

ARKANSAS STATE CLAIMS COMMISSION

May 2024 Minutes

The Arkansas State Claims Commission (the “Commission”) held hearings on May 9–10, 2024 via Zoom.

Hearings scheduled for May 9, 2024

The following members of the Commission were present:

Solomon Graves
Dee Holcomb
Henry Kinslow, chair

1. ***Simmons Bank v. Ark. Dept. of Finance and Admin.***, Claim No. 240114. Claimant filed this claim alleging that Respondent erred in issuing a title to a third party without listing Claimant’s lien. At the hearing on the parties’ motions for summary judgment, Charles T. Coleman and Collins Hickman appeared on Claimant’s behalf, and Caroline Bednar and Brad Young appeared on behalf of Respondent. Upon review the claim file, the argument of the parties, and the law of the State of Arkansas, the Commission found that the claim should be placed in abeyance for 180 days to allow Claimant to pursue its options through circuit court for enforcement of its order of delivery. In light of the abeyance, the Commission declined to rule on the motions for summary judgment at this time.

Additional hearings scheduled for May 9, 2024

The following members of the Commission were present:

Dee Holcomb
Henry Kinslow
Paul Morris, chair

1. ***Kimberly Brown v. Ark. Cmty. Corr.***, Claim No. 240689. Claimant filed this claim seeking attorney’s fees from her circuit court litigation. At the hearing on Respondent’s motion to dismiss, Scott P. Richardson appeared on Claimant’s behalf, and Christine Cryer appeared on behalf of Respondent. Prior to the hearing, Claimant’s counsel notified the Commission that the parties had reached a settlement. At the hearing, Claimant’s counsel confirmed that the parties had agreed to settle this matter for \$15,000 and that Claimant’s counsel would be seeking approval of this settlement agreement from the probate court. The Commission voted unanimously to place this claim in abeyance for 90 days to allow Claimant time to get approval from the probate court.

Additional hearings scheduled for May 9, 2024

The following members of the Commission were present:

Solomon Graves
Dee Holcomb
Paul Morris, chair

1. ***Caleb Kiihnl v. State of Ark.***, Claim No. 240287 [this claim was resolved by the filing of an amended answer prior to hearing, such that no hearing was held]
2. ***Jean Elliott Bisbee v. State of Ark.***, Claim No. 240603. Claimant filed this claim seeking disability and scholarship benefits related to an injury that he suffered while employed by the Little Rock Fire Department. At the claim hearing, Claimant appeared *pro se*, and Lisa Wilkins Wiedower appeared on behalf of Respondent. Based upon a review of the claim file, the testimony of Claimant, and the law of the State of Arkansas, the Commission awarded Claimant disability benefits in the amount of \$10,000 and awarded Claimant’s wife, Suzanne

Greene-Bisbee, and Claimant's children, Aidan Christian Bisbee and Ireland Faith Bisbee, scholarship benefits. The Commission found that it could not award scholarship benefits to Claimant's stepson, Ryan Keith Bramlett, due to Mr. Bramlett's age.

3. ***Marck Beggs v. Henderson State University***, Claim No. 240633, and ***Megan Hickerson v. Henderson State University***, Claim No. 240716. At this consolidated motion hearing, Chris Burks appeared on Claimants' behalf, and Trey Cooper appeared on behalf of Respondent. Based on a review of the claim file, the argument of the parties, and the law of the State of Arkansas, the Commission voted unanimously to deny Respondent's motions to dismiss, although the Commission held that the exhaustion-of-remedies issue is still live and should be raised and argued before the Commission with witnesses and documentary evidence.
4. ***Christopher O'Neal v. Ark. Sec'y of State***, Claim No. 240230. Claimant filed this claim after two of his incorporations were rejected by Respondent. At the hearing on Claimant's motion for reconsideration of the Commission's October 19, 2023, order granting Respondent's motion to dismiss, Claimant proceeded *pro se*. Respondent did not appear. Based upon Respondent's failure to appear and the fact that Respondent's original motion to dismiss did not contain a certificate of service as required by the Arkansas Rules of Civil Procedure, the Commission voted unanimously to set aside its October 19, 2023, order and to allow the claim to go forward.
5. ***Olivia Harper v. Ark. Dept. of Hum. Svcs.***, Claim No. 240674. Claimant filed this claim seeking damages after personal property was stolen by a foster child. At the hearing on Respondent's motion to dismiss and Respondent's motion to substitute counsel, Claimant appeared *pro se*, and Vincent France appeared on behalf of Respondent. Based upon a review of the claim file, the argument of the parties, and the law of the State of Arkansas, the Commission granted Respondent's motion to substitute counsel and placed the claim in abeyance for six months to allow Claimant to pursue a claim through Respondent's Parent Resource Reimbursement Committee.
6. ***Haley Hudson, Special Adm'x of the Est. of Jacqueline Lynn Ashcraft, deceased, and Haley Hudson, Permanent Legal Guardian of Kadey Lynn Jones, a minor child v. Ark. Dept. of Hum. Svcs.***, Claim No. 230641. Claimant filed this claim seeking damages after Ms. Ashcraft died following a motor vehicle accident with a vehicle owned by Respondent and operated by its (now former) employee. At the motions hearing, Jim Jackson appeared on Claimant's behalf, and Vincent France appeared on behalf of Respondent. Based upon a review of the claim file, the arguments of the parties, and the law of the State of Arkansas, the Commission unanimously voted to grant Respondent's motion to substitute counsel and to dismiss the following motions as moot: Respondent's withdrawn motion to dismiss, Respondent's withdrawn motion to quash, Respondent's withdrawn motion to strike, and Respondent's withdrawn motion to compel. The Commission also voted unanimously to grant Claimant's motion for partial summary judgment and to deny Respondent's cross-motion for summary judgment. Regarding the motion filed by Respondent following the hearing to stay discovery, the Commission found that the motion was mooted by the Commission's denial of Respondent's cross-motion for summary judgment.
7. ***Candice Burnett v. Ark. Dept. of Finance and Admin.***, Claim No. 231628. Claimant filed this claim seeking damages after a title error caused her to have to pay for the repair of her radio out-of-pocket instead of through her warranty. At the claim hearing, Claimant proceed *pro se*, and Eric Brock appeared on behalf of Respondent. Based upon a review of the claim file, the testimony and evidence presented by the parties, and the law of the State of Arkansas, the Commission found Respondent liable for Claimant's damages and awarded Claimant \$164.07.
8. (Other Agency Business) The Commission reviewed and approved the entry of proposed orders numbered A1–23, B1–9, B11–28, C1–66 on the attached list without discussion. Following the hearing, Commission staff pulled A22 to submit a corrected version to the Commission in June 2024.

Hearings scheduled for May 10, 2024

The following members of the Commission were present:

Solomon Graves
Dee Holcomb
Paul Morris, chair

1. ***Luther McCoy v. Ark. Dept. of Transp.***, Claim No. 221431. Claimant filed a vehicular property damage claim against Respondent. At the claim hearing, Claimant did not appear. Jay D. Wilkins appeared on Respondent's behalf. Following confirmation that notice of the hearing was transmitted to the parties, the Commission unanimously dismissed Claimant's claim for failure to prosecute.
2. ***Thomas Everett v. Ark. Dept. of Transp.***, Claim No. 231256. Claimant filed a vehicular property damage claim against Respondent. At the hearing on Claimant's motion seeking reconsideration of the Commission's September 22, 2023, order, Claimant did not appear. Jay D. Wilkins appeared on Respondent's behalf. Following confirmation that notice of the hearing was transmitted to the parties, the Commission unanimously denied Claimant's motion for reconsideration.
3. ***Cameron Toston v. Ark. Dept. of Transp.***, Claim No. 240773. Claimant filed a vehicular property damage claim against Respondent. At the hearing on Respondent's motion to dismiss, Claimant did not appear. Helen Newberry appeared on Respondent's behalf. Following confirmation that notice of the hearing was transmitted to the parties, the Commission unanimously dismissed Claimant's claim for failure to prosecute.
4. ***Jacqueline Harris v. Ark. Dept. of Transp.***, Claim No. 240743. Claimant filed a vehicular property damage claim against Respondent. At the hearing on Respondent's motion to dismiss, Claimant failed to appear but sent correspondence stating that she was not able to attend due to her cancer treatments. Jay D. Wilkins appeared on behalf of Respondent. The Commission voted unanimously to continue this claim upon receipt of proof of Claimant's cancer treatments. Should Claimant not provide such proof within 30 days of the date of the Order, the Commission directed that the claim be dismissed.
5. ***Jerry Faulkenberry v. Ark. Dept. of Transp.***, Claim No. 240530. Claimant filed a vehicular property damage claim against Respondent. At the hearing on Respondent's motion to dismiss, Claimant appeared *pro se*, and Jay D. Wilkins appeared on Respondent's behalf. Claimant's claim was initially dismissed by the Commission due to Claimant's failure to appear, but the Commission set aside its vote when Claimant appeared via telephone. Based upon a review of the claim file, the argument of the parties, and the law of the State of Arkansas, the Commission granted Respondent's motion to dismiss and dismissed Claimant's claim without prejudice.
6. ***Michael Worsham v. Ark. Dept. of Transp.***, Claim No. 231172. Claimant filed a vehicular property damage claim against Respondent. At the status conference and motion hearing, Claimant appeared *pro se*, and Jay D. Wilkins appeared on behalf of Respondent. Based upon a review of the claim file, including the Commission's previous order following the December 7, 2023, claim hearing, and the law of the State of Arkansas, the Commission awarded Claimant his deductible of \$500 and found Respondent's pending abeyance motion to be moot.
7. ***Judy Akins v. Ark. Dept. of Transp.***, Claim No. 240866. Claimant filed a vehicular property damage claim against Respondent. At the hearing on Respondent's motion to dismiss, Claimant did not appear. Jay D. Wilkins appeared on Respondent's behalf. Following confirmation that notice of the hearing was transmitted to the parties, the Commission unanimously dismissed Claimant's claim for failure to prosecute.
8. ***Nicole Jones v. Ark. Dept. of Transp.***, Claim No. 230201. Claimant filed a vehicular property damage claim related to two incidents of hitting the same pothole. At the claim hearing, Claimant appeared *pro se*, and Amanda Andrews appeared on Respondent's behalf. Based upon a review of the claim file, the testimony and evidence presented by the parties, and the law of the State of Arkansas, the Commission found that Claimant had not met her burden of proof, such that her claim was denied.

This completed the business on the May 2024 Commission docket.

A handwritten signature in blue ink, appearing to be 'K. Irby', is centered on the page.

Kathryn Irby, Director

Date: November 25, 2024

May 2024

<u>Dropbox No.</u>	<u>Claim No.</u>	<u>Claimant</u>	<u>Agency</u>	
A1	241706	Howard Memorial Hospital	ADC	Sent
A2	241403	Lively	ARDOT	Sent
A3	241320	Collins	ARDOT	Sent
A4	240903	Wheeler	ARDOT	Sent
A5	241361	Bolinger	ARDOT	Sent
A6	241442	Garcia	ARDOT	Sent
A7	240819	Keys	ARDOT	Sent
A8	230346	501 Films LLC	AETN	Sent
A9	240662	Neal	ASP	Sent
A10	241618	Allen	AWCC	Sent
A11	210634	Albarran and Miranda	DFA	Sent
A12	241741	Boyett and Boyett	DFA	Sent
A13	241623	Chen and Zhou	DFA	Sent
A14	240835	Fernandez and Fernandez	DFA	Sent
A15	241678	Gill	DFA	Sent
A16	241533	Ragland Estate	DFA	Sent
A17	241538	Jackson	DFA	Sent
A18	241536	Jones	DFA	Sent
A19	241626	Kumar and Andavar	DFA	Sent
A20	241625	Uppole and Uppole	DFA	Sent
A21	241683	Yates	DFA	Sent
A22	240353	Estate of G. Fitzpatrick & M. Fitzpatrick	DFA	PULLED BY CC STAFF TO SUBMIT CORRECTED VERSION IN JUNE 2024
A23	241684	Entergy Arkansas, LLC	ARDOT	Sent

B1	241363	Wyatt	APB	Sent
B2	240749	Morgan	APB	Sent
B3	231647	Pryor	ADC	Sent
B4	231339	Hill	ADC & ASC	Sent
B5	241262	Precision Alarm	ADC	Sent
B6	240899	Mitchell	ADC	Sent
B7	241518	Shutes	ADC	Sent
B8	240900	Dalton	ADC	Sent
B9	180519	Hughes	ADC	Sent
B10		SKIPPED		
B11	230015	Matthews	ADC	Sent
B12	230392	Hall	ADC	Sent
B13	221007	Allen	ADC	Sent
B14	240463	Higgins	ADC	Sent
B15	240671	Walton	ADC	Sent
B16	191127	Bowen	ADC	Sent
B17	240424	Jackson	ADC	Sent
B18	240488	Leach	ADC, APB, CVRB	Sent
B19	220211	Wright	ADC	Sent
B20	220741	Cowgill	ADC	Sent
B21	210026	James	ADC	Sent

B22	221010	Hunt	ADC	Sent
B23	221207	Gray	ADC	Sent
B24	220070	Cole	ADC	Sent
B25	200298	Wright	ADC	Sent
B26	240938	Rhodes	ADC	Sent
B27	231113	Aaron	ADC	Sent
B28	240547	Jackson	ADC	Sent

C1	240756	Brooks	SOA	Sent
C2	240963	Morris	ArDOT	Sent
C3	241259	Greenleaf	ArDOT	Sent
C4	240911	Cheek	ArDOT	Sent
C5	240939	Jackson	ArDOT	Sent
C6	240925	Allison	ArDOT	Sent
C7	240985	Zepeda	ASP	Sent
C8	240933	Richardson	ArDOT	Sent
C9	240973	Clark	ArDOT	Sent
C10	241669	Whatley	APDC	Sent
C11	241182	Jones	ArDOT	Sent
C12	240245	Leslie	ArDOT	Sent
C13	240878	Kozlowski	ArDOT	Sent
C14	240696	Pease	ArDOT	Sent
C15	231556	Interinsurance Exchange	ArDOT	Sent
C16	231185	Holeyfield	ArDOT	Sent
C17	231115	Barakat	ArDOT	Sent
C18	240905	James	ArDOT	Sent
C19	241376	McKinney	ASCL	Sent
C20	240989	Barnes Cross	ACC	Sent
C21	241415	Hogan	ACC	Sent
C22	200914	Winningham	ArDOT	Sent
C23	220414	Gray	UAMS	Sent
C24	200578	Willson	ArDOT	Sent
C25	17-0581-CC	Mobley	ArDOT	Sent
C26	17-0582-CC	Mobley	ArDOT	Sent
C27	220708	Coleman	ArDOT	Sent
C28	221438	Hill	ArDOT	Sent
C29	221462	Thornton	ArDOT	Sent
C30	221153	Pembroke	ArDOT	Sent
C31	240327	Hammock and Pace	ASP	Sent
C32	240964	Thomas	ArDOT	Sent
C33	241046	Benjamin	ArDOT	Sent
C34	240992	Bowling	ArDOT	Sent
C35	240363	Dedner	ArDOT	Sent
C36	241083	Jones	ArDOT	Sent
C37	240991	Althen	ArDOT	Sent
C38	231128	Reed	ArDOT	Sent
C39	241028	Baker	ArDOT	Sent
C40	241003	Collins	ArDOT	Sent
C41	241001	New	ArDOT	Sent
C42	241012	Davis	ArDOT	Sent
C43	241021	Stepps	ArDOT	Sent

C44	241029	Washington	ArDOT	Sent
C45	241030	Henderson	ArDOT	Sent
C46	241041	Hunter	ArDOT	Sent
C47	241066	Jackson	ArDOT	Sent
C48	241067	Browning	ArDOT	Sent
C49	241069	Norris	ArDOT	Sent
C50	241132	Summerville	ArDOT	Sent
C51	241135	Scott	ArDOT	Sent
C52	240902	Cantwell	ArDOT	Sent
C53	240946	Kuehn	ArDOT	Sent
C54	240983	Fretz	ArDOT	Sent
C55	240893	Vessell	ArDOT	Sent
C56	240725	Alexander	ArDOT	Sent
C57	240304	Amoah	ArDOT	Sent
C58	221517	Verizon Cellco	AAD	Sent
C59	241387	Medford	ARDOT	Sent
C60	241305	Johnson	ARDOT	Sent
C61	241308	Eason	ArDOT	Sent
C62	241321	Dyson	ArDOT	Sent
C63	241322	Williams	ArDOT	Sent
C64	241306	VanDerSys	APDC	Sent
C65	240908	Stewart	WCC	Sent
C66	240287	Kiihnl	SOA	Sent