

EXHIBIT C.2

Arkansas
State Claims Commission

MAY 08 2017

Please Read Instructions on Reverse Side of Yellow copy

Please print in ink or type

RECEIVED

BEFORE THE STATE CLAIMS COMMISSION Of the State of Arkansas

- ☐ Mr.
☐ Mrs.
☒ Ms.
☐ Miss

Mary "Mak" Hussian Claimant

vs.

State of Arkansas, Respondent

Arkansas Attorney Generals Office

COMPLAINT

Mary "Mak" Hussian, the above named Claimant, of 4118 W. 26th Little Rock
(Name) (Street or R.F.D. & No.) (City)
AR 72204 (501) 410-8356 County of Pulaski represented by Self
(State) (Zip Code) (Daytime Phone No.) (Legal Counsel, if any, for Claim)

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

State agency involved: Arkansas Attorney General's Office Amount sought: \$10,000

Month, day, year and place of incident or service: 1995

Explanation: See attached documentation. Please note that I discovered in 2015 that a \$10,000 check/warrant was issued to me as a victim of a violent crime in 1995. Please note that the AR Attorney General's office denied assistance to me 10/1995, yet a \$10,000 check/warrant was issued 12 months + 20 days after denial of assistance. I never received these funds which were issued after denial. No one will or claims to be capable to substantiate for this seemingly intentional practice.

Please note that based on how I've been treated with this issue, I have been led to only suspect mismanagement/extortion of this \$10,000 warrant that I never received from the AR Attorney General's Office; Victims Reparation Fund.

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? 2015 to whom? _____ (Department)
(Yes or No) (Month) (Day) (Year)

and that the following action was taken thereon: No response. All correspondence was returned to me on 6/4/2015 by the AR Claims Comm w/o consideration of review.
and that \$ _____ was paid thereon: (2) Has any third person or corporation an interest in this claim? NO If so, state name and address

and that the nature thereof is as follows: _____ (Name) (Street or R.F.D. & No.) (City) (State) (Zip Code)

_____ 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.

Mak Hussian
(Print Claimant/Representative Name)

Mak Hussian aka Mary M. Huss
(Signature of Claimant/Representative)
Little Rock, AR

MAY 08 2017

MEMO

RECEIVED

To: Arkansas Claims Commission
Director

From: Ms. Mary "Malak" Hussian
Victim of Violent Crime

Date: May 5, 2017

RE: Attorney General's Office
Victims Reparation Fund

Dear Claims Commission, I am resubmitting the issue of a \$10,000 check/warrant that I did not receive from the Victims Reparation Fund after the violent deaths of three children on 6/4/1995.

Please note that I did not discover that these funds were disbursed until May, 2015. As a result, under the guidance of Attorney Burton in the Lt. Governor's Office, I am still within the realm of the three year statute of limitations because this was founded in 2015. My concern is there has been a mismanagement/misaction of funds because I was denied assistance, yet a \$10,000 warrant was issued by the AG's office exactly 12 months and 20 days after where refused to assist.

DATE 11/01/76

11/01/76

NET AMOUNT

ST DEB

301.00 970013000

10,000.00 970013000

175,766.53
175,766.53
175,766.53
192,573.62

NC

12.50 970013000

14.33 970013000

16.19 970013000

17.58 970013000

18.97 970013000

20.36 970013000

21.75 970013000

23.14 970013000

②-2

8

ADMR 104-16

970013000

970013000

970013000

970013000

970013000

970013000

FAY

FAY

FAY



WINSTON BRYANT
Attorney General

STATE OF ARKANSAS
CRIME VICTIMS REPARATIONS BOARD
OFFICE OF THE ATTORNEY GENERAL
OUTREACH DIVISION
TOWER BUILDING, SUITE 200
LITTLE ROCK, ARKANSAS 72201
(501) 682-1323 or 1-800-482-8982

August 25, 1995

Mary Hussian
5005 Mabelvale Pike
Little Rock, AR 72204

RE: ACVRB Claim #95-01938

Dear Ms. Hussian:

As the investigator assigned to your claim for compensation with the Arkansas Crime Victims Reparations Board, I have been attempting to obtain the necessary information regarding the victimization on June 4, 1995. Unfortunately, I have been unsuccessful in my endeavors and must seek your assistance. Please provide the following information:

1. Verification of employment at UAMS, income and any assistance received through your state benefits;
2. A statement from your attending physician stating your disability period as a result of this incident.

It is my understanding from our conversation on June 15th that the benefits you were receiving would be dissolved that week, and that you were attempting to receive assistance through the Catastrophic Leave Committee. If you were successful in obtaining this assistance, please let me know.

It is our goal to assist victims by processing their claim within a timely period. As we cannot continue to hold claims when requested information has not been obtained, you are requested to submit the above-mentioned information within ten (10) days from the date of receipt of this letter, or we will have no alternative but to administratively close your claim.

Thank you for your prompt attention. If you have any questions, please do not hesitate to contact me at (501) 682-1323 or toll free at 1-800-448-3014 (outside Pulaski County).

Sincerely,

A handwritten signature in cursive script that reads "Kathy Sheehan".

Kathy Sheehan
Chief Investigator

enclosure

certified receipt #Z 090 401 245



WINSTON BRYANT
Attorney General

STATE OF ARKANSAS
CRIME VICTIMS REPARATIONS BOARD
OFFICE OF THE ATTORNEY GENERAL
OUTREACH DIVISION
TOWER BUILDING, SUITE 200
LITTLE ROCK, ARKANSAS 72201
(501) 682-1323 or 1-800-482-8982

MEMORANDUM

TO: Mary Hussian

DATE: October 6, 1995

The Staff of the Arkansas Crime Victims Reparations Board has reviewed your claim for compensation and has found that all of the eligibility criteria have not been met. The enclosed letter explains why your claim has been closed.

You have the right to appeal this decision. In order to appeal, you must send a letter by certified mail to the Arkansas Crime Victims Reparations Board within **forty-five (45)** calendar days of the date of receipt of this notice.

Your letter should state:

- a. Your intent to appeal.
- b. Documentation to substantiate your claim.

NOTE: If you appeal a claim, according to ACVRB Rule No. 14(4), "The claimant/victim or an authorized representative in the event the claimant/victim is incapacitated must be present at the appeal hearing. in an appeals hearing, all parties shall be afforded an opportunity to appear and be heard." You will be notified as to the time and date of the appeal hearing. If you desire to have witnesses testify on your behalf, it is your responsibility to contact them and make the necessary arrangements for them to attend the hearing. The Board will not provide witness fees.

Your letter of appeal should be mailed to: Arkansas Crime Victims Reparations Board, Suite 300 Tower Building, 323 Center Street, Little Rock, Arkansas 72201.

If you have any questions concerning your claim, please do not hesitate to contact our office at (501) 682-1323 or toll free at 1-800-448-3014 (outside Pulaski County).



WINSTON BRYANT
Attorney General

STATE OF ARKANSAS
CRIME VICTIMS REPARATIONS BOARD
OFFICE OF THE ATTORNEY GENERAL
OUTREACH DIVISION
TOWER BUILDING, SUITE 200
LITTLE ROCK, ARKANSAS 72201
(501) 682-1323 or 1-800-482-8982

October 6, 1995

Mary Hussian
5005 Mabelvale Pike
Little Rock, AR 72204

RE: ACVRB Claim #95-01938

Dear Ms. Hussian:

The Staff of the Arkansas Crime Victims Reparations Board has reviewed your claim for compensation regarding the victimization you suffered on June 4, 1995 in Pulaski County, Arkansas. We sympathize with the traumatic ordeal you were thrust into with the tragic loss of your children, Marcell, Malak and Mustafa. We regret that we will be unable to assist you based upon the fact that you have received compensation through your employer that exceeds the maximum this program can consider. Please read the below explanation for the basis of this decision.

After examining the documentation submitted by your employer and Dr. Wrenda Gallien, it appears that you have been unable to return to work since the date of the incident. However, your employer has verified that financial assistance was provided through employment benefits up to September 15, 1995. These benefits exceed any compensation that this program can consider for a period of 25 weeks, which will end on December 11, 1995. Because you have already received compensation for your verified disability period, our office cannot consider rendering any assistance until after December 11th. Therefore, your claim has been closed in compliance with Arkansas Code Annotated 16-90-703(12)(E) and 16-90-712(b)(1) and ACVRB Rule No. 2 and 8(7), which stipulates that compensation cannot be granted if the victim has benefited from collateral sources. Additionally, the method of calculation for eligible work loss compensation has been based upon the restriction outlined in ACVRB Rule No. 10(3), which states that work loss compensation may not exceed a total of \$200.00 per week.

If you have not been given a medical release to return to work after December 11th, please contact our office so that an updated disability statement can be obtained and your claim can be reconsidered.


Ms. Hussian, the Staff believes we have an obligation to inform you that any future consideration given to your claim may include the adjudication of the pending Robbery charge in Pulaski County. Arkansas Code Annotated 16-90-712(a)(5) and ACVRB Rule No. 8(10) mandate that compensation shall not be extended to a claimant who has been convicted of a criminally injurious felony.

Letter to Mary Hussian
ACVRB Claim #95-01938
October 6, 1995
Page Two

Please note that there is an appeal procedure you may follow in the event that you disagree with this decision. The appeal procedure is described in the attached memorandum.

If you have questions concerning your claim, please do not hesitate to contact our office at (501) 682-1323 or toll free at 1-800-448-3014 (outside Pulaski County).

Sincerely,



Kathy Sheehan
Chief Investigator

enclosure

certified receipt #P 105 769 042



STATE OF ARKANSAS
**Department of Finance
and Administration**

OFFICE OF COMMUNICATIONS

1509 West Seventh Street
Post Office Box 3278
Little Rock, AR 72203-3278
Phone: (501) 682-5339
Fax: (501) 682-1086
<http://www.arkansas.gov/dfa>

Oct. 20, 2015

Ms. Mary Malak Hussian
4118 W. 26th Street
Little Rock, AR 72204

Ms. Hussian,

This letter is in response to a request you made under the Arkansas Freedom of Information Act, Ark. Code Ann. § 25-19-101, *et seq.* You requested information related to a \$10,000 award granted to you in 1995. A copy of the request you filed with this agency is attached to this letter.

The award in question was made approximately 19 years ago. As a result, the agency has relatively few records on the award itself or the check which was issued in response. The only record identified as responsive to your request establishes that the check (also known as a warrant) was issued with #97E-0367829 on Oct. 29, 1996, in the amount of \$10,000 payable to Mary Hussian.

After considerable investigation, DFA has eliminated the possibility that the check was voided; therefore it was cashed. Unfortunately, DFA has no record identifying the individual who cashed the check or where it was cashed. The Arkansas State Treasury likewise does not have a copy of the check in question and cannot provide an endorsement signature or any other information.

I sincerely regret that we were not able to offer more assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Jake Bleed".

Jake Bleed
Communications Administrator
Arkansas Department of Finance and
Administration

Arkansas Crime Victims Reparations Board

Award Payments

<u>Claim #</u>	<u>Account #</u>	<u>Payee</u>	<u>Amount</u>
95-01938		Mary Hussian 5005 Mabelvale Pike Little Rock, AR 72204	\$10,000.00
Claimant: Mary M. Hussian			<hr/>
Victim: Mary M. Hussian			\$10,000.00

2015

No date of issuance. (11/2015)

May 20, 2017

MAY 22 2017

ATTORNEY GENERAL
OF
ARKANSAS

Re: Hussian vs. State of AR: C1
Case # 17-0708 CC

Dear Attorney France,

* Hand Delivered to Atty France on
5/22/2017 by Ms. Hussian

I am by way of this letter, requesting a copy of the letter accompanying the disbursement of a \$10,000 warrant to Mary Hussian, no later than 10/29/96. The accompanying letter is standard for victims of Violent Crimes through/from the Victims Reparation Fund that details/outlines the purpose of such an award. If not, please respond in writing why I can't have such correspondence. My request is under the State's FOI Act.

Please note that the last correspondence dated to me, Mary Hussian as a victim, was written by Ms. Kathy Sheehan and has a date of October, 1995. A letter in which I was denied assistance; yet a \$10,000 check/warrant was issued in my name; a check I never received nor benefited from. Which cleared the State of AR 10/21/1996.

I am requesting that this correspondence in question is also forwarded to the Arkansas Claims Commission for Case # 17-0708 CC.

In closing Attorney, is it a common practice for State funds such as this/~~the~~ to be issued w/out a cover letter? Is it a common

MAY 22 2017
ATTORNEY GENERAL
OF
ARKANSAS

Re: Hussian Vs. State of AR:CC
Case # 17-0708 CC

- 2 -

Signature from the Recipient? Is it
not a practice for the Attorney General's
Office to release such amounts without
notifications being certified?

I still marvel at the fact that Ms.
Sheehan's letter to me in 1995 was a
letter of denial, yet State Funds from
this State's Victims' Reparation Fund
can not be accounted for. Where is the
letter of approval that validates the
\$10,000 "I did not receive"? I await your
written response.

With Respect,

Arkansas
State Claims Commission

MAY 22 2017

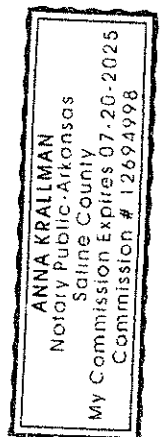
RECEIVED

Ms. Malak Hussian
Victim
Xc: Files

Arkansas Claims Commission.

Ecclesiastes 12:14 "For God shall bring every work into judgement,
with every secret thing, whether it be good, or
whether it be evil."

Malak Hussian personally appeared before me and
signed on May 22, 2017. Anna Krallman



To: Arkansas State Claims Commission

From: Ms. Mary "Malak" Hussian

Date: May 23, 2017

RE: Mary "Malak" Hussian, Victim

Case # 17-0708 CC

Arkansas
State Claims Commission

MAY 23 2017

RECEIVED

By way of this letter, I am requesting a hearing before the Arkansas State Claims Commission, relative to funds both issued and cashed by Another in 1996 in relation to the demise of Marcell Young, Mustafa Hussian, Malak Hussian, and for myself as a witnessing victim of said atrocity in My SWLR home on 6/4/95.

Please note that I did not discover that assistance was even rendered until 2015, from the Attorney General Office from the Victim's Reparation Fund.

Please note that I was notified October, 1995, that I was ineligible for assistance; yet this greedy deed took ~~the~~ place w/out Mercy for these in need of Mercy.

ARKANSAS STATE CLAIMS COMMISSION

(501) 682-1619
FAX (501) 682-2823



KATHRYN IRBY
DIRECTOR

101 EAST CAPITOL AVENUE
SUITE 410
LITTLE ROCK, AR 72201-3823

June 6, 2017

Ms. Mary "Malak" Hussian
4118 West 26th Street
Little Rock, Arkansas 72204

Re: *Mary "Malak" Hussian v. State of Arkansas*
Claim No. 17-0708-CC

Dear Ms. Hussian:

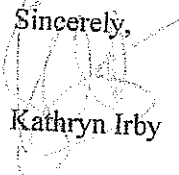
The above-styled claim has been scheduled for hearing beginning at 9:00 A.M., on Friday, July 14, 2017. Both parties' copies of depositions, deposition summaries, pre-hearing briefs, interrogatory responses, witness lists, and Proposed Findings of Fact and Conclusions of Law must be submitted by Friday, June 23, 2017.

The Claims Commission requires that one original paper copy and one electronic media copy of any pre-hearing material be provided to the Claims Commission. Opposing counsel must be provided with an electronic media copy of the pre-hearing material, as well. The hearing will be held in the Claims Commission Hearing Room, 101 East Capitol Avenue, Suite 410 (SE corner of Capitol Avenue and Main Street), Little Rock, Arkansas 72201.

All hearing parties should maintain very flexible schedules on the hearing date as exact hearing times frequently, as conditions dictate, require change during the day. Please make every effort to be present outside the Hearing Room at least thirty minutes prior to the scheduled hearing time.

If you have any questions, please do not hesitate to contact my office.

Sincerely,


Kathryn Irby

cc: Vincent P. France, *counsel for Respondent*

June 4, 2017

State Claims Commission

JUN 14 2017

Hand Delivered
6/13/17 by *Ms. [illegible]*
ATTORNEY GENERAL
JUN 13 2017

RECEIVED

Dear Attorney V. France,

The purpose of this letter is to humbly request that prior to our anticipated meeting with the Arkansas Claims Commission that you please make a genuine effort to locate Ms. Kathy H. Sheehan, who was the Chief Investigator at the Arkansas Attorney General's Office who at the time of our children's demise was the chief overseer of my claim (ACVRB Claim #95-01988), in hopes that she will reveal with exactness the initiation to cessation of this claim. I am hopeful Ms. Sheehan will shine light onto this seemingly "dark situation".

Attorney France, our children were loving and obedient. They excelled in their academics and were all without a Criminal Record. As your files will validate that they ranged in the ages of 9, 12 and 17. It needs to be justified how Ms. Sheehan could attach Arkansas Code Annotated 16-90-712(a)(5) and ACVRB Rule No 8(10) to our atrocity and then issue and cash a \$10,000 Warrant One year and 20 days later.

Attorney France, please understand that what took place 22 years ago is by no means attributed to this Office's current Administration. Yet, I feel it is this current Administration's responsibility to resolve this grievous deed of unknown proportions by Workers of this State's division.

June 4, 2017
(Attorney Vincent France)

JUN 13 2017
ATTORNEY GENERAL
OF
ARKANSAS

-2-

We are all to be held accountable for
our deeds: whether good or evil in the
sight of both God and Man.

In closing, as I script this letter to
you exactly 22 years to-date of our
children's demise, I am blanketed
with emotional pain that "this issue" of
my/our lives continues; but from the
hands, actions and deeds of others.

With Respect

Mark / Russian

xc: Files
ACC

June 21, 2017

Arkansas Claims Commission

JUN 22 2017

ATTORNEY GENERAL
OF
ARKANSAS

JUN 23 2017

RECEIVED

Claim # 95-01938
No. 17-0708CC

Dear Attorney Vincent France,

By way of this letter, I am requesting under Arkansas' FOI Act, any or all correspondence from case file # 95-01938 for the specific timeframe of October 7, 1995 through October 31, 1996 between myself and the ACVR Board in connection to the violent act committed against my family on June 4, 1995;

REC'D
6/21/17
Att. Gen.

In particular, I am requesting a "dated" copy of the letter from the ACVR Board placing me in an eligible status as a victim of a violent crime;

I am requesting a copy of the letter from the ACVR Board to me upon issuance of Warrant # 97E0315463 "letter of explanation" outlining and itemizing the purpose of Warrant # 97E0315463;

I am requesting lastly that you present me w/a copy of your correspondence that will present w/ certainty the date "your office" issued warrant as opposed to "Shortly after, the check was issued on 10/29/96."

Please provide me w/a copy of the ACVR Board's determination letter as opposed to "Eventually, it was determined that Mr. Nesson was eligible for \$19,000 from the ACVR Board."

With Respect

Mark Nesson

	1ST REQUEST	2ND REQUEST	OBTAINED
LAW ENFORCEMENT/OFFENSE REPORT <i>LRPD</i>	_____	_____	_____
FELONY CHECK	_____	_____	_____✓_____
MEDICAID CHECK	_____	_____	_____
EMPLOYER'S CERTIFICATE	<u>10-21-95</u>	_____	_____
TAX RETURNS	_____	_____	_____
LOSS OF SUPPORT	_____	_____	_____
PSYCHOLOGICAL REPORT(____)	_____	_____	_____
PHYSICIANS REPORT (____)	_____	_____	_____
(1 2 3 4 5 6 7 8 9)	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
DEATH CERTIFICATE	_____	_____	_____
FUNERAL DIRECTOR REPORT	_____	_____	_____
OTHER DOCUMENTS <i>Name of plug to verify Dis</i>	<u>10-21-95</u>	_____	_____
RESTITUTION/CIVIL SUIT	_____	_____	_____
INSURANCE COMPANY	_____	_____	_____
10-DAY CERTIFIED LETTER	Mailed _____	Returned _____	
INVESTIGATOR	<u><i>Kerry Slicker</i></u>		

Exhibit #1

Victim

Date 2-3-2017

Initials	Interview Notes
KS	Had a message to return Mary Hussain's call at 562-2193 or (home #671-4846). Was unable to get through.
KS	Spoke w/ Mrs. Hussain - She said she would get this info faxed to me tomorrow.
KS	Spoke w/ Dianne - Mary Hussain has been charged with Kidnapping and Theft of Property. Her jury trial is scheduled for 2-20-96. Case filed 5-10-95. (CR 95-1234) DA: Susan Oswart.
KS	Returned Mrs. Hussain's call - She believed we have discriminated against her on this decision and although she implied that she remembered my talking with her about Collateral Sources, she doesn't think we should expect her to remember any of it as she had just lost her 3 children. She also was offended by the mention of the Kidnapping charge and doesn't believe that has any bearing on this charge. She believes we should disregard the collateral sources as she is now just receiving legal money and is not expected to return to the US in 1996. She said she



WINSTON BRYANT
Attorney General

STATE OF ARKANSAS
CRIME VICTIMS REPARATIONS BOARD
OFFICE OF THE ATTORNEY GENERAL
OUTREACH DIVISION
TOWER BUILDING, SUITE 200
LITTLE ROCK, ARKANSAS 72201
(501) 682-1323 or 1-800-482-8982

October 6, 1995

Mary Hussian
5005 Mabelvale Pike
Little Rock, AR 72204

RE: ACVRB Claim #95-01938

Dear Ms. Hussian:

The Staff of the Arkansas Crime Victims Reparations Board has reviewed your claim for compensation regarding the victimization you suffered on June 4, 1995 in Pulaski County, Arkansas. We sympathize with the traumatic ordeal you were thrust into with the tragic loss of your children, Marcell, Malak and Mustafa. We regret that we will be unable to assist you based upon the fact that you have received compensation through your employer that exceeds the maximum this program can consider. Please read the below explanation for the basis of this decision.

After examining the documentation submitted by your employer and Dr. Wrenda Gallien, it appears that you have been unable to return to work since the date of the incident. However, your employer has verified that financial assistance was provided through employment benefits up to September 15, 1995. These benefits exceed any compensation that this program can consider for a period of 25 weeks, which will end on December 11, 1995. Because you have already received compensation for your verified disability period, our office cannot consider rendering any assistance until after December 11th. Therefore, your claim has been closed in compliance with Arkansas Code Annotated 16-90-703(12)(E) and 16-90-712(b)(1) and ACVRB Rule No. 2 and 8(7), which stipulates that compensation cannot be granted if the victim has benefited from collateral sources. Additionally, the method of calculation for eligible work loss compensation has been based upon the restriction outlined in ACVRB Rule No. 10(3), which states that work loss compensation may not exceed a total of \$200.00 per week.

If you have not been given a medical release to return to work after December 11th, please contact our office so that an updated disability statement can be obtained and your claim can be reconsidered.

Ms. Hussian, the Staff believes we have an obligation to inform you that any future consideration given to your claim may include the adjudication of the pending Robbery charge in Pulaski County. Arkansas Code Annotated 16-90-712(a)(5) and ACVRB Rule No. 8(10) mandate that compensation shall not be extended to a claimant who has been convicted of a criminally injurious felony.

Exhibit #two

Letter to Mary Hussian
ACVRB Claim #95-01938
October 6, 1995
Page Two

Please note that there is an appeal procedure you may follow in the event that you disagree with this decision. The appeal procedure is described in the attached memorandum.

If you have questions concerning your claim, please do not hesitate to contact our office at (501) 682-1323 or toll free at 1-800-448-3014 (outside Pulaski County).

Sincerely,



Kathy Sheehan
Chief Investigator

enclosure

certified receipt #P 105 769 042

ex. two




STATE OF ARKANSAS
THE ATTORNEY GENERAL
LESLIE RUTLEDGE

October 16, 2015

Mary Hussain
4118 West 26th Street
Little Rock, AR 72204

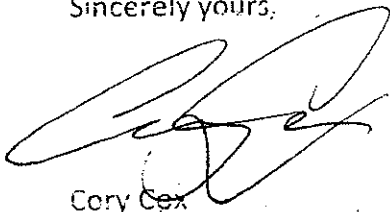
Dear Ms. Hussain,

In response to your Freedom of Information Request of October 13, 2015, please find enclosed copies of the forms and information that were previously in your possession and related to your claim in 1995. Please note that there several exemptions from the FOIA's disclosure rules that apply to this information (including the "working-papers exception"). Without waiving any of those exceptions, we are providing this information to you as the claimant. 

Please note that we do not have any information regarding payment of the award or any information regarding the disposition of the check. Our office only has information on the initial claim you filed and would not be the custodian or records for information on payments made. The custodian of those records would be the Department of Finance.

Please let us know if you have any questions. Until then, I am,

Sincerely yours,



Cory Cox
Legislative Director

Exhibit #3

Arkansas Crime Victims Reparations Board

Award Payments

<u>Claim #</u>	<u>Account #</u>	<u>Payee</u>	<u>Amount</u>
95-01938		Mary Hussian 5005 Mabelvale Pike Little Rock, AR 72204	\$10,000.00
Claimant: Mary M. Hussian			<hr/> \$10,000.00
Victim: Mary M. Hussian			

Exhibit # Four

P 105 769 042



**Receipt for
Certified Mail**

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

PS Form 3800, June 1991

Sent to	<i>Mary Hussian</i>
Street and No.	<i>5005 Mainval. Pk</i>
P.O., State, and ZIP Code	<i>Little Rock, AR 72044</i>
Postage	\$ <i>.32</i>
Certified Fee	<i>1.10</i>
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	<i>1.10</i>
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$ <i>2.52</i>
Postmark or Date	

CU-KHS

Cloud

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4, 5, and 6, as applicable.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

3. Article Addressed to:

*Mary Hussian
5005 Mabelvale Pike
Little Rock, AR 72201*

5. Signature (Addressee)

6. Signature (Agent)

PS Form 3871, December 1981

U.S. POST OFFICE

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

I also wish to receive the following services for an extra fee:

- 1. ☐ Addressee's Address
- 2. ☐ Restricted Delivery

Consult postmaster for fee.

4a. Article Number

2000 401 245

4b. Service Type

☐ Registered ☐ Insured

☐ Certified ☐ COD

☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

8. Addressee's Address (only if requested and fee is paid)

ARKANSAS CRIME VICTIMS REPARATIONS BOARD
200 TOWER BUILDING
323 CENTER STREET
LITTLE ROCK, AR 72201



Fold at line over top of envelope to the right of the return address

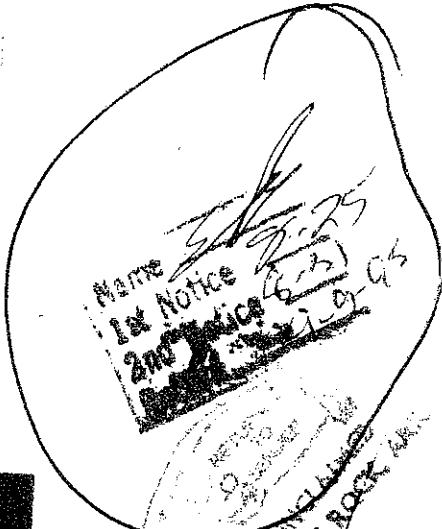
CERTIFIED

Z 090 401 245

MAIL

RETURNED TO SENDER
UNCLAIMED
LITTLE ROCK, AR

Mary Hussian
5005 Mabelvale Pike
Little Rock, AR 72201



Spoke w/ Malara - she stated it would need to speak
with the Supervisor, Curtis Mabe. She stated that he
was in a meeting and wouldn't be available for another
hour or so. She said to call him at +340-8990.

10/23/90

LS

Verified through Putaski City Circuit Clerk's Office that Mary's Robbery Charge was dismissed and she was convicted of Theft of Property. Mary was placed on probation for 5 years and fined \$400 plus \$225.50 court costs. She is not required to pay these fines/court costs until December 30, 1997. She has not made any payments to date.

11/22/96

KS

Spoke with Lori - she told me to find out from the Prosecutors Office what their expectations are in this case when Mary doesn't have money to pay for the fines/court costs. What will they do come 2/30/97? We reviewed the rules (*25) - Lori agrees that ^{non-}payment of these fines/court costs will not prevent compensation to Mary in this case as she didn't owe them at the time of the incident *

10/22/96

KS

95-1034) Spoke w/ Laurie @ Putaski City PA's Office - she said the atty. who handled this case is no longer there. Cases of this atty. were given to Jack McQuay. She suggested my talking with Mary's probation officer.

Rec'd call from Mary Russian (Home # 563-2173, pager # 471-1111)
She asked if there was any way she could get assistance
from CC as she is sick unable to go to work. She said she
had taken a leave without pay from work. She stated that
she is not receiving counseling at this time for financial
reasons and is being treated by her primary care physician
for depression. She stated that her financial situation
is very grim and she may lose her home. She stated
that her daughter and new Granddaughter are dependent
upon her at this time. Expl. that I'd need to check on
the Rolden's Chg. that had ^{been} pending and see when her
potential sources ran out. She stated that the conviction
had been that of Theft of Property, and that she had been
placed on probation for 5 years and ordered to pay a fine
and court costs. She stated that she had no money
and no means to pay the fines and had sent a letter
to that effect to the judge. She stated that she had
also sent the judge a Stmt. from her employer verifying
that she was on leave without pay status. Expl. Rule #25
regarding financial obligations and told her that it may
preclude us from rendering compensation until the fines
had been paid. Told her that I'd check on the
conviction and fines and talk with our staff attorney.
I told her that if compensation was possible she'd need
to submit an updated ~~conviction~~ ^{Stmt.} from her physician as
to her disability period and a Stmt. from her employer
as to her employment and leave without pay status.

Spoke w/ Lee Fielder @ UAMS - Human Resources, Benefits Dept. (686-7078). He stated Mrs. Hussain did have life insurance coverage on the 3 children. The funeral expenses were paid directly to Miller-Elston and Mrs. Hussain was paid the rest. Amounts are as follows:

<u>Child</u>	<u>Ins. amt.</u>	<u>Accidental Death amt.</u>	<u>Funeral exp.</u>	<u>Paid to Mrs. Hussain</u>
Malah	5000.	7500.	≈ 3734.	≈ \$8766.
Marcelle	5000.	7500.	≈ 4608	≈ \$7892.
Mustafa	5000.	7500.	≈ 4133.	≈ \$4133.

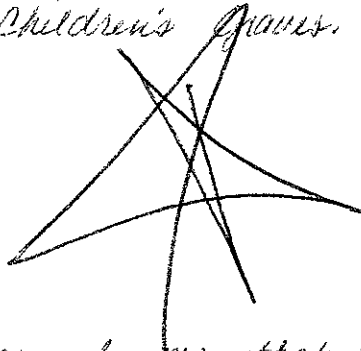
Mrs. Fielder stated Mrs. Hussain had not been aware of the Accidental Death benefits she'd been paying for.

2-21-96

RS

Mrs. Hussain called - explained her welfare was ineligible due to collateral sources. She went back to work on the 8th, and her employment benefits made her ineligible for CW work thru the 11th. I told her the counseling expenses would be eligible if she needed assistance with them. She said she would send those bills in. Repl. about children's insurance disqualifying them - She said she had not rec'd any of the money. Told her I had been informed stating otherwise. She was going to call Lee Fielder.

Rec'd call from Mary Hussain - She asked if CV could offer her financial assistance now as she has not been convicted of any crime. She said she had suffered a great financial loss due to the death of her 3 children and she wants to either have her claim reconsidered or file another claim. I told her I would need to pass the file and have it reviewed with the staff attorney. She gave me these #'s to reach her - (H) 562-2173 and pager # 671-4846. She said she had returned to work on December 8th and she wanted to get headstones for the children's graves.



2-21-96

KS

Patsy informed me that there was an article in today's paper regarding Mrs. Hussain. I copied the article which stated Mrs. Hussain pled guilty to a felony theft charge. She apparently was placed on 5 years probation, ordered to pay \$100 fine and court costs. (Copy included in file.)

2-21-96

KS



Everett Foreman

day auction asking Bogard to step aside because of the appearance of bias.

At issue were comments Bogard wrote on a parole recommendation concerning Foreman. The Little Rock man was serving a six-year sentence on a 1994 aggravated assault conviction in Pulaski County Circuit Court's 4th Division.

At a space at the bottom of a

Mother of 3 slain children pleads guilty to theft charge

Democrat-Gazette Staff

Mary Malak Hussian, whose three children were slain in her home last year, was sentenced Tuesday to five years' probation after pleading guilty to a felony theft charge in Pulaski County Circuit Court.

In exchange for the negotiated plea, prosecutors dropped a robbery charge against Hussian.

The charges arise from a March 10, 1995, occurrence at a Jacksonville Wal-Mart store where, police said, Hussian stole about \$300 worth of merchandise, then fought with a store security guard.

At the time of her arrest, Hussian was on probation for a 1989 theft conviction.

Besides placing the woman on probation, Circuit Judge Marion Humphrey fined her \$100 and ordered her to pay court costs.

She will not be eligible to have the conviction expunged from her record but will not serve any jail time for violating probation on the 1989 conviction, prosecutors said.

Three men and a woman are awaiting trials in the deaths of Hussian's children.

Police say Riley Dobi Noel III, 23, shot the children June 4 in revenge for the slaying nine days earlier of his brother, Cornelius "Skeeter" Ganaway, 20. Also charged in the children's deaths are Terry Lynn Carroll, 16, Curtis Lee Cochran, 19, and Tracy Calloway, 25.

Calloway is to be the first of the four to go to trial. Her trial is set for April 22. Noel's is scheduled for May 29.

Carroll and Cochran are awaiting the results of mental evaluations before their trial dates are set.

commuting court, prosecuting attorney and sheriff" of the county, Adams' motion said.

Since Foreman was sentenced by 4th Division Circuit Judge John Langston and not Bogard, the comments gave the appearance of partiality, Adams contended.

In a brief hearing in his chambers Tuesday morning, Bogard granted Adams' motion and re-

State government diary

State workers commute, pool cars, ride vans

THE LITTLE ROCK METROPOLITAN area is the place to be if you've got a government job, but for many Arkansans who work here, home is 20 to 90 minutes away.

Many of them car pool or ride commuter vans to make daily trips from as far away as Searcy, Hot Springs, Russellville, Pine Bluff and even Arkadelphia.

In Little Rock, the simplest way to share a ride is to call 372-3300 at Metroplan and place your name in the car pool matching program.

"We take information about where the person works, the point of origin, and destination and times they want," explained Allen Skaggs, a Metroplan spokesman.

Skaggs said Metroplan's computer program matches people with similar

ly chairman.

A jury convicted him Nov. 8, 1993, but the conviction was appealed to the Arkansas Supreme Court.

On June 19, 1995, the state's highest court reversed Foreman's first-degree murder conviction on the grounds that Bogard should have suppressed an out-of-court statement Foreman gave investi-

needs and notifies them by mail. Whether they contact each other is up to them.

The Arkansas State Employees Association operates 28 vans that transport more than 300 people each day to and from job sites, Monday through Friday. The program has been offered since the 1980s. You do not have to be a state employee to ride the van, but you must be a member of the association, said Kelly Welcher, a spokesman who explained how the van system works.

The vans pick up riders around Benton, Conway, Hot Springs, Cabot, Pine Bluff and Russellville, among sites in 12 different counties, she said.

NO TAX MONEY

The vans are self-supporting, and no tax money is used to support this



operational "Ex serve ey is and of Fo tion pl be bill Arkan for a r Th a Ben \$38.3 The d

VS OFFICE

Wednesday 10/11/95 09:45 am Page: 1

Intended For:

Author: Kathy Sheehan

Subject: RE: Mary Hussian

This item is in Progress

Mrs. Hussian called yesterday afternoon to tell me that she believes we discriminated against her in our decision to close her claim for collateral sources. She believes that we/(I) have been looking for a reason to deny her from the beginning and that I have no sympathy for her loss. She said that the money she received from her employer should not matter, especially since those funds have been exhausted and she is now without an income. She commented that although she remembered my telling her about the collateral source criteria beforehand, we/(I) shouldn't expect her to remember any of it because of the state of mind she's in. She also indicated that she was offended by our even considering the Robbery charge that is pending and that we/(I) have already tried and convicted her of it. She said whether it ends in a conviction or not it shouldn't matter because she was a victim and this program is suppose to help her - if we'd let it. She said that she does intend to appeal and that I would cross paths with her again.

FYI

June 23, 2017

Arkansas Claims Commission

JUN 23 2017

Re: 17-0708cc Before The State Claims Commission
of The State of Arkansas

RECEIVED #1

Pre-Hearing Brief

Comes the Claimant, Pro Se and states
for its Pre-Hearing Brief states:

Introduction

Claim should be considered as Claim was
filed with ACVRB in a timely manner (June, 1995)
after a violent act on June 4, 1995.

Claimant was deceived by Chief Investigator;
Claimant was discouraged and ultimately
mislead that no assistance would be granted
to Claimant as a Victim on the basis of other
circumstances involving Claimant.

Disputed Facts

Claimants ACVRB File will reveal that Award
in question was indeed "actively concealed" by
Ms. Kathy Sheehan, Chief Investigator overseeing
Claim # 95-01938 (Entire File Attached); Ex. 1

Attached letter of 10/6/95 from Ms. Kathy
Sheehan to Ms. M. Hussian contains either a
refusal to assist; a closure of case and finally
correspondence centers on the possibility of non-
assistance due to pre-existing charges (attachment)
Exhibit 2.

RE: 17-0708-CC

#2

Letter from Cory Cox, Legis. Dir., clearly states that there is no information in my ACVRB File concerning/regarding payment of concealed and unaccounted for State Funds (Exhibit #3)

After review of Exhibit #1 (Claimant's File: ACVRB), it is evident that Ms. K. Sheehan did not inform me that I was "approved" or "eligible" for assistance. There is no proof that I signed for this Award; there is no proof of my ever having went to the Arkansas Attorney General's Office and "signed in" as required to pick up anything from the ACVRB after October, 1996; there is no evidence of the ACVRB attempting to reach me beyond October 29, 1996 by Certified mail, (despite various other copies of "certified mail" contained within my ACVRB File); there is no evidence in my file that indicates that Ms. Sheehan ever informed me by phone of an "approval" or "award", despite her various hand written notes.

Please note that (Exhibit four) "Awards Payment" has a Claim #, yet it does not have an Account #; Neither does this form have a "date of issuance."

If One would suggest that Ms. Sheehan mailed this Warrant of such amount; Should she have not "copied" the check, or should she have not "copied" the Certified receipts?

June 23, 2017

RE: 17-0708cc

-3-

Despite my contact with Ms. Sheehan in 1996, there is nothing contained in my file that remotely suggests that Ms. Sheehan revealed this "concealed" matter. Ms. Sheehan was diligent in "making notes"; what justification could stand in the way, now to justify why there were no notations for this claim or for the amount of money for Warrant # 97E0367929?

My ACVRB file will reveal that there was no official, nor unofficial notification from Ms. Sheehan to me informing me of either my eligibility or approval; nor awarding of this Award.

Statute of limitations

I was informed by Asst. Lt. Col. Burton in January, 2017 that I am within this State's Statute of limitations because I was unaware that assistance (An Award) had been issued until May, 2015. There was no knowledge of this Warrant until May, 2015.

MAY 18 2017

**BEFORE THE STATE CLAIMS COMMISSION
OF THE STATE OF ARKANSAS**

RECEIVED

MARY "MALAK" HUSSIAN

CLAIMANT

v.

NO. 17-0708-CC

STATE OF ARKANSAS

RESPONDENT

ANSWER

Comes Respondent, the State of Arkansas, by and through Attorney General Leslie Rutledge and Assistant Attorney General Vincent P. France, and states for its Answer:

1. The Arkansas Claims Commission has jurisdiction over this matter pursuant to Ark. Code Ann. § 19-10-204.
2. Respondent admits that Claimant was a victim of a serious crime in 1995.
3. Respondent admits that on June 15, 1995 Claimant filed four (4) separate claims with the Arkansas Crime Victims Reparation Board. She made a claim for her three (3) children who were murdered, and she filed a claim for herself because she witnessed the murders.
4. Respondent admits that the claims for Claimant's children were denied by the Crime Victims Reparation Board because of a collateral source in October of 1995.
5. Respondent admits that throughout 1996, Claimant was in communication with the staff of the Crime Victims Reparation Board and continued to provide the staff with additional information and evidence regarding her claim.
6. Respondent affirmatively states that a check was issued to the Claimant on October 29, 1996 after a determination of her eligibility was made.
7. Respondent denies Claimant's allegation that she never received the check.

8. Furthermore, Respondent raises the affirmative defense that Claimant's claim is barred by the applicable statutes of limitation.

9. Specifically, Claimant's claim is barred according to Ark. Code Ann. § 19-10-209, which states the following:

No claim may be considered and allowed by the Arkansas State Claims Commission unless it has been filed with the Director of the Arkansas State Claims Commission as provided by this subchapter within the period allowed by law for the commencement of an action for the enforcement of the same type of claim against a private person.

10. The statute of limitations for claim regarding a check that Claimant seeks to recover is three (3) years. Ark. Code Ann. § 4-4-111.

11. Thus, this claim is barred because it was filed long after three years have lapsed.

12. Even using the statute of limitations for collection of judgment and decree, which would be the most advantageous statute of limitations for Claimant, the Claimant's claim is barred because the statute of limitations to recover is ten (10) years. *See* Ark. Code Ann. § 16-56-114.

13. Again, Claimant's claim is barred under the ten (10) year statute of limitations because the claim should have been filed by October 29, 2006.

14. Lastly, Respondent denies this claim pursuant to Ark. Code Ann. § 19-10-104, which states the following:

The Arkansas State Claims Commission, **before approving a claim** for a **state warrant** for purchase of commodities delivered or services performed that has been **lost** or **presented for payment after expiration of the legal date** for redemption, shall request proof from the Auditor of State that the original warrant was **legally cancelled** because of late redemption presentation or, in the case of a lost warrant, an **official warrant cancellation procedure has been exercised**. (emphases added)

15. When she filed this claim, Claimant included a letter from the Department of Finance and Administration dated October 20, 2015, in which Claimant was informed that after DFA investigated the warrant (same as a check) issued to her on October 29, 1996 in the amount of \$10,000 it found that the check was cashed.

16. Thus, Respondent denies that Claimant is entitled to recover the \$10,000 that she requests.

17. CONCLUSION

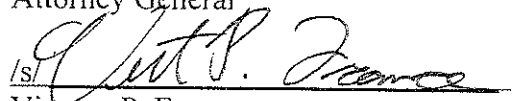
Respondent respectfully denies this claim. Claimant has not demonstrated that she is entitled to recover the \$10,000. Furthermore, this claim is barred by statute of limitations. Finally, Claimant has not and cannot meet the statutory requirement of proving a lost warrant. Thus, this claim is denied.

Respectfully submitted,

LESLIE RUTLEDGE
Attorney General

By:

/s/


Vincent P. France

Ark Bar No. 2010063

Assistant Attorney General

Arkansas Attorney General's Office

323 Center Street, Suite 200

Little Rock, AR 72201

Phone: (501) 682-1314

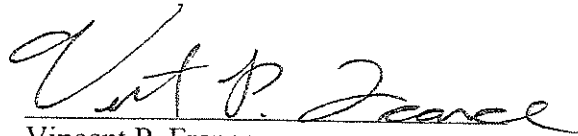
Fax: (501) 682-2591

Email: vincent.france@arkansasag.gov

CERTIFICATE OF SERVICE

I, Vincent P. France, Assistant Attorney General, do hereby certify that a copy of the foregoing document has been sent to the following via U.S. Mail on this 18th day of May, 2017:

Mary "Malak" Hussian
4118 West 26th Street
Little Rock, AR 72204

A handwritten signature in cursive script, reading "Vincent P. France", written in black ink.

Vincent P. France
Ark Bar No. 2010063
Assistant Attorney General
Arkansas Attorney General's Office
323 Center Street, Suite 200
Little Rock, AR 72201
Phone: (501) 682-1314
Fax: (501) 682-2591
Email: vincent.france@arkansasag.gov

Fy 95

CN 8526

~~CV 8526~~

419573

res. and check on
fines - Pub. Atty.

ARKANSAS CRIME VICTIMS REPARATIONS BOARD CHECKLIST

	1ST REQUEST	2ND REQUEST	OBTAINED
LAW ENFORCEMENT/OFFENSE REPORT <i>LPRD</i>	_____	_____	_____
* FELONY CHECK	_____	_____	_____ ✓
MEDICAID CHECK	_____	_____	_____
EMPLOYER'S CERTIFICATE	<u>10-21-95</u>	_____	_____
TAX RETURNS	_____	_____	_____
LOSS OF SUPPORT	_____	_____	_____
PSYCHOLOGICAL REPORT()	_____	_____	_____
PHYSICIANS REPORT ()	_____	_____	_____
(1 2 3 4 5 6 7 8 9)	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
DEATH CERTIFICATE	_____	_____	_____
FUNERAL DIRECTOR REPORT	_____	_____	_____
OTHER DOCUMENTS <i>Name 3 plus w/attys DIS 10-21-95</i>	_____	_____	_____



WINSTON BRYANT
Attorney General

STATE OF ARKANSAS
CRIME VICTIMS REPARATIONS BOARD
OFFICE OF THE ATTORNEY GENERAL
OUTREACH DIVISION
TOWER BUILDING, SUITE 200
LITTLE ROCK, ARKANSAS 72201
(501) 682-1323 or 1-800-482-8982

July 31, 1995

UAMS
Attn: Susan Cox
4301 W. Markham Street
Little Rock, AR 72205

Post-It™ brand fax transmittal memo 7671		# of pages ▶ 2
To <i>Susan Cox</i>	From <i>Kathy Sheehan</i>	
Co. <i>UAMS</i>	Co. <i>ACVRB</i>	
Dept.	Phone # <i>682-1323</i>	
Fax # <i>686-8352</i>	Fax # <i>682-5313</i>	

Name of Victim: Mary M. Hussian
Social Security #
Date of Incident: June 04, 1995
ACVRB Claim # 95-01938-KHS

Dear Personnel Department:

The above named victim has filed with the Arkansas Crime Victims Reparations Board for losses incurred as the result of a criminal act. This Board may award compensation to victims of violent crime who have received bodily injury for their "out of pocket expenses" incurred as a direct result of that crime. Compensation also includes lost wages due to work loss.

In order to award claims for work loss, it is necessary to verify employment information regarding the victim's work loss. Please complete the enclosed Employer Verification Statement and return it by mail to this office within ten (10) days or by fax. Our fax number is 682-5313. If the employee is no longer employed by your company, we would appreciate your cooperation in also completing this form.

Thank you for your cooperation. If I can be of assistance, please do not hesitate to contact me at 1-800-448-3014 or 682-1323.

Sincerely,

Kathy Sheehan

Kathy H. Sheehan
Chief Investigator

Enclosure

EMPLOYER'S VERIFICATION STATEMENT

Name of Victim: Mary M. Hussian
Social Security # _____
Date of Incident: June 24, 1995
ACVRB Claim # 95-01938-KHS

Employer's Name _____

Address _____ Phone No. _____

Victim's job title: _____

Date employment began: _____

How many hours does the victim normally work per week? _____

How many days does the victim normally work per week? _____

Gross earnings per week \$ _____ Net earnings per week \$ _____

How many days and hours were missed as a direct result of the crime?

From: _____ To: _____ Hours _____

Date returned to work: _____ Expected return: _____

Employer's medical/dental insurance carrier: _____

Address _____ Phone No. _____

Benefits employee received while off work:

Sick leave \$ _____ Date Paid _____

Vacation pay \$ _____ Date paid _____

Disability \$ _____ Date paid _____

Workers Comp \$ _____ Date paid _____

Other _____ \$ _____ Date paid _____

Signature _____

Title _____

Printed Name _____

Date _____

VS OFFICE

Thursday

10/05/95

04:32 pm

Page: 1

Intended For:

Author: Kathy Sheehan

Subject: FYI - RE: Mary Hussian

This Item is In Progress

Ms. Hussian has called numerous times this afternoon to find out if the info had been faxed to me. Each time she has said she would call them again.

I spoke with Dana Scott and apparently a message to me and a separate message to Lewis got mixed up. Dana had never heard of Ms. Hussian.

VS OFFICE

Thursday 10/05/95 12:14 pm Page: 1

Intended For:

Author: Kathy Sheehan

Subject: FYI - RE: Mary Hussian

This Item is In Progress

She called right after we talked and wanted to know if the information had been sent to me. I told her it had not. She said she would contact her counselor again and have them send it. Then Lewis called me and said he needed to transfer Mary Hussian as he had somehow gotten her call. She hung up before he could get the transfer completed. Lewis told me that Dana Scott in Washington Cty. had called him regarding a Mary Hussian but he wasn't able to reach Dana when he returned the call. We are wondering if it's the same Mary Hussian. I've put a call in to her and hope to be able to talk with her this afternoon.

Spoke w/ Susan Stewart @ DA's office - she said she believes her case against Mary Hussien for Robbery and Theft of Property is good. She said basically what happened was Mary was shopping in Walmart and was seen changing the bar codes on items so the merchandise she wanted was much cheaper. Mary apparently had approx. \$300 worth of merchandise that rang up to approx. \$30. Susan stated that a security guard (Dale Henry) (who had observed her activity) ~~let~~ ^{let} her leave the store and then he and the ~~off~~ ^{store} manager stopped her. They asked to see her ticket and she became verbally abusive. Susan stated that Mary attempted to walk away and the security guard stopped her and was attacked by her. Susan stated that the physical fight landed them on the ground and Mary began biting the security guard.

Susan stated that Mary has shown signs of being "explosive" and has had confrontations with other people in the past. She said the case was suppose to have gone to trial last week, but it has been continued to 2-20-96 in Judge Humphrey's court.

10-5-95

KS

Circuit Clerk's office can't give fine info out - must go in person and use this Public Access number. 10-5-95

VS OFFICE

Wednesday 10/04/95 11:49 am Page: 1

Intended For:

Author: Kathy Sheehan

Subject: Mary Hussian

This Item is In Progress

I pulled Ms. Hussian's file and calculated her workloss with what information I received yesterday. Her disability has been verified from 6-4-95 to 9-6-95 (a total of 13 weeks). Her eligible amount at the \$200 per week cap totals \$2,600.00. According to the employer's info I received yesterday, Ms. Hussian has received a total of \$4,951.37. Her last payment was issued 9-15-95.

Also, I contacted the Records Dept. at the PA's Office to see if Ms. Hussian had outstanding fines due to the shoplifting incident that was in the news shortly after her children were murdered. I was informed that Ms. Hussian has been charged with Robbery and Theft of Property. Her jury trial is scheduled at this time for 2-20-96.

KNS
Mary Hussian
562-2173
Oleg
691-4846

EMPLOYER'S VERIFICATION STATEMENT

ary M. Hussian

une 04, 1995
5-01938-KHS

ersity of Arkansas for Medical Sciences

Address 4301 West Markham Slot 615 Little Rock, AR 72205 Phone No. 686-5575

Victim's job title: Administrative Assistant II

Date employment began: 11-02-92

How many hours does the victim normally work per week? 40

How many days does the victim normally work per week? 5

Gross earnings per week \$ 376.21 Net earnings per week \$

How many days and hours were missed as a direct result of the crime?

From: 06-04-95 To: present Hours

Date returned to work: Expected return: 03-16-95

Employer's medical/dental insurance carrier: Qual Choice

10800 Financial Centre Parkway Little Rock, AR 72211

Address Phone No. 228-7111

Benefits employee received while off work: (Gross Pay)

Sick leave \$ 251.60 Date Paid 06-23-95

Vacation pay \$ 185.27 Date paid 06-23-95

Disability \$ Date paid

Workers Comp \$ Date paid

Other Catastrophic Leave \$ 4,514.50 Date paid 07-07-95/09-15-95

Andrea L. Roy
Signature

Andrea L. Roy
Printed Name

Business Officer
Title
10-2-95
Date

Office of
Academic Services

University of Arkansas for Medical Sciences
4301 W. Markham, Slot# 615, Little Rock, AR 72205

FAX



Date:

10-2-95

Number of pages including cover sheet:

2

To:

Kathy Sheehan

Phone:

Fax phone:

682-5313

CC:

From:

Andrea C. Roy

Phone:

(501) 686-5575

Fax phone:

(501) 686-8352

REMARKS:

☐ Urgent

☒ For your review

☐ Reply ASAP

☐ Please comment

HERE is the requested
information



STATE OF ARKANSAS

Office of the Attorney General

Winston Bryant
Attorney General

Telephone:
(501) 682-2007

FAX TRANSMITTAL SHEET

TELEPHONE NUMBERS:

Outreach/Crime Victims (501) 682-1323
FAX NUMBER (501) 682-5313

TRANSMITTING 2 PAGES INCLUDING COVER SHEET

DATE: September 29, 1995

TO: Andrea Roy

FROM: Wendy Sheehan

If you have any problems receiving this transmission, please contact the above at one of the above numbers.

COMMENTS: _____

IMPORTANT: The information contained in this facsimile message is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone, and return the original message to us at the address above, via the U.S. Postal Service. Receipt by anyone other than the intended recipient is not a waiver of any attorney-client or work product privilege.

EMPLOYER'S VERIFICATION STATEMENT

Name of Victim: Mary M. Hussian
Social Security #
Date of Incident: June 04, 1995
ACVRB Claim # 95-01938-KHS

Employer's Name _____

Address _____ Phone No. _____

Victim's job title: _____

Date employment began: _____

How many hours does the victim normally work per week? _____

How many days does the victim normally work per week? _____

Gross earnings per week \$ _____ Net earnings per week \$ _____

How many days and hours were missed as a direct result of the crime?

From: _____ To: _____ Hours _____

Date returned to work: _____ Expected return: _____

Employer's medical/dental insurance carrier: _____

Address _____ Phone No. _____

Benefits employee received while off work:

Sick leave \$ _____ Date Paid _____

Vacation pay \$ _____ Date paid _____

Disability \$ _____ Date paid _____

Workers Comp \$ _____ Date paid _____

Other _____ \$ _____ Date paid _____

Signature _____

Title _____

Printed Name _____

Date _____

**WREND A. B. GALLIEN, M.D.**

501-228-7500

Family Guidance Center
11825 HINSON ROAD, SUITE 101
LITTLE ROCK, AR 72212

MEMORANDUM

TO: Kathy Sheehan
FROM: Wrenda B. Gallien, MD
DATE: September 6, 1995
RE: M/ H/

Ms. Hussain has been seen at the Family Guidance Center on three separate occasions. Her diagnosis is as follows:

AXIS I	Acute Stress Disorder
AXIS II	None
AXIS III	None
AXIS IV	Problems related to the social environment
AXIS V	GAF 30

Explanation of catastrophic illness: This mother witnessed the murder of three children.

Kind of Therapy: She will require intensive psychotherapy and medication management to assist her in dealing with her present stressors.

Provider of Therapy: Dr. Wrenda B. Gallien

Frequency of Therapy: Two times per week.

Medication Prescribed: Paxil 20 mg PO QHS and Xanax 0.5 mg TID.

Additional Information: Ms. Hussain reports that since the death of her children she has not been able to function well in her environment. She feels like at this time she is losing control. Ms. Hussain is in need of intensive therapy and medication management and therefore is unable to function well in a work environment at this time. Otherwise, she may decompensate further.



WINSTON BRYANT
Attorney General

STATE OF ARKANSAS
CRIME VICTIMS REPARATIONS BOARD
OFFICE OF THE ATTORNEY GENERAL
OUTREACH DIVISION
TOWER BUILDING, SUITE 200
LITTLE ROCK, ARKANSAS 72201
(501) 682-1323 or 1-800-482-8982

August 25, 1995

Mary Hussian
5005 Mabelvale Pike
Little Rock, AR 72204

RE: ACVRB Claim #95-01938

Dear Ms. Hussian:

As the investigator assigned to your claim for compensation with the Arkansas Crime Victims Reparations Board, I have been attempting to obtain the necessary information regarding the victimization on June 4, 1995. Unfortunately, I have been unsuccessful in my endeavors and must seek your assistance. Please provide the following information:

1. Verification of employment at UAMS, income and any assistance received through your state benefits;
2. A statement from your attending physician stating your disability period as a result of this incident.

It is my understanding from our conversation on June 15th that the benefits you were receiving would be dissolved that week, and that you were attempting to receive assistance through the Catastrophic Leave Committee. If you were successful in obtaining this assistance, please let me know.

It is our goal to assist victims by processing their claim within a timely period. As we cannot continue to hold claims when requested information has not been obtained, you are requested to submit the above-mentioned information within ten (10) days from the date of receipt of this letter, or we will have no alternative but to administratively close your claim.

Thank you for your prompt attention. If you have any questions, please do not hesitate to contact me at (501) 682-1323 or toll free at 1-800-448-3014 (outside Pulaski County).

Sincerely,

Kathy Sheehan
Chief Investigator

enclosure

certified receipt #Z 090 401 245



STATE OF ARKANSAS
CRIME VICTIMS REPARATIONS BOARD
400 TOWER BUILDING
323 CENTER STREET
LITTLE ROCK, ARKANSAS 72201
(501) 682-2007

M E M O R A N D U M

Date: June 21, 1995
To: Mary M. Hussian
ACVRB Claim # 95-01938-KHS
From: Kathy H. Sheehan
RE: Additional Information Required

Your application for compensation through the Arkansas Crime Victims Reparations Board, Office of the Attorney General has been received. Upon reviewing your file we show that certain items are needed to evaluate this claim. Please send the below checked items within fifteen (15) days so we may process your claim as quickly as possible. Failure to provide this information will delay or cause your claim not to be considered.

- ☒ Copies of itemized bills from medical providers
- ☒ Names and address of the physician who can verify your disability period
- ☐ Copy of Certified Death Certificate
- ☐ The victim's last three (3) years tax returns verifying that the victim provided financial support to the survivors
- ☐ A written statement detailing the events leading up to and during the incident
- ☐ The signed enclosed letter to the Social Security Administration authorizing the release of information pertaining to the benefits that are being paid to you and/or your dependants

Please return to:

Arkansas Crime Victims Reparations Board
400 Tower Building
323 Center Street
Little Rock, Arkansas 72201
FAX Number - 682-5313



WINSTON BRYANT
Attorney General

STATE OF ARKANSAS
CRIME VICTIMS REPARATIONS BOARD
OFFICE OF THE ATTORNEY GENERAL
OUTREACH DIVISION
TOWER BUILDING, SUITE 200
LITTLE ROCK, ARKANSAS 72201
(501) 682-1323 or 1-800-482-8982

October 6, 1995

Mary Hussian
5005 Mabelvale Pike
Little Rock, AR 72204

RE: ACVRB Claim #95-01938

Dear Ms. Hussian:

The Staff of the Arkansas Crime Victims Reparations Board has reviewed your claim for compensation regarding the victimization you suffered on June 4, 1995 in Pulaski County, Arkansas. We sympathize with the traumatic ordeal you were thrust into with the tragic loss of your children, Marcell, Malak and Mustafa. We regret that we will be unable to assist you based upon the fact that you have received compensation through your employer that exceeds the maximum this program can consider. Please read the below explanation for the basis of this decision.

After examining the documentation submitted by your employer and Dr. Wrenda Gallien, it appears that you have been unable to return to work since the date of the incident. However, your employer has verified that financial assistance was provided through employment benefits up to September 15, 1995. These benefits exceed any compensation that this program can consider for a period of 25 weeks, which will end on December 11, 1995. Because you have already received compensation for your verified disability period, our office cannot consider rendering any assistance until after December 11th. Therefore, your claim has been closed in compliance with Arkansas Code Annotated 16-90-703(12)(E) and 16-90-712(b)(1) and ACVRB Rule No. 2 and 8(7), which stipulates that compensation cannot be granted if the victim has benefited from collateral sources. Additionally, the method of calculation for eligible work loss compensation has been based upon the restriction outlined in ACVRB Rule No. 10(3), which states that work loss compensation may not exceed a total of \$200.00 per week.

If you have not been given a medical release to return to work after December 11th, please contact our office so that an updated disability statement can be obtained and your claim can be reconsidered.

Ms. Hussian, the Staff believes we have an obligation to inform you that any future consideration given to your claim may include the adjudication of the pending Robbery charge in Pulaski County. Arkansas Code Annotated 16-90-712(a)(5) and ACVRB Rule No. 8(10) mandate that compensation shall not be extended to a claimant who has been convicted of a criminally injurious felony.

Letter to Mary Hussian
ACVRB Claim #95-01938
October 6, 1995
Page Two

Please note that there is an appeal procedure you may follow in the event that you disagree with this decision. The appeal procedure is described in the attached memorandum.

If you have questions concerning your claim, please do not hesitate to contact our office at (501) 682-1323 or toll free at 1-800-448-3014 (outside Pulaski County).

Sincerely,



Kathy Sheehan
Chief Investigator

enclosure

certified receipt #P 105 769 042



WINSTON BRYANT
Attorney General

STATE OF ARKANSAS
CRIME VICTIMS REPARATIONS BOARD
OFFICE OF THE ATTORNEY GENERAL
OUTREACH DIVISION
TOWER BUILDING, SUITE 200
LITTLE ROCK, ARKANSAS 72201
(501) 682-1323 or 1-800-482-8982

MEMORANDUM

TO: Mary Hussian

DATE: October 6, 1995

The Staff of the Arkansas Crime Victims Reparations Board has reviewed your claim for compensation and has found that all of the eligibility criteria have not been met. The enclosed letter explains why your claim has been closed.

You have the right to appeal this decision. In order to appeal, you must send a letter by certified mail to the Arkansas Crime Victims Reparations Board within **forty-five (45)** calendar days of the date of receipt of this notice.

Your letter should state:

- a. Your intent to appeal.
- b. Documentation to substantiate your claim.

NOTE: If you appeal a claim, according to ACVRB Rule No. 14(4), "The claimant/victim or an authorized representative in the event the claimant/victim is incapacitated must be present at the appeal hearing. in an appeals hearing, all parties shall be afforded an opportunity to appear and be heard." You will be notified as to the time and date of the appeal hearing. If you desire to have witnesses testify on your behalf, it is your responsibility to contact them and make the necessary arrangements for them to attend the hearing. The Board will not provide witness fees.

Your letter of appeal should be mailed to: Arkansas Crime Victims Reparations Board, Suite 300 Tower Building, 323 Center Street, Little Rock, Arkansas 72201.

If you have any questions concerning your claim, please do not hesitate to contact our office at (501) 682-1323 or toll free at 1-800-448-3014 (outside Pulaski County).

Arkansas
State Claims Commission
JUN 20 2017
RECEIVED

**BEFORE THE STATE CLAIMS COMMISSION
OF THE STATE OF ARKANSAS**

MARY "MALAK" HUSSIAN

CLAIMANT

v.

NO. 17-0708-CC

STATE OF ARKANSAS

RESPONDENT

PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW

Comes Respondent, the State of Arkansas, by and through Attorney General Leslie Rutledge and Assistant Attorney General Vincent P. France, and states for its Proposed Findings of Fact and Conclusions of Law states:

FINDINGS OF FACT

1. In 1995, Ms. Hussian was a victim of a horrible crime, in which she witnessed the murder of three of her children.

2. On June 15, 1995, Ms. Hussian filed four claims with the Crime Victims Reparation Board through the Arkansas Attorney General's Office. She filed claims for each of her deceased children and one for herself.

3. In October 1995, her children's claims were denied because she had life insurance policies for them, which constituted a collateral source.

4. Throughout 1996, Ms. Hussian was in communication with the staff of the Crime Victims Reparation Board and continued to provide the staff with additional information and evidence regarding her claim into October 1996.

5. Eventually, it was determined that Ms. Hussian was eligible for \$10,000 from the Crime Victim's Board.

6. On October 29, 1996, a warrant in the amount of \$10,000 was issued to Ms. Hussian.

7. Ms. Hussian received the \$10,000 from the Crime Victim's Board shortly after the check was issued on October 29, 1996.

8. After October 1996, Ms. Hussian's next contact with the Crime Victim's Department was in 2015.

9. On October 20, 2015, Ms. Hussian received a letter from the Department of Finance and Administration that informed her that DFA's investigation revealed that the check issued to her on October 29, 1996 had been cashed.

CONCLUSIONS OF LAW

1. Ms. Hussian's claim is barred by statute of limitations.

2. The Arkansas State Claims Commission can only hear claims "allowed by law for the commencement of an action for the enforcement of the same type of claim against a private person." Ark. Code Ann. § 19-10-209.

3. Because Ms. Hussian seeks to have a check enforced the three (3) year statute of limitations for the recovery of a check applies. Ark. Code Ann. § 4-4-111.

4. To overcome the running of the statute of limitation, Ms. Hussian would have to prove fraud, which she is unable to prove.

5. The Arkansas Supreme Court has stated that "in order to toll the statute of limitations on the basis of fraudulent concealment, there must be (1) a positive act of fraud (2) that is actively concealed, and (3) is not discoverable by reasonable diligence." *Bomar v. Moser*, 369 Ark. 123, 131-32 (2007); *see also Delano Inc. v. Peace*, 366 Ark. 542, 546 (2006).

6. Ms. Hussian cannot show that the State “actively concealed” her from knowing that she was entitled to the \$10,000. *See Bomar*, 369 Ark. at 132.

7. Furthermore, Ms. Hussian was not reasonably diligent in her efforts. She waited approximately nineteen (19) years before she contacted the Crime Victim’s Department at the Attorney General’s Office. A nineteen (19) year delay is not reasonably diligent.

8. The “truth-finding process” has been impaired in Ms. Hussian’s claim by the passage of time. *See McEntire*, 288 Ark. at 586.

9. Thus, her claim is barred by the statutes of limitations.

WHEREFORE, the State of Arkansas, as the Respondent, respectfully requests that this claim be denied by the Arkansas State Claims Commission.

Respectfully submitted,

LESLIE RUTLEDGE
Attorney General

By:


/s/ Vincent P. France

Vincent P. France
Ark Bar No. 2010063
Assistant Attorney General
Arkansas Attorney General's Office
323 Center Street, Suite 200
Little Rock, AR 72201
Phone: (501) 682-1314
Fax: (501) 682-2591
Email: vincent.france@arkansasag.gov

CERTIFICATE OF SERVICE

I, Vincent P. France, Assistant Attorney General, do hereby certify that a copy of the foregoing document has been sent to the following via U.S. Mail on this 20th day of June, 2017:

Mary "Malak" Hussian
4118 West 26th Street
Little Rock, AR 72204



Vincent P. France
Ark Bar No. 2010063
Assistant Attorney General
Arkansas Attorney General's Office
323 Center Street, Suite 200
Little Rock, AR 72201
Phone: (501) 682-1314
Fax: (501) 682-2591
Email: vincent.france@arkansasag.gov

JUN 20 2017

RECEIVED

BEFORE THE STATE CLAIMS COMMISSION
OF THE STATE OF ARKANSAS

MARY "MALAK" HUSSIAN

CLAIMANT

v.

NO. 17-0708-CC

STATE OF ARKANSAS

RESPONDENT

PRE-HEARING BRIEF

Comes Respondent, the State of Arkansas, by and through Attorney General Leslie Rutledge and Assistant Attorney General Vincent P. France, and states for its Pre-Hearing Brief states:

INTRODUCTION

"The purpose of a statute of limitations is to encourage the prompt filing of claims by allowing no more than a reasonable time within which to make a claim so a defendant is protected from having to defend an action in which the truth-finding process would be impaired by the passage of time." *McEntire v. Malloy*, 288 Ark. 582, 586 (1986). As stated in the State's Answer, the State of Arkansas takes the position that Ms. Hussian's claim is barred by the statute of limitation. This brief will discuss the legal basis for its position.

UNDISPUTED FACTS

In 1995, Ms. Hussian was a victim of a horrible crime, in which she witnessed the murder of three of her children. On June 15, 1995, Ms. Hussian filed four claims with the Crime Victims Reparation Board through the Arkansas Attorney General's Office. She filed claims for each of her deceased children and one for herself. In October 1995, her children's claims were denied because she had life insurance policies for them, which constituted a collateral source. While Ms. Hussian's claim was pending, she was facing charges of robbery and theft of property. (CR 95-

1234). If she had been convicted of the robbery charge, Ms. Hussian may not have been eligible for reparations pursuant to Ark. Code Ann. § 16-90-712. Throughout 1996, Ms. Hussian was in communication with the staff of the Crime Victims Reparation Board and continued to provide the staff with additional information and evidence regarding her claim into October 1996. After her robbery charge was dismissed, Ms. Hussian became eligible for \$10,000 from the Crime Victim's Board. On October 29, 1996, a warrant in the amount of \$10,000 was issued to Ms. Hussian.

After October 1996, Ms. Hussian's next contact with the Crime Victim's Department was in 2015. From her inquiry in 2015, Ms. Hussian received a letter from the Department of Finance and Administration dated October 20, 2015. In this letter, Ms. Hussian was informed that DFA's investigation revealed that the check issued to her on October 29, 1996 had been cashed.

ARGUMENT

Ms. Hussian received the \$10,000 from the Crime Victim's Board. Moreover, Ms. Hussian's current claim is barred by statute of limitations. According to the laws governing the Arkansas State Claims Commission, "[n]o claim may be considered and allowed by the Arkansas State Claims Commission unless it has been filed with the Director of the Arkansas State Claims Commission as provided by this subchapter within the period allowed by law for the commencement of an action for the enforcement of the same type of claim against a private person." Ark. Code Ann. § 19-10-209. Although one may think that the issue becomes what statute of limitations applies, the amount of time that has lapsed minimizes the importance of the issue. The State takes the position that the three (3) year statute of limitations for the recovery of a check applies. *See* Ark. Code Ann. § 4-4-111. Even if the ten (10) year statute of limitations for

recovery of a judgment is applied, pursuant to Ark. Code Ann. § 16-56-114, Ms. Hussian's claim is still barred. Ms. Hussian has simply waited too long to pursue her claim.

Ms. Hussian claims that she did not know about the check for \$10,000 issued in her name until 2015. To overcome the running of either statute of limitations, Ms. Hussian would have to prove fraud. The Arkansas Supreme Court has stated that "in order to toll the statute of limitations on the basis of fraudulent concealment, there must be (1) a positive act of fraud (2) that is **actively concealed**, and (3) is not discoverable by **reasonable diligence**." *Bomar v. Moser*, 369 Ark. 123, 131-32 (2007) (emphases added); *see also Delano Inc. v. Peace*, 366 Ark. 542, 546 (2006).

Ms. Hussian received the check for \$10,000. Even if one assumes for the purposes of completing a comprehensive analysis only, that Ms. Hussian did not get the check, she cannot show that the State of Arkansas committed fraud. In addition, she cannot show that the State "actively concealed" her from knowing that she was entitled to the \$10,000. *See Bomar*, 369 Ark. at 132. Furthermore, Ms. Hussian was not reasonably diligent in her efforts. She waited approximately nineteen (19) years before she contacted the Crime Victim's Department at the Attorney General's Office. A nineteen (19) year delay is **not** reasonably diligent.

Ideally, this entire claim could be resolved by simply getting a copy of the check that was issued. Unfortunately, because of the amount of time that has lapsed, a copy of the check does not exist. The "truth-finding process" has been impaired in Ms. Hussian's claim by the passage of time. *See McEntire*, 288 Ark. at 586. Thus, her claim is barred by the statutes of limitations.

CONCLUSION

Ms. Hussian's claim should be dismissed. She simply has waited too long to bring a claim. Her claim is barred by the aforementioned statutes of limitations because of the passage of

time. The most logical explanation for the passage of almost nineteen (19) years was that Ms. Hussian received the \$10,000.

WHEREFORE, the State of Arkansas, as the Respondent, respectfully requests that this claim be denied by the Arkansas State Claims Commission.

Respectfully submitted,

LESLIE RUTLEDGE
Attorney General

By:

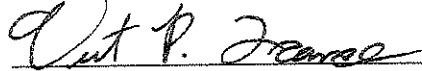
/s/ Vincent P. France

Vincent P. France
Ark Bar No. 2010063
Assistant Attorney General
Arkansas Attorney General's Office
323 Center Street, Suite 200
Little Rock, AR 72201
Phone: (501) 682-1314
Fax: (501) 682-2591
Email: vincent.france@arkansasag.gov

CERTIFICATE OF SERVICE

I, Vincent P. France, Assistant Attorney General, do hereby certify that a copy of the foregoing document has been sent to the following via U.S. Mail on this 20th day of June, 2017:

Mary "Malak" Hussian
4118 West 26th Street
Little Rock, AR 72204



Vincent P. France
Ark Bar No. 2010063
Assistant Attorney General
Arkansas Attorney General's Office
323 Center Street, Suite 200
Little Rock, AR 72201
Phone: (501) 682-1314
Fax: (501) 682-2591
Email: vincent.france@arkansasag.gov

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

MARY "MALAK" HUSSIAN

CLAIMANT

V.

CLAIM NO. 17-0708-CC

ARKANSAS ATTORNEY GENERAL

RESPONDENT

ORDER

Now before the Arkansas State Claims Commission (the "Claims Commission") is the claim filed by Mary "Malak" Hussian (the "Claimant") against the Arkansas Attorney General (the "Respondent"). At the hearing held on July 13, 2017, Claimant appeared *pro se*. Vincent France and Travis Adams appeared on behalf of Respondent.

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

1. The Claims Commission has jurisdiction to hear the Claims pursuant to Ark. Code Ann. § 19-10-204(a).
2. In 1995, Claimant witnessed the murders of three of her children.
3. On June 15, 1995, Claimant filed claims with the Crime Victims Reparations Board (the "Reparations Board") through the Respondent's office for the children who were murdered and for herself.
4. The claims filed for her children were denied because the children had life insurance policies, which constituted collateral sources.
5. Until October 1996, Claimant was in contact with the Reparations Board and continued to provide information and evidence regarding her claim. Claimant was eventually determined to be eligible for \$10,000.00 from the Reparations Board.

6. On October 29, 1996, a warrant was issued in the amount of \$10,000.00 payable to Claimant (the "Warrant").

7. Claimant's next contact with the Reparations Board was in 2015.

8. Claimant received a letter from the Department of Finance and Administration (DFA) dated October 20, 2015, informing Claimant that DFA's investigation revealed that the Warrant was cashed.

9. Claimant's claim is barred by the applicable statute of limitations.

10. Assuming that the Reparations Board's decision to award Claimant \$10,000.00 could be construed as a "judgment" or "decree," the statute of limitations for a claim regarding that judgment or decree is ten years. Ark. Code Ann. § 16-56-114. Claimant's claim was filed 19 years after the issuance of the Warrant.

11. In order to toll the statute of limitations, Claimant would have to establish fraudulent concealment on the part of Respondent. Fraudulent concealment requires fraud that is actively concealed and is not discoverable by reasonable diligence. *Bomar v. Moser*, 369 Ark. 123, 131–32, 251 S.W.3d 234, 242 (2007).

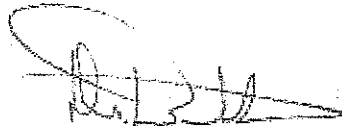
12. The Claimant does allege fraud, but she does not provide any evidence that the fraud was actively concealed and not discoverable by reasonable diligence.

13. While the Claims Commission is sympathetic to what the Claimant has endured through the deaths of her children, the Claims Commission does not have sufficient evidence before it to grant Claimant's claim.

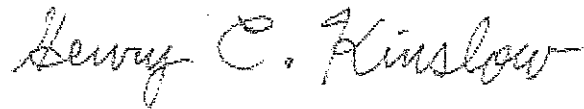
14. Records can be lost, misplaced, or hard to retrieve, especially over the course of 19 years. This, by itself, is not evidence of fraud.

15. Claimant's claim is DENIED and DISMISSED.

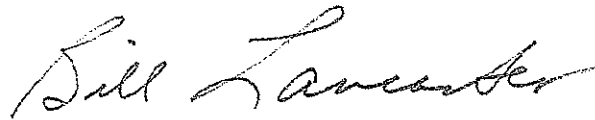
IT IS SO ORDERED.



ARKANSAS STATE CLAIMS COMMISSION
Dexter Booth



ARKANSAS STATE CLAIMS COMMISSION
Henry Kinslow, Co-Chair



ARKANSAS STATE CLAIMS COMMISSION
Bill Lancaster

DATE: July 19, 2017

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(b). 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(b)(3). A decision of the Claims Commission may only be appealed to the General Assembly. Ark. Code Ann. § 19-10-211(a).
- (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(b). 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).

AUG 04 2017

MEMO

RECEIVED

To: Arkansas State Claims Commission

From: Malak Hussian

Date: August 3, 2017

Re: Request for Appeal to Gen. Assembly, AR
#17-0708 CC

Malak Hussian v. Arkansas Atty. General

By way of this letter, I am requesting an Appeal to the Arkansas State Claims Commission (#17-0708cc). I am requesting that my denied claim go before the Arkansas General Assembly for their review and reconciliation of my denied claim of July 10, 2017, relative to an unaccountable Award.

Thank You for Your consideration of this request.

Continue to be Blessed.

XC!