

# ARKANSAS CLAIMS COMMISSION

E.02

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



arclaimscommission.arkansas.gov  
ascc.new.claims@arkansas.gov  
Arkansas

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

State Claims Commission

JUL 28 2022

RECEIVED

## CLAIM FORM

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)

Iversen, William [REDACTED]  
(title/last name/first name or company)  
[REDACTED]  
(address) (city) (state) (zip) (primary phone)

### 2. 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.

### 3. State Agency Involved (If this section is not completed this claim will be returned as deficient).

The agency(ies) involved must be Arkansas state agencies. The Arkansas Claims Commission has no jurisdiction over county, city, or other municipalities.

Arkansas Highway Department  
(state agency involved)

### 4. Incident Date

7/10/22

### 5. Claim Type

Vehicle damage and associated costs  
Please provide the location of the incident and an explanation of your claim. If additional space is required please attach additional pages for your statements to this form.

Location of Incident Arkansas I 55 and Route 140

Explanation of Incident  
See attached

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.

Please do not include a copy of your insurance card.  
You may obtain a copy of your insurance declaration from your insurance agent.

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)

No

(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: \$ 1,437.83

*See attached billing documents & receipts*

**STOP!**

**The following section MUST be completed in the presence of a Notary Public.**

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 of, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery.

*William R. Iverson*

Claimant

**ACKNOWLEDGEMENT**

State of Illinois

County of McHenry

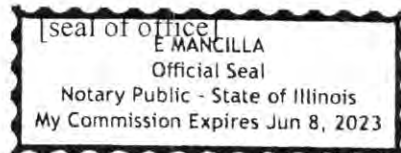
On this the 25 day of July, 2022, before me, the undersigned notary, personally appeared William Iverson known to me (or satisfactorily proven) to be the person whose name is subscribed to this instrument and acknowledged that he/she executed the same for the purposes therein contained.

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

*E Mancilla*

Signature of Notary Public

My Commission Expires: June 8, 2023



William R. Iversen

Arkansas Claims Commission

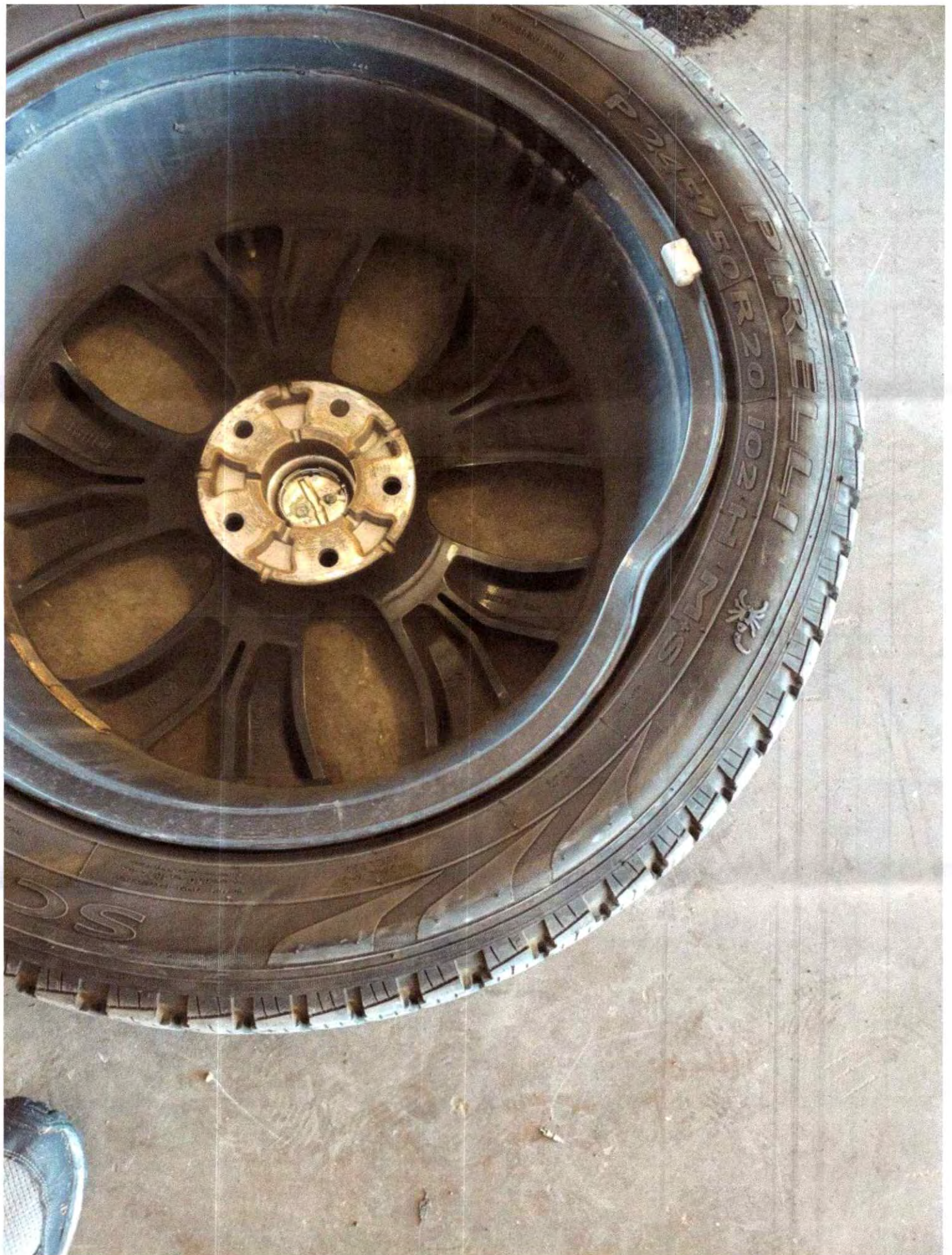
This an explanation of the traffic incident of July 10, 2022, on Arkansas I 55.

We were traveling northbound on Arkansas highway I55 nearing the exit to route 140. I was in the left lane when there was a loud explosive noise and I lost air in my right front tire. I lost partial control but was able to move to the right shoulder through traffic and stopped on the overpass over route 140. After multiple calls for roadside assistance, the Arkansas Highway police were contacted, and they arranged for a towing company to come to our aid.

We were towed down to a tire shop in Osceola and our car was left in the parking lot. This was a Sunday, and the facility was not open. The tow truck driver found a motel that would accept pets since our dog was with us and drove us there. This young man was extremely helpful throughout this ordeal.

The next morning, I took a cab to the tire shop, and they brought my car in immediately. It was found that my wheel had been so severely damaged that it couldn't be repaired. I've enclosed a photograph of the damaged wheel. They spent time trying to fix the wheel and find a replacement. A used tire and rim were finally found and installed which allowed us to travel home.







**RENEWAL DECLARATION**

ILLINOIS

POLICY NUMBER:

POLICY PERIOD: 05/20/2022 - 11/20/2022  
12:01 AM Standard Time

LAPSE IN COVERAGE: NONE

William Iversen

FOR CLAIMS SERVICE CALL:  
1-888-404-5365  
FOR CLIENT SERVICE CALL:  
1-888-404-5365

COVERAGE/LIMIT	1 2019 CHRY PACIFICA TO		
<b>BODILY INJURY LIABILITY</b> \$250,000 EACH PERSON \$500,000 EACH ACCIDENT	<b>\$141.00</b>		
<b>PROPERTY DAMAGE LIABILITY</b> \$100,000 EACH ACCIDENT	<b>INCL</b>		
<b>MEDICAL EXPENSE - EXCESS COVERAGE</b> \$5,000 EACH PERSON	<b>INCL</b>		
<b>UNINSURED/UNDERINSURED MOTORISTS</b> <b>BODILY INJURY</b> \$250,000 EACH PERSON \$500,000 EACH ACCIDENT	<b>INCL</b>		
<b>UNINSURED MOTORISTS PROPERTY DAMAGE</b>	<b>N/A</b>		
<b>CAR DAMAGE</b> <b>COLLISION (COV. D-1)</b> DEDUCTIBLES VEHICLE 1-\$500	<b>\$125.00</b>		
<b>OTHER THAN COLLISION (COV. D-2)</b> DEDUCTIBLES VEHICLE 1-\$500	<b>\$15.00</b>		
<b>TOWING AND LABOR COSTS</b>	<b>NONELECT</b>		
<b>RENTAL EXPENSE</b> \$30 PER DAY/\$900 PER OCCURRENCE	<b>\$6.00</b>		
<b>MOTOR VEHICLE THEFT PREVENTION FEE*</b>	<b>\$0.50</b>		
<b>STATE POLICE &amp; LAW ENFORCEMENT TRAINING FEE**</b>	<b>\$2.00</b>		
<b>TOTAL SEMIANNUAL PREMIUM PER VEHICLE</b>	<b>\$289.50</b>		
<b>TOTAL SEMIANNUAL PREMIUM - \$289.50</b>			

Coverage is provided only when both a premium and limit are shown.

\* Illinois law requires a fee every six months for each vehicle with Comprehensive or Collision coverage. The fee is submitted annually to the Illinois Motor Vehicle Theft Prevention Trust Fund.

\*\* Illinois law requires a fee every six months for each vehicle with Comprehensive or Collision coverage. This fee is submitted annually to the State Police Training and Academy Fund and the Law Enforcement Training Fund.

**DRIVER INFORMATION**

& ~ 1. William Iversen	4.
- 2. Linda Iversen	5.
3.	6.

~ QUALIFIES FOR SAFE DRIVING HISTORY  
& QUALIFIES FOR EDUCATION LEVEL DISCOUNT

**CAR INFORMATION****CARS KEPT AT LOCATION OTHER THAN RESIDENCE**

2019 CHRY [REDACTED]  
15,000 AVERAGE ANNUAL MILES

**YOUR POLICY HAS THE FOLLOWING DISCOUNTS:**

PREMIER SAFETY, FULL COVERAGE, FULL PAYMENT PLAN, TENURE, MULTI PRODUCT, COSTCO, INTERNET

2019 CHRY - ABS, ANTI-THEFT DEVICE, GARAGED, DUAL AND SIDE AIRBAGS

**YOUR POLICY HAS THE FOLLOWING ENDORSEMENTS:**

AMENDATORY ENDORSEMENT  
SPECIAL EQUIPMENT/CUSTOMIZATION: NONE

**LIENHOLDER INFORMATION**

William R. Iversen

Arkansas Claims Commission

This is a total of the expenses we incurred because of the incident of July 10, 2022.

Towing	165.00
Repair and used tire and wheel	247.50
Motel stay	91.59
Cab fare (I don't have a receipt for this)	10.00
New wheel	722.90
New tire	200.84
 TOTAL	 1,437.83



SMITH AUTO SALES AND TOW  
1340 W KEISER AVE  
OSCEOLA, AR 72370  
(870) 563-2303

## SALE

MID: 520004224334

TID: 003

REF#: 00000692

Batch #: 181001

RRN: 490100002

07/10/22

18:57:52

CVC: N

APPR CODE: 010040

VISA

Manual CNP

xx/xx

AMOUNT

\$165.00

APPROVED

CUSTOMER COPY



I hereby certify that I have received a written copy of this estimate of service, repairs or parts needed on the vehicle stated, and hereby authorize the service, repairs or parts required by this estimate and hereby grant you and/or your employees permission to operate the vehicle herein described on the streets, highways or elsewhere for the purpose of testing and/or inspection. An express mechanics lien is hereby acknowledged on above vehicle to secure the amount of repairs thereto which I have authorized and are not covered in my warranty, you will not be held responsible for loss or damage to vehicle or articles left in vehicle in case of fire, theft, accident or any other cause beyond your control.



## DAYS INN & SUITES OSCEOLA

4491 W KEISER AVENUE

OSCEOLA, AR 72370 US

Phone: (870) 563-3777

Fax: (870) 563-1188

Email: daysinnosceola@gmail.com

Printed: 7/11/2022 11:27:38 AM

## Folio

Name:  
Address:

Confirmation Number:

Room: 219  
Rate Plan: RACK  
Arrival: 7/10/2022

Room Type: SK1  
Daily Rate: \$79.99 + \$11.60 Tax  
Departure: 7/11/2022

Nights: 1      Guests: 1/0

### Room Rate:

7/10/2022 - 7/10/2022

\$79.99 + \$11.60Tax per night.

Date	Code	Description	Amount	Balance
7/10/2022	VI	VI (7572)	(\$10.00)	(\$10.00)
7/10/2022	DOPA	PET IN ROOM	\$10.00	\$0.00
7/10/2022	RM	ROOM CHARGE	\$79.99	\$79.99
7/10/2022	TAX1	STATE TAX	\$4.80	\$84.79
7/10/2022	TAX2	LODGING TAX	\$1.60	\$86.39
7/10/2022	TAX3	COUNTY TAX	\$2.00	\$88.39
7/10/2022	TAX4	CITY TAX	\$3.20	\$91.59
7/11/2022	VI	VI (7572)	(\$91.59)	\$0.00

Guest Signature: \_\_\_\_\_

I agree that my liability for this bill is not waived.

THANK YOU FOR STAYING AT AMERICA'S BEST VALUE INN. WE HOPE YOU HAVE ENJOYED YOUR STAY AND CHOOSE US FOR YOUR FUTURE STAYS. PLEASE CALL AGAIN ANY TIME TO MAKE RESERVATIONS HERE.





LibertyAutoCity.com

1000 E. Park Avenue  
Libertyville, IL 60048  
Phone (847) 362-2683

Service  
Chrysler Jeep Dodge Ram (847) 362-2222  
Subaru (847) 362-1600  
Toll Free (800) 774-2700

CUSTOMER NO. <b>117085</b>	ADVISOR <b>JAMES M. GRAY</b>	TAG NO. <b>1545</b>	INVOICE DATE <b>07/12/22</b>	INVOICE NO. [REDACTED]
[REDACTED]	LABOR RATE	LICENSE NO.	MILEAGE <b>51,023</b>	COLOR <b>BILLET SILV</b>
[REDACTED]	YEAR / MAKE / MODEL <b>19/CHRYSLER/PACIFICA TOURNG/4DR VAN</b>			STOCK NO. <b>519040</b>
[REDACTED]	VEHICLE I.D. NO. [REDACTED]			DELIVERY DATE <b>02/26/19</b>
[REDACTED]	F.T.E. NO.			DELIVERY MILES <b>63</b>
[REDACTED]	F.O. NO.			SELLING DEALER NO.
[REDACTED]	BUSINESS PHONE			PRODUCTION DATE
COMMENTS				R.O. DATE <b>07/12/22</b>
				REPRINT# <b>1</b>
MO: 51023				

LABOR & PARTS-----  
J# 1 27JEZ WHEELS & TIRES HOURS: TECH(S):226463 25.00

CUST STATES R/R RIMS BENT...PART IS IN..SAVE OLD RIM  
DAMAGED RIM  
REPLACED RIM..

PARTS-----	QTY----	FP-NUMBER-----	DESCRIPTION-----	UNIT	PRICE-
JOB # 1	1	SRJ49RNW-AB	WHEEL ALU 22001005		693.00
JOB # 1	1	68334611-AB	VALVE KIT 22005024		14.90
JOB # 1	0	TPR19936-00	TIRE 245/ 22001036		195.00

PART ON SPECIAL ORDER

\*\* QUANTITY 1 IS SPECIAL ORDERED \*\*

JOB # 1 TOTAL PARTS 707.90

JOB # 1 TOTAL LABOR & PARTS 732.90

MISC-----	CODE-----	DESCRIPTION-----	CONTROL NO-----
JOB # A	PC	RECORDS MANAGEMENT	1.99
JOB # A	SS	SHOP SUPPLIES	2.00
JOB # 1	JESP10D	10% JE/EA SERVICE PARTS DISCOUNT	-70.79
TOTAL - MISC			-66.80

COMMENTS-----  
WAITER

TOTALS-----

*****	TOTAL LABOR....	25.00
*	TOTAL PARTS....	707.90
* [ ] CASH [ ] CHARGE [ ] CHECK #	TOTAL SUBLET...	0.00
*	TOTAL G.O.G....	0.00
* [ ] MC [ ] VISA [ ] AMEX [ ] DISCOVER	TOTAL MISC CHG.	3.99
*	TOTAL MISC DISC	-70.79
*****	TOTAL TAX.....	56.80

I would like to thank all our valued customers for their continuing patronage through the years.

**TOTAL INVOICE \$ 722.90**

We service most makes and models.  
Look. Thank you for your business.  
Fixed Operations Director: Steve Hemmer  
Subaru Service Manager: Conor Crawford  
Customer Relations Manager: Agi Klos 224-475-7104

CUSTOMER SIGNATURE



LIBERTY AUTO CITY  
1000 E PARK AVE  
LIBERTYVILLE, IL 60048

07/12/2022 15:49:36

CREDIT CARD  
VISA SALE

Card # [REDACTED]  
Chip Card: CHASE VISA  
AID: A0000000031010  
SEQ #: 25  
Batch #: 409  
INVOICE 25  
Approval Code: 08099C  
Entry Method: Contactless  
Mode: Issuer

SALE AMOUNT \$722.90

CUSTOMER COPY

The Factory Warranty Constitutes All Of The Warranties With Respect To The Sale Of This Item/Items. The Seller Hereby Expressly Disclaims All Warranties, Either Express Or Implied, Including Any Implied Warranty Of Merchantability Or Fitness For A Particular Purpose, And The Seller Neither Assumes Nor Authorizes Any Other Person To Assume For It Any Liability In Connection With The Sale Of This Item / Items.

*Thank You! We Appreciate Your Business*





LibertyAutoCity.com

1000 E. Park Avenue  
Libertyville, IL 60048  
Phone (847) 362-2683

Service  
Chrysler Jeep Dodge Ram (847) 362-2222  
Subaru (847) 362-1600  
Toll Free (800) 774-2700

CUSTOMER NO. <b>117085</b>	ADVISOR <b>JAMES M. GRAY</b>	1454	TAG NO. <b>W438</b>	INVOICE DATE <b>07/13/22</b>	INVOICE NO. [REDACTED]
[REDACTED]	LABOR RATE	LICENSE NO.	MILEAGE <b>51,062</b>	COLOR <b>BILLET SILV</b>	STOCK NO. <b>519040</b>
	YEAR / MAKE / MODEL <b>19/CHRYSLER/PACIFICA TOURNG/4DR VAN</b>			DELIVERY DATE <b>02/26/19</b>	DELIVERY MILES <b>63</b>
	VEHICLE ID NO. [REDACTED]			SELLING DEALER NO.	PRODUCTION DATE
	F.T.E. NO.			P.O. NO.	R.O. DATE <b>07/13/22</b>
RESIDENCE PHONE [REDACTED]	BUSINESS PHONE	COMMENTS <b>MO: 51062</b>			

LABOR & PARTS-----					
JOB # 1	27JEZRLR	REPLACE 1 TIRE	HOURS:	TECH(S):224157	0.00
CUST STATES REPLACE R.R TIRE DAMAGED REPLACED TIRE					
PARTS-----QTY---FP-NUMBER-----DESCRIPTION-----UNIT PRICE-					
JOB # 1	1	TPR19936-00	TIRE 245/ 22001036		179.30
JOB # 1 TOTAL PARTS					179.30
JOB # 1 TOTAL LABOR & PARTS					179.30
MISC-----CODE-----DESCRIPTION-----CONTROL NO-----					
JOB # A	PC	RECORDS MANAGEMENT			1.99
JOB # 1	TIRE	TIRE DISPOSAL CHARGE			2.50
JOB # 1	TT	TIRE USER FEE			2.50
TOTAL - MISC					6.99
COMMENTS-----					
WAITER					
TOTALS-----					
*****					
* [ ] CASH [ ] CHARGE [ ] CHECK # *****					
* [ ] MC [ ] VISA [ ] AMEX [ ] DISCOVER *****					
*****					
I would like to thank all our valued customers for their continuing patronage through the years.					
*****					
TOTAL LABOR.... 0.00					
TOTAL PARTS.... 179.30					
TOTAL SUBLET.... 0.00					
TOTAL G.O.G.... 0.00					
TOTAL MISC CHG. 6.99					
TOTAL MISC DISC 0.00					
TOTAL TAX..... 14.55					
TOTAL INVOICE \$ 200.84					

We service most makes and models.  
Look. Thank you for your business.  
Fixed Operations Director: Steve Hemmer  
Subaru Service Manager Conor Crawford  
Customer Relations Manager Agi Klos 224-475-7104

CUSTOMER SIGNATURE

LIBERTY AUTO CITY  
1000 E PARK AVE  
LIBERTYVILLE, IL 60048

07/13/2022 15:21:16

CREDIT CARD

VISA SALE

Card # [REDACTED]  
Chip Card: CHASE VISA  
AID: A000000003101C  
SEQ #: 2C  
Batch #: 41C  
INVOICE 24  
Approval Code: 03480C  
Entry Method: Chip Reac  
Mode: Issue

SALE AMOUNT \$200.84

CUSTOMER COPY

**SERVICE TO  
BELIEVE IN!**

The Factory Warranty Constitutes All Of The Warranties With Respect To The Sale Of This Item/Items. The Seller Hereby Expressly Disclaims All Warranties, Either Express Or Implied, Including Any Implied Warranty Of Merchantability Or Fitness For A Particular Purpose, And The Seller Neither Assumes Nor Authorizes Any Other Person To Assume For It Any Liability In Connection With The Sale Of This Item / Items.

*Thank You! We Appreciate Your Business*

**From:** [ASCC New Claims](#)  
**To:** [Looney, Rita S.](#); [Sparks, Trella A.](#); [Blakley, Sharon](#)  
**Cc:** [Kathryn Irby](#)  
**Subject:** CLAIM: William Iversen v. ArDOT, Claim No. 230126  
**Date:** Monday, August 1, 2022 3:00:00 PM  
**Attachments:** [William Iversen ArDOT agency ltr .pdf](#)  
[William Iversen Claim.pdf](#)

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Please see attached. Contact Kathryn Irby with any questions.

Thank you,  
Caitlin

**Caitlin McDaniel**

*Administrative Specialist II*

**Arkansas State Claims Commission**

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

**BEFORE THE STATE CLAIMS COMMISSION  
OF THE STATE OF ARKANSAS**

**WILLIAM IVERSON**

**CLAIMANT**

**V.**

**CLAIM NO. 230126**

**ARKANSAS DEPARTMENT OF TRANSPORTATION**

**RESPONDENT**

**ANSWER AND MOTION TO DISMISS**

**COMES THE RESPONDENT**, Arkansas Department of Transportation, by and through its Staff Attorney, Evin E. Walker, and for its Answer and Motion to Dismiss states the following:

1. The Respondent denies all allegations of the Complaint not admitted herein.

2. The Claimant's damage, if any, was not caused by negligence of the Arkansas Department of Transportation or its employees.

3. The Claimant's damage, if any, cannot be verified as having been caused by negligence of the Arkansas Department of Transportation or its employees. Claimant has not filed her complaint to include “a statement of facts sufficiently clear to identify the Claimant, the Respondent state agency or agencies, *the circumstances giving rise to the claim* and the amount of monetary damages sought” as is required under Rule 2.1 of the Arkansas State Claims Commission Rules and Regulations.

4. The State is not a no-fault insurer of the general public. Without any claim and proof of negligence on the part of the Respondent, the State should not be liable for Claimant’s damages.

5. Claimant has failed to state a claim against the Respondent for which relief can be granted. This matter should be denied and dismissed pursuant to Arkansas Rules of Civil Procedure, Rule 12(b)(6).

6. A Claim for Negligence requires a duty, breach, damages, and causation. *Chambers v. Stern*, 347 Ark. 395, 406, 64 S.W.3d 737, 744 (2002); *Prosser and Keeton on Torts*, Ch. 5, § 30. Arkansas is a fact-pleadings state. Claimant has not stated facts sufficient to support a claim for these elements of negligence.

**WHEREFORE**, the Respondent prays for dismissal of the Complaint, for its costs, and for all other proper relief to which it may be entitled.

**RESPECTFULLY SUBMITTED,**  
**ARKANSAS DEPARTMENT OF TRANSPORTATION**


*Evin E. Walker*

By: \_\_\_\_\_

Evin E. Walker  
Arkansas Bar No. 2018145  
Deputy Chief Counsel  
ARDOT, Legal Division  
P. O. Box 2261  
Little Rock, AR 72203-2261  
(501) 569-2165

**CERTIFICATE OF SERVICE**

I, Evin E. Walker, certify that I have served the foregoing Answer and Motion to Dismiss upon the Claimant by mailing a true copy of same this 17th of August, 2022 to:

William Iverson  


*Evin E. Walker*  
Evin E. Walker



**From:** [REDACTED]  
**To:** [ASCC Pleadings](#)  
**Subject:** Claim No.230126  
**Date:** Tuesday, August 23, 2022 11:39:29 PM

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You don't often get email from wriversen@hotmail.com. [Learn why this is important](#)

Claim No. 230126

To whom it may concern,

This is in response to the Motion to Dismiss regarding Claim No. 230126. This document states that the damage was not caused by negligence of the Arkansas Department of Transportation or its employees. It further states that I did not include a statement of facts sufficiently clear to identify the circumstances giving rise to the claim.

The section of highway where this incident occurred was in very bad shape. For several miles there were numerous attempts to repair large potholes and many potholes that were not repaired. There was an enormous amount of retread tire sections scattered along the highway along with much debris including pieces of metal. I enclosed a photograph of the damage to my wheel and to have caused that amount of damage I had to have hit either chunks of the debris or one of the many large potholes. I'm just grateful I was able to maintain control of my car and to safely maneuver to the shoulder without any more damage or injury.

It is my belief that the conditions of this section of highway does in fact show negligence on the part of the Arkansas Department of Transportation that led to the damage to my vehicle as well as all the additional costs incurred. I feel this should provide the facts that gave rise to my claim.

I appreciate your consideration of this explanation and thank you for the opportunity to respond.

Thank you,

William R. Iversen

**BEFORE THE ARKANSAS STATE CLAIMS COMMISSION**

**WILLIAM IVERSEN**

**CLAIMANT**

**V.**

**CLAIM NO. 230126**

**ARKANSAS DEPARTMENT OF  
TRANSPORTATION**

**RESPONDENT**

**ORDER**

Now before the Arkansas State Claims Commission (the “Claims Commission”) is the motion filed by the Arkansas Department of Transportation (the “Respondent”) to dismiss the claim of William Iverson (the “Claimant”). Based upon a review of Respondent’s motion, the arguments made therein, and the law of Arkansas, the Claims Commission hereby finds as follows:

1. Claimant filed the instant claim, alleging that, while he was traveling in his vehicle on a state highway, he heard a loud explosive noise and a tire on his vehicle lost air. Claimant also alleges that his wheel had been so severely damaged it could not be repaired.

2. Respondent filed a motion to dismiss, arguing, *inter alia*, that Claimant has failed to state a claim against Respondent upon which relief can be granted.

3. Claimant filed a response, arguing, *inter alia*, that his vehicle “had to have hit either chunks of [ ] debris or one of the many large potholes” on the section of highway where the incident occurred.

4. In reviewing this motion to dismiss, the Claims Commission must treat the facts alleged in the complaint as true and view them in a light most favorable to the Claimant. *See Hodges v. Lamora*, 337 Ark. 470, 989 S.W.2d 530 (1999). All reasonable inferences must be resolved in favor of the Claimant, and the complaint must be liberally construed. *See id.* However, the Claimant must allege facts, not mere conclusions. *Dockery v. Morgan*, 2011 Ark. 94 at \*6, 380 S.W.3d 377, 382. The facts alleged in the complaint will be treated as true, but not “a plaintiff’s

theories, speculation, or statutory interpretation.” *See id.* (citing *Hodges*, 337 Ark. 470, 989 S.W.2d 530 (1999)).

5. Claimant’s claim is a negligence claim. The elements of a negligence claim are duty, breach of duty, and damages proximately caused by the breach. *See Chambers v. Stern*, 347 Ark. 395, 406, 64 S.W.3d 737, 744 (2002).

6. Even applying the liberal *Hodges* standard, Claimant has not established any facts to show that his damages were caused by Respondent’s breach of duty. The fact that Claimant’s vehicle was damaged, by itself, is insufficient to demonstrate a claim against Respondent. Therefore, Claims Commission agrees with Respondent that dismissal of this claim is proper.

7. As such, Respondent’s motion to dismiss is GRANTED, and Claimant’s claim is DISMISSED pursuant to Ark. R. Civ. Proc. 12(b)(6) without prejudice.

IT IS SO ORDERED.



---

ARKANSAS STATE CLAIMS COMMISSION

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

DATE: September 30, 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:** [ASCC Pleadings](#)  
**To:** [REDACTED]; [Walker, Evin E.](#)  
**Cc:** ["Blakley, Sharon"](#)  
**Subject:** ORDER: William Iversen v. ArDOT, Claim No. 230126  
**Date:** Friday, September 30, 2022 11:04:00 AM  
**Attachments:** [Iversen.pdf](#)

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Mr. Iversen and Ms. Walker,

Please see the attached order entered by the Claims Commission.

Thank you,  
Mika Tucker

**Arkansas State Claims Commission**

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

**From:** [REDACTED]  
**To:** [ASCC Pleadings](#)  
**Subject:** Claim No.230126  
**Date:** Tuesday, October 11, 2022 5:24:53 PM

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To whom it may concern,

I am responding to findings of the Arkansas Department of Transportation regarding my claim number 230126. I am not an attorney, so I am at a disadvantage when addressing this response to my claim. I hope my response is appropriate.

In item 4 of the order, it states that I cannot speculate or interpret what happened. It was very clear that I did hit one of the many large potholes that were located on the main highway. I did not speculate or interpret that this occurred. The damage to my wheel clearly shows the severity of the impact.

Item 5 goes on to state that the elements of a negligence claim are duty, breach of duty and damages caused by this breach. There is clearly a duty of the Arkansas Department of Transportation to provide a safe roadway on which vehicles drive. When the conditions of this roadway are in such need of repair that they cause incidents such as mine to occur there is a clear breach of that duty. The damages that I sustained were directly caused by this breach. It is my belief that by using your language I clearly show that my negligence claim is accurate and am requesting a Motion for Reconsideration and a Notice of Appeal.

I appreciate your consideration of this statement and thank you for the opportunity to respond.

Thank you,

William R. Iversen