

## ARKANSAS STATE CLAIMS COMMISSION

### May 2022 Minutes

The Arkansas State Claims Commission (the “Claims Commission”) held hearings on May 12, 2022. These hearings were held via Zoom.

The following claims were heard by Commissioners Courtney Baird, Dexter Booth, and Paul Morris (chair):

- ***James Construction Group, LLC v. Arkansas Department of Transportation and Arkansas State Highway Commission***, Claim No. 200115. Claimant filed the instant claim against Respondents seeking damages for breach of contract. At the hearing on Claimant’s motion for attorney’s fees, Jack East appeared on behalf of Claimant, and Trella A. Sparks appeared on behalf of Respondent. Based upon a review of the motion, the argument of the parties, and the law of the State of Arkansas, the Claims Commission GRANTED Claimant’s motion and AWARDED Claimant \$24,120.00 in attorney’s fees.
- ***Brian R. Stack v. Arkansas Department of Transportation***, Claim No. 220970. Claimant filed the instant claim against Respondent related to damage to Claimant’s vehicle caused by a pothole. At the hearing on Respondent’s motion to dismiss, Claimant proceeded *pro se*, and Trella A. Sparks appeared on behalf of Respondent. Based upon a review of the motion, the argument of the parties, and the law of the State of Arkansas, the Claims Commission placed the claim IN ABEYANCE for a period of 90 days to allow Claimant to exhaust his remedies against the contractor.
- ***Kenena Pelfrey v. Arkansas Department of Transportation***, Claim No. 220574. Claimant filed the instant claim against Respondent related to damage to Claimant’s home caused by a landslide. At the hearing on Respondent’s motion to dismiss, Dylan Botteicher appeared on behalf of Claimant, and Trella A. Sparks appeared on behalf of Respondent. Based upon a review of the motion, Claimant’s agreement to amend the complaint, the Claims Commission gave Claimant two weeks from the date of the Order to amend her complaint and DENIED Respondent’s motion as moot.
- ***Davey Rhyne v. Prosecuting Attorney for the Fourteenth Judicial District***, Claim No. 220317. Claimant filed the instant claim against Respondent related to unpaid towing and storage charges. At the hearing on Respondent’s motion to dismiss, Aaron Martin appeared on behalf of Claimant, and Julius Gerard appeared on behalf of Respondent. Based upon a review of the motion, the argument of the parties, and the law of the State of Arkansas, the Claims Commission HELD the motion and directed the parties to provide additional information about how a towing company is typically paid when forfeiture proceedings are initiated in conjunction with the seizure of property. The Claims Commission requested that such information be submitted within 30 days.

On April 13, 2022, the following claims were heard by Commissioners Dexter Booth, Henry Kinslow, and Paul Morris (chair):

- ***Andrew Walker v. Arkansas Division of Correction***, Claim Nos. 210002 and 210227. Claimant filed the instant claims against Respondent alleging that one of Respondent’s employees failed to secure Claimant’s unit, such that a group of inmates were able to attack Claimant. Claim No. 210002 was in discovery, and Claim No. 210227 were dismissed on February 17, 2022, following a hearing on Respondent’s motion to dismiss. At the hearing on Claimant’s motion for reconsideration in Claim No. 210227, as well as Respondent’s motions to strike, Claimant proceeded *pro se*, and Thomas Burns appeared on behalf of Respondent. Based upon a review of the motions, the pleadings in both claims, the argument of the parties, and the law of the State of Arkansas, the Claims Commission consolidated both claims as Claim No. 210002 and placed the consolidated claim IN ABEYANCE pending resolution of Claimant’s federal § 1983 lawsuit.

- ***Tachany Evans v. Arkansas Department of Finance and Administration***, Claim No. 220048. Claimant filed the instant claim against Respondent related to suspension of Claimant's vehicle registration. At the hearing on Claimant's claim, Claimant proceeded *pro se*, and Taylor Skipper appeared on behalf of Respondent. At the beginning of the hearing, Claimant stated that she would like to dismiss her claim without prejudice. As such, pursuant to Ark. R. Civ. Proc. 41(a), the Claims Commission DISMISSED Claimant's claim WITHOUT PREJUDICE.
- ***Danny Myers v. Arkansas Department of Finance and Administration***, Claim No. 220341. Claimant filed the instant claim against Respondent seeking damages related to a lien issue. At the hearing on Respondent's motion to dismiss, Claimant did not appear. Bradley Young appeared on behalf of Respondent. Based upon Claimant's failure to appear, the Claims Commission DISMISSED Claimant's claim for failure to prosecute.
- ***Marsha Frazier, as Administratrix of the Estate of Marshall Frazier Jr. v. University of Arkansas for Medical Sciences***, Claim No. 191008. Claimant filed the instant claim against Respondent seeking damages related to the death of Mr. Frazier. At the hearing on pending motions, Claimant proceeded *pro se*, and Sherri L. Robinson appeared on behalf of Respondent. Based upon a review of the motions, the argument of the parties, and the law of the State of Arkansas, the Claims Commission DISMISSED Claimant's claim WITH PREJUDICE, finding that Claimant's original claim filing and *pro se* filings as administratrix of Mr. Frazier's estate were nullities and that the statute of limitations has expired.

Another matter was initially set for hearing in May (*Greg Gasaway and Lance Gasaway d/b/a G&L Gasaway Farms v. Arkansas Division of Correction*, Claim No. 211352). However, prior to the hearing date, this claim was resolved and removed from the docket.

This completed all of the business on the May 2022 Claims Commission docket.



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**Kathryn Irby, Director**

Date: May 26, 2022