The recommendation is the claim be denied.

The safety regulations for correctional facility vehicles were reviewed.

*Following discussion, the Joint Committee recommended that Claim No. 6392 be denied. (See section captioned "Committee Action and Recommendation.")*

**HEARINGS ON CLAIMS FROM  
ELLSWORTH CORRECTIONAL FACILITY**

The Chairperson opened the telephone hearings on claims filed by inmates at Ellsworth Correctional Facility.

**Claim No. 6374, Claimant, Abdur Raheem Hazziez, Sr. #74182**  
**v. Respondent, Ellsworth Correctional Facility**  
**due to damage to property in the amount of \$163.30**

**Claimant** summarized the claim. He stated an officer damaged his television. The television should be repaired due to the officer's negligence. After the officer removed the plastic and tape, he knocked the television off the shelf. The television screen no longer worked.

**Respondent, Ellsworth Correctional Facility**  
**represented by Libby Snider, Legal Counsel, Kansas Department of Revenue (KDOC)**

**Respondent** stated the television was dropped during a shakedown. The officer stated the plastic and tape were removed from the television in the Claimant's cell. There is no proof the television was damaged during the shakedown. The recommendation is this claim be denied.

Following discussion, the Joint Committee recommended that Claim No. 6374 be denied. (See section captioned "Committee Action and Recommendation.")

**Claim No. 6388, Claimant, Ryan W. Cox #96107**  
**v. Respondent, Kansas Department of Corrections**  
**due to loss of property in the amount of \$105.00**

**Claimant** summarized the claim. He stated his property was destroyed negligently. He deserves just compensation. His property was supposed to be returned to him, but was destroyed instead. The cost of the paper, copying, postage, and the time to copy the papers are worthy of \$105.00 reimbursement.

**Respondent, Kansas Department of Corrections (KDOC)**  
**represented by Libby Snider, Legal Counsel, Kansas Department of Revenue (KDOC)**

**Respondent** stated the property was supposed to be returned to the Claimant, but was destroyed. KDOC offered to reimburse the Claimant \$2.58; the Claimant denied reimbursement. The recommendation was the claim be denied.

Following discussion, the Joint Committee recommended that Claim No. 6388 be allowed for \$52.50. (See section captioned "Committee Action and Recommendation.")

**HEARING ON CLAIM FROM  
HUTCHINSON CORRECTIONAL FACILITY**

The Chairperson opened the telephone hearing on a claim filed by an inmate at Hutchinson Correctional Facility.

**Claim No. 6393, Claimant, Grant Michael Nixon #95876**  
**v. Respondent, Hutchinson Correctional Facility/KDOC**  
**due to loss of property in the amount of \$29.83**

**Claimant** summarized the claim. He stated he purchased bag of goods from the canteen, placed it under the sink in his cell and went to work. Upon returning to his cell, the goods were missing. Staff knew of problems the Claimant had with other inmates, and still housed him in a cell that was not viewed by video cameras.

**Respondent, Hutchinson Correctional Facility**  
**represented by Libby Snider, Legal Counsel, Kansas Department of Revenue (KDOC)**

**Respondent** stated property is owned at an inmate's own risk. The recommendation is this claim be denied.



Following discussion, the Joint Committee recommended that Claim No. 6393 be denied. (See section captioned "Committee Action and Recommendation.")

## HEARING ON A CLAIM FROM LANSING CORRECTIONAL FACILITY

### **Claim No. 6383, Claimant, Leonard Foster #57096**

**v. Respondent, Lansing Correctional Facility  
due to loss of property in the amount of \$530.13**

**Respondent, Lansing Correctional Facility  
represented by Libby Snider, Legal Counsel, Kansas Department of Revenue (KDOC)**

**Claimant** did not appear for the hearing.

**Respondent** summarized the claim. The Claimant delayed filing a property loss claim in a timely manner. The recommendation is the claim be denied.

Following discussion, the Joint Committee recommended that Claim No. 6383 be denied. (See section captioned "Committee Action and Recommendation.")

## HEARING

### **Claim No. 6380, Claimant, Presta Oil, Inc. and Presto Convenience Stores, LLC**

**v. Respondent, Kansas Department of Revenue (KDOR)  
due to incentive payments owed from Kansas Retail Dealers Incentive Fund in the  
amount of \$482,195.94**

**Claimant, Presta Oil, Inc. and Presto Convenience Stores, LLC  
represented by Terry Presta**

**Claimant** summarized the claim. He stated he had approximately 50 convenience stores across the state and four ethanol plants in the state, costing \$1.5 million. The law was passed in 2007 for an incentive fund to be paid out beginning in 2009 for blending fuel. The Governor recommended the funding be appropriated for other uses in 2008. KDOR told Claimant that the Fund was not appropriated in 2010. Claimant filed on the gallonage he blended. The federal government allows \$0.06 on pre-blended, but he has not included this in his claim. In this claim, he has filed for the second half of 2009 and for 2010.

He applied for federal money from Department of Commerce, but he was cut from that due to the rule, requiring blending be done at the same location. He has not spoken with an attorney at this time as he does not see it as beneficial to sue the state. He has sold 47 stores.

**Respondent, Kansas Department of Revenue**  
**Represented by Leslie Rawlings, Attorney, Kansas Department of Revenue (KDOR)**

**Respondent** stated KDOR was not contesting the claim. Their job is to oversee the disbursement of moneys appropriated to the Fund, but no money has been provided to implement this program. The facts have not been reviewed on this claim by KDOR, since there is no money in the fund. Ms. Rawlings anticipates a flood of claims on this issue, if this claim is granted.

Senator Bruce stated, as he recalled, there was a 2008 appropriation encompassing 2009. The money was appropriated, but never transferred from the Division of Accounts and Reports to the Fund. The Appropriation was made, but the administration did not honor the commitments.

A Committee member asked what kind of floodgates would open since the Claimant was not the only one to invest in a facility like this. The answer was unknown.

Edie Martin, KDOR, stated there are approximately 2,500 retail dealers in the state. Retailers blending the fuel would be due the incentive. There is now pump technology that blends the fuel.

The Chairperson requested the Committee continue the claim to the next meeting and requested a letter be drafted by staff to get clarification, addressed to the Director of Budget as well as to the Department of Revenue, with a copy to the Claimant, Respondent, Chairperson, Vice-chairperson, and Representative Feuerborn. Any member with specific questions should get it to staff immediately, so they are put in the letter. Also, staff should investigate whether there is a statute of limitations on this issue, whether money was appropriated, where the funds went, and whether the Governor had the legal authority to not fund the Fund.

**Claimant** stated there appears to be a two-year statute of limitations, and there would be no flood of claims on the issue. He stated, statutorily, the prorated amount was to be paid each quarter.

*Following discussion, the Joint Committee recommended that Claim No. 6380 be carried over to the next meeting of the Committee. (See section captioned "Committee Action and Recommendation.")*

## **HEARING**

**Claim No. 6395, Claimant, Boulevard Limousine, LLC**  
**v. Kansas Department of Revenue (KDOR)**  
**Refund of sales tax paid in the amount of \$4,958.97**

**Claimant, Boulevard Limousine, LLC**  
**represented by Timothy L. Wiegman, Jr.**

**Claimant** summarized the claim. Upon starting his limousine service, he was unaware he was exempt, as a interstate common carrier, from paying Kansas sales tax on the purchase

of his vehicles. He, therefore, paid the sales tax on his fleet. His claim fell in the one year gap between when the statute of limitations was three years, then changed to one year, then again back to three years, thereby making it unable for KDOR to pay the refund.

When setting up his LLC, he used a Missouri-based attorney who was not aware of the Kansas sales tax exemption. Claimant was made aware of the exemption as a result of to business conferences he attended.

Senator Robert Olson stated he spoke with the KDOR Legislative Liaison, who stated the Claimant was due the moneys.

**Respondent, Kansas Department of Revenue  
Represented by Jenny Deters, Legal Services Bureau, Kansas Department of Revenue  
(KDOR)**

**Respondent** stated the Claimant filed during the one year statute of limitations; now it is three years. KDOR did go back three years when the law changed back, but the Claimant fell just beyond the three years. KDOR does not have the authority to pay the refund; Claimant did pay the tax, so he is entitled to the refund. If the Committee decides to allow this claim, KDOR requests it be paid from the State Sales Tax Refund Fund.

*Following discussion the Joint Committee recommended that Claim No. 6395 be allowed for \$4,958.97 from the State Sales Tax Refund Fund. (See section captioned "Committee Action and Recommendation.")*

## **AFTERNOON SESSION**

The Chairperson reconvened the meeting.

## **HEARING**

**Claim No. 6376, Claimant, Nancy Mayberry  
v. Respondent, Winfield Correctional Facility/KDOC  
due to damage to property in the amount of \$366.49**

**Claimant** did not appear for the hearing. **Cindy Lash**, KLRD, summarized the claim. Claimant's car window was broken by an inmate using a weed eater that caused a projectile to be thrown by the weed eater.

**Respondent, Winfield Correctional Facility/KDOC  
represented by Libby Snider, Legal Counsel, Kansas Department of Revenue (KDOC)**

**Respondent** stated there was no evidence of negligence by any employee of the state or KDOC. All the guards and shields were on the weed eater at all times.

*Following discussion, the Joint Committee recommended that Claim No. 6376 be allowed for \$366.49 from the Department of Corrections. (See section captioned "Committee Action and Recommendation.")*

## HEARING

**Claim No. 6385, Claimant, Cory Cline**  
**v. Respondent, KDOC**  
**due to unlawful incarceration in the amount of \$12,000.00**

**Claimant** summarized the claim. Due to a disciplinary writeup, Claimant's release date was eight days after it should have been. The writeup was expunged, but the information was not passed on. The amount of the claim is based on the Claimant's internet research which listed \$1,500/day for wrongful incarceration.

**Respondent, Kansas Department of Revenue (KDOC)**  
**represented by Libby Snider, Legal Counsel, Kansas Department of Revenue (KDOC)**

**Respondent** stated the radio in the Claimant's possession was not properly engraved, but rather scratched with the inmate number. The Claimant was charged with theft during a disciplinary hearing. There was no forfeiture of good-time credits, instead credits were withheld during Claimant's final review hearing. He had no protected interest in good time credits not awarded. The charge was amended on an appeal to the Secretary and the case was dismissed only because the Claimant had already been released from custody when the matter came up for disciplinary review.

**Claimant** presented a record of the radio being legally in his possession. Not properly registering property is a class 2 charge, which comes with a six-day penalty; so he was still held longer than should have been.

*Following discussion, the Joint Committee recommended that Claim No. 6385 be denied. (See section captioned "Committee Action and Recommendation.")*

## HEARING

**Claim No. 6386, Claimant, Nick and Kristen Greene**  
**v. Respondent, Larned State Hospital**  
**due to loss of property in the amount of \$7,174.17**

**Claimant** summarized her claim. She stated she was wearing her wedding and engagement rings upon being admitted into the hospital. The hospital took custody of the rings, assuring the Claimant that they would be kept in a safe place and returned upon her release. When she was released the rings were missing, but the rest of her personal belongings were presented to her.

**Cindy Lash**, KLRD, stated the Larned State Hospital recommendation was to pay the claim.

*Following discussion, the Joint Committee recommended that Claim No. 6386 be allowed for \$7,174.17. (See section captioned "Committee Action and Recommendation.")*

## HEARING

**Claim No. 6375, Claimant, Michelle Hacker**  
**v. Respondent, Wichita State University**  
**due to personal injury in the amount of \$50,000.00**

**Claimant** did not appear for the hearing. **Cindy Lash**, KLRD, summarized the claim. The Claimant fell on pavement on WSU campus due to ice on the sidewalk; an ambulance was called. Claimant, however, waited for her mother to arrive and take her to the hospital. While waiting, she observed the ambulance crew assisting many other people who fell on the ice. Her leg was broken in the fall. Her claim is due to medical expenses and loss of wages.

**Respondent, Wichita State University**  
**represented by Ted Ayres, VP and General Counsel, Wichita State University**

**Respondent** stated the Claimant fell on campus (public property) and suffered a spiral fracture to her tib-fib. No evidence of negligence has been found on the part of the University. Crews came in early that morning, prior to classes starting, and laid down a salt application and continued applications as necessary throughout the day.

*Following discussion, the Joint Committee recommended that Claim No. 6375 be denied. (See section captioned "Committee Action and Recommendation.")*

## HEARING

**Claim No. 6389, Claimant, Barry W. Manley**  
**v. Respondent, Adjutant General's Department**  
**due to property damage in the amount of \$1,236.61**

**Claimant** summarized his claim. He stated that when he left work and drove through the security gate, the gate shut taking chunks out of the side of his car. He had not swiped his card to activate the gate, as the gate was already open for the vehicle ahead of him. The sensors on the gate were measured after the incident and determined to be too high to properly sense his low-profile vehicle.

**Cindy Lash**, KLRD, summarized the Adjutant General's recommendation to pay the claim in full.

*Following discussion, the Joint Committee recommended that Claim No. 6389 be allowed in the amount of \$1,236.61. (See section captioned "Committee Action and Recommendation.")*

## HEARING

**Claim No. 6377, Claimant, Jeff Loughridge**  
**v. Respondent, Kansas State Fair**  
**due to property damage in the amount of \$1,034.27**

**Claimant** stated his vehicle was damaged in the parking lot of the State Fair. The Fair parking lot trolley took a corner too tight and caught the corner of the Claimant's van. The State Fair General Manager provided him with the claim form to submit for reimbursement.

**Respondent, Kansas State Fair**  
**represented by Denny Stoecklein, General Manager, Kansas State Fair**

**Respondent** stated the Claimant's statement was correct and they do not dispute the amount of the claim. The State Fair would have paid the claim outright, but the claim was just slightly over their \$1,000 authority.

*Following discussion, the Joint Committee recommended that Claim No. 6377 be allowed for \$1,034.27. (See section captioned "Committee Action and Recommendation.")*

*Subsequent to the Joint Committee meeting, the Claimant agreed to accept \$1,000 as full compensation from the Kansas State Fair, and has withdrawn the claim filed with the Joint Committee.*

## HEARINGS

**Claim No. 6390, Claimant, Constant Bidzimou**  
**v. Respondent, Judicial Branch**  
**due to personal injury in the amount of \$250,000.00**

**Respondent, Judicial Branch**  
**represented by Elizabeth Reimer, Office of Judicial Administration**

**Claimant** did not appear for the hearing.

**Respondent** stated the Claimant filed a civil lawsuit which was dismissed without prejudice because he represented himself and failed to follow proper procedure. He appealed, instead of following proper procedure, and lost the appeal. Written opinion was provided stating the claim was insufficient.

Following discussion, the Joint Committee recommended that Claim No. 6390 be denied. (See section captioned "Committee Action and Recommendation.")

**Claim No. 6391, Claimant, Constant Bidzimou**  
**v. Respondent, Judicial Branch**  
**due to personal injury in the amount of \$250,000.00**

**Respondent, Judicial Branch**  
**represented by Elizabeth Reimer, Office of Judicial Administration**

**Claimant** did not appear for the hearing.

**Respondent** stated the Claimant sued his former attorney and lost in both district court and upon appeal after finding no evidence that the courts acted improperly.

Following discussion, the Joint Committee recommended that Claim No. 6391 be denied. See section captioned "Committee Action and Recommendation."

## **REQUEST FOR RECONSIDERATION**

**Claim No. 6324, Claimant, Carla Faye Strong #47663**

**Cindy Lash**, KLRD, summarized the request for reconsideration. The claim was originally filed for mental anguish. Ms. Strong believes she was illegally incarcerated due to double jeopardy. The claim was denied by the Committee on September 15, 2011. The Claimant has submitted a docket entry with her reconsideration request.

Following discussion, there was no motion to reconsider Claim No. 6324.

The meeting was adjourned.

Prepared by Kathy Letch and Deb Burns  
Edited by Cindy Lash and Dylan Dear

Approved by Committee on:

January 24, 2012  
(Date)