



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

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September 11, 2020

Ms. Maryna O. Jackson
Assistant Attorney General
323 Center Street – Suite 200
Little Rock, Arkansas 72201

Re: Proposed Settlement of Kerry J. Neely v. Arkansas Department of Community Correction; Case No. 3:17-CV-282DPM

Ms. Jackson:

I am in receipt of your September 10, 2020 request to settle the above-referenced civil matter filed by Kerry J. Neely in the United States District Court for the Eastern District of Arkansas. Pursuant to the proposed settlement, the Arkansas Department of Community Correction (“ADCC”) has agreed to settle the above civil action upon the following terms:

- (1) Kerry Neely will move to dismiss the above civil action with prejudice following final approval of the proposed Settlement Agreement and Release;
- (2) ADCC will pay Kerry Neely a total of \$2,500, which includes attorney’s fees and costs, from which no withholdings will be made as a 1099 will be issued, following the entry of an order dismissing the above civil action; and
- (3) Kerry Neely will forever discharge the ADCC from all claims, liens, or causes of action, known or unknown, arising out of her employment with ADCC and the termination of her employment for damages, attorneys’ fees, costs or recovery of any type against the defendant including any officers, officials, employees, and agents of the ADCC in their official capacity

Arkansas Code Annotated § 19-4-1614(c) (Repl. 2016) provides as follows:

(c) When notified that a state employee has filed suit or is in any other manner claiming redress under the provisions of [Title VII of the federal Civil Rights Act of 1964, as amended, or the federal Civil Rights Act of 1866, or the federal Civil Rights Act of 1871, or the Fourteenth Amendment to the United States Constitution], the Chief Fiscal Officer of the State may investigate the circumstances surrounding the claim. If, based on the evidence and facts found during the investigation, the Chief Fiscal Officer of the State determines or has reason to believe that the court would sustain the employee’s claim and find for the employee and in so doing award wages or salaries in addition to those paid or due for the employee’s personal service rendered, then the Chief Fiscal Officer of the

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State shall, with the advice of the Legislative Council or the Joint Budget Committee, authorize payment of the additional wages or salaries as provided in subsection (a) of this section.

Based upon my review of your settlement agreement as required under Ark. Code. Ann. § 19-4-1614(c), your agency has my consent to request approval from the Legislative Council or the Joint Budget Committee of your proposed settlement with the above-referenced party.

Should you have any questions, please do not hesitate to contact me.

Sincerely,



Larry W. Walther, Secretary
Department of Finance and Administration