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ARKANSAS STATE CLAIMS COMMISSION

JUL 18 2012

RECEIVED

Please Read Instructions on Reverse Side of Yellow copy

Please print in ink or type

BEFORE THE STATE CLAIMS COMMISSION Of the State of Arkansas

- Mr. Mrs. Ms. Miss

Alphonso Dean, Claimant

vs.

State of Arkansas, Respondent Dept. of Correction

Do Not Write in These Spaces Claim No. 13-0051-CC Date Filed July 18, 2012 Amount of Claim \$ 2,045.06 (LE) Fund DOC Rental car expense LIB-only

Property Damage (V) Other (Rental Car Expense)

Alphonso Dean, the above named Claimant, of 2 Park Place Newport AR 72112 (870)523-2639 work County of Jackson represented by For Claim 2 Park Place Newport AR 72112 (870)523-4623

State agency involved: Arkansas Department of Correction Amount sought: \$3963.20 vehicle damage

Month, day, year and place of incident or service: 7-7-12 McPherson Prison Unit (Parking lot) Newport Arkansas Explanation: On 7-7-12 at approximately 3:25pm while working at the McPherson Prison Unit in Newport Arkansas, I was asked by my supervisor to go to the parking lot of the unit to check/inspect my vehicle for damage due to (Tie) from worksite (Arkansas Dept. of Correction) doing construction on a building. The (Tie) that was being used for that construction blew across the parking lot due to high winds - We were told that the (Tie) wasn't secured (tied down) properly at first but was later told that it was "After The Fact"! There was damage done to my vehicle (Ford Expedition/ Eddie Bauer). SEE ATTACHED PHOTO'S!

We were later told by Warden Maples that the Arkansas Dept. of Correction wasn't liable for the damages!!

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 when? 7 7 2012 to whom? Arkansas Department of Correction and that the following action was taken thereon: Claims that the Arkansas Department of Correction is not liable for damages and that \$ was paid thereon: (2) Has any third person or corporation an interest in this claim? NO

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 verify believes that they are true. Alphonso Dean (Print Claimant/Representative Name) Alphonso Dean (Signature of Claimant/Representative)

CLARA ROBINSON NOTARY PUBLIC-STATE OF ARKANSAS JACKSON COUNTY My Commission Expires 03-24-2019 Commission # 12370549 SWORN TO and subscribed before me at Newport AR 72112 on this 16 day of July 2012 Clara Robinson (Notary Public)

SFI- R799

My Commission Expires: 3 / 24 2019 (Month) (Day) (Year)

**ARKANSAS STATE CLAIMS COMMISSION
MOTOR VEHICLE ACCIDENT REPORT FORM**

SECTION I
CLAIMANT Alphonso Dean ADDRESS 2 Park Place
CITY & STATE Newport, AR ZIP CODE 72112

DATE OF ACCIDENT: 7-7-12 TIME: 3:25 pm (noticed)

MOTOR VEHICLE DAMAGED: TYPE SUV MAKE Ford YEAR 2000

DRIVEN BY: Alphonso Dean ADDRESS 2 Park Place Newport, AR
72112

Give a brief description of accident, showing how accident happened, exact loss and extent of damage to car.

(Tw) from worksite damaged vehicle, Photo's Attached, Repair Estimates Attached

SECTION II

Has this vehicle been repaired? Yes () No () If repairs have been made, give the following information: Amount \$ _____ Have you paid for the repairs? Yes () No () NOTE: Attach a copy of repair bill.

If repairs have not been made, list three estimates below and attach copies of each of them.

NAME	ADDRESS	AMOUNT
1. <u>Rick's Body Shop</u>	<u>213 So. State Newport AR. 72112</u>	<u>\$ 2045.06</u>
2. <u>LtM's Collision Repair Center</u>	<u>1619 Dill Street Newport AR. 72112</u>	<u>2475.61</u>
3. <u>Brand Body Shop Inc.</u>	<u>1300 Hwy 367 N. Newport AR. 72112</u>	<u>3963.20</u>

SECTION III

Was vehicle covered by Insurance? Yes () No () Liability Only ()

Comprehensive: Yes () No () What is your deductible? \$ N/A

Collision: Yes () No () What is your deductible? \$ N/A

NAME OF INSURANCE CARRIER ADDRESS
Farm Bureau Insurance 10720 Kanis Road P.O. Box 31 Little Rock, AR. 72203

SECTION IV

Type of State Vehicle Involved N/A License No. _____

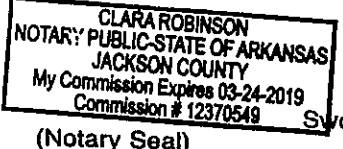
Driver _____ Property of which State Agency _____

If accident was investigated by the State Police, give name of investigating officer: N/A

If investigation was made by some other agency, give name and title of officer making the investigation: N/A

SECTION V

The undersigned states on oath that he/she is familiar with the matters and things set forth in the above statement, and that he/she verily believes that they are true.



Alphonso Dean
Signature of Claimant

Sworn to and subscribed before me at Newport AR 72112
City, State
on this 16 day of July, 2012
day month year

My Commission Expires 3/24/2019 Clara Robinson
Notary Public



**ADMINISTRATIVE REGULATIONS
STATE OF ARKANSAS
DEPARTMENT OF CORRECTION**

Section Number: 005/409	Page Number: 005—3 of 3 409—9 of 9
Board of Correction Approval Date: 9/23/87	
Supersedes: 005/409 Form	Dated: 12/19/85
Attorney General Review Date: 6/11/87	Date Filed Secy. of State: 10/02/87

005 Incident Report
and
409 Use of Force

SUBJECT: Reporting of Incidents—005; Use of Force—409

McPherson
UNIT/DIVISION

REPORTING EMPLOYEE: Dean Alphonso —
LAST FIRST MIDDLE

RANK: OFL SHIFT ASSIGNMENT: B

DATE: 7-7-12 TIME: 3:25 pm LOCATION: Parking Lot

INMATE(S) INVOLVED: N/A
(Names and ADC Numbers)

EMPLOYEE(S) INVOLVED: N/A
(Names, Titles, Rank)

INMATE(S) PRESENT: N/A
(Names and ADC Numbers)

EMPLOYEE(S) PRESENT: N/A
(Names, Titles, Rank)

OTHERS PRESENT/INVOLVED: (Specify) N/A
(Names & Addresses)

EXTENT OF INJURY TO INMATE(S): N/A

TREATMENT AFFORDED INMATE(S): N/A

EXTENT OF INJURY TO OFFICER(S): N/A

TREATMENT AFFORDED OFFICER(S): N/A

ESTIMATE OF
REPAIR COST

RICK'S BODY SHOP

213 SOUTH STATE
NEWPORT, AR 72112

217 9706

NAME			ADDRESS		PHONE	DATE
YEAR	MAKE	MODEL	LICENSE NO.	SPEEDOMETER	MTR. NO.	SER. NO.
2000	Ford	Expedition				
INSURANCE CARRIER			ADJUSTER		CAR LOCATED AT	

	OPERATIONS	PART #	LABOR HRS.	PARTS	SUBLET
1	Bug Shield		.3	71.00	
	Refinish Head		3.0		
	Refinish Fender L		2.2		
	Refinish Door Front L		3.3		
	Refinish Door Rear L		3.2		
1	Mirror L H		.4	138.00	
	Refinish Quarter R		3.5		
	Refinish Door Rear R		3.2		
1	Vent Shade		.3	77.20	
	Refinish Fender R		2.2		
	Paint				618.00
TOTALS					

The above is an estimate, based on our inspection, and does not cover additional parts or labor which may be required after the work has been opened up. Occasionally, after work has been started, worn, broken or damaged parts are discovered which are not evident on first inspection. Quotations on parts and labor are current and subject to change.

EST. MADE BY _____

AUTHORIZED FOR REPAIR. You are hereby authorized to make the above specified repairs to the car described herein.

SIGNED _____

DATE _____

21.6 hrs @ \$ 45 = \$ 972.00

WRECKER SERVICE _____

_____ hrs @ \$ _____ = \$ _____

PARTS LESS _____ % = \$ 286.20

SUBLET = \$ 618.00

TAX 9.0% = \$ 168.86

TOTAL \$ 2045.06

\$

Vehicle Estimate Repair

Last modified:

Year	2000
Make	Ford
Model	Expedition/Eddie B
Color	Blue
Name	Alphonso Dean

L & M'S
 Automotive Collision Repair Center
 1619 Dih Street
 Newport, AR. 72112
 (870) 664-6255

Qty	Description of Work	Part #	Special Order	Labor Hours	Parts Cost	Covered By Warranty	Total Cost
1	Bug Shield			0.6	\$80.00	N	
	Refinish Hood			4.0		N	
	Refinish R Fender			3.0		N	
	Refinish L Fender			3.0		N	
1	Vent Visor			0.5	\$81.20	N	
	Refinish R Rear Door			3.6		N	
	Refinish L Rear Door			3.6		N	
	Refinish L Front Door			3.6		N	
1	L Side Mirror Heated w/signal		Y	0.6	\$200.00	N	
	Refinish R Quarter Panel			4.0		N	
	Paint Estimate				\$638.00	N	

26.5 hrs. @ \$48 **\$1,272.00**
 Parts \$361.20
 Sublet \$638.00
 Tax \$204.41
 Total \$2,475.61

The above is an estimate, based on our inspection and does not cover additional parts or labor which may be required after the work has been opened up. Quotations on parts and labor are current and subject to change.

BRAND BODY SHOP, INC.

1300 HIGHWAY 367 N, NEWPORT, AR 72112

Phone: (870) 523-6572

FAX: (870) 523-6517

Workfile ID: 47973ec9
Federal ID: 71-0498901**Preliminary Estimate****Customer: DEAN, ALPONSO**

Insured: DEAN, ALPONSO

Policy #:

Claim #:

Type of Loss:

Date of Loss:

Days to Repair: 0

Point of Impact:

Owner:

DEAN, ALPONSO

Inspection Location:

BRAND BODY SHOP, INC.

1300 HIGHWAY 367 N

NEWPORT, AR 72112

Repair Facility

(870) 523-6572 Day

Insurance Company:**VEHICLE**

Year: 2000	Body Style: 4D UTV	VIN: 1FMRU1769YLC43761	Mileage In:
Make: FORD	Engine: 8-4.6L-FI	License:	Mileage Out:
Model: EXPEDITION 4X2 EDDIE BAUER	Production Date:	State:	Vehicle Out:
Color: Int:	Condition:	Job #:	

TRANSMISSION

Automatic Transmission

Overdrive

POWER

Power Steering

Power Brakes

Power Windows

Power Locks

Power Driver Seat

Power Mirrors

Heated Mirrors

DECOR

Body Side Moldings

Dual Mirrors

Privacy Glass

Console/Storage

Overhead Console

CONVENIENCE

Air Conditioning

Rear Defogger

Tilt Wheel

Cruise Control

Intermittent Wipers

Climate Control

Keyless Entry

Dual Air Condition

Rear Window Wiper

Power Adjustable Pedals

RADIO

AM Radio

FM Radio

Stereo

Cassette

Search/Seek

Premium Radio

SAFETY

Anti-Lock Brakes (4)

Driver Air Bag

Passenger Air Bag

4 Wheel Disc Brakes

ROOF

Luggage/Roof Rack

SEATS

Leather Seats

3rd Row Seat

Captain Chairs (2)

WHEELS

Aluminum/Alloy Wheels

PAINT

Clear Coat Paint

OTHER

Fog Lamps

TRUCK

Rear Step Bumper

Running Boards/Side Steps

Preliminary Estimate

Customer: DEAN, ALPONSO

Vehicle: 2000 FORD EXPEDITION 4X2 EDDIE BAUER 4D UTV 8-4.6L-FI

Line	Oper	Description	Part Number	Qty	Extended Price \$	Labor	Paint
1	#	Refn STORM DAMAGE COMPLETE PAINT					35.0
2	#	Repl BUG SHEILD		1	75.00	0.2	
3	#	Repl VENT SHADES		1	75.00	0.2	
4	MISCELLANEOUS OPERATIONS						
5	*	Repl Cover car/bag		1	<u>10.00</u>	0.2	
6	STRIPE TAPE						
7		Repl RT Stripe tape Arizona beige	YL1Z7820000AAA	1	95.73	1.0	
8		Repl LT Stripe tape Arizona beige	YL1Z7820001AAA	1	95.73	1.0	
9	FRONT DOOR						
10	**	Repl A/M LT Mirror w/o signal non-heated	F85Z17683GAB	1	141.00	0.4	
11	#	Rpr REMOVE SCRATCHES & DENTS				8.0	
12	#	R&I TRIM				2.0	
13	#	HW		1	3.50		
SUBTOTALS					495.96	13.0	35.0

ESTIMATE TOTALS

Category	Basis	Rate	Cost \$
Parts			495.96
Body Labor	13.0 hrs @	\$ 45.00 /hr	585.00
Paint Labor	35.0 hrs @	\$ 45.00 /hr	1,575.00
Paint Supplies	35.0 hrs @	\$ 28.00 /hr	980.00
Subtotal			3,635.96
Sales Tax	\$ 3,635.96 @	9.0000 %	327.24
Grand Total			3,963.20
Deductible			0.00
CUSTOMER PAY			0.00
INSURANCE PAY			3,963.20

ANY PERSON WHO KNOWINGLY PRESENTS A FALSE OR FRAUDULENT CLAIM FOR PAYMENT OF A LOSS OR BENEFIT OR KNOWINGLY PRESENTS FALSE INFORMATION IN AN APPLICATION FOR INSURANCE IS GUILTY OF A CRIME AND MAY BE SUBJECT TO FINES AND CONFINEMENT IN PRISON. FAILURE TO USE THE INSURANCE PROCEEDS IN ACCORDANCE WITH A SECURITY AGREEMENT BETWEEN YOU AND A LIENHOLDER, IF ANY, MAY CONSTITUTE THE CRIMINAL OFFENSE OF DEFRAUDING A SECURED CREDITOR IN VIOLATION OF ARKANSAS CODE SECTION 5-37-203. IF YOU HAVE ANY QUESTIONS, CONTACT YOUR LIENHOLDER.

THIS ESTIMATE HAS BEEN PREPARED BASED ON THE USE OF AFTERMARKET CRASH PARTS SUPPLIED BY A SOURCE OTHER THAN THE MANUFACTURER OF YOUR MOTOR VEHICLE. THE AFTERMARKET CRASH PARTS USED IN THE PREPARATION OF THIS ESTIMATE ARE WARRANTED BY THE MANUFACTURER OR DISTRIBUTOR OF SUCH PARTS INSTEAD OF THE MANUFACTURER OF YOUR VEHICLE.

7

USAVE AUTO RENTAL
2301 SOUTH BENTON STREET
SEARCY, AR 72143
Phone: (501) 268-9999

Rate Quote For : ALPHONSO DEAN - DEST: ARKANSAS

Quote Details

Date of Quote : 07/10/2012 02:46 PM
Date Out : 07/16/2012 08:00 AM
Date In : 07/23/2012 08:00 AM
Estimated Miles/Km : (Free: 1400)
Vehicle Class : COMPACT CAR

Estimated Charge Summary

<u>Description</u>	<u>Per</u>	<u>Total</u>
7) RENTAL DAY(S)	25.00	175.00
1) STATE TAX 6%		10.50
1) COUNTY TAX 1.5%		2.63
1) CITY TAX 1.5%		2.63
1) RENT TAX 10.5%		18.38
1) RENT TAX 1.5%		2.63
JBTOTAL		175.00
TAX TOTAL		36.77
QUOTE TOTAL		211.77

Rates subject to change without notice.

07/10/2012 08:00 AM COMPACT

Reservation: 36H8DW

Date Taken:

By:

Origin: BRANCH

Vehicle		Authorization	
Car Class:	COMPACT	Status:	
Rate Quoted:	\$40.99/DAY	Car Class:	
	\$199.99/WEEK	Auth Amount:	
	\$759.99/MONTH	# of Days:	
Specials:		Max Per Day:	
Mileage Charge:	NO CHARGE	Total Max Amount:	
Preferences:		% Auth:	

Product/Services	
DAMAGE WAIVER	\$16.99/DAY
PAI	\$3.00/DAY
SUPPLEMENTAL LIABILITY PROTECTION 2	\$13.80/DAY

Authorization

Pick Up/Return			
Pick Up Date:	07/10/2012	Return Date:	07/17/2012
Pick Up Time:	08:00 AM	Return Time:	08:00 AM
Pick Up Group:	A0051_EAN HOLDINGS_ LLC	Return Group:	A0051_EAN HOLDINGS_ LLC
Pick Up Branch:	SEARCY 517E 2204 EAST RACE STREET SEARCY,AR 721434770	Return Branch:	SEARCY 517E 2204 EAST RACE STREET SEARCY,AR 721434770
Pick Up Method:		Return Method:	
Pick Up Location:		Return Location:	
Directions:			

Renter Information

AR	Home:
	Work:
	Other:

Bill-to

Rental Type:	
Claim Type:	
Claim/Pol/PO/RO:	
Insured Name:	

Shop

Renters Vehicle:

Flight Information

Airline:	Flight:	Terminal:
Arrival Date:	Arrival Time:	

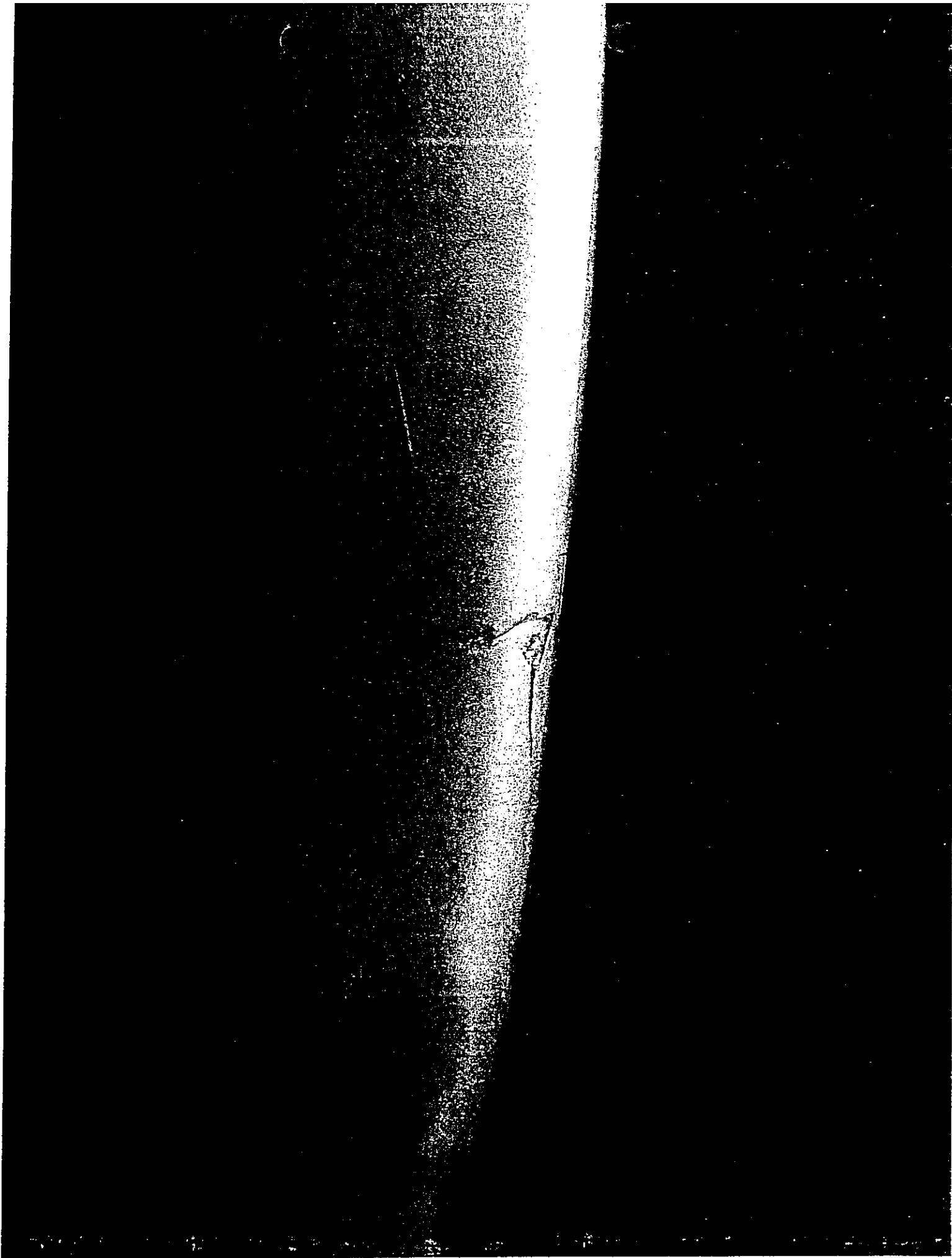
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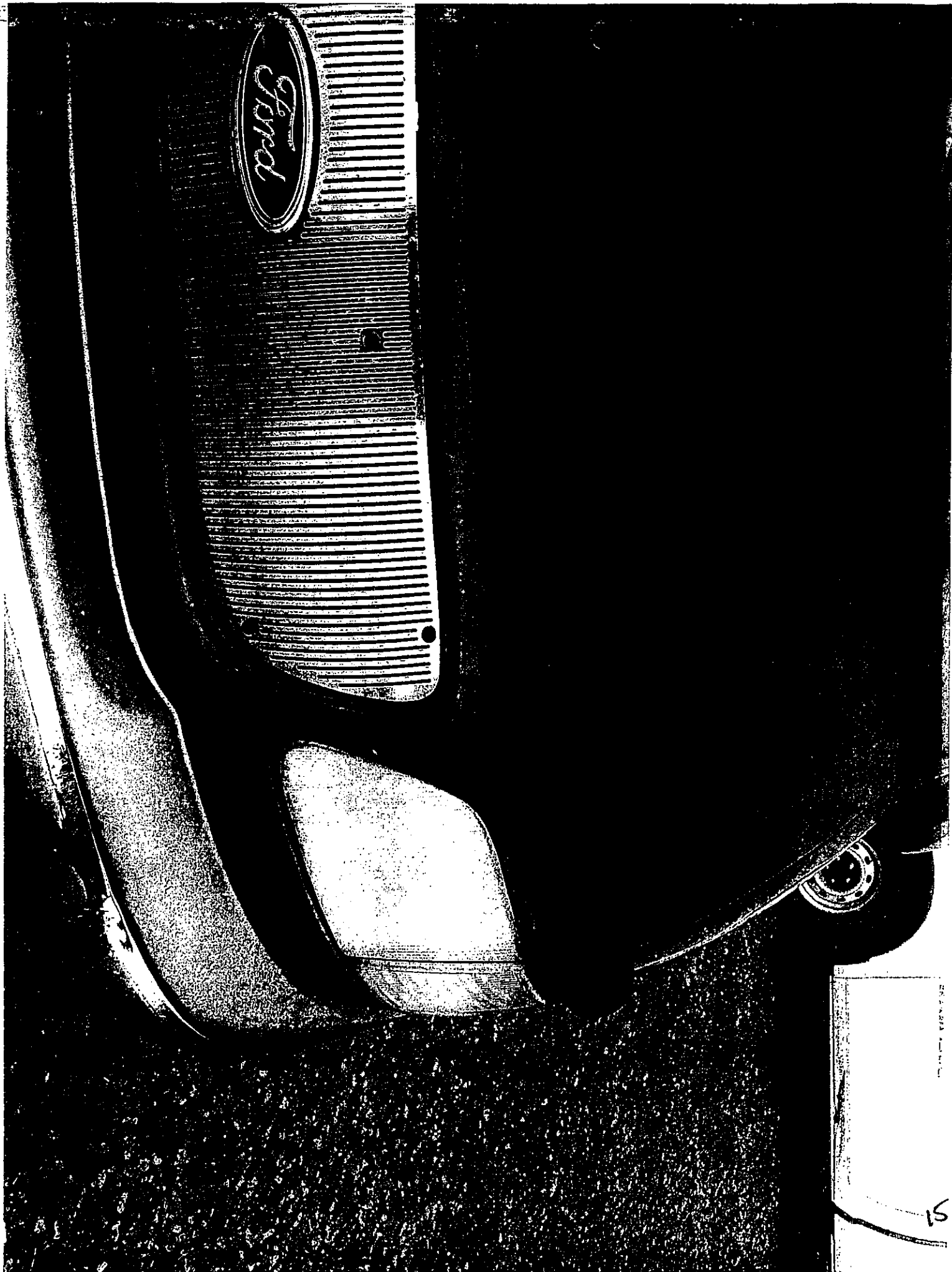


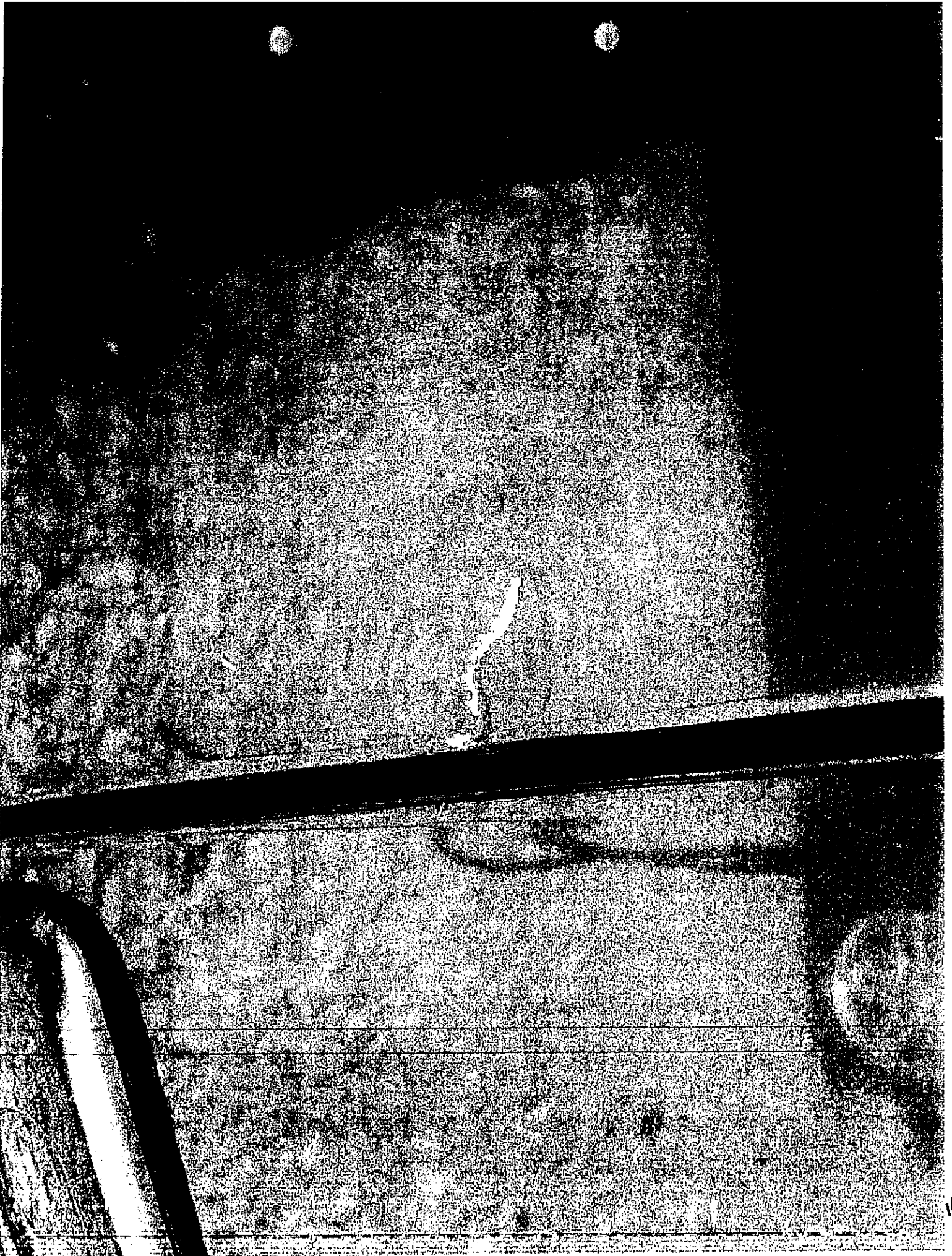


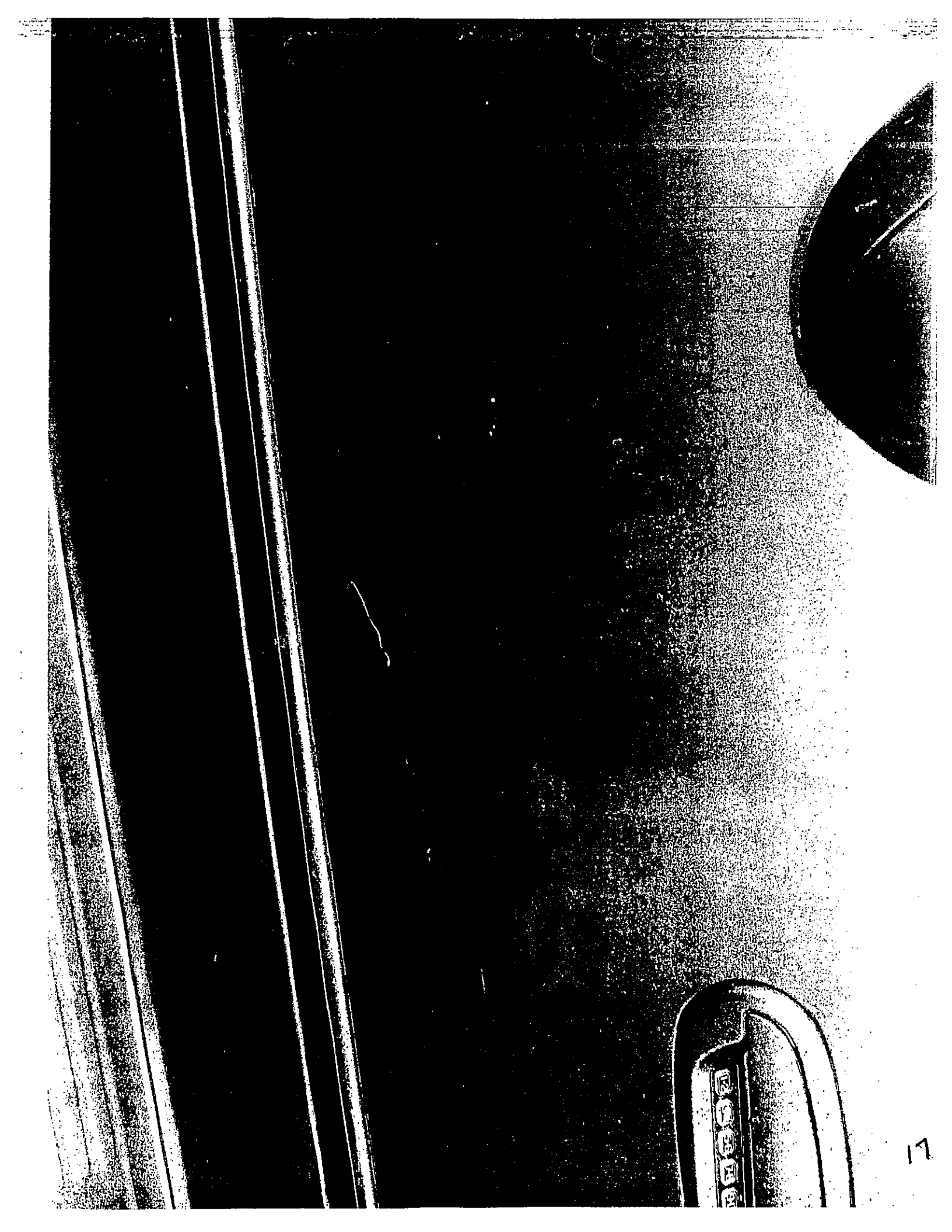




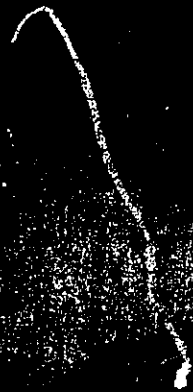








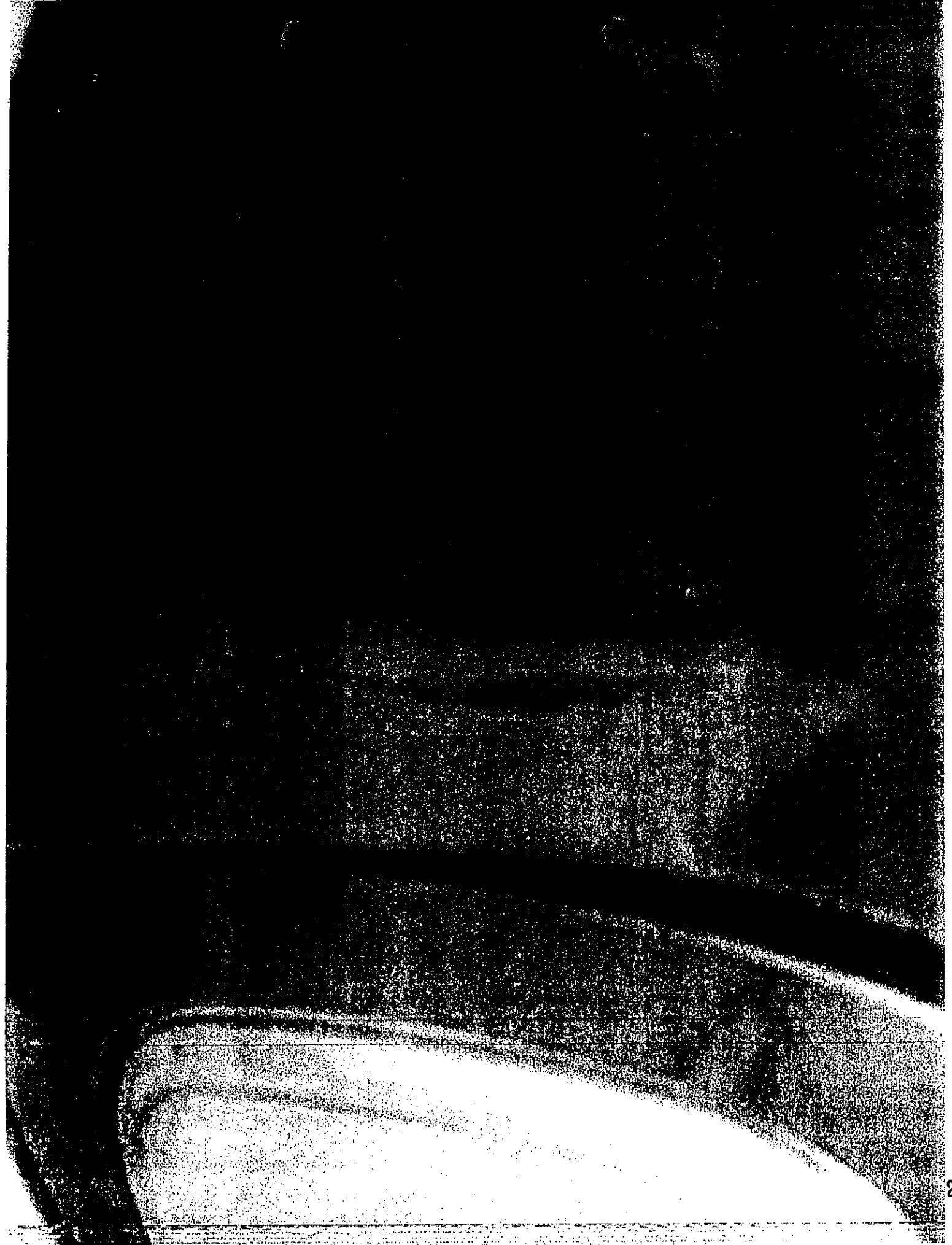












BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ARKANSAS STATE
CLAIMS COMMISSION
SEP 18 2012

CLAIMANT

RECEIVED

ALPHONSO DEAN

V.

NO. 13-0051-CC

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

ALPHONSO DEAN
2 PARK PLACE
NEWPORT, AR. 72112
(870) 523-4623

ARKANSAS STATE
CLAIMS COMMISSION
SEP 28 2012

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CLAIMANT'S PRE-HEARING STATEMENT

Dear Mr. Hodges,

This is a pre-hearing memorandum for Alphonso Dean (Claimant), who has a hearing scheduled for November, 15, 2012 at 9:00 am in Little Rock, Arkansas in the Commission's Hearing Room. The above-styled claim contains overwhelming evidence of VEHICLE DAMAGE done by the negligence of the Arkansas Department of Correction (Respondent). Therefore a hearing is not necessary. If appropriate, I ask that you grant this claim ON THE RECORD.

I have been employed with ADC for a year now and have received a number of awards/honors. I have been promoted twice within this year and enjoy my job.

On July 7, 2012 at approximately 3:25 pm, while working my 12 hour shift at the McPherson Prison Unit in Newport Arkansas. I was asked to the parking area by my supervisors Lieutenant Ming and Captain Riley to check, inspect and photograph my vehicle (Ford Expedition Eddie Bauer) for damage after unsecured sheets of tin was blown across area and resting on employee vehicles- causing extensive damage.

After this accident, Respondent (ADC) concluded THEIR investigation as to how this accident could have been avoided. On July 10, 2012 Respondent (ADC) issued a memo stating the accident was "An Act of God". GOD DIDN'T DO IT!! NEGLIGENCE ON THE ADC'S PART IS WHAT DID IT!! I'm sure a number of people with years of experience looked at this question and came to a conclusion as to how this accident could have been avoided. Yet I suspect none of them were Engineers, Electricians, or Accident Investigators. The Respondent (ADC) stated that the "sheets of tin" was reasonably secured and was picked up by 60mph high winds.

A number of eye witnesses (ADC Employees) reported to supervisors, that days leading up to accident- metal sheets of tin was stacked on top of each other at the worksite, with NO 8 inch blocks weighing them down. According to the forecast reports and local newspapers- No Violent Storms or Other Community Damage, was reported in the Newport (Jackson County) Area on that day of July 7, 2012. The local newspaper DOES state that there were Scattered Rain Showers!!

Now AFTER the accident, Respondent (ADC) did what should have been done in the first place- secured metal tin sheets with 8 inch concrete blocks weighing 8-10 pounds each, would have eliminated damage to vehicles.

Since the Jackson County Area where the McPherson Prison Unit is located, was in a drought and under a burn ban due to no rain fall leading up to the damage of vehicles. I Alphonso Dean suspect that the CONVICTS (construction crew) did not secure metal sheets of tin, thinking the drought and no rainfall would continue. **ALL I WANT IS TO BE MADE WHOLE AGAIN!!** Thank you for your time in this matter.

LIST OF EXHIBITS:

1. Photographs (Damaged Vehicle)
2. Photographs (Sheets of Tin) Scattered Over Parking Area
3. Newport (Jackson County) Newspapers/Articles- stating area drought and scattered rain on that day!! No Violent Storms with 60mph Winds on this day!!
4. Weather Forecast for day in question- No Violent Storms reported in Jackson County Area
5. Employee Awards/Honors

FACTUAL ISSUES:

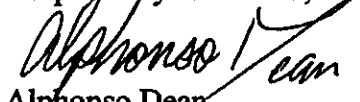
1. Three Estimates from reputable dealers
2. Proof of Insurance- Liability

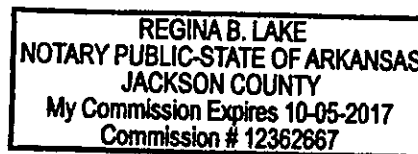
WHEREFORE, for the reasons stated above and the evidence submitted. I request that you grant this claim On The Record.

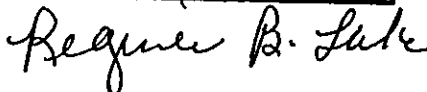
CERTIFICATE OF SERVICE

I certify that on July 27, 2012 the original and three copies of each item was mailed to the Arkansas State Claims Commission.

Respectfully submitted,


Alphonso Dean





BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ALPHONSO DEAN

CLAIMANT

V.

NO. 13-0051-CC

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT


ANSWER

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: HCA0100
 - 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

ARKANSAS STATE
CLAIMS COMMISSION

JUL 26 2012

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CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been served this 24 day of July, 2012, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Alphonso Dean
2 Park Place
Newport, AR 72112


LISA MILLS WILKINS Ark. Bar #87190

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ARKANSAS STATE
CLAIMS COMMISSION

SEP 28 2012

RECEIVED

ALPHONSO DEAN

CLAIMANT

V.

NO. 13-0051-CC

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

CLAIMANT'S INTERROGATORIES TO RESPONDENT

COMES NOW the Claimant, Alphonso Dean, requests that the Respondent (ADC) answer the following interrogatories fully, under oath, and in accordance with Arkansas Rule of Civil Procedure 16-5.

To: Respondent (ADC)

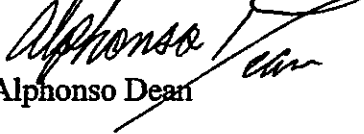
From: Claimant (Alphonso Dean)

1. Please state whether you (Respondent) have within your possession or control any photographs of Construction Materials (Sheets of Tin) being stacked by lengths in a ditch parallel to an entrance road; stored 18 inches below road level and 8 inches below the parking lot level.
2. Please state whether SGT Allan Vance, supervisor of the construction project have within his/her possession or control any photographs of the SECURED construction materials (Sheets of Tin), which was said to be weighed down by 8 inch concrete blocks weighing 8-10 pounds each. PLEASE DO NOT SUBMIT ANY PHOTOGRAPHS TAKEN ON OR AFTER JULY 7, 2012 (DAY VEHICLES WHERE DAMAGED)!!
3. Please state whether you (Respondent) have documentation of any other damage in the Jackson County Area, where the McPherson Unit is located on July 7-8 2012.
4. Please state whether the CONVICTS (Construction Crew) were fully qualified/certified to perform said construction work.
5. Please state approximately how many ADC Employee Vehicles where reported damaged from the Construction Materials (Sheets of Tin) on July 7, 2012 and identify the damage done to each.
6. If you (Respondent) contend that (Claimant) acted in such a manner as to cause or contribute to his or her personal vehicle damages, state all facts upon which you rely to demonstrate this.
7. Please state whether CONVICTS (Construction Crew) consumed any drugs or medicines within 24-48 hours prior to July 7, 2012 (Day Vehicles Were Damaged). Were any under doctor's care?
8. Please state whether you (Respondent) have a forecast report of a "violent storm" that occurred on July 7, 2012 in the JACKSON COUNTY AREA where the McPherson

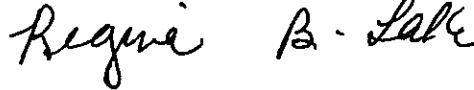
Unit is located.

9. What was the last reported/documented work day of CONVICTS (Construction Crew) leading up to July, 7, 2012 (Day Employee Vehicles Were Damaged).
10. Please state whether you (Respondent) have forecast report of Days/Months leading up to the day employees vehicles were damaged.

Respectfully submitted,


Alphonso Dean

REGINA B. LAKE
NOTARY PUBLIC-STATE OF ARKANSAS
JACKSON COUNTY
My Commission Expires 10-05-2017
Commission # 12362667



BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ALPHONSO DEAN

CLAIMANT

V.

NO. 13-0051-CC

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

RESPONSE TO CLAIMANT'S INTERROGATORIES TO RESPONDENT

COMES NOW the Respondent, Arkansas Department of Correction, and for its Response to the Claimant's Interrogatories to Respondent, states and responds as follows:

1. Response to Interrogatory #1: No
2. Response to Interrogatory #1: No
3. Response to Interrogatory #1: Yes
4. Response to Interrogatory #1: Objection, no construction was being performed at the time of the severe and sudden thunderstorms.
5. Response to Interrogatory #1: 10 vehicles. The damage was mainly scrapes to the vehicle exteriors.
6. Response to Interrogatory #1: No contention is made. What happened is an unfortunate event which was considered an act of God.
7. Response to Interrogatory #1: Objection, no construction was being performed at the time of the severe and sudden thunderstorms and any medical or treatment information regarding an inmate is confidential and protected from disclosure under federal law.
8. Response to Interrogatory #1: No, the storms were judged an anomaly by multiple weather stations due to their sudden and violent occurrence which are uncommon during that time of year. However because of past experiences it is the pattern and practice of the ADC to secure materials when ceasing construction for the day to be prepared for such an event.
9. Response to Interrogatory #1: Objection, no construction was being performed at the time of the severe and sudden thunderstorms.
10. Response to Interrogatory #1: No

**ARKANSAS STATE
CLAIMS COMMISSION**

OCT 26 2012

RECEIVED

29

Respectfully submitted,

Department of Correction
Office of Counsel

Lisa Mills Wilkins

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

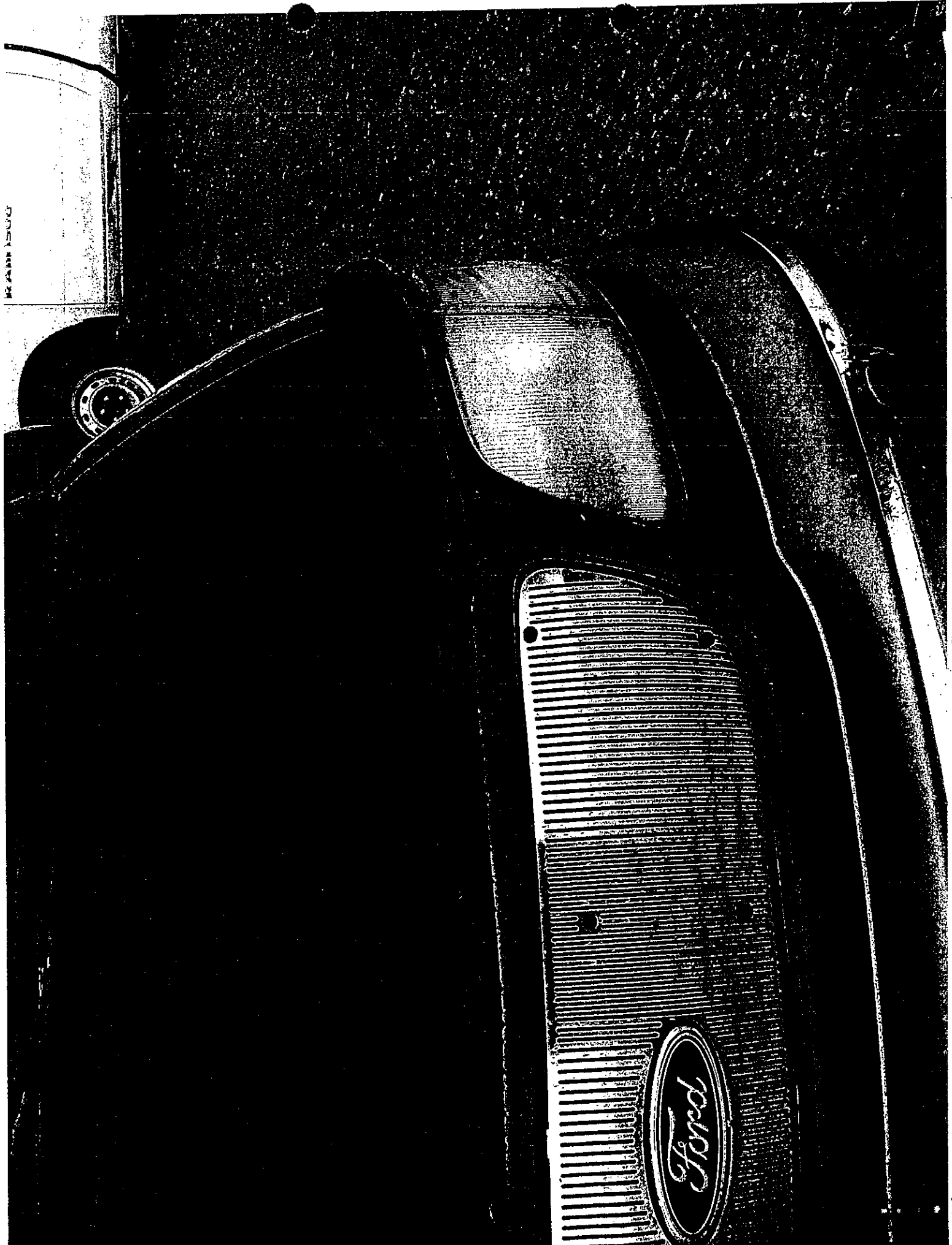
I certify that a copy of the above pleading has been served this 24 day of October, 2012, on the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

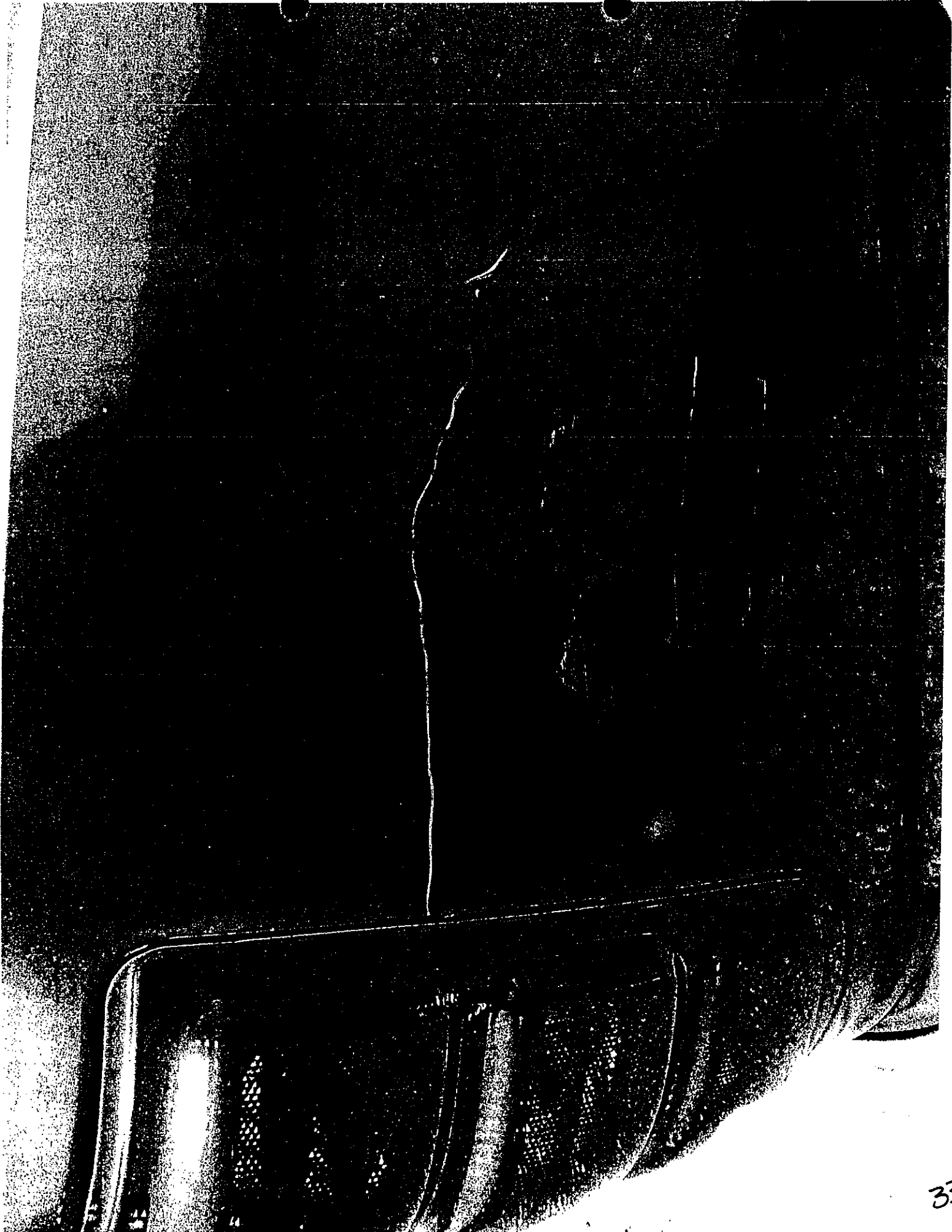
ALPHONSO DEAN
2 park Place
Newport, AR 72112

Lisa Mills Wilkins

LISA MILLS WILKINS Ark. Bar #87190



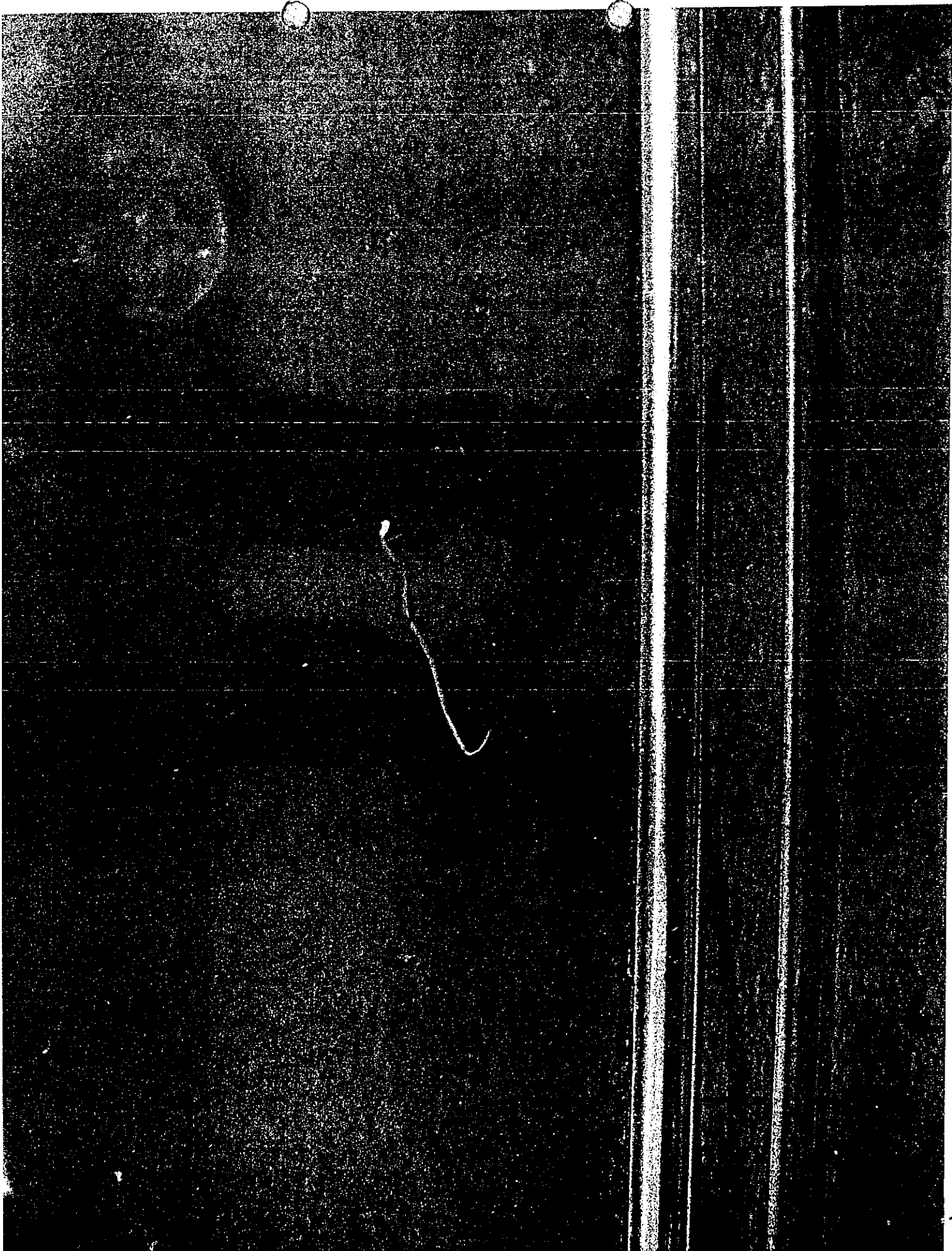


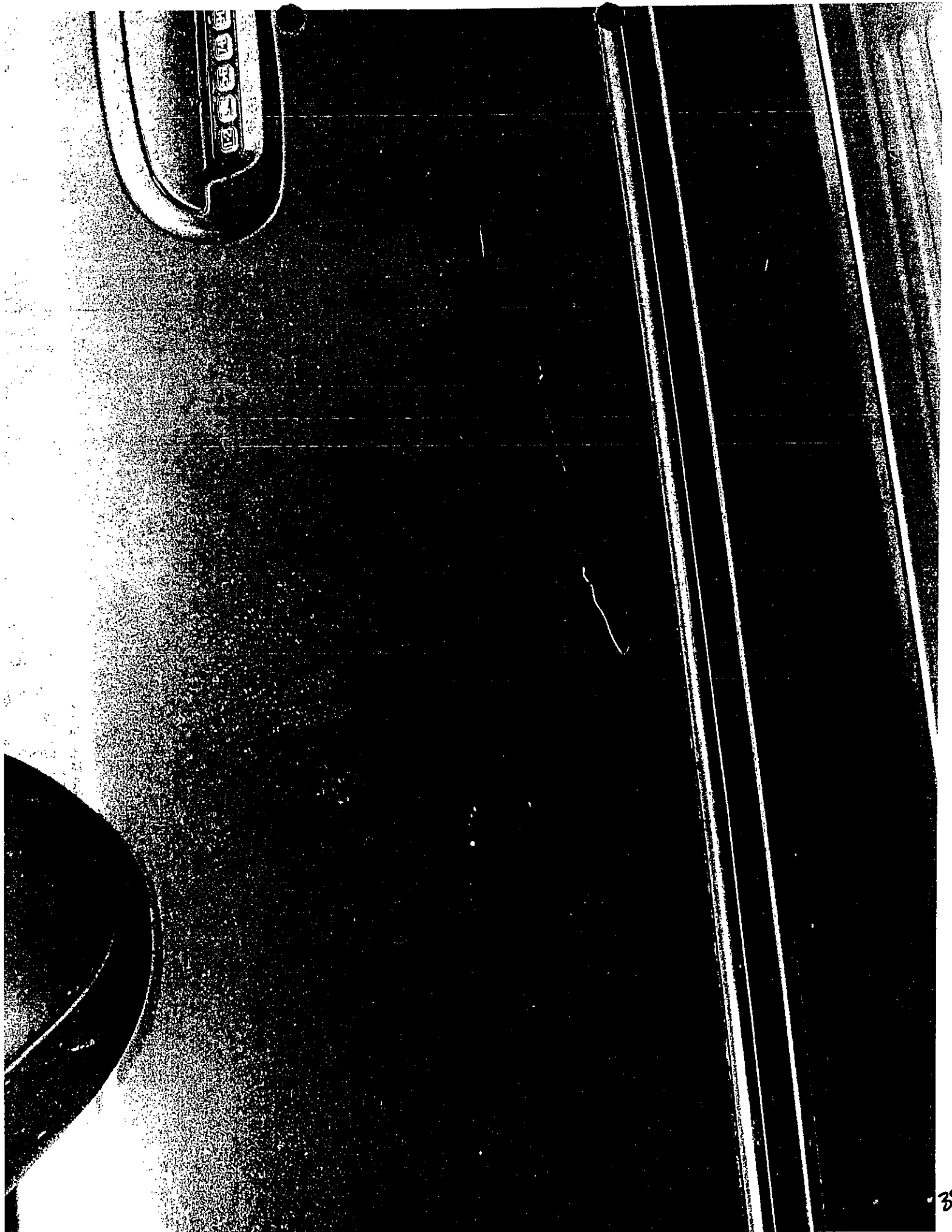


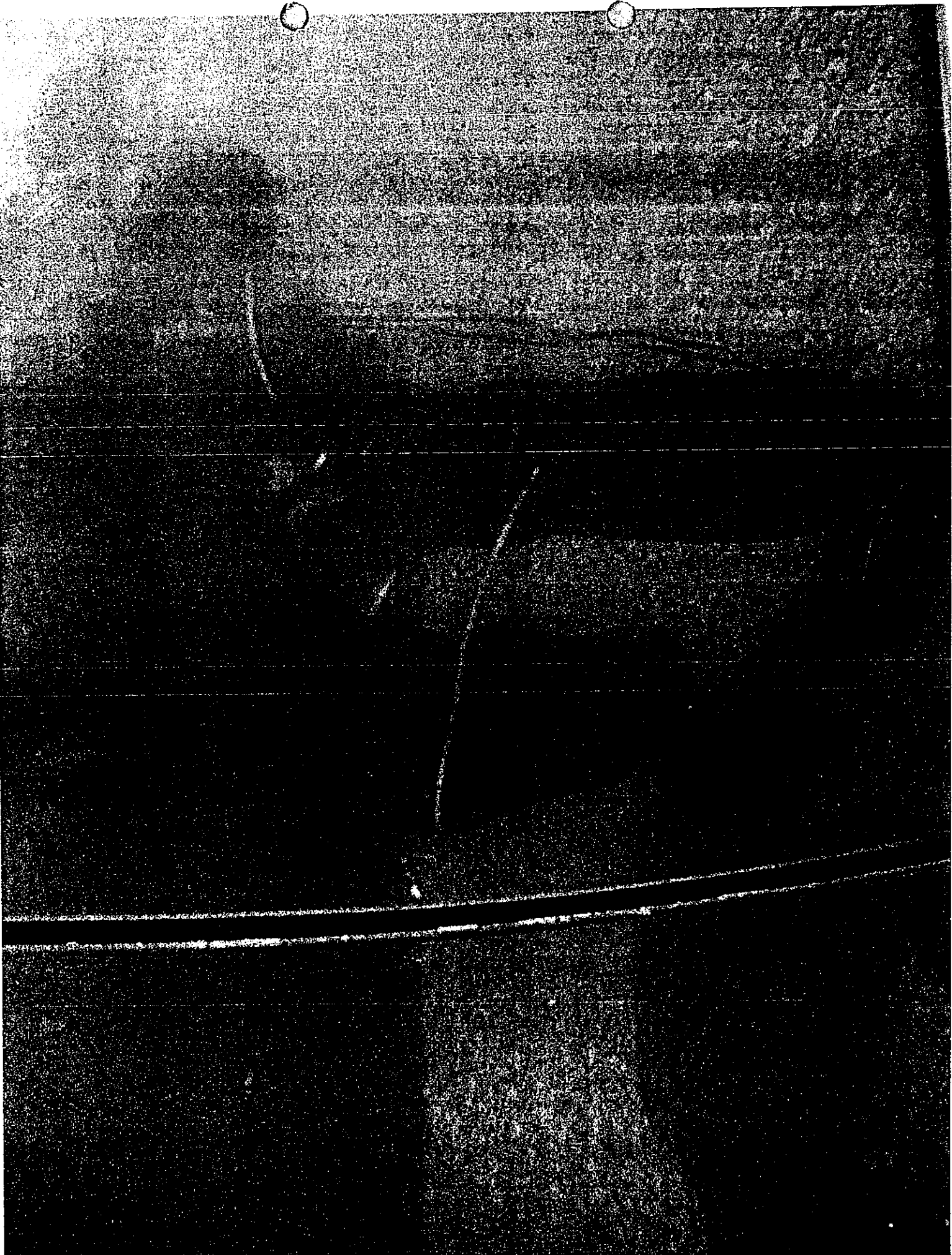


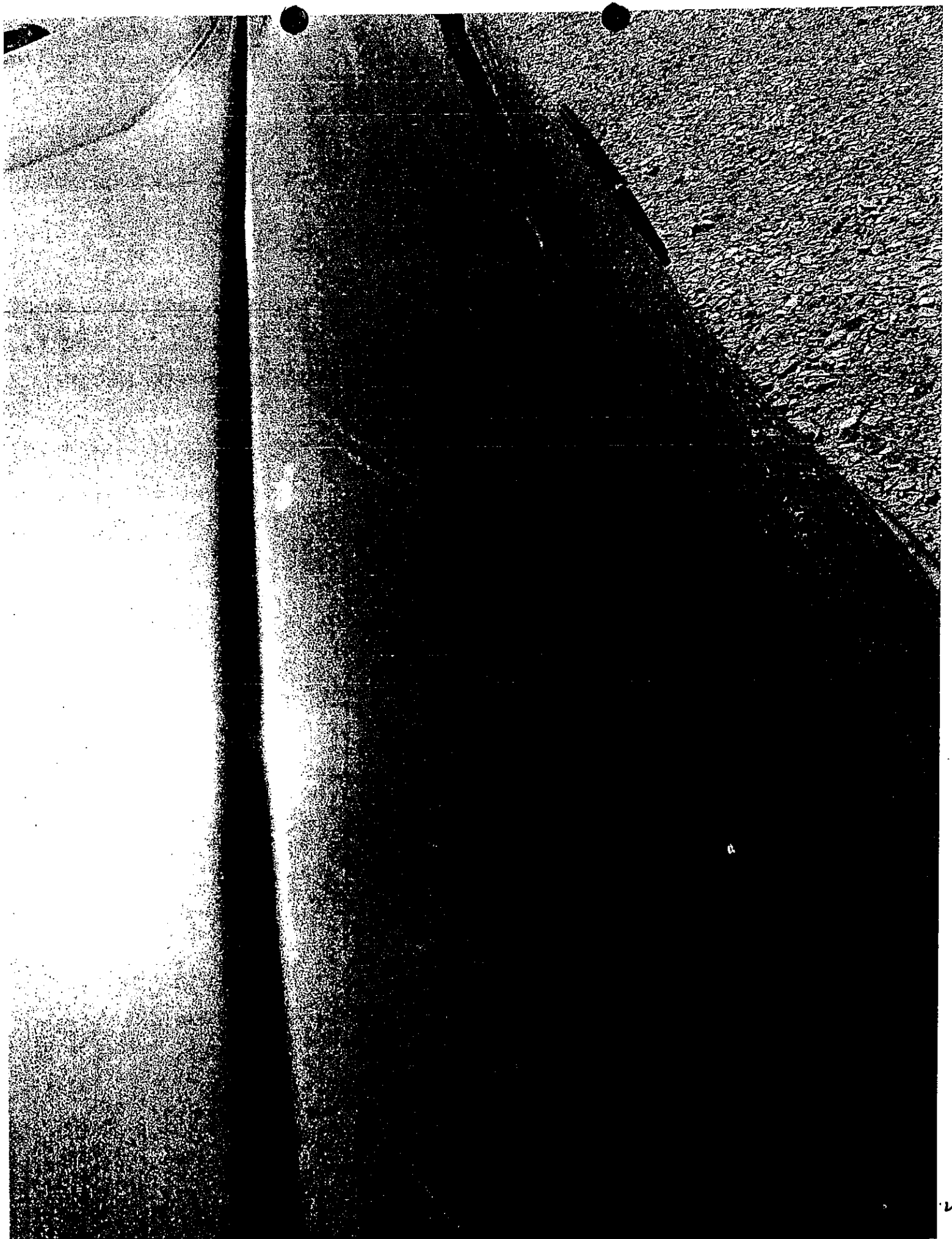


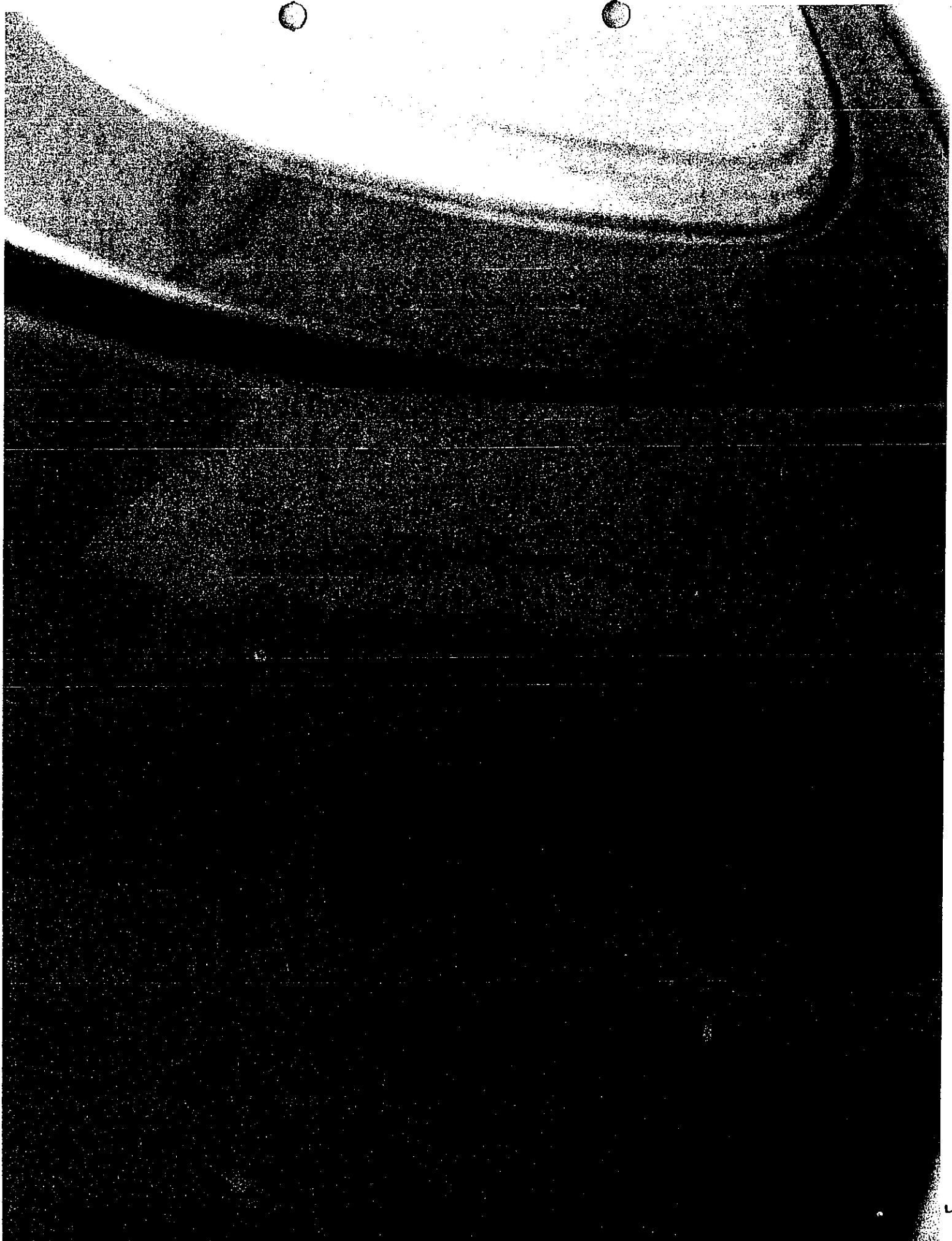


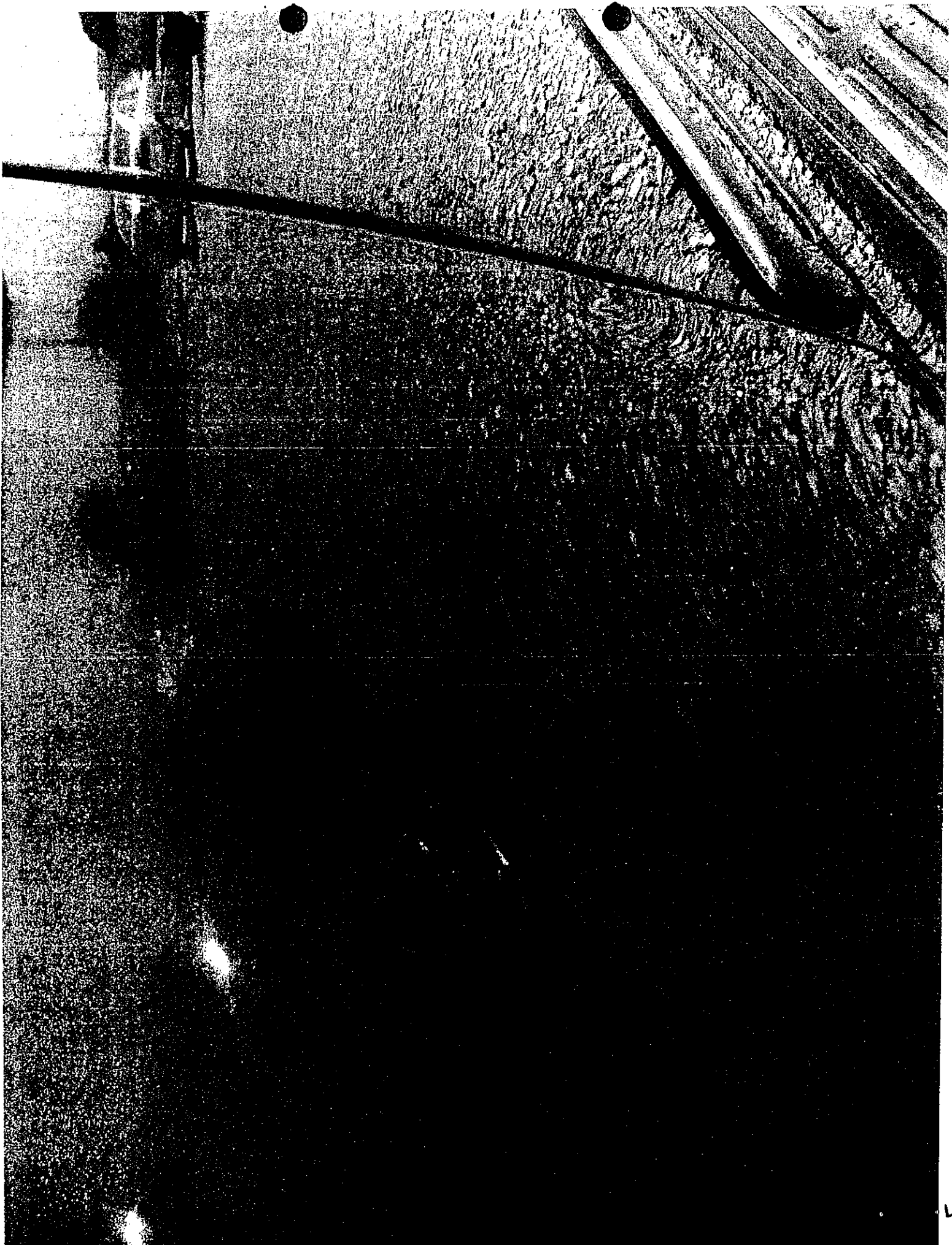




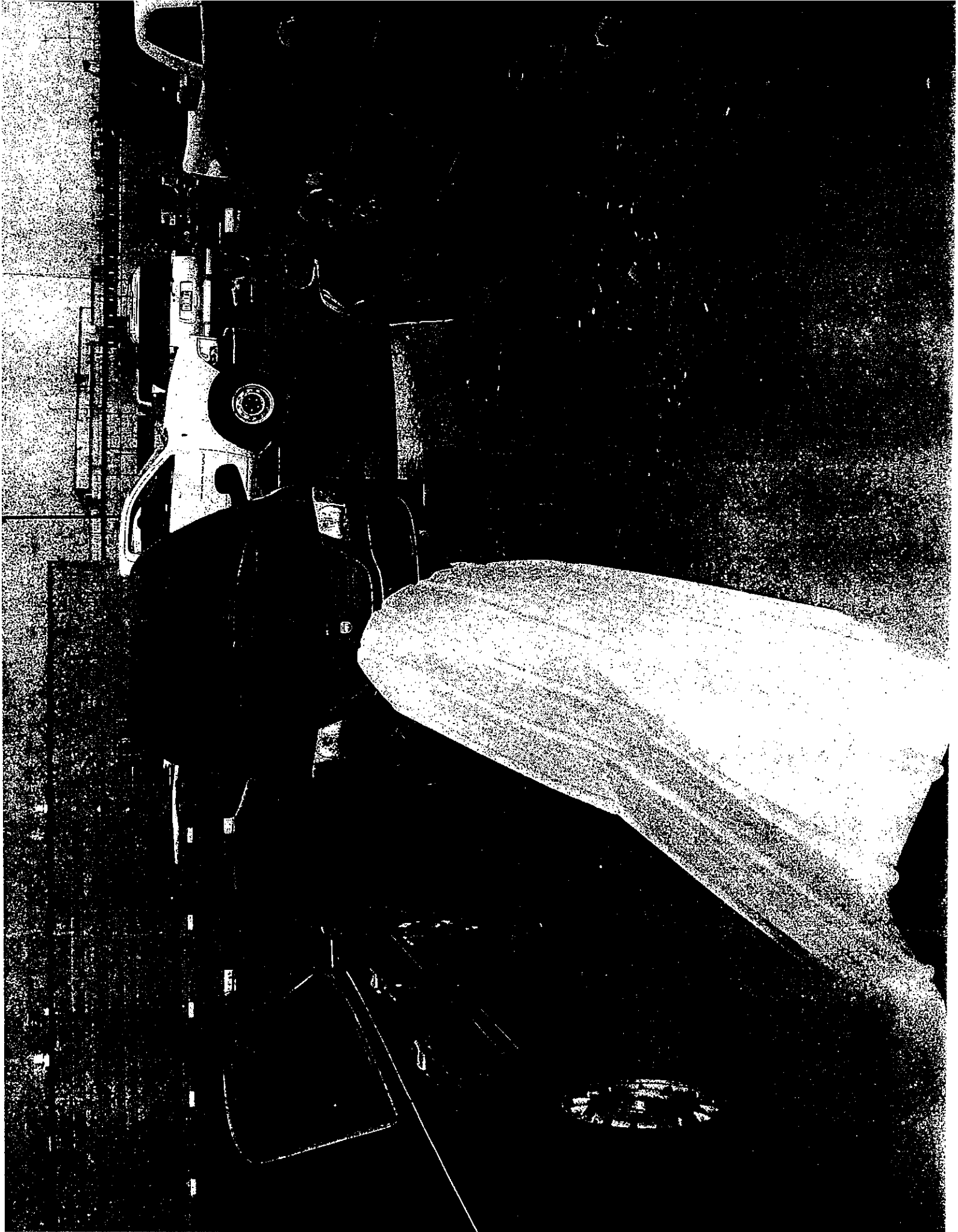




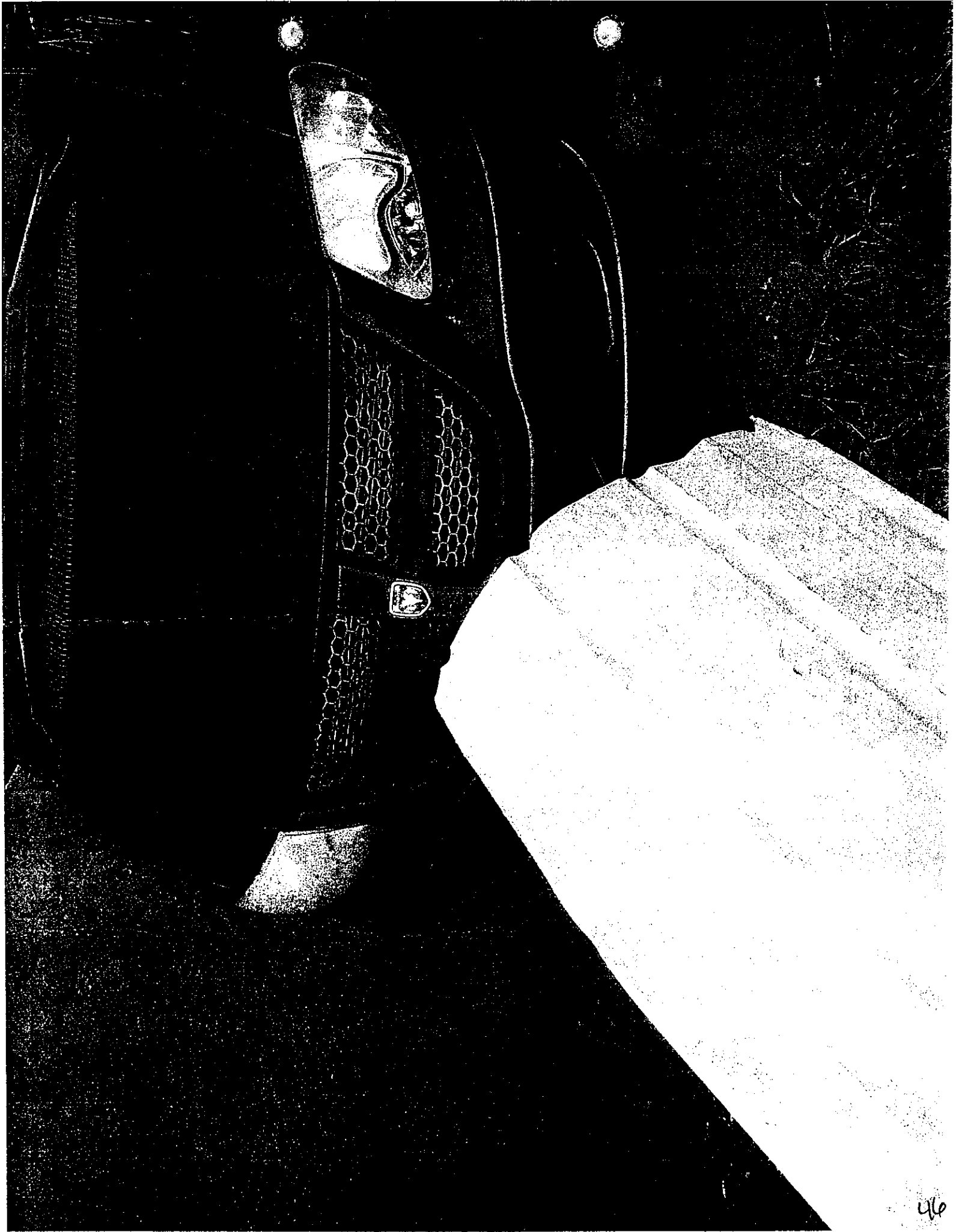












BURN BANS
AS OF JULY 31

COUNTY JUDGES
ISSUED BURN BANS

RED=BURN BAN IN
EFFECT

JACKSON COUNTY OFFICE OF EMERGENCY MANAGEMENT DIRECTOR DON IVIE AND JACKSON COUNTY JUDGE JEFF PHILLIPS HAVE ANNOUNCED THAT THE ENTIRE COUNTY REMAINS UNDER A BURN BAN UNTIL A "SIGNIFICANT RAIN" IS RECEIVED. FOR ALL THE LATEST INFORMATION ON COUNTY AND STATE WIDE BURN BANS VISIT OUR WEBSITE, WWW.NEWPORTINDEPENDENT.COM, OR WWW.ARKFIREFINFO.ORG, A SERVICE OF THE ARKANSAS FORESTRY COMMISSION. PHOTO COURTESY OF THE ARKANSAS FORESTRY COMMISSION

'Flash' drought deepens in Arkansas

With harvest time not far off for many Arkansas crops, anxiety over this year's yields is expanding into next year's planting.

A third of Arkansas is covered by "exceptional drought," the most intense category of dryness, according to the U.S. Drought Monitor map issued Thursday.

In Morrilton, Randy Pettingill had been irrigating corn and soybeans out of the local water utility lagoons, but now, with so little water, that avenue is closed to him, said Kevin VanPelt, Conway County extension agent for the University of Arkansas System Division of Agriculture.

"He told me that if we didn't get some rain soon, that water would be shut off by Aug. 1," VanPelt said, adding that Pettingill sank a well as his Plan B or irrigation. "He was right."

Pettingill said the well produces about 850 gallons an hour, where the lagoon produced 1,300. "You're fighting a losing battle," he said.

"It's been a long summer," he said, and with a chance of rain in Thursday's forecast, "I'll take anything. I don't care if it comes a flood."

Pettingill worries what might happen to next year's crops if the rains

"don't charge back up over the winter, there is a time when you have to ask, 'will it work?'" he said.

Exceptional drought covered 33.64 of the state, up from last week's 11 percent. Much of the area expanded from the Arkansas River Valley in to north-central and through the Ouachita mountains into southwest Arkansas, including all of Cleburne, Conway, Faulkner, Pope, Perry, Newton, Searcy, Stone, Van Buren, and White counties and parts of Baxter, Boone, Carroll, Clark, Grant, Hot Spring, Howard, Independence, Izard, Jackson, Johnson, Logan, Lonoke, Madison, Marion, Montgomery, Prairie, Pike, Polk, Pulfuski, Saline, Sevier, Woodruff and Yell counties. In far northeastern Arkansas, most of Clay and parts of Greene counties were also added to the exceptional drought category.

Extreme drought, the second most intense category, also increased its hold from 65 percent in last week's map to 76 percent this week. Only a small sliver of Columbia County on the Louisiana border has the least intense category of drought.

The "flash drought" that has rapidly gripped parts

pastures is also drying out stock and irrigation ponds, creeks and rivers. Water tables are declining rapidly, especially in western Arkansas and the Arkansas River Valley.

As of July 7, the Fourche La Fave at Gravelly in Sebastian County was at its lowest level ever. At Houston in Perry County, the Fourche La Fave was at its second lowest level, the National Weather Service said.

"I inherited the old family farm and this is the first time this well has gone dry," said Don Rodgers, president of the Crawford County Cartlemen's Association.

"The water table is being depleted rapidly and the ponds are down half or lower. It's scary, but it's the nature of the business."

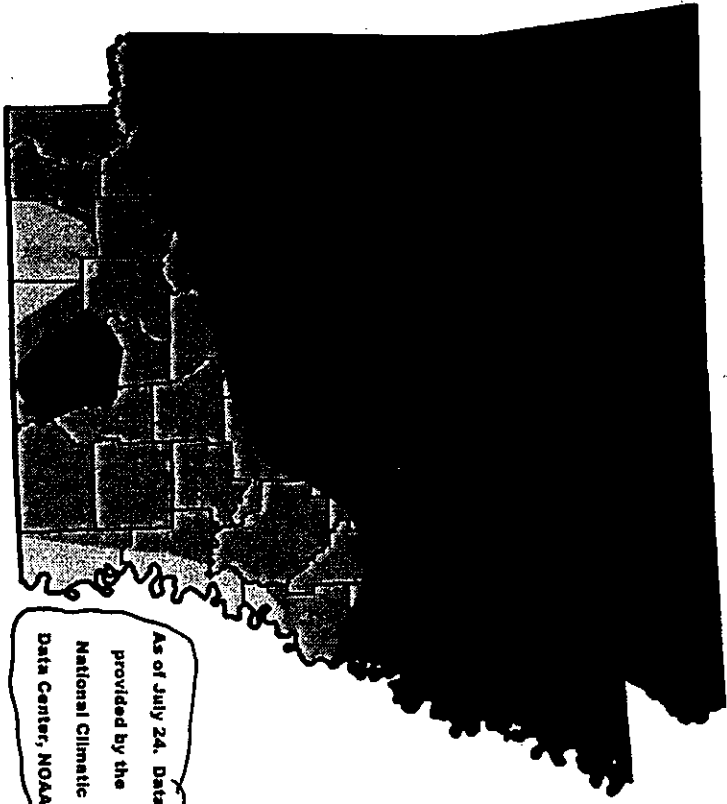
While cattle producers have been the hardest hit, poultry producers are beginning to feel the drought too, said Susan Watkins, extension poultry specialist for the University of Arkansas System Division of Agriculture.

"The heat has been tough on farmers worried about water shortages for their poultry farms," she said. "It's not epidemic, but it is a concern with the drought that surface water sources such as

are having trouble keeping up with the required volume for raising big birds and cooling with the evaporative cool cells.

"Many poultry farmers that are currently using municipal or rural water are being asked to go off the systems because the suppliers can't keep up with the demand of the poultry farms and their other customers," Watkins said.

The pressure on water supplies has prompted at least one group of farmers to ask Watkins to give a presentation on above-



As of July 24. Data provided by the National Climatic Data Center, NOAA

Last year, some in agriculture were comparing the drought to 1980. In 1980, "old timers always compared the drought to 1954," said Brent Griffin, Prairie County extension staff chair for the division of Agriculture. Some are now comparing the current drought to the Dust Bowl days of the 1930s.

"If not for the irrigation implemented since 1980" the picture would be much worse," Griffin said. A PDF of the new drought map can be found at

For more information on coping with drought, visit Arkansas Drought Resources at <http://arkansasdroughtresourcecenter.wordpress.com/> or contact your county extension office.

The Cooperative Extension Service is part of the University of Arkansas System Division of Agriculture and offers its programs to all eligible persons regardless of race, color, national origin, religion, gender, age, disability, marital or veteran status, or any other legally protected status, and is an

National Weather Service Weather Forecast Office Little Rock, AR

000
NWUS54 KLZK 080312
LSRLZK

PRELIMINARY LOCAL STORM REPORT
NATIONAL WEATHER SERVICE LITTLE ROCK AR
REPORTS FOR JULY 6-14 2012

..TIME...	...EVENT...	...CITY LOCATION...	...LAT.LON...
..DATE...MAG....	..COUNTY LOCATION..ST..	...SOURCE....
	..REMARKS..		

<<<< JULY 6TH >>>>

0505 PM TSTM WND DMG LAKE NORRELL 34.72N 92.65W
07/06/2012 SALINE AR EMERGENCY MNGR

REPORTS OF TREES DOWN ACROSS ROADS IN AND AROUND LAKE NORRELL. ALSO...TWO BARNS WERE DAMAGED.

0539 PM TSTM WND DMG 2 WNW MABELVALE 34.66N 92.42W
07/06/2012 PULASKI AR TRAINED SPOTTER

WIND GUSTS ESTIMATED AT 60 TO 65 MPH WITH TREE LIMBS THROWN IN THE AIR WITH SOME HITTING VEHICLES. THIS OCCURED ON THE INTERSTATE 40 AND INTERSTATE 30 SPLIT.

0615 PM TSTM WND DMG BENTON 34.57N 92.56W
07/06/2012 SALINE AR TRAINED SPOTTER

LARGE TREE LIMBS ARE BEING LIFTED AND THROWN BY THE WIND. SOME SIDING WAS REMOVED FROM A GARAGE AND PRODUCED MINOR STRUCTURAL DAMAGE. THIS OCCURED INSIDE THE BENTON CITY LIMITS.

<<<< JULY 7TH >>>>

0627 PM TSTM WND DMG MOUNTAIN PINE 34.57N 93.17W
07/07/2012 GARLAND AR LAW ENFORCEMENT

TREES AND POWER LINES ARE DOWN IN THE MOUNTAIN PINE AREA.

0640 PM TSTM WND DMG SULPHUR SPRINGS 34.18N 92.13W
07/07/2012 JEFFERSON AR COUNTY OFFICIAL

REPORTS OF A FEW TREES DOWN IN SULPHUR SPRINGS.

0730 PM TSTM WND DMG HARDIN 34.27N 92.15W
07/07/2012 JEFFERSON AR COUNTY OFFICIAL

SOME DOWNED TREES IN THE HARDIN COMMUNITY.

<<<< JULY 8TH >>>>

0130 PM TSTM WND DMG WILBURN 35.50N 91.88W
07/08/2012 CLEBURNE AR COUNTY OFFICIAL

SEVERAL TREES DOWN IN WILBURN.

0130 PM TSTM WND DMG WILBURN 35.50N 91.88W
07/08/2012 CLEBURNE AR EMERGENCY MNGR

LOCAL COORDINATOR REPORTED ROOF DAMAGE ON SEVERAL HOUSES. ALSO...TREES WERE BLOWN DOWN ONTO POWER LINES.

0135 PM HAIL 1 N STEPROCK 35.44N 91.69W
07/08/2012 E1.00 INCH WHITE AR LAW ENFORCEMENT

140 PM HAIL FAIRFIELD BAY 35.61N 92.27W
07/08/2012 E0.75 INCH VAN BUREN AR TRAINED SPOTTER

209 PM TSTM WND DMG LAKE SYLVIA RECREATION 34.87N 92.82W
07/08/2012 PERRY AR PUBLIC

MULTIPLE TREES DOWN IN THE LAKE SYLVIA RECREATION AREA. LARGE LIMBS ARE ALSO DOWN. HALF INCH HAIL WAS ALSO SEEN IN ADDITION TO DAMAGING WINDS.

49

0211 PM TSTM WND DMG 1 S DAMASCUS 35.35N 92.41W
07/08/2012 FAULKNER AR AMATEUR RADIO

A FEW TREES DOWN ACROSS US 65 JUST SOUTH OF DAMASCUS.

0239 PM TSTM WND DMG 2 WNW TWIN CREEK 35.96N 92.06W
07/08/2012 IZARD AR PUBLIC

THUNDERSTORM WINDS SNAPPED SEVERAL TREES AND CAUSED MINOR ROOF DAMAGE TO SEVERAL HOUSES. LAWN FURNITURE WAS THROWN AROUND 300 FEET.

0243 PM TSTM WND DMG 1 N PLEASANT PLAINS 35.57N 91.63W
07/08/2012 INDEPENDENCE AR COUNTY OFFICIAL

THUNDERSTORM WINDS HIT A TRUCK BROADSIDE...PUSHING IT OFF THE ROAD AND INTO A DITCH.

0247 PM TSTM WND DMG ALLISON 35.93N 92.12W
07/08/2012 STONE AR LAW ENFORCEMENT

TREES DOWN AND MULTIPLE BARNs HAVE SUSTAINED DAMAGE.

0300 PM TSTM WND DMG 4 ESE WALDRON 34.88N 94.03W
07/08/2012 SCOTT AR COUNTY OFFICIAL

TREES DOWN ON POWERLINES EAST OF WALDRON.

0309 PM TSTM WND DMG CHICKALAH 35.17N 93.28W
07/08/2012 YELL AR COUNTY OFFICIAL

TREES DOWNED SOME POWERLINES IN CHICKALAH.

0315 PM TSTM WND DMG 2 W CUSHMAN 35.86N 91.81W
07/08/2012 INDEPENDENCE AR COUNTY OFFICIAL

TREES DOWN ACROSS COLLIETOWN ROAD 2 MILES WEST OF CUSHMAN.

0321 PM TSTM WND DMG WALDRON 34.90N 94.09W
07/08/2012 SCOTT AR COUNTY OFFICIAL

TREES AND POWERLINES DOWN IN WALDRON AND ALSO 5 MILES WSW IN WINFIELD.

0333 PM HAIL GLENWOOD 34.33N 93.55W
07/08/2012 E1.00 INCH PIKE AR COUNTY OFFICIAL

HAIL ESTIMATED TO BE THE SIZE OF QUARTERS ON THE NORTHWEST SIDE OF GLENWOOD.

0350 PM TSTM WND DMG 4 NE CENTERVILLE 35.16N 93.12W
07/08/2012 YELL AR AMATEUR RADIO

TREES WERE REPORTED DOWN ALONG HWY 155.

0354 PM TSTM WND DMG 2 NE RANGER 35.14N 93.31W
07/08/2012 YELL AR COUNTY OFFICIAL

POWERLINES DOWN 2 MILES NE OF RANGER.

0358 PM TSTM WND DMG 1 N OMAHA 36.40N 93.19W
07/08/2012 BOONE AR PUBLIC

A TREE WAS BLOWN ONTO HWY 65 NORTH OF OMAHA.

0358 PM TSTM WND DMG HARDY 36.32N 91.48W
07/08/2012 SHARP AR LAW ENFORCEMENT

TREES AND POWER LINES ARE DOWN ACROSS HARDY. LOTS OF REPORTS OF PEOPLE WITHOUT POWER.

0416 PM TSTM WND DMG 8 S CAUTHRON 34.80N 94.30W
07/08/2012 SCOTT AR COUNTY OFFICIAL

TREES AND POWERLINES DOWN IN BEAUCHAMP.

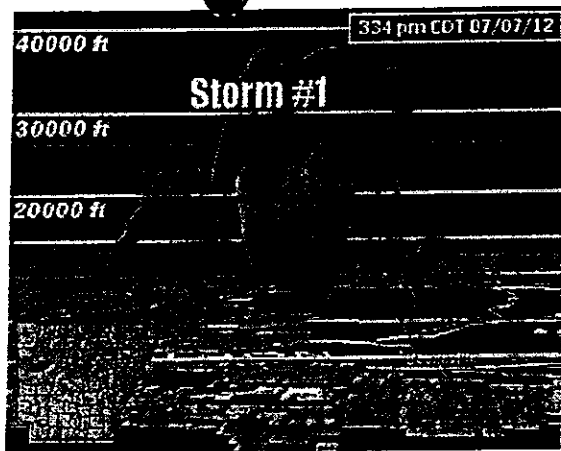
<<< JULY 12TH >>>>

0738 PM TSTM WND DMG Y CITY 34.73N 94.08W
7/12/2012 SCOTT AR LAW ENFORCEMENT

SCOTT COUNTY SHERIFF OFFICE REPORTED TREES DOWN...ROOFS BLOWN OFF CHICKEN HOUSES...BARNs BLOWN OVER...AND ROOFS BLOWN OFF OF BARNs.

<<< JULY 13TH >>>>

50



In the picture: Storm #1 near Booneville (Logan County) became severe and then collapsed shortly before 345 pm CDT on 07/07/2012. Cool downdrafts (outflow) from the storm forced hot air to the east aloft (updrafts), and this helped initiate Storm #2.

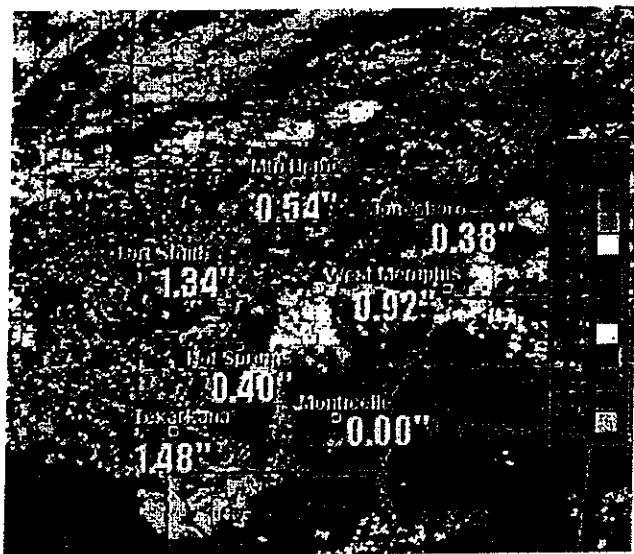
There was also a fair amount of severe weather. Most reports consisted of damaging winds as storms collapsed.

Preceding the front on the 6th, straight-line wind gusts exceeded 60 mph in west and southwest Little Rock (Pulaski County) and near Lake Norrell, Avilla and Benton (all in Saline County). Trees were downed (some on houses), and there was some minor structural damage.

Along the front on the 8th, trees were on power lines and several roofs were damaged by winds at Wilburn (Clebume County). A truck was blown off the road just north of Pleasant Plains (Independence County). There were numerous power outages following a storm at Hardy (Sharp County).

On the 12th, winds with a storm damaged chicken houses and barns near Y City (Scott County).

No Mention of Jackson County "Where McPherson Unit is located"



In the picture: Twenty four hour rainfall through 700 am CDT on 07/27/2012.

There were a few more storms on the 20th with a front, and spotty severe weather. On the 26th/27th, large clusters of storms dumped a large swath of beneficial rain in the western counties.

Twenty four hour amounts through 700 am CDT on the 27th included 3.74 inches at Waldron (Scott County), 2.64 inches at Narrows Dam (Pike County), 2.56 inches at Ratcliff (Logan County), 2.22 inches at Cove (Polk County) and 2.15 inches at Ashdown (Little River County).

Links of Interest

July 6-14, 2012 (pattern change/some rain/cooler)

51



Arkansas Department of Correction

Training Academy
P.O. Box 190
100 Grimes Road
Tucker, Arkansas 72168
Phone: (501) 842-8573
Fax: (501) 842-8591

To: *Alphonso Dean, McPherson Unit, Class 2011-L*

From: *Major Gordon Davidson, Training Academy Director*

Re: *Letter of Appreciation ~ Class Cadence Caller*

Date: *4th of November 2011*

The Training Academy breaks each class down into various positions. Those positions include Class Leader and Squad Leaders, as well as Honor Guard cadets and the Class Cadence Caller. You were chosen from all the cadets in your class, to be the Class Cadence Caller. The Cadence Caller is a position that carries a great deal of responsibility, as it is not merely "singing" while moving cadets from one place to another. The Cadence Caller is responsible for promoting discipline, respect and teamwork within the class, through Drill and Ceremony.

It is with great honor and respect that we issue you this "Letter of Appreciation" for your outstanding service and dedication to the Training Academy, your class Instructor and your class. You have served with pride, honor, professionalism and dedication to duty. The Training Staff of the Academy and I, hope that your future with the Arkansas Department of Correction is bright and full of success.

Well done and good luck!


Major Gordon Davidson
ADC Training Academy Director



HUMAN RESOURCES
2403 East Harding Ave.
Pine Bluff, Arkansas 71601
Phone: (870) 850-8510
FAX: (870) 850-8538
Job Line: 1-888-8ADC-JOBS
www.state.ar.us/doc

Arkansas Department of Correction

March 19, 2012

Officer Alphonso Dean
2 Park Place
Newport, AR 72112

RE: Officer First Class

Dear Officer Dean:

Congratulations on having satisfied all the applicable requirements of Officer First Class. Your promotion to Officer First Class will be effective March 19, 2012 and your new bi-weekly base salary with this promotion will be \$1093.60.

I wish you continued success in your future endeavors with the Arkansas Department of Correction.

Sincerely,

Stacia Wood-Lenderman
Human Resources Administrator

SWL/rrr

cc: John Maples, Warden
Melinda Howard, HR Manager
File

Arkansas Department of Correction

Newport Complex

This certificate is awarded to

Alphonso Dean

In recognition of

Employee of the Month

Given this March 30, 2012



Arkansas Department of Correction

Nurzulah Faust, D/W

Linda Dixon, Chief of Security



Arkansas Department of Correction

HUMAN RESOURCES
2403 East Harding Ave.
Pine Bluff, Arkansas 71601
Phone: (870) 850-8510
FAX: (870) 850-8538
Job Line: 1-888-8ADC-JOBS
www.state.ar.us/doc

September 19, 2012

Mr. Alphonso Dean, Corporal
2 Park Place
Newport, AR 72112

RE: MERIT PROMOTION

Dear Mr. Dean:

Congratulations on having satisfied all the applicable requirements of the Merit Increase Pay System. Your promotion to Corporal will be effective 09-19-12 (excluding any future disciplinary action) and your new bi-weekly salary (hazard duty is not included in this total) with this promotion will be \$1,202.96.

Please contact your Unit Human Resource Manager for any additional MIPS requirements for your new position.

I wish you continued success in your future endeavors with the Arkansas Department of Correction.

Sincerely,

Stacia Lenderman, Administrator

SWL/ljj

cc: John Maples, Jr., Warden
Melinda Howard, HR Manager
File

ESTIMATE OF REPAIR COST

RICK'S BODY SHOP

213 SOUTH STATE
NEWPORT, AR 72112

217 9706

NAME			ADDRESS		PHONE	DATE
YEAR	MAKE	MODEL	LICENSE NO.	SPEEDOMETER	MTR. NO.	SER. NO.
2000	Ford	Expedition				
INSURANCE CARRIER			ADJUSTER		CAR LOCATED AT	

OPERATIONS	PART #	LABOR HRS.	PARTS	SUBLET
1 Bug Shield		.3	71.00	
Refinish Hood		3.0		
Refinish Fender L		2.2		
Refinish Door Front L		3.3		
Refinish Door Rear L		3.2		
1 Mirror L H		.4	138.00	
Refinish Quarter R		3.5		
Refinish Door Rear R		3.2		
1 Vent Shade		.3	77.20	
Refinish Fender R		2.2		
Paint				618.00
TOTALS				

The above is an estimate, based on our inspection, and does not cover additional parts or labor which may be required after the work has been opened up. Occasionally, after work has been started, worn, broken or damaged parts are discovered which are not evident on first inspection. Quotations on parts and labor are current and subject to change.

EST. MADE BY _____

AUTHORIZED FOR REPAIR. You are hereby authorized to make the above specified repairs to the car described herein.

SIGNED _____

DATE _____

21.6 hrs @ \$ 45 = \$ 972.00

WRECKER SERVICE _____

____ hrs @ \$ _____ = \$ _____

PARTS LESS _____ % = \$ 286.20

SUBLET = \$ 618.00

TAX 9.0% = \$ 168.86

TOTAL \$ 2045.06

50

LS

Vehicle Estimate Repair

Last modified:

Year	2000
Make	Ford
Model	Expedition/Eddie B
Color	Blue
Name	Abhonso Dean

L & M'S
 Automotive Collision Repair Center
 1619 Dill Street
 Newport, AR. 72112
 (870) 664-6255

Qty	Description of Work	Part #	Special Order	Labor Hours	Parts Cost	Covered By Warranty	Total Cost
1	Bug Shield			0.6	\$80.00	N	
	Refinish Hood			4.0		N	
	Refinish R Fender			3.0		N	
	Refinish L Fender			3.0		N	
1	Vent Visor			0.5	\$81.20	N	
	Refinish R Rear Door			3.6		N	
	Refinish L Rear Door			3.6		N	
	Refinish L Front Door			3.6		N	
1	L Side Mirror Heated w/signal		Y	0.6	\$200.00	N	
	Refinish R Quarter Panel			4.0		N	
	Paint Estimate				\$638.00	N	

The above is an estimate, based on our inspection and does not cover additional parts or labor which may be required after the work has been opened up. Quotations on parts and labor are current and subject to change.

26.5 hrs. @ \$48 **\$1,272.00**

Parts \$361.20
 Sublet \$638.00
 Tax \$204.41
 Total \$2,475.61

BRAND BODY SHOP, INC.

1300 HIGHWAY 367 N, NEWPORT, AR 72112

Phone: (870) 523-6572

FAX: (870) 523-6517

Workfile ID:

47973ec9

Federal ID:

71-0498901

Preliminary Estimate

Customer: DEAN, ALPONSO

Insured: DEAN, ALPONSO

Policy #:

Claim #:

Type of Loss:

Date of Loss:

Days to Repair: 0

Point of Impact:

Owner:

DEAN, ALPONSO

Inspection Location:

BRAND BODY SHOP, INC.

1300 HIGHWAY 367 N

NEWPORT, AR 72112

Repair Facility

(870) 523-6572 Day

Insurance Company:

VEHICLE

Year: 2000

Body Style: 4D UTV

VIN: 1FMRU1769YLC43761

Mileage In:

Make: FORD

Engine: 8-4.6L-FI

License:

Mileage Out:

Model: EXPEDITION 4X2 EDDIE
BAUER

Production Date:

State:

Vehicle Out:

Color: Int:

Condition:

Job #:

TRANSMISSION

Automatic Transmission

Overdrive

POWER

Power Steering

Power Brakes

Power Windows

Power Locks

Power Driver Seat

Power Mirrors

Heated Mirrors

DECOR

Body Side Moldings

Dual Mirrors

Privacy Glass

Console/Storage

Overhead Console

CONVENIENCE

Air Conditioning

Rear Defogger

Tilt Wheel

Cruise Control

Intermittent Wipers

Climate Control

Keyless Entry

Dual Air Condition

Rear Window Wiper

Power Adjustable Pedals

RADIO

AM Radio

FM Radio

Stereo

Cassette

Search/Seek

Premium Radio

SAFETY

Anti-Lock Brakes (4)

Driver Air Bag

Passenger Air Bag

4 Wheel Disc Brakes

ROOF

Luggage/Roof Rack

SEATS

Leather Seats

3rd Row Seat

Captain Chairs (2)

WHEELS

Aluminum/Alloy Wheels

PAINT

Clear Coat Paint

OTHER

Fog Lamps

TRUCK

Rear Step Bumper

Running Boards/Side Steps

Preliminary Estimate

Customer: DEAN, ALPONSO

Vehicle: 2000 FORD EXPEDITION 4X2 EDDIE BAUER 4D UTV 8-4.6L-FI

Line	Oper	Description	Part Number	Qty	Extended Price \$	Labor	Paint
1	#	Refn STORM DAMAGE COMPLETE PAINT					35.0
2	#	Repl BUG SHEILD		1	75.00	0.2	
3	#	Repl VENT SHADES		1	75.00	0.2	
4		MISCELLANEOUS OPERATIONS					
5	*	Repl Cover car/bag		1	10.00	0.2	
6		STRIPE TAPE					
7		Repl RT Stripe tape Arizona beige	YL1Z7820000AAA	1	95.73	1.0	
8		Repl LT Stripe tape Arizona beige	YL1Z7820001AAA	1	95.73	1.0	
9		FRONT DOOR					
10	**	Repl A/M LT Mirror w/o signal non-heated	F85Z17683GAB	1	141.00	0.4	
11	#	Rpr REMOVE SCRATCHES & DENTS				8.0	
12	#	R&I TRIM				2.0	
13	#	HW		1	3.50		
SUBTOTALS					495.96	13.0	35.0

ESTIMATE TOTALS

Category	Basis	Rate	Cost \$
Parts			495.96
Body Labor	13.0 hrs @	\$ 45.00 /hr	585.00
Paint Labor	35.0 hrs @	\$ 45.00 /hr	1,575.00
Paint Supplies	35.0 hrs @	\$ 28.00 /hr	980.00
Subtotal			3,635.96
Sales Tax	\$ 3,635.96 @	9.0000 %	327.24
Grand Total			3,963.20
Deductible			0.00
CUSTOMER PAY			0.00
INSURANCE PAY			3,963.20

ANY PERSON WHO KNOWINGLY PRESENTS A FALSE OR FRAUDULENT CLAIM FOR PAYMENT OF A LOSS OR BENEFIT OR KNOWINGLY PRESENTS FALSE INFORMATION IN AN APPLICATION FOR INSURANCE IS GUILTY OF A CRIME AND MAY BE SUBJECT TO FINES AND CONFINEMENT IN PRISON. FAILURE TO USE THE INSURANCE PROCEEDS IN ACCORDANCE WITH A SECURITY AGREEMENT BETWEEN YOU AND A LIENHOLDER, IF ANY, MAY CONSTITUTE THE CRIMINAL OFFENSE OF DEFRAUDING A SECURED CREDITOR IN VIOLATION OF ARKANSAS CODE SECTION 5-37-203. IF YOU HAVE ANY QUESTIONS, CONTACT YOUR LIENHOLDER.

THIS ESTIMATE HAS BEEN PREPARED BASED ON THE USE OF AFTERMARKET CRASH PARTS SUPPLIED BY A SOURCE OTHER THAN THE MANUFACTURER OF YOUR MOTOR VEHICLE. THE AFTERMARKET CRASH PARTS USED IN THE PREPARATION OF THIS ESTIMATE ARE WARRANTED BY THE MANUFACTURER OR DISTRIBUTOR OF SUCH PARTS INSTEAD OF THE MANUFACTURER OF YOUR VEHICLE.

**SOUTHERN FARM BUREAU CASUALTY INSURANCE CO
AUTOMOBILE POLICY DECLARATION**

INSURED

ALPHONSON DEAN
YVELDA DEAN
2 PARK PL
NEWPORT, AR 72112

POLICY: MV00867057
POLICY PERIOD:
12:01 A.M. STANDARD TIME
FROM 03/01/2012 TO 10/13/2012
COUNTY FARM BUREAU
MEMBER NO.: 00218918
DECLARATION: 037
AGENT: 21874
COUNTY: 34

SCHEDULE OF VEHICLES INSURED

FAMILY AND DRIVER INFORMATION

VEH. NO.	YR. MOD.	MAKE	MODEL	VEHICLE IDENTIFICATION NUMBER	LIEN/LESSOR	RATED DRIVER	NO.	NAME	DRIVERS LICENSE NUMBER	BIRTH DATE
*1	2000	FORD	EXPEDITION	1FMRU1769YLC43761		002	2	ALPHONSON DEAN	XXXXX8666	XX-XX-1969
2	1997	TOYT	CELICA ST	JT2CB02T1V0065874		001	1	SEQUOIA DEAN	XXXXX9425	XX-XX-1992
3	2006	CHEV	MALIBU	1G1ZT51F16F244947	2	002	3	YVELDA DEAN	XXXXX1255	XX-XX-1971

COVERAGE AND PREMIUMS

COVERAGES AND LIMITS	PREMIUM VEH # 1 1A D/013/P	PREMIUM VEH # 2 5A2D/016/P	PREMIUM VEH # 3 1A D/014/P	PREMIUM VEH #	PREMIUM VEH #
Bodily Injury \$ 25,000 PER PERSON \$ 50,000 PER ACCIDENT	\$ 45.97	\$ 116.75	\$ 45.97		
Property Damage \$ 30,000 PER ACCIDENT	\$ 49.74	\$ 140.48	\$ 49.74		
Personal Injury Protection-Medical \$ 5,000 PER PERSON	\$ 5.04	\$ 10.51	\$ 5.04		
Personal Injury Protection-Death \$ 5,000 PER PERSON	\$ 3.05	\$ 3.05	\$ 3.05		
Personal Injury Protection-Disability	\$ 7.11	\$ 7.11	\$ 7.11		
Uninsured Motorists - Bodily Injury \$ 25,000 PER PERSON \$ 50,000 PER ACCIDENT	\$ 5.59	\$ 6.42	\$ 5.59		
Uninsured Motorists - Property Damage \$ 30,000 PER ACCIDENT	\$ 5.64	\$ 7.27	\$ 5.64		
Underinsured Motorists - Bodily Injury \$ 25,000 PER PERSON \$ 50,000 PER ACCIDENT	\$ 6.43	\$ 7.39	\$ 6.43		
Comprehensive * ACV Minus Ded.	NO CVRG	NO CVRG	\$ 100(DED) \$ 106.20		
Collision * ACV Minus Ded.	NO CVRG	NO CVRG	\$ 500(DED) \$ 129.81		
FTCAC * ACV Minus Ded.	NO CVRG	NO CVRG	NO CVRG		
Rental/Travel \$ 20 PER DAY \$ 600 PER ACCIDENT	NO CVRG	NO CVRG	\$ 10.00		
Endorsements and Credits					
GOOD STUDENT DISCOUNT (GS)		GS			
MULTI CAR DISCOUNT (MC)	MC	MC	MC		
CLAIMS EXPERIENCE DISC APPLIED	CD		CD		

TOTAL FULL TERM PREMIUM PER AUTO \$ 128.57 \$ 298.98 \$ 374.58

THE FOLLOWING ENDORSEMENTS APPLY TO THE POLICY:

TOTAL FULL TERM POLICY PREMIUM \$ 802.13

* ACV = Actual Cash Value Ded = Deductible
Policy information is continued on the back
CA2001 (Rev. 10/09)

See attached billing document for any premium due.

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

ANSWER

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: HCA0100
 - 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
LISA MILLS WILKINS Ark. Bar #87190
Attorney Supervisor
Post Office Box 8707
Pine Bluff, AR 71611
(870)267-6844 Office
(870)267-6373 Facsimile

ARKANSAS STATE
CLAIMS COMMISSION

JUL 26 2012

RECEIVED

CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been served this 24 day of July, 2012, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Alphonso Dean
2 Park Place
Newport, AR 72112

Lisa Mills Wilkins
LISA MILLS WILKINS Ark. Bar #87190

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ARKANSAS STATE
CLAIMS COMMISSION
SEP 28 2012
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ALPHONSO DEAN

CLAIMANT

V.

NO. 13-0051-CC

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

CLAIMANT'S INTERROGATORIES TO RESPONDENT

COMES NOW the Claimant, Alphonso Dean, requests that the Respondent (ADC) answer the following interrogatories fully, under oath, and in accordance with Arkansas Rule of Civil Procedure 16-5.

To: Respondent (ADC)

From: Claimant (Alphonso Dean)

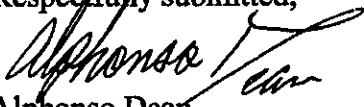
1. Please state whether you (Respondent) have within your possession or control any photographs of Construction Materials (Sheets of Tin) being stacked by lengths in a ditch parallel to an entrance road; stored 18 inches below road level and 8 inches below the parking lot level.
2. Please state whether SGT Allan Vance, supervisor of the construction project have within his/her possession or control any photographs of the SECURED construction materials (Sheets of Tin), which was said to be weighed down by 8 inch concrete blocks weighing 8-10 pounds each. PLEASE DO NOT SUBMIT ANY PHOTOGRAPHS TAKEN ON OR AFTER JULY 7, 2012 (DAY VEHICLES WHERE DAMAGED)!!
3. Please state whether you (Respondent) have documentation of any other damage in the Jackson County Area, where the McPherson Unit is located on July 7-8 2012.
4. Please state whether the CONVICTS (Construction Crew) were fully qualified/certified to perform said construction work.
5. Please state approximately how many ADC Employee Vehicles where reported damaged from the Construction Materials (Sheets of Tin) on July 7, 2012 and identify the damage done to each.
6. If you (Respondent) contend that (Claimant) acted in such a manner as to cause or contribute to his or her personal vehicle damages, state all facts upon which you rely to demonstrate this.
7. Please state whether CONVICTS (Construction Crew) consumed any drugs or medicines within 24-48 hours prior to July 7, 2012 (Day Vehicles Were Damaged). Were any under doctor's care?
8. Please state whether you (Respondent) have a forecast report of a "violent storm" that occurred on July 7, 2012 in the JACKSON COUNTY AREA where the McPherson

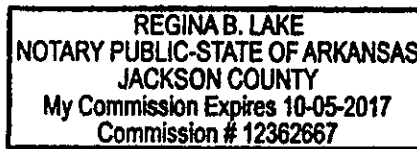
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Unit is located.

9. What was the last reported/documented work day of CONVICTS (Construction Crew) leading up to July, 7, 2012 (Day Employee Vehicles Were Damaged).
10. Please state whether you (Respondent) have forecast report of Days/Months leading up to the day employees vehicles were damaged.

Respectfully submitted,


Alphonso Dean





BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ALPHONSO DEAN

CLAIMANT

V.

NO. 13-0051-CC

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

RESPONSE TO CLAIMANT'S INTERROGATORIES TO RESPONDENT

COMES NOW the Respondent, Arkansas Department of Correction, and for its Response to the Claimant's Interrogatories to Respondent, states and responds as follows:

1. Response to Interrogatory #1: No
2. Response to Interrogatory #1: No
3. Response to Interrogatory #1: Yes
4. Response to Interrogatory #1: Objection, no construction was being performed at the time of the severe and sudden thunderstorms.
5. Response to Interrogatory #1: 10 vehicles. The damage was mainly scrapes to the vehicle exteriors.
6. Response to Interrogatory #1: No contention is made. What happened is an unfortunate event which was considered an act of God.
7. Response to Interrogatory #1: Objection, no construction was being performed at the time of the severe and sudden thunderstorms and any medical or treatment information regarding an inmate is confidential and protected from disclosure under federal law.
8. Response to Interrogatory #1: No, the storms were judged an anomaly by multiple weather stations due to their sudden and violent occurrence which are uncommon during that time of year. However because of past experiences it is the pattern and practice of the ADC to secure materials when ceasing construction for the day to be prepared for such an event.
9. Response to Interrogatory #1: Objection, no construction was being performed at the time of the severe and sudden thunderstorms.
10. Response to Interrogatory #1: No

**ARKANSAS STATE
CLAIMS COMMISSION**

OCT 26 2012

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Respectfully submitted,

Department of Correction
Office of Counsel

Lisa Mills Wilkins

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 above pleading has been served this 24 day of October, 2012, on the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

ALPHONSO DEAN
2 park Place
Newport, AR 72112

Lisa Mills Wilkins

LISA MILLS WILKINS Ark. Bar #87190

Arkansas Department of Correction

November 8, 2012

Claims Commission
Attn: Norman Hodges, Jr.
101 East Capitol Avenue, Suite 410
Little Rock, AR 72201-3823

RE: Alphonso Dean v. ADC #13-0051-CC

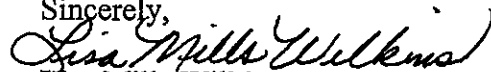
Dear Mr. Hodges:

Respondent submits the following information for the hearing on November 15, 2012.

Witnesses for the Respondent:
Sgt. Allan Vance, Major Chris Budnik, and one inmate witness

Exhibits previously submitted for the Respondent:
Video of parking lot during the storm

Sincerely,



Lisa Mills Wilkins
Attorney Supervisor, ADC

Cc: Alphonso Dean
2 Park Place
Newport, AR 72112

ARKANSAS STATE
CLAIMS COMMISSION

NOV 13 2012

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ldo

STATE CLAIMS COMMISSION DOCKET
OPINION

Amount of Claim \$ 2,045.06

Claim No. 13-0051-CC

Alphonso Dean Claimant
vs.

Attorneys
Pro se Claimant

AR Department of Corrections
State of Arkansas Respondent

Lisa Wilkins, Attorney Respondent

Date Filed July 18, 2012

Type of Claim Property damage + rental

FINDING OF FACTS

This claim was filed for property damage and rental expenses in the amount of \$2,045.06 against Arkansas Department of Corrections.

The Claims Commission unanimously finds liability on the part of the Respondent and unanimously awards Claimant the amount of \$2,045.06.

Therefore, the Claims Commission hereby unanimously awards this claim in the amount of \$2,045.06 and directs the Claims Commission Clerk to issue a voucher in payment thereof.

IT IS SO ORDERED.

(See Back of Opinion Form)

CONCLUSION

Upon consideration of all the facts, as stated above, the Claims Commission unanimously awarded this claim in the amount of \$2,045.06, and directs the Claims Commission Clerk to issue a voucher in payment thereof.

Date of Hearing November 15, 2012

Date of Disposition November 15, 2012

[Signature] Chairman
[Signature] Commissioner
[Signature] Commissioner

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V.

NO. 13-0051-CC

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

NOTICE OF APPEAL

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

Notice is hereby given that the Respondent is appealing the granting of the OPINION AND FINDING OF FACTS DATED NOVEMBER 15, 2012, of the Arkansas State Claims Commission, to the General Assembly of the State of Arkansas in accordance with Arkansas Statute 19-10-211.

Respondent hereby designates the entire record, and all proceedings, exhibits, evidence and documents introduced in evidence to be contained in the record on appeal.

Respectfully submitted,
Department of Correction Office of Counsel

Lisa Mills Wilkins

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 above pleading has been served this 30 day of November, 2012, on the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

ALPHONSO DEAN
2 Park Place
Newport, AR 72112

Lisa Mills Wilkins

LISA MILLS WILKINS Ark. Bar #87190