

## MINUTES

### JOINT COMMITTEE ON SPECIAL CLAIMS AGAINST THE STATE

December 12, 2024  
Room 582-N—Statehouse

#### **Committee Members Present**

Representative Susan Humphries, Chairperson  
Senator Brenda Dietrich, Vice-chairperson  
Senator Oletha Faust-Goudeau, appointed substitute member to the Committee  
Senator Carolyn McGinn  
Representative Carl Maughan  
Representative Ken Rahjes  
Representative Lindsay Vaughn

#### **Members Absent**

Senator David Haley – Excused

#### **Staff Present**

Mike Ditch, Kansas Legislative Research Department  
Molly Pratt, Kansas Legislative Research Department  
Mike Heim, Office of Revisor of Statutes  
Amelia Kovar-Donohue, Office of Revisor of Statutes  
Nick Myers, Office of Revisor of Statutes  
Jackie Gutierrez, Committee Assistant  
Melissa Lowrey, Committee Assistant

#### **Conferees**

Christine Tortorice, General Counsel, Kansas Department of Corrections (KDOC)  
Darcie Holthaus, Corrections Manager II, Facility Manager Division, KDOC  
Brandon Barrett, General Counsel, State Board of Indigents' Defense Services  
Grant Klise, Staff Attorney, Office of Judicial Administration

**Thursday, December 12  
All-day Session**

**Welcome**

Chairperson Humphries called the meeting to order at 10:18 a.m. Attendance was taken, and it was noted that a quorum was present.

**Claim No. 7412 (CARRYOVER), Claimant: Kendall Golston  
vs. Hutchinson Correctional Facility  
due to property loss in the amount of \$151.18**

Claimant states that when he was released from the restricted housing unit, he went to Admission and Discharge to retrieve his property. He was told that his property was lost as a result of staff negligence. He is claiming reimbursement for a sweat suit, top and bottoms, a micro-USB charger, four 12-packs of soda, and two turbo fans. He has provided some receipts for proof of purchase.

**Respondent, Kansas Department of Corrections (KDOC or Department)  
represented by Christine Tortorice, Legal Analyst, KDOC, and Darcie Holthaus,  
Corrections Manager II, Facility Manager Division, KDOC**

The respondent states that the resident's property of two turbo fans was destroyed because it had been altered. The micro-USB charger was confiscated for belonging to another resident. Mr. Golston has not provided evidence that the other missing items were lost due to staff negligence, therefore the claim should be denied.

*Following discussion, the Committee recommends that Claim No. 7412 be approved for \$30.04 for clothing items from existing agency funds.*

**Claim No. 7428: Wyatt Brown  
vs. Lansing Correctional Facility  
due to property loss in the amount of \$737.75**

The claimant withdrew Claim No. 7428 because of a settlement with KDOC.

**Claim No. 7424: Jefferson Goad  
vs. Hutchinson Correctional Facility  
due to property loss in the amount of \$742.30**

Claimant states that after he was released from segregation, his property, which had been packed up when he was moved, was missing several items. Missing items include a wedding ring, necklace with a pendant, a Dallas Cowboys NFL Shock watch, a Clear Tunes CT-17A AM/FM radio, and a hot pot. He alleges that he was not properly packed up by correctional

officers and was instead packed up by his cellmate. He has provided two witness statements for corroboration.

**Respondent, KDOC**

**represented by Christine Tortorice, Legal Analyst, KDOC**

The respondent states that the correctional officer on duty remembers packing up Mr. Goad's belongings and that there was no staff negligence. She requests the claim be denied.

*Following discussion, the Committee recommends Claim No. 7424 be denied.*

**Claim No. 7425: Tracy Hackney**

**vs. KDOC**

**due to property loss in the amount of \$204.26**

Claimant states that upon release from his cell to take a shower, the correctional officer left his door open. Other residents entered his cell and took his personal items, which included a TV, radio, headphones, headphones extension cord, 6-foot power strip, and a 6-inch state fan. In response to the correctional facility's claim that he is responsible for requesting that his cell door be locked, he stated that residents do not have control over their cell doors, despite the policy. They are only given five minutes to complete their shower once doors are opened. There is not sufficient time to wait for a cell to be locked. To do so would result in missing out on shower time.

**Respondent, KDOC**

**represented by Christine Tortorice, Legal Analyst, KDOC, and Darcie Holthaus, Corrections Manager II, Facility Manager Division, KDOC**

The respondent states it is the responsibility of the resident to request cell doors be closed when they leave. In addition, the claimant's inventory after he exited the rehabilitation program did not include a TV, which he is claiming was stolen. On these grounds, the respondent recommends the claim be denied.

*Following discussion, the Committee recommends that Claim No. 7425 be denied.*

**Claim No. 7420: Robert Blaurock**

**vs. KDOC**

**due to property loss in the amount of \$1,789.00**

Claimant alleges that staff unlocked his cell door and permitted three other inmates who did not reside there to enter while he was absent. They proceeded to steal his possessions and also broke into his locker, which was secured with a combination lock. He provided purchase receipts and registered property receipts to validate his claim.

**Respondent, KDOC**

**represented by Christine Tortorice, Legal Analyst, KDOC**

The respondent states that video footage during the time the resident was absent does not show inmates removing property from the cell. The Department recommends that the claim be denied.

*Following discussion, the Committee recommends the claim be carried over in order to allow KDOC to provide additional documentation, including receipts and inventory sheets.*

**Claim No. 7423: Henry Scott**

**vs. Ellsworth Correctional Facility  
due to property loss in the amount of \$93.59**

Claimant states that facility staff lost his property when he was packed out to restrictive housing.

**Respondent, KDOC**

**represented by Christine Tortorice, Legal Analyst, KDOC**

The respondent states that as a result of a fight that took place in the resident's cell, several fans, including the property in the claim, were broken and therefore would not have been returned. The Department recommends the claim be denied.

*Following discussion, the Committee recommends that Claim No. 7423 be denied.*

**Claim No. 7429: Franklyn Harrison**

**vs. Ellsworth Correctional Facility  
due to property loss in the amount of \$63.04**

Claimant states staff neglect for failing to mail his shoes to the correct postal address. Claimant provided tracking information showing the shoes had been delivered to the wrong address.

**Respondent, KDOC**

**represented by Christine Tortorice, Legal Analyst, KDOC, and Darcie Holthaus,  
Corrections Manager II, Facility Manager Division, KDOC**

The respondent states the facility mailed the package to the address provided by the claimant and no error was committed by the Department. The Department recommends the claim be denied.

*Following discussion, the Committee recommends that Claim No. 7429 be approved for \$50 from existing agency funds.*

## Lunch

The Committee adjourned for lunch at 12:45 p.m. and reconvened at 1:57 p.m.

**Claim No. 7422: Clerkin, Sinclair, & Mahfouz, LLP o/b/o USAA Casualty Insurance Company a/s/o Breanna L. Heilig**  
**vs. Kansas Department for Children and Families**  
**due to property loss in the amount of \$2,479.53**

The claimant withdrew Claim No. 7422.

**Claim No. 7371 (Review): Hillside Village, LLC**  
**vs. Kansas Department for Aging and Disability Services and Kansas Department of Health and Environment**

The representative for Hillside Village, LLC had requested that the payment be mailed to his personal address instead of a business address due to the sale of the business. The new owners did not assume any previous debts or claims. The Committee had notified the claimant to provide documentation that either (a) the new owners agreed to payment being mailed to a personal address or (b) that he provide a letter from his attorney stating that the change of address is appropriate.

The Committee received a copy of the sales contract, which includes this claim under the Excluded Assets provision. However, only the seller's signature is on the contract, not the new owner's signature.

*Following discussion, the Committee recommends the claim be sent to the claimant's personal address pending written acknowledgment from the buyers that they have no right to payment. If documentation is not received, payment will not be included in appropriations bill in the coming year.*

**Claim No. 7416 (CARRYOVER): Michael White**  
**vs. El Dorado Correctional Facility**  
**due to property damage in the amount of \$325.00**

The claimant withdrew Claim No. 7416 because of settlement with KDOC.

**Claim No. 7419 (CARRYOVER): Dexter Robinson**  
**vs. Lansing Correctional Facility**  
**due to property loss in the amount of \$499.97**

Claim No. 7419 was carried over from the October 24, 2024, meeting to allow KDOC time to investigate the claim. The resident alleges that another resident stole from and extorted him.

**Respondent, KDOC**

**represented by Christine Tortorice, Legal Analyst, KDOC, and Darcie Holthaus, Corrections Manager II, Facility Manager Division, KDOC**

The respondent states the claimant did not make any allegation of staff negligence regarding the incident. Residents own property at their own risk and must prove staff negligence to succeed in property claim. The Department recommends the claim be denied.

*Following discussion, the Committee recommends that Claim No. 7419 be paid in the amount of \$100.00 from existing agency funds.*

**Claim No. 7418: Anthony Martinez**

**vs. KDOC**

**due to property loss in the amount of \$228.00**

The claimant states that in 2022 he was awarded \$260 for a property claim but was only paid \$12.79. He is requesting the remainder of the payment.

**Respondent, KDOC**

**represented by Christine Tortorice, Legal Analyst, KDOC**

The respondent states there is no existing record that supports the claim. The respondent states the claimant has never submitted a claim to the Secretary of Corrections' office, he was not awarded \$260, nor was he paid \$12.79. The respondent noted that the claimant did fill out a property claim in January 2022 and that claim was denied for a lack of staff negligence.

*Following discussion, the Committee recommends that Claim No. 7418 be denied.*

**Claim No. 7421: Glendal Rider**

**vs. El Dorado Correctional Facility**

**due to property loss in the amount of \$234.00**

The claimant state he lost 3,900 minutes of earned credits from an educational incentive program for use on resident tablets. While his credits were removed, other residents who also had their credits removed subsequently had them restored.

**Respondent, KDOC**

**represented by Christine Tortorice, Legal Analyst, KDOC, and Darcie Holthaus, Corrections Manager II, Facility Manager Division, KDOC**

The respondent states that due to a software glitch in the third-party education program, residents were disproportionately earning more credits than they should have. The claimant did not suffer financial harm from this error.

*Following discussion, the Committee recommends that Claim No. 7421 be denied.*

## **Approval of Minutes from October Meetings**

The Committee reviewed minutes from the October 23 and October 24, 2024, meetings.

*Senator McGinn motioned to approve the minutes. Representative Maughn seconded. The motion carried.*

### **Claim No. 7426: Patrick Lynn**

**vs. KDOC**

**due to property loss in the amount of \$250,000.00**

The claimant states that his property was destroyed by staff. Property included documents, electronics, and hygiene products.

### **Respondent, KDOC**

**represented by Christine Tortorice, Legal Analyst, KDOC**

The respondent states the claimant has provided no proof for his allegations and has a history of destroying his property and blaming staff. In addition, he has not exhausted other administrative remedies available to him. The Department recommends the claim be denied.

*Following discussion, the Committee recommends that Claim No. 7426 be denied.*

### **Claim No. 7427: Grant Nixon**

**vs. El Dorado Correctional Facility**

**due to property loss in the amount of \$309.10**

The claimant states his cellmate and other inmates extorted him and stole his personal property. He asked to be put in protective custody as a result. Later, when his property had been packed up and returned to him, he noticed several items missing. He alleges that staff were negligent by allowing others besides his cellmate into his cell.

### **Respondent, KDOC**

**represented by Christine Tortorice, Legal Analyst, KDOC**

The respondent states that residents own property at their own risk. There is no proof offered that staff were negligent. In addition, the claimant should first exhaust administrative remedies that are available to him.

*Following discussion, the Committee recommends that Claim No. 7427 be denied without prejudice according to Rule 2.*

**Claim No. 7430: Brennan Tass**

**vs. State Board of Indigent's Defense Services (BIDS) and Kansas 27th Judicial District (Judicial Branch)  
due to personal injury in the amount of \$750,000.00**

Claimant is requesting restitution and compensation for personal injury and loss due to his conviction for murder being overturned.

**Respondent**

**represented by Brandon Barrett, General Counsel, BIDS, and Grant Klise, Staff Attorney, Office of Judicial Administration**

Mr. Barrett stated there is no validation for this claim nor jurisdiction for the Committee to hear this claim. BIDS did nothing improper as the Court had the authority to allow the claimant to defend himself. BIDS did not make that determination. The respondent also states it is their opinion that there are other judicial remedies for the claimant to pursue depending on the outcome of his case. The respondent requests the claim be denied.

Mr. Klise was in agreement that the claimant had not exhausted administrative or legal remedies. There has been a new trial date set, making this claim premature. The respondent states that if the claimant should be proven innocent, there are other avenues that can be pursued before the claim should appear before the Committee. The Judicial Branch recommends to deny without prejudice.

*Following discussion, the Committee recommends that Claim No. 7430 be denied without prejudice.*

*It is noted that Representative Maughn abstained from voting due to a conflict of interest.*

**Committee Recommendations**

A representative of the Office of Revisor of Statutes recommended that the Committee add language to current statute KSA 46-920 that inmates filing a claim over \$500 with the Committee would give notice to the KDOC. It was noted that KDOC does not need to sign off on the claim, but the change would give KDOC the ability to investigate a claim before it is heard by the Committee.

At the meeting on October 23, the Committee made a recommendation to raise the amount that KDOC can pay without having the resident come before the Committee from \$500 to \$750.

Senator Faust-Goudeau recommended that KDOC establish a procedure for inmate-on-inmate crime for seeking restitution or provide the Committee with direction on how to handle these claims.

## **Committee Summary**

The Committee awarded three claims for a total of \$180.04 against the KDOC in the December 12, 2024 meeting. The total approved by the Committee for the 2024 Interim is \$6,430.04.

A letter of request has been sent to the Department of Administration to provide a report on payment of claims for the Budget Appropriations bill. For claims awarded during the 2023 interim, all but two of the eight claims have been paid. The two that were not paid were due to the claimants refusing payment.

## **Adjournment**

The Chairperson adjourned the meeting at 4:56 p.m.

Prepared by Jackie Gutierrez

Edited by Mike Ditch and Molly Pratt

Approved by the Committee on:

August 12, 2025  
(Date)