

## ARKANSAS STATE CLAIMS COMMISSION

### November 2022 Minutes

The Arkansas State Claims Commission (the “Commission”) scheduled hearings for November 17–18, 2022. These hearings were held via Zoom. The following members of the Commission were present:

Courtney Baird  
Paul Morris, Chair  
Sylvester Smith

#### Hearings scheduled for November 17, 2022

1. ***Rahsaan Taylor v. Arkansas Division of Correction***, Claim No. 191109. Claimant filed his claim seeking damages related to Respondent’s alleged failures to refund money to Claimant’s inmate account. At the claim hearing, Claimant proceeded *pro se*, and Thomas Burns appeared on behalf of Respondent. Based upon a review of the claim file, the testimony and evidence presented, and the law of the State of Arkansas, the Claims Commission awarded Claimant \$20.00 for unauthorized pizza charges and denied and dismissed Claimant’s other claims for damages.
2. ***Tyler Klingensmith v. Arkansas Division of Correction***, Claim No. 210664. Claimant filed his claim seeking damages related to lost property. At the status conference, Claimant proceeded *pro se*, and Thomas Burns appeared on behalf of Respondent. The parties discussed the status of discovery, where Respondent agreed to provide inventory records to Claimant within 30 days. The Commission also directed Claimant to file a motion if there are any discovery disputes.
3. ***Paul Harris v. Arkansas Division of Correction***, Claim No. 211138. Claimant filed his claim seeking damages related to lost property. At the hearing on Respondent’s motion to deem admitted, Claimant proceeded *pro se*, and Thomas Burns appeared on behalf of Respondent. Based on a review of the claim file, the motion, Claimant’s response, and the law of the State of Arkansas, the Claims Commission denied Respondent’s motion as moot but allowed Respondent leave to file another motion to deem admitted once Respondent had an opportunity to review the content of Claimant’s responses to the requests for admission.
4. ***Harry Andrews v. Arkansas Division of Correction***, Claim No. 220089. Claimant filed his claim seeking damages for the unclear copies of family photographs made by Respondent. At the hearing on Respondent’s motion to deem admitted, Claimant proceeded *pro se*, and Thomas Burns appeared on behalf of Respondent. Based on a review of the claim file, the motion, Claimant’s response, and the law of the State of Arkansas, the Claims Commission denied Respondent’s motion as moot but allowed Respondent leave to file another motion to deem admitted once Respondent had an opportunity to review the content of Claimant’s responses to the requests for admission.
5. ***Ricky Jones v. Arkansas Division of Correction***, Claim No. 190802. Claimant filed his claim seeking damages related to lost property. At the hearing on Respondent’s motion to deem admitted, Claimant proceeded *pro se*, and Thomas Burns appeared on behalf of Respondent. Based on a review of the claim file, the motion, and the law of the State of Arkansas, the Claims Commission granted Respondent’s motion as to Requests for Admission Nos. 5 and 7.

#### Hearings scheduled for November 18, 2023

1. ***Howard Togo Wood Jr. v. Arkansas Parole Board***, Claim No. 220529. Claimant filed his claim seeking damages related to an alleged breach of policy by Respondent in denying Claimant transfer to the Arkansas Community Correction reentry program. At the hearing on Respondent’s motion to dismiss, Claimant proceeded *pro se*, and Brittany Edwards appeared on behalf of Respondent. Based on a review of the claim file, the motion, Claimant’s response,

and the law of the State of Arkansas, the Claims Commission granted Respondent's motion and denied and dismissed Claimant's claim.

2. ***David Chaloupka v. Arkansas Department of Transportation***, Claim No. 220804. [parties came to agreement about amount owed prior to hearing, so claim not heard]
3. ***James Smith Jr. v. Arkansas Department of Transportation***, Claim No. 220767. [Claimant withdrew claim prior to hearing, so claim not heard]
4. ***Brandon Reeves v. Arkansas Department of Transportation***, Claim No. 220644. Claimant filed his claim seeking damages \$1,000.00 in damages related roadway paint on Claimant's vehicle. At the claim hearing, Claimant did not appear. Respondent's counsel was also present. Following confirmation by Commission staff that notice of the hearing was emailed to Claimant on June 28, 2022, at the email address provided by Claimant on the complaint form, the Commission unanimously dismissed Claimant's claim without prejudice for failure to prosecute.
5. ***Tanya Gardner v. State of Arkansas***, Claim No. 230008. Claimant filed her claim seeking death benefits related to the death of Deputy James Gardner. At the claim hearing, Claimant proceeded *pro se*, and Brooks White appeared on behalf of Respondent. Based upon a review of the claim file, testimony of the witness, and the law of the State of Arkansas, the Claims Commission awarded Claimant \$50,000.00 in death benefits pursuant to Ark. Code Ann. § 21-5-704(a)(1)(A) and \$150,000.00 in additional benefits pursuant to Ark. Code Ann. § 21-5-705(a)(1)(B)(i). As the surviving spouse, the Claims Commission also found that Claimant was entitled to scholarship benefits pursuant to Ark. Code Ann. § 6-82-501, *et seq.*
6. ***Lori Braun, as administratrix of the Estate of Cassandra Braun v. Arkansas State Police***, Claim No. 190497, and ***Lavon Perry, as the personal representative of the Estate of Tavon Jenkins, deceased v. Arkansas State Police***, Claim No. 200290. Claimants filed these claims related to a motor vehicle accident involving one of Respondent's vehicles and a vehicle driven by Tavon Jenkins with Cassandra Braun as passenger. At the hearing on Claimant's motion for partial summary judgment and Respondent's amended cross-motion for summary judgment, Tiffany Mays O'Guinn appeared on behalf of Claimant Braun, Paul J. James and Andrew C. Clarke appeared on behalf of Claimant Perry, and Vincent P. France appeared on behalf of Respondent. Based upon a review of the motions and responses, the argument of the parties, and the law of the State of Arkansas, the Claims Commission granted Claimant's motion for partial summary judgment in part and denied Respondent's amended cross-motion for summary judgment. The Claims Commission also stated that Claim No. 190497 will be the claim number for this consolidated claim.
7. (Other Agency Business) The Commission reviewed and approved the entry of proposed orders numbered 1–70 on the attached list without discussion.

This completed all of the business on the November 2022 Commission docket.



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**Kathryn Irby, Director**

Date: April 22, 2023

## November 2022

<u>Dropbox No.</u>	<u>Claim No.</u>	<u>Claimant</u>	<u>Agency</u>
1	230292	Haywood	AOC
2	230085	James d/b/a Red Eye Supply	ArDOT
3	220557	McCulley	ADC
4	221100	McKinney	ADC
5	221444	Weaver	ADC
6	230475	Davis	ArDOT
7	210496	Baker	Ark. School for the Deaf
8	191180	Kincheloe	ArDOT
9	220505	Pooh	ADC
10	221385	Washington	ADC
11	210670	Jackson	ADC
12	220767	Smith	ArDOT
13	230643	Carmickle	ADC
14	230530	Young	UAMS
15	221535	Aaron	ADC
16	200071	Sievers	ADC
17	230450	Crawford-Sebastian County Development Council	ADEQ
18	230353	NWA Builders	DFA
19	230161	Elder	DHS
20	230350	Jones	DHS
21	221188	Gentry	ArDOT
22	230287	Slagle	ArDOT
23	230295	Gumban	ArDOT
24	230454	King	ArDOT
25	230333	Kunz	ArDOT
26	230411	Stover & Stover	ArDOT
27	230229	Sabella	ArDOT
28	230134	Way	ArDOT
29	230177	Wiley	ArDOT
30	230223	Haataja	ArDOT
31	230217	Gookin	ArDOT
32	230228	Lynch	ArDOT
33	23032	Gaiter	ArDOT
34	230403	Garrett	ArDOT
35	230393	Givens	ArDOT
36	230202	Hicks	ArDOT
37	230329	Mathis & Mathis	ArDOT
38	230234	Costello & Tape	ArDOT
39	230334	Reese	ArDOT

40	230160	American Leak Detection	ArDOT
41	230522	Maxwell	UAMS
42	230070	Browder	UAMS
43	230383	Cotton	UAMS
44	230382	Freyer	UAMS
45	230468	McBride	UAMS
46	230531	Newman	UAMS
47	230317	Shelly	UAMS
48	220476	Westbrook	UAMS
49	230433	Wood	UAMS
50	230530	Young	UAMS
51	230572	Miller	UAMS
52	230375	Moore	Ark. Dept. of Career and Tech. Educ.
53	230463	Almaraz	DFA
54	230491	Banes & Banes	DFA
55	230559	Cody	DFA
56	230210	Hobbs & Hobbs	DFA
57	230561	Jones	DFA
58	230303	Mendia & Serrano	DFA
59	230352	NWA Builders	DFA
60	230490	Richardson	DFA
61	230465	Scarlett & Scarlett	DFA
62	230466	Scarlett & Scarlett	DFA
63	230603	Snowden	DFA
64	221542	Hooper	ADC
65	23012 .	Richardson	ADC
66	221062	Pierce	ADC
67	230093	Sanders	SOA
68	190943	Greek	SOA
69	230475	Davis	ArDOT
70	220804	Chaloupka	ArDOT