

Please print in ink or type

BEFORE THE STATE CLAIMS COMMISSION
Of the State of Arkansas

Arkansas
State Claims Commission
MAY 28 2019

Mr.
 Mrs.
 Ms.
 Miss
Christopher Burks, Claimant

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

vs.

State of Arkansas, Respondent

COMPLAINT

Christopher Burks, the above named Claimant, of _____
(Name)

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

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

State agency involved: Department of Human Services Amount sought: \$6,608.50

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

Explanation: CV-18-938 Arkansas Court of Appeals case Reed Brewer v. DHS
was decided on May 15, 2019. Per Arkansas Code Annotated § 25-19-107,
Reed Brewer's attorney, as the prevailing party, is entitled to attorneys fees and costs.

The enclosed invoice is for services rendered by Brewer attorneys. The order from
the trial court is also enclosed.

Mr. Burks was an attorney for Sanford Law Firm, and took Mr. Brewer's file
with him to his new firm with Law by agreement.

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? _____
(Yes or No) (Month) (Day) (Year) (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? No; 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.

Christopher Burks
(Print Claimant/Representative Name)

[Signature]
(Signature of Claimant/Representative)

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

on this 22nd day of May, 2019
(Date) (Month) (Year)



Lisa Danielle Hunter
(Notary Public)

SF1- R7/99

My Commission Expires: 09 24 2025
(Month) (Day) (Year)

whLaw

Reed Brewer
May 22, 2019

Professional Services

Arkansas
State Claims Commission

MAY 28 2019

RECEIVED

		<u>Hrs/Rate</u>	<u>Amount</u>
8/8/2018 JS	Receive Client's file and open firm file	0.10 225.00/hr	22.50
8/10/2018 CB	Telephone Conference(s) between Attorney and Client with update on complaint and Next steps	0.30 175.00/hr	52.50
CB	Preparation and drafting of complaint	2.70 175.00/hr	472.50
CB	Court Appearance, including travel time and waiting press conference at State Capitol	0.60 175.00/hr	105.00
SG	Work on Client's file work with Staff to locate Defendant for service	0.10 135.00/hr	13.50
JS	Conference with Chris Burks: service, Next steps	0.10 225.00/hr	22.50
8/12/2018 JS	Discussion of case status and directing case strategy to Attorney Chris Burks	0.10 225.00/hr	22.50
8/15/2018 CB	Preparation for Hearing drafting questions and preparing exhibit for Hearing	1.70 175.00/hr	297.50
8/16/2018 CB	Preparation and drafting of questions for Hearing; prepare witnesses	4.40 175.00/hr	770.00
CB	Work on Client's file prepare exhibit binders trial	0.80 175.00/hr	140.00
CB	Filing returns of service	0.30 175.00/hr	52.50
8/17/2018 JS	Discussion of case status and directing case strategy to Attorney Chris Burks	0.10 225.00/hr	22.50

		<u>Hrs/Rate</u>	<u>Amount</u>
8/17/2018	CB Preparation for Hearing preparing for trial on Monday by preparing final questions	3.40 175.00/hr	595.00
8/20/2018	JS Discussion of case status and directing case strategy to Attorney Chris Burks	0.10 225.00/hr	22.50
	CB Court Appearance, including travel time and waiting Court at Pulaski County Circuit	4.20 175.00/hr	735.00
	JS Receive, read and prepare response to email(s) from Chris Burks: results of Hearing	0.10 225.00/hr	22.50
8/21/2018	CB Preparation and drafting of Proposed Order	0.70 175.00/hr	122.50
	CB Editing and revision of Proposed Order	0.60 175.00/hr	105.00
	JS Discussion of case status and directing case strategy to Attorney Chris Burks	0.10 225.00/hr	22.50
	JS Editing and revision of letter to chambers	0.10 225.00/hr	22.50
8/22/2018	CB Telephone Conference(s) with Department of Human Services regarding draft Proposed Order and FOIA Requests	0.30 175.00/hr	52.50
	CB Filing Proposed Order with Court	0.30 175.00/hr	52.50
8/23/2018	CB Preparation and drafting of renewed FOIA Requests to state	0.50 175.00/hr	87.50
8/24/2018	CB Telephone Conference(s) between Attorney and Client with update on appeal and any Next steps	0.40 175.00/hr	70.00
	LH Conference with Staff regarding status	0.10 175.00/hr	17.50
	JS Conference with Chris Burks: Appeal	0.10 225.00/hr	22.50
	JS Examination of FOIA'd documents	0.10 225.00/hr	22.50
8/28/2018	AK Conference with Chris Burks regarding status of receipt of FOIA information	0.10 150.00/hr	NO CHARGE
8/29/2018	AK Receipt and review of additional emails pursuant to FOIA Requests	0.20 150.00/hr	NO CHARGE
8/30/2018	CB Receipt and review of Department of Human Services emails	0.20 175.00/hr	35.00

		<u>Hrs/Rate</u>	<u>Amount</u>
2/4/2019 CB	Preparation and drafting of Appellee Brief	2.60 175.00/hr	455.00
2/5/2019 CB	Preparation and drafting of Appellee's Brief	0.30 175.00/hr	52.50
2/6/2019 CB	Preparation and drafting of Appellee Brief	1.40 175.00/hr	245.00
2/11/2019 CB	Preparation and drafting of Appellee Brief	7.20 175.00/hr	1,260.00
2/15/2019 CB	Preparation and drafting of Appellee Brief after Daniel Ford revisions	0.40 175.00/hr	70.00
JS	Conference with Chris Burks: appeal	0.10 225.00/hr	22.50
2/18/2019 JS	Editing and revision of Appellee Brief	1.10 225.00/hr	247.50
CB	Editing and revision of appellee Brief	0.60 175.00/hr	105.00
2/19/2019 CB	Compose e-mail to Court clerk for review of Brief	0.20 175.00/hr	35.00
2/25/2019 CB	Work on Client's file prepare copies for paper filing	0.30 175.00/hr	52.50
TB	Perform legal research as related to Client's case; research filing requirements in the Supreme Court of Arkansas	0.30 100.00/hr	30.00
TB	Conference with Chris Burks regarding preparation of Supreme Court Brief	0.10 100.00/hr	10.00
2/26/2019 JS	Conference with Michael Stirtz : paper copies	0.10 225.00/hr	22.50

For professional services rendered

37.60

\$6,608.50

Balance due

6,608.50

WE HELP

1 Riverfront Pl., Ste 745

North Little Rock, AR 72114

P: 501.891.6000 | F: 501.222.3027

IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS
DIVISION SIX

REED BREWER

Arkansas
State Circuit Clerk

MAY 28 2019

vs.

Case No. 60CV-18-5634

RECEIVED

CINDY GILLESPIE, in her official capacity as
Director of ARKANSAS DEPARTMENT OF HUMAN SERVICES

DEFENDANT

FINAL ORDER

On the 20th day of August, 2018, the subject matter came on for hearing with the plaintiff appearing in person and by and through his attorney, Chris Burks, and the defendant appearing by and through her counsel, Michael Brechlin and Skye Martin, and from the pleadings filed herein, the testimony presented, the documents submitted to the court for an *in camera* review, and the argument of counsel, the court doth find and conclude as follows:

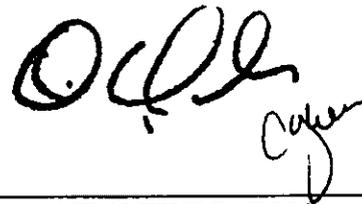
FINDINGS OF FACT

1. The plaintiff submitted a FOIA request to the defendant on July 2, 2018.
2. The defendant failed to respond within the statutorily prescribed time.
3. On July 27, 2018 the defendant finally produced fifty-one (51) pages of responsive documents, some of the pages being partially redacted.
4. The defendant tendered notice of the plaintiff's FOIA request concerning her personnel records to Leslie Rutledge in accordance with the FOIA.
5. The plaintiff filed the *Complaint* in this matter on August 9, 2018.

29. As this action is a proceeding against the State of Arkansas, this court is statutorily without jurisdiction to consider any issues relating to prevailing party and the possible award of attorney's fees and costs to the plaintiff.

30. Any and all relief requested in the *Complaint* not specifically granted herein is denied.

IT IS ACCORDINGLY ORDERED AND DECREED.

A handwritten signature in black ink, appearing to read 'Timothy D. Fox', written over a horizontal line.

HON. TIMOTHY D. FOX
CIRCUIT JUDGE

8.23.2018
DATE

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

CHRISTOPHER BURKS

CLAIMANT

V.

CLAIM NO. 191198

**ARKANSAS DEPARTMENT OF
HUMAN SERVICES**

RESPONDENT

ORDER

Now before the Arkansas State Claims Commission (the “Claims Commission”) is a motion filed by the Arkansas Department of Human Services (the “Respondent”) to dismiss the claim of Christopher Burks (the “Claimant”). At the hearing held January 16, 2020, Claimant was present. David A. Warford, Jr. appeared on behalf of Respondent.

Background

1. Claimant’s client filed a lawsuit in Pulaski County Circuit Court related to Respondent’s refusal to disclose certain documents requested under the Arkansas Freedom of Information Act (FOIA).

2. On August 23, 2018, the Pulaski County Circuit Court ordered Respondent to disclose certain documents.

3. The following day, Respondent appealed the order of the Pulaski County Circuit Court.

4. On May 15, 2019, the Arkansas Court of Appeals issued a mandate regarding the appeal.

5. On May 28, 2019, Claimant filed this claim at the Claims Commission, seeking \$6,608.50 in attorney’s fees and costs.

6. Respondent moved to dismiss the claim, arguing that (a) Claimant failed to state a claim upon which relief can be granted, (b) Claimant failed to timely file his claim for attorney’s

fees and costs, (c) Claimant lacks standing to bring this claim, and (d) Claimant has already received compensation related to the appeal, as ordered by the Arkansas Court of Appeals.

7. Claimant responded, disagreeing that dismissal is proper.

8. At the hearing, the parties reiterated the positions laid out in the pleadings.

9. Upon a question from a commissioner, Claimant confirmed that Claimant's client assigned to Claimant the right to recover attorney's fees.

10. Upon a question from a commissioner, Respondent stated that the appeal was dismissed. Claimant stated that the Arkansas Court of Appeals issued an order related to the appeal, from which a mandate issued on May 15, 2019.

Findings of Fact and Conclusions of Law

11. Ark. Code Ann. § 19-10-204(d) gives the Claims Commission jurisdiction to consider claims for reasonable attorney's fees and litigation expenses pursuant to Ark. Code Ann. § 25-19-107.

12. Ark. Code Ann. § 25-19-107(e)(2)(B) provides that:

A claim for reasonable attorney's fees and litigation expenses reasonably incurred in an action against the State of Arkansas or a department, agency, or institution of the state shall be filed with the commission . . . within sixty (60) days of the final disposition of the appeal . . .

(emphasis added).

13. The Claims Commission finds that Claimant's claim was timely filed. While the Claims Commission understands Respondent's position that the "appeal" referenced in Ark. Code Ann. § 25-19-107(e)(2)(B) is described in an earlier subsection as an appeal to circuit court, the fact that the "appeal" to circuit court can then be appealed against to the Arkansas appellate courts demonstrates that the appeal will not be final until all appellate remedies have been exhausted or until the time to exhaust those appellate remedies has expired.

14. The Claims Commission finds that Claimant has standing to bring the claim for attorney's fees. However, the Claims Commission requests that Claimant file documentation of this assignment within ten (10) days of the date of this Order.

15. As to Respondent's argument regarding Claimant stated sufficient facts to support his claim, the Claims Commission is unpersuaded that dismissal is proper. The breakdown of Claimant's fees and costs attached to his claim are satisfactory for now, although Respondent may certainly question Claimant's fees and costs at a hearing on the claim itself.

16. The Claims Commission likewise denies Respondent's motion as to the compensation that Claimant has already received from Respondent, as ordered by the Arkansas Court of Appeals. Whether Respondent is entitled to an offset can be argued by the parties at a hearing on the claim itself.

17. The Claims Commission notes that, in the underlying order, there are no rulings as to whether Claimant was the substantially prevailing party or whether Respondent was substantially justified in refusing disclosure.

18. The Claims Commission has considered attorney's fee requests related to FOIA lawsuits on several occasions (*Keech v. Arkansas State Police*, Claim No. 180019; *Shults v. Arkansas Department of Correction*, Claim Nos. 180567, 190250; *Hyman v. Arkansas State Police*, Claim No. 180993; and *Corbitt Law Firm v. University of Arkansas at Little Rock*, Claim No. 190024) and would refer the parties to these orders.

19. At the hearing, in response to a question from a commissioner, Claimant stated that he would be seeking further findings from the circuit court. In order to give both Claimant and Respondent the opportunity to seek further findings from the circuit court, the Claims Commission will place this claim in abeyance for a period of ninety (90) days.

20. As such, Respondent's motion to dismiss is DENIED, and this claim will be held IN ABEYANCE for a period of ninety (90) days.

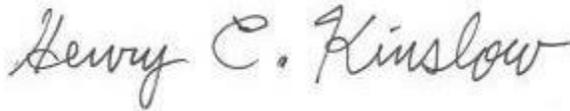
IT IS SO ORDERED.



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).

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

CHRISTOPHER BURKS

CLAIMANT

V.

CLAIM NO. 191198

**ARKANSAS DEPARTMENT OF
HUMAN SERVICES**

RESPONDENT

ORDER

Now before the Arkansas State Claims Commission (the “Claims Commission”) is the claim filed by Christopher Burks (the “Claimant”) against the Arkansas Department of Human Services (the “Respondent”). At the hearing held August 20, 2020, Claimant was present. David A. Warford, Jr. appeared on behalf of Respondent.

Background

1. Claimant’s client filed a lawsuit in Pulaski County Circuit Court related to Respondent’s refusal to disclose certain documents requested under the Arkansas Freedom of Information Act (FOIA).

2. On August 23, 2018, the Pulaski County Circuit Court ordered Respondent to disclose certain documents.

3. The following day, Respondent appealed the order of the Pulaski County Circuit Court.

4. On May 15, 2019, the Arkansas Court of Appeals issued a mandate regarding the appeal.

5. On May 28, 2019, Claimant filed this claim at the Claims Commission, seeking \$6,608.50 in attorney’s fees and costs.

6. Respondent filed a motion to dismiss the claim, which was denied by the Claims Commission on January 17, 2020.

7. Claimant thereafter asked the Pulaski County Circuit Court for further findings as to the prevailing party. On February 18, 2020, the Pulaski County Circuit Court entered an order finding that Claimant's client "substantially prevailed."

Hearing Testimony

8. In his opening statement, Claimant noted that because Judge Fox found Claimant's client to be the prevailing party, the issue for this hearing is solely as to the amount of fees claimed by Claimant, \$6,608.50.

9. Respondent stated that a threshold matter existed with respect to the purported assignment filed by Claimant and argued that the purported assignment does not show that Claimant's client assigned his interest in the attorney's fees to Claimant.

10. Upon a question from a commissioner, Claimant stated that the assignment was already provided and that the Claims Commission had already addressed Respondent's objections in connection with Claimant's standing.

11. Claimant testified that this was a contingency fee case and that it was a difficult, political, and "heavily litigated" case. Claimant was a partner at the Sanford Law Firm at the beginning of the case and took this case with him when he went to WH Law. Josh Sanford agreed that Claimant should take this case with him to WH Law. Claimant's invoice attached to his complaint involved a number of attorneys. If Respondent was displeased with Judge Fox's February 18, 2020, decision, Respondent should have appealed that decision.

12. On cross-examination, Claimant testified that Reed Brewer retained him as counsel for the Democratic Party. Claimant opened the file, although the bill shows Josh Sanford as the opening attorney. Other attorneys and staff members worked on this file. Reed Brewer signed an agreement with Claimant, but that agreement has not been provided to the Claims Commission. Respondent did not appeal Judge Fox's February 18, 2020, decision that Claimant's client was the

prevailing party, so the question of whether the Claims Commission could transfer jurisdiction to the circuit court is now moot. Claimant stated that Reed Brewer offered to be helpful to Claimant with this claim.

13. Upon a question from a commissioner, Claimant testified that the time entries were prepared contemporaneously with the work done on the file.

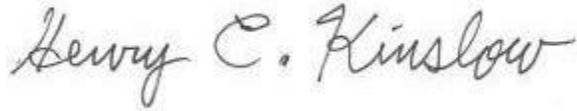
14. Upon a question from a commissioner, Claimant testified that the time entries were both necessary and reasonable.

Assignment Issue and Abeyance

15. Before the Claims Commission rules on the question of the reasonableness of the attorney's fees, the Claims Commission directs Claimant to submit Reed Brewer's signed assignment of his interest in this matter to Claimant. The Claims Commission will give Claimant ten days from the date of this Order to submit the signed assignment. Given that the Claims Commission previously requested that this documentation be submitted, Claimant's failure to submit a signed, written assignment will result in the dismissal of Claimant's claim.

16. This claim will be held in abeyance for ten days.

IT IS SO ORDERED.



ARKANSAS STATE CLAIMS COMMISSION
Henry Kinslow



ARKANSAS STATE CLAIMS COMMISSION
Paul Morris, Chair



ARKANSAS STATE CLAIMS COMMISSION
Sylvester Smith

DATE: September 8, 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).

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

CHRISTOPHER BURKS

CLAIMANT

V.

CLAIM NO. 191198

**ARKANSAS DEPARTMENT OF
HUMAN SERVICES**

RESPONDENT

ORDER

Now before the Arkansas State Claims Commission (the “Claims Commission”) is the claim filed by Christopher Burks (the “Claimant”) against the Arkansas Department of Human Services (the “Respondent”). At the hearing held August 20, 2020, Claimant was present. David A. Warford, Jr. appeared on behalf of Respondent.

Background

1. Claimant’s client filed a lawsuit in Pulaski County Circuit Court related to Respondent’s refusal to disclose certain documents requested under the Arkansas Freedom of Information Act (FOIA).

2. On August 23, 2018, the Pulaski County Circuit Court ordered Respondent to disclose certain documents.

3. The following day, Respondent appealed the order of the Pulaski County Circuit Court.

4. On May 15, 2019, the Arkansas Court of Appeals issued a mandate regarding the appeal.

5. On May 28, 2019, Claimant filed this claim at the Claims Commission, seeking \$6,608.50 in attorney’s fees and costs.

6. Respondent filed a motion to dismiss the claim, which was denied by the Claims Commission on January 17, 2020, after hearing argument from the parties.

7. Claimant thereafter asked the Pulaski County Circuit Court for further findings as to the prevailing party. On February 18, 2020, the Pulaski County Circuit Court entered an order finding that Claimant's client "substantially prevailed."

Hearing Testimony

8. In his opening statement, Claimant noted that because Judge Fox found Claimant's client to be the prevailing party, the issue for this hearing is solely as to the amount of fees claimed by Claimant, \$6,608.50.

9. Respondent stated that a threshold matter existed with respect to the purported assignment filed by Claimant and argued that the purported assignment does not show that Claimant's client assigned his interest in the attorney's fees to Claimant.

10. Upon a question from a commissioner, Claimant stated that the assignment was already provided and that the Claims Commission had already addressed Respondent's objections in connection with Claimant's standing.

11. Claimant testified that this was a contingency fee case and that it was a difficult, political, and "heavily litigated" case. Claimant was a partner at the Sanford Law Firm at the beginning of the case and took this case with him when he went to WH Law. Josh Sanford agreed that Claimant should take this case with him to WH Law. Claimant's invoice attached to his complaint involved a number of attorneys. If Respondent was displeased with Judge Fox's February 18, 2020, decision, Respondent should have appealed that decision.

12. On cross-examination, Claimant testified that Reed Brewer retained him as counsel for the Democratic Party. Claimant opened the file, although the bill shows Josh Sanford as the opening attorney. Other attorneys and staff members worked on this file. Reed Brewer signed an agreement with Claimant, but that agreement has not been provided to the Claims Commission. Respondent did not appeal Judge Fox's February 18, 2020, decision that Claimant's client was the

prevailing party, so the question of whether the Claims Commission could transfer jurisdiction to the circuit court is now moot. Claimant stated that Reed Brewer offered to be helpful to Claimant with this claim.

13. Upon a question from a commissioner, Claimant testified that the time entries were prepared contemporaneously with the work done on the file.

14. Upon a question from a commissioner, Claimant testified that the time entries were both necessary and reasonable.

15. In its September 8, 2020, order, the Claims Commission gave Claimant ten days to submit Reed Brewer's signed assignment of his interest in this matter. Claimant filed the assignment on September 11, 2020. That assignment includes the following paragraph:

The attorney's fees and costs of \$6,608.50 as presented in Christopher Burks's May 28, 2019 claim were properly incurred by him, and I hereby assign my interest in those attorney's fees and costs to him.

Findings of Fact and Conclusions of Law

16. Ark. Code Ann. § 25-19-107(e)(2)(A) gives the Claims Commission jurisdiction to consider claims for reasonable attorney's fees and litigation expenses related to FOIA actions against the State and its agencies.

17. The Claims Commission finds the September 11, 2020, assignment to be sufficient to cure any alleged defect as to Claimant's standing to bring this claim.

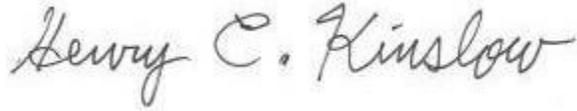
18. The Claims Commission finds the amount of the attorney's fees and costs incurred by Claimant to be reasonable, especially in light of the extent of the litigation involved.

19. The Claims Commission finds that, by placing the claim in abeyance to allow the parties time to ask the circuit court for further findings, the Claims Commission was not reinvesting or attempting to reinvest the circuit court with jurisdiction. The underlying lawsuit and the Claims Commission claim operate independently from one another, although the Claims Commission has

previously held that, in the interest of consistency and judicial efficiency, it will not rehear what has already been litigated in circuit court and that it is incumbent upon the parties to seek specific findings from the circuit courts. *See Keech v. Arkansas State Police*, Claim No. 180019; *Shults v. Arkansas Department of Correction*, Claim Nos. 180567 and 190250; *Hyman v. Arkansas State Police*, Claim No. 180993. Moreover, to the extent that Respondent believed that the circuit court did not have jurisdiction to issue further findings or that Respondent disagreed with the additional findings, Respondent could have appealed that order. However, Respondent elected not to do so and cannot attempt to appeal the order through the instant claim.

20. The Claims Commission hereby unanimously AWARDS Claimant \$6,608.50 in attorney's fees and costs.

IT IS SO ORDERED.



ARKANSAS STATE CLAIMS COMMISSION
Henry Kinslow



ARKANSAS STATE CLAIMS COMMISSION
Paul Morris, Chair



ARKANSAS STATE CLAIMS COMMISSION
Sylvester Smith

DATE: October 1, 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).

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

CHRISTOPHER BURKS

CLAIMANT

VS.

CLAIM NO. 191198-CC

**ARKANSAS DEPARTMENT
OF HUMAN SERVICES**

RESPONDENT

NOTICE OF APPEAL

Comes now, the Respondent, The State of Arkansas, Department of Human Services, Office of Chief Counsel, by its attorney, David A. Warford, Jr., and pursuant to Ark. Code Ann. § 19-10-211, hereby appeals from the Final Order entered against Respondent in this matter on October 1, 2020. This appeal is to the General Assembly. The order appealed is a final order ordering Respondent to pay attorney's fees and costs pursuant to Ark. Code Ann. § 25-19-107(e)(2)(A).

Respectfully Submitted,

Arkansas Department of Human Services
Office of Chief Counsel

By: //s//: David A. Warford, Jr.
David A. Warford, Jr. AR # 2015111
Attorney Specialist
P.O. Box 1437, Slot S260
Little Rock, AR 72203
P: 501-320-6295
F: 501-682-1390
David.Warford@dhs.arkansas.gov

Certificate of Service

I, undersigned, do hereby certify that on October 7, 2020 a true and correct copy of the foregoing document was served on the named individuals by way of email:

Christopher Burks
1 Riverfront Place
North Little Rock, AR 72114
chris@wh.law

//s//: David A. Warford, Jr.