

Please note that all sections must be completed, or this form will be returned to you, which will delay the processing of your claim.

1. Claimant's Legal Counsel - (If representing yourself (Pro Se) please check this box and proceed to section 2)

_____ (last name)

_____ (first name)

_____ (email)

_____ (address)

_____ (city)

_____ (state)

_____ (zip)

_____ (primary phone)

Arkansas Bar Number: _____

If not licensed to practice law in Arkansas, please contact the Claims Commission for more information.

2. Claimant

Mr. Adams Dale

_____ (title/last name/first name or company)

_____ (email)

_____ (address)

_____ (city)

_____ (state)

_____ (zip)

_____ (primary phone)

3. State Agency Involved: (must be an Arkansas state agency. The Arkansas Claims Commission has no jurisdiction over county, city, or other municipalities)

Arkansas State Crime Laboratory

_____ (state agency involved)

4. Incident Date

8/3/2020

5. Claim Type

Other

Please provide a brief explanation of your claim. If additional space is required please attach additional statements to this form.

On the date of 8/03/2020 at 5:45 AM I sent an email to the Arkansas State Laboratory seeking assistance with testing food and consumer items that are being poisoned by federal and/or Arkansas officials. Current law only allows this Arkansas Lab to test for Arkansas Law Enforcement or the Public Defenders office. Since Arkansas law enforcement now conspire to harm and kill Arkansas residents with federal authorities while failing to enforce Arkansas harassment or other laws, the Arkansas Legislature should pass a law allowing citizens who are deprived of the rule of law direct access to this lab. I want some items tested so I can know what we are poisoned with so I can prosecute the people involved.

5a. Check here if this claim involves damage to a motor vehicle.

5b. Check here if this claim involves damage to property other than a motor vehicle.

All property damage claims require a copy of your insurance declarations covering the property or motor vehicle at the time of damage.

I did not have insurance covering my property/motor vehicle at the time of damage.

All property damage claims require ONE of the following (please attach):

- 1. Invoice(s) documenting repair costs, OR**
- 2. Three (3) estimates for repair of the damaged property, OR**
- 3. An explanation why repair bill(s) or estimate(s) cannot be provided.**

6. Was a state vehicle involved? (If Yes, please complete the following section)

(type of state vehicle involved)

(license number)

(driver)

7. Check here if this claim involves personal injury.

All personal injury claims require a copy of your medical insurance information in place at the time of the incident.

I do not have health insurance

8. Amount Sought: \$0.00 _____

(Signature)

(Date)

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

DALE B. ADAMS

CLAIMANT

V.

CLAIM NO. 210172

**ARKANSAS STATE CRIME
LABORATORY**

RESPONDENT

ORDER

Now before the Arkansas State Claims Commission (the “Claims Commission”) are motions filed by the Arkansas State Crime Laboratory (the “Respondent”) to dismiss the claim filed by Dale B. Adams (the “Claimant”). Based upon a review of the motions, the arguments made therein, and the law of Arkansas, the Claims Commission hereby finds as follows:

1. Claimant filed his claim on August 12, 2020, stating that “Arkansas law enforcement now conspire[s] to harm and kill Arkansas residents with federal authorities while failing to enforce Arkansas harassment or other laws, [and that] the Arkansas Legislature should pass a law allowing citizens who are deprived of the rule of law direct access to” Respondent’s lab for testing.

2. Respondent filed a motion to dismiss, arguing, *inter alia*, that Claimant’s claim is subject to dismissal pursuant to Ark. R. Civ. Proc. 12(b)(6) because Claimant is not entitled Respondent’s services.

3. Claimant sent electronic correspondence to the Claims Commission, noting that the legislature should review this issue to determine whether a new law should be passed making Respondent’s services available to individuals.

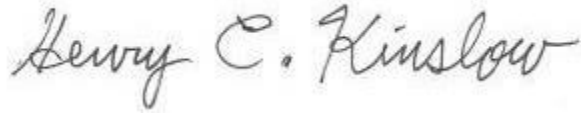
4. In reviewing Respondent’s motion to dismiss, the Claims Commission must treat the facts alleged in the complaint as true and view them in a light most favorable to the Claimant. *See Hodges v. Lamora*, 337 Ark. 470, 989 S.W.2d 530 (1999). All reasonable inferences must be

resolved in favor of the Claimant, and the complaint must be liberally construed. *See id.* However, the Claimant must allege facts, not mere conclusions. *Dockery v. Morgan*, 2011 Ark. 94 at *6, 380 S.W.3d 377, 382. The facts alleged in the complaint will be treated as true, but not “a plaintiff’s theories, speculation, or statutory interpretation.” *See id.* (citing *Hodges*, 337 Ark. 470, 989 S.W.2d 530 (1999)).

5. The Claims Commission agrees with Respondent that dismissal of Claimant’s claim is proper under *Hodges*. Even liberally construing the complaint, Claimant has not stated any facts to support a claim against Respondent. To the extent that Claimant would like the Arkansas General Assembly to consider amending a specific statute or enacting a new law, the Claims Commission has no authority to direct the Arkansas General Assembly to do so. Likewise, the Claims Commission has no authority to direct Respondent to test items for Claimant.

6. Respondent’s motions to dismiss is GRANTED pursuant to Ark. R. Civ. Proc. 12(b)(6).

IT IS SO ORDERED.



ARKANSAS STATE CLAIMS COMMISSION

Courtney Baird
Dexter Booth
Henry Kinslow, Co-Chair
Paul Morris, Co-Chair
Sylvester Smith

DATE: December 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).