

Please Read Instructions on Reverse Side of Yellow copy

Arkansas State Claims Commission

Please print in ink or type

MAY 09 2019

BEFORE THE STATE CLAIMS COMMISSION Of the State of Arkansas

RECEIVED

- Mr. Mrs. Ms. Miss

GLORIA ANN COLE Claimant

Do Not Write in These Spaces. Claim No., Date Filed, Amount of Claim \$, Fund

vs. State of Arkansas, Respondent

COMPLAINT

Gloria A. Cole, the above named Claimant, of [redacted] County of LONOKE represented by [redacted] of [redacted] says:

State agency involved: TROOPER KELLER HWY PATROL ADMIRAL. Amount sought:

Month, day, year and place of incident or service: April 22, 2019 I-40 highway near GALLOWAY AREA N.L.R.

Explanation: ON April 22, 2019, MY CAR BROKE DOWN ABOUT 6:30 PM NEAR GALLOWAY NORTH LITTLE ROCK I-40 INTERSTATE. I TURNED MY EMERGENCY SIGNAL LIGHTS ON, GOT OUT OF THE CAR AND START WALKING DOWN THE FREEWAY TOWARD THE PROTHO AREA FOR 3 HOURS. NO ONE ON THE HIGHWAY PATROL CAME TO ASSIST ME. I HAD NO PHONE. AND I NEEDED TO CALL FOR HELP. THEY TOWED MY CAR THE SAME NIGHT 4-22-19 AT 11:27 PM. I TRIED REPORTING THIS INCIDENT TO TROOPER KELLER SUPERVISOR SGT. COLT WILLIAMS, OVER THE PHONE ONE TIME, HE SAID HIS COMPUTER WAS DOWN AND THAT HE WOULD CALL ME BACK WHEN ITS BACK UP. AND HE NEVER DID. SO MY COMPLAINT WAS NEVER DONE. I ALSO CALLED LT. JEFF SHEELER, WHEN HE FOUND OUT IT WAS ME HE HUNG THE PHONE UP IN MY FACE. I WALKED THE FREEWAY FOR 4 HOURS LOOKING FOR HELP. I SAW THE PATROL CARS 1 OR 2 TIMES. MY CAR WAS TOWED ABOUT 45 MINUTES AFTER I LEFT. MY CAR IS STILL AT J HOOKS IMPOUNDED ON HWY 70 N.L.R. I HAVE NO MONEY, THE ONLY CAR, I'M DISABLE WITH SERIOUS MEDICAL PROBLEMS. I NEED MY CAR FOR DOCTORS VISIT IN LITTLE ROCK, AR. MY CAR WAS ILLEGALLY TOWED. AND NO HWY. PATROL HELP A STRANDED FOR 4 HOURS. STRANDED MOTORIST.

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? to whom? 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 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. Gloria A. Cole Gloria A. Cole (Print Claimant/Representative Name) (Signature of Claimant/Representative)

SWORN TO and subscribed before me at honoke AR (City) (State)

on this 7 day of May 2019 (Date) (Month) (Year)

My Commission Expires: Feb 11 2021 (Notary Public) (Month) (Day) (Year)



BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

GLORIA ANN COLE

CLAIMANT

V.

CLAIM NO. 191143

ARKANSAS STATE POLICE

RESPONDENT

ORDER

Now before the Arkansas State Claims Commission (the “Claims Commission”) is the claim of Gloria Ann Cole (the “Claimant”) against the Arkansas State Police (the “Respondent”). At the hearing held on January 16, 2020, Claimant appeared *pro se*. Kelli LaPorte appeared on behalf of Respondent.

Background and Witness Testimony

1. Claimant filed her claim on May 9, 2019, seeking an unspecified amount of damages related to the towing of her vehicle by an employee of Respondent on April 22, 2019. Claimant stated that her vehicle “broke down” on Interstate 40.

2. Respondent filed an answer denying liability. Respondent affirmatively stated that it was authorized to tow Claimant’s vehicle pursuant to Ark. Code Ann. § 27-50-1202 because the vehicle was partially in the roadway. In support of its answer, Respondent attached a picture taken from the trooper’s dash cam video showing that Claimant’s vehicle was on the roadway.

3. Claimant later amended the amount of her alleged damages, stating that she was seeking \$15,000.00 because she learned that the vehicle had been sold (presumably by the tow company).

4. At the hearing, Claimant testified that she was not given a ticket as a result of her actions. She stated that if her actions had violated the law, she should have been given a ticket.

5. Upon a question from a commissioner, Claimant agreed that the picture of the dash cam video looked correct.

Findings of Fact and Conclusions of Law

Based upon a review of the pleadings, testimony, and the law of Arkansas, the Claims Commission hereby finds as follows:

6. The Claims Commission has jurisdiction to hear this claim pursuant to Ark. Code Ann. §§ 19-10-204(a), 27-50-1207(e)(1)(A).

7. The Claims Commission found the witness to be credible.

8. Ark. Code Ann. § 27-50-1202(11) provides, in pertinent part, that:

“Unattended vehicle” means a vehicle that . . . [i]s located upon a public right of way and due to geographic location, traffic density, or climatic conditions is creating an immediate and substantial hazard to the motoring public, as determined by the law enforcement officer.

9. The Claims Commission finds that Claimant’s vehicle was an unattended vehicle as defined by Ark. Code Ann. § 27-50-1202(11).

10. Ark. Code Ann. § 27-50-1223 provides that Respondent “may, without the consent of the operator . . . remove [a]n unattended vehicle.”

11. The Claims Commission finds that the trooper properly determined Claimant’s vehicle to be creating an immediate and substantial hazard to the motoring public and that this determination warranted removal of Claimant’s vehicle from the roadway.

12. The Claims Commission finds that no evidence of wrongdoing by Respondent or Respondent’s trooper was presented by Claimant.

13. While the Claims Commission is sympathetic to Claimant’s situation, Claimant is not entitled to relief under Arkansas law.

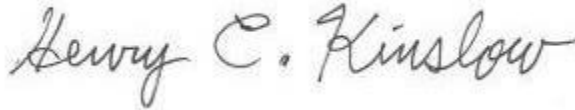
IT IS SO ORDERED.



ARKANSAS STATE CLAIMS COMMISSION
Courtney Baird



ARKANSAS STATE CLAIMS COMMISSION
Dexter Booth



ARKANSAS STATE CLAIMS COMMISSION
Henry Kinslow, Chair

DATE: January 17, 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).

Arkansas
State Claims Commission

FEB 18 2020

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Arkansas State Claims Commission
101 East Capitol Avenue
Little Rock, Arkansas 72201

February 13, 2020

Claims hearing - January 16, 2020

Claims number - 191143

I need to appeal my claim to
the general assembly.

Sincerely,

Gloria A. Cole