

Please print in ink or type

BEFORE THE STATE CLAIMS COMMISSION
Of the State of Arkansas

RECEIVED

☒ Mr.
☐ Mrs.
☐ Ms.
☐ Miss

Morris Koontz #115260

Claimant

vs.

State of Arkansas, Respondent

AR Dept. of Corr.

Do Not Write in These Spaces	
Claim No.	15-0718-CC
Date Filed	April 13, 2015 (Month) (Day) (Year)
Amount of Claim \$	50.00
Fund	DOC

COMPLAINT

Loss of Property, Refund of Expenses

Morris Koontz #115260

(Name)

the above named Claimant, of

P.O. Box 600, Grady, AR 71644

(Street or R.F.D. & No.)

(City)

(State) (Zip Code) (Daytime Phone No.)

County of Lincoln

represented by

N/A

(Legal Counsel, if any, for Claim)

of

(Street and No.)

(City)

(State)

(Zip Code)

(Phone No.)

(Fax No.)

says:

State agency involved:

ARKANSAS DEPT. OF CORRECTIONS - mailroom

Amount sought: 25.00 - 50.00

Month, day, year and place of incident or service:

May 09, 2014 - October 16, 2014

Explanation: In April 2014 I filled out inmate check along with order form to order magazine from LUSHEVA BOOKS, INC. Check was issued and magazine was sent to Varner Unit Mailroom on 5/9/14. On this date mailroom sent claimant Return Mail Notice stating magazine was being rejected due to content. Claimant immediately wrote mailroom & advised them that I had no money to send magazine out but was expecting visit soon and that I would like to send out during visit. After several of these request mailroom finally responded a month + (28) days later and told me to send request to property supervisor for pick up in which I did. It never responded. Went on (3) visits between arrival of magazine and 1st grievance. Every visit I had officers escorting me to contact mailroom/property room but to no avail. Upon writing grievance mailroom claims that property Sgt Brown picked up mail but Sgt Brown denied ever receiving this magazine or that mailroom turned it over to him. According to AR # 860 + 864 + 841 AR 6 AD 14-01 + 12-03 note these ARs + ADs will be provided to commission by claimant once ADC gives claimant copies. That anytime publication or mail is rejected inmate has (4) options regarding resolution of rejected mail #1 send back to company #2 Mail to 3rd party #3 Destroy #4 Send out to 3rd party during visitation. The mailroom/property room denied claimant any of these options because they have purposely lost or given away property that claimant bought and paid for. Claimant has tried several times to resolve this issue but to no avail. Claimant wants money back for magazine, postage, & copies paid for by claimant regarding this matter.

As parts of this complaint, the claimant makes the statements, and answers the following questions, as indicated: (1) Has claim been presented to any state department or officer thereof?

Yes

(Yes or No)

when?

9

(Month)

01

(Day)

2014

(Year)

to whom?

mailroom/treatment/grievance/property Sgt

and that the following action was taken thereon:

N/A

and that \$

was paid thereon: (2) Has any third person or corporation an interest in this claim?

N/A

if so, state name and address

(Name)

(Street or R.F.D. & No.)

(City)

(State)

(Zip Code)

and that the nature thereof is as follows:

and was acquired on

in the following manner:

THE UNDERSIGNED states on oath that he or she is familiar with the matters and things set forth in the above complaint, and that he or she verily believes that they are true.

Mr. Morris B. Koontz
(Print Claimant/Representative Name)

Mr. Morris B. Koontz
(Signature of Claimant/Representative)

SWORN TO and subscribed before me at

Grady, Ark.
(City) (State)

(SE) SHARON L. CANTRELL

NOTARY PUBLIC

DESHA COUNTY, ARKANSAS

COMM. EXP. 02-21-2017

COMMISSION NO. 12361205

My Commission Expires:

02-21-2017
(Month) (Day) (Year)

(Month)

(Day)

(Year)

ARKANSAS DEPARTMENT OF CORRECTION
RETURN MAIL NOTICE

Today's
Date:

Destroy
Date:

Barracks No: CB5-575

05/09/2014

06/23/2014

Inmate Name: KOONTZ, MORRIS - @

ADC# 115260

Regarding Letter/Package from: LUSHENA BOOKS

The above item(s) has to be returned for

☐ Cash Enclosed

☐ Nude Photos

☐ Contains a CD

☐ Must be Level 4

☐ Exceeds Photo
Limit (5)

☐ Must come from
Publisher/Bookstore

☐ Unauthorized
Money Order

☐ Photos containing
gang signs

☐ Unauthorized
Correspondence

☐ Postage Stamp

☐ Sexually Suggestive
Photos

☐ Unauthorized
Materials

☐ Stamp Enclosed

☒ Other NUDITY & HOMOSEXUAL

☐ Send Stamped/Addressed Envelope

☒ Send Inmate Check 5.35

Advise your correspondence that ALL the required information MUST be included in your address

You have 45 days to pay postage
or your mail and contraband
will be destroyed.

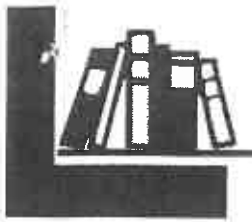
Please check one of the boxes below and return this notice to the mailroom.

I WISH TO:

- () Donate outside unit at Inmate Expense
() Return to sender at Inmate expense **MUST SEND INMATE CHECK**
() Destroy Above Items
(☒) Third Party at Inmate expense **MUST SEND INMATE CHECK**

visitation to family member
D. Koontz

Address



Lushena Books, Inc.

607 Country Club Drive, Unit E
Bensenville IL 60106

Tel: 630-238-8708 Toll: 800-785-1545
Fax: 630-238-8824 Lushenabks@yahoo.com

SALES INVOICE

5/4/2014

SI-59980

Customer brian koontz 115260 115260 p.o.box 600 GRADY AR 71644	Contact	Ship To brian koontz 115260 115260 p.o.box 600 GRADY AR 71644
---	----------------	--

Account 11126	Terms NET 1 DAYS	Due Date 5/5/2014	Account Rep SUPERVISOR	Schedule Date 5/4/2014
Sales Order	Ship VIA UPS Ground Commercial	Reference	PO #	Page 1
				Printed 1/30/2015 10:26:05AM

ISBN	BOOK TITLE	AUTHOR	ORD	SHIP	PRICE	LOC	DISC	AMOUNT
26898	Sub O	UB	0	1	\$9.99			\$9.99
0000000000	SHIPPING/HANDLING	N/A	0	1	\$4.25			\$4.25
		Book Totals:		2				
Copies to price postage?								
EX# 2								

Please detach & Remit Payments to: Taxable

\$0.00

Lushena Books Inc.
607 Country Club Drive, Unit E
Bensenville, IL 60106

Please charge to my credit card:

Card Type: MC Visa Amex
Discover

Card #: _____
EXP: ____ / ____

Signed: _____

Total Tax	\$0.00
Exempt	\$14.24
Total	\$14.24
Payment Disc	\$0.00
Paid	\$14.24
Balance	\$0.00



honor and integrity in public service

Arkansas Department of Correction

TO: KOONTZ, MORRIS - @ **ADC# 115260 Bks. CB5-575**
FROM: Ms. V. Allen (Mailroom Supervisor)
DATE: Thursday, October 16, 2014
RE: Your "Request For Interview" **ID#: 1655**

I have received your request concerning your mail. If you have money you can send a signed inmate check. Send a request to the property office so he can pick it up.

EX# 4



honor and integrity in public service

Arkansas Department of Correction

TO: KOONTZ, MORRIS - @ **ADC# 115260 Bks. CB5-575**
FROM: Ms. V. Allen (Mailroom Supervisor)
DATE: Thursday, June 19, 2014
RE: Your "Request For Interview" **ID#: 1442**

I have received your request concerning your book. Send your request to the property room to pick up your book.

EX# 3

UNIT LEVEL GRIEVANCE FORM (Attachment I)

Unit/Center VSM

Name Mr. M. Kountz

ADC# 115260 Brks # 575 Job Assignment _____

11/25/14 (Date) STEP ONE: Informal Resolution

12-9-14 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)
If the issue was not resolved during Step One, state why: Already at step II

(Date) EMERGENCY GRIEVANCE (An emergency situation is one in which you may be subject to a substantial risk of physical harm; emergency grievances are not for ordinary problems that are not of a serious nature). If you marked yes, give this completed form to the designated problem-solving staff, who will sign the attached emergency receipt. If an Emergency, state why: _____

Is this Grievance concerning Medical or Mental Health Services? _____ If yes, circle one: medical or mental

BRIEFLY state your one complaint/concern and be specific as to the complaint, date, place, name of personnel involved and how you were affected. (Please Print): HAVE written several request and grievances concerning return mail from LUSHENA Books.com (magazine PhotoPuff) was told thro inter unit correspondence from mail room that I would be allowed to send out via visitation. Everytime I go to visit and have someone inquire about the magazine I am being given the run around just informal that was written mail supervisor informed that she had to get with Sgt Brown regarding this, we went on visit today 11/25/14 and Sgt Bader call mail room they told her wait no return mail for me I need the magazine found or replaced.

Inmate Signature

If you are harmed/threatened because of your use of the grievance process, report it immediately to the Warden or designee.

THIS SECTION TO BE FILLED OUT BY STAFF ONLY

This form was received on VSM (date) and determined to be Step One and/or an Emergency Grievance (Yes or No). This form was forwarded to medical or mental health? _____ (Yes or No). If yes, name of the person in that department receiving this form: _____ Date: _____

PRINT STAFF NAME (PROBLEM SOLVER)

ID Number

Staff Signature

Date Received

Describe action taken to resolve complaint, including dates: Ms. Allen advised your magazine was sent to the property room to be sent out on visitation

Staff Signature & Date Returned

Inmate Signature & Date Received

This form was received on 12/14/14 (date), pursuant to Step Two. Is it an Emergency? N (Yes or No).

Staff Who Received Step Two Grievance: _____

Action Taken: _____ (Forwarded to Grievance Officer/Warden/Other) Date: _____

If forwarded, provide name of person receiving this form: _____ Date: _____

DISTRIBUTION: YELLOW & PINK – Inmate Receipts; **BLUE**-Grievance Officer; **ORIGINAL**-Given back to Inmate After Completion of Step One and Step Two.

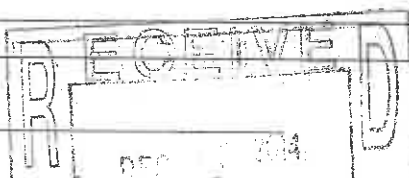
(white)

FOR OFFICE USE ONLY

GRV. # VSM14-04565

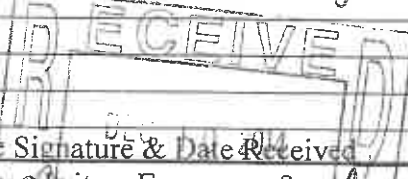
Date Received: 12/10/14

GRV. Code #: 327



Date

11/28/14



4A
5-7
5

JAN 21 2015

IGTT410
3GSINMATE GRIEVANCE SUPERVISOR
ADMINISTRATION BUILDING

CB05/575

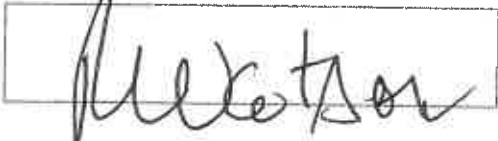
Attachment III

INMATE NAME: Koontz, MorrisADC #: 115260BGRIEVANCE #: VSM14-04565

WARDEN/CENTER SUPERVISOR'S DECISION

In response to your grievance: Inmate Morris Koontz, you state, "Have written several request and grievances concerning return mail from Lushena Books.com (magazine phatapotts) was told thru inter unit correspondence from mail room that I would be allowed to sent out via visitation. Everytime I go to visit and have someone inquire about this magazine I am being given the run around last informed that was written mail supervisor informed that she had to get with Sgt Brown regarding this issue went on visit today 112514 had Sgt Bailey call mailroom they told her wasn't no return mail for me I need this magazine found or replaced"

Sgt. Brown advised that there is no magazine in the property room belonging to you. No evidence have been found to support your allegations. Therefore, I find this issue without merit.



Signature of Warden/Supervisor or Designee



Title

1-13-15

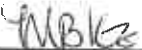
Date

INMATE'S APPEAL

If you are not satisfied with this response, you may appeal this decision within five working days by filling in the information requested below and mailing it to the appropriate Chief Deputy/Deputy/Assistant Director along with the Unit Level Grievance Form. Keep in mind that you are appealing the decision to the original grievance. Do not list additional issues, which are not part of your original grievance as they will not be addressed. Your appeal statement is limited to what you write in the space provided below.

WHY DO YOU DISAGREE WITH THE ABOVE RESPONSE?

HAVE proff that this magazine was recieved in mailroom
5 9 2014 HAVE inter office comm from mailroom stating
book was given to property room Sgt Brown book has
been lost by unit and clerk will be filed if book
is not found and sent out



Inmate Signature

115260

ADC#

1/15/15

Date

INMATE NAME: Koontz, Morris

ADC #: 115260

GRIEVANCE#: VSM14-04565

CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION

You stated, that you have written several request concerning your return mail from Lushena Books. You stated, that you need this magazine found or replaced.

Per AD 14-16 Publications is non-grievable through the Inmate Grievance Procedure. Records show that a Return Mail Notice was forwarded to you denying your magazine because of nudity and homosexual.

Therefore, I find no merit to your complaint.

Appeal denied



Director

3-24-15

Date

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

MORRIS KOONTZ (ADC 115260)

V.

NO. 15-0718-CC

ARKANSAS DEPARTMENT OF CORRECTION

Arkansas
State Claims Commission

MAY 07 2015

CLAIMANT

RESPONDENT

ANSWER


RECEIVED

COMES NOW the Respondent, Arkansas Department of Correction, and for its Answer, states and alleges as follows:

1. Respondent denies liability in this claim and asserts it will hold the Claimant to strict proof on each allegation unless admitted by Respondent. Respondent reserves the right to plead further upon completion of the investigation by internal affairs and requests the matter be held in abeyance until the investigation is complete.
2. The applicable account information required by the Commission is:
 - a. Agency number: 0480
 - b. Cost Center: HCA 0100
 - c. Internal Order: 340301
 - d. Fund Center: 509

WHEREFORE, for the reasons cited above the Respondent prays that the claim be dismissed with prejudice and that Claimant take nothing, or in the alternative that the matter be held in abeyance until completion of the investigation by internal affairs.

Respectfully submitted,
Department of Correction Office of Counsel


LISA MILLS WILKINS Ark. Bar #87190
Attorney Supervisor
Post Office Box 8707
Pine Bluff, AR 71611
(870)267-6844 Office
(870)267-6373 Facsimile

CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been served this 6 day of May, 2014, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Morris Koontz (ADC 115260)
Varner Super Max
PO Box 400
Grady, AR 71644-0400


LISA MILLS WILKINS Ark. Bar #87190

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

MORRIS KOONTZ (ADC #115260)

CLAIMANT

V.

NO. 15-0718-CC

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

RESPONDENT'S MOTION TO DISMISS

COMES NOW the Respondent, Arkansas Department of Correction, and for its MOTION TO DISMISS, states and responds as follows:

1. Claimant alleges that his magazine, PHATPUFF, was wrongfully destroyed without being given the opportunity to send it out on visitation. He seeks \$50.00 in damages. Claimant has failed to state a claim under ARCP 12(B)(6) and the claim should be dismissed.
2. The magazine was received on May 9, 2014 and Claimant was notified that he had 45 days to dispose of it by one of four methods before June 23, 2014 as stated in his notice. He chose to send out on visitation, although that was not an option on the form. He had a visitation on June 17, 2014.
3. There is no record of him requesting this magazine from the property room from Sgt. Brown for this visitation.
4. Respondent prays that the claim be dismissed.

WHEREFORE, for the reasons stated above and the evidence submitted, the Claim must be dismissed.

Arkansas
State Claims Commission

SEP 10 2015

RECEIVED

Respectfully submitted,
Department of Correction
Office of Counsel



LISA MILLS WILKINS Ark. Bar #87190

Attorney Supervisor

Post Office Box 8707

Pine Bluff, AR 71611

(870)267-6844 Office

(870)267-6373 Facsimile

CERTIFICATE OF SERVICE

I certify that a copy of the MOTION TO DISMISS has been served this 9 day of September, 2015, on the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

MORRIS KOONTZ (ADC #115260)

VSM

P. O. 400

GRADY, AR 71644-0400



LISA MILLS WILKINS Ark. Bar #87190

IN THE ARKANSAS STATE CLAIMS COMMISSION

Arkansas Claims Commission
SEP 17 2015 800-4

SEP 17 2015

RECEIVED

STATE OF ARKANSAS

COUNTY OF Lincoln

No. 15-0718-CC

AFFIDAVIT

MOTION TO DENY DEFENDANT'S MOTION
TO DISMISS:

I, Mr. Morris Koontz, after first being duly sworn, do hereby swear, depose

and state that: **#1:- Defendants admit to receiving magazine (Phat Puffs) in Varner Unit mail-room. Defendants also admit that claimant was given (45) days to dispose of magazine.**
#2:- Defendants claim that on June 17 and 18, 2012, after first being duly sworn, do hereby swear, depose

#2.- Defendants claim that on June 17, 2014 visit, claimant never asked him to visit contacted mailroom which advised Sgt Brown had magazine & when he was contacted he denies ever receiving any magazine for me from mailroom. Furthermore Defendants admit that claimant went to visit during allotted disposal/resolution period.

#3- Defendants also claim that claimant chose option not available to him which is also untrue. Policy A.D 14-22 (already submitted) section F. #4 clearly states that any rejected publications can be sent out thru 3rd party on visitation.

#4: It is also clear that claimant tried with zeal to get the issue resolved by submitting request + grievances regarding this matter. Proper proper already filed with claim.

#5. The magazine in question was limited edition and only so many issues were made. Magazine has since ceased publication.

#6. It is clear that Defendants lost/shot/misplaced claimants magazine and claimant has valid issue that can and should be decided by claims commission. For the above stated reasons Defendants motion to Dismiss should be denied on its face.

I further swear that the statements, matters and things contained herein are true and accurate to the best of my knowledge, information and belief.

DATE _____

9 13 15

AFFIANT

Mr. M Koontz

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public, on this 14 day of September, 2015.

NOTARY PUBLIC

Felicia Pigme
Y PUBLIC

My Commission Expires:

01-31-2021

FELICIA PIGGEE
NOTARY PUBLIC-STATE OF ARKANSAS
DESHA COUNTY
My Commission Expires 01-31-2021
Commission # 12382202

STATE CLAIMS COMMISSION DOCKET
OPINION

Amount of Claim \$ 50.00

Claim No. 15-0718-CC

Attorneys

Morris Koontz, #115260 Claimant
vs.

Pro se Claimant

Department of Corrections
State of Arkansas Respondent

Lisa Wilkins, Attorney Respondent

Date Filed April 13, 2015

Type of Claim Loss of Property, Refund of Expenses

FINDING OF FACTS

The Claims Commission hereby unanimously denied and dismissed the Respondent's "Motion to Dismiss."

IT IS SO ORDERED.

(See Back of Opinion Form)

CONCLUSION

The Claims Commission hereby unanimously denied and dismissed the Respondent's "Motion to Dismiss."

Date of Hearing October 14, 2015

Date of Disposition October 14, 2015


Chairman

Commissioner

Commissioner

**Appeal of any final Claims Commission decision is only to the Arkansas General Assembly as provided by Act #33 of 1997 and as found in Arkansas Code Annotated §19-10-211.

STATE CLAIMS COMMISSION DOCKET
OPINION

50.00

15-0718-CC

Amount of Claim \$ _____

Claim No. _____

Morris Koontz # 115260

Attorneys

Pro se

Claimant

Claimant

vs.

AR Department of Corrections

Lisa Wilkins, Attorney

Respondent

Respondent

State of Arkansas

April 13, 2015

Date Filed

Type of Claim

Loss of Property, Refund of
Expenses

FINDING OF FACTS

This claim was filed for loss of property and refund of expenses in the amount of \$50.00 against Arkansas Department of Corrections.

Present at a hearing December 9, 2015, was the Claimant, pro se, and the Respondent, represented by Lisa Wilkins, Attorney.

The Claims Commission hereby unanimously denies and dismisses this claim for Claimant's failure to prove by a preponderance of the evidence any liability on the part of the Respondent.

Therefore, this claim is hereby unanimously dismissed.

IT IS SO ORDERED.




(See Back of Opinion Form)

CONCLUSION

Upon consideration of all the facts, as stated above, the Claims Commission unanimously denied and dismissed this claim for Claimant's failure to prove by a preponderance of the evidence any liability on the part of the Respondent.

Date of Hearing December 9, 2015

Date of Disposition December 9, 2015


Chairman

Commissioner

Commissioner

**Appeal of any final Claims Commission decision is only to the Arkansas General Assembly as provided by Act #33 of 1997 and as found in Arkansas Code Annotated §19-10-211.

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IN THE ARKANSAS STATE CLAIMS COMMISSION

MORRIS KOONTZ

CLAIMANT

Vs.

No. 15-0718-CC

ARKANSAS Dept. of Corrections

RESPONDENTS

MOTION FOR REHEARING

Comes now the Claimant, Morris Koontz, with and for his Motion for Rehearing states:

1. Claimant filed this claim as loss of property against the ADC.

2. On January 21, 2014, claimant ordered from his inmate account a magazine from Lushena Books. (see Ek #1)

3. This magazine arrived at Varner Unit on May 9, 2014. This magazine was taken by mailroom sup. V. Allen.

4. On the same day, mailroom issued a Return Mail Notice to claimant stating magazine was being rejected for homosexuality/Nudity.

5. Per policy AD 14-22 section IV. Procedures B.- Publications recommended for rejection will be referred to the Warden/Center Supervisor for final decision. (See Ex # 1) Section C also details the time for review and the appeals process.

6. Claimant has or was denied access to the procedures laid out in Publications policy. Magazine arrived at unit was promptly denied. If policy had been followed claimant would have had (45) more days to resolve issue thru appeal review process

7. Claimant was given (45) days to resolve issue concerning magazine. Claimant chose as his option to give to 3rd party during visitation as section F. of same policy prescribes.

8. Claimant notified mailroom in writing of his decision and was informed by them that magazine would be turned over to property supervisor for pick-up, Claimant received visit a few days after this response. Property Sup. Sgt. Brown.

9. On June 23, 2014, Claimant was escorted by Sgt. K. Bailey and Lt. Essau to visitation. On the way claimant advised escorts of property to be picked up & Sgt Bailey stopped in front of KSM control and called mailroom and was told by them that Sgt Brown had this magazine. Sgt Bailey then contacted Sgt Brown via radio and was told by him that he had not received any property from mailroom belonging to claimant. Claimant was then taken to visit

10. After conclusion of visit, claimant initiated request/grievance process in this matter and at each step one side blamed other.

11. Claimant then filed claim in this department.

12. A few days after filing claim, claimant filed a subpoena witness list with this office and ADC attorney Lisa Mills. Subpoena was returned by B Wade because hearing had not yet been granted in this matter. (See EC # 3) Letter dated June 11 2015 from B. Wade

13. Hearing was later granted and per rules of Commission hearing, new subpoenas was filed with this office and Lisa Mills 30 days before scheduled hearing date. (Received by this office 9-17-15)

14. New hearing date was granted because of scheduling conflicts. Nothing new required by claims commission no communication on subpoenas except for it was ADC attorney Lisa Mills duty to provide witnesses or have them appear before commission. (2) was the set limit.

15. At December 9, 2015 hearing, Lisa Mills asked only (1) question of claimant and that was who or did I contact any one date of visit. If Lisa Mills would have provided witnesses as stated by commission these witnesses would have verified that I in fact made contact with them during June 23, 2014 visit

16. I was later informed by V. Allen that she was there but was not called to testify in this matter. Sgt. Brown has stated that he was not summoned for this hearing. (See additional EX's)

17. For claimant to fully execute his claim he should have had access to these witnesses to examine them before the commission, since this was denied re hearing should be granted.

Respectfully submitted,

Mr. M. Koontz

ADC # 115260

P.O. Box 600

Grady AD. 71644-0600

STATE OF ARKANSAS

800-4

COUNTY OF Lincoln

)
) §
)

AFFIDAVIT

I, Mr. M. Koontz

, after first being duly sworn, do hereby swear, depose

and state that:

a MOTION FOR RE-HEARING along with EX#1 -
was mailed via United States Mail, postage prepaid
to the ARKANSAS STATE CLAIMS COMMISSION
101 E Capitol Ave Ste 410
Little Rock AR 72201

I further swear that the statements, matters and things contained herein are true and accurate to the best of my knowledge, information and belief.

DATE

1/17/15

AFFIANT

Mr. M. Koontz

SOCIAL SECURITY #

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public, on this 07 day of January, 2016.

NOTARY PUBLIC

Felicia Piggee

My Commission Expires: 01-31-2021

FELICIA PIGGEE
NOTARY PUBLIC-STATE OF ARKANSAS
DESHA COUNTY
My Commission Expires 01-31-2021
Commission # 12382202

17

TRUST FUND ACCOUNT STATEMENT
FROM: 01/01/2014 TO: 03/21/2014

REPORT NO. IBSR148 - 80

PAGE: 1 of 3
PROCESSED: 03/21/2014 09:20 AM
REQUESTOR: Ruth A Calloway

BANKING LOCATION: AR Department of Corrections
UNIT: Varner Unit
FACILITY: Varner Super Max

ACCT NAME: Koontz, Morris Brian

ACCT ID: 1115260

HOUSING: CB05 575

YPE: Inmate Checking Account

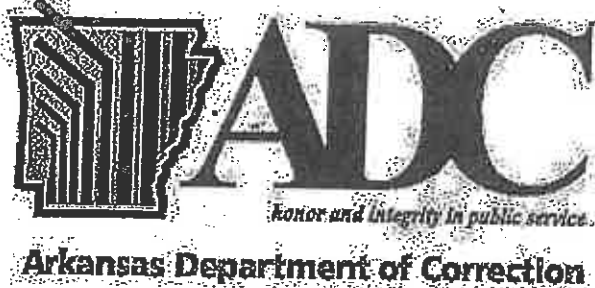
POSTED TRANSACTIONS

BEGINNING BALANCE: 01/01/2014 \$103.21

DATE	TRANSACTION TYPE	DEPOSIT REMITTER	REASON	REFERENCE #	+/-	AMOUNT	BALANCE
01/02/2014	Canteen Sale to Inmate		Personal Spending	1617725	-	\$23.18	\$80.03
01/07/2014	Canteen Sale to Inmate		Personal Spending	1617719	-	\$0.46	\$79.57
01/09/2014	Canteen Sale to Inmate		Personal Spending	1617725	-	\$1.59	\$77.98
01/15/2014	Canteen Sale to Inmate		Personal Spending	1617725	-	\$30.84	\$47.14
01/21/2014	Individual Check			CK0188426	-	\$16.93	\$30.21
01/24/2014	Canteen Sale to Inmate		Personal Spending	1617730	-	\$0.46	\$29.75
01/29/2014	Canteen Sale to Inmate		Personal Spending	1617725	-	\$1.59	\$28.16
01/29/2014	Canteen Sale to Inmate		Personal Spending	1617725	-	\$24.76	\$3.40

COMMENTS: Check Written For: M. Koontz #115260 Check Request Comments: Lushena Books magazine. Payee: Lushena Books
607 Country Club Dr., Unit E.
Bensenville, IL 60106

EX #1



PO Box 8707
Pine Bluff, AR 71611-8707
Phone: 870-267-6200
Fax: 870-267-6244
www.adc.arkansas.gov

ADMINISTRATIVE DIRECTIVE

SUBJECT: Publications

NUMBER: 14-22

SUPERSEDES: 12-03

APPLICABILITY: Departmental staff and all inmates

REFERENCE: AR 864 - Publications

PAGE 1 of 4

APPROVED: Original signed by Ray Hobbs

EFFECTIVE DATE: 04/18/2014

I. POLICY:

Inmates may receive publications from recognized commercial, religious or charitable outlets. All publications are subject to inspection and may be rejected if found to be detrimental to the security, discipline or good order of the institution or if they propose, condone or provide information likely to facilitate criminal activity.

II. EXPLANATION:

This Administrative Directive establishes the process by which the Arkansas Department of Correction determines publications to be received by the inmate population.

ADC • VARNER UNIT
LAW LIBRARY • 37811

III. DEFINITIONS:

- A. Publications: Books, magazines, catalogs, advertising brochures, religious tracts, newspaper and the like.
- B. Commercial Outlet: Publisher, bookstore, educational or vocational institute and the like.

EX #2

19

attitudes toward any racial, sexual, age, handicapped or other individuals or group(s), as well as describing or depicting the violation of any other institutional or departmental policies.

6. Sexually explicit material or material, which features nudity by its nature or content poses a threat to the security, good order, or discipline of the institution.
7. Publications may be excluded solely because they contain sexually explicit activity or feature nudity as defined in III.D. and III.E. In addition, the Deputy Director of Treatment, with the approval of the Director, may exclude additional types of material that may interfere with the treatment and rehabilitation process at that institution.
8. Sexually explicit material does not include material of a news or information type, or material illustrative of medical, educational, or anthropological content. For example, publications covering non-sexually explicit activities of gay rights organizations or gay religious groups should be admitted.
9. Publications which meet two of the following conditions:
 - a. Books that measure more than 9" x 11".
 - b. ~~Hardback books thicker than 2 inches.~~
 - c. Softback books thicker than 4 inches.
 - d. Any book heavier than 3 pounds.

The Warden has the authority to waive these conditions on legal, educational and religious publications.

Publications recommended for rejection will be referred to the Warden/Center Supervisor for final decision. Decisions must be made on the contents of an individual publication, not based on a list of approved publications or previous issues.

- C. The Warden must approve or reject the publication within 30 days of receipt. If the publication is rejected, the inmate must be notified, in writing, of any decision to reject and the basis for rejection of the publication. The inmate is also notified of appeal procedures and options for disposing of the publication. The inmate must sign that the notice of rejection has been received. Should the inmate refuse to sign, an employee will attest to the fact that the inmate was duly notified.

ADC - VANDERBILT
LAW LIBRARY - 37.881

JUN 11 2015

RECEIVED

800-4

STATE OF ARKANSAS

COUNTY OF Lincoln)

)

)

AFFIDAVIT

I, Mr. Morris B Koontz, after first being duly sworn, do hereby swear, depose and state that: provided to ASCC and AD concerning procedure for magazine rejected by ADG which was not followed in the claim

EX # 9 see last pg #4
 Please subpoena the following for witnesses in this matter
V. Allen - mailroom supervisor / Sgt. Brown - property room
Lt. Esau - shift supervisor / Sgt K. Bailey - shift sgt

I further swear that the statements, matters and things contained herein are true and accurate to the best of my knowledge, information and belief.

DATE

5.9.15

AFFIANT

Mr. M. Koontz

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public, on this 12 day of May, 2015.

NOTARY PUBLIC

Felicia Piggee

My Commission Expires:

01/31/2021

FELICIA PIGGEE
 NOTARY PUBLIC-STATE OF ARKANSAS
 DESHA COUNTY
 My Commission Expires 01-31-2021
 Commission # 12382202

EX # 3

By: Date

gee 9-1-15
 gee 9-1-15
 xth 9-16-15
 th 9-16-15
 xth 9-16-15
 xth 9-16-15

9-3-15

9-3-15

9-3-15

9-3-15

9-9-15

9-9-15

9-9-15

9-10-15

9-10-15

75 M. Koontz 115260 Aff Xth

75 M. Koontz 115260 2 Aff Xth

Copy of Affidavit Book
 of Notarization

mailroom
UNIT LEVEL GRIEVANCE FORM (Attachment I)

Unit/Center S. Mail

Name Mr. M. Keontz

ADC# 115260 Brks # 53 Job Assignment 2015

12/3/15 (Date) STEP ONE: Informal Resolution

(Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)

If the issue was not resolved during Step One, state why: _____

(Date) EMERGENCY GRIEVANCE (An emergency situation is one in which you may be subject to a substantial risk of physical harm: emergency grievances are not for ordinary problems that are not of serious nature). If you marked yes, give this completed form to the designated problem-solving staff, who will sign the attached emergency receipt. In an Emergency, state why: _____

Is this Grievance concerning Medical or Mental Health Services? _____ If yes, circle one: medical or mental

BRIEFLY state your one complaint/concern and be specific as to the complaint, date, place, name of personnel involved and how you were affected. (Please Print): have written several request to

varner unit mailroom sup. about
has she given statement regarding
magazine misplaced by her office
to Lisa Miller ADC Attorney or
was she notified by Lisa Miller
regarding claim hearing and she
refuses to respond

MBK
Inmate Signature

12/3/15
Date

If you are harmed, threatened because of your use of the grievance process, report it immediately to the Warden or designee.

THIS SECTION TO BE FILLED OUT BY STAFF ONLY

This form was received on _____ (date), and determined to be **Step One** and/or an Emergency Grievance _____ (Yes or No). This form was forwarded to medical or mental health? _____ (Yes or No). If yes, name of the person in that department receiving this form: _____

Allice
PRINT STAFF NAME (PROBLEM SOLVER)

39936
ID Number

[Signature]
Staff Signature

12/3/15
Date

Date Received

Describe action taken to resolve complaint, including dates: Ms. Allen advised jk she was there a few
weeks ago.

[Signature]
Staff Signature & Date Returned

Inmate Signature & Date Received

This form was received on _____ (date), pursuant to **Step Two**. Is it an Emergency? _____ (Yes or No).

Staff Who Received Step Two Grievance: _____ Date: _____

Action Taken: _____ (Forwarded to Grievance Officer/Warden/Other) Date: _____

If forwarded, provide name of person receiving this form: _____ Date: _____

DISTRIBUTION: YELLOW & PINK - Inmate Receipts; **BLUE** - Grievance Officer; **ORIGINAL** - Given back to Inmate after Completion of Step One and Step Two.

January 7, 2016

Brenda Wade - Commissioner ARKANSAS STATE CLAIMS COMM.
101 E Capitol Ave Ste 410
Little Rock, AR 72201-3823

RE: 15-0718CC Petition for Re-hearing.

Dear Ms./Mrs. WADE,

Please file the enclosed Petition for Re-hearing.
I am also requesting appropriate appeal form to
general assembly and a complaint form to file
another claim. Thanks for your time & assistance
it is greatly appreciated.

Respectfully,

Mr. M. Koontz

ADC #115260

P.O Box 600

Grady AR 71644

STATE CLAIMS COMMISSION DOCKET
OPINION

Amount of Claim \$ 50.00

Claim No. 15-0718-CC

Attorneys

Morris Koontz, #115260 Claimant
vs.

Pro se Claimant

AR Dept. of Correction Respondent
State of Arkansas

Lisa Wilkins, Attorney Respondent

Date Filed April 13, 2015

Type of Claim Loss of Property, Refund of
Expenses

FINDING OF FACTS

The Claims Commission hereby unanimously denies Claimant's "Motion for Reconsideration" for the Claimant's failure to offer evidence that would change the prior decision of the Claims Commission. Therefore, the Commission's December 9, 2015 order remains in effect.

IT IS SO ORDERED.


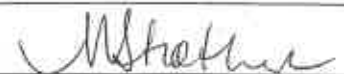
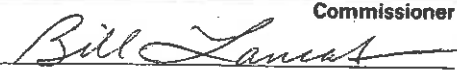
(See Back of Opinion Form)

CONCLUSION

The Claims Commission hereby unanimously denies Claimant's "Motion for Reconsideration" for the Claimant's failure to offer evidence that would change the prior decision of the Claims Commission. Therefore, the Commission's December 9, 2015 order remains in effect.

Date of Hearing January 14, 2016

Date of Disposition January 14, 2016


Chairman

Commissioner

Commissioner

IN THE ARKANSAS GENERAL ASSEMBLY

MORRIS B. KOONTZ

CLAIMANT

Arkansas Claims Commission

JAN 26 2016

RECEIVED

RESPONDENT

Vs.

No. 15-0718-CC

ARKANSAS Dept. of CORRECTIONS

NOTICE OF APPEAL

Comes now claimant, Morris B. Koontz, with and for his Notice of Appeal to the Arkansas General Assembly states:

1. Claimant filed this loss/destruction of property April 13, 2015 against ADC staff at Varner Unit for loss of magazine ordered off claimants inmate account and recieved at this unit via UNITED STATES MAIL

2. Claimant has proved by documents, policies, and exhibits that Respondents lost/misplaced his magazine, which makes them accountable.

Wherefore, Claimant prays that this Assembly overturns Claims Commission's denial and award appropriate damages.

Respectfully submitted,

Mr. Morris B. Koontz

ADC #115260

P.O. Box 600

Grady AR 71644-0600

STATE OF ARKANSAS

COUNTY OF Lincoln

800-4

Arkansas Claims Commission

JAN 26 2016

RECEIVED

AFFIDAVIT

I, Mr. M. Koontz, after first being duly sworn, do hereby swear, depose and state that: 2 Notice of Appeal in claim 15-0718-CO

in the ARKANSAS STATE CLAIMS COMMISSION WAS
mailed 1 21 16

I further swear that the statements, matters and things contained herein are true and accurate to the best of my knowledge, information and belief.

DATE

1 20 16

AFFIANT

Mr. M. Koontz

SOCIAL SECURITY #

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public, on this 21 day of January, 20 16.

NOTARY PUBLIC

Felicia Piggee

My Commission Expires: 01-31-2021

FELICIA PIGGEE
NOTARY PUBLIC-STATE OF ARKANSAS
DESHA COUNTY
My Commission Expires 01-31-2021
Commission # 12382202