

Please note that all sections must be completed, or this form will be returned to you, which will delay the processing of your claim.

1. Claimant's Legal Counsel - ☒ (If representing yourself (Pro Se) please check this box and proceed to section 2)

(last name)

(first name)

(email)

(address)

(city)

(state)

(zip)

(primary phone)

Arkansas Bar Number: _____

If not licensed to practice law in Arkansas, please contact the Claims Commission for more information.

2. Claimant(s)

Mr. Wine Mitchell

(title/last name/first name or company)

(email)

(address)

(city)

(state)

(zip)

(primary phone)

3. State Agency Involved: (must be an Arkansas state agency. The Arkansas Claims Commission has no jurisdiction over county, city, or other municipalities)

Arkansas Alcoholic Beverage Control

(state agency involved)

4. Incident Date

1/10/2019

5. Claim Type

Breach of Contract

Please provide a brief explanation of your claim. If additional space is required please attach additional statements to this form.

Claimant was an applicant for a medical marijuana dispensary in September 2017. In an email dated January 10, 2019 at 1:43 p.m., Doralee Chandler of Alcoholic Beverage Control Administration stated: \ABC submitted to PCG 139 pages on Friday, January 4, 2019 for review in order to determine if they needed to adjust their scoring of your application. I believe that the initial submission contained only 79 pages\.

\ Doralee Chandler admits sending only 79 instead of 139 pages of claimant's dispensary application to Public Consultant Group (PCG; a private company contracted by the state to score applications for medical marijuana dispensaries) for initial scoring. The 60 extra pages transmitted by Doralee Chandler to PCG were not \reviewed and scored\ by PCG according to contract and Doralee Chandler nor the Medical Marijuana Commission enforced the scoring rules, thus breaching the contract entered into by all parties regarding the scoring of applications.

5a. Check here if this claim involves damage to a motor vehicle. ☐

5b. Check here if this claim involves damage to property other than a motor vehicle. ☐

All property damage claims require a copy of your insurance declarations covering the property or motor vehicle at the time of damage.

I did not have insurance covering my property/motor vehicle at the time of damage.

☐

All property damage claims require ONE of the following (please attach):

- 1. Invoice(s) documenting repair costs, OR**
- 2. Three (3) estimates for repair of the damaged property, OR**
- 3. An explanation why repair bill(s) or estimate(s) cannot be provided.**

6. Was a state vehicle involved? (If Yes, please complete the following section)

(type of state vehicle involved)

(license number)

(driver)

7. Check here if this claim involves personal injury.

All personal injury claims require a copy of your medical insurance information in place at the time of the incident.

I do not have health insurance

☐

8. Amount Sought: \$10,027,500.00

(Signature)

(Date)

ARKANSAS STATE CLAIMS COMMISSION FEB 28 2020

(501) 682-1619
FAX (501) 682-2823



KATHRYN ~~RECEIVED~~
DIRECTOR

101 EAST CAPITOL AVENUE
SUITE 410
LITTLE ROCK, ARKANSAS
72201-3823

CLAIM SUBMISSION SIGNATURE PAGE

The undersigned certifies that to the best of my knowledge, information, and belief, this claim is not being presented for any improper purpose; this claim is warranted by existing law or by a non-frivolous argument for extending, modifying, or reversing existing law or for establishing new law; and the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery.

Mitchell WINE
Claimant Name (must be printed legibly)

[Signature]
Claimant Signature

Acknowledgement

State of Arkansas

County of Pulaski

On this the 28th day of February, 2020, before me, the undersigned notary, personally appeared _____ known to me (or satisfactorily proven) to be the person whose name is subscribed to this instrument and acknowledged that he/she executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

[Signature]
Signature of Notary Public

My Commission expires: March 29, 2021



BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

MITCHELL WINE

CLAIMANT

V.

CLAIM NO. 200850

**ARKANSAS ALCOHOLIC
BEVERAGE CONTROL**

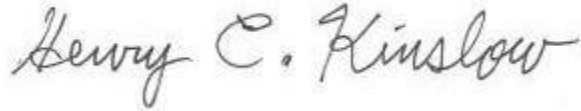
RESPONDENT

ORDER

Now before the Arkansas State Claims Commission (the “Claims Commission”) is a motion filed by Arkansas Alcoholic Beverage Control (the “Respondent”) to dismiss the claim filed by Mitchell Wine (the “Claimant”). Also pending is Respondent’s motion to stay discovery. Claimant’s claim is based upon the rejection of Claimant’s application for a medical marijuana dispensary license. Claimant also has an underlying circuit court lawsuit based on the same facts that is currently on appeal to the Arkansas Court of Appeals (the “State Court Lawsuit”).

Where there is a related lawsuit in a court of general jurisdiction, the longstanding practice of the Claims Commission is to hold the claim in abeyance pending resolution of the related lawsuit. As such, the Claims Commission will hold this claim in abeyance pending resolution of the State Court Lawsuit. This abeyance shall serve to stay the entire claim, including discovery.

IT IS SO ORDERED.



ARKANSAS STATE CLAIMS COMMISSION

Courtney Baird
Dexter Booth
Henry Kinslow, Co-Chair
Paul Morris, Co-Chair
Sylvester Smith

DATE: April 23, 2020

Notice(s) which may apply to your claim

- (1) A party has forty (40) days from the date of this Order to file a Motion for Reconsideration or a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1). If a Motion for Reconsideration is denied, that party then has twenty (20) days from the date of the denial of the Motion for Reconsideration to file a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1)(B)(ii). A decision of the Claims Commission may only be appealed to the General Assembly. Ark. Code Ann. § 19-10-211(a)(3).
- (2) If a Claimant is awarded less than \$15,000.00 by the Claims Commission at hearing, that claim is held forty (40) days from the date of disposition before payment will be processed. *See* Ark. Code Ann. § 19-10-211(a). Note: This does not apply to agency admissions of liability and negotiated settlement agreements.
- (3) Awards or negotiated settlement agreements of \$15,000.00 or more are referred to the General Assembly for approval and authorization to pay. Ark. Code Ann. § 19-10-215(b).

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

MITCHELL WINE

CLAIMANT

V.

CLAIM NO. 200850

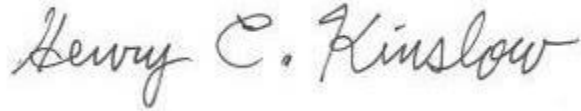
**ARKANSAS ALCOHOLIC BEVERAGE
CONTROL**

RESPONDENT

**ORDER RE CLAIMANT’S MOTION FOR
RECONSIDERATION**

Now before the Arkansas State Claims Commission (the “Claims Commission”) is a motion filed by Mitchell Wine (the “Claimant”) seeking reconsideration of the Claims Commission’s April 23, 2020, order holding Claimant’s claim against the Arkansas Alcoholic Beverage Control (the “Respondent”) in abeyance pending resolution of the underlying circuit court lawsuit currently on appeal to the Arkansas Court of Appeals (the “State Court Lawsuit”). Based upon a review of the motion, the arguments made therein, and the law of Arkansas, the Claims Commission DENIES Claimant’s motion for reconsideration, and the April 23, 2020, order remains in effect. The related lawsuit, the State Court Lawsuit, must be concluded before the instant claim can proceed.

IT IS SO ORDERED.



ARKANSAS STATE CLAIMS COMMISSION

Courtney Baird
Dexter Booth
Henry Kinslow, Co-Chair
Paul Morris, Co-Chair
Sylvester Smith

DATE: June 15, 2020

Notice(s) which may apply to your claim

- (1) A party has forty (40) days from the date of this Order to file a Motion for Reconsideration or a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1). If a Motion for Reconsideration is denied, that party then has twenty (20) days from the date of the denial of the Motion for Reconsideration to file a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1)(B)(ii). A decision of the Claims Commission may only be appealed to the General Assembly. Ark. Code Ann. § 19-10-211(a)(3).
- (2) If a Claimant is awarded less than \$15,000.00 by the Claims Commission at hearing, that claim is held forty (40) days from the date of disposition before payment will be processed. *See* Ark. Code Ann. § 19-10-211(a). Note: This does not apply to agency admissions of liability and negotiated settlement agreements.
- (3) Awards or negotiated settlement agreements of \$15,000.00 or more are referred to the General Assembly for approval and authorization to pay. Ark. Code Ann. § 19-10-215(b).

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

MITCHELL WINE

CLAIMANT

V.

CLAIM NO. 200850

**ARKANSAS ALCOHOL
BEVERAGE CONTROL**

RESPONDENT

ORDER

Now before the Arkansas State Claims Commission (the “Claims Commission”) is a motion filed by Arkansas Alcohol Beverage Control (the “Respondent”) to dismiss the claim of Mitchell Wine (the “Claimant”), as well as an amended motion to dismiss. Also pending before the Claims Commission is Claimant’s motion for summary judgment. Based upon a review of the motions, the arguments made therein, and the law of Arkansas, the Claims Commission hereby finds as follows:

Procedural History

1. Claimant filed his claim on February 17, 2020, seeking damages related to the denial of Claimant’s medical marijuana dispensary application. With regard to 60 pages sent in a second transmission to Public Consultant Group (PCG) by Respondent, Claimant alleged that:

The 60 extra pages transmitted by Doralee Chandler to PCG were not reviewed and scored by PCG according to contract and Doralee Chandler nor the Medical Marijuana Commission enforced the scoring rules, thus breaching the contract entered into by all parties regarding the scoring of applications.

2. Respondent filed an answer denying liability and affirmatively pleading that there is no privity of contract between Claimant and Respondent.

3. Respondent also filed a motion to dismiss, arguing, *inter alia*, that there is underlying litigation regarding this issue pending in state court and that Claimant failed to attach documentation of an alleged contract pursuant to Ark. R. Civ. Proc. 10(d).

4. Additionally, Respondent filed a motion to stay discovery, arguing that Claimant is attempting to use the Claims Commission as an end run around the Arkansas Freedom of Information Act (FOIA).

5. Claimant responded to Respondent's answer, arguing that (1) Respondent is required under Ark. R. Civ. Proc. 10(d) to produce documentation of the score sheets underlying Respondent's defense to this action; and (2) a contractual relationship existed between Claimant and Respondent because "Claimant was required to pay \$7,500 to Respondent for a complete scoring of his application packet and Claimant was clearly a beneficiary of the contract between Respondent and private company PCG who were performing an official government duty in scoring applications."

6. Claimant responded to Respondent's motion to dismiss and motion to stay discovery, asserting that Respondent's arguments are frivolous.

7. On April 23, 2020, the Claims Commission entered an order placing this claim in abeyance pending resolution of the underlying state court litigation pending in Pulaski County Circuit Court. As part of that order, discovery was stayed.

8. On April 28, 2020, Claimant filed a motion for reconsideration, which was denied by the Claims Commission in an order dated June 15, 2020.

9. On May 22, 2020, Claimant sent correspondence to Respondent and the Claims Commission, alleging that Respondent and Respondent's counsel have committed fraud and violated FOIA and that the Claims Commission "is shielding [Respondent's counsel] from certain guilt and violations of law that would require his own removal from office. . . ."

10. On November 16, 2020, Claimant advised the Claims Commission that his “court cases regarding the ABC have been resolved” and requested that his claim and discovery be “restarted . . . immediately.”

11. The Claims Commission then sent correspondence to the parties and requested that Respondent advise whether it is in agreement with Claimant’s position as to the underlying litigation and the lifting of the stay of discovery.

12. Claimant objected to the Claims Commission’s correspondence on November 17, 2020, in an email asking: “What rule of civil procedure or ASCC deems that discovery must be agreed to by the Defendant?”

13. Claimant responded again on November 17, 2020, clarifying that he is requesting the official scoresheets for his dispensary application. Claimant also appeared to request declaratory relief:

I would like a declaratory judgment from this Commission regarding state Defendant's failure to produce material protected under state law and required by contract. I would like this Commission to declare that failure to produce the score sheets is a violation of the Arkansas Freedom of Information Act as the materials represent public documents not subject to any legitimate exemption.

14. On November 18, 2020, the Claims Commission sent correspondence to Claimant advising that the claim was currently in abeyance and directing that “[f]uture requests for information or relief should be put in the form of a pleading or motion filed with the Claims Commission.”

15. On November 20, 2020, Respondent notified the Claims Commission and Claimant that Respondent does not object to lifting the discovery stay given the conclusion of the underlying litigation. In that correspondence, Respondent also responded to Claimant’s discovery request.

16. Between November 20–22, 2020, Claimant sent five emails to Respondent and the Claims Commission, arguing his claim and asserting that the documents produced by Respondent were incomplete.

17. On November 23, 2020, Claimant filed his motion for summary judgment, arguing that PCG did not fully score his application, that Respondent’s failure to provide him with official scoresheets are evidence that his application was not fully scored, and that he is entitled to \$10,027,500.00 in damages or, alternatively, a lesser amount *and* a medical marijuana cultivation and dispensary license.

18. On November 25, 2020, Claimant sent correspondence to Respondent and the Claims Commission advising Respondent to “refrain from unlawfully submitting . . . ‘scoring notes’ that lack any numerical calculation as ‘score sheets’ that are required by contract.” Claimant stated that, if Respondent did not comply, Claimant would seek sanctions against him. Claimant also stated that if Respondent disagreed with Claimant, Respondent should “reply to this email and provide your factual and legal justifications.”

19. Also on November 25, 2020, Claimant sent correspondence to Respondent and the Claims Commission, presumably in furtherance of his previous email, stating:

And let’s not kid ourselves. You do not want to debate me regarding matters of law as they pertain to this proceeding. If you do, please let me know and let’s have a zoom conversation.

20. Also on November 25, 2020, Claimant sent correspondence to Respondent and the Claims Commission, presumably in furtherance of his previous two emails, stating,

And what does that tell you about your career? What does that tell you about your life? There’s still time to change. There’s still time to double down and debate me, so bring it. What would you like to do? Obviously, “I’m your huckleberry.” Fire away . . .

21. Also on November 25, 2020, Claimant sent correspondence to Respondent and the Claims Commission, presumably in furtherance of his previous three emails, stating,

Let's not pretend ourselves about what would happen if you put something on the record. Please do, and stop stalling. You have no chance against me, Chipper.

22. Between December 4–10, 2020, Claimant sent four emails to Respondent and the Claims Commission alleging that Respondent had failed to respond to Claimant's motion for summary judgment. In the December 10 email, Claimant also copied two other attorneys, alleging violations of Arkansas law by the "state."

23. On December 10, 2020, Respondent sent correspondence to Claimant correcting Claimant's misunderstanding of the time permitted for Respondent to respond to Claimant's motion for summary judgment.

24. Claimant then sent five responses on December 10, 2020, in which he asserted that Respondent has committed felonies by withholding discovery, that Respondent's counsel is guilty of fraud, that the Claims Commission is "complicit in that fraud if they do not require production of the score sheets immediately," and that Claimant is entitled to judgment in his favor. In one of the responses, Claimant asked the Claims Commission:

Do you deny Mr. Leibovich has agreed to discovery and has not produced score sheets required by law, but has instead produced fraudulent documents disguised as score sheets? Do you disagree with my previous argument that the fraudulent documents represent prima facie evidence my dispensary application was not scored in it's [sic] entirety or at all by PCG? Please explain how the documents presented comply with contract stipulations and do not represent fraud upon this tribunal.

25. On December 11, 2020, Respondent filed its response to Claimant's motion for summary judgment, denying that Claimant's application was not fully scored. As to Claimant's requested relief, Respondent argued that Claimant has not submitted proof of damages and that the neither Respondent nor Claims Commission is authorized to issue the licenses alternatively

sought by Claimant. Respondent asserted that “Claimant’s conclusory statements are not sufficient proof as a matter of law for summary judgment.”

26. Also on December 11, 2020, Respondent filed an amended motion to dismiss, arguing that Claimant’s underlying lawsuit was dismissed without prejudice, such that Claimant has not exhausted his remedies at law. Respondent also argued that Claimant is not authorized to file a claim on behalf of the corporate applicant for the dispensary license at issue here, The Hemp Store Café, LLC (the “Corporate Entity”), and that Claimant has failed to join a necessary party. Additionally, Respondent incorporated its arguments from its original motion to dismiss.

27. That same day, Claimant sent an email arguing his claim, alleging fraud on the part of Respondent’s counsel and “criminality” by the state and Claims Commission personnel. Claimant also stated the following:

If there are no score sheets, fraud is proven beyond the shadow of any doubt and these proceedings need to move to a damages phase. Mr. Leibovich has lain himself and the state bare before this tribunal and admitted score sheets required by contract and protected by law do not exist. He committed an unmistakable error when he agreed to discovery after the state and PCG inflicted intentional emotional and financial distress upon me for years (while hiding the fact they knew the score sheets never existed) by avoiding discovery through nefarious tactics.

(emphasis added).

28. On December 14, 2020, Claimant filed a reply to Respondent’s response to the motion for summary judgment and response to Respondent’s amended motion to dismiss, restating and disagreeing with Respondent’s arguments and asserting that (1) Respondent improperly filed an answer *and* motion to dismiss under Ark. R. Civ. Proc. 7(a); (2) Respondent cannot “demonstrate [that] Claimant would not have been a successful applicant for a dispensary permit given a full scoring of his application;” (3) Claimant’s estimate of lost earnings is “conservative,” Respondent can hire “a neutral third party to conduct an economic analysis,” and “Respondent has

no legitimate argument against the estimate for damages . . .;” (4) “Claimant can also demonstrate damages from emotional distress resulting from these proceedings and other happenings related to the proceeding;” (5) Claimant did not have the option of selecting the Medical Marijuana Commission (MMC) as a respondent when filing his claim with the Claims Commission, but the MMC’s interest “have been represented in this matter” because Respondent’s counsel is “the attorney for the MMC division of ABC;” (6) the circuit court lawsuit was improperly dismissed under Arkansas law; (7) Respondent’s argument that Claimant has remedies at law equates to an admission that the State engaged in “*ultra vires* and/or criminal actions . . .;” (8) Respondent’s statement that Claimant unsuccessfully applied for a dispensary license is “conclusory and defamatory . . . [and] Respondent should be sanctioned for such a libelous claim;” (9) Claimant applied for the dispensary license in his own name; and (10) Claimant does not have to join his “would-be business partner” to this claim.

29. Also on December 14, 2020, Claimant sent correspondence to Respondent and the Claims Commission, in which he asked the Claims Commission to “note” that an individual related to a business entity is “being fined for multiple infractions of ABC rules.”

30. On December 15, 2020, Respondent submitted a proposed order to the Claims Commission.

31. Also on December 15, 2020, Claimant sent three emails to Respondent and the Claims Commission, arguing that dismissal is not appropriate and that he does not have to exhaust his remedies at law before bringing a claim before the Claims Commission.

32. On December 20, 2020, Claimant sent correspondence to Respondent and the Claims Commission, arguing his claim and asking the Claims Commission to rule on the pending motions. The Claims Commission responded, advising Claimant to check back if he had not

received a ruling in 60 days. Claimant sent another email, asking the Claims Commission to provide a “reason for the proposed delay in providing a ruling in this matter.”

33. Also on December 20, 2020, Claimant sent correspondence to Respondent, the Claims Commission, and two other attorneys, asserting that (1) the Claims Commission has not explained its delay in providing a ruling; (2) Claimant would like for this claim to be decided in time to be heard at the next Arkansas Legislative Council meeting; (3) score sheets have not been produced; and (4) Claims Commission members engaged in “felonious behavior that preclude[d] my receipt of a medical cannabis dispensary license.”

34. On December 30, 2020, Claimant sent several emails to the Claims Commission requesting a ruling on his motion for summary judgment. The Claims Commission responded, referring Claimant to its December 20, 2020, response to his earlier status request. However, Claimant advised that the response was “not acceptable” and that “there was no good cause shown for such an egregious delay.”

35. On January 8, 2021, Claimant sent an email to the Claims Commission requesting a ruling on his motion for summary judgment.

Findings of Fact and Conclusions of Law

36. The Claims Commission finds that it has jurisdiction to consider the instant motions pursuant to Ark. Code Ann. § 19-10-204.

37. The Claims Commission finds that Claimant’s complaint alleged a breach of contract “entered into by all parties regarding the scoring of applications.” The parties alleged in the complaint are Claimant, PCG, Respondent, and MMC.

Claimant's Motion for Summary Judgment

38. Ark. R. Civ. Proc. 56(a) provides, in pertinent part, that:

A party seeking to recover upon a claim, counterclaim, or cross-claim or to obtain a declaratory judgment may, after the expiration of 20 days from the commencement of the action or after service of a motion for summary judgment by the adverse party, move with or without supporting affidavits for a summary judgment in his favor upon all or any part thereof.

39. Pursuant to Rule 56(c)(2), summary judgment is appropriate when there are no genuine issues as to any material fact, and the moving party is entitled to judgment as a matter of law. *See Hisaw v. State Farm Mutual Auto Insurance Co.*, 353 Ark. 668, 122 S.W.3d 1 (2003). Summary judgment motions are subject to a shifting burden, in that once the moving party has made a *prima facie* showing of entitlement to summary judgment, “the burden then shifts to the nonmoving party to show that material questions of fact remain.” *Flentje v. First National Bank of Wynne*, 340 Ark. 563, 569, 11 S.W.3d 531, 536 (2000). Summary judgment is useful “when there is no real issue of fact to be decided.” *Hughes Western World, Inc. v. Westmoore Manufacturing Co.*, 269 Ark. 300, 301, 601 S.W.2d 826, 826 (1980).

40. From a review of the pleadings, the Claims Commission finds that Claimant did not make a *prima facie* showing of entitlement to summary judgment in his motion. There are numerous issues of material fact that preclude the Claims Commission from entering judgment as a matter of law at this time.

41. Claimant's motion for summary judgment is DENIED.

Respondent's Motions to Dismiss

42. As to Respondent's argument that Claimant's circuit court lawsuit was dismissed without prejudice, such that Claimant still has remedies at law, the Claims Commission disagrees with Respondent in part. Respondent took the position in the underlying lawsuit that Claimant's

non-FOIA claims were barred by sovereign immunity because those claims could subject the State to monetary liability. The Claims Commission is unwilling to require Claimant to refile its non-FOIA claims against Respondent in circuit court seeking monetary relief simply to have the circuit court rule that the claims are barred by sovereign immunity. *See Board of Trustees of University of Arkansas v. Andrews*, 2018 Ark. 12, 535 S.W.3d 616 (2018) (“suits subjecting the State to financial liability are barred by sovereign immunity . . .”).

43. As to Respondent’s argument that Claimant is improperly attempting to file a claim on behalf of a corporation, the Claims Commission agrees with Respondent in part. On one hand, almost all of Claimant’s claimed damages (“ . . . \$10,000,000 dollars for an amount equal to what Claimant would have recouped over approximately 20 years of operating a medical cannabis dispensary in Arkansas . . .”) relate to hypothetical lost profits of the Corporate Entity. Even if these are profits that Claimant believes he would have earned as an owner of the Corporate Entity, the profits would have to be lost by the Corporate Entity. Should Claimant wish to pursue these damages, Claimant will need to amend his claim to add the Corporate Entity as a claimant. As a non-attorney, Claimant cannot represent the Corporate Entity, and the Corporate Entity will have to retain counsel to pursue a claim on its behalf. Ark. Code Ann. § 19-10-222. The Claims Commission will permit Claimant 60 days to determine whether the complaint will be amended to add the Corporate Entity as a claimant. If, at the conclusion of 60 days, the complaint has not been amended to add the Corporate Entity as a claimant, the Claims Commission will enter an order dismissing the portion of Claimant’s claim relating to lost profits.

44. On the other hand, Claimant’s other alleged damages (the application fee and the lease for the proposed dispensary location) are for reimbursement of expenses connected to the application process. Claimant correctly stated that he is the “applicant” on the forms attached to

Respondent's motion and that the forms direct that the applicant must be a "natural person." It is unknown whether the application fee and lease were paid by Claimant individually or by the Corporate Entity. If the expenses were paid by the Corporate Entity, then the Corporate Entity would be the proper party to assert a claim for reimbursement. If the expenses were paid by Claimant individually, Claimant's claim for reimbursement may be proper (although the Claims Commission herein makes no determination as to the merits of that claim).

45. As to the arguments in Respondent's original motion to dismiss, the Claims Commission finds the arguments to be either mooted by the status of the underlying lawsuit, addressed by Claimant in subsequent pleadings, or insufficient as stated to merit dismissal.

46. In response to Claimant's argument to the contrary, the Claims Commission finds that Respondent's filing of both an answer denying liability and a motion to dismiss are permissible under the Arkansas Rules of Civil Procedure.

47. Respondent's original motion to dismiss is DENIED. Respondent's amended motion to dismiss is DENIED as described more fully herein.

Other Issues

48. Despite being advised by the Claims Commission on November 18, 2020, that "[f]uture requests for information or relief should be put in the form of a pleading or motion filed with the Claims Commission," Claimant has repeatedly attempted to argue his claim and to make additional allegations through email. As such, the Claims Commission hereby directs Claimant to use the Claims Commission's electronic filing email solely to transmit attachments, which term is defined herein to mean pleadings, motions, or formal letters requesting information. The Claims Commission will not review or respond to any other type of email from Claimant. To the extent that Claimant properly attaches a pleading, motion, or formal letters but also includes substantive

statements or argument in the body of the email, only the pleading, motion, or formal letter will be reviewed or ruled upon by the Claims Commission.

49. To the extent that Claimant attempted in his November 17, 2020, email to amend his complaint to add a request for declaratory relief, the Claims Commission is not authorized to provide such relief, and Claimant's request for such relief is DENIED.

50. To the extent that Claimant attempted in his November 17, 2020, email to amend his complaint to state a FOIA violation by Respondent, the Claims Commission is not the proper venue for such a claim. As stated in Respondent's amended motion to dismiss, Claimant's FOIA lawsuit was dismissed without prejudice, such that Claimant still has remedies at law to pursue any alleged FOIA violations. To the extent that Claimant is attempting to bring a claim based upon Respondent's alleged violation of FOIA, the Claims Commission DISMISSES such claim for lack of jurisdiction.¹ Ark. Code Ann. § 25-19-107(a).

51. To the extent that Claimant believes the actions of any individual to constitute fraud or to be otherwise criminal, Claimant should contact his local law enforcement office or prosecuting attorney's office. However, the Claims Commission is not authorized to address criminal matters. To the extent that Claimant is attempting to bring such a claim, the Claims Commission DISMISSES such claim for lack of jurisdiction. *See* Ark. Code Ann. § 19-10-204.

52. To the extent that Claimant attempted in his December 11, 2020, email to amend his complaint to state a claim for civil fraud, the Claims Commission finds that Claimant has not complied with Ark. Code Ann. § 19-10-208(b)(5) and DISMISSES such claim pursuant to Ark. R. Civ. Proc. 12(b)(6).

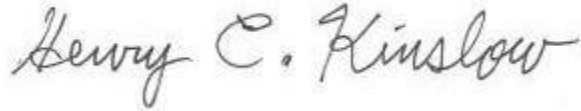
¹ Claimant does not make a claim for recovery of attorney's fees or litigation expenses incurred in the underlying circuit court litigation, which could be within the jurisdiction of the Claims Commission pursuant to Ark. Code Ann. § 25-19-107(e).

53. To the extent that Claimant attempted in his December 11, 2020, email or in his reply to Respondent's response to Claimant's motion for summary judgment to amend his complaint to state a claim for intentional infliction of emotional distress, the Claims Commission finds that Claimant has not complied with Ark. Code Ann. § 19-10-208(b)(5) and DISMISSES such claim pursuant to Ark. R. Civ. Proc. 12(b)(6).

54. To the extent that Claimant intended to include any other state entity as a respondent in this matter, as Claimant argued in his response to Respondent's amended motion to dismiss, the Claims Commission finds this argument to be unpersuasive, as the first step of the electronic claim process includes directions on what to do if a claimant does not see the agency for which he or she is looking. Should Claimant wish to amend his complaint to add another respondent, the Claims Commission should file an amended complaint to that effect.

55. To the extent that Claimant is alternatively seeking a dispensary license through the Claims Commission, as Claimant stated in his response to Respondent's motion to dismiss, the Claims Commission finds that it is not authorized to award such relief or to direct Respondent to provide such relief. Such request is DENIED.

IT IS SO ORDERED.



ARKANSAS STATE CLAIMS COMMISSION

Courtney Baird
Dexter Booth
Henry Kinslow, Co-Chair
Paul Morris, Co-Chair
Sylvester Smith

DATE: January 25, 2021

Notice(s) which may apply to your claim

- (1) A party has forty (40) days from the date of this Order to file a Motion for Reconsideration or a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1). If a Motion for Reconsideration is denied, that party then has twenty (20) days from the date of the denial of the Motion for Reconsideration to file a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1)(B)(ii). A decision of the Claims Commission may only be appealed to the General Assembly. Ark. Code Ann. § 19-10-211(a)(3).
- (2) If a Claimant is awarded less than \$15,000.00 by the Claims Commission at hearing, that claim is held forty (40) days from the date of disposition before payment will be processed. *See* Ark. Code Ann. § 19-10-211(a). Note: This does not apply to agency admissions of liability and negotiated settlement agreements.
- (3) Awards or negotiated settlement agreements of \$15,000.00 or more are referred to the General Assembly for approval and authorization to pay. Ark. Code Ann. § 19-10-215(b).

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

MITCHELL WINE

CLAIMANT

V.

CLAIM NO. 200850

**ARKANSAS ALCOHOL
BEVERAGECONTROL**

RESPONDENT

ORDER

Now before the Arkansas State Claims Commission (the “Claims Commission”) is a motion filed by Mitchell Wine (the “Claimant”) seeking reconsideration of the Claims Commission’s January 25, 2021, order denying Claimant’s motion for summary judgment, as well as the motions to dismiss filed by the Arkansas Alcohol Beverage Control (the “Respondent”). Also pending before the Claims Commission is Claimant’s motion for immediate ruling and Respondent’s second motion to dismiss. Based upon a review of the motions, the arguments made therein, and the law of Arkansas, the Claims Commission hereby finds as follows:

Claimant’s Motion for Reconsideration

1. Claimant filed his motion for reconsideration disagreeing with the Claims Commission’s denial of his motion for summary judgment and the Claims Commission’s determination that the theoretical profits requested by Claimant as damages would be profits of a corporate entity. Claimant also argued that he has no standing to bring a claim on behalf of The Hemp Store Café, LLC (the “Corporate Entity”) and that he personally paid the application fee and the rent for the building. Claimant also alleges that he was a beneficiary to the contract between the State of Arkansas and the Public Consulting Group (PCG). Claimant also noted that “[n]either Respondent nor this tribunal has argued that \$10,000,000 is an unreasonable profit projection. . . .”

2. Respondent responded to the motion, disagreeing with Claimant's arguments and noting that Claimant is improperly attempting to submit new evidence and legal argument.

3. Claimant filed a reply brief, asserting, *inter alia*, that "Claimant is unable to show any damages to the Corporate Entity because no damages were suffered by the corporation to his knowledge." Claimant also inquired how the theoretical profits referenced in the Claims Commission's order could be that of the Corporate Entity.

4. In analyzing a motion for reconsideration, Rule 7.1 of the Claims Commission Rules and Regulations states that motions for reconsideration "will only be entertained if they set forth new or additional evidence which was not [previously] available"

5. Pursuant to Rule 7.1, the Claims Commission finds that Claimant's motion for reconsideration should be denied, such that the Claims Commission's January 25, 2021, order remains in effect, including the 60 days provided in the order to allow the Corporate Entity to join the claim (through counsel). *See* ¶ 43. Had Claimant and the Corporate Entity been a successful applicant for a permit, customers would have purchased product from the Corporate Entity, not from Claimant individually. The fact that Claimant is a majority owner of the Corporate Entity does not mean that he, individually, would have earned the profits. Any profit earned would be by the Corporate Entity. As such, the Corporate Entity would be the proper party to assert a lost profit claim (although the Claims Commission does not herein make any determination as to the merits of that potential claim).

6. To date, an attorney has not entered an appearance on behalf of the Corporate Entity or sought to join this claim, although the Claims Commission notes that 60 days has not yet elapsed.

Respondent's Second Motion to Dismiss

7. Respondent filed its second motion to dismiss, arguing that the underlying state court litigation is still pending contrary to Claimant's assertion to the contrary. Respondent also noted that because Claimant continued his underlying lawsuit after advising the Claims Commission that the underlying lawsuit was resolved, Claimant's claim should be dismissed. In support, Respondent attached Claimant's motion for clarification filed November 20, 2020, in the underlying Pulaski County Circuit Court case.

8. Claimant responded, stating that the underlying lawsuit is listed as "Closed" and that "Claimant was under no obligation to cease any other litigation related to this matter, especially when said litigation does not involve the State as a party. . . ."

9. On April 23, 2020, the Claims Commission placed this claim in abeyance pending resolution of the underlying circuit court lawsuit. On June 15, 2020, the Claims Commission denied Claimant's motion for reconsideration, holding that "[t]he related lawsuit . . . must be concluded before the instant claim can proceed."

10. On November 16, 2020, the Arkansas Court of Appeals affirmed the dismissal of Claimant's lawsuit against Respondent's director and the Arkansas Attorney General and remanded the lawsuit against PCG. That same day, on remand, the Pulaski County Circuit Court issued an order dismissing Claimant's lawsuit against PCG pursuant to Ark. R. Civ. Proc. 12(b)(6).

11. Also that same day, Claimant advised the Claims Commission that "[m]y court cases regarding the ABC have been resolved."

12. Following November 16, 2020, additional motions were filed by Claimant, including a motion seeking clarification of an order and motions to disqualify two judges.

13. Claimant is correct that the status of this underlying lawsuit is listed as “CLOSED” on the online Pulaski County Circuit Court docket.

14. The Claims Commission finds that Claimant did not make a false statement to the Claims Commission on November 16, 2020, that his “court cases regarding the ABC have been resolved.” But, the Claims Commission finds this it to be a gray area, given that Claimant’s post-11/16/2020 filings in the underlying lawsuit contain argument that Respondent’s director and the Arkansas Attorney General were improperly dismissed from the lawsuit.

15. As such, the Claims Commission DENIES Respondent’s second motion to dismiss. Respondent’s request for hearing is also denied. Respondent is free to seek abeyance or to refile its motion if Claimant continues to pursue a lawsuit against Respondent, Respondent’s director or employees in their official capacities, or the Arkansas Attorney General.

Other Issues

16. The Claims Commission finds Claimant’s motion for immediate ruling on reconsideration to be mooted by entry of this order.

17. In its January 25, 2021, order, the Claims Commission directed Claimant to use email for the sole purpose of transmitting pleadings, motions, or formal letters. *See* ¶ 48. The Claims Commission also notified Claimant that it would not “review or respond to any other type of email from Claimant.” *See id.* Despite this instruction, Claimant sent substantive emails on February 7, 2021 (asking that Henry Kinslow and Kathryn Irby recuse from this matter); March 5, 2021 (arguing against Respondent’s second motion to dismiss); and March 9, 2021 (requesting that an “immediate ruling” be provided).


18. In the interest of efficiency, the Claims Commission unanimously DENIES Claimant’s request that Commissioner Kinslow recuse and finds that Director Irby is not a

commissioner and, therefore, has nothing from which she can recuse. However, the Claims Commission cautions Claimant that no other exceptions will be made to its January 25, 2021, order regarding Claimant's use of emails.

IT IS SO ORDERED.



ARKANSAS STATE CLAIMS COMMISSION
Courtney Baird



ARKANSAS STATE CLAIMS COMMISSION
Dexter Booth



ARKANSAS STATE CLAIMS COMMISSION
Henry Kinslow, Co-Chair



ARKANSAS STATE CLAIMS COMMISSION
Paul Morris, Co-Chair



ARKANSAS STATE CLAIMS COMMISSION
Sylvester Smith

DATE: March 12, 2021

Notice(s) which may apply to your claim

- (1) A party has forty (40) days from the date of this Order to file a Motion for Reconsideration or a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1). If a Motion for Reconsideration is denied, that party then has twenty (20) days from the date of the denial of the Motion for Reconsideration to file a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1)(B)(ii). A decision of the Claims Commission may only be appealed to the General Assembly. Ark. Code Ann. § 19-10-211(a)(3).
- (2) If a Claimant is awarded less than \$15,000.00 by the Claims Commission at hearing, that claim is held forty (40) days from the date of disposition before payment will be processed. *See* Ark. Code Ann. § 19-10-211(a). Note: This does not apply to agency admissions of liability and negotiated settlement agreements.
- (3) Awards or negotiated settlement agreements of \$15,000.00 or more are referred to the General Assembly for approval and authorization to pay. Ark. Code Ann. § 19-10-215(b).

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

MITCHELL WINE

CLAIMANT

V.

CLAIM NO. 200850

**ARKANSAS ALCOHOL
BEVERAGE CONTROL**

RESPONDENT

ORDER

Now before the Arkansas State Claims Commission (the “Claims Commission”) is a motion filed by Mitchell Wine (the “Claimant”) seeking reconsideration of the Claims Commission’s March 12, 2021, order. Also pending is Claimant’s motion for joinder. Based upon a review of the motions, the arguments made therein, and the law of Arkansas, the Claims Commission hereby finds as follows:

Relevant Procedural History

1. Claimant filed the instant claim against Arkansas Alcohol Beverage Control (the “Respondent”) on February 17, 2020, seeking damages related to denial of a medical marijuana dispensary permit.
2. On April 23, 2020, the Claims Commission entered an order holding the claim in abeyance pending resolution of Claimant’s related lawsuit in state court. The Claims Commission denied Claimant’s motion for reconsideration regarding the abeyance on June 15, 2020.
3. On November 17, 2020, Claimant notified the Claims Commission that the underlying lawsuit against Respondent had been resolved.
4. Claimant thereafter filed a motion for summary judgment, and Respondent filed an amended motion to dismiss. On January 25, 2021, the Claims Commission entered an order denying Claimant’s motion for summary judgment and Respondent’s amended motion to dismiss.

The Claims Commission also placed the claim in abeyance for 60 days to permit The Hemp Store Café, LLC (the “Corporate Entity”) to join the claim through counsel in order to assert the claim for lost profits.

5. That same day, Claimant filed a motion for reconsideration (the “First Motion for Reconsideration”), arguing that the Corporate Entity does not have to be part of the claim for Claimant to assert his part of the lost profits.

6. On March 12, 2021, the Claims Commission denied the First Motion for Reconsideration.

7. On March 15, 2021, Claimant filed a motion seeking reconsideration of the March 12, 2021, Claims Commission order (the “Second Motion for Reconsideration”).

8. Also on March 15, 2021, Claimant filed a motion to join Commissioner Henry Kinslow, Respondent’s counsel Chip Leibovich, and Arkansas Attorney General Leslie Rutledge as parties.

Claimant’s Second Motion for Reconsideration

9. The Claims Commission finds that Claimant’s Second Motion for Reconsideration is, in fact, a second attempt to have the Claims Commission reconsider its January 25, 2021, order. To permit a party to seek reconsideration of each order denying a motion for reconsideration would be to allow a potentially infinite number of reconsideration motions. This would be highly inefficient.

10. Based upon the First Motion for Reconsideration and Second Motion for Reconsideration, the Claims Commission understands that Claimant does not agree with the Claims Commission’s January 25, 2021, order.

11. After a final order is entered in this matter, Claimant may utilize its remedies outlined in Ark. Code Ann. § 19-10-211.

12. However, the Claims Commission DENIES Claimant's Second Motion for Reconsideration and will deny any further reconsideration motions related to the Claims Commission's (1) January 25, 2021, order; (2) March 12, 2021, order; or (3) this order.

Claimant's Motion for Joinder

13. Claimant filed a motion pursuant to Ark. R. Civ. Proc. 19(a) to join Commissioner Kinslow, Respondent's counsel Chip Leibovich, and Arkansas Attorney General Leslie Rutledge as parties to this matter. Claimant alleges that each of these parties are committing fraud and that the Attorney General is also "using her office to criminally prosecute Claimant using provably false allegations and denying Claimant's due process rights."

14. The Claims Commission finds that Claimant's motion is without merit pursuant to Ark. Code Ann. § 19-10-204 and DENIES it as such. *See also Early v. Crockett*, 2014 Ark. 278, 436 S.W.3d 141 (2014) ("an officer or employee who acts maliciously or outside the scope of his employment is not protected by § 19-10-305(a)"). As Claimant has been advised previously, to the extent Claimant believes the actions of any individual to constitute fraud or to be otherwise criminal, Claimant should contact his local law enforcement office or prosecuting attorney's office. *See* Claims Commission's 1/25/2021 Order at ¶ 51.

Claimant's Lost Profit Claim

15. In the Claims Commission's January 25, 2021, order, the Claims Commission placed this claim in abeyance for 60 days to permit The Hemp Store Café, LLC (the "Corporate Entity") to join the claim through counsel in order to assert a claim for lost profits. *See* Claims Commission's 1/25/2021 Order at ¶ 43.

16. To date, the Corporate Entity has not filed a claim or attempted to join the instant claim.

17. As such, in accordance with the Claims Commission's January 25, 2021, and March 12, 2021, orders, the Claims Commission hereby DISMISSES Claimant's claim for lost profits.

18. As to Claimant's other alleged damages (the application fee and the lease for the proposed dispensary location), the Claims Commission will schedule a hearing on these damages in sufficient time for the parties to complete discovery and to file any necessary dispositive motions.

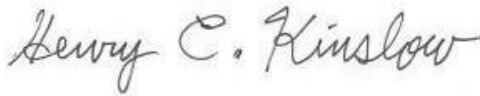
IT IS SO ORDERED.



ARKANSAS STATE CLAIMS COMMISSION
Courtney Baird



ARKANSAS STATE CLAIMS COMMISSION
Dexter Booth



ARKANSAS STATE CLAIMS COMMISSION
Henry Kinslow, Co-Chair



ARKANSAS STATE CLAIMS COMMISSION
Paul Morris, Co-Chair



ARKANSAS STATE CLAIMS COMMISSION
Sylvester Smith

DATE: April 30, 2021

Notice(s) which may apply to your claim

- (1) A party has forty (40) days from the date of this Order to file a Motion for Reconsideration or a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1). If a Motion for Reconsideration is denied, that party then has twenty (20) days from the date of the denial of the Motion for Reconsideration to file a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1)(B)(ii). A decision of the Claims Commission may only be appealed to the General Assembly. Ark. Code Ann. § 19-10-211(a)(3).
- (2) If a Claimant is awarded less than \$15,000.00 by the Claims Commission at hearing, that claim is held forty (40) days from the date of disposition before payment will be processed. *See* Ark. Code Ann. § 19-10-211(a). Note: This does not apply to agency admissions of liability and negotiated settlement agreements.
- (3) Awards or negotiated settlement agreements of \$15,000.00 or more are referred to the General Assembly for approval and authorization to pay. Ark. Code Ann. § 19-10-215(b).

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

MITCHELL WINE

CLAIMANT

V.

CLAIM NO. 200850

**ARKANSAS ALCOHOL
BEVERAGE CONTROL**

RESPONDENT


**ORDER ON CLAIMANT’S SECOND MOTION FOR
SUMMARY JUDGMENT**

Now before the Arkansas State Claims Commission (the “Claims Commission”) is a second motion filed by Mitchell Wine (the “Claimant”) for summary judgment as to Claimant’s claim against Arkansas Alcohol Beverage Control (the “Respondent”). Pursuant to Ark. R. Civ. Proc. 56(a), the Claims Commission finds that Claimant did not make a *prima facie* showing of entitlement to summary judgment. There are numerous issues of material fact that preclude the Claims Commission from entering judgment as a matter of law at this time. As such, Claimant’s motion for summary judgment is DENIED.

IT IS SO ORDERED.



ARKANSAS STATE CLAIMS COMMISSION
Courtney Baird



ARKANSAS STATE CLAIMS COMMISSION
Dexter Booth



ARKANSAS STATE CLAIMS COMMISSION
Henry Kinslow, Co-Chair



ARKANSAS STATE CLAIMS COMMISSION
Paul Morris, Co-Chair



ARKANSAS STATE CLAIMS COMMISSION
Sylvester Smith

DATE: September 13, 2021

Notice(s) which may apply to your claim

- (1) A party has forty (40) days from the date of this Order to file a Motion for Reconsideration or a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1). If a Motion for Reconsideration is denied, that party then has twenty (20) days from the date of the denial of the Motion for Reconsideration to file a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1)(B)(ii). A decision of the Claims Commission may only be appealed to the General Assembly. Ark. Code Ann. § 19-10-211(a)(3).
- (2) If a Claimant is awarded less than \$15,000.00 by the Claims Commission at hearing, that claim is held forty (40) days from the date of disposition before payment will be processed. *See* Ark. Code Ann. § 19-10-211(a). Note: This does not apply to agency admissions of liability and negotiated settlement agreements.
- (3) Awards or negotiated settlement agreements of \$15,000.00 or more are referred to the General Assembly for approval and authorization to pay. Ark. Code Ann. § 19-10-215(b).

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

MITCHELL WINE

CLAIMANT

V.

CLAIM NO. 200850

**ARKANSAS ALCOHOL
BEVERAGE CONTROL**

RESPONDENT

ORDER

Now before the Arkansas State Claims Commission (the “Claims Commission”) is a motion filed by Arkansas Alcohol Beverage Control (the “Respondent”) to substitute Maryna O. Jackson, Assistant Attorney General, as counsel for Respondent and to continue the November 19, 2021, hearing until January 2022. Claimant responded with a motion to disqualify.

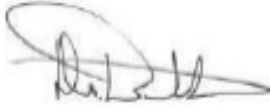
The Claims Commission GRANTS Respondent’s motion to substitute and will continue the pending motion hearing until January 14, 2022. At that hearing, the Claims Commission will take up Claimant’s motion to disqualify, as well as the other pending motions. If there are any additional motions that the parties would like for the Claims Commission to consider at the January hearing, those motions must be filed by the end of November to allow time for the motions to be fully briefed. If a motion filed is meant to replace or subsume an existing motion, that information should be clearly stated by the filing party.

The hearing on the claim originally scheduled for January 14, 2022, has been tentatively rescheduled for April 15, 2022.

IT IS SO ORDERED.



ARKANSAS STATE CLAIMS COMMISSION
Courtney Baird



ARKANSAS STATE CLAIMS COMMISSION
Dexter Booth



ARKANSAS STATE CLAIMS COMMISSION
Henry Kinslow, Co-Chair



ARKANSAS STATE CLAIMS COMMISSION
Paul Morris, Co-Chair



ARKANSAS STATE CLAIMS COMMISSION
Sylvester Smith

DATE: November 2, 2021

Notice(s) which may apply to your claim

- (1) A party has forty (40) days from the date of this Order to file a Motion for Reconsideration or a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1). If a Motion for Reconsideration is denied, that party then has twenty (20) days from the date of the denial of the Motion for Reconsideration to file a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1)(B)(ii). A decision of the Claims Commission may only be appealed to the General Assembly. Ark. Code Ann. § 19-10-211(a)(3).
- (2) If a Claimant is awarded less than \$15,000.00 by the Claims Commission at hearing, that claim is held forty (40) days from the date of disposition before payment will be processed. *See* Ark. Code Ann. § 19-10-211(a). Note: This does not apply to agency admissions of liability and negotiated settlement agreements.
- (3) Awards or negotiated settlement agreements of \$15,000.00 or more are referred to the General Assembly for approval and authorization to pay. Ark. Code Ann. § 19-10-215(b).

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

MITCHELL WINE

CLAIMANT

V.

CLAIM NO. 200850

**ARKANSAS ALCOHOL
BEVERAGE CONTROL**

RESPONDENT

ORDER

Now before the Arkansas State Claims Commission (the “Claims Commission”) are various motions filed by Mitchell Wine (the “Claimant”) or Arkansas Alcohol Beverage Control (the “Respondent”). At the hearing held on January 14, 2022, Claimant appeared *pro se*, and Maryna O. Jackson appeared on behalf of Respondent.

Relevant Procedural History

1. Claimant filed the instant claim against Arkansas Alcohol Beverage Control (the “Respondent”) on February 17, 2020, seeking damages following Claimant’s unsuccessful application for a medical marijuana dispensary license.

2. On April 23, 2020, the Claims Commission entered an order holding the claim in abeyance pending resolution of Claimant’s related lawsuit in state court. The Claims Commission denied Claimant’s motion for reconsideration regarding the abeyance on June 15, 2020.

3. On November 17, 2020, Claimant notified the Claims Commission that the underlying lawsuit against Respondent had been resolved.

4. Claimant filed a motion for summary judgment, and Respondent filed an amended motion to dismiss. On January 25, 2021, the Claims Commission entered an order denying Claimant’s motion for summary judgment and Respondent’s amended motion to dismiss. The

Claims Commission placed the claim in abeyance for 60 days to permit The Hemp Store Café, LLC to join the claim through counsel in order to assert the claim for lost profits.

5. Claimant moved for reconsideration of the Claims Commission's January 25, 2021, order, arguing that The Hemp Store Café, LLC does not have to be part of the claim for Claimant to assert his part of the lost profits.¹ Respondent filed a second motion to dismiss. On March 12, 2021, the Claims Commission denied the motions.

6. Claimant then moved for reconsideration of the March 12, 2021, Claims Commission order and moved to join Commissioner Henry Kinslow, Respondent's then-counsel Chip Leibovich, and Arkansas Attorney General Leslie Rutledge as parties. On April 30, 2021, the Claims Commission denied both motions and dismissed Claimant's claim for lost profits in accordance with the Claims Commission's January 25, 2021, order.

7. The parties engaged in written discovery.

8. Claimant then filed a second motion for summary judgment, which was denied by the Claims Commission on September 13, 2021.

9. By correspondence dated September 14, 2021, the Claims Commission scheduled this claim for hearing on January 14, 2022.

10. On September 21, 2021, Claimant filed Claimant's Preliminary Witness List and Notice of Immediate Deposition of Leslie Rutledge. On September 26, 2021, Claimant filed a motion asking the Claims Commission to issue a subpoena for the deposition of Attorney General Rutledge and Samaara Robbins. The motion was fully briefed by the parties. By correspondence dated October 11, 2021, the Claims Commission advised the parties that Claimant's filing would be treated as a request for issuance of subpoenas, and Respondent's response would be treated as

¹ Four days later, on January 29, 2021, Claimant also filed a Motion for Immediate Ruling on Reconsideration.

a motion to quash. The Claims Commission also scheduled a hearing on the motion to quash for November 19, 2021.²

11. On October 15, 2021, Claimant filed a second motion to compel, seeking to depose Governor Asa Hutchinson, Brian Bowen, Chip Leibovich, Danielle Hoefer, Lisa Murphy, Chad Warren Westom, Doralee Chandler, Scott Hardin, and Boyce Hamlet. These deposition requests were in addition to the existing deposition requests for Attorney General Rutledge and Robbins. The motion was fully briefed by the parties.

12. On October 26, 2021, Respondent filed a renewed motion to dismiss, arguing that Claimant has not attached a copy of the contract at issue in violation of Ark. R. Civ. Proc. 10(d) and that the alleged fraudulent actions would be outside the jurisdiction of the Claims Commission.

13. On October 29, 2021, Respondent filed a motion to substitute Ms. Jackson as counsel for Respondent and to continue the November 19th hearing. Claimant objected to Respondent's motion and moved to disqualify Attorney General Rutledge's office from this matter. On November 2, 2021, the Claims Commission granted the motion to substitute, continued the motions hearing until January 14, 2022, and added Claimant's motion to disqualify to the January 14 docket. The Claims Commission advised the parties that additional motions to be considered at the January 14 hearing should be filed by the end of November.

14. On November 24, 2021, Respondent filed a motion for summary judgment, arguing that Claimant was not a party to the Contract between the Public Consulting Group (PCG) and the State of Arkansas (the "Contract"); that Claimant cannot show he was a third-party beneficiary of the Contract; or that he was damaged by Respondent's actions. Claimant responded, arguing, *inter alia*, that he is "clearly a third-party beneficiary to the [C]ontract . . . because he belongs to a class

² The hearing was originally scheduled for November 18, 2021, but was later changed to November 19, 2021.

of people clearly intended to benefit from the [C]ontract through receipt of a score. . . .” Cl’s Response at ¶ 16.

15. On December 14, 2021, Respondent filed a motion for sanctions based upon emails from Claimant to Respondent’s counsel. In one December 5, 2021, email attached to Claimant’s motion—which was sent to Respondent’s counsel and the Claims Commission—Claimant wrote:

Dear ASCC,
Please render a decision on the motion for summary judgment that the Ukranian mafioso submitted. Is she supposed to scare me? Look at her. A failure at life and too afraid to address me even if I allowed her to speak in my presence. She’s a joke, nothing more.

In other emails between Claimant and Respondent’s counsel, Claimant called Respondent’s counsel a “criminal,” a “cowardly thie[f],” and a “coward.” Claimant responded by providing a copy of a motion to dismiss, petition for declaratory judgment, and brief in support filed in *State v. Wine*, Saline County Circuit Court, Case No. 63CR-21-700.³

16. On December 14, 2021, Claimant filed a motion for immediate hearing based upon the substance of Respondent’s motion for sanctions. The motion was fully briefed by the parties.

17. On January 7, 2022, the Claims Commission sent correspondence to the parties clarifying that it would consider all pending motions at the January 14 hearing, including Respondent’s motion for sanctions and Claimant’s motion for immediate hearing.⁴

³ The body of Claimant’s email included argument in response to Respondent’s motion for sanctions.

⁴ That same day (12:45 p.m.), Claimant sent an email to the Claims Commission and Respondent’s counsel, asking for a list of all motions to be heard on January 14. In the body of the email, Claimant complained that the Claims Commission was now allowing motions filed after November 30, 2021, to be heard at the January 14 hearing. In response, the Claims Commission director provided the parties with a list of the pending motions.

Also on January 7 (1:15 p.m.), Claimant sent an email to the Claims Commission and Respondent’s counsel inquiring about the status of his joinder motion filed March 13, 2021. The body of the email also included argument about the merits of Claimant’s claim. In response, the Claims Commission director provided Claimant with the April 30, 2021, order denying Claimant’s joinder motion.

Respondent's Renewed Motion to Dismiss

18. At the hearing, the Claims Commission noted that while the Contract was not attached to Claimant's complaint, it has been attached to various filings and is now a part of the record of this claim. The Claims Commission also noted that the Contract would not have been available to Claimant when he filed the claim. Respondent agreed that Ark. R. Civ. Proc. 10(d) was not a basis for dismissal.

19. As to any civil fraud claims alleged by Claimant, Respondent reiterated its argument that such claims are exempted from the doctrine of sovereign immunity and, as such, would be outside the jurisdiction of the Claims Commission. Claimant argued that sovereign immunity was raised by the State of Arkansas in the circuit court related to this matter. Respondent noted that the claims raised by Claimant in the circuit court case were different.

Respondent's Motion for Summary Judgment and
Claimant's Motion to Disqualify

20. Upon a question from a commissioner, Claimant stated that he is a third-party beneficiary to the Contract.

Also on January 7 (2:06 p.m.), Claimant sent an email to the Claims Commission and Respondent's counsel with no filing attached. The body of the email included argument regarding Claimant's alleged fraud claims.

Also on January 7 (2:16 p.m.), Claimant sent an email to the Claims Commission and Respondent's counsel with no filing attached. The body of the email included an attempt to renew his joinder motion.

Also on January 7 (2:50 p.m.), Claimant sent an email to the Claims Commission and Respondent's counsel with no filing attached. The body of the email included argument regarding the Claims Commission's jurisdiction, the denial of his joinder motion, and the legality of a citizen's arrest.

Also on January 7 (4:12 p.m.), Claimant sent an email to the Claims Commission and Respondent's counsel with no filing attached. The body of the email included arguments regarding the Attorney General.

Also on January 7 (4:51 p.m.), Claimant sent an email to the Claims Commission and Respondent's counsel with no filing attached. The body of the email included argument regarding the Attorney General.

21. Upon a question from a commissioner, Claimant stated that he believes all parties to the Contract have breached the Contract. Claimant asserted that Respondent breached the Contract by pointing to Attorney General Rutledge when asked for the scores. Claimant did not know that Attorney General Rutledge wrote the Contract or added unlawful language to the Contract. Claimant argued that the “scoring regime” could not have allowed proper scoring given the amount of time spent scoring his application.

22. Upon a question from a commissioner, Claimant asserted that he believes every applicant’s scores to be fraudulent because there is nothing to show that PCG scored the applications. PCG was permitted under the Contract to destroy the documents, so Respondent did not protect the scoring integrity.

23. Upon a question from a commissioner as to whether Claimant agrees or disagrees that Respondent sent 79 pages of his application to PCG in October 2018, Claimant stated that he has not seen any proof that this happened.

24. Upon a question from a commissioner, Claimant stated that he continued paying the lease payments until the scores were announced.

25. Claimant argued that there had to be fraud in the scoring process because he scored fourteenth out of sixteen applications. Claimant also argued that Attorney General Rutledge is a necessary party and that Attorney General Rutledge’s office should not be permitted to represent Respondent here.

26. Respondent argued that it does not have authority to issue dispensary licenses and did not score any applications. Respondent also stated that PCG is not a party to this claim and that Claimant chose not to further pursue its lawsuit against PCG in circuit court.

27. Upon a question from a commissioner as to how the Medical Marijuana Commission (MMC) and Respondent are related, Respondent stated that it is charged with advisory responsibilities for the MMC but that the two entities are separate. Respondent's director is not a part of the MMC. The MMC was the entity issuing dispensary licenses, so any cause of action that Claimant might have would be against the MMC, not Respondent.

28. Upon a question from a commissioner as to whether the MMC would be represented by Attorney General Rutledge's office if it was a party, Respondent stated that it did not know.

29. Respondent further argued that in the circuit court action involving PCG, there is documentation showing that Claimant's application was scored. The scores were reviewed by the MMC at a public hearing. Claimant cannot show that he was damaged because there was no guarantee that an applicant would receive a license. The Contract language is clear that PCG was retained by the State of Arkansas to assist in scoring certain parts of the applications.

30. Upon a question from a commissioner as to whether there were any third-party beneficiaries to the Contract, Respondent stated that there were not. The Contract was simply to score applications and to provide scores to the MMC.

31. Upon a question from a commissioner as to what would constitute a perfect score, Respondent stated that it was not involved in scoring.

32. Upon a question from a commissioner as to whether Respondent is the correct agency against which to bring this claim, Claimant stated that in the FOIA process, everything pointed to Attorney General Rutledge.

33. Upon a question from a commissioner as to whether the MMC should be the proper respondent, Claimant stated that he thinks Attorney General Rutledge and Respondent are

involved. Claimant has no documents showing that the MMC should be the proper respondent but that the MMC could be added. Respondent noted that it would be futile to add the MMC as a respondent because the same arguments in favor of dismissal would apply to the MMC.

Subpoena Issues

34. Upon a question from a commissioner as to the Claims Commission's authority to issue a subpoena to Ms. Robbins in California, Claimant stated that Ms. Robbins is an employee of Chad Warren Westom. Claimant also stated that Mr. Westom is an Arkansas state employee.

35. Claimant argued that he is entitled to depose the Attorney General because she received the scores from PCG and transmitted the scores to the MMC. Claimant also argued that Attorney General Rutledge needs to explain why she invoked the working paper exemption in response to Claimant's FOIA request. Respondent responded, arguing that Attorney General Rutledge was not involved in the scoring of applications or the issuance of licenses and that Claimant is trying to harass Attorney General Rutledge and Brian Bowen.

36. Claimant argued that he is entitled to depose Governor Asa Hutchinson because Claimant is a federal whistleblower regarding a hog farm near the Buffalo River and Governor Hutchinson may have had something to do with the denial of Claimant's application. Respondent responded that Governor Hutchinson was not involved in the scoring of applications or the issuance of licenses and that Claimant is trying to harass Governor Hutchinson.

37. Claimant argued that he is entitled to depose Respondent's previous counsel, Chip Leibovich, because Mr. Leibovich committed perjury.

38. Claimant argued that all of the other individuals are mentioned in his pleadings and that there cannot be a fair hearing if Attorney General Rutledge is not deposed and made a party to this litigation.

39. Upon a question from a commissioner as to who Respondent was planning to call at the hearing on this claim, Respondent stated that it may call Doralee Chandler.

Claimant's Motion for Immediate Hearing

40. Claimant argued that this motion had been denied because he did not get an immediate hearing as requested.

Respondent's Motion for Sanctions

41. Upon a question from a commissioner as to whether it was appropriate for Claimant to call Respondent's counsel a "Ukrainian mafioso," Claimant said that it was appropriate if she stole from him. Claimant did not see a need to apologize for being upset when the Claims Commission has dragged this claim out for two years.

42. The Claims Commission advised Claimant that any further unprofessional conduct could result in the dismissal of Claimant's claim.

Findings of Fact and Conclusions of Law

Based upon a review of the motions, the arguments made therein, and the law of Arkansas, the Claims Commission hereby finds as follows:

43. The Claims Commission finds that the parties to the Contract were the MMC, Respondent, and PCG.⁵ The Claims Commission finds that Claimant was not a party to the Contract.

44. In analyzing whether Claimant is a third-party beneficiary to the Contract, the Claims Commission must look to the intent of the parties in creating the Contract.⁶ The Claims Commission finds that the intent of the parties was memorialized in the Scope of Work:⁷

⁵ See Resp's MSJ at Ex. F, p. 112–16.

⁶ See *Elsner v. Farmers Ins. Group, Inc.*, 364 Ark. 393, 395, 220 S.W.3d 633, 635.

⁷ See Resp's MSJ at Ex. F, p. 106.

... However, at the end [of] November two (2) of the five (5) MMC members will reach their term limits, which puts the scoring and issuing of dispensary licenses on a very restrictive time frame. For this reason, the MMC seeks to contract with an independent firm to execute the scoring process for the dispensary applications, thereby expediting the issuance of the thirty-two (32) dispensary licenses.

The Scope of Work was incorporated into the Contract as Appendix A.⁸

45. The Arkansas Supreme Court detailed the substantial burden upon a third party to establish itself as an intended third-party beneficiary:⁹

We have repeatedly held that the presumption is that parties contract only for themselves and, thus, a contract will not be construed as having been made for the benefit of a third party unless it clearly appears that such was the intention of the parties.

This is the case even where a third party receives some incidental benefits in connection with a contract.¹⁰ For a third party to prevail in a contract action, there must be “substantial evidence of a clear intention to benefit that third party.”¹¹

46. The Claims Commission finds that Claimant is not a third-party beneficiary to the Contract. As explained in the Scope of Work, the purpose of the Contract was to help the MMC given the approaching term limits of two of its members. The Contract was not created to benefit the dispensary applicants; it was created to aid the MMC in completing its work. The dispensary applicants, including Claimant, were, at most, incidental beneficiaries to the Contract. As such, Claimant’s breach of contract claim is subject to dismissal.

⁸ See *id.* at p. 112, § 2.

⁹ *Elsner*, 364 Ark. at 395, 220 S.W.3d at 635.

¹⁰ *Biggs Crane & Rigging Co. v. Entergy Ark., Inc.*, 2015 Ark. 58, *10, 457 S.W.3d 265, 272 (“...a third party may not recover upon a contract under which the parties did not intend to benefit him, one under which he is a mere incidental beneficiary”).

¹¹ *Elsner*, 364 Ark. 395, 220 S.W.3d at 635; *Cherry v. Tanda*, 327 Ark. 600, 609–10, 940 S.W.2d 457, 460–61; see also *Hickory Heights Health and Rehab, LLC v. Cook*, 2018 Ark. App. 409, *6, 557 S.W.3d 286, 290 (“In order to apply the third-party beneficiary doctrine under Arkansas law, there must be an underlying valid agreement between two parties, and there must be evidence of a clear intention to benefit a third party”).

47. Additionally, Claimant raised his status as a third-party beneficiary in the circuit court lawsuit.¹² Despite his raising this issue, the Pulaski County Circuit Court dismissed his lawsuit, and Claimant did not appeal that order.¹³

48. In accordance with the Claims Commission's findings that Claimant was not a party to the Contract or a third-party beneficiary to the Contract, and consistent with the Pulaski County Circuit Court's orders, the Claims Commission finds that Respondent is entitled to judgment as a matter of law regarding Claimant's breach of contract claim.

49. Regarding Claimant's statements about the alleged fraud committed by various individuals, the Claims Commission finds that Claimant did not allege fraud in his original claim filing with the Claims Commission. Instead, he made various statements in emails, in motions and in filings related to motions, and orally at the hearing about fraud. This does not comply with the requirement in Ark. R. Civ. Proc. 9(b) that fraud claims must be stated with particularity in a pleading.¹⁴ Additionally, with regard to the statements made in emails, those statements are in violation of the Claims Commission's January 25, 2021, and March 12, 2021, orders admonishing Claimant regarding his attempts to argue his claim through email.¹⁵

50. However, even if the Claims Commission were to consider Claimant's statements regarding fraud as a claim, Claimant has not stated a claim for fraud under Arkansas law. To state

¹² *Wine v. Chandler, et al.*, Pulaski County Circuit Court, Case No. 60CV-19-510, Wine's 2/15/2019 response to PCG's motion to dismiss at ¶7.

¹³ *Wine v. Chandler, et al.*, Pulaski County Circuit Court, Case No. 60CV-19-510, Order entered 11/16/2020. *See also* Order of Dismissal without Prejudice entered 8/5/2019; Order entered 12/1/2020; Order entered 1/21/2021; and Order entered 8/24/2021.

¹⁴ *See also DePriest v. AstraZeneca Pharms., L.P.*, 2009 Ark. 547 at *19–20, 351 S.W.3d 168, 178–79 (“Our rules of civil procedure require that claims of fraud be pled with specificity”).

¹⁵ Claims Commission 1/25/2021 order at ¶ 48 (“... the Claims Commission hereby directs Claimant to use the Claims Commission's electronic filing email solely to transmit attachments ... [and the Claims Commission will not review or respond to any other type of email from Claimant]”); Claims Commission 3/12/2021 order at ¶17–18 (“...the Claims Commission cautions Claimant that no other exceptions will be made to its January 25, 2021, order regarding Claimant's use of emails”).

a claim for fraud, Claimant must allege that (1) a party made a false representation of material fact; (2) the party knew that the representation was false or that there was insufficient evidence upon which to make the representation; (3) the party intended to induce action or inaction by Claimant; (4) Claimant justifiably relied on the representation; and (5) Claimant suffered damage as a result of the false representation.¹⁶ In none of the filings, emails, or statements at hearing did Claimant include any facts to support the notion that he relied on some representation or that anyone intended for him to rely upon some representation. Instead, Claimant is now looking back at events and claiming that some fraud was committed. This is insufficient to state a claim for fraud, and such claim would be subject to dismissal pursuant to Ark. R. Civ. Proc. 12(b)(6).

51. As noted above, the Claims Commission's January 25, 2021, and March 12, 2021, orders directed Claimant not to argue his claim in email. Claimant has ignored this direction and continued to send emails both before and after the January 14, 2022, hearing arguing his claim and/or demanding a ruling in his favor.¹⁷ However, the Claims Commission has reviewed the emails, and the emails do not change the decisions outlined above.

¹⁶ *Muccio v. Hunt*, 2016 Ark. 178, *4–5, 490 S.W.3d 310, 312–13; *Waddell v. Ferguson Home Builders, LLC*, 2017 Ark. App. 66, *9, 513 S.W.3d 271, 277.

¹⁷ *See infra* at fn. 3–4.

Additionally, on January 20, 2022 (10:47 a.m.), Claimant sent an email to the Claims Commission, Respondent's counsel, and Respondent's director with no filing attached. The body of the email included argument regarding Claimant's claim.

That same day (11:09 a.m.), Claimant forwarded the same email to the Claims Commission, Respondent's counsel, and Respondent's director and attached Respondent's 10/26/2021 response to Claimant's motion to compel.

On January 24, 2022, Claimant sent an email to the Claims Commission and Respondent's counsel with no filing attached. The body of the email included argument regarding Claimant's claim.

On January 27, 2022, Claimant sent an email to the Claims Commission and Respondent's counsel regarding the status of the Claims Commission order.

52. While the Claims Commission's findings regarding Respondent's motion for summary judgment moot Claimant's request for the issuance of deposition subpoenas, the Claims Commission notes that Ms. Robbins is not an Arkansas resident or employee of the State of Arkansas, such that the Claims Commission has no authority to compel her attendance at a deposition through the issuance of a subpoena.¹⁸

Conclusion

53. The Claims Commission DENIES Respondent's renewed motion to dismiss, GRANTS Respondent's motion for summary judgment, and DENIES and DISMISSES Claimant's claim. Claimant's motion to disqualify is DENIED. Respondent's motion for sanctions is hereby rendered moot. Any other pending motions are also rendered moot.

On February 1, 2022 (3:31 p.m.), Claimant sent an email to the Claims Commission and Respondent's counsel attaching a circuit court filing from *Wine v. Chandler, et al.*, Pulaski County Circuit Court, Case No. 60CV-19-510. The body of the email included argument regarding Claimant's claim.

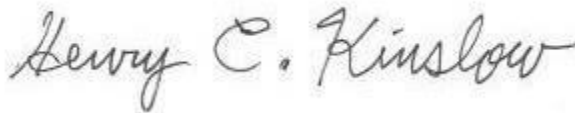
That same day (3:37 p.m.), Claimant forwarded the same email to the Claims Commission and Respondent's counsel and attached a seven-page document titled "Exhibit K: General Terms and Conditions."

¹⁸ Ark. R. Civ. Proc. 45(e).

IT IS SO ORDERED.



ARKANSAS STATE CLAIMS COMMISSION
Courtney Baird



ARKANSAS STATE CLAIMS COMMISSION
Henry Kinslow



ARKANSAS STATE CLAIMS COMMISSION
Paul Morris, Chair

DATE: February 10, 2022

Notice(s) which may apply to your claim

- (1) A party has forty (40) days from the date of this Order to file a Motion for Reconsideration or a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1). If a Motion for Reconsideration is denied, that party then has twenty (20) days from the date of the denial of the Motion for Reconsideration to file a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1)(B)(ii). A decision of the Claims Commission may only be appealed to the General Assembly. Ark. Code Ann. § 19-10-211(a)(3).
- (2) If a Claimant is awarded less than \$15,000.00 by the Claims Commission at hearing, that claim is held forty (40) days from the date of disposition before payment will be processed. *See* Ark. Code Ann. § 19-10-211(a). Note: This does not apply to agency admissions of liability and negotiated settlement agreements.
- (3) Awards or negotiated settlement agreements of \$15,000.00 or more are referred to the General Assembly for approval and authorization to pay. Ark. Code Ann. § 19-10-215(b).

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

MITCHELL WINE

CLAIMANT

V.

CLAIM NO. 200850

**ARKANSAS ALCOHOL
BEVERAGE CONTROL**

RESPONDENT

ORDER

Now before the Arkansas State Claims Commission (the “Claims Commission”) are two motions filed by Mitchell Wine (the “Claimant”) related to his claim against the Arkansas Alcohol Beverage Control (the “Respondent”). The first motion is seeking reconsideration of the Claims Commission’s February 10, 2022, order. The second motion is seeking the immediate disclosure of conflicts of Commissioner Henry Kinslow and the Claims Commission director. At the hearing held on April 13, 2022, neither Claimant nor Respondent’s counsel appeared.

The Claims Commission finds that Claimant’s motion for reconsideration should be denied, as it does not set forth any new or additional evidence which was not previously available. *See* Claims Commission Rule 7.1.

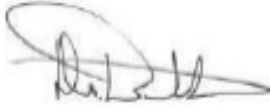
The Claims Commission also finds that Claimant’s motion for disclosure of conflicts should be denied, as there are no such conflicts to disclose. To the extent that Claimant’s motion was an attempt to obtain documents pursuant to the Freedom of Information Act, such documents have already been provided to Claimant.

As such, Claimant’s motion for reconsideration and motion for immediate disclosure of conflicts are DENIED, and the February 10, 2022, Claims Commission order remains in effect.

IT IS SO ORDERED.



ARKANSAS STATE CLAIMS COMMISSION
Courtney Baird



ARKANSAS STATE CLAIMS COMMISSION
Dexter Booth



ARKANSAS STATE CLAIMS COMMISSION
Paul Morris, Chair

DATE: April 19, 2022

Notice(s) which may apply to your claim

- (1) A party has forty (40) days from the date of this Order to file a Motion for Reconsideration or a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1). If a Motion for Reconsideration is denied, that party then has twenty (20) days from the date of the denial of the Motion for Reconsideration to file a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1)(B)(ii). A decision of the Claims Commission may only be appealed to the General Assembly. Ark. Code Ann. § 19-10-211(a)(3).
- (2) If a Claimant is awarded less than \$15,000.00 by the Claims Commission at hearing, that claim is held forty (40) days from the date of disposition before payment will be processed. *See* Ark. Code Ann. § 19-10-211(a). Note: This does not apply to agency admissions of liability and negotiated settlement agreements.
- (3) Awards or negotiated settlement agreements of \$15,000.00 or more are referred to the General Assembly for approval and authorization to pay. Ark. Code Ann. § 19-10-215(b).

From: [Mitch Wine](#)
To: [ASCC Pleadings](#); [Maryna Jackson](#)
Subject: Re: ORDER: Wine v. ABC, Claim No. 200850
Date: Wednesday, April 20, 2022 9:42:10 AM

Dear ASCC,

I object to the lack of an oral hearing in this matter that resulted from Respondent having me unlawfully arrested yet again at the behest of this Commission's employees. Please reschedule the hearing or consider this email a request for appeal to the Arkansas Legislature as a result of impropriety at the ASCC that is now admitted by ASCC personnel.

Thank you,

Mitch Wine

From: Kathryn Irby [REDACTED] on behalf of ASCC Pleadings
[REDACTED]
Sent: Wednesday, April 20, 2022 9:06 AM
To: Mitch Wine [REDACTED]; Maryna Jackson [REDACTED]
Subject: ORDER: Wine v. ABC, Claim No. 200850

Mr. Wine and Ms. Jackson, please see attached order entered by the Claims Commission.

Arkansas State Claims Commission
101 East Capitol Avenue, Suite 410
Little Rock, Arkansas 72201
(501) 682-1619