

ARKANSAS STATE CLAIMS COMMISSION

December 2022 Minutes

The Arkansas State Claims Commission (the “Claims Commission”) held hearings on December 15–16, 2022. The following members of the Claims Commission were present:

Dexter Booth
Henry Kinslow, chair
Sylvester Smith

Hearings scheduled for December 15, 2022

1. ***Amy Graves and Johnny Graves v. Arkansas Department of Parks and Tourism***, Claim No. 220349. Claimants filed the instant claim against Respondent seeking \$1,000.00 in damages related to the presence of bed bugs in a yurt at Petit Jean State Park. At the hearing, Claimants appeared *pro se*, and Patricia VanAusdall Bell appeared on behalf of Respondent. Based upon a review of the pleadings, the witness testimony and evidence presented, the argument of the parties, and the law of the State of Arkansas, the Claims Commission unanimously awarded Claimant \$1,000.00 in damages.
2. ***Travis Fowler v. Arkansas Department of Transportation***, Claim No. 221065. Claimant filed the instant claim against Respondent related to Claimant’s vehicular property damage. At the hearing on Respondent’s motion to dismiss, Claimant appeared *pro se*, and Evin E. Walker appeared on behalf of Respondent. Based on 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 to allow Claimant to exhaust his insurance remedies pursuant to Ark. Code Ann. § 19-10-302(a).
3. ***Jason Stamps v. Arkansas Department of Transportation***, Claim No. 221200. Claimant filed the instant claim against Respondent related to Claimant’s vehicular property damage. At the hearing on Respondent’s motion to dismiss, Claimant appeared *pro se*, and Evin E. Walker appeared on behalf of Respondent. Based on a review of the motion, the argument of the parties, and the law of the State of Arkansas, the Claims Commission granted Respondent’s motion and dismissed Claimant’s claim without prejudice.
4. ***Gregory Avery v. Arkansas Department of Transportation***, Claim No. 221133. Claimant filed the instant claim against Respondent regarding lost personal property. At the hearing, Claimant did not appear. Respondent’s counsel was present. Following confirmation by Claims Commission staff that notice of the hearing was emailed to Claimant at the email address provided by Claimant, the Claims Commission unanimously dismissed Claimant’s claim without prejudice for failure to prosecute.
5. ***Aaron Slater v. Arkansas Department of Transportation***, Claim No. 221241. Claimant filed the instant claim against Respondent regarding lost personal property. At the hearing, Claimant did not appear. Respondent’s counsel was present. Following confirmation by Claims Commission staff that notice of the hearing was emailed to Claimant at the email address provided by Claimant, the Claims Commission unanimously dismissed Claimant’s claim without prejudice for failure to prosecute.
6. ***Aaron Ray v. Arkansas Department of Transportation***, Claim No. 230379. Claimant filed the instant claim against Respondent related to Claimant’s vehicular property damage. At the hearing on Respondent’s motion to dismiss, Claimant appeared *pro se*, and Evin E. Walker 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 Respondent’s motion and dismissed Claimant’s claim without prejudice.

The following claims were heard by the Claims Commission on December 16, 2022:

1. ***West Plains Bridge & Grading, for the use and benefit of Hayes Drilling, Inc. v. Arkansas Department of Transportation***, Claim No. 200360. Claimant filed the instant claim against Respondent seeking damages related to Respondent's alleged breach of contract. At the hearing, Patrick D. Wilson appeared on behalf of Claimant, and Trella A. Sparks and J.D. Wilkins appeared on behalf of Respondent. Based upon a review of the pleadings, the witness testimony and evidence presented, the argument of the parties, and the law of the State of Arkansas, the Claims Commission unanimously awarded Claimant damages totaling \$562,893.28, representing labor costs, equipment and tooling, drill teeth consumed, tooling repair expenses, vehicle costs, rental equipment, consulting fees, reimbursed liquidated damages, and attorney's fees and costs. The Claims Commission denied any other claimed damages. Due to the amount of the award, the Claims Commission referred this award to the Arkansas General Assembly for review, approval, and placement on an appropriation bill pursuant to Ark. Code Ann. § 19-10-215(b).
2. (Other Agency Business) The Commission reviewed and approved the entry of proposed orders numbered 1–40 and 42–97 on the attached list without discussion.

This completed all the business on the December 2022 Claims Commission docket.



Kathryn Irby, Director

Date: March 9, 2023

December 2022

<u>Dropbox No.</u>	<u>Claim No.</u>	<u>Claimant</u>	<u>Agency</u>
1	221206	Gardner	SOA
2	230175	Jackson	SOA
3	230224	Estwick	ARDOT
4	201133	Peikert	ARDOT
5	230659	Avery	ADC
6	220958	Williams	SOA
7	221240	Fuller	ARDOT
8	221327	Grayer	ARDOT
9	221325	Jones	ARDOT
10	221092, 221447	James	ADC
11	221357	McGuire	ARDOT
12	211244	Jarrett	ASP
13	211373	Easley	ASP
14	221428	Fillmore	ADE
15	221426	Coleman	ARDOT
16	221256	De'Reese	ARDOT
17-32 and 34-40 and 43 included orders in the following			
	221411	Pettus	ARDOT
	221414	Ramsey	ARDOT
	221419	Gray	ARDOT
	221422	Williams	ARDOT
	221423	Daniels	ARDOT
	220533	Hovezak	ARDOT
	210706	McGee	ARDOT
	230089	Harris	ARDOT
	221238	Mosley	ARDOT
	221043	Entergy	ARDOT
	221429	Fillmore	Office of the Governor
	230688	Smith	ADC
33	221160	Laughlin	ADC
41	[pulled prior to hearing]		
42	230602	Stephenson	SOA
44	230428	Tewalt	ARDOT
45	230316	Paullin	ARDOT
46	230429	Guest	ARDOT
47	230435	Hockaday	ARDOT
48	230339	Fowler	ARDOT
49	230424	Martin	ARDOT
50	230540	Vines	ARDOT
51	230296	Durham	UAMS
52	230722	Anderson	UAMS
53	230742	Wray	UAMS
54	230667	Wegener	UAMS

Exhibit A

55	230551	J A Riggs	UALR
56	230301	American Air	DFA-CIT
57	221210	Rocket Software	DFA-CIT
58	220892	Farmers Oil	ADC
59	230460	Orthopaedic Clinic	AID
60	230678	Everette	DFA
61	230156	Horne & Horne	DFA
62	230707	Irwin & Irwin	DFA
63	230618	McCarthy Partners	DFA
64	230308	Medford & Medford	DFA
65	230708	Purifoy	DFA
66	230208	Robinson	DFA
67	230680	Stewart & Stewart	DFA
68	230560	Thomas & Thomas	DFA
69	221261	Marbles	ARDOT
70	221323	Williams	ARDOT
71	221459	Price	ARDOT
72	200048	Rutherford	ARDOT
73	200355	Dupree	ARDOT
74	200426	Dammann	ARDOT
75	220175	Leach	ADPC
76	221437	Johnson	ARDOT
77	220041, 220042	Clines	ADH & DC
78	221326	Rivera	ASCC
79	221429	Fillmore	GOV
80	221514	Lutz	ATU
81	221536	Baggies	ARDOT
82	221408	Vancuren	ADPT
83	221537	Griffin	ARDOT
84	230007	Hollowell	ARDOT
85	221531	Brockert	ARDOT
86	230367	Brinkley	ARDOT
87	221265	Williams	ARDOT
88	230778	Ellis	ADC
89	221441	Hollowell	ARDOT
90	221506	Hoyle	ARDOT
91	221498	Thomas	ARDOT
92	221519	Harris	DHS
93	230025	Fair	ARDOT
94	221243	Squires	ARDOT
95	230009	Howard	ARDOT
96	221546	Van Prooyen	ARDOT
97	210910	Smith	UA