

Please print in ink or type

Arkansas
State Claims Commission

BEFORE THE STATE CLAIMS COMMISSION
Of the State of Arkansas

MAY 05 2020

- Mr.
- Mrs.
- Ms.
- Miss

Leticia Sanders, Claimant

vs.

State of Arkansas, Respondent

Do Not Write in These Spaces		
Claim No.	_____	
Date Filed	_____	_____
	(Month)	(Day) (Year)
Amount of Claim \$	_____	
Fund	_____	

COMPLAINT

Leticia Sanders, the above named Claimant, of _____ (Street or R.F.D. & No.) _____ (City)

_____ County of _____ represented by _____ (Legal Counsel, if any, for Claim)

of _____ (Street and No.) _____ (City) _____ (State) _____ (Zip Code) _____ (Phone No.) _____ (Fax No.) says:

State agency involved: DEA MV Amount sought: _____

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

Explanation: see attachment

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?

No ; when? _____ (Month) _____ (Day) _____ (Year) ; to whom? _____ (Department)

: and that the following action was taken thereon: _____

and that \$ _____ was paid thereon: (2) Has any third person or corporation an interest in this claim? _____ ; 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: _____

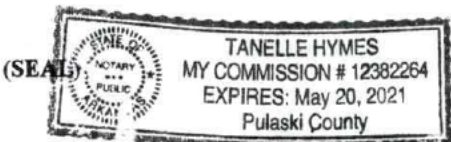
: and was acquired on _____, in the following manner: _____

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.

Leticia Sanders
(Print Claimant/Representative Name)

Leticia Sanders
(Signature of Claimant/Representative)

SWORN TO and subscribed before me at Little Rock Arkansas
(City) (State)



on this 4th day of May, 2020
(Date) (Month) (Year)

Tanelle Hymes
(Notary Public)

My Commission Expires: May 20, 2021
(Month) (Day) (Year)

Leticia Sanders

vs.

State of Arkansas Department of Finance and Administration

**Arkansas
State Claims Commission**

MAY 05 2020

Complaint

RECEIVED

I Leticia Sanders is filing a complaint against the State for allowing fraudulent adjustment for an accident that took place on September 11, 2019. I have reached out to the other party insurance that denied the claim because of conflicting stories and reached out to the other party. I have emailed Mallory Wilkins on March 24, 2020, and cc Rachel Bennett in the email. I have not received the estimate that Mallory Wilkins got from Landers Collision. The DMV is aware and has not mailed or emailed me a copy. I have spoken with Julie Johnson, the adjuster for Mallory Wilkins, at Landers Collision located at 1005 Colonel Glenn, they took pictures that show extra damages done to the vehicle.

I am a graduate student, and I work. I have not been able to go to work or school before the pandemic situation, and the quarantine and I don't know how I will be able to repair anything, I have done my research, and the part she needs is only \$188.96, and Maaco collision in Sherwood was willing to do the job for me for less than \$1072.00. This amount is half of what her car is worth. A 2005 Chevy Cobalt is what we are repairing. I have filed a lawsuit against Mallory Wilkins because she hit me while sitting still in traffic, and the officer Aaron Paige was confused when he left the scene, and his supervisor stated she was confused as well.

I have reached out to the Chief of police, and that is when I received a letter in the mail for a plea & arraignment with no details. I am asking the State Claims Commission to grant me lost wages and not being able to gain new cleaning contracts due to the inability of not driving my vehicle to work and take care of my family, and bills that I can't pay for due to my financial stress, and my grade dropped for not being able to attend class and Mallory Wilkins lack of

compliance with this case, show she has no concern to resolve this matter created by the driver control and they are not enforcing it. I have complied with everything that driver control has asked of me, and if this is just about fixing the repairs, we have to go by my means to fix it, and the extra damages she has caused do not go on the ticket. Mallory Wilkins never had damages worth a thousand dollars at all, and I can provide the pictures from the date of the accident. There is no personal injury claim from Mallory Wilkins filed on this case.

Leticia Sanders

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

LETICIA SANDERS

CLAIMANT

V.

CLAIM NO. 201055

**ARKANSAS DEPARTMENT OF
FINANCE AND ADMINISTRATION**

RESPONDENT

ORDER

Now before the Arkansas State Claims Commission (the “Claims Commission”) is the motion filed by the Arkansas Department of Finance and Administration (the “Respondent”) to dismiss the claim of Leticia Sanders (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. The Claims Commission has jurisdiction to hear this claim pursuant to Ark. Code Ann. § 19-10-204(a).

2. Claimant filed the instant claim, alleging that “the State allow[ed] fraudulent adjustment for an[] accident that took place on September 11, 2019,” involving an individual identified as Mallory Wilkins.

3. Respondent filed a motion to dismiss, arguing, *inter alia*, that Claimant has failed to state a claim upon which relief can be granted as to Respondent. Respondent seeks dismissal pursuant to Rule 12(b)(6) of the Arkansas Rules of Civil Procedure.

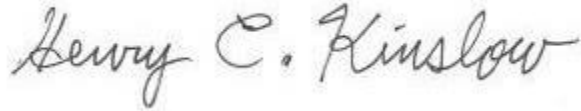
4. Claimant responded by filing a “motion to appeal dismissal,” arguing that she “provided proof for complying with” Respondent and “forward[ed] all emails to . . . [Respondent employee] Rachel Barnett and spoke with Melony Turner.” Claimant stated that Barnett and Turner are “aware that Mallory Wilkins has created more damages to her vehicle” and “have refused to send . . . [Claimant] a copy of the documentation for Mallory Wilkins.”

5. 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)).

6. The Claims Commission agrees with Respondent that dismissal of this claim is proper. Claimant did not allege facts to demonstrate how Respondent would be liable for her damages. The allegation that Claimant has been damaged is not, by itself, sufficient to establish a claim. In the absence of any specific allegations against Respondent, the Claims Commission must dismiss the claim.

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: July 30, 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).

IN THE ARKANSAS STATE CLAIMS COMMISSION

LETICIA SANDERS

CLAIMANT

CLAIM No. 201055

ARKANSAS DEPARTMENT OF FINANCE AND
ADMINISTRATION

RESPONDENT

MOTION TO APPEAL DISMISSAL

I Leticia Sanders, appeal the dismissal decision of the State Claims Commission, by facts that this case is a civil case that should be before the Judge as who was at fault. The fact that the police were confused about the accident in the first place and never called for back-up. An investigation would be hard to complete because officer Aaron Paige was confused. Officer Aaron Paige sergeant Girly testified that it was confusing when he told her and that she was still confused. How can you place anyone at fault if you are confused, and the story does not add up and does not fit the accident? I was sitting still when Mallory Wilkins struck me from behind. Mallory Wilkins was sitting still before hitting me in the rear-end. The pictures of the vehicles show you I was hit in the rear and in an angle. The respondent is liable for not allowing me to work and attend school. I have done all that has been requested by the respondent. They have not given me license restore, and I have done my part. The respondent also knows that I work and attend Graduate School. I have never had my driver's license suspended. It only cost around \$450.00 to repair the other party Mallory Wilkins's vehicle before she created more damages. \$288.18 and \$161.82 for labor and paint. Mallory Wilkins repairs were under \$500.00 and no personal injury claim. Her vehicle was still drive able if the State Claims Commission, requests the pictures and the estimates from the Steve Landers Collision, you can see the difference from the date in question and from when Mallory Wilkin's went and got an estimate. The respondent is liable because they have not allowed me to continue to work and attend classes. If the respondent let others have the right to continue to work, they must allow the same concept for all. If the respondent makes one party comply, they must enforce it for

all parties. I have the right to continue my livelihood, which included access to work and school. The failure to provide me access to continue to work and go to school is what they are liable for, not the wreck. They are being biased and not authorizing the other party to comply by providing estimates to me. I have that right to complete as well just, as the Insurance company will do send their adjusted. They have a wavier for people who work and attend school and will not and have not provided me with their services, which is against the law, and I have Insurance. I had Insurance before they suspended my license as well. I never hit anyone, and they have no proof that I was at fault. I will be filing a Civil Suit against Little Rock City Police against Officer Aaron Page, and Sergeant Girly both. They both stated they were confused about the situation in which their conclusion is not valid. It is impossible to determine someone at fault at anything if you are confused! I have also gone to every building on the block of West and North of Capitol. To find footage of the streets. I ask the State Claims Commission to hold them responsible for not allowing me to continue to work and graduate classes. Which has caused hardship for my household and my customers?

Thank you,

Leticia Sanders

[REDACTED]

[REDACTED]