

From: [ASCC New Claims](#)
To: [Tawnie Rowell \(DOC\)](#); [Thomas Burns \(DOC\)](#)
Cc: [Kathryn Irby](#); [Mika Tucker](#)
Subject: CLAIM: David Ferrell v. ADC, Claim No. 241511
Date: Thursday, April 18, 2024 10:23:00 AM
Attachments: [David Ferrell ADC agency ltr .pdf](#)
[David Ferrell Claim - 2.29.2024.pdf](#)
[David Ferrell CI requesting claim number to be provided.pdf](#)
[David Ferrell MTE Order.pdf](#)

Please see attached. Contact Mika Tucker with any questions.

Thank you,
Caitlin

Caitlin McDaniel

Administrative Specialist II

Arkansas State Claims Commission

101 East Capitol Avenue, Suite 410

Little Rock, Arkansas 72201

(501) 682-1619

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

April 18, 2024

Ms. Tawnie Rowell
Mr. Thomas Burns
Arkansas Division of Correction
6814 Princeton Pike
Pine Bluff, Arkansas 71602

(via email)

RE: ***David Ferrell v. Arkansas Division of Correction***
Claim No. 241511

Dear Ms. Rowell and Mr. Burns,

Enclosed please find a copy of the above-styled claim filed against the Arkansas Division of Correction. Pursuant to the Arkansas Rules of Civil Procedure, as well as Claims Commission Rule 2.2, you have **thirty days from the date of service** in which to file a responsive pleading.

Your responsive pleading should include your agency number, fund code, appropriation code, and activity/section/unit/element that this claim should be charged against, if liability is admitted, or if the Claims Commission approves this claim for payment. This information is necessary even if your agency denies liability.

Sincerely,

Mika Tucker

ES: cmcdaniel

cc: David Ferrell (ADC [REDACTED], *Claimant* (w/ encl.)

<u>Note to Claimant or Claimant's counsel:</u> The Claims Commission copied you on this correspondence to provide you with confirmation that your claim has been processed and served upon the respondent agency.

Arkansas
State Claims Commission

FEB 29 2024

RECEIVED

Please print in ink or type

BEFORE THE STATE CLAIMS COMMISSION
Of the State of Arkansas

- ☒ Mr.
- ☐ Mrs.
- ☐ Ms.
- ☐ Miss

David Ferrell (ADC [redacted]), Claimant

VS.

State of Arkansas, Respondent
Dexter Payne, Director, ADC, Dale Reed, Assistant
Director of ADC, Lewis Young, Operations Superintendent
of the [redacted] Unit, ADC.

COMPLAINT

David Ferrell (ADC [redacted])
(Name) (Street or R.F.D. & No.) (City)

(State) (Zip Code) (Daytime Phone No.) County of Lincoln represented by N/A
(Legal Counsel, if any, for Claim)

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

State agency involved: Arkansas Department of Division Amount sought: \$14,999.99

Month, day, year and place of incident or service: November 2022 -

Explanation: see attached motion to Exceed Page Limitations and
Complaint

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? 1 20 24 to whom? State of Arkansas, ADC Director Dexter Payne, Dale Reed
(Yes or No) (Day) (Year) (Department)
and Lewis Young, [redacted] Unit and that the following action was taken thereon: Dismissed without merit, Grievance
C14/24/0018

and that \$ [redacted] was paid thereon: (2) Has any third person or corporation an interest in this claim? ; if so, state name and address
(Name) (Street or R.F.D. & No.) (City) (State) (Zip Code)

and that the nature thereof is as follows: ; and was acquired on ; in the following manner:

THE UNDERSIGNED states on oath that he or she is familiar with the matters and things set forth in the above complaint, and that he or she verily believes
that they are true.
David Ferrell (Print Claimant/Representative Name) [Signature] (Signature of Claimant/Representative)

SWORN TO and subscribed before me at

COREY RAYNER
NOTARY PUBLIC-STATE OF ARKANSAS
LINCOLN COUNTY
My Commission Expires 02-26-26
Commission # 12693062

on this 26th day of Feb. 2024
(Date) (City) (State) (Month) (Year)

[Signature]
(Notary Public)

My Commission Expires 02 26th 2026
(Month) (Day) (Year)

SF1-R7/99

13/05/2011
13/05/2011

13/05/2011

13/05/2011

13/05/2011
13/05/2011
13/05/2011
13/05/2011
13/05/2011

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

David Ferrell (ADC# [REDACTED] pro se

CLAIMANT

VS.

CLAIM NO. _____

STATE OF ARKANSAS,
Dexter PAYNE, Director of ADC
Dale REED, Assistant Director of ADC
Lewis YOUNG, Operations Superintendent
of the [REDACTED] Unit, ADC

RESPONDENT

MOTION TO EXCEED PAGE LIMITATIONS
per. Ark. Code Ann. §19-10-208(f)(1) & (f)(2)

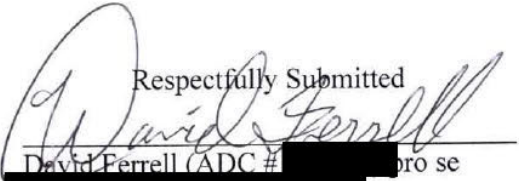
Comes now the Claimant with his Motion To Exceed the Five (5) page factual allegations and legal argument and the Five (5) page limit of Exhibits accompanying his complaint .

The Claimants typed factual allegations have a total page count of (9) .

The Claimant's Exhibits have a total page count of Fourteen (14) .

The Claimant needs the additional pages to fully explain his claim is sufficiently complex to warrant the additional pages .

Respectfully Submitted


David Ferrell (ADC # [REDACTED] pro se
[REDACTED]

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

David Ferrell (ADC# [REDACTED] pro se

CLAIMANT

VS.

CLAIM NO. _____

STATE OF ARKANSAS, et al

RESPONDENT

COMPLAINT

Approximately November 2022 the Claimant was assigned to work at the [REDACTED]

[REDACTED] Classification Committee .

The Claimant was assigned to work/operate a single needle sewing machine . Work hours are an approximately, 7:00 AM- 3: PM , Monday through Friday.

The [REDACTED] Unit Garment Factory was listed under the “ACI” Arkansas Correctional Industry.

In 2023 a private sector took over the Garment Factory “ACI . The Supervisor’s Work Shirt Logos went from “ACI” to “CI” for Correctional Industry . See: EXHIBIT # 8 .

The Garment Factory is Legally represented as :

- 1.) Garment Factory
- 2.) ACI Garment Program , EXHIBIT # 7& 14
- 3.) CI , EXHIBIT # 8
- 4.) Industry Garment, EXHIBIT # 9

January 2, 2024 the Claimant filed a : Unit Level Grievance Form addressed to: State of Arkansas; ADC Director Dexter Payne; Assistant Director Dale Reed ; and [REDACTED] Unit Lewis Young of Operations .

I have wrote you Request For Interviews asking for an application (F.1201.2) to no avail . I have worked at the AR.Correctional Industry/Correctional Industry for approx. (13)

months, without being paid . Per Ark. Code 004.03.1-1201, Inmate by Contractual Agreement and Volunteer; A.C.A. §12-30-501 Private Sector prison industry enhancement ; A.C.A. Board purpose, powers and duties . Also see 2023 Ark. Laws Act 890 (H.B. 1176) Section 13 Appropriation Prison Industry Program , \$12,158.011 was appropriated for the fiscal years 2023-2024 .

I David L. Ferrell, ADC # [REDACTED] want back pay in the Sum of \$15,000⁰⁰ per : AR . 004.002-115; Private Industry Employment of Inmates within Correctional Facilities .

V. PROCEDURES : 2. Inmate wages, wages shall be paid to inmate workers at rate not less than that paid for a work of a similar nature in the locality in which the work is performed .

On January 6, 2024 the Claimant was issued Warden Young's answer to the Claimant's grievance, stating : On 1-5-24 Warden Young stated "Your current job assignment is with Industry (ACI) These assigned jobs are not compensated ".

On January 8, 2024 Cummins Unit Warden Musselwhite stated : Your current job assignment is within industry (ACI) . These assigned jobs are not compensated . The policies and laws that you are quoting refer to the PIECP Program . If you would like to participate in the PIECP Program , please complete and submit the application that was provided to you . Therefore, I find your grievance without merit .

On January 9, 2024 the Claimant appealed the Warden's Decision to the Director of ADC stating : I work for "CI" a Private Industry, Non-Profit , Correctional Industry Program within the secure perimeters of the [REDACTED] Unit Correctional Facility .

PLEASE READ:004.03.1-115 . Private Industry Employment of Inmates Within Correctional Facilities **IV. POLICY** It Shall be The Policy of the Department of Correction to expand the Correctional Industry Work Program by allowing inmates to work for private companies within the secure perimeters of correctional facilities .

This work shall operate as a private industry enhancement certification program (PIECP) of the Bureau of Justice Assistance, U.S. Department of Justice .

On January 23, 2024, ADC's Director stated: Your appeal was received on January 10, 2024. After review of your appeal and supporting documents, I must concur with the

Warden's decision . Your appeal is without merit .

ARGUMENT

1.) On or about January 2023 the Claimant wrote Request For Interviews to Dale Reed, Director of ADC and Lewis Young, Operations Superintendent/Warden at the Cummins Unit requesting an application for the Prison Industry Enhancement Certificate Program . The Claimant never received any response at all .

2.) On or about November 17, 2023 the Claimant wrote Dale Reed and Dexter Payne , Director's of ADC another Request For Interview requesting an application for the Prison Industry Enhancement Certification Program to no avail .

3.) On November 17, 2023 the Claimant sent Mr. Lewis Young another Request For Interview requesting an application for the Prison Industry Certification Program (PIECP), per. AR 115 .

On November 21, 2023 the Claimant received an answer stating : We do not offer the (PIECP) at this Unit You will have to write classification at the [REDACTED] Unit . See : EXHIBIT #12 .

The Claimant wrote to the [REDACTED] Unit and never received any response at all .

4.) On November 17, 2023 the Claimant wrote a Request For Interview to the ARO Department requesting an application for the Prison Industry Enhancement Certification Program . (PIECP) . per AR 115 See: EXHIBIT # 13 .

On November 22, 2023 Mr. J.D. Rana, ARO Officer responded to the Claimant's Request stating : You would need to write Classification at [REDACTED] Unit . See: EXHIBIT # 11 .

5.) On January 20, 2024, the Claimant wrote a Unit Level Grievance requesting an application for the Prison Industry Enhancement Program and back pay in the Sum of \$15,000 per. AR . 004.002-115: Private Industry Employment of Inmates within Correctional Facilities . **V. PROCEDURES: 2** Inmate wages, wages shall be paid to inmate workers at rate no less than that paid for a work of a similar nature in the location in which the work is

performed . See: EXHIBIT # 1-3 Grievance # [REDACTED] 24/00018.

6.) The Claimant was given an application after filing his grievance approximately one year after the first Request For Interview for an application . The Claimant filled out the application and has had no response yet . See: EXHIBIT # 1-3, Unit Level Grievance No. [REDACTED] 24/00018 and EXHIBIT # 10 Prison Industry Enhancement Certification Program Application .

It took approximately [one year] just to get an application for the (PIECP) Program . ADC's Directors failed to respond to all request by the Claimant .

[REDACTED] Unit ARO Officer said to write the [REDACTED] Unit EXHIBIT # 11 & 13.

[REDACTED] Unit Warden Young said to write the [REDACTED] Unit . EXHIBIT # 12 .

The Claimant's response to his grievance was that his current job assignment is with Industry (ACI), "that his assigned job are not Compensated ". EXHIBIT # 1 .

The Application the Claimant finally received gives another address. THE ARKANSAS DEPARTMENT OF CORRECTIONS Division of Correction- Director's Office 6814 Princeton Pike, Pine Bluff, Arkansas 71602 . EXHIBIT # 10 .

7.) **NOTE:** In [e]very attempt made by the Claimant the Respondent(s) gave [n]o answer or a [d]ifferent answer all together . The [o]nly thing the Respondent(s) never failed to admit is that the Prison Industry Enhancement Certification Program exist in ADC . **See: Ark. Code 11-11-224 Deceptive Practices (2024 Edition) .**

(a) No employment agent shall publish or cause to be published any fraudulent or misleading notice or advertisement of the employment agency by means of cards or signs or in newspapers or other publications .

The Respondent's have [c]learly violated Ark. Code 11-11-224 in giving fraudulent and misleading answers/notices to the Claimant .

FACTS

8.) Ark. Admin. Code 004.03.1-115 Private Industry Employment of Inmates Within Correctional Facilities , state:

II . EXPLANATION:

The Board of Corrections is authorized by Ark. Code Ann. §12-30-501 to contract with any private individual or private company to employ inmates . The contract must comply with Title 18 U.S.C. Section 1761 . The purpose of this rule is to authorize the Director of the Arkansas Department of Correction to operate program .

IV. POLICY

It shall be the policy of the Department of Correction to expand the Correctional Industry work program by allowing inmates to work for private companies within secure perimeters of correctional facilities .

This work program shall operate as a private industry enhancement certification program (PIECP) of the Bureau of Justice Assistance, U.S. Department of Justice .

V. PROCEDURES

2. Inmate Wages.

Wages shall be paid to inmate workers at a rate not less than that paid for work of a similar nature in the locality in which the work is performed .

4. Benefits

Inmate workers will be provided benefits comparable with those made available by the federal or state government or similarly situated private-sector employees, including worker's compensation and, in some circumstances, social security .

5. Deductions

Deductions shall be taken for all applicable taxes, room and board/operational fee, family support, and victim's compensation . Total deductions can be no more than 80% of the inmate worker's gross wages .

6. Voluntary Participation

Inmate workers must volunteer to participate in the PIECP program . See: EXHIBIT # 4-5 .

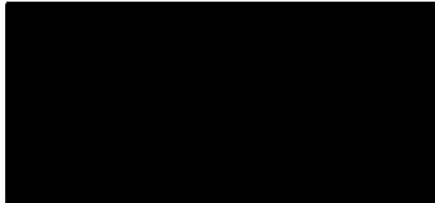
9) **SECTION 13 . APPROPRIATION-PRISON INDUSTRY PROGRAM .** appropriated, to the Department of Corrections, to be payable from the Division of Correction , Prison Industry Fund, for personal services and operating expenses of the Department of Corrections-Division of Correction-Prison Industry Program for the fiscal year ending June 30, 2024 the following:

FISCAL YEAR 2023-2024, TOTAL AMOUNT APPROPRIATED \$12,158,011
per 2023 Arkansas Laws Act 890 (H.B. 1176) See: EXHIBIT # 6 .

10) PUBLICATIONS by ADC & The Garment Factory

- A.C.I.

GARMENT PROGRAM



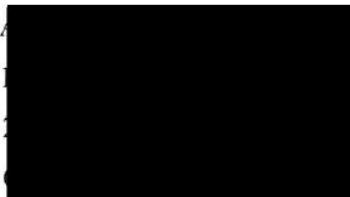
See: EXHIBIT # 7

- CI

GARMENT

“Letter-head” See: EXHIBIT # 8

-



“in coming shipping label” See: EXHIBIT # 9

- ARKANSAS DEPARTMENT OF CORRECTION

ACI Garment Program

Inmate [Certification Certificate] for operating sewing machines . See: EXHIBIT # 14 [from the Cummins Unit Industry]

- ARKANSAS DEPARTMENT OF CORRECTIONS Division of Correction-Director's Office PRISON INDUSTRIES ENHANCEMENT CERTIFICATION PROGRAM APPLICATION . See: EXHIBIT # 10 .

11. The [o]nly consistent thing is that the Claimant has worked for the State of Arkansas since November 2022 without being paid .

The Claimant's work place is within the Department of Correctional Industry with a private company within the secure perimeters of the Cummins Unit Correctional Facility, a [p]rivate Industry .

NOTE: Ark. Admin. Code 004.03.1-115,
Private Industry Employment of Inmates Within Correctional Facilities

IV. POLICY : It shall be the policy of the Department of Correction to expand Correctional Industry work [program]by allowing [inmates] to work for [private companies] within [secure perimeters] of [correctional facilities.] This [work program] Shall operate as a [private industry] enhancement program .

The State has taken \$12,158,011 to pay out for inmate labor as the Claimant has performed .

The Claimant is seeking \$14,999⁴⁹ in Back Pay .

CONCLUSION

Ark. Code §4-46-308 Liability of purported partner Arkansas Coder (2024 Edition)

Partners of an existing partnership consent to the representation , a partnership act or obligation results . If fewer than all of the partners of the existing partnership consent to the representation , the person acting and the partners consenting to the representation are **[jointly and severally liable]** . See: Bank of Engle, v. Rice, (In re Webb), 742 F.3d 824 (8th Cir. 2014) .

Ark. Code 11-11-224 Deceptive Practices (2024 Edition)

(a) No employment agent shall publish or cause to be published and fraudulent or misleading Notice or Advertisement of the Employment Agency by means of Cards or Signs or in Newspaper or Other Publications . *See: Neal v. Matthews, 80 S.W. 3d 92, 342 Ark. 566 (Ark. 2000) ,*

Ark. Code 21-9-203 Authority to pay damages-Conflict of interest .

(a) The State of Arkansas shall pay-actual, but not punitive damages adjudged by a State or Federal Court ... See: Burk v. Beene, 948 F.2d 489 (8th Cir. 1991)

The State and its Partners have violated all the mentioned Ark. Laws, Statutes and Codes .

The Claimant prays the Arkansas State Claims Commission will grant the Claimant the Sum of \$14,999⁹⁹ for back pay while working in the ADC Private Sector, Garment Industry Program from November 2022 until January 1st of 2024, and any and all relief this Court may deem just and proper .

AFFIDAVIT

The Claimant states under oath that he has read the foregoing Complaint and that the facts stated herein are true, and correct to the best of the Claimant's knowledge and belief .

P. 8

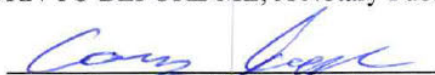
IN THE STATE OF ARKANSAS
IN THE COUNTY OF LINCOLN

Respectfully Submitted


David Ferrell ADC # 

SUBSCRIBED AND SWORN TO BEFORE ME, A Notary Public on this Feb.
Month

26th 2024
day year


Signature of Notary Public

My Commission Expires: 02-26-2026

COREY RAYNER
NOTARY PUBLIC-STATE OF ARKANSAS
LINCOLN COUNTY
My Commission Expires 02-26-2026
Commission # 12699062

UNIT LEVEL GRIEVANCE FORM (Attachment I)Unit/Center CumminsName David L. FerrellADC# [REDACTED]Brks # 21Job Assignment GRIEVANCE OFFICERECEIVED
JAN 8 2024

FOR OFFICE USE ONLY	
GRV #	<u>24100018</u>
Date Received:	<u>1/8/24</u>
GRV. Code #:	<u>202</u>

1-2-2024 (Date) STEP ONE: Informal Resolution1-6-2024 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)If the issue was not resolved during Step One, state why: my job falls into the policy laid out in ADC, and I won't paid.

(Date) EMERGENCY GRIEVANCE (An emergency situation is one in which you may be subject to a substantial risk of physical harm: emergency grievances are not for ordinary problems that are not of serious nature). If you marked yes, give this completed form to the designated problem-solving staff, who will sign the attached emergency receipt. In an Emergency, state why: _____

Is this Grievance concerning Medical or Mental Health Services? NO. If yes, circle one: medical or mental

BRIEFLY state your one complaint/concern and be specific as to the complaint, date, place, name of personnel involved and how you were affected. (Please Print): 701 State of Arkansas; ADC Director Dexter Payne; Assistant Director Dale Reed; and [REDACTED] Unit Lewis Young of Operations
I have wrote you Request For Interviews asking for an application (F-1301-2) to no avail. I have worked at the AR. Correctional Industry/Correctional Industry for approx. (13) months, without being paid, per. Ark. Code 004.03.1-1201, Inmate by Contractual Agreement and volunteer; A.C.A. § 12-30-501 Private sector prison industry enhancement; A.C.A. Board purpose, powers and duties. Also see 2023 Ark. Laws Act 390 (H.B. 1176) Section 13. Appropriation Prison Industry Program. \$12,153,011 was appropriated for the fiscal years 2023-2024.

I David L. Ferrell, ADC [REDACTED] went back pay in the sum of \$15,000.00 per: AR 004.002-115; Private Industry Employment of Inmates within Correctional Facilities. V. PROCEDURES: 2, Inmate wages, wages shall be paid to inmate workers at rate not less than that paid for a work of a similar nature in the locality in which the work is performed.

D. Ferrell
 Inmate Signature

1-2-2024
 Date

If you are harmed, threatened because of your use of the grievance process, report it immediately to the Warden or designee.

THIS SECTION TO BE FILLED OUT BY STAFF ONLY

This form was received on 1-2-24 (date), and determined to be Step One and/or an Emergency Grievance NO (Yes or No). This form was forwarded to medical or mental health? NO (Yes or No). If yes, name of the person in that department receiving this form: _____ Date _____

Justin Everett [REDACTED] Justin Everett 1-3-24
 PRINT STAFF NAME (PROBLEM SOLVER) ID Number Staff Signature Date Received

Describe action taken to resolve complaint, including dates: On 1-5-24 Warden Young stated "Your current job assignment is with Industry (PI) these assigned jobs are not compensated"

Justin Everett 1-6-24 D. Ferrell 1-6-24
 Staff Signature & Date Returned Inmate Signature & Date Received

This form was received on _____ (date), pursuant to Step Two. RECEIVED Emergency? _____ (Yes or No).

Staff Who Received Step Two Grievance: _____ Date: _____

Action Taken: _____ (Forwarded to Grievance Officer/Warden/Other) Date: _____

If forwarded, provide name of person receiving this form: _____ Date: _____

INMATE GRIEVANCES SUPERVISOR
 ADMINISTRATION BUILDING

DISTRIBUTION: YELLOW & PINK - Inmate Receipts; **BLUE** - Grievance Officer; **ORIGINAL** - Given back to Inmate after Completion of Step One and Step Two. **EXHIBIT #1**

1/8/24, 9:44 AM

IGTT410 - Grievance Warden Reponse Ltr

Attachment III
00

WARDEN'S/CENTER SUPERVISOR'S DECISION

21/33

INMATE NAME: Ferrell, David L.

ADC #: [REDACTED]

GRIEVANCE #: [REDACTED] 4-00018

WARDEN/CENTER SUPERVISOR'S DECISION:

I have reviewed your complaint. You state the following: "To State of Arkansas; ADC Director Dexter Payne; Assistant Director Dale Reed; and [REDACTED] Lewis Young of operations. I have wrote you request for interviews asking for an application (F-120 1-2) to no avail. I have worked at the AR. Correctional Industry/Correctional Industry by contractual agreement and volanteer; A.C.A. E 12-30-501 private sector prison industry enhancement; ACA Board purpose, powers and duties. Also see 2023 Ark. Laws,, ACT 890 (H.B. 1176) section-13, Appropriation Prison Industry program. \$12,158,011 was appropriated for the fiscal year 2023-2024. I John E. Gillyard ADC [REDACTED] want back pay in the sum of \$15, 000.00 per Ark-004.002-115; private Industry Employment of Inmates within Correctional Facilities. V. procedures: 3, Inmate wages, wages shall be paid to inmate workers at rate not less than that paid for a of a similar nature in the locality in which the work is performed."

Your current job assignment is with Industry (ACI). These assigned jobs are not compensated. The policies and laws that you are quoting refer to the PIECP Program. If you would like to participate in the PIECP Program, please complete and submit the application that was provided to you. Therefore, I find your grievance without merit.

SIGNATURE OF WARDEN/SUPERVISOR OR DESIGNEE

Muschuluf
1-8-24

Date

Title

Warden

INMATE GRIEVANCES SUPERVISOR
ADMINISTRATION BUILDINGRECEIVED
JAN 10 2024

INMATE'S APPEAL

If you are not satisfied with this response, you may appeal this decision within five working days by filling in the information requested below and mailing it to the appropriate Chief Deputy/Deputy/Assistant Director along with the Unit Level Grievance Form. Keep in mind that you are appealing the decision to the original grievance. Do not list additional issues, which are not part of your original grievance as they will not be addressed. Your appeal statement is limited to what you write in the space provided below.

WHY DO YOU DISAGREE WITH THE ABOVE RESPONSE? *I work for "CI" a Private Industry, Non-Profit, Correctional Industry program within the secure perimeters of the [REDACTED] Correctional facility.*

PLEASE READ: 004.03.1-115. Private Industry Employment of Inmates Within Correctional Facilities IV. POLICY It shall be the policy of the Department of Correction to expand the Correctional Industry work program by allowing inmates to work for private companies within secure perimeters of Correctional facilities. This work shall operate as a private industry enhancement Certification program (PIECP) of the Bureau of Justice Assistance, U.S. Department of Justice,

INMATE SIGNATURE

David L. Ferrell

1-9-2024

Date

RECEIVED

JAN 10 2024

EXHIBIT #2

INMATE GRIEVANCES SUPERVISOR
ADMINISTRATION BUILDING

If appealing, please submit both the Unit Level Grievance Form (Attachment I) and the Warden's Decision (Attachment III)

DEPUTY/ASSISTANT DIRECTOR'S DECISION

INMATE NAME: Ferrell, David L.

ADC #: [REDACTED]

GRIEVANCE#: [REDACTED] 24-00018

CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION:

On January 2, 2024, you stated the following complaint: "To State of Arkansas; ADC Director Dexter Payne; Assistant Director Dale Reed; and Cummins Unit Lewis Young of Operations. I have wrote you request for interviews asking for an application (F-1201-2) to no avail. I have worked at the AR. Correctional Industry/Correctional Industry approx. (13) months without being paid, Per. Ark. Code 004.03.1-1201 Inmate Contractual agreement and volunteer; A.C.A. 12-30-501 private sector prison industry enhancement; ACA Board purpose, powers and duties. Also see 2023 Ark. Laws, ACT 890 (H.B. 1176) section-13, Appropriation Prison Industry program. \$12,158,011 was appropriated for the fiscal years 2023-2024. I David L. Ferrell, ADC [REDACTED] wont back pay in the sum of \$15,000.00 per: AR 004.002-115; Private Industry Employment of Inmates within Correctional Facilities. V. PROCEDURES: 2. Inmate wages, wages shall be paid to inmate workers at rate not less than that paid for a work of a similar nature in the locality in which the work is performed."

The Warden responded to your grievance on January 8, 2024, by stating the following: "Your current job assignment is with Industry (ACI). These assigned jobs are not compensated. The policies and laws that you are quoting refer to the PIECP Program. If you would like to participate in the PIECP Program, please complete and submit the application that was provided to you. Therefore, I find your grievance without merit."

Your appeal was received on January 10, 2024. After review of your appeal and supporting documentation, I must concur with the Warden's decision. Your appeal is without merit.

Appeal denied.

DIRECTOR



Please be advised that if you appeal this decision to the U.S. District Court, a copy of this Chief Deputy/Deputy/Assistant Director's Decision must be attached to any petition or complaint or the Court may dismiss your case without notice. You may also be subject to paying filing fees pursuant to the Prison Litigation Act of 1995.

EXHIBIT #3

11/28/23, 8:21 AM

004.03.1-115. Private Industry Employment of Inmates Within Correctional Facilities | WestlawNext

WESTLAW

004.03.1-115. Private Industry Employment of Inmates Within Correctional Facilities

ARADC 004.03.1-115 Arkansas Administrative Code (Approx. 5 pages)

West's Arkansas Administrative Code
 Title 004. Department of Corrections
 Division 03. Office of the Secretary
 Rule 1. Administrative Rules
 Fiscal and Logistical Management

Ark. Admin. Code 004.03.1-115
 Formerly cited as AR ADC 004.00.2-115

**004.03.1-115. Private Industry Employment of Inmates Within
 Correctional Facilities**

Currentness

I. AUTHORITY:

The authority of the Board of Corrections to promulgate this Administrative Rules is found in Ark. Code Ann. § 12-27-105 and § 12-30-501.

II. EXPLANATION:

The Board of Corrections is authorized by Ark. Code Ann. § 12-30-501 to contract with any private individual or private company to employ inmates. The contracts must comply with Title 18 U.S.C. Section 1761. The purpose of this rule is to authorize the Director of the Arkansas Department of Correction to operate the program.

III. APPLICABILITY:

This Administrative Rule applies to the Arkansas Department of Correction, its inmates and any private individual, corporation, partnership, or association contracting with or attempting to contract with the Arkansas Department of Correction to utilize inmate labor as authorized and/or limited by Ark. Code Ann. § 12-30-501.

IV. POLICY:

It shall be the policy of the Department of Correction to expand the Correctional Industry work program by allowing inmates to work for private companies within secure perimeters of correctional facilities. This work program shall operate as a private industry enhancement certification program (PIECP) of the Bureau of Justice Assistance, U.S. Department of Justice.

V. PROCEDURES:

A. The Board of Corrections will be the PIECP certificate holder.

B. The program has nine mandatory requirements that are:

1. Eligibility

There shall be on file written proof of certification from the Bureau of Justice Assistance permitting PIECP in the State of Arkansas prior to any Cost Accounting Center startup.

2. Inmate wages

Wages shall be paid to inmate workers at a rate not less than that paid for work of a similar nature in the locality in which the work is performed.

3. Non-Inmate Worker Displacement

Written assurances from the Employment Security Division that PIECP will not result in the displacement of employed workers; be applied in skills, crafts, or trades in

EXHIBIT #4

11/28/23, 8:21 AM

004.03.1-115. Private Industry Employment of Inmates Within Correctional Facilities | WestlawNext

which there is a surplus of available labor in the locality; or sufficiently impair existing contracts.

4. Benefits

Inmate workers will be provided benefits comparable with those made available by the federal or state government to similarly situated private-sector employees, including workers' compensation and, in some circumstances, Social Security.

5. Deductions

Deductions shall be taken for all applicable taxes, room and board/operational fee, family support, and victim's compensation. Total deductions can be no more than 80% of the inmate worker's gross wages.

6. Voluntary Participation

Inmate workers must volunteer to participate in the PIECP program.

7. Consultation with organized labor

There shall be written proof of consultation with organized labor prior to PIECP startup.

8. Consultation with local private industry

There shall be written proof of consultation with local private industry prior to PIECP startup.

9. National Environmental Policy Act (NEPA)

There shall be written proof of compliance with NEPA requirements prior to PIECP startup.

C. The Director of the Arkansas Department of Correction shall develop administrative directives for operation of the program in accordance with all federal and state laws regarding the interstate transportation of prison-made goods.

VI. REFERENCES:

Ark. Code Ann. § 12-30-501 (Act 106 of 1995)

Title 18, United States Code Section 1761

VII. ACA STANDARDS:

Credits

Eff. Jan. 1, 2005.

Current with amendments received through October 15, 2023. Some sections may be more current, see credit for details.

Ark. Admin. Code 004.03.1-115, AR ADC 004.03.1-115

End of
Document

© 2023 Thomson Reuters. No claim to original U.S. Government Works.

EXHIBIT #5

12/5/23, 12:45 PM

2023 Arkansas Laws Act 890 (H.B. 1176) | WestlawNext

SECTION 13. APPROPRIATION—PRISON INDUSTRY PROGRAM. There is hereby appropriated, to the Department of Corrections, to be payable from the Division of Correction Prison Industry Fund, for personal services and operating expenses of the Department of Corrections—Division of Correction—Prison Industry Program for the fiscal year ending June 30, 2024, the following:

ITEM NO.	FISCAL YEAR 2023–2024
(01) REGULAR SALARIES	\$2,349,087
(02) EXTRA HELP	10,000
(03) PERSONAL SERVICES MATCHING	992,931
(04) OVERTIME	8,000
(05) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	7,905,213
(B) CONF. & TRAVEL	41,280
(C) PROF. FEES	100,000
(D) CAP. OUTLAY	751,500
(E) DATA PROC.	0
TOTAL AMOUNT APPROPRIATED	\$12,158,011

<https://nextcorrectional.westlaw.com/Document/I9C4BEDB0EA6D11ED9A8C97CEA432CEBB/View/FullText.html?navigationPath=Search%2Fv1%2Fresults%2...> 1/1

EXHIBIT #6

A.C.I.
GARMENT PROGRAM

BOX #

W/O #

11-17

Shipment

A

EXHIBIT #7

_____ UNIT
INMATE REQUEST FOR INTERVIEW

This form is to be used by inmates in contacting staff with requests on issues. This step should be used before filing a grievance and staff should be given five (5) working days to respond.

Name:	ADC#	Date:
Barracks:	Job Assignment:	
To (Staff Member):		Department:

I have a request concerning the following area (circle one):

Classification Parole Visitation Medical Telephone Property Records
 Mail Law Library Commissary Library Mental Health Laundry

Other: _____

Have you talked to any staff concerning this request? _____ Yes _____ No

If so Staff member contacted _____

Date _____

 Inmate Signature

 Date

Staff Member Responding: _____ Date _____

I have reviewed your request and my findings are as follows

I consider this issue to be: _____ Resolved _____ Unresolved

I am referring this request to: _____

 Staff Signature Date



GARMENT

EXHIBIT #8

Arkansas Department of Correction
Inmate Trust Fund Account
Personal Withdrawal Request

ADC Unit

Print Inmate Name

ADC Number

Barracks Number

All Information Requested On This Form Is To Be Printed
Postage Expense Will Be Charged By Trust Fund Centralized Banking For Each Request

Date of Request _____ Amount of Request \$ _____

Dollars

Check is to be Payable To: _____

Check is to be Mailed To: _____ Name

Street or P.O. Box

City, State, Zip

Purpose of Withdrawal Request _____

Inmate Signature

ADC Witnessed Signature

Approved: Circle One YES

NO

Reason for Denial

Signature Warden/Warden Designee

Business Manager – Print Name

Business Manager Signature

TrustFund Centralized Banking: Inmate Funds Available – Circle One: Yes No



EXHIBIT #9

Arkansas Department of Correction
~~Inmate Trust Fund Account~~
 Personal Withdrawal Request

 ADC Unit

 Print Inmate Name

 ADC Number

 Barracks Number

All Information Requested On This Form Is To Be Printed
 Postage Expense Will Be Charged By Trust Fund Centralized Banking For Each Request

Date of Request _____ Amount of Request \$ _____
 _____ Dollars

Check is to be Payable To: _____

Check is to be Mailed To: _____ Name
 _____ Street of P.O. Box
 _____ City, State, Zip

Purpose of Withdrawal Request _____

 Inmate Signature

 ADC Witnessed Signature

Approved: Circle One

YES

NO

 Reason for Denial

 Signature Warden/Warden Designee

 Business Manager – Print Name

 Business Manager Signature

TrustFund Centralized Banking: Inmate Funds Available – Circle One: Yes No



ARKANSAS DEPARTMENT OF CORRECTIONS
Division of Correction – Director's Office

6814 Princeton Pike
Pine Bluff, Arkansas 71602
Phone: (870) 267-6200 | Fax: (870) 267-6244

Attachment II

PRISON INDUSTRIES ENHANCEMENT CERTIFICATION
PROGRAM APPLICATION

Inmate Name: David L. Ferrell ADC # [REDACTED] Date: 1-6-2024
Classification: _____ Unit: [REDACTED] Job Assignment: Garment Factory (CI)

Please answer the following information to the best of your knowledge and ability.

Why do you want to participate in the PIECP? I have been working for AR Correctional Industry/Correctional Industries for 13 months now with a good work record.

Employment History: I operate a single need sewing machine and a serger now.

Do you have any experience working in a factory? ☒ Yes ☐ No If yes, please list: I make State Boxers and Shirts for the AR Prison Industry

Inmate Signature: [Signature]

Send completed application to the Unit Classification Officer

DO NOT WRITE BELOW THIS LINE

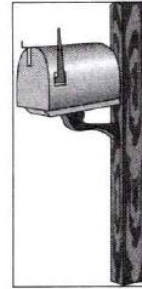
Recommendations

Job Supervisor: _____ ☐ Yes ☐ No If no, explain: _____

Medical Supervisor: _____ ☐ Yes ☐ No

Medical Class: _____ Medical Restrictions: _____

EXHIBIT #10



To: Ferrell, David

ADC#

BKS: 21bks.33

Date November 22, 2023

RE: Inmate Request Form

You would need to write Classification at [REDACTED] Unit.

J.D. Rana

J.D. Rana, ARO

INMATE MAIL

EXHIBIT #11

RECEIVED

NOV 21 2023

DEPUTY WARDEN OPERATION

[REDACTED] UNIT
INMATE REQUEST FOR INTERVIEW

This form is to be used by inmates in contacting staff with requests on issues. This step should be used before filing a grievance and staff should be given five (5) working days to respond.

Name: <u>David Ferrell</u>	ADC [REDACTED]	Date: <u>11-17-2023</u>
Barracks: <u>21</u>	Job Assignment: <u>Garnet Factory</u>	
To (Staff Member): <u>Warden Young</u>	Department: <u>Operations</u>	

I have a request concerning the following area (circle one):

Classification Parole Visitation Medical Telephone Property Records

Mail Law Library Commissary Library Mental Health Laundry

Other: Would you please send me an application for the Prison Industry Enhancement Certification Program, (PIECP). Also see: Ark. Admin. Rules 004-00-20 AR 115 Private Industry Employment for Inmates

Have you talked to any staff concerning this request? ☐ Yes ☐ No

If so Staff member contacted _____

Date _____

[Signature] 11-17-2023
Inmate Signature Date

Staff Member Responding: _____ Date _____

I have reviewed your request and my findings are as follows

We do not offer the (PIECP) at this unit.
You will have to write classifications at the
[REDACTED] Unit.

I consider this issue to be: ☐ Resolved ☐ Unresolved

I am referring this request to: _____

[Signature] 11/20/23
Staff Signature Date

EXHIBIT #12

RECEIVED

NOV 22 23

CUMMINS UNIT
ARO OFFICE

[REDACTED] UNIT
INMATE REQUEST FOR INTERVIEW

This form is to be used by inmates in contacting staff with requests on issues. This step should be used before filing a grievance and staff should be given five (5) working days to respond.

Name: <u>David Ferrell</u>	ADC [REDACTED]	Date: <u>11-17-23</u>
Barracks: <u>21</u>	Job Assignment: <u>Garnet Factory</u>	
To (Staff Member):	Department: <u>ARO</u>	

I have a request concerning the following area (circle one):

Classification Parole Visitation Medical Telephone Property Records

Mail Law Library Commissary Library Mental Health Laundry

Other: would you please send me an application for the: Prison Industry Enhancement Certification Program (PIECP) see: Ark. Admin. Rules 004-00-20 AR 115 Private Ind. Employment...

Have you talked to any staff concerning this request? _____ Yes _____ No

If so Staff member contacted _____

Date _____

D. Ferrell 11-17-2023
Inmate Signature Date

Staff Member Responding: _____ Date _____

I have reviewed your request and my findings are as follows

I consider this issue to be _____ Resolved _____ Unresolved

I am referring this request to: _____

Staff Signature _____ Date _____

EXHIBIT #13

Arkansas
Department of Correction
ACI Garment Program

This is to certify that

ADC#

has successfully completed On-the-Job-Training and Instruction in

ALL SEWING MACHINES "Thank You For The Extra Effort You Do"

and is hereby awarded this Certificate
12 December 21
of Completion on this day of , 20

Hebe Adams
Program Manager

Donna P. Adams
Supervisor

EXHIBIT #14

EXHIBIT #14

TO: Court Clerk, for the state Claims
Commission of the state of Arkansas

FROM: David Ferrell, ADC# [REDACTED]

Arkansas
State Claims Commission

RE: David Ferrell, ADC# [REDACTED] - v- State of
Arkansas, Dexter Payne, Director of ADC,
Dale Reed, Assistant Director of ADC,
Lewis Young, Operations Superintendent
of the [REDACTED] Unit, ADC

DATE: April 7, 2024

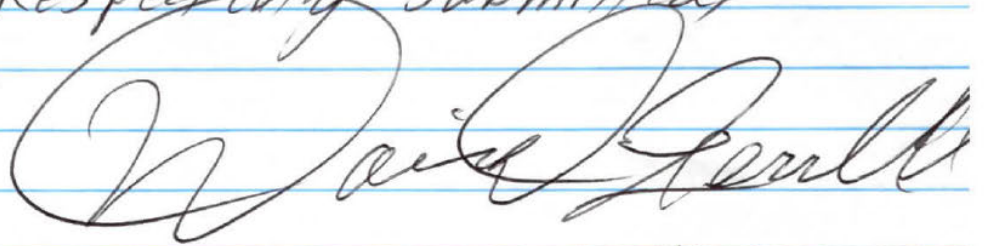
- 1.) On Feb 29, 2024 you "File Marked"
my Complaint. You did not add in
a Case No.
Would you please send me the
Case No.
- 2.) The ADC has not responded nor
any representative(s).

Do you know when they will respond?

Should they have not done so within thirty (30) days of the filing?

Thank you,

Respectfully Submitted,



David Ferrell / ADOT 

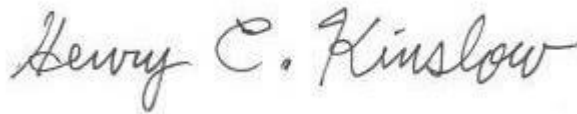
BEFORE THE ARKANSAS STATE CLAIMS COMMISSION**DAVID FERRELL (ADC [REDACTED])****CLAIMANT****V.****CLAIM NO. 241511****ARKANSAS DIVISION OF
CORRECTION****RESPONDENT****ORDER**

Now before the Arkansas State Claims Commission (the “Commission”) is the motion of David Ferrell (the “Claimant”) for leave to exceed the page limitations set in Ark. Code Ann. § 19-10-208(f)(1). Upon review of the complaint and supporting documentation, the Commission hereby GRANTS Claimant’s motion for leave and will accept the complaint and supporting documentation. However, this order does not constitute any determination as to the validity of Claimant’s claim.

IT IS SO ORDERED.



ARKANSAS STATE CLAIMS COMMISSION
Dee Holcomb



ARKANSAS STATE CLAIMS COMMISSION
Henry Kinslow, Chair



ARKANSAS STATE CLAIMS COMMISSION
Sylvester Smith

DATE: April 12, 2024

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).

From: [Miles S. Morgan](#)
To: [ASCC Pleadings](#)
Cc: [Tawnie Rowell \(DOC\)](#)
Subject: David Ferrell v ADC 241511
Date: Friday, April 19, 2024 8:55:17 AM
Attachments: [Answer-Ferrell.pdf](#)
[image001.png](#)

Answer.

Thanks,

-Miles



BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

DAVID L. FERRELL ([REDACTED]

CLAIMANT

v.

NO. 241511

ARKANSAS DEPARTMENT OF CORRECTIONS,
DIVISION OF CORRECTION

RESPONDENT

ANSWER

COMES NOW the Respondent, Arkansas Department of Corrections, and for its Answer, states and alleges as follows:

1. Respondent denies liability in this claim and asserts it will hold the Claimant to strict proof on each allegation unless admitted by Respondent. Respondent reserves the right to plead further upon completion of an investigation by internal affairs, if warranted, and requests the matter be held in abeyance until the investigation is complete.
2. The applicable account information required by the Commission is:
 - a. Agency number: 0480
 - b. Cost Center: HCA 0100
 - c. Internal Order: 340301
 - d. Fund Center: 509
3. The Respondent states that the Arkansas State Claims Commission does not have jurisdiction to hear this matter pursuant to Ark. Code Ann. § 19-10-204.

WHEREFORE, for the reasons cited above, the Respondent prays that the claim be dismissed with prejudice and that Claimant take nothing or, in the alternative, that the matter be held in abeyance until completion of an investigation by Internal Affairs if warranted.

Respectfully submitted,

/s/ Miles S. Morgan

Miles S. Morgan Ark. Bar No. 2017049
Arkansas Department of Corrections
1302 Pike Avenue, Suite C
North Little Rock, AR 72114
(501) 682 9540 Office
Miles.S.Morgan@arkansas.gov

CERTIFICATE OF SERVICE

I certify that a copy of the above pleading has been served this 19th day of April 2024, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

David Ferrell ([REDACTED])
[REDACTED]
[REDACTED]

/s/ Miles S. Morgan

Miles S. Morgan

From: [Misty Scott](#) on behalf of [ASCC Pleadings](#)
To: [Tawnie Rowell \(DOC\)](#)
Cc: [ASCC Pleadings](#); [Mika Tucker](#)
Subject: CORR: David Ferrell v. ADC, Claim No. 241511
Date: Thursday, May 16, 2024 9:32:14 AM
Attachments: [David Ferrell v. ADC2.pdf](#)

Ms. Rowell:

Please see attached. Contact Mika Tucker with any questions.

Thank you,

Misty

Misty Scott
Arkansas State Claims Commission

ARKANSAS STATE CLAIMS COMMISSION

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



KATHRYN IRBY
DIRECTOR

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

May 16, 2024

Mr. David Ferrell (ADC [REDACTED])
[REDACTED]

RE: *David Ferrell v. Arkansas Division of Correction*
Claim No. 241511

Dear Mr. Ferrell,

Please be advised that the Arkansas Division of Correction (the "Respondent") in the above-styled claim filed an Answer disputing liability. When liability is contested by the Respondent, you have two options:

- 1) You may request a hearing before the Arkansas State Claims Commission (the "Claims Commission") in writing within fifteen (15) calendar days from the date of this correspondence.
- 2) You may do nothing. If this office does not receive any communication from you within fifteen (15) calendar days from the date of this correspondence, your claim will be dismissed by the Claims Commission for failure to respond.

Please note that even if you request a hearing on your claim, the filing of a dispositive motion (such as a Motion to Dismiss or a Motion for Summary Judgment) by the Respondent could result in dismissal of your claim before hearing. The failure of a party to file a timely response is sufficient basis for the granting of a motion by the Claims Commission.

It is your responsibility to know when responses are due to any motions or other pleadings filed in your claim. It is also your responsibility to notify both the Claims Commission and the Respondent if you have a change in mailing address.

Sincerely,

Mika Tucker

ES: msscott

cc: Tawnie Rowell, *counsel for Respondent* (via email)

Arkansas
State Claims Commission

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

MAY 23 2024

RECEIVED

DAVID L. FERRELL (b)(6)

CLAIMANT

V. CASE NO. 241511

ARKANSAS DEPARTMENT OF CORRECTIONS,
DIVISION OF CORRECTION

RESPONDENT

RESPONSE TO RESPONDENT'S ANSWER

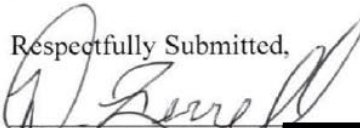
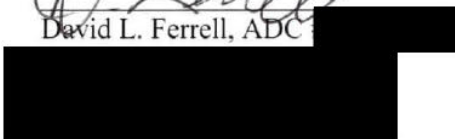
Comes now the Claimant with his response.

1. The Respondent is liable under Arkansas Regulation Admin. Code 004-03, 1-115, Private Industry Employment of Inmates within Correctional Facilities; Ark. Code 004.03, 1-1201, Inmate by Contractual Agreement and Volunteer; A.C.A. §12-30-501 Private Sector Prison Industry Enhancement; A.C.A. Board Purpose, Powers and Duties. Also see: 2023 Ark. Laws Act 890 (H.B. 1176) Section 13 Appropriation Prison Industry Program; Ark. Code 11-11-224 Deceptive Practices (2024 Edition).

2. The Arkansas State Claims Commission has jurisdiction over Arkansas State Agencies such as (ADC). Ark. Code Ann. §19-10-204; Ark. Code Ann. §19-10-204 Jurisdiction (a)(1).

WHEREFORE, for the reason(s) cited above, the Claimant prays that the claim moves forward until the Arkansas State Claims Commission awards the Claimant his full amount \$14,999.99 judgment in full for his services rendered.

Respectfully Submitted,


 David L. Ferrell, ADC
 

CERTIFICATE OF SERVICE

I certify that a copy of the above pleading has been served this 2 day of

May, 2024, on the Respondent by placing a copy of the same in the U.S. Mail, 1st
Class Postage to:

Miles S. Morgan Ark. Bar. No. 2017049
Arkansas Department of Corrections
1302 Pike Avenue, Suite C
North Little Rock, AR. 72114

Arkansas
State Claims Commission

MAY 28 2024

RECEIVED

TO: Court Clerk, Mika Tucker,
Arkansas State Claims Commission

FROM: David W. Ferrell, ADC [REDACTED]
[REDACTED]

RE: David Ferrell v. Arkansas Division
of Correction, Claim No. 200926

DATE: May 23, 2024

Have there been a Ruling on the
Default Motion I filed approx
September 2023?

Thank You,
D. Ferrell

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

Arkansas
State Claims Commission

MAY 28 2024

David Ferrell (ADC [REDACTED])

CLAIMANT RECEIVED

V. Claim No. 241511

ARKANSAS DIVISION OF CORRECTIONS

RESPONDENT

MOTION/REQUEST FOR A LIABILITY HEARING

Comes now the Claimant with his Motion/Request For A Liability Hearing to lodge an [o]bjection to the Respondent's move for a dismissal on the grounds of liability.

- 1.) Ark. Code 5-2-503 Liability of Agents (AR. Code 2024 Edition)
 - (a) A person is criminally liable for any conduct constituting an offense that he or she performs or causes to be performed in the name or in behalf of an organization to the same extent as if that conduct were performed in his or her own name or behalf.
 - (b)(1) When a duty to act or refrain from acting is imposed by law upon an organization, any agent of the organization having primary responsibility for discharge of the duty is criminally liable for a reckless performance or omission to perform the required act to the same extent as if the duty were imposed by law directly upon the agent. See: *Hale v. State*, 31 S.W. 3d 850, Ark. 62 (2000).
- 2.) The Respondent took charge of \$121,580.11 from the **2023 Arkansas Laws Act 890 (H.B. 1176) Section 13. Appropriation-Prison Industry Program** to be paid out to the Division of Corrections Prison Industry Program.

Per Ark. Admin. Code 004.03.1-115, The (Respondent,) The Board of Corrections was authorized by Ark. Code Ann. §12-30-501 to contract with private individual or private companies such as (“CI” CORRECTIONAL INDUSTRY) to employ inmates.

V. PROCEDURES, 2. Inmate Wages

Wages shall be paid to inmate workers at a rate not less than that paid for work of a similar nature in the locality in which the work is performed (By the ADC/Respondent)

3.) Per A.C.A. §12-27-105, Board purpose, powers, and duties.

(1)(A) General supervisory power and control over the Division of Correction and the Division of Community Correction and shall perform all functions, with respect to the **[Management and control of the adult correctional institutions]** of this State contemplated by Arkansas Constitution, Amendment 33.

4.) To [investigate, monitor, and address] the needs of the State for [adequate, treatment, and employment of individuals involved in State-funded Correctional Programs]. See: *Hanley v. Arkansas State*, Claims Com’n. 970 S. W. 2d 198 333 Ark. 159 (Ark 1998 Edition).

CONCLUSION

Per Ark. Code 4-46-305 Partnership [liable] for Partner’s actual Conduct

- (a) A partnership is liable for loss or injury caused to a person, or for a penalty incurred, as a result of a wrongful act or omission, or other actual conduct, of a

partner acting in the ordinary course of business of the partnership or with authority of the partner.

The Respondent went into contract with "CI" Correction Industry and has used the Claimant to operate machinery to produce goods for sale without payment to the Claimant.

On January 31, 2024 Correctional Industry made a total Retail sale of \$328,632.53 after inventory "CI" cleared a profit of \$195,123.51. See: EXHIBIT #15. *(in one month)*

And \$121,580.11 was appropriated to pay Prison Industry Program salaries and expenses. The Respondent is clearly failing to comply with the State's Administrative Rules and State Laws. **So [where is all of the money going?]**

For the above reasons and facts the Claimant's claim should not be dismissed and Hearing granted in the Arkansas State Claims Commission deems it just and proper.

CERTIFICATE OF SERVICE

The Claimant has placed on true and accurate copy of the foregoing to :

Ms. Tawine Rowell
Arkansas Division of Correction
6814 Princeton Pike
Pine Bluff, AR 71602

on May 23, 2024, by way of 1st Class pre-paid U.S. Mail.

Respectfully Submitted,

David Ferre

Wednesday, January 31, 2024

9:04:51 AM

Total Pieces: 59337

Total Inventory Cost: \$133,509.02

Total Retail: \$328,632.53

EXHIBIT #15

From: [Misty Scott](#) on behalf of [ASCC Pleadings](#)
To: [Tawnie Rowell \(DOC\)](#)
Cc: [ASCC Pleadings](#); [Mika Tucker](#)
Subject: CORR: David Ferrell v. ADC, Claim No. 241511
Date: Wednesday, June 5, 2024 4:14:39 PM
Attachments: [David Ferrell v. ADC .pdf](#)

Ms. Rowell:

Please see attached. Contact Mika Tucker with any questions.

Thank you,

Misty

Misty Scott
Arkansas State Claims Commission

ARKANSAS STATE CLAIMS COMMISSION

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



KATHRYN IRBY
DIRECTOR

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

June 5, 2024

Mr. David Ferrell (ADC [REDACTED])
[REDACTED]
[REDACTED]

RE: ***David Ferrell v. Arkansas Division of Correction***
Claim No. 241511

Dear Mr. Ferrell,

The Claims Commission has reviewed your request for hearing in the above-referenced claim and would like for the parties to conduct discovery prior to the scheduling of this claim for hearing. When discovery is nearing completion, please notify our office so that this claim may be added to the hearing docket.

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

Sincerely,

Mika Tucker

ES: msscott

cc: Tawnie Rowell, *counsel for Respondent* (via email)

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

Arkansas
State Claims Commission

To: Ms. Tawine Rowell, LEGAL DIVISION
Mr. Thomas Burns
Arkansas Division of Correction
6814 Princeton Pike
Pine Bluff, Arkansas 71602

JUN 27 2024

RECEIVED

From: Inmate David Ferrell, ADC [REDACTED]
[REDACTED]

RE: David Ferrell v. Arkansas Division of Correction, Claim No. 241511

DATE: June 24, 2024

Claimant's First set of Admission to Respondent

In accordance with Ark. R. Civ. P. 36 Request for Admission, Claimant request that the Respondent answer per Ark. R. Civ. P. 36 (a): If an attorney for the part to whom request for admission are addressed signs and answers, his signature shall be deemed his oath as to the correctness of the answer and his specific authority to bind the party on whose behalf he signs.

If you can not answer the following Admission(s) in full, after exercising due diligence to secure the information to do so, so state and answer to the extent possible, specifying your inability to answer the remainder and stating whatever information or knowledge you have concerning the unanswered portions.

These Admission shall be deemed continuing, so as to require supplemental answers as new and different information materializes.

- 1.) Admit that the State of Arkansas has a contract with Correctional Industry aka A.C.I., to use inmate labor.

- 2.) Admit that the Arkansas Department of Correction/Division has a contract with Correctional Industry work program by allowing inmates to work for private companies within secure perimeters of correctional facilities.
- 3.) Admit that the [REDACTED]s Unit Garment Industry Program is within [secure perimeters of the correctional facility].
- 4.) Admit Correctional Industry operates the Cummins Unit Garment [Industry] Program.
- 5.) Admit by changing the “Garment Factory” To: Garment Industry Program, you [Enhanced] the ADC Job to a program.
- 6.) Admit Ms. Price, the Garment Industry Program Supervisor, printed the Claimant a [Certificate of Certification] 5-27-2024 to operate machinery.
- 7.) Admit the [REDACTED] Unit Garment Industry Program is a [Program].
- 8.) Admit Admission 3, 4, 5, 6, 7, spell out (3.) P. (4.) I. (5.) E. (6.) C. (7.) P= [P.I.E.C.P.]
- 9.) Admit the Claimant works at the [REDACTED] Unit Garment Industry Program.
- 10.) Admit the Claimant is under P.I.E.C.P., Prison Industry Enhancement Certification Program.
- 11.) Admit the Respondent has not paid the Claimant any money for his labor at the Cummins Unit Industry Program.
- 12.) Admit per Ark. Admin. Code 004.03.1-115 §§ IV. **POLICY** states:

It shall be the policy of the Department of Correction to expand the Correctional Industry Work Program by allowing inmates to work for private companies within secure perimeters of correction facilities. This work program shall operate as a private industry enhancement certification program (PIECP) of the Bureau of Justice Assistance, U.S. Department of Justice.

2. Inmate Wages

Wages shall be paid to inmate workers at a rate not less than that paid for work of a similar nature in the locality in which the work is performed.

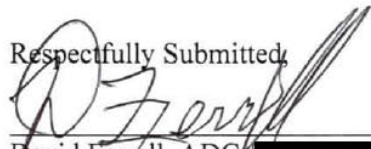
CERTIFICATION OF SERVICE

The Claimant swears to that he has place one true and accurate copy of the foregoing in the Units Legal Mail System, prepaid 1st Class Mail to:

Arkansas State Claims Commission
101 East Capitol Ave., Suite 410
Little Rock, Arkansas 72201-3823

On this 24 day of June 2024.

Respectfully Submitted,



David Ferrell, ADC # 

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

**TO: Ms. Tawine Rowell , LEGAL DIVISION
Mr. Thomas Burns ,
Arkansas Division Of Correction
6814 Princeton Pike
Pine Bluff, Arkansas, 71603**

**FROM: Inmate, David Ferrell , ADC # [REDACTED]
[REDACTED]**

**RE: David Ferrell V. Arkansas Division
Of Correction**

In accordance with Ark. R. Civ. P. R. 33, Claimant request that the Arkansas Division Of Correction answer the following interrogatories under oath, and that the answers be signed by the person making them and be served on Claimant within 30 days of these interrogatories .

If you cannot answer the following interrogatories in full, after exercising due diligence to secure the information to do so, state and answer to the extent possible, specifying your inability to answer the remainder and stating whatever information or knowledge you have concerning the unanswered portions .

These interrogatories shall be deemed continuing, so as to require supplemental answers as new and different information materializes .

- 1.) Does C.I., aka A.C.I. have a contract with the Arkansas Division of Correction to manufacture goods at the [REDACTED] Unit Prison , within the Garment Industry Program ?
- 2.) Does C.I., aka A.C.I. have a contract with the Arkansas Division of Correction to train prison inmates at the [REDACTED] Unit Prison within the Garment Industry Program ?
- 3.) Does the Arkansas Division of Correction provide Security at the C.I., aka A.C.I. Garment Industry Program ?
- 4.) If the Claimant failed to go to work at the C.I. aka A.C.I. [REDACTED] Unit, Prison , Garment Industry Program without an authorized lay in , would the Claimant receive a Major Disciplinary ?

- 5.) On 5-7-2024 Did Ms. Price, C.I. aka A.C.I. Garment Industry Supervisor submit a Certificate in the Claimant's name to be approved and signed off on for operating the following machines ? :
- (1) Single Needle Sewing Machine
 - (2) Double Needle Sewing Machine
 - (3) Serger (3) Needle Sewing Machine
 - (4) Button Hole Machine
 - (5) Bar-tac Machine
- 6.) Does the Claimant have a Good Work Report, at the [REDACTED] Unit C.I. aka A.C.I., Garment Industry Program ?
- 7.) Does the Arkansas Division of Correction receive any money for the use of the Claimant's labor performed at the [REDACTED] Unit , C.I. aka A.C.I., Garment Industry Program ?
- 8.) Does the C.I. aka A.C.I., at the [REDACTED] Unit Prison profit off the use of the Claimant's labor ?
- 9.) Did the Cummins Unit Garment Industry Program receive any money from : SECTION 13. APPROPRIATION-PRISON INDUSTRY PROGRAM 2023AR . Laws ACT 890 (H.B. 1176) from the Fiscal Year, June 30, 2023 through June 30, 2024 ?
- 10.) Did the C.I. aka A.C.I. at the [REDACTED] Unit Garment Industry Program receive any money from :SECTION 13. APPROPRIATION-PRISON INDUSTRY PROGRAM, 2023 AR. Laws Act 890 (H.B. 1176) from the Fiscal Year, June 30 2023 through June 30, 2024 ?
- 11.) How much money did C.I. aka A.C.I. make from June 30, 2023 through June 30, 2024 ?
- 12.) Approximately, how much money in profit total did C.I., aka A.C.I. make from June 30, 2023 through June 30, 2024 ?
- 13.) What are the ADC Prison Unit name(s) actively participating and paying inmates under the P.I.E.C.P.?
- 14.) What are the ADC Prison Unit name(s) actively participating in the P.I. E.C.P. and not paying the inmate worker(s) ?
- 15.) Who has the responsibility to pay the ADC inmates for their labor as quoted in : Ark. Admin. Code 004.03.1-1201; Inmate Labor by Contractual Agreement and Volunteer ?
- 16.) Who has the responsibility to pay the ADC inmates for their labor as quoted in : Ark. Admin.Code 004.03.1-115; Private Industry Employment of Inmates Within Correctional Facilities ?

- 17.) What is the approximate distance in a (mile) from the [REDACTED] Unit C.I. aka A.C.I., Garment Industry Program to the Unit's back door of the building that leads to the Unit Chow-hall ?
- 18.) Does the [REDACTED] Unit Policy; C.U. Policy 11.2.0 Menu Planning and meals state : Inmate(s) have (30) minutes "Unimpeded" to eat their Meal ?
- 19.) Is the Notice issued by Mr. Best the C.I., aka, A.C.I. [REDACTED] Unit Garment Industry Program 'Manager' in "direct" conflict with the C.U. Policy 11.2.0 by stating : 2 . Chow time is not to exceed 30 minutes unless approved by the Program Manager ?
- 20.) What are all of the Names that C.I. aka A.C.I. answer to and or represent ? e.g.; C.I. , Garment Industry ...

The Claimant reserves the right to file additional Interrogatories as needed .

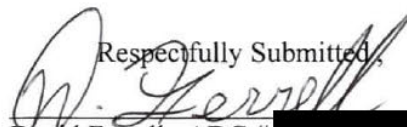
CERTIFICATE OF SERVICE

The Claimant has mailed one true and accurate copy of the forgoing to the :

Arkansas State Claims Commission
101 E. Capitol Ave., Suite 410
Little Rock , Arkansas 72201-3823

by way of 1st Class U.S. Mail on this June 24, 2024 .

I , David Ferrell, Claimant hereby swear to that all fact(s) stated herein are true and accurate to the best of my knowledge and belief on this : June 24, 2024 .

Respectfully Submitted,

David Ferrell , ADC # [REDACTED]

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

To: Ms. Tawine Rowell, LEGAL DIVISION
 Mr. Thomas Burns
 Arkansas Division of Correction
 6814 Princeton Pike
 Pine Bluff, Arkansas 71602

From: Inmate David Ferrell, ADC [REDACTED]
 [REDACTED]
 [REDACTED]

RE: David Ferrell v. Arkansas Division of Correction, Claim No. 241511

In accordance with Ark. R. Civ. P. R. 34 Production of Documents the Claimant, request that the Arkansas Division of Correction produce for inspection and copying the following documents.

- 1.) Contract(s) between the Arkansas Division of Correction and C.I. aka A.C.I., Arkansas Correctional Industry at the [REDACTED] Unit Prison.

The Claimant only seeks:

- a) Information concerning the use of inmate labor used by C.I. aka A.C.I. at the [REDACTED] Unit.
- b.) Information concerning the use of training inmate labor by C.I. aka A.C.I. at the [REDACTED] Unit.
- 2.) The Claimant's work history reports by C.I. aka A.C.I. at the [REDACTED] Unit.
- 3.) All Policies, Memos, statements, originals or copies in reference to the P.I.E.C.P., Prison Industry Enhancement Certification Program.
- 4.) The Claimant's Certification submitted by his supervisor, Ms. Price on or about 5-27-2024 at the C.I. aka A.C.I. Garment Industry Program at the [REDACTED] Unit Prison.
- 5.) Any documents relating to C.I. aka A.C.I. excepting monies for the use of inmate labor and or training of inmates at the [REDACTED] Unit Garment Industry Program.

- 6.) Any documents relating to the Arkansas Division of Correction excepting monie(s) for the use of inmate labor and or training of inmates at the [REDACTED] Unit Garment Industry Program.
- 7.) All published notice(s), advertisement, cards, signs or other publication logos attached to C.I., Correctional Industry/A.C.I., Arkansas Correctional Industry operating ouot of the [REDACTED] Unit Garment Industry Program.
- 8.) [REDACTED] Unit Policy 11.2.0 Menu Planning and Meals.
- 9.) The Arkansas Correctional Industries Safety Rules and Regulations [REDACTED] Unit Garment Factory that Mr. Best had the Claimant to sign in 2024.

If you cannot produce the above stated requested documents in full, after exercising due diligence to secure the information, specify your inability to produce then each in detail.

The Production of Documents shall be deemed continuing, as to require supplemental answers/documents as new and different information materializes.

CERTIFICATE OF SERVICE

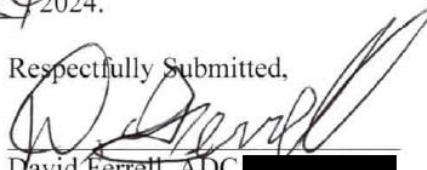
The Claimant has mailed one true and accurate copy of the foregoing to the:

Arkansas State Claims Commission
101 E. Capitol Ave., Suite 410
Little Rock, Arkansas 72201-3823

by way of 1st Class U.S. Mail on this June 24th 2024.

I, David Ferrell, Claimant, hereby swear to that all facts stated herein are true and accurate to the best of my knowledge and belief on this: June 24th 2024.

Respectfully Submitted,


David Ferrell, ADC [REDACTED]
[REDACTED]

From: [Trent Rigdon \(DOC\)](#)
To: [ASCC Pleadings](#)
Subject: Response - David Ferrell 241511
Date: Thursday, August 8, 2024 2:34:00 PM
Attachments: [ADC Response to Req for Admission - David Ferrell.pdf](#)

Please see the attached response.

Thank you,

Trent Rigdon
Deputy General Counsel
Office of the Secretary
479-746-1138
615 S Main St
Jonesboro, AR 72401

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

Daivd Ferrell (ADC # [REDACTED])

CLAIMANT

V.

CLAIM NO. 241511

ARKANSAS DIVISION OF CORRECTION

RESPONDENT

ADC RESPONSES TO REQUEST FOR ADMISSIONS

Request for Admission. 1: Admit that the State of Arkansas has a contract with Correctional Industry aka A.C.I. to use inmate labor.

RESPONSE: Deny.

Request for Admission. 2: Admit that the Arkansas Department of Correction/Division has a contract with Correctional Industry work program by allowing inmates to work for private companies within secure perimeters of correctional facilities.

RESPONSE: Deny.

Request for Admission. 3: Admit that th [REDACTED] Unit Garment Industry Program is within {secure perimeters of the correctional facility}.

RESPONSE: Objection, this response is unintelligible, and therefore the ADC cannot respond in its current form. Without waiving said objection, Deny.

Request for Admission. 4: Admit Correctional Industry operates the [REDACTED] Unit Garment [Industry] Program.

RESPONSE: Objection, this response is unintelligible, and therefore the ADC cannot respond in its current form. Without waiving said objection, Deny.

Request for Admission. 5: Admit by changing the “Garment Factory” To: Garment Industry Program, you [Enhanced] the ADC Job to a program.

RESPONSE: Objection, this response is unintelligible, and therefore the ADC cannot respond in its current form. Additionally, Counsel does not know who “you” is referring to and thus cannot respond. Without waiving said objection, Deny.

Request for Admission. 6: Admit Ms. Price, the Garment Industry Program Supervisor, printed the Claimant a [Certificate of Certification] 5-27-2024 to operate machinery.

RESPONSE: Counsel was not present and therefore cannot respond to this request, and this request is unintelligible, therefore deny.

Request for Admission. 7: Admit the [REDACTED] Unit Garment Industry Program is a [Program].

RESPONSE: Objection, this response is unintelligible, and therefore the ADC cannot respond in its current form. Without waiving said objection, Deny.

Request for Admission. 8: Admit Admission 3, 4, 5, 6, 7, spell out (3.) P. (4.) I. (5.) E. (6.) C. (7.) P= [P.I.E.C.P.]

RESPONSE: Objection, this response is unintelligible, and therefore the ADC cannot respond in its current form. Without waiving said objection, Deny.

Request for Admission. 9: Admit the Claimant works at the [REDACTED] Unit Garment Industry Program.

RESPONSE: Counsel has no knowledge of this and cannot respond, therefore Deny.

Request for Admission. 10: Admit the Claimant is under P.I.E.C.P., Prison Industry Enhancement Certification Program.

RESPONSE: Deny.

Request for Admission. 11: Admit the Respondent has not paid the Claimant any money for his labor at the [REDACTED] Unit Industry Program.

RESPONSE: Counsel has no knowledge of this and cannot respond, therefore Deny.

Request for Admission. 12: Admit per Ark. Admin. Code 004.03.1-115 SS IV. Policy states:

It shall be the policy of the Department of Correction to expand the Correctional Industry Work Program by allowing inmates to work for private companies within secure perimeters of correction facilities. This work program shall operate as a private industry enhancement certification program (PIECP) of the Bureau of Justice Assistance, U.S. Department of Justice.

2. Inmate Wages

Wages shall be paid to inmate workers at a rate not less than that paid for work of a similar nature in the locality in which the work is performed.

RESPONSE: This request appears to reference an incorrect code, regardless, this request does not reference said code in an accurate format, therefore, Deny.

Respectfully submitted,

/s/ Trent Rigdon
 Trent Rigdon Ark. Bar No. 2015227
 Arkansas Department of Corrections
 1302 Pike Avenue, Suite C
 North Little Rock, AR 72114
 479-746-1138 Office
Trent.Rigdon@doc.arkansas.gov

CERTIFICATE OF SERVICE

I certify that a copy of the above pleading has been served this 8th day of August 2024, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

David Ferrell (ADC) [REDACTED]
 [REDACTED]

/s/ Trent Rigdon
 Trent Rigdon

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

Arkansas
State Claims Commission

AUG 10 2024

RECEIVED

TO: Kris Alan Higdon, Attorney @ Law
 Legal Department
 Arkansas Department of Corrections
 1302 Pike Ave. Suite C
 North Little Rock, AR. 72114

FROM: Inmate David Ferrell, ADC# [REDACTED]
 [REDACTED]
 [REDACTED]

RE: David Ferrell V. Arkansas Department of Corrections
 No. 24511

DATE: AUGUST 6 2024.

This is a Letter of Good Faith per. Ark. Code Ann. §18-17-302. See: J.D. Fields & Co. V. Nucol-Yamato Steel, 976 F.Supp. 2d 1051 (E.D. Ark. 2013).

The Claimant filed Discovery on June 24, 2024 per Court Order of June 5, 2024.

On June 24, 2024 the Claimant Filed:

- 1.) Request for Admissions per. Ark. R. Civ.P. 36 (a).
- 2.) Request For Interrogatories per. Ark. R. Civ.33.
- 3.) Request For Production of Documents per. Ark. R. Civ.P. 34.

Per Discovery Rules, The Respondent had (45) days to answer discovery or give a detailed answer for the delay.

The Respondent has not complied. Please do so. Thank You.

Respectfully Submitted,

David Ferrell # [REDACTED]
 [REDACTED]
 [REDACTED]

From: [Kris Higdon \(DOC\)](#)
To: [ASCC Pleadings](#)
Cc: [Tawnie Rowell \(DOC\)](#)
Subject: David Ferrell v. ADC, 24511
Date: Monday, August 19, 2024 1:59:30 PM
Attachments: [discovery letter to Claimant.pdf](#)

Please see attached letter.

Kris Alan Higdon
Attorney at Law
Office of the Secretary
1302 Pike Ave., Suite C
North Little Rock, AR 72114
Phone: 501-682-9593
Kris.a.higdon@doc.arkansas.gov



SARAH HUCKABEE SANDERS
GOVERNOR

ARKANSAS DEPARTMENT OF CORRECTIONS

1302 Pike Avenue, Suite C
North Little Rock, AR 72114



OFFICE OF THE
SECRETARY

August 19, 2024

David Ferrell [REDACTED]
[REDACTED]

Re: David Ferrell v. ADC
Claim Number 241511

Dear Mr. Ferrell:

I am in receipt of your letter dated August 6, 2024. I can find no evidence that Respondent ever received your initial discovery requests you state were sent on June 24, 2024. If you would like responses, please send again.

Warm regards,

A handwritten signature in blue ink, appearing to read "Kris Alan Higdon".

Kris Alan Higdon
Attorney at Law

BEFORE THE ARKANSAS STATE CLAIMS COMMISSIONArkansas
State Claims Commission

AUG 23 2024

RECEIVED

TO: Trent Rigdon, Ark. Bar No. 20115227/Legal Division
Arkansas Department of Corrections
1302 Pike Avenue, Suite C
Little Rock, AR 72114

FROM: Inmate David Ferrell, ADC # [REDACTED]
[REDACTED]

RE: David Ferrell v. Arkansas Division of Corrections
Claim No. 241511/Discovery

DATE: August 20, 2024

**CLAIMANT OBJECTS TO ADC's RESPONSE TO
1ST SET OF ADMISSIONS**

The Claimant received the Respondent's answers to admissions on August 13, 2024.

1.) The Admissions were [n]ot labeled "LEGAL MAIL" in accordance with ADC's Ark. Admin. Rule 004-00-01 AR 860-Inmate Correspondence, therefore the Claimant's mail was opened without being present. ADC staff gave the Claimant a "Verbal" warning for receiving the Legal Mail by way of unauthorized mail policy.

So [p]lease mark [a]ll Legal Mail as such.

2.) The following Admissions the Claimant received from ADC and its Attorney(s) were: misleading and or evasive. See: Ark. R. Civ. P. 37. Failure to Make Discovery (3) Evasive or Incomplete answer or Response.

The Claimant is an inmate in the custody of the State of Arkansas/ADC. The Respondent has full access to the answer all admissions truthfully. Please seek out all Exhibits and information before Admitting or Denying the Admissions.

Request for Admission No. 3: Admit [REDACTED] Unit Garment Industry Program is within {secure perimeters of the Cummins Unit correctional facility}. See: Exhibit #7

Request for Admission No. 4: Admit the ACI, Arkansas Correctional Industry, operates the [REDACTED] Unit Garment Industry Program. See: Exhibit #7, 8 and 9.

Request for Admission No. 6: Admit Mrs. Price, the [REDACTED] Unit Garment Industry Supervisor printed the Claimant a Certificate of Certification on 5-27-2024 to operate machinery at the ACI, Arkansas Correctional Industry.

Request for Admission No. 7: Admit the [REDACTED] Unit Garment Industry is a Program. See: Exhibit #7

Request for Admission No. 9: Admit the Claimant works at the [REDACTED] Unit Garment Industry, ACI, Arkansas Correctional Industry.

Request for Admission No. 11: Admit the Respondent has not paid the Claimant any money for his labor at the [REDACTED] Unit Garment Industry, ACI, Arkansas Correctional Industry.

Request for Admission No. 12: Admit Ark. Admin. Code 004.03.1-115 Formerly cited as AR ADC 004.00.2-115.

**004.03.1-115 Private Industry Employment of Inmates Within
Correctional Facilities
STATES:**

IV. POLICY

It shall be the policy of the Department of Correction to expand the Correctional Industry work program by allowing inmates to work for private companies within secure perimeters of correctional facilities. This work program shall operate as a private industry enhancement certification program (PIECP) of the Bureau of Justice Assistance, U.S. Department of Justice.

2. Inmate Wages

Wages shall be paid to inmate workers at a rate not less than that paid for work of a similar nature in the locality in which the work is performed. See: Exhibit #4

The Claimant reserves the right to submit on going Admissions as needed in this above referenced case No. 241511.

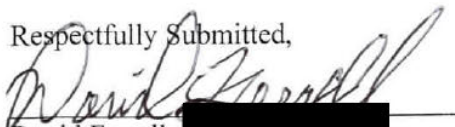
CERTIFICATE OF SERVICE

The Claimant swears to that One true and accurate copy of the foregoing was placed into the ADC Prison Legal Mail System on this 20 day of August 2024 to:

Arkansas State Claims Commission
101 East Capitol Ave., Suite 410
Little Rock, AR 72201-3823

by way of 1st Class U.S. Mail.

Respectfully Submitted,


David Ferrell, 


From: [Kris Higdon \(DOC\)](#)
To: [ASCC Pleadings](#)
Cc: [Tawnie Rowell \(DOC\)](#)
Subject: David Ferrell v. ADC, 241511
Date: Tuesday, September 24, 2024 10:38:12 AM
Attachments: [Respondent's MSJ.pdf](#)

Please see attached Motion for Summary Judgment.

Kris Alan Higdon (Mr.)
Attorney at Law
Office of the Secretary
1302 Pike Ave., Suite C
North Little Rock, AR 72114
Phone: 501-682-9593
Kris.a.higdon@doc.arkansas.gov

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

DAVID FERRELL (ADC # [REDACTED])

CLAIMANT

V.

CLAIM NO. 241511

ARKANSAS DIVISION OF CORRECTION

RESPONDENT

MOTION FOR SUMMARY JUDGMENT

Come now the respondent, Arkansas Department of Corrections (ADC), by and through their attorney, and for its Motion for Summary Judgment pursuant to Ark. R. Civ. P. 56, states:

1. The pleadings filed herein reveal that the facts in this case are undisputed or are settled. As a result thereof, the ADC is entitled to summary judgment.

2. Summary judgment should be granted only when it is clear that there are no genuine issues of material fact to be litigated, and the moving party is entitled to judgment as a matter of law. Akers v. Butler, 2015 Ark. App. 650, 476 S.W.3d 183.

3. Summary judgment is proper when a claiming party fails to show that there is a genuine issue as to a material fact and when the moving party is entitled to summary judgment as a matter of law. Ark. R. Civ. P. 56(c); Short v. Little Rock Dodge, Inc., 297 Ark. 104, 759 S.W.2d 553 (1988).

4. The burden of sustaining a motion for summary judgment is always the responsibility of the moving party. Flentje v. First Nat'l Bank of Wynne, 340 Ark. 563, 11 S.W.3d 531 (2000).

5. Further, all proof submitted must be viewed favorably to the party resisting the motion, and any doubts and inferences must be resolved against the moving party. Dodson v. Allstate Ins. Co., 365 Ark. 458, 463, 231 S.W.3d 711, 715 (2006).

6. On February 29, 2024, Claimant filed a claim seeking \$14,999.99 in compensation for allegations that he should have been paid for work he performed as an operator of a single needle swing machine operator.

7. Respondent filed an answer denying liability.

8. Taking Claimant's allegation in light most favorable to him, the Commission must conclude that Claimant worked as a single needle sewing machine operator at [REDACTED] Unit.

9. Nothing in Claimant's claim or attachments thereto provide any evidence that the work he performed while at Cummins Unit entitled him to compensation from the Division of Corrections.¹

10. The inmate handbook states: "The Unit Classification Committee or Officer will make all work assignments. Programming assignments are considered work assignments. All inmates who are medically able are expected to work and disciplinaries will be written for refusing a work assignment. ADC does not pay wages to inmates, nor does ADC charge for basic hygiene items, meals, laundry services, etc."² Exhibit C.

11. There are no jobs in the Department of Corrections where inmate are paid by the department. See Affidavit of Eddie Powell, Exhibit D.

13. The Division of Corrections does have a program at the Grimes Unit where inmates may be employed by Claridge Products where they employ inmates at the Grimes Unit to work in a factory on the grounds. *Id.*

14. Claimant has only cited to AR ADC 004.00.2-115, which relates to the PIECP program. *Id.*

¹ See affidavit of Superintendent Gary Musselwhite showing there are not paying jobs at Cummins Unit. Exhibit A.

² See Exhibit B, signature of David Ferrell acknowledgment of inmate handbook.

15. Claimant has failed to show he is entitled to be considered an employee of the Department of Corrections and thereby entitled to back pay.

16. Claimant's own exhibits to his claim show that he tried to file a grievance for his alleged back pay, which resulted in denial because he is not entitled to payment for work as an inmate with the Department of Corrections. See Exhibit E.

17. If the claim or action is based upon a contract or other instrument in writing, a copy of the contract or instrument in writing shall be attached to the complaint and the copies filed with the director. A.C.A. §19-10-208(c).

17. Claimant has failed to produce any contract for employment as required by law.

18. Claimant further cites A.C.A. § 4-46-308 as a ground for recovery. However, this statute deals with partners in a partnership. Claimant has failed to allege or otherwise prove that Respondent has entered into a partnership agreement with him.

19. Claimant further cites A.C.A. § 11-11-224 as a ground for recovery. This statute deals with employment agencies. Claimant has failed to allege or otherwise prove that Respondent is an Employment Agent or Employment Agency as defined by A.C.A. § 11-11-202, and thus triggering application of this statute.

20. Finally, Claimant cites A.C.A. § 21-9-203 as a ground for recovery. This statute recommended settlements approved or recommended by the Attorney General against officers or employees of the State of Arkansas based upon an act or omission by the officer or employee while acting without malice and in good faith within the course and scope of his or her employment and in performance of his or her official duties. A.C.A. § 21-9-203(a). Claimant has not brought a claim against an employee or officer of the State of Arkansas. Claimant has

failed to allege or otherwise prove that the Attorney General has recommended or approved any settlement, thus triggering application of this statute.

21. Once the moving party makes a prima facie showing of entitlement to summary judgment, the responding party must meet proof with proof in order to demonstrate that there is remaining a genuine issue of material fact. The response and supporting material must set forth specific facts showing that there is a genuine issue for trial. See Ark. R. Civ. P. 56(e) Hampton v. Taylor, 318 Ark. 771, 776-777, 887 S.W.2d 535, 538-539 (1994). The inmate has failed to identify any genuine issues of material fact that would preclude a summary judgment in favor of the ADC. Therefore, this Commission should grant the Motion for Summary Judgment.

22. The ADC has demonstrated a prima facie entitlement to Summary Judgment. To overcome this, the inmate must meet proof with proof and demonstrate the existence of a material issue of fact. Gonzales v. City of DeWitt, 357 Ark. 10. 14-15, 159 S.W.3d 298 301 (emphasis added).

WHEREFORE, The ADC, prays that their Motion for Summary Judgment be granted; for their attorney's fees and costs; and for all other just and proper relief to which they may be entitled.

Respectfully submitted,

/s/ Kris Alan Higdon

Kris Alan Higdon #2004115
Arkansas Department of Corrections
1302 Pike Ave., Suite C
North Little Rock, AR 72114
Telephone: (501) 682-9593
Kris.a.higdon@doc.arkansas.gov

CERTIFICATE OF SERVICE

I, Kris Alan Higdon, hereby certify that a true and correct copy of the foregoing has been served upon persons set out below, via first class mail, on this 24th day of September 2024.

David Ferrell (ADC # [REDACTED])
[REDACTED]

/s/ Kris Alan Higdon
Kris Alan Higdon

AFFIDAVIT OF GARY MUSSELWHITE

BEFORE ME, the undersigned authority, on this day personally appeared Gary Musselwhite who being of sound mind and legal age, and after being duly sworn, deposes and states as follows:

1. I am the Superintendent of [REDACTED] Unit.
2. [REDACTED] Unit does not have any jobs for inmates where they are eligible to be paid.

FURTHER AFFIANT SAYETH NAUGHT.

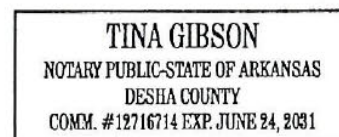
Gary Musselwhite
Signature of Affiant
Gary Musselwhite
Printed Name of Affiant

State of Arkansas }
 }ss
County of Desha }

Subscribed and sworn to before me, this 23 day of September 2024.

Tina Gibson
Notary Public

My Commission Expires: 6-24-2031



Ex. A

ARKANSAS DEPARTMENT OF CORRECTIONS

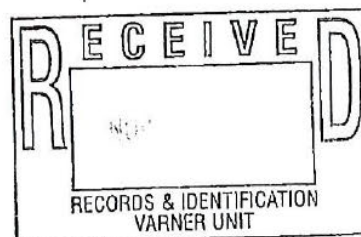
ORIENTATION

I attended the [REDACTED] Unit Orientation Class on the date noted and I have been issued a copy of the Arkansas Department of Corrections Inmate Handbook. Orientation class concerning the rules and regulations were conducted by the unit staff. I was allowed to ask questions concerning my interest to participate in self help programs. I also was allowed to view the Varner Unit film and hear different staff about their job responsibilities.

Inmates Name: D. Ferrell ADC# [REDACTED]

Date: 11-9-00

Staff: C. Stur



Ex B

Arkansas Division of Correction



November 2022

Dexter Payne
Director

Inmate Handbook

F.C

Classification

Inmates are classified in three ways: custody classification, good-time earning classification and medical classification. Custody classification is the result of scoring established criteria including crime, length of sentence, disciplinary record, prior violence, escape history and various other factors that determine risk to the public and risk within the institution. Custody classification is used to determine which facilities an inmate can be assigned. Good-time classification places inmates in Class I, II, III or IV status. Class I is the highest classification/class status an inmate can obtain and Class IV is the lowest class status. Class promotion is not automatic. It is up to you to earn Class I status and your class can be reduced because of disciplinary problems. Promotions in class status are decided by the Unit Classification Committee, which makes the decisions based on your past and current behavior and recommendations from your work supervisor and/or other staff. The classification committee also makes transfer decisions, housing and work assignments.

Class I - an inmate in class I status may receive a total of 30 days reduction of parole/transfer eligibility date for each month served.

Class II - an inmate in class II status may receive a total of 20 days reduction of parole/transfer eligibility date for each month served. All inmates and parole violators will be placed in Class II status upon their arrival in ADC unless the inmate is being returned as the result of disciplinary action and has been reduced below Class II status. An offender released by the Parole Board may be reduced to this class by the Hearing Judge.

Class III - an inmate in class III status may receive a total of 10 days reduction of parole/transfer eligibility for each month served.

Class IV - inmates in class IV status do not receive good time. This class is generally referred to as “flat time” or “day-for-day”.

Meritorious good time is not a right that inmates are entitled to; it is awarded based on good behavior, outstanding work record and institutional adjustment. Meritorious good time may be given for being housed in a jail or a similar secure facility while awaiting transfer to ADC, unless the sheriff or designee submits written objections to the award based on the inmates behavior, discipline and conduct while awaiting transfer.

Healthcare professionals determine medical classifications and restrictions, which are considered in making work assignments.

Work Assignments

The Unit Classification Committee or Officer will make all work assignments. Programming assignments are considered work assignments. All inmates who are medically able are expected to work and disciplinaries will be written for refusing a work assignment. ADC does not pay wages to

AFFIDAVIT OF EDDIE POWELL

BEFORE ME, the undersigned authority, on this day personally appeared Eddie Powell who being of sound mind and legal age, and after being duly sworn, deposes and states as follows:

1. I am the Administrator of the Arkansas Corrections Industry (hereinafter ACI).
2. ACI has a mission to train and educate inmates in life skills and marketable job skills through various programs, enabling them to produce quality goods, products and services at competitive prices; in combination will aid in the reduction of recidivism.
3. A.C.I. is a self-supporting division of the Arkansas Department of Correction. Each purchase you make from A.C.I. ensures that we will be able to further train offenders for marketable skills. Statistics show that if A.C.I. teaches an offender a marketable job skill that can be used upon release; that offender is less likely to return to prison. This means that through the purchase of goods and services, you are helping to lower the prison population. Any profits derived from the sale of the products and services go to enlarging the present programs and creating new programs to train and educate more offenders.
4. It is the policy of the Department of Corrections for all able-bodied inmates to work in some program while incarcerated.
5. There are currently nine (9) programs within the Arkansas Department of Corrections for inmates to receive working skills while incarcerated.
6. Inmates are assigned to one of these programs based upon classification.

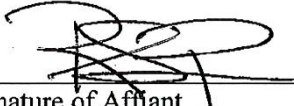
Ex. D

7. Job assignments depend on a variety of factors including type of crime, behavior, classification level, job availability, institutional needs, medical classification, security concerns and the skill level of the inmate. The Unit Classification Committee determines all inmate work assignments.

8. Prison Industries Enhancement Certification Program is a program where Claridge Products owns and operates a business inside prison at the Grimes Unit manufacturing whiteboards and chalkboards.

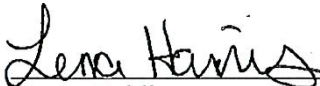
9. Claridge interviews, hires, and employs inmate in a in-unit work release style agreement.

FURTHER AFFIANT SAYETH NAUGHT.

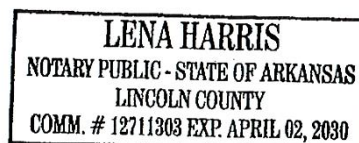

Signature of Affiant
Eddie Powell
Printed Name of Affiant

State of Arkansas }
 }ss
County of Jefferson }

Subscribed and sworn to before me, this 24th day of September 2024.


Notary Public

My Commission Expires: April 02, 2030



UNIT LEVEL GRIEVANCE FORM (Attachment I)

Unit/Center CumminsName David L. FerrellADC# [REDACTED]Brks # 21Job GRIEVANCE OFFICE

JAN 8 2024

FOR OFFICE USE ONLY

GRV. 124/00018Date Received: 1/8/24GRV. Code #: 202

1-2-2024 (Date) STEP ONE: Informal Resolution

1-6-2024 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)

If the issue was not resolved during Step One, state why: My Job falls into the Policy laid out in ADC and I won't paid.

(Date) EMERGENCY GRIEVANCE (An emergency situation is one in which you may be subject to a substantial risk of physical harm: emergency grievances are not for ordinary problems that are not of serious nature). If you marked yes, give this completed form to the designated problem-solving staff, who will sign the attached emergency receipt. In an Emergency, state why: _____

Is this Grievance concerning Medical or Mental Health Services? No. If yes, circle one: medical or mental

BRIEFLY state your one complaint/concern and be specific as to the complaint, date, place, name of personnel involved and how you were affected. (Please Print): 70 State of Arkansas, ADC Director Dexter Payne; Assistant Director Dale Reedy; and Cummins Unit Lewis Young of Operations
I have wrote you Request For Interviews asking for an application (F-1301-2) to no avail. I have worked at the AR, Correctional Industry/Correctional Industry for approx. (13) months, without being paid. Per, Ark. Code 004-03.1-1201 Inmate by Contractual Agreement and volunteer; A.C.A. § 12-30-501 Private sector prison industry enhancement; A.C.A. Board purpose, powers and duties. Also see 2023 Ark. Laws Act 390 (H.B. 1176) Section 13 Appropriation Prison Industry Program. § 12, 153, 01 was appropriated for the fiscal year 2023-2024.

I David L. Ferrell, ADC [REDACTED] went back pay in the sum of \$15,000 per: AR 004-002-115; Private Industry Employment of Inmates within Correctional Facilities. **PROCEDURES:** 2, Inmate wages, wages shall be paid to inmate workers at rate not less than that paid for a work of a similar nature in the locality in which the work is performed.

Inmate Signature [Signature]Date 1-2-2024

If you are harmed, threatened because of your use of the grievance process, report it immediately to the Warden or designee.

THIS SECTION TO BE FILLED OUT BY STAFF ONLYThis form was received on 1-2-24 (date), and determined to be Step One and/or an Emergency GrievanceNO (Yes or No). This form was forwarded to medical or mental health? NO (Yes or No). If yes, name of the person in that department receiving this form: _____ Date _____PRINT STAFF NAME (PROBLEM SOLVER) Justin Everett ID Number [REDACTED] Staff Signature [Signature] Date Received 1-8-24Describe action taken to resolve complaint, including dates: On 1-5-24 Warden Young stated "Your current assignment is with Industry (IT) these assignments are not compensated."Staff Signature & Date Returned [Signature] 1-6-24 Inmate Signature & Date Received [Signature] 1-6-24This form was received on _____ (date), pursuant to Step Two. **RECEIVED** (Yes or No).

Staff Who Received Step Two Grievance: _____ Date: _____

Action Taken: _____ (Forwarded to Grievance Officer/Warden/Other) Date: _____

If forwarded, provide name of person receiving this form: _____ Date: _____

----- INMATE GRIEVANCES SUPERVISOR -----
 ----- ADMINISTRATION BUILDING -----
DISTRIBUTION: YELLOW & PINK - Inmate Receipts; **BLUE** - Grievance Officer; **ORIGINAL** - Given back to Inmate after Completion of Step One and Step Two. **EXHIBIT #1**

1/8/24, 9:44 AM

IGTT410 - Grievance Warden Reponse Ltr

Attachment III
00

WARDEN'S/CENTER SUPERVISOR'S DECISION

21/33

INMATE NAME: Ferrell, David L.

ADC #: [REDACTED]

GRIEVANCE #: CU-24-00018

WARDEN/CENTER SUPERVISOR'S DECISION:

I have reviewed your complaint. You state the following: "To State of Arkansas; ADC Director Dexter Payne; Assistant Director Dale Reed; and Cummins Unit Lewis Young of operations. I have wrote you request for interviews asking for an application (F-120 1-2) to no avail. I have worked at the AR. Correctional Industry/Correctional Industry by contractual agreement and volunteer; A.C.A. E 12-30-501 private sector prison industry enhancement; ACA Board purpose, powers and duties. Also see 2023 Ark. Laws., ACT 890 (H.B. 1176) section-13, Appropriation Prison Industry program. \$12,158,011 was appropriated for the fiscal year 2023-2024. I John E. Gillyard ADC # [REDACTED] want back pay in the sum of \$15,000.00 per Ark-004.002-115; private Industry Employment of Inmates within Correctional Facilities. V. procedures: 3, Inmate wages, wages shall be paid to inmate workers at rate not less than that paid for a of a similar nature in the locality in which the work is performed."

Your current job assignment is with Industry (ACI). These assigned jobs are not compensated. The policies and laws that you are quoting refer to the PIECP Program. If you would like to participate in the PIECP Program, please complete and submit the application that was provided to you. Therefore, I find your grievance without merit.

SIGNATURE OF WARDEN/SUPERVISOR OR DESIGNEE


1-8-24
Date

Warden
Title
INMATE GRIEVANCES SUPERVISOR
ADMINISTRATION BUILDINGRECEIVED
JAN 10 2024

INMATE'S APPEAL

If you are not satisfied with this response, you may appeal this decision within five working days by filling in the information requested below and mailing it to the appropriate Chief Deputy/Deputy/Assistant Director along with the Unit Level Grievance Form. Keep in mind that you are appealing the decision to the original grievance. Do not list additional issues, which are not part of your original grievance as they will not be addressed. Your appeal statement is limited to what you write in the space provided below.

WHY DO YOU DISAGREE WITH THE ABOVE RESPONSE? I work for "CI" a Private Industry, Non-Profit, Correctional Industry program within the secure perimeters of the [REDACTED] Unit Correctional Facility.

PLEASE READ: 009.03.1-15. Private Industry Employment of Inmates Within Correctional Facilities IV. POLICY It shall be the policy of the Department of Correction to expand the Correctional Industry work program by allowing inmates to work for private companies within secure perimeters of correctional facilities. This work shall operate as a private industry enhancement certification program (PIECP) of the Bureau of Justice Assistance, U.S. Department of Justice.

INMATE SIGNATURE


1-9-2024
Date

EXHIBIT #2

RECEIVED
JAN 10 2024INMATE GRIEVANCES SUPERVISOR
ADMINISTRATION BUILDING

If appealing, please submit both the Unit Level Grievance Form (Attachment I) and the Warden's Decision (Attachment III)

DEPUTY/ASSISTANT DIRECTOR'S DECISION

INMATE NAME: Ferrell, David L.

ADC #: [REDACTED]

GRIEVANCE#: CU-24-00018

CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION:

On January 2, 2024, you stated the following complaint: "To State of Arkansas; ADC Director Dexter Payne; Assistant Director Dale Reed; and Cummins Unit Lewis Young of Operations. I have wrote you request for interviews asking for an application (F-1201-2) to no avail. I have worked at the AR. Correctional Industry/Correctional Industry approx. (13) months without being paid, Per. Ark. Code 004.03.1-1201 Inmate Contractual agreement and volunteer; A.C.A. 12-30-501 private sector prison industry enhancement; ACA Board purpose, powers and duties. Also see 2023 Ark. Laws, ACT 890 (H.B. 1176) section-13, Appropriation Prison Industry program. \$12,158,011 was appropriated for the fiscal years 2023-2024. I David L. Ferrell, ADC [REDACTED] wont back pay in the sum of \$15,000.00 per: AR 004.002-115; Private Industry Employment of Inmates within Correctional Facilities. V. PROCEDURES: 2. Inmate wages, wages shall be paid to inmate workers at rate not less than that paid for a work of a similar nature in the locality in which the work is performed."

The Warden responded to your grievance on January 8, 2024, by stating the following: "Your current job assignment is with Industry (ACI). These assigned jobs are not compensated. The policies and laws that you are quoting refer to the PIECP Program. If you would like to participate in the PIECP Program, please complete and submit the application that was provided to you. Therefore, I find your grievance without merit."

Your appeal was received on January 10, 2024. After review of your appeal and supporting documentation, I must concur with the Warden's decision. Your appeal is without merit.

Appeal denied.

DIRECTOR

 1-23-24

Please be advised that if you appeal this decision to the U.S. District Court, a copy of this Chief Deputy/Deputy/Assistant Director's Decision must be attached to any petition or complaint or the Court may dismiss your case without notice. You may also be subject to paying filing fees pursuant to the Prison Litigation Act of 1995.

EXHIBIT #3

From: [Kris Higdon \(DOC\)](#)
To: [ASCC Pleadings](#)
Cc: [Tawnie Rowell \(DOC\)](#)
Subject: David Ferrell v. ADC, 241511
Date: Tuesday, September 24, 2024 3:25:21 PM
Attachments: [ADC's Responses to RFP.pdf](#)
[ADC's Responses to Rogs.pdf](#)

Please see attached responses to request for production and interrogatories.

Kris Alan Higdon (Mr.)
Attorney at Law
Office of the Secretary
1302 Pike Ave., Suite C
North Little Rock, AR 72114
Phone: 501-682-9593
Kris.a.higdon@doc.arkansas.gov

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

DAVID FERRELL (ADC # [REDACTED])

CLAIMANT

V.

CLAIM NO. 241511

ARKANSAS DIVISION OF CORRECTION

RESPONDENT

ADC RESPONSES TO REQUEST FOR PRODUCTION

COMES NOW, the Arkansas Division of Corrections, and for its Responses to Request for Production of Documents, states:

Request for Production. 1: Contract(s) between the Arkansas Division of Correction and C.I. aka A.C.I., Arkansas Correctional Industry at eh [REDACTED] Unit Prison.

The Claimant only seeks:

a) Information concerning the use of inmate labor use by C.I. aka A.C.I. at the [REDACTED] Unit.

b) Information concerning the use of training inmate labor by C.I. aka A.C.I. at the [REDACTED] Unit.

RESPONSE: Respondent objects to this Request as irrelevant and not likely to lead to the discovery of admissible information.

Request for Production. 2: The Claimant's work history reports by C.I. aka A.C.I. at eh [REDACTED] Unit.

RESPONSE: See attached.

Request for Production. 3: All Policies, Memos, statements, originals or copies in reference to the P.I.E.C.P., Prison Industry Enhancement Certification Program.

RESPONSE: Claimant has copies of relevant information in his possession or has access to relevant information.

Request for Production. 4: The Claimant's Certification submitted by his supervisor, Ms. Price on or about 5/27/2024 at the C.I. aka A.C.I. Garment Industry Program at the [REDACTED] Unit Prison.

RESPONSE: Claimant has copies of relevant information in his possession or has access to relevant information.

Request for Production. 5: Any documents relating to C.I. aka A.C.I. excepting monies for the use of inmate labor and or training of inmates at the [REDACTED] Unit Garment Industry Program.

RESPONSE: Respondent objects to this Request as irrelevant and not likely to lead to the discovery of admissible information.

Request for Production. 6: Any documents relating to the Arkansas Division of Correction excepting monie(s) for the use of inmate labor and or training of inmates at the Cummins Unit Garment Industry Program.

RESPONSE: Respondent objects to this Request as irrelevant and not likely to lead to the discovery of admissible information.

Request for Production. 7: All published notice(s), advertisement, cards, signs or other publication logos attached to C.I., Correctional Industry/A.C.I., Arkansas Correctional Industry operating out of the [REDACTED] Unit Garment Industry Program.

RESPONSE: Respondent objects to this Request as irrelevant and not likely to lead to the discovery of admissible information.

Request for Production. 8: [REDACTED] Unit Policy 11.2.0 Menu Planning and Meals.

RESPONSE: See attached.

Request for Production. 9: The Arkansas Correctional Industries Safety Rules and Regulations [REDACTED] Unit Garment Factory that Mr. Best had the Claimant to sign in 2024.

RESPONSE: Claimant has copies of relevant information in his possession or has access to relevant information.

Respectfully submitted,

/s/ Kris Alan Higdon

Kris Alan Higdon #2004115
Arkansas Department of Corrections
1302 Pike Ave., Suite C
North Little Rock, AR 72114
Telephone: (501) 682-9593
Kris.a.higdon@doc.arkansas.gov

CERTIFICATE OF SERVICE

I, Kris Alan Higdon, hereby certify that a true and correct copy of the foregoing has been served upon persons set out below, via first class mail, on this 24th day of September 2024.

David Ferrell (ADC # [REDACTED])
[REDACTED]

/s/ Kris Alan Higdon

Kris Alan Higdon

FERRELL, DAVID L. P [REDACTED]

ORPS039B

Program Achievement

09/23/2024 03:01:11 PM

Awarded Date: 11/18/2023

Award MGT: Per Policy

Certificate Type: Senior Level Work Assignment [WKASSE]

Score:

Office/Facility: [REDACTED] Unit

Verified Date:

▼ **Comments**

SINGLE NEEDLE MACHINE - GARMENT FACTORY

FERRELL, DAVID L. P [REDACTED]

Page 1 of 1
Printed: 09/23/2024 03:02 PM
09/23/2024 03:01:49 PM

ORPS039B

Program Achievement

Awarded Date: 07/18/2023

Award MGT: Per Policy

Certificate Type: Intermediate Level Work Assignment [WKASIN]

Score:

Office/Facility: [REDACTED] Unit

Verified Date:

▼ Comments

SINGLE NEEDLE MACHINE - GARMENT FACTORY

FERRELL, DAVID L. PID# [REDACTED]

Page 1 of 1

Printed: 09/23/2024 03:02 PM

ORPS039B

Program Achievement

09/23/2024 03:02:31 PM

Awarded Date: 03/18/2023

Award MGT: Per Policy

Certificate Type: Beginner Level Work Assignment [WKASBG]

Score:

Office/Facility: [REDACTED] Unit

Verified Date:

▼ **Comments**

SINGLE NEEDLE MACHINE - GARMENT FACTORY

 Division of Correction Unit Policy and Procedures	NUMBER: 11.2.0		NUMBER OF PAGES 1 of 4				
	Revise Date: 9/14/22		ISSUING EMPLOYEE <i>Original Copy Signed</i> Superintendent Gary Musselwhite				
	DATE: 5/1/96						
CHAPTER 11: Food Service			SUBJECT: Menu Planning & Meal Service				
Review /Revise Dates:	9/24/2013 Review	9/15/2014 Review	1/23/2015 Review	9/24/2015 Revise	10/24/2016 Review	9/28/2017 Revise	9/18/2018 Review
Review /Revise Dates:	9/26/2019 Revise	9/28/2020 Review	9/30/2021 Review	9/14/2022 Review	9/14/2022 Revise	9/27/2023 Review	

I. AUTHORITY:

The Warden's authority to issue this document is contained in Administrative Regulation 001. This policy shall supplement all related Department and Administrative Regulations and departmental policies and procedures.

II. PURPOSE:

To describe unit policy regarding menu planning and the service of meals.

III. APPLICABILITY:

To all food service employees and to employees involved in the procurement, storage and service of food. Portions of the document refer to the service of special meals as relates to programmatic areas including security, medical, business and religious services.

IV. DEFINITIONS:

As used in this document, the following definitions apply:

- A. Therapeutic Diet – Special meals or foods prescribed by a physician or dentist as part of the patient's treatment.
- B. Religious Diet – Meal(s) or dietary restrictions required by a religious denomination. The contents of a religious meal may never exceed the contents of meals provided to the general population. These contents are intended to be measured by costs, quality and quantity.

V. POLICY:

All inmates are provided meals that are nutritionally adequate, properly prepared and served in pleasant surroundings in the least regimented manner possible.

To accomplish these goals, this standard outline basic menu requirements and dining room services mandated for the unit. The unit mandates require the following:

- A. Food Service staff to use the menus provided by the Department Dietician.
- B. Menu plans are followed substantially without major or frequent changes, except when using fresh vegetables.
- C. All meal planning and preparation strives to the highest possible standard relative to flavor, texture, temperature, appearance and palatability.
- D. Food Service staff are to use menus provided by the Department Dietician.
- E. Therapeutic diets as prescribed by a physician or dentist are served.
- F. Religious diets will be served as ordered by the Chaplain and approved by the Warden.
- G. Meals are served under a minimal regimentation as possible.
- H. Group dining rooms are available to all physically able inmates except for those housed

Policy and Procedures	1.2.0: Menu Planning & Meal Service	Revise Date: 9/14/2022	No. of Pages 2 of 4
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in the restrictive housing unit.

- I. All inmates are provided three (3) meals daily, including two (2) hot meals except for weekend and holiday variations. On weekends and holidays, the Warden may authorize special brunch meals or other variations to provide variety to the food program or other activities.
- J. Food will never be withheld as a form of punishment or offered as a reward. All inmates and staff shall be provided the same food except as authorized in sections VI. D and E of this policy.

VI. PROCEDURES:

- A. Menus shall be developed which consider available personnel, equipment and the layout of the physical plant. Effective menu planning recognized needs of the general inmate population and specific needs of the inmate group attributable to age, physical activity, sex, medical status, etc.

1. Menus shall ensure that each inmate is provided access to the minimum poundage allowance as described in unit policy 11.1.0.
2. Menus shall be prepared and distributed at least one (1) week in advance of service.
3. Menus shall be designed to provide meals that are not only nutritionally adequate but also, a balance of color, flavor and texture that will add to meal enjoyment.

B. Therapeutic Diets

Diet menus shall be provided to inmates:

1. When prescribed by a member of the medical staff and approved by the Chief Medical Officer.
2. **Only** when medically indicated and never as a reward.
3. As directed or approved by a registered dietician.
4. For a specific number of days based on the disease process of the patient or the chronic care needs. Diet orders may be reviewed or continued upon approval of the Chief Medical Officer.
5. As a complete meal service and not as a supplement to or as a choice between dietary meals or regular meals.

C. Religious Diets

Religious diets are served:

1. For special occasions as specifically approved in writing by the Chaplain and the Warden.
2. To utilize regular menu items unless specifically approved by the Warden or his designee. These menu items shall not exceed the quantity and/or quality provided to the general population.

D. Kosher Diets

- a. It is the policy of the Arkansas Department of Correction (ADC) to provide an option for inmates who choose to eat a kosher diet for religious reasons.
- b. Inmates seeking kosher diets should contact the unit chaplain to make such as request.
- c. If an inmate misses six (6) consecutive kosher/common fare meals, the kitchen supervisor shall recommend in writing that the chaplain/warden remove the inmate

Policy and Procedures	CU 11.2.0: Menu Planning & Meal Service	Revise Date: 9/14/2022	No. of Pages 3 of 4
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from the program. The decision to remove an inmate rest with the chaplain and warden.

- d. Kosher meals will be prepared in the kosher kitchen at the Cummins Unit. They will be ordered through Central Warehouse in Pine Bluff for distribution.

E. Staff Dining

Staff meals shall always be prepared in the same manner and the same quality as those served to inmates.

F. Food Preparations

All meals shall be designed to provide inmates with the best possible meals consistent with the budget plans and daily ration allowances. Food preparation shall:

1. Utilize a standard recipe system available to all food service staff and inmates responsible for the preparation of meals. The agency requires the use of the standard U.S. Navy recipe system which is designed to:
 - a. Standard cost
 - b. Enhance and preserve food flavors
 - c. Improve appearance
 - d. Provide optimum palatability
2. Provide maximum utilization of the equipment available to enable service of high-quality products.
3. Be in compliance with the safety and sanitary conditions as stated elsewhere in these statements.
4. There are sanitary, temperature-controlled facilities for the storage of all foods. The food preparation area includes a space for food preparation based on population size, type of food preparation, and methods of meal service.

G. Meal Service

Dining room service shall be designed to enhance the attractiveness of the meal and to enable the inmates to enjoy meal periods to the fullest extent possible. The manner in which meals are presented influences the entire atmosphere of an institution since meals assume a magnified importance in the daily routine of the inmate. While the warden has authority to govern the dining room "climate" the following criteria shall establish minimum standards for each institution within the department.

1. All inmates shall be provided with three (3) meals daily for all workdays.
2. At least two (2) meals each working day shall be served hot.
3. Holiday and weekend schedules may be developed to provide for a more variable meal schedule to coincide with visiting activities, recreational programming, or similar functions.
4. Dining rooms shall be pleasant and attractive and shall be operated to reduce regimentation as much as possible consistent with the security level of the unit.
5. Seating capacity for the inmate dining room is 336 with four (4) handicap seats. East side dining room's capacity is 164 with two (2) handicap tables and seats. West side dining room's capacity is 172 with two (2) handicap tables and seats. Due to security reasons, only one (1) dining area is used at one (1) time. Inmates are allowed twenty

Policy and Procedures	1.2.0: Menu Planning & Meal Service	Revise Date: 9/14/2022	No. of Pages 4 of 4
-----------------------	-------------------------------------	---------------------------	---------------------

- (20) minutes to eat each meal.
- 6 Punitive and Restrictive Housing inmates are fed in their cells by security staff.
 7. No restrictions regarding normal conversation shall be imposed.
 8. Cafeteria style shall be preferred.
 9. All foods shall be served at the appropriate temperature to maintain quality, taste appeal and texture. All serving lines shall be designed to provide sections for hot food service, chilled food service, and an area for room temperature service items.
 10. The unit shall provide dining areas for group dining utilizing four (4) person tables.
 11. Meal service shall be on plastic compartment trays with a non-disposal plastic spoon. Styrofoam compartment trays are available for use if needed.
 12. Meal service supervision shall ensure the dining service provided complies with agency and institutional policies intent. Adequate and firm supervision shall ensure the meals are served in pleasant surroundings without the slightest degree of favoritism, carelessness, or waste.
 13. The breakfast meal never shall be scheduled to being more than fourteen (14) hours following the beginning of the evening meal.
 14. Foods or meals never shall be withheld as a punishment.
 15. Meals served to inmates in Restrictive Housing shall be the same meals served to the general population, except as alternative meal service may be made on an individual basis if an inmate uses food or food service equipment in a manner that is hazardous to self, staff or other inmates. The meals served are to meet the basic nutritional requirements. The substitution period shall not exceed seven (7) days. Written approval must be given by the Warden in concurrence with responsible health authority for alternate meal service.

*This policy will be reviewed annually and updated as needed.

REFERENCES: AR 600

AD 16-24, AD 13-083

ACA 5-2E-05, 5-2E-06, 5-4A-18, 5-5C-05, 5-5C-06, 5-5C-07, 5-5C-08, 5-5C-15, 5-5C-16

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

DAVID FERRELL (ADC [REDACTED])

CLAIMANT

V.

CLAIM NO. 241511

ARKANSAS DIVISION OF CORRECTION

RESPONDENT

ADC RESPONSES TO REQUEST FOR INTERROGATORIES

COMES NOW, the Arkansas Division of Corrections, and for its Responses to Interrogatories, states:

Interrogatories. 1: Does C.I., aka A.C.I. have a contract with the Arkansas Division of Correction to manufacture goods at the [REDACTED] Unit Prison, within the Garment Industry Program?

RESPONSE: Respondent objects to this Interrogatory as irrelevant and not likely to lead to the discovery of admissible information.

Interrogatories. 2: Does C.I., aka A.C.I. have a contract with the Arkansas Division of Correction to train prison inmates at the [REDACTED] Unit Prison within the Garment Industry Program?

RESPONSE: Respondent objects to this Interrogatory as irrelevant and not likely to lead to the discovery of admissible information.

Interrogatories. 3: Does the Arkansas Division of Correction provide Security at the C.I., aka A.C.I. Garment Industry Program?

RESPONSE: Respondent objects to this Interrogatory as irrelevant and not likely to lead to the discovery of admissible information.

Interrogatories. 4: If the Claimant failed to for to work at the C.I., aka A.C.I., [REDACTED] Unit, Prison, Garment Industry Program without an authorized lay in, would the Claimant receive a Major Disciplinary?

RESPONSE: Respondent objects to this Interrogatory as irrelevant and not likely to lead to the discovery of admissible information. Respondent further objects to this Interrogatory as it cannot determine what is being sought.

Interrogatories. 5: On 5-7-2024 Did Ms. Price, C.I. aka A.C.I. Garment Industry Supervisor submit a Certificate in the Claimant's name to be approved and signed off on for operating following machines?:

- (1) Single Needle Sewing Machine
- (2) Double Needle Sewing Machine
- (3) Serger (3) Needle Sewing Machine
- (4) Button Hole Machine
- (5) Bar-tac Machine

RESPONSE: In searching eOMIS, it appears that Claimant has obtained Senior Level Work Assignment on the single needle swing machining.

Interrogatories. 6: Does the Claimant have a Good Work Report, at the Cummins Unit C.I. aka A.C.I., Garment Industry Program?

RESPONSE: Claimant appears to have no disciplinary infractions or incident reports regarding his job performance.

Interrogatories. 7: Does the Arkansas Division of Correction receive any money for the use of the Claimant's Labor performed at eh [REDACTED] Unit, C.I. aka A.C.I., Garment Industry Program?

RESPONSE: Respondent objects to this Interrogatory as irrelevant and not likely to lead to the discovery of admissible information.

Interrogatories. 8: Does the C.I. aka A.C.I., at the [REDACTED] Unit Prison profit off the use of the Claimant's labor?

RESPONSE: Respondent objects to this Interrogatory as irrelevant and not likely to lead to the discovery of admissible information.

Interrogatories. 9: Did the [REDACTED] Unit Garment Industry Program receive any money from: SECTION 13 APPROPRIATION-PRISON INDUSTRY PROGRAM 2023 AR. Law ACT 890 (H.B. 1176) from the Fiscal Year, June 30, 2023 through June 30, 2024?

RESPONSE: Respondent objects to this Interrogatory as irrelevant and not likely to lead to the discovery of admissible information.

Interrogatories. 10: Did the C.I. aka A.C.I., at the [REDACTED] Unit Garment Industry Program receive any money from: SECTION 13. APPROPRIATION-PRISON INDUSTRY PROGRAM, 2023 AR. Laws Act 890 (H.B. 1176) from the Fiscal Year, June 30, 2023 through June 30, 2024?

RESPONSE: Respondent objects to this Interrogatory as irrelevant and not likely to lead to the discovery of admissible information.

Interrogatories. 11: How much money did C.I. aka A.C.I., make from June 30, 2023 through June 30, 2024?

RESPONSE: Respondent objects to this Interrogatory as irrelevant and not likely to lead to the discovery of admissible information.

Interrogatories. 12: Approximately, how much money in profit total did C.I., aka A.C.I. make from June 30, 2023 through June 30, 2024?

RESPONSE: Respondent objects to this Interrogatory as irrelevant and not likely to lead to the discovery of admissible information.

Interrogatories. 13: What are the ADC Prison Unit name(s) actively participating and paying inmates under the P.I.E.C.P.?

RESPONSE: Respondent objects to this Interrogatory as irrelevant and not likely to lead to the discovery of admissible information.

Interrogatories. 14: What are the AC Prison Unit name(s) actively participating in the P.I.E.C.P. and not paying the inmate worker(s)?

RESPONSE: Respondent objects to this Interrogatory as irrelevant and not likely to lead to the discovery of admissible information.

Interrogatories. 15: Who has the responsibility to pay the ADC inmates for their labor as quoted in: Ark Admin. Code 004.03.1-115; Inmate Labor be Contractual Agreement and Volunteer?

RESPONSE: Respondent objects to this Interrogatory as irrelevant and not likely to lead to the discovery of admissible information.

Interrogatories. 16: Who has the responsibility to pay the ADC inmates for their labor as quoted in: Ark. Admin. Code 004.03.1-115; Private Industry Employment of Inmates Within Correctional Facilities?

RESPONSE: Respondent objects to this Interrogatory as irrelevant and not likely to lead to the discovery of admissible information.

Interrogatories. 17: What is the approximate distance in a (mile) from the [REDACTED] Unit C.I. aka A.C.I., Garment Industry Program to the Unit's back door of the building that leads to the Unit Chow-hall?

RESPONSE: Respondent objects to this Interrogatory as irrelevant and not likely to lead to the discovery of admissible information.

Interrogatories. 18: Does the Cummins Unit Policy; C.U. Policy 11.2.0 Menu Planning and meals state: Inmate(s) have (30) minutes "Unimpeded" to eat their Meal?

RESPONSE: No.

Interrogatories. 19: Is the Notice issued by Mr. Best the C.I., aka, A.C.I. Cummins Unit Garment Industry Program "Manager" in "direct" conflict with the C.U. Policy 11.2.0 by stating:
2. Chow time is not to exceed 30 minutes unless approved by the Program Manager?

RESPONSE: Respondent cannot ascertain how to respond to this Interrogatory without Claimant providing a copy of the notice he claims was issued.

Interrogatories. 20: What are all of the Names that C.I. aka A.C.I. answer to and or represent? e.g; C.I. Garment Industry?

RESPONSE: Respondent objects to this Interrogatory as irrelevant and not likely to lead to the discovery of admissible information. Respondent further objects to this Interrogatory as it cannot determine what is being sought.

Respectfully submitted,

/s/ Kris Alan Higdon
 Kris Alan Higdon #2004115
 Arkansas Department of Corrections
 1302 Pike Ave., Suite C
 North Little Rock, AR 72114
 Telephone: (501) 682-9593
 Kris.a.higdon@doc.arkansas.gov

CERTIFICATE OF SERVICE

I, Kris Alan Higdon, hereby certify that a true and correct copy of the foregoing has been served upon persons set out below, via first class mail, on this 24th day of September 2024.

David Ferrell (ADC [REDACTED])
 [REDACTED]

/s/ Kris Alan Higdon
 Kris Alan Higdon

OCT 11 2024

RECEIVED

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

DAVID FERRELL (ADC # [REDACTED])

CLAIMANT

V. CLAIM NO. 241511

ARKANSAS DIVISION OF CORRECTION

RESPONDENT

REBUTTAL TO RESPONDENT'S MOTION FOR SUMMARY JUDGMENT

Comes now the Claimant with his Rebuttal To Respondent's Motion For Summary Judgment.

1.) Ark.R.Civ.P. 56 states: Summary judgment should be granted *[only when it is clear there are no genuine issues of material fact to be litigated]* *Hickson v. Saig*, 309 Ark. 231, 828 S.W.2d 840 (1992). A summary judgment should not be granted where reasonable minds could differ as to the conclusions they could draw from the facts presented. *Lee v. Doe et al*, 274 Ark. 467, 626 S.W.2d 353 (1981). The burden of proving there is no genuine issue of material fact is upon the movant and all proof submitted must be viewed favorably to the party resisting the motion. *Wyatt v. St. Paul Fire & Marines Ins.*, 315 Ark. 547, 868 S.W.2d 505 (1994). *[Any doubts and inferences must be resolved]* against the moving party. *Wyatt*, supra; *Pinkston v. Lovell*, 296 Ark. 543, 759 S.W.2d 20 (1988); *Cross v. Coffman*, 304 Ark. 666, 805 S.W.2d 44 (1991). The burden in a summary judgment proceeding is on the *[moving party and cannot be shifted when there is no proof on a controverted issue]*.

When the proof supporting a Motion For Summary Judgment *[is insufficient]*, there is no duty on the part of the opposing party to meet proof with proof. *Cash v. Lim*, 322 Ark. 359, 908 S.W. 2d 655 (1995); *Wolner v. Bogaer*, 290 Ark. 299, 718 S.W.2d 942 (1986); *Collyard v. American Home Assurance Co.* 271 Ark. 228, 607 S.W.2d 666 (1980).

2.) On February 29, 2024, Claimant filed a Claim seeking \$14, 999.99 in compensation for allegations that he should have been paid for his work he performed as an operator of a single needle sewing machine operator.

3.) The Respondent stated: The Arkansas State Claims Commission does not have jurisdiction to hear this matter pursuant to Ark. Code Ann. §19-10-204, See: Attachment #1

4.) On May 16, 2024 the Respondent denied liability and moved the Court for a summary judgment Dismissal. See: Attachment # 2

5.) On June 5, 2024 the Claims Commission to conduct discovery prior to the scheduling of the Claim hearing. See: Attachment # 3

6.) On June 24, 2024 the Claimant started his discovery. The Claimant mailed one copy of the following to: Mrs. Tawine Rowell, Legal Division

Mr. Thomas Burns
Arkansas Division o Correction
6814 Princeton Pike
Pine Bluff, Arkansas 71602

(1.) Ark.R.Civ.P.R. 34, Production of Documents

(2.) Ark.R.Civ.P.R. 33, Interrogatories

(3.) Ark.R.Civ.P.R. 36, Admission

7.) On August 8, 2024 The Respondent answered the Claimant's 1st set of Admissions.

The Respondent gave false and misleading answers to the Claimant.

(1.) See: Attachment # 4, **Admission 2:** Admit the Arkansas Department of Division has a Contract with Correctional Industry Work Program by allowing inmates to work for private companies within secure perimeters of Correctional facilities.

RESPONSE: Deny

See: EXHIBIT # 4 004.03.1-115.

Private Industry Employment of Inmates Within Correctional Facilities

1.) **EXPLANATION** . The Board of Corrections is authorized by Ark. Code Ann. §12-30-501 to contract with any private individual or private company to employ inmates. **The contracts** must comply with Title 18 U.S.C. Section 1761. The Purpose of this rule is to authorize the **Director of the Arkansas Department of Correction** to operate the program.

The Respondent's answer to the Admission is not in accordance with its own: ADC 004.00.2-115: 004.03.1-115 Private Industry Employment of Inmates Within Correctional Facilities.

(2.) See: Claimant's **Admission 3** : Admit that the Cummins Unit Garment Industry Program is within {secure perimeters of the Correctional Facility}.

RESPONSE: Deny. See: Attachment # 4

The Claimant has a life without the possibility of parole. The Claimant cannot go outside the secure perimeters of the [REDACTED] Unit. See: Attachment # 8, FERRELL, DAVID L. PID # [REDACTED] **Program Achievement, Award Date: 11/18/2023, Certificate Type:** Senior Level Work Assignment, Office/Facility Cummins Unit Comments, Single Needle Machine-GARMENT FACTORY.

The Respondent gave a false answer to admission 3 when they Denied that the Garment Factory Program is inside the secured Unit.

(3.) See: Claimant's **Admission 7** : Admit Correctional Industry operates the Cummins Unit Garment Industry Program. Attachment # 5

RESPONSE : Deny.

The Respondent gave a false and misleading answer of Admission # 7, See: Attachment # 8, Program Achievement/Garment Factory/Cummins Unit.

(4.) See: Claimant's **Admission 9:** Admit the Claimant works at the Cummins Unit Garment Industry Program. See Attachment # 5

RESPONSE: Deny

The Respondent gave a false and misleading answer on Admission # 9, See: Attachment # 8.

8.) The Respondent's compliance with the discovery is [f]ull of [f]alse and or [m]isleading information in a desperate act to mislead the Court into granting a Motion For Summary Judgment in the Respondent's favor.

9.) Discovery was designed to ensure that all parties were given full access to honest information and documents. The Respondent is trying to stack the legal deck in its favor. See: Ark.R.Civ.P. 37 failure to Make Discovery (3) Evasive or Incomplete answers.

10.) The Affidavit submitted by: Eddie Powell See: Respondent's Exhibit D./Attachment #9-10 is in accordance with : AR ADC 004.00.2-1-115 EXHIBIT # 4, however Mr. Powell left out:

V. PROCEDURES:

2. Inmate wages

Wages shall be paid to inmate workers at a rate not less than that paid for work of a similar nature in the locality in which the work is performed.

11.) The Claimant has not produced any contract between the Respondent and Correctional Industry because 1st the Respondent denied any contract between ADC and the Arkansas Correctional Industry on Admission #2. see: Attachment #4

2nd the Respondent has now admitted to a contract in their response to Request for Documents. The Respondent states: Respondent objects to this request as irrelevant and not likely to lead to the discovery of admissible information. The Respondent can't have it both ways. The Respondent is committing perjury one answer after another in an absolute disregard for the Laws of the land and the Court Rules.

12.) The Respondent (ADC) has not demonstrated a prima facie entitlement to Summary Judgment. See: *Inge v. Walker*, 15 S. W. 3d 348, 70 Ark. App. 114 (Ark. App. 2000)

13.) What is: **P.I.E.C.P.?**

P= PRISON, [REDACTED] t. See: Claimant's Exhibit #7. A.C.I. Shipping Label.

I= INDUSTRY, See: Claimant's Exhibit #9 Shipping Label to ADC/[REDACTED] Industry-Garment

E= ENHANCEMENT: ADC and ACI created a program in which they train and certify inmates on how to operate machinery and issue them Certificates. Normal prison jobs do not issue Certificates for job training such as: Barracks Porters, Picketmen, Laundry, Food Service, Horse Barn... See: Claimant's Exhibit #14 Arkansas Department of Correction ACI Garment Program CERTIFICATE.

C= CERTIFICATION: See: Claimant's Exhibit #14 Arkansas Department of Correction ACI Garment Program Certificate; also see: Attachment #8 Program Achievement, Cummins Unit Single Needle Machine-Garment Factory

P= PROGRAM, See: Claimant's Exhibit #7. Respondent's Shipping Label; ACI Garment Program.

The Respondent took: \$12,158,011 from the 2023 Arkansas Laws Act 890 (H.B. 1176) Section 13, Appropriation-Prison Industry Program for the fiscal year June 30, 2023-June 30, 2024. See: Claimant's Exhibit #6.

The Respondent (ADC) took the money to operate the P.I.E.C.P. see: Claimant's Exhibit #4 AR ADC 004.00,2-115. **IV. POLICY** it shall be the policy to the Department of Correction to **[Expand]** the Correctional Industry work program by allowing inmates to work for private companies within secure perimeters of correctional facilities...

V. PROCEDURE: A. The Board of Corrections will be the PIECP certificate holder.

The Respondent admits to (9) programs within ADC. See: Attachment #9 Line No. 3.

The Respondent admits to only having (1) Prison Industry Enhancement Certification Program at the Grimes Unit. See: Attachment #10.

The Claimant attest to that ADC has taken millions of taxpayers money to create and **[Expand]** the PIECP program and have not fully done so. So, where has all of the millions of taxpayer dollars gone to? Why hasn't the ADC paid the Claimant? To do so would aid in the stoppage of misappropriated money and put ADC/ACI in Accordance with ADC's AR ADC 004.00.2-115.

The Respondent and/or ACI at the Cummins Unit sold a Retail of \$328,632.53 and after Inventory cost of \$133,509.02 they made a profit of \$195,114.51. Now the Claimant ask the Court? If ACI profits \$195,114.51 in the one month of January 31, 2024. See: Claimant's Exhibit #15; why do they need the \$12,158,011.00, when they are not paying the inmates/Claimant for his Labor.

The ADC is withholding the ADC/ACI contract and other vital Discovery information. ADC and ACI know the Claimant is on the verge of unearthing a massive corruption and misappropriation of monies. The Claimant only seeks what is owed to him and comply with AR ADC 004.00.2-115.

WHEREFORE, the Claimant prays that the Respondent's Motion For Summary Judgment be dismissed.

CERTIFICATE OF SERVICE

The claimant has placed one true copy of the foregoing to:
Trent Rigdon @ ADC 1302 Pike Ave. Suite C, N. Little Rock
AR. 72114.

Respectfully Submitted,
Wanda Zand...

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

DAVID L. FERRELL [REDACTED]

CLAIMANT

v.

NO. 241511

ARKANSAS DEPARTMENT OF CORRECTIONS,
DIVISION OF CORRECTION

RESPONDENT

ANSWER

COMES NOW the Respondent, Arkansas Department of Corrections, and for its Answer, states and alleges as follows:

1. Respondent denies liability in this claim and asserts it will hold the Claimant to strict proof on each allegation unless admitted by Respondent. Respondent reserves the right to plead further upon completion of an investigation by internal affairs, if warranted, and requests the matter be held in abeyance until the investigation is complete.
2. The applicable account information required by the Commission is:
 - a. Agency number: 0480
 - b. Cost Center: HCA 0100
 - c. Internal Order: 340301
 - d. Fund Center: 509
3. The Respondent states that the Arkansas State Claims Commission does not have jurisdiction to hear this matter pursuant to Ark. Code Ann. § 19-10-204.

WHEREFORE, for the reasons cited above, the Respondent prays that the claim be dismissed with prejudice and that Claimant take nothing or, in the alternative, that the matter be held in abeyance until completion of an investigation by Internal Affairs if warranted.

Attachment #1

ARKANSAS STATE CLAIMS COMMISSION

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



KATHRYN IRBY
DIRECTOR

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

May 16, 2024

Mr. David Ferrell (ADC [REDACTED])
[REDACTED]
[REDACTED]

RE: *David Ferrell v. Arkansas Division of Correction*
Claim No. 241511

Dear Mr. Ferrell,

Please be advised that the Arkansas Division of Correction (the "Respondent") in the above-styled claim filed an Answer disputing liability. When liability is contested by the Respondent, you have two options:

- 1) You may request a hearing before the Arkansas State Claims Commission (the "Claims Commission") in writing within fifteen (15) calendar days from the date of this correspondence.
- 2) You may do nothing. If this office does not receive any communication from you within fifteen (15) calendar days from the date of this correspondence, your claim will be dismissed by the Claims Commission for failure to respond.

Please note that even if you request a hearing on your claim, the filing of a dispositive motion (such as a Motion to Dismiss or a Motion for Summary Judgment) by the Respondent could result in dismissal of your claim before hearing. The failure of a party to file a timely response is sufficient basis for the granting of a motion by the Claims Commission.

It is your responsibility to know when responses are due to any motions or other pleadings filed in your claim. It is also your responsibility to notify both the Claims Commission and the Respondent if you have a change in mailing address.

Sincerely,

Mika Tucker

ES: msscott

cc: Tawnie Rowell, *counsel for Respondent* (via email)

Attachment #2

ARKANSAS STATE CLAIMS COMMISSION

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



KATHRYN IRBY
DIRECTOR

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

June 5, 2024

Mr. David Ferrell (ADC [REDACTED])
[REDACTED]
[REDACTED]

RE: *David Ferrell v. Arkansas Division of Correction*
Claim No. 241511

Dear Mr. Ferrell,

The Claims Commission has reviewed your request for hearing in the above-referenced claim and would like for the parties to conduct discovery prior to the scheduling of this claim for hearing. When discovery is nearing completion, please notify our office so that this claim may be added to the hearing docket.

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

Sincerely,

Mika Tucker

ES: msscott

cc: Tawnie Rowell, *counsel for Respondent* (via email)

Attachment #3

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

Daivd Ferrell (ADC [REDACTED])

CLAIMANT

V.

CLAIM NO. 241511

ARKANSAS DIVISION OF CORRECTION

RESPONDENT

ADC RESPONSES TO REQUEST FOR ADMISSIONS

Request for Admission. 1: Admit that the State of Arkansas has a contract with Correctional Industry aka A.C.I. to use inmate labor.

RESPONSE: Deny.

Request for Admission. 2: Admit that the Arkansas Department of Correction/Division has a contract with Correctional Industry work program by allowing inmates to work for private companies within secure perimeters of correctional facilities.

RESPONSE: Deny.

* Request for Admission. 3: Admit that the [REDACTED] Unit Garment Industry Program is within {secure perimeters of the correctional facility}.

RESPONSE: Objection, this response is unintelligible, and therefore the ADC cannot respond in its current form. Without waiving said objection, Deny.

* Request for Admission. 4: Admit Correctional Industry operates the [REDACTED] Unit Garment [Industry] Program.

RESPONSE: Objection, this response is unintelligible, and therefore the ADC cannot respond in its current form. Without waiving said objection, Deny.

* Request for Admission. 5: Admit by changing the "Garment Factory" To: Garment Industry Program, you [Enhanced] the ADC Job to a program.

RESPONSE: Objection, this response is unintelligible, and therefore the ADC cannot respond in its current form. Additionally, Counsel does not know who "you" is referring to and thus cannot respond. Without waiving said objection, Deny.

Attachment #4

~~✗~~ **Request for Admission. 6:** Admit Ms. Price, the Garment Industry Program Supervisor, printed the Claimant a [Certificate of Certification] 5-27-2024 to operate machinery.

RESPONSE: Counsel was not present and therefore cannot respond to this request, and this request is unintelligible, therefore deny.

~~✗~~ **Request for Admission. 7:** Admit the [REDACTED] Unit Garment Industry Program is a [Program].

RESPONSE: Objection, this response is unintelligible, and therefore the ADC cannot respond in its current form. Without waiving said objection, Deny.

Request for Admission. 8: Admit Admission 3, 4, 5, 6, 7, spell out (3.) P. (4.) I. (5.) E. (6.) C. (7.) P= [P.I.E.C.P.]

RESPONSE: Objection, this response is unintelligible, and therefore the ADC cannot respond in its current form. Without waiving said objection, Deny.

~~✗~~ **Request for Admission. 9:** Admit the Claimant works at the [REDACTED] Unit Garment Industry Program.

RESPONSE: Counsel has no knowledge of this and cannot respond, therefore Deny.

Request for Admission. 10: Admit the Claimant is under P.I.E.C.P., Prison Industry Enhancement Certification Program.

RESPONSE: Deny.

~~✗~~ **Request for Admission. 11:** Admit the Respondent has not paid the Claimant any money for his labor at the [REDACTED] Unit Industry Program.

RESPONSE: Counsel has no knowledge of this and cannot respond, therefore Deny.

~~✗~~ **Request for Admission. 12:** Admit per Ark. Admin. Code 004.03.1-115 SS IV. Policy states:

It shall be the policy of the Department of Correction to expand the Correctional Industry Work Program by allowing inmates to work for private companies within secure perimeters of correction facilities. This work program shall operate as a private industry enhancement certification program (PIECP) of the Bureau of Justice Assistance, U.S. Department of Justice.

Attachment #5

2. Inmate Wages

Wages shall be paid to inmate workers at a rate not less than that paid for work of a similar nature in the locality in which the work is performed.

RESPONSE: This request appears to reference an incorrect code, regardless, this request does not reference said code in an accurate format, therefore, Deny.

Respectfully submitted,

/s/ Trent Rigdon
Trent Rigdon Ark. Bar No. 2015227
Arkansas Department of Corrections
1302 Pike Avenue, Suite C
North Little Rock, AR 72114
479-746-1138 Office
Trent.Rigdon@doc.arkansas.gov

CERTIFICATE OF SERVICE

I certify that a copy of the above pleading has been served this 8th day of August 2024, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

David Ferrell (ADC [REDACTED])
[REDACTED]
[REDACTED]

/s/ Trent Rigdon
Trent Rigdon

Attachment #6

A.C.I.
GARMENT PROGRAM



BOX #

10 of 33

W/O #

11-17

Shipment

A



Unit

EXHIBIT #7

FERRELL, DAVID L. PID [REDACTED]

Page 1 of 1

Printed: 09/23/2024 03:01 PM

ORPS039B

Program Achievement

09/23/2024 03:01:11 PM

Awarded Date: 11/18/2023

Award MGT: Per Policy

Certificate Type: Senior Level Work Assignment [WKASSE]

Score:

Office/Facility: [REDACTED] Unit

Verified Date:

▼ Comments

SINGLE NEEDLE MACHINE - GARMENT FACTORY

Attachment #8

AFFIDAVIT OF EDDIE POWELL

BEFORE ME, the undersigned authority, on this day personally appeared Eddie Powell who being of sound mind and legal age, and after being duly sworn, deposes and states as follows:

1. I am the Administrator of the Arkansas Corrections Industry (hereinafter ACI).
2. ACI has a mission to train and educate inmates in life skills and marketable job skills through various programs, enabling them to produce quality goods, products and services at competitive prices; in combination will aid in the reduction of recidivism.
3. A.C.I. is a self-supporting division of the Arkansas Department of Correction. Each purchase you make from A.C.I. ensures that we will be able to further train offenders for marketable skills. Statistics show that if A.C.I. teaches an offender a marketable job skill that can be used upon release; that offender is less likely to return to prison. This means that through the purchase of goods and services, you are helping to lower the prison population. Any profits derived from the sale of the products and services go to enlarging the present programs and creating new programs to train and educate more offenders.
4. It is the policy of the Department of Corrections for all able-bodied inmates to work in some program while incarcerated.
5. There are currently nine (9) programs within the Arkansas Department of Corrections for inmates to receive working skills while incarcerated.
6. Inmates are assigned to one of these programs based upon classification.

Attachment # 9

Ex 1

7. Job assignments depend on a variety of factors including type of crime, behavior, classification level, job availability, institutional needs, medical classification, security concerns and the skill level of the inmate. The Unit Classification Committee determines all inmate work assignments.

8. Prison Industries Enhancement Certification Program is a program where Claridge Products owns and operates a business inside prison at the Grimes Unit manufacturing whiteboards and chalkboards.

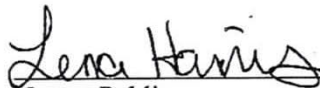
9. Claridge interviews, hires, and employs inmate in a in-unit work release style agreement.

FURTHER AFFIANT SAYETH NAUGHT.

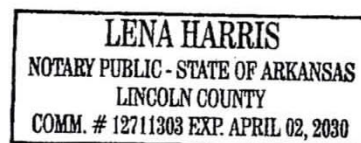

Signature of Affiant
Eddie Powell
Printed Name of Affiant

State of Arkansas }
 }ss
County of Jefferson }

Subscribed and sworn to before me, this 24th day of September 2024.


Notary Public

My Commission Expires: April 02, 2030



Attachment #10

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

DAVID FERRELL (ADC # [REDACTED])

CLAIMANT

V. CLAIM No. 241511

ARKANSAS DIVISION OF CORRECTION

RESPONDENT

**CLAIMANT OBJECTS TO THE FALSE, EVASIVE AND OR
INCOMPLETE ANSWERS TO THE CLAIMANT'S 1ST
REQUEST FOR PRODUCTION OF DOCUMENTS**

1.) Request for Production 1: Contract(s) between the Arkansas Department of Correction and ACI at the Cummins Unit Prison. The Claimant only seeks "vital" information, the very foundation of his claim against ADC.

The Claimant Objects to the denial. The Respondent claims it is irrelevant. The contract information is relevant and part of the Claimant's foundation of his claim.

2.) Request for Production 2: The Claimant's work history report(s) by ACI at the [REDACTED] Unit Garment Industry. The Claimant Objects to the ADC failure to comply with discovery. The work history Reports done by Mrs. Price on the Claimant was not produced.

3.) Request for Production 3: All Policies, Memos, Statements original or copies in reference to the PIECP, Prison Industry Enhancement Certification Program.

The Claimant Objects to the ADC's answer stating the Claimant has copies of relevant information. The Claimant has [N]o Policies nor Memos concerning the PIECP. The Claimant only has AR's, shipping labels,...

4.) Request for Production 4: The Claimant's certification submitted by his supervisor, Mrs. Price on or about 5-27-204 at the Garment Industry Program.

The Claimant Objects to ADC's failure to Comply with Discovery and produce the Certificate. The Claimant was not issued the Certificate, nor does he have possession of it. The Certificate is a "vital" part of PIECP. C= Certificate and the ADC knows this so they are trying to make it go away and not be used as evidence against them.

5.) Request for Production 6: Any documents relating to the ADC excepting monie(s) for the use of inmate labor and or training of inmates at the Cummins Unit Garment Industry Program.

The Claimant Objects to the ADC's failure to comply with discovery stating: this Request is irrelevant. The Claimant needs the evidence to show the Court how much monie(s) were taken in to pay out to the PIECP that was not paid out to the Claimant.

6.) Request for Production 9: The Arkansas Correctional Industry Safety Rules and Regulations Cummins Unit Garment Factory that Mr. Best had the Claimant to sign in 2024.

The Claimant Objects to the ADC's failure to comply with discovery, claiming the Claimant has copies of relevant information in his possession or has access to relevant information.

ADC does not won't to produce the documents. It is signed: "Under duress" by the Claimant and the Claimant does not have a copy of it nor access to it other than by discovery.

Per Ark. R. Civ. P. 37, Failure to Make Discovery (3) Evasive or Incomplete answer(s) or Response is to be treated as a failure to answer or respond.

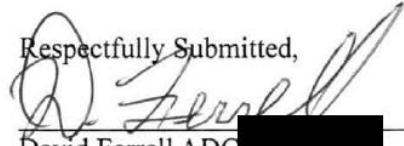
CERTIFICATE OF SERVICE

The Claimant has placed one true and accurate copy of the foregoing into the ADC Prison Legal Mail System on this 6 day of October 2024 to:

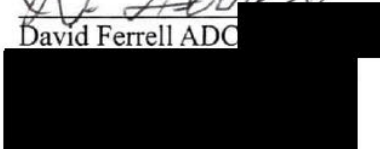
Kris Alan Higdon #2004115
Arkansas Department of Corrections
1302 Pike Ave., Suite C
North Little Rock, AR 72114

by way of 1st Class mail.

Respectfully Submitted,



David Ferrell ADC



BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

DAVID FERRELL (ADC [REDACTED])

CLAIMANT

V. CLAIM No. 241511

ARKANSAS DIVISION OF CORRECTIONS

RESPONDENT

**CLAIMANT OBJECTS TO THE FALSE, EVASIVE AND OR
INCOMPLETE ANSWER TO CLAIMANT'S 1ST
REQUEST FOR INTERROGATORIES**

1.) Interrogatory 1: Does ACI have a Contract with Arkansas Department of Correction to manufacture goods at the [REDACTED] Unit Prison, with the Garment Industry Program?

The Claimant Objects to ADC's Response stating the Interrogatory is irrelevant. The Contract between ADC and ACI at the [REDACTED] Unit Prison is a "vital" part of the sole foundation of the Claimant's claim as evidence to support his claim.

2.) Interrogatory 5: On 5-7-2024 Did Mrs. Price ACI Garment Industry supervisor submit a printed Certificate in the Claimant's name to be approved and signed off on for operating the following machines?

- (1) Single Needle Sewing Machine
- (2) Double Needle Sewing Machine
- (3) Surger (3) Needle Sewing Machine
- (4) Button Hole Machine
- (5) Bar-tac Machine

The Claimant Objects to the misleading answer stating: In searching eOMIS, it appears that Claimant has obtained Senior Level Work Assignment on the Single Needle sewing machine.

The ADC gave an Evasive misleading answer. The Claimant ask about the “Certificate” Mrs. Price had printed out and gave it to Mr. Best, the [REDACTED] Unit Garment Factory supervisor to be signed off on.

3.) Interrogatory 6: Does the Claimant have a Good Work Report, at the [REDACTED] Unit ACI Garment Industry Program?

The Claimant Objects to ADC’s Evasive and misleading answer.

ADC stated: Claimant appears to have no disciplinary infractions or incident reports regarding his job performance.

4.) Interrogatory 7: Does the Arkansas Department of Correction receive any money for the use of the Claimant’s Labor performed at the [REDACTED] Unit ACI Garment Industry Program?

The Claimant Objects to the ADC’s failure to make discovery by giving an Evasive or misleading answer.

The ADC stated: This Interrogatory is irrelevant.

If ADC received money for the use of the Claimant’s Labor than it is a “vital” part of the foundation of the claim.

5.) Interrogatory 9: Did the [REDACTED] Unit Garment Industry Program receive any money from Section 13 APPROPRIATION-PRISON INDUSTRY PROGRAM 2023 AR. Law ACT 890 (H.B. 1176) from the Fiscal Year, June 30, 2023 through June 30, 2024?

The Claimant Objects to ADC’s failure to make Discovery by giving Evasive answer.

The ADC stated: this Interrogatory is irrelevant.

The ADC took money from Act 890 (H.B. 1176) for the operation of the [REDACTED] Unit Garment Program that it is an absolutely relevant to the Claimant’s claim and evidence of fraud and misappropriated money.

6.) **Interrogatory 16:** Who has the responsibility to pay the ADC inmates for their labor as quoted in: Ark. Admin. Code 004.03.1-115; Private Industry Employment of Inmates within Correctional Facilities?

The Claimant Objects to ADC's failure to Comply with Discovery by giving an Evasive answer.

The ADC stated: This Interrogatory is irrelevant.

The Interrogatory is "vitally" important when it comes time for ADC to pay an inmate for his labor. See: Ark. Admin. Code 004.03.1-115.

Per Ark. R. Civ. P. 37, Failure to Make Discovery (3) Evasive or Incomplete answer(s) or Response is to be treated as a failure to answer or respond.

Therefore, the Claimant ask the ADC to use due diligence when seeking the correct and full answers.

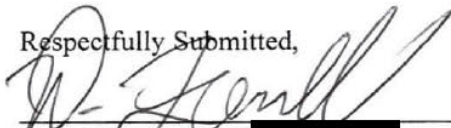
CERTIFICATE OF SERVICE

The Claimant has placed one true and accurate copy of the foregoing into the ADC Prison Legal Mail System on this 4 day of October 2024 to:

Kris Alan Higdon #2004115
Arkansas Department of Corrections
1302 Pike Ave., Suite C
North Little Rock, AR 72114

by way of 1st Class mail.

Respectfully Submitted,


David Ferrell (ADC) 

it

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

Arkansas
State Claims Commission

OCT 18 2024

RECEIVED

TO: Ms. Tawine Rowell, LEGAL DIVISION
Arkansas Department of Correction
6814 Princeton Pike Ave., Suite C
North Little Rock, AR. 72114

FROM: David Ferrell (ADC # [REDACTED])
[REDACTED]
[REDACTED]

RE: David Ferrell V. Arkansas Division of Correction,
Claim No. 241511

2nd Set of Production of Documents

In accordance with Ark.R.Civ.P.R. 34 Production of Document(s) the Claimant request that the Arkansas Division of Correction produce for inspection and copying the following documents within 30 days of these Production of Documents

If you cannot produce the following requested document(s), state and answer to the inability to secure the documents after you have shown due diligence to do so.

These Production of Document(s)
shall be deemed continuing as to require New information

REQUEST FOR PRODUCTION 1: Contract(s) between the Arkansas Department of Correction and ACI, Arkansas Correctional Industry at the [REDACTED] Unit Prison/Garment Industry.

The Claimant does not seek the entire contract, only:

a) Information concerning the use of inmate Labor at the [REDACTED] Unit Prison/Garment Industry Program

b) Information concerning the training of inmate labor by ACI, Arkansas Correctional Industry at the [REDACTED] Unit Garment Industry Program.

1. REQUEST FOR PRODUCTION : The Claimant's Work History Reports done by Mrs. Price at the [REDACTED] Unit Garment Industry Program.

REQUEST FOR PRODUCTION 3: All Policies, Memos, Statements, Originals or copies in reference to the PIECP, Prison Industry Enhancement Certification Program.

The Claimant only has ADC AR's and shipping Labels Concerning the PIECP.

2. REQUEST FOR PRODUCTION : The Claimant's Garment Industry Certification "Certificate" that Mrs. Price submitted to Mr. Best on or about 5-27-2024 to be signed off on.

The Claimant does not have it nor access to it except by way of Discovery.

3. REQUEST FOR PRODUCTION : Any document(s) relating to the Arkansas Department of Correction receiving money for the use of inmate labor and or training of inmates at the [REDACTED] Unit Garment Industry Program.

4. REQUEST FOR PRODUCTION : The Arkansas Correctional Industry Safety Rules and Regulations that Mr. Best had the Claimant to sign in 2024 at the Garment Industry Program.

The Claimant does not have a copy of it nor access to it other than by way of discovery

Per Ark.R.Civ.P. 37, Failure to Make Discovery (3) Evasive or Incomplete answer(s) or Response is to be treated as a failure to comply.

5. REQUEST FOR PRODUCTION : ACI's Mission and Vision Statements.

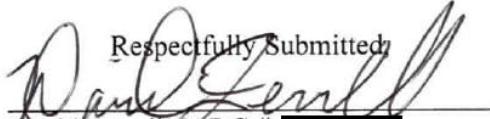
CERTIFICATE OF SERVICE

The Claimant has placed one true and accurate copy of the foregoing into the ADC Prison Legal Mail System on this October 11 2024 to:

Arkansas Claims Commission
101 East Capitol Ave., Suite 410
Little Rock, AR 72201-3823

by way of 1st Class U.S. Mail.

Respectfully Submitted,


David Ferrell, (ADC # [REDACTED])
[REDACTED]

BEFORE THE ARKANSAS STATE CLAIM COMMISSION

TO: Ms. Tawine Rowell, LEGAL DIVISION
Arkansas Department of Correction
6814 Princeton Pike Ave., C
North Little Rock AR. 72114

FROM: David Ferrell (ADC# [REDACTED])
[REDACTED]

RE: David Ferrell V. Arkansas Division of Correction, Claim No. 24155

2nd Set of Admissions

In accordance with Ark.R.Civ.P.R. 36 Claimant request that the Arkansas Department of Correction answer the following Admissions under oath, and that the answers be signed by the person making them and be served on Claimant within 30 days of these Admissions.

If you cannot answer the following Admissions in full, after exercising due diligence to secure the information to do so, state and answer to the best extent possible, specifying your inability to answer the remainder and stating whatever information or knowledge you have concerning the unanswered portions.

These Admissions shall be deemed continuing so as to require supplemental answers as New and different information materializes.

Per Ark.R.Civ.P. 37 Failure to Make Discovery.

(3) Evasive or Incomplete answer(s) or Response(s) is to be treated as a failure to answer or respond.

The Claimant is an inmate in the custody of the State of Arkansas/ADC. The Respondent has full access to the answer all admissions truthfully. Please seek out all Exhibits and information before Admitting or Denying the Admissions.

Request for Admission No. 1 Admit Cummins Unit Garment Industry Program is within {secure perimeters of the [REDACTED] Unit correctional facility}. See: Exhibit # 7
Request for Admission No. 2 Admit the ACI, Arkansas Correctional Industry, operates the [REDACTED] Unit Garment Industry Program. See: Exhibit # 7, 8, and 9.

P.1.

Request for Admission No. 3 Admit Mrs. Price, the [REDACTED] Unit Garment Industry Supervisor printed the Claimant a Certificate of Certification on 5-27-2024 to operate machinery at the ACI, Arkansas Correctional Industry.

Request for Admission No. 4 Admit the [REDACTED] Unit Garment Industry is a Program. See: Exhibit # 7

Request for Admission No. 5 Admit the Claimant works at the [REDACTED] Unit Garment Industry, ACI, Arkansas Correctional Industry.

Request for Admission No. 6 Admit the Respondent has not paid the Claimant any money for his labor at the [REDACTED] Unit Garment Industry, ACI, Arkansas Correctional Industry.

Request for Admission No. 7 Admit Ark. Admin. Code 004.03.1-115 Formerly cited as AR ADC 004.00.2-115.

**004.03.1-115 Private Industry Employment of Inmates Within
Correctional Facilities
STATES:**

IV. POLICY

It shall be the policy of the Department of Correction to expand the Correctional Industry work program by allowing inmates to work for private companies within secure perimeters of correctional facilities. This work program shall operate as a private industry enhancement certification program (PIECP) of the Bureau of Justice Assistance, U.S. Department of Justice.

2. Inmate Wages

Wages shall be paid to inmate workers at a rate not less than that paid for work of a similar nature in the locality in which the work is performed. See: Exhibit # 4

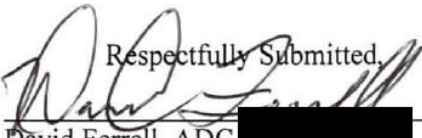
The Claimant reserves the right to submit on going Admissions as needed in this above referenced case No. 241511.

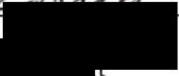
CERTIFICATE OF SERVICE

The Claimant swears to that One true and accurate copy of the foregoing was placed into the ADC Prison Legal Mail System on this October 11 2024 to:

Arkansas Claims Commission
101 East Capitol Ave., Suite 410
Little Rock, AR 72201-3823

by way of 1st Class U.S. Mail.

Respectfully Submitted,


David Ferrell, ADC 


BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

TO: Ms. Tawine Rowell, LEGAL DIVISION
Arkansas Department of Correction
6814 Princeton Pike Ave., Suite C
North Little Rock, AR. 72114

FROM: David Ferrell (ADC # [REDACTED])
[REDACTED]

RE: David Ferrell V. Arkansas Division of Correction,
Claim No. 241511

2nd Set of Production of Interrogatories

In accordance with Ark.R.Civ.P.R. 33, Claimant request that the Arkansas Division of Correction answer the following interrogatories under oath, and that the answers be signed by the person making them and be served on Claimant within 30 days of these interrogatories

If you cannot answer the following interrogatories in full, after exercising due diligence to secure the information to do so, state and answer to the best extent possible, specifying your inability to answer the remainder and stating whatever information or knowledge you have concerning the unanswered portions

These interrogatories shall be deemed continuing, so as to require supplemental answers as New and different information materializes.

Per Ark.Civ.P. 37 Failure to make Discovery

(3) Evasive or Incomplete Answer(s) or Response(s) is to be treated as a failure to answer or respond.

1.) Interrogatory : Does ACI have a Contract with the Arkansas Department of Correction to manufacture goods at the [REDACTED] Unit Prison?

2.) Interrogatory : On 5-7-2024, Did Mrs. Price, the ACI Garment Factory Supervisor submit a Printed Certificate in the Claimant's name to be approved and signed off on for operating the following machines?

(1) Single Needle Sewing Machine

(2) Double Needle Sewing Machine

P.1 of 3

- (3) Surger (3) Needle Sewing Machine
- (4) Butter-Hole Machine
- (5) Bar-tac Machine

3.) Interrogatory : Does the Claimant have Good Work Report [at the [REDACTED] Unit ACI Garment Industry Program]?

4.) Interrogatory : Does the Arkansas Department of Correction receive any money for the use of the Claimant's labor performed at the [REDACTED] Unit ACI Garment Industry Program?

5.) Interrogatory : Did the [REDACTED] Unit Garment Industry Program receive any money from:

SECTION 13 APPROPRIATION-PRISON INDUSTRY PROGRAM 2023 AR. LAW
ACT 890 (H.B.1176) from the Fiscal Year, June 30, 2023 through June 30, 2024?

6.) Interrogatory : Who has the responsibility to pay the ADC inmates for their labor as quoted in: Ark. Admin. Code 004.03.1-115: Private Industry Employment of Inmates within Correctional Facilities?

Per Ark.R.Civ.P. 37. Failure to Make Discovery.

(3) Evasive or Incomplete answer(s) or Response is to be treated as a failure to answer or respond

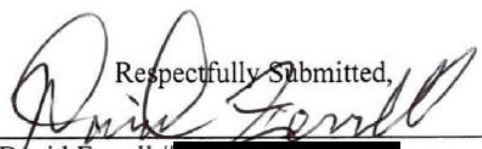
Therefore, Claimant ask ADC to use due diligence when seeking the correct and full answers.

CERTIFICATE OF SERVICE:

The Claimant has placed one true and correct copy of the foregoing into the ADC Prison Legal Mail System on this October 11 2024 to:

Kris Alan Higdon # 200415
Arkansas Department of Correction
1302 Pike Ave., Suite C
North Little Rock, AR. 72114

Respectfully Submitted,



David Ferrell # 


From: [Kris Higdon \(DOC\)](#)
To: [ASCC Pleadings](#)
Cc: [Tawnie Rowell \(DOC\)](#)
Subject: David Ferrell v. ADC, 241511
Date: Monday, November 18, 2024 10:13:44 AM
Attachments: [ADC's responses to 2nd RFA.pdf](#)
[ADC's responses to 2nd Rags.pdf](#)
[ADC's responses to 2nd RFP.pdf](#)

Please see attached responses to interrogatories, requests for admissions and requests for production.

Kris Alan Higdon (Mr.)
Attorney at Law
Office of the Secretary
1302 Pike Ave., Suite C
North Little Rock, AR 72114
Phone: 501-682-9593
Kris.a.higdon@doc.arkansas.gov

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

DAVID FERRELL (ADC [REDACTED])

CLAIMANT

V.

CLAIM NO. 241511

ARKANSAS DIVISION OF CORRECTION

RESPONDENT

ADC RESPONSES TO REQUEST FOR 2ND SET OF ADMISSION

COMES NOW, Respondent, and for its responses to second set of requests for admissions, states:

Request for Admission 1: Admit [REDACTED]'s Unit Garment Industry Program is within {secure perimeters of the [REDACTED] Unit correctional facility} See: Exhibit #7.

RESPONSE: Respondent objects to this request as there is no Exhibit #7 attached. Subject to this objection, Respondent admits there is a garment program within the walls of [REDACTED] Unit.

Request for Admission No. 2: Admit the ACI, Arkansas Correctional Industry, operates the [REDACTED] Unit Garment Industry Program. See: Exhibit # 7,8, and 9.

RESPONSE: Respondent objects to this request as there is no Exhibit #7, 8 or 9 attached. Admit that Respondent operates a garment program at [REDACTED] Unit.

Request for Admission 2: Admit Mrs. Price, the [REDACTED] Unit Garment Industry Supervisor printed the Claimant a Certificate of Certification on 5-27-2024 to operate machinery at the ACI, Arkansas Correctional Industry.

RESPONSE: Respondent is without sufficient information to admit or deny this request and therefore denies the same.

Request for Admission 3: Admit the [REDACTED] Unit Garment Industry is a Program.

See: Exhibit #7

RESPONSE: Respondent objects to this request as there is no Exhibit #7 attached. Respondent is without sufficient information to admit or deny this request and therefore denies the same.

Request for Admission 4: Admit the Claimant works at the [REDACTED] Unit Garment Industry, ACI, Arkansas Correctional Industry.

RESPONSE: Admit that Claimant is assigned to the garment factory at [REDACTED] Unit.

Request for Admission 5: Admit the Respondent has not paid the Claimant any money for his labor at the [REDACTED] Unit Garment Industry, CAI, Arkansas Correctional Industry.

RESPONSE: Admit.

Request for Admission 6: Admit Ark. Admin Code 004.03.1-115 Formerly cited as AR ADC 004.00.2-115.

RESPONSE: Respondent objects to this request as it cannot be determined what information is being sought.

Respectfully submitted,

/s/ Kris Alan Higdon

Kris Alan Higdon #2004115
Deputy General Counsel
Arkansas Department of Corrections
1302 Pike Ave., Suite C
North Little Rock, AR 72114
Telephone: (501) 682-9593
Kris.a.higdon@doc.arkansas.gov

CERTIFICATE OF SERVICE

I, Kris Alan Higdon, hereby certify that a true and correct copy of the foregoing has been served upon persons set out below, via first class mail, on this 18th day of November 2024.

David Ferrell (ADC [REDACTED])
[REDACTED]

/s/ Kris Alan Higdon
Kris Alan Higdon

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

DAVID FERRELL (ADC [REDACTED])

CLAIMANT

V.

CLAIM NO. 241511

ARKANSAS DIVISION OF CORRECTION

RESPONDENT

ADC RESPONSES TO REQUEST FOR INTERROGATORIES

COMES NOW, Respondent, and for its responses to Claimant's second set of interrogatories, states:

Request for Interrogatories. 1: Does ACI have a contract with the Arkansas Department of Correction to manufacture goods at the [REDACTED] Unit Prison?

RESPONSE: Respondent objects to this interrogatory as irrelevant and not likely to lead to the discovery of admissible information.

Request for Interrogatories. 2: On 5-7-2024, did Mrs. Price, the ACI Garment Factory Supervisor submit a Printed Certificate in the Claimant's name to be approved and signed off on for operating the following machines?

- (1) Single Needle Sewing Machine
- (2) Double Needle Sewing Machine
- (3) Surger (3) Needle Sewing Machine
- (4) Butter-Hole Machine
- (5) Bar-tac Machine

RESPONSE: Respondent is without sufficient information to respond to this interrogatory.

Request for Interrogatories. 3: Does the Claimant have Good Work Report [at the Cummins Unit ACI Garment Industry Program]?

RESPONSE: Respondent objects to this interrogatory as irrelevant and not likely to lead to the discovery of admissible information.

Request for Interrogatories. 4: Does the Arkansas Department of Correction receive any money for the use of the Claimant's labor performed at the [REDACTED] Unit ACI Garment Industry Program?

RESPONSE: Respondent objects to this interrogatory as irrelevant and not likely to lead to the discovery of admissible information.

Request for Interrogatories. 5: Did the [REDACTED] Unit Garment Industry Program receive any money from: SECTION 13 APPROPRIATION-PRISON INDUSTRY PROGRAM 2023 AR. LAW ACT 890 (H.B. 1176) from the Fiscal Year, June 30, 2023, through June 30, 2024?

RESPONSE: Respondent objects to this interrogatory as irrelevant and not likely to lead to the discovery of admissible information.

Request for Interrogatories. 6: Who has the responsibility to pay the ADC inmates for their labor as quoted in: Ark. Admin. Code 004.03.1-115: Private Industry Employment of Inmates within Correctional Facilities?

RESPONSE: The State of Arkansas does not pay inmates.

Respectfully submitted,

/s/ Kris Alan Higdon
 Kris Alan Higdon #2004115
 Deputy General Counsel
 Arkansas Department of Corrections
 1302 Pike Ave., Suite C
 North Little Rock, AR 72114
 Telephone: (501) 682-9593
 Kris.a.higdon@doc.arkansas.gov

CERTIFICATE OF SERVICE

I, Kris Alan Higdon, hereby certify that a true and correct copy of the foregoing has been served upon persons set out below, via first class mail, on this 18th day of November 2024.

David Ferrell (ADC # [REDACTED])
[REDACTED]

/s/ Kris Alan Higdon

Kris Alan Higdon

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

DAVID FERRELL (ADC [REDACTED])

CLAIMANT

V.

CLAIM NO. 241511

ARKANSAS DIVISION OF CORRECTION

RESPONDENT

ADC RESPONSES TO SECOND REQUEST FOR PRODUCTION

COMES NOW, Respondent, and for its responses to Claimant's second set of request for production of documents, states:

Request for Production 1: Contract(s) between the Arkansas Department of Correction and ACI, Arkansas Correctional Industry at the [REDACTED] Unit Prison/Garment Industry.

The Claimant does not seek the entire contract, only:

- a) Information concerning the use of inmate labor at the [REDACTED] Unit Prison/Garment Industry Program
- b) Information concerning the training of inmate labor by Aci, Arkansas Correctional Industry at eh [REDACTED] Unit Garment Industry Program.

RESPONSE: No such contract exists.

Request for Production 2: The Claimant's Work History Reports done by Mrs. Price at the [REDACTED] Unit Garment Industry Program.

RESPONSE: See attached.

Request for Production 3: All Policies, Memos, Statements, Originals or copies in reference to the PIECP, Prison Industry Enhancement Certification Program.

RESPONSE: Respondent objects to this request as it is irrelevant and not likely to lead to the discovery of admissible information.

Request for Production 4: The Claimant's Garment Industry Certification "Certificate" that Mrs. Price submitted to Mr. Best on or about 5-27-2024 to be signed off on. The Claimant does not have it nor access to it except by way of Discovery.

RESPONSE: Respondent does not have responsive documentation in its possession.

Request for Production 5: Any document(s) relating to the Arkansas Department of Correction receiving money for the use of inmate labor and or training of inmates at the [REDACTED] Unit Garment Industry Program.

RESPONSE: Respondent objects to this request as it is irrelevant and not likely to lead to the discovery of admissible information.

Request for Production 6: The Arkansas Correctional Industry Safety Rules and Regulations that Mr. Best had the Claimant to sign in 2024 at the Garment Industry Program. The Claimant does not have a copy of it nor access to it other than by way of discovery Per Ark.R.Civ.P. 37, Failure to Make Discovery (3) Evasive or incomplete answer(s) or Response is to be treated as a failure to comply.

RESPONSE: See attached.

Request for Production 7: ACI's Mission and Vision Statements.

RESPONSE: See attached.

Respectfully submitted,

/s/ Kris Alan Higdon

Kris Alan Higdon #2004115
Deputy General Counsel
Arkansas Department of Corrections
1302 Pike Ave., Suite C
North Little Rock, AR 72114
Telephone: (501) 682-9593
Kris.a.higdon@doc.arkansas.gov

CERTIFICATE OF SERVICE

I, Kris Alan Higdon, hereby certify that a true and correct copy of the foregoing has been served upon persons set out below, via first class mail, on this 18th day of November 2024.

David Ferrell (ADC [REDACTED])
[REDACTED]

/s/ Kris Alan Higdon

Kris Alan Higdon

Purchasing Requirements (<https://doc.arkansas.gov/arkansas-correctional-industries/purchasing-requirements/>)

Prison Industries Enhancement Certification Program (<https://doc.arkansas.gov/arkansas-correctional-industries/prison-industries-enhancement-certification-program/>)

History (<https://doc.arkansas.gov/arkansas-correctional-industries/history/>)

Customer Reviews (<https://doc.arkansas.gov/arkansas-correctional-industries/customer-reviews/>)

Join Our Mailing List (<https://doc.arkansas.gov/arkansas-correctional-industries/join-our-mailing-list/>)

[DOC Home \(https://doc.arkansas.gov/\)](https://doc.arkansas.gov/) / [Arkansas Correctional Industries \(https://doc.arkansas.gov/arkansas-correctional-industries/\)](https://doc.arkansas.gov/arkansas-correctional-industries/) / **About ACI**

About ACI



(<https://www.acicatalog.com/>)

Return to Shop (<https://acicatalog.com/>) – **To view the ACI Catalog please use a browser such as Chrome, FireFox, or Edge.**

Mission Statement

The mission of ACI is to train and educate inmates in life skills and marketable job skills through various programs, enabling them to produce quality goods, products and services at competitive prices; in combination will aid in the reduction of recidivism.

Vision Statement

ACI will accomplish our mission by providing a work setting, which replicates private industry. These inmates, once trained, will permit ACI to expand the revenue capabilities of various tax supported agencies and nonprofit organizations by offering these groups quality goods and services at competitive prices. Revenue derived from these efforts will permit ACI, in turn, to expand its ability to train more inmates, in more fields, by opening new programs that will offer additional products and services to its customers.

Statistics show that if ACI teaches an inmate a marketable job skill that can be used once he or she is released from confinement, he or she is far less likely to return to prison. This means that through the purchase of our goods and services, you are actually helping to lower the number of persons returning to prison. Any profits derived from the sale of our products and services go to enlarging our present programs and adding new programs to teach more inmates.

Customer Eligibility

ACI has introduced a new Online Catalog Store. You will first need to create an ACI account. To create an account you will need to click SIGN IN, fill out the required information blocks and click submit. We will process your information and send you an email within 48 hours confirming that you have been approved and are eligible to purchase online.

You will have the opportunity to browse 12 categories on our SHOP tab. You can add items to your shopping cart or request a quote. When ordering from the Online Catalog Store, you will need to input your billing and shipping information.

Ordering products through ACI requires an authorized account. This account can be obtained by signing up for an account found in the top right of this page. To complete the submission process, submit the form and keep an eye on your email for a confirmation when your account has been verified by our staff.

When your form is received and accepted, you will be able to proceed with online orders. Every effort is made to keep your personal information private. Your billing information will be saved as a "cookie" on your computer as an added level of security. This is an encrypted site. Do not send credit card or other private information in e-mail.

Security Information

If you have a comment or question, please email ACI staff.
(<https://www.acicatalog.com/store/contact>)

**ARKANSAS CORRECTIONAL INDUSTRIES
SAFETY RULES AND REGULATIONS
CUMMINS UNIT GARMENT FACTORY**

1. Garment Factory work hours may vary from day to day. You are to come to work when called or you will receive a Major Disciplinary unless you have an authorized lay in.
2. Breaks are at the discretion of management and will be called by a supervisor only. Bathroom Breaks will be monitored. Chow time is not to exceed 30 minutes unless approved by the Program Manager.
3. Tools assigned to you are your responsibility. You are to check tools out at the beginning of each work period and back in at the end of the work period. Do not check out or in another person's tools!
4. No smoking of any kind is allowed in or around the Garment Factory. Food or drinks are only allowed on the sewing room floor at supervisor discretion and only during break-time.
5. There will be no tablets, radios, MP 4 players or reading materials of any kind (including religious material) brought to the Garment Factory. Anything that does not belong in the Garment Factory will be considered contraband.
6. You are to remain at your machine and continue working until the horn blows for breaks or at the end of the work period. Anyone caught out of place of assignment will receive a major disciplinary.
7. Repairing, altering or making personal items is strictly forbidden. You are subject to be strip searched any time. If caught, disciplinary action will be taken.
8. Do not attempt to take items from the Garment Factory which have not been issued to you through the Clothing Room. Anything not issued to you through the Clothing Room will be considered contraband. If caught, disciplinary action will be taken.
9. Due to the small confines of the Garment Factory, there will be no loud talking or excessive noise on the sewing room floor. Loitering around other work areas will not be tolerated. Stay in your assigned work area.
10. Inmates are not assigned to one machine on a permanent basis. If you are instructed to operate another machine or do any other job, you are to do whatever you are instructed to do.

11. Any inmate caught in the Warehouse, Blue Room, Shop, Cutting Table Area, or Clerk's Office without prior authorization from the Program Manager is subject to major disciplinary action. Also, the areas of the stairs are strictly off limits!
12. If the lights go off for any reason, you are to turn your machine off, place your tools in a safe place, and sit quietly until the lights come back on. Do not yell or move from your assigned work area.
13. The primary exit in case of an emergency is the door in which you enter the Garment Factory when you report to work. The secondary exit is through the door located in the break area. Fire extinguishers are located on the walls and are plainly marked.
14. All chemicals stored within the Garment Factory are kept locked in a secured area. All Flammable or combustible chemicals are stored in a flame-resistant metal cabinet and are issued only by a supervisor who directly supervises the inmate(s) while they are using such chemicals. All safety precautions are observed. Do not use any chemicals unless you are trained properly.
15. Dust masks are available upon request from any Supervisor.
16. Do not operate any machine in the Garment Factory unless all safety guards are in place. Operate machines only after you have been properly trained and instructed. Do not break or take the guards off machines.
17. Machine operators are not to repair machines; instead, they are to notify the Supervisor, or Garment Factory maintenance when they have a machine malfunction.
18. Any inmate assigned to clean up crew will work every day that Garment works, even the days that Garment calls just Volunteers.
19. If you receive an extended medical lay-in, you are to bring the paperwork (MS-207 Form) to the Garment Factory or have your barracks Supervising Officer call the Garment Factory to verify the lay-in.
20. ANYONE CAUGHT VIOLATING THESE RULES WILL BE SUBJECT TO DISCIPLINARY ACTION!

I, Quil Jarret, ADC [REDACTED] have read the above stated rules and I understand them to the best of my ability. Further, I agree to abide by these rules.

[Signature]
Signature (Inmate)

[Signature]
Supervisor

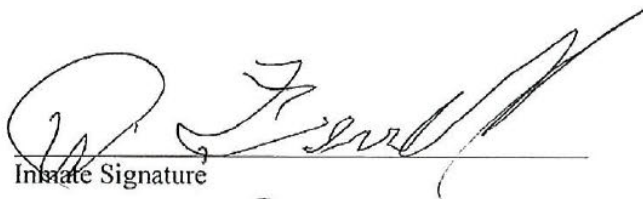
4-2-24
Date

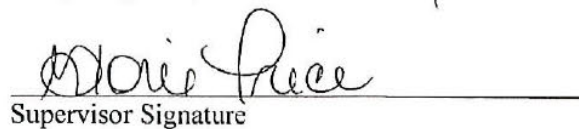
GARMENT PROGRAM INMATE QUARTERLY PERFORMANCE EVALUATION FORM

DATE: 11-18-24SUPERVISOR: Ms. G. PriceINMATE: David Ferrell [REDACTED]

MONTH:	ATTITUDE:	WORK PERFORMANCE
March 2024	5	5
June 2024	5	5
September 2024	5	5

1. Unacceptable
2. Poor
3. Satisfactory
4. Good
5. Excellent


Inmate Signature


Supervisor Signature

From: [Misty Scott](#) on behalf of [ASCC Pleadings](#)
To: [Tasha Tidwell \(DOC\)](#); [Miles Morgan \(DOC\)](#)
Cc: [Yolanda Charles \(DOC\)](#); [Mika Tucker](#); [ASCC Pleadings](#)
Subject: ORDER: David Ferrell v. ADC, Claim No. 241511
Date: Wednesday, December 31, 2025 11:27:24 AM
Attachments: [David Ferrell v. ADC4.pdf](#)
[David Ferrell-order2.pdf](#)

Ms. Tidwell and Mr. Morgan:

Please see attached. Contact Mika Tucker with any questions.

Thank you,

Misty

Misty Scott
Arkansas State Claims Commission

ARKANSAS STATE CLAIMS COMMISSION

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



KATHRYN IRBY
DIRECTOR

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

December 31, 2025

Mr. David Ferrell (ADC [REDACTED])
[REDACTED]

Ms. Tasha Tidwell
Mr. Miles Morgan
Arkansas Division of Correction
1302 Pike Avenue, Suite C
North Little Rock, Arkansas 72114

(via email)

Re: ***David Ferrell v. Arkansas Division of Correction***
Claim No. 241511

Dear Mr. Ferrell, Ms. Tidwell, and Mr. Morgan:

Enclosed please find an Order entered on December 22, 2025, by the Arkansas State Claims Commission. If you have any questions, please do not hesitate to contact my office.

Sincerely,

Mika Tucker

ES: msscott

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

DAVID FERRELL (ADC [REDACTED])

CLAIMANT

V.

CLAIM NO. 241511

ARKANSAS DIVISION OF
CORRECTION

RESPONDENT

ORDER

Now before the Arkansas State Claims Commission (the “Commission”) is the motion filed by the Arkansas Division of Correction (the “Respondent”) seeking summary judgment as to the claim of David Ferrell (the “Claimant”). Based upon a review of the claim file and the law of the State of Arkansas, the Commission hereby finds as follows:

1. Claimant filed his claim on February 29, 2024, seeking \$14,999.99 in damages related to unpaid wages accrued when working at the [REDACTED] Unit garment factory as part of the Arkansas Correctional Industry (“ACI”) program. Claimant alleges, *inter alia*, that he worked for a “private company within the secure perimeters of the [REDACTED] Correctional Facility.” See Claimant’s Complaint at p. 7. Claimant’s claim cites Ark. Code Ann. §§ 4-46-308, 11-11-224, and 21-9-203.

2. Respondent filed a motion for summary judgment arguing that Claimant was not entitled to any compensation by Respondent for the work he performed as a sewing machine operator at the [REDACTED] unit. As part of that motion, Respondent provided an explanation in the affidavit of Respondent’s ACI Administrator that medically-able inmates receive unpaid, work assignments as part of the ACI program. Respondent also cited to the inmate handbook, which specifically stated that “ADC does not pay wages to inmates, nor does ADC charge for basic hygiene items, meals, laundry services, etc.” In support of its motion, Respondent also attached an

affidavit by the superintendent of the [REDACTED] Unit stating that the “[REDACTED] Unit does not have any jobs for inmates where they are eligible to be paid.” The affidavit of Respondent’s ACI administrator also clarified that one of Respondent’s other units, the Grimes unit, has a program in which an outside company employs inmates to work in its factory as a part of a “work-release style agreement.” Respondent further argued that Ark. Code Ann. §§ 4-46-308 (regarding partnerships), 11-11-224 (regarding employment agencies), and 21-9-203 (regarding settlements with officers or employees of the State) are inapplicable to the present claim.

3. Claimant filed a response to the motion for summary judgment, arguing that he should have been paid for his work as a sewing machine operator and taking issue with Respondent’s discovery responses.

4. Respondent’s motion for summary judgment was initially denied by the Commission in an April 21, 2025, order. Upon further consideration, however, the Commission finds that its April 21, 2025, order should be revisited before the parties engage in further discovery or before this matter is scheduled for a claim hearing.

5. Arkansas Rule of Civil Procedure 56(c) provides:

When a motion for summary judgment is made and supported as provided in this rule, an adverse party may not rest upon the mere allegations or denials of his pleadings, but his response, by affidavits or as otherwise provided in this rule, must set forth specific facts showing that there is a genuine issue for trial. If he does not so respond, summary judgment, if appropriate, shall be entered against him.

6. In addition to the standard set forth by Ark. R. Civ. P. 56(c), Arkansas courts interpreting this rule have held:

[w]hat is required when a movant for summary judgment makes a prima-facie showing of entitlement is that the respondent meet proof with proof by showing genuine issue as to a material fact. A response to a motion for summary judgment that merely states conclusions is not sufficient. The

response and supporting materials must set forth specific facts showing that there is a genuine issue for trial.

Sellers as Tr. of R&LD Tr. II v. Felton, 2021 Ark. App. 247, 3, 626 S.W.3d 121, 123 (2021) (internal citations omitted). The failure of a claimant to file counter affidavits does not in itself entitle a respondent to summary judgment; however, “the effect is to leave the facts asserted in the uncontroverted affidavit supporting the motion for summary judgment accepted as true for purposes of the motion.” *Id.*

7. In this matter, the Commission finds that Respondent made a *prima facie* showing of entitlement to summary judgment. The Commission also finds that Claimant’s response to the motion for summary judgment did not contradict Respondent’s arguments or affidavits and did not provide affidavits in opposition to Respondent’s. Instead, Claimant’s response focused on Claimant’s objections to Respondent’s discovery responses and Respondent’s use of profits generated from inmate work programs.

8. The Commission finds that Claimant’s claim boils down to Claimant’s misunderstanding that Respondent *should have* paid him for the work that he completed as a sewing machine operator. The uncontroverted evidence presented by Respondent is that the [REDACTED] Unit did not offer jobs to inmates where they are eligible to be paid. The Commission finds that, while the [REDACTED] Unit may have a different program, that fact does not require every unit to offer similar programs or that Respondent must pay all inmates who are doing work assignments. The Commission finds that Claimant did not meet proof with proof with respect to the material issue of fact that Respondent had no obligation to pay Claimant for work he performed at the [REDACTED].

9. As such, the Commission sets aside its April 21, 2025, order, and, pursuant to Ark. R. Civ. P. 56, GRANTS Respondent's motion for summary judgment and DISMISSES Claimant's claim.¹

¹This Order supersedes the Commission's April 21, 2025, and November 7, 2025, orders.

IT IS SO ORDERED.



ARKANSAS STATE CLAIMS COMMISSION
Dee Holcomb



ARKANSAS STATE CLAIMS COMMISSION
Henry Kinslow, Chair



ARKANSAS STATE CLAIMS COMMISSION
Sylvester Smith

DATE: December 22, 2025

Notices which may apply to this claim

- (1) A party has forty (40) days from transmission of this Order to file a Motion for Reconsideration or a Notice of Appeal with the Commission. Ark. Code Ann. § 25-44-211(a)(1). If a Motion for Reconsideration is denied, that party then has twenty (20) days from the transmission of the denial of the Motion for Reconsideration to file a Notice of Appeal with the Commission. Ark. Code Ann. § 25-44-211(a)(1)(B)(ii). A decision of the Commission may only be appealed to the General Assembly. Ark. Code Ann. § 25-44-211(a)(3).
- (2) If a Claimant is awarded \$15,000.00 or less by the Commission at hearing, that award is held forty (40) days from the date of disposition before payment will be processed to allow either party to utilize its remedies under Ark. Code Ann. § 25-44-211(a). Note: This does not apply to agency admissions of liability and negotiated settlement agreements.
- (3) Awards or negotiated settlement agreements of more than \$15,000.00 are referred to the General Assembly for approval and authorization to pay. Ark. Code Ann. § 25-44-215(b).

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION Arkansas
Claims Commission

DAVID FERRELL (ADC) [REDACTED]

CLAIMANT FEB 15 2026

V. CLAIM NO. 24151

RECEIVED

ARKANSAS DIVISION OF CORRECTION

RESPONDENT

NEW REQUEST FOR ADMISSIONS PER: F.R.C.P. 36

In accordance with Rule 36 of the Federal Rules of Civil Procedure, Claimant request that Respondent, Arkansas Division of Correction answer the following Admissions under oath, and that the answers be signed by the person making them and be served on Claimant within 30 days of service of these Admissions, for the purpose of this action only and subject to all pertinent objections to admissibility which may be interposed at the trial.

1. Admit; ACI, Arkansas Correctional Industry employed paid supervisors at the (ADC) McPherson Correctional Facility in the years of November 2023 through November 2024.
2. Admit; The inmates at the (ADC) McPherson Unit that worked for the ACI, Arkansas Correctional Industry from November 2023 through November 2024 fabricated clothing.
3. Admit; ACI, Arkansas Correctional Industry took money from: SECTION 13, APPROPRIATION-PRISON INDUSTRY PROGRAM, 2023 Arkansas Laws Act 890 (H. B. 1176) to operate at the (ADC) McPherson Unit.

If you cannot answer the above stated Admissions in full, after exercising due diligence to secure the information to do so, state and answer to the extent possible, "specifying" your inability to answer the remainder and stating whatever information or knowledge you have concerning the unanswered portions.

CERTIFICATE OF SERVICE

I David Ferrell (Claimant) have placed one true and accurate copy of the foregoing into the ADC Prison Legal Mail System to:

Miles S. Morgan, Ark. Bar No. 2017049
Arkansas Division of Correction
1302 Pike Avenue, Suite C
North Little Rock, AR 72114

on this January 22, 2026 by way of U.S. Postal Service.

Respectfully Submitted,


David Ferrell (ADC# [REDACTED])
[REDACTED]

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

DAVID FERRELL (ADC # [REDACTED])

CLAIMANT

v.

CLAIM NO. 241511

**ARKANSAS DIVISION OF
CORRECTION**

RESPONDENT

**MOTION FOR RECONSIDERATION PER THE
ARKANSAS STATE CLAIMS COMMISSION'S
REVERSAL OF THE COURT'S APRIL 21, 2025
ORDER DISMISSING RESPONDENT'S
SUMMARY JUDGMENT**

Comes now, David Ferrell, stated herein as the Claimant when applicable, with his:
Motion For Reconsideration Per The Arkansas State Claims Commission's Reversal of the
Court's April 21, 2025 Order Dismissing Respondent's Summary Judgment, on December 22,
2025.

I. FACTS OF THE CASE

- 1.) On February 29, 2024 the Arkansas State Claims Commission File Marked the Claimant's case No. 241511 against the Respondent for a year's back pay \$14,999.99
- 2.) The Claimant has **[never]** changed his allegations. The Claimant has produced **[f]actual Documentation.**
- 3.) The Respondent has only lied to the Claimant and the Courts trying to get the Claimant's case dismissed with lies and fraud. The Respondent has taken approx "One Billion Dollars" since 2017 from tax payers to operate the Prison Industry: Prison Industry Enhancement Program.

Comes now a list of lies the Respondent has fraudulently woven:

- (1) ADC RESPONSES TO REQUESTS FOR ADMISSIONS

Request for Admission 1: Admit that the State has a contract with Correctional Industry AKA A.C.I. to use inmate labor

Response: Deny

Request for Admission 2: Admit that the Arkansas Department of Correction/Division has a contract with Correctional Industry work program by allowing inmates to work for private companies with secure perimeters of correctional facilities.

See Attachment #1, dated August 8, 2024

Now, see: **Ark Admin. Code 004.03.1-115 Private Industry Employment of Inmates Within Correctional Facilities.**

II. EXPLANATION:

The Board of Corrections is authorized by Ark. Code Ann. § 12-30-501 to “**contract**” with any private individual or private company to employ inmates...

2. Inmate Wages

Wages shall be paid to inmate workers at a rate not less than that paid for work of a similar nature in the locality in which the work is performed. See: Attachment #4-5

Also See: **A.C.A. § 12-27-105 Board purpose, powers, and duties, Jan. 1, 2024**

(1)(A) General Supervisory power control over the Division of Correction and the Division of Community Correction and shall perform all functions with respect to the management and control of the adult correctional institutions and community correction options of this State contemplated by Arkansas Constitution, Amendment 33.

(7) To investigate, monitor and address the need of the state for adequate housing, treatment [and employment] of individuals involved in state - funded correctional programs, facilities and states of supervision;

(10)(A) Authorized and empowered to investigate, consider and determine the needs of the state for adequately housing, treating, and **employing prisoners of the state and to provide adequate facilities for such housing, treatment, and employment.** See: Attachments #6-7

Also see: **Ark. Admin. Code 004.03.1-1201**

Inmate Labor by Contractual Agreement and Volunteer Services

1. POLICY

Act 814 or 1983 -- to permit the Department of Correction to make **[contractual]** arrangements for use of inmate labor by the following prioritized list:

- (a) Other State departments and agencies
- (b) Counties, cities and school districts. See: Attachments # 8-13.

Now, you see ADC **[clearly]** request a “**contract**” for the use of inmate Labor. So why does the Respondent lie on all Discovery request?...See: Attachment #1 Admission #1 and 2.

4.) Request for admission 3: Admit that the Cummins Unit Garment Industry Program is within **{secure perimeters of the correctional facility}**.

RESPONSE: Deny, dated August 8, 2024.

- This is a lie by the Respondent, a perjured answer. See: Attachment #1 ADC Responses to Admissions also see: Attachment #14 Arkansas Correctional Industries, Garment Program: #15 Arkansas Department of Correction Certificate of Achievement, Garment Factory, November 2025: Inmates by Housing Area, Cummins Unit Roster.

The Claimant is a Maximum Security inmate with Life without parole, The Claimant **[can not work outside the ADC Unit]**.

5.) Request for Admission: 4: Admit Correctional Industry operates at the Cummins Unit Garment **[Industry]** Program.

RESPONSE: Deny, dated August 8, 2024

- This is a lie by the Respondent, A perjured answer, see: Attachment #1 ADC Response to Admissions also see: Attachment #14 Arkansas Correctional Industries, ACI Program, Garment Program “Certificate” awarded to the Claimant: Attachment #15, Arkansas Department of Certificate of Achievement, Garment Factory/CI (Correctional Industry) awarded to the Claimant.

b.) Request for Admission 5: Admit by changing the “Garment Factory” to Garment Industry Program, you [Enhanced] the ADC job to a program.

RESPONSE: Deny dated, August 8, 2024

- This is another lie by the Respondent, or act of perjury, see the attachments #14-15.

7.) Request for Admission 6: Admit Ms. Price, the Garment Industry Program Supervisor, printed the Claimant a [Certificate of Certification] 5-27-2024 to operate machinery.

RESPONSE: Deny

- This is a lie by the Respondent, a perjured answer, see: Attachment #14 the Certificate of Completion awarded to the Claimant. Who [only] received it [a]fter the Commission ordered it.

8) Request for Admission 7: Admit the [REDACTED] Unit Garment Industry Program is a [Program].

RESPONSE: Deny

- This is another lie by the Respondent or act of perjury, see: Attachments #14 Program Certificate.

9) Request for Admission 8: Admit Admission 3, 4, 5, 6, 7 spell out (3.)P. (4.)I. (5.)E. (6.)C. (7.)P.= [P.I.E.C.P.]

RESPONSE: Deny

- This is another lie by the Respondent a perjured answer. See: Attachment #1-2 ADC

Responses To Request For Admissions dated August 8, 2024

10. Request for Admission 9: Admit the Claimant works at the [REDACTED] Unit Garment Industry Program.

RESPONSE: Deny

- This is another lie by the Respondent, a perjured answer. See: Attachment #14-15, ADC and ACI Certificates awarded to the Claimant for working for the Respondent and ACI at the Garment Industry Program. Also see: Attachment #16 ADC [REDACTED] Unit Inmate by Housing Area Roster.

11.) Request for Admission 11: Admit the Respondent has not paid the Claimant any money for his labor at the [REDACTED] Unit Industry Program

RESPONSE: Deny

- This is another lie by the Respondent, a perjured answer. The Respondent [**Has not paid the Claimant for working at the ADC/ACI Garment Factory, Prison Industry Program**]. See: Attachment #2, ADC's Responses to Admissions.

12) Request for Admission 12: Admit per Ark. Admin. Code 004.03.1-115 sub-section (ss)IV. **Policy** states:

It shall be the policy of the Department of Correction to **[expand]** the **Correctional Industry Work Program** by allowing inmates to work for private companies within secure perimeters of correctional facilities, **This work program shall operate as a private industry enhancement certification program (PIECP)** of the Bureau of Justice Assistance, U.S. Department of Justice.

2. Inmate Wages

Wages shall be paid to inmate workers at a rate not less than that paid for work of a similar nature in the locality in which the work is performed

RESPONSE: Deny

- This is another lie by the Respondent, a perjured answer. See: Attachment #4 **Ark. Admin.**

Code 004.03.1-115 Private Industry

14) The Respondent Produced an **AFFIDAVIT by ACI/ADC Supervisor** stating:

3.[**A.C.I. is a self-supporting division of the Arkansas Department of Correction**].

Each purchase you make from A.C.I. ensures that we will be able to further train offenders for marketable skills, statistics show that if A.C.I. teaches an offender marketable skill that can be used upon release; that offender is less likely to return to prison. This means that through the purchase of goods for services, you are helping lower the prison population. [**Any profits derived from the sale of the products and services go to enlarging the present programs and creating new programs**] to train and educate more offenders.

4. It is the policy of the Department of Corrections for all able-bodied inmates to work in some program while incarcerated.

5. There are currently nine (9) programs within the Arkansas Department of Corrections for inmates to receive working skills while incarcerated.

8. Prison Industry Enhancement Certification Program where Claridge Products owns and operates a business inside prison at the [REDACTED] unit manufacturing white boards and chalk boards see: Attachments #21-22

- Mr. Powell's Affidavit is full of lies and ½ truths as follows:

See: 3. Any profits derived...go to enlarging the present programs and creating new programs, see: Attachment #21 [REDACTED] Unit Garment Factory Program Inventory, Wednesday, January 31, 2024. Cleared a TOTAL PROFIT of \$195,123.51 in one month.

On June 30, 2023 the Respondent received **\$12,158,011 from the 2023 Arkansas Laws Act 890 (H.B. 1176) SECTION 13, APPROPRIATION - PRISON INDUSTRY PROGRAM**, See: Attachment #23

Now see: **ADC SECOND AMENDED RESPONSE TO SECOND REQUEST FOR PRODUCTION dated November 18, 2025** Attachments #23-25

RESPONSE: No, the [REDACTED] Unit Industry Program is not a Prison Industry Enhancement Certification program so no money is received.

[Nowhere in Section 13. Appropriation - Prison Industry Program] does it say its for the Prison Industry Enhancement Program.

So “why” did the Respondent make such a claim unless the ADC/ACI [REDACTED] Unit Garment Factory Program & PIE are one and the same program? And per: **Ark. Code 5-2-503 Liability of Agents (b)(1)** When a duty to act or refrain from acting is imposed by law upon an organization, only agent of the organization having primary responsibility for discharge of the duty is criminally liable for a reckless performance or omission to perform the required act to the same extent as if the duty were imposed by law directly upon the agent. See: *Hale v. State*, 31. S. W. 3d 850, Ark. 62 (2000).

INTERROGATORY 6: Who has the responsibility to pay the ADC inmates for their labor as quoted in Ark. Admin. Code 004.03.1-115: Private Industry Employment of Inmates within Correction Facilities?

RESPONSE: Respondent is not sure what Code Claimant is referencing, ADC does not pay inmates. The Prison Industry Enhancement Certification Program (“PIECP”) is no longer functioning at any ADC Units. The Garment Unit Industry Program at the [REDACTED] Unit is not a PIECP. The PIECP was offered at the McPerson and Grimes Units which contracted with certain companies during the Program’s existence. See: Attachments #24-26

- The Respondent weave of more lies.

RESPONSE Act 890 was an Act to make an appropriation for personal services and operating expenses for the [Department of Corrections Division of Correction for the fiscal year ending June 30, 2024.

“If” Act 890 was only for [ADC] to operate and expenses why were private companies getting it?: e.g. ADC Grimes Unit “Claridge Products” and McPherson Unit, Then why did ADC/A.C.I. take \$12,075,212 from SECTION 9. APPROPREATION - PRISON INDUSTRY PROGRAM from the 2025-2026 Arkansas Laws Act 49 (H.B. 1013) See: Attachment #27 also see: SECTION 9, APPROPRIATION - PRISON INDUSTRY PROGRAM 2025-2026 Arkansas Laws Act 790 (H.B. 1174) \$8,025,860.

Why does the Respondent keep stating it’s not sure what Code: **(Ark. Admin. Code 004.03.1-115 Formally cited as AR ADC 004.002-115 Private Industry Employment of Inmates Within Correctional Facilities.)** See: Attachment #4-5 when its the Respondent’s own AR?

Unless they do not want to abide by its own AR!

On September 24, 2024 the Respondent produced an Affidavit from Mr. Powell.

See: Line Number(s) 4., 5., 8.

4. Its the Policy of the Department of Corrections for all able-bodied inmates to work in some Program while incarcerated.

- This is a lie by Eddie Powell, ADC/A.C.I. Inmates who work at the [REDACTED] Unit Max/Ad-seg; Barracks Porters; Picketmen; Library; Gym; Laundry; Kitchen; Maintenance; 1-B Trustees; and the like may do their entire sentence anywhere from 1-year to life and never work in any program job and be able-bodied to do so.

5. Mr. Powell also stated under a “sworn Affidavit” that there were 9-Programs within ADC.

8. Prison Industries Enhancement Program is a program where Claridge Products owns and operates a business inside the Grimes Unit. See: Attachments 21-22.

Now NOTE: The Respondent now comes up with a 2nd P.I.E. Program at the McPherson Unit [contradicting] Mr. Powell’s Affidavit of lies and half truths.

In the Respondent’s own writing: It only used the Appropriation monies for the P.I.E. Programs and now as of November 18, 2025 there are [no - PIE Programs within ADC. See: ADC 2nd Amended Response to request for Production; last Response. Attachment #24-26.

Then See: Appropriation - Prison Industry Program \$ issued out 24-2026. Why is the Respondent collecting millions of dollars and not paying the inmates who work in the ADC/ACI Prison Industry Program in accordance with AR 115?

Where are the millions of Tax Payer dollars going since 2017? until date?

15) On September 24, 2024 the Respondent filed a Motion For Summary Judgment.

16) On October 2024 The Claimant Filed a Rebuttal to Respondent’s Motion for Summary Judgment.

17) The Arkansas State Claims Commission set a Hearing on all Motions and Summary Judgment for Wednesday, March 5, 2025.

18) On March 5, 2025, the Respondent failed to put the Claimant on the ADC Institutional lay-in list for Court.

The Claimant was told by ADC security to go to work or be written a Major Disciplinary and put into the Hole (Max) for thirty (30) days.

The Claimant went to work at the ADC/A.C.I. Prison Industry Program, Garment Factory and ask the ADC/A.C.I. security officer (3) three times to call the ADC Count Room so they could clear the Claimant to Court.

The ADC/A.C.I. Security officer told the Claimant to go to work or be locked up in the Max.

Hours later, the Count Room called the ADC/A.C.I. Prison Industry Program, Garment Factory and notified ADC/A.C.I. security to send me to the ADC Count Room so the Claimant could appear before the Commission.

19.) When the Commission asked the Respondent for its Ground(s) the Respondent stated:

ADC does not pay inmate(s).

The Commission asked the Claimant for his Rebuttal/Grounds.

The Claimant stated: the Respondent has not paid him for his labor at the [REDACTED] Unit, Prison Employment Industry Program in Accordance with: AR-115. That the Respondent had denied the Garment Factory even existed even though I had just come from there. That its the size of a football field, that the Commission could ask any of the three security officers present.

When the Claimant was done, the Commission asked the State/Respondent for a "Rebuttal". the State/Respondent: [Dropped his head into his hand and "moaned" three times]. The Claimant and Commission looked upon the State/Respondent thinking: Is he having a stroke?

So, the Commission/Judge made Ruling on no argument/rebuttal from the State/Respondent.

The Commission stated they would send the Claimant their order.

20) On April 12, 2024 the Commission stated in part on No. 9, the Commission finds that, at this time, there are genuine issues of material fact in this matter. As such, Respondent's Motion for Summary Judgment is DENIED.

21) On December 22, 2025 the Commission set aside its April 21, 2025 Order and pursuant to Ark. R.Civ.P.56, GRANTS Respondent's Motion for Summary Judgment and DISMISSED Claimant's Claim.

22.) **The Claimant Moves to file this MOTION FOR RECONSIDERATION with the COMMISSION, Ark. Code Ann. § 25-44-211 (a)(1.)**

23.) The Claimant made a *prima facie* presentation at the Hearing on March 5, 2025, see: Bouvier Law Dictionary: *Prima facie evidence of fact, unless rebutted*, .6 Pet. R. 622, 632; Pet, R.334. See, generally, 7 J.J. Marsh, 425; 3 N.H. Rep. 484; 3 Stew. & Port. 267; 5 Rand 701; Pick, 332; 1 South 77; 1 Yates, 347, Gilp. 147; 2 N. & McCord 320; 1 M; SS 334; 11 Conn. 95.

24) **Arkansas Rule of Civil Procedure 56 L Provides:**

Summary judgment should be granted [only when it is clear there are no genuine issues of material fact to be litigated] *Hickson v. Saig*, 309 Ark. 231, 828 S.W. 20 840 (1992). [A summary judgment should not be granted where reasonable minds could differ as to the conclusions they could draw from facts presented. Lee v. Doe, et al, 274 Ark. 467, 626 S.W. 2d 353 (1981).] The burden of proving there is no genuine issue of material fact is upon the movant and [all proof submitted must be viewed favorably to the party resisting the Motion.] *Wyatt v. St. Paul Fire & Marines Ins.* 315 Ark. 547, 868 S.W.2D 505 (1994)

25) When confronted at the Summary Judgment Hearing the Respondent [could not argue the claimant's Factual ADC AR's Documents and Policies].

The Respondent folded. A non-rebuttal hearing.

Now the Respondent has only woven more lies before the Commission in a desperate act to dismiss the Claimant's case.

26) The Claimant's supervisor, Ms. Price stated that she would testify for the Claimant, but she could not write a statement/Affidavit.

Ms. Price stated: **[Be careful, they (ADC) would make the Claimant disappear].**

27.) How many lies must the Respondent tell to the claimant and the Courts before the court sees the desperation?

28.) The Claimant works for the: ADC/A.C.I Prison Industry Employment Certification Program.

GROUND FOR RELIEF

The Respondent has lied from day one, every discovery request (answer(s)) change just as the names the Respondent goes by and or collects taxpayer money through the following names:

1. State of Arkansas. See: Attachment 1
2. Arkansas Department of Correction. See: Attachment #1, 10, 17, 23, 24, 27, 28
3. Arkansas Division of Correction. See: Attachment: #1, 3, 4, 5, 6, 17, 23, 24, 27, 28
4. The Board of Corrections, See: Attachment #4, 6
5. ADC, See: Attachment #1, 4, 8, 10, 16, 24
6. [REDACTED] Unit Garment Industry Program: See: Attachment #1, 2, 14, 15, 16, 17, 18, 19, 24, 25
7. Arkansas Correctional Industry: See: Attachment #1, 2, 4, 14, 15, 17, 19, 21, 27, 28

8. P.I.E.C.P.=Prison Industry Employment Program See: Attachment

9. P.I.E.C.P.=Prison Industry Enhancement Program, See: Attachment: 2, 4, 22, 25

10. Prison Industry Work Program, See: Attachment #2, 4, 17, 22, 23, 24, 25, 27, 28

The Claimant's claim has **[never changed]** unlike the Respondent, when the Claimant 1st asked the Respondent to admit he had not been paid for his Labor at the Cummins Unit Industry Program, the Respondent denied. "Stated under oath the Claimant had been paid by stating deny." See: Attachment #2. Admission 11.

On March 5th, 2025, when the Claimant and Respondent met face to face in Court, [the Respondent could not, did not rebut the Claimant's FACTS presented before the Commission].

The Respondent never objected to nor appealed the dismissal of the State's Summary Judgment.

No true facts have been presented, only more lies and ½ truths by the Respondent. The Respondent is liable per:

LIABILITY

Ark. Code 5-2-503 Liability of Agents (AR. Code 2024 Edition)

(b)(1) When a duty to act or refrain from acting is imposed by law upon an organization, any agent of the organization having primary responsibility for discharge of the duty is criminally liable for a reckless performance or omission to perform the required act to the same extent as if the duty were imposed by law directly upon the agent. See: *Hale v. State*, 31 S.W. 3d 850, Ark. 62 (2000).

Per Ark. Code 4-46-305 Partnership [liable] for Partner's actual conduct.

(a) *A partnership is [liable] for loss or injury caused to a person, or for a penalty incurred, as a result of a wrongful act or omission, or other actual conduct, of a partner*

acting in the ordinary course of business of the partnership or with authority of the partner.

REBUTAL TO MOTION FOR SUMMARY JUDGMENT

Ark. R. Civ. P. 56 states: Summary judgment should be granted [only when it is clear there are no genuine issues of material fact to be litigated] *Hickson v. Saig*, 309 Ark. 231, 828 S.W. 2d 840 (1992).

Summary judgment should not be granted where reasonable minds could differ as to the conclusion they could draw from the facts presented: See Lee v. Doe et al, 274 Ark.467, 626 S.W. 2d 363 (1981). *The burden of proving there is no genuine issue of material fact is upon the movant and all proof submitted must be viewed favorably to the party resisting the Motion.*

Any doubts and inferences must be resolved and cannot be shifted when there is no proof on a controverted issue. See Cross v. Coffman, 304, Ark. 666, 805 S.W. 2d 44 (1991).

There are issue(s) and the Claimant prays for to be heard by a trial court to resolve the Fact by presentation of Factual Documentation not lies, fraud and deception by the Respondent.

CERTIFICATE OF SERVICE

The Claimant hereby swears to that one true and accurate copy of the forgoing was placed into the ADC Prison Legal Mail System to the following on this January 22, 2026 by way of 1
 1 Class Mail,

Trent Rigdon
 Arkansas Department of Correction
 1302 Pike Ave., Suite C
 North Little Rock, AR 72114

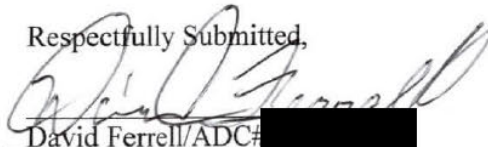
Federal Bureau of Investigation
 935 Pennsylvania Ave. N.W.

Suite 7176
Washington D.C. 20535-0001

This case is just like the Minnesota Childcare fraud where 10-Day cares took Federal Money but only operated (2).

I pray that justice will be served!

Respectfully Submitted,



David Ferrell/ADC# [REDACTED]

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

Daivd Ferrell (ADC [REDACTED])

CLAIMANT

V.

CLAIM NO. 241511

ARKANSAS DIVISION OF CORRECTION

RESPONDENT

ADC RESPONSES TO REQUEST FOR ADMISSIONS

Request for Admission. 1: Admit that the State of Arkansas has a contract with Correctional Industry aka A.C.I. to use inmate labor.

RESPONSE: Deny.

Request for Admission. 2: Admit that the Arkansas Department of Correction/Division has a contract with Correctional Industry work program by allowing inmates to work for private companies within secure perimeters of correctional facilities.

RESPONSE: Deny.

* Request for Admission. 3: Admit that the Cummins Unit Garment Industry Program is within {secure perimeters of the correctional facility}.

RESPONSE: Objection, this response is unintelligible, and therefore the ADC cannot respond in its current form. Without waiving said objection, Deny.

* Request for Admission. 4: Admit Correctional Industry operates the Cummins Unit Garment [Industry] Program.

RESPONSE: Objection, this response is unintelligible, and therefore the ADC cannot respond in its current form. Without waiving said objection, Deny.

* Request for Admission. 5: Admit by changing the "Garment Factory" To: Garment Industry Program, you [Enhanced] the ADC Job to a program.

RESPONSE: Objection, this response is unintelligible, and therefore the ADC cannot respond in its current form. Additionally, Counsel does not know who "you" is referring to and thus cannot respond. Without waiving said objection, Deny.

Attachment #1

X **Request for Admission. 6:** Admit Ms. Price, the Garment Industry Program Supervisor, printed the Claimant a [Certificate of Certification] 5-27-2024 to operate machinery.

RESPONSE: Counsel was not present and therefore cannot respond to this request, and this request is unintelligible, therefore deny.

X **Request for Admission. 7:** Admit the [REDACTED] Unit Garment Industry Program is a [Program].

RESPONSE: Objection, this response is unintelligible, and therefore the ADC cannot respond in its current form. Without waiving said objection, Deny.

Request for Admission. 8: Admit Admission 3, 4, 5, 6, 7, spell out (3.) P. (4.) I. (5.) E. (6.) C. (7.) P= [P.I.E.C.P.]

RESPONSE: Objection, this response is unintelligible, and therefore the ADC cannot respond in its current form. Without waiving said objection, Deny.

X **Request for Admission. 9:** Admit the Claimant works at the [REDACTED] Unit Garment Industry Program.

RESPONSE: Counsel has no knowledge of this and cannot respond, therefore Deny.

Request for Admission. 10: Admit the Claimant is under P.I.E.C.P., Prison Industry Enhancement Certification Program.

RESPONSE: Deny.

X **Request for Admission. 11:** Admit the Respondent has not paid the Claimant any money for his labor at the [REDACTED] Unit Industry Program.

RESPONSE: Counsel has no knowledge of this and cannot respond, therefore Deny.

X **Request for Admission. 12:** Admit per Ark. Admin. Code 004.03.1-115 SS IV. Policy states:

It shall be the policy of the Department of Correction to expand the Correctional Industry Work Program by allowing inmates to work for private companies within secure perimeters of correction facilities. This work program shall operate as a private industry enhancement certification program (PIECP) of the Bureau of Justice Assistance, U.S. Department of Justice.

Attachment # 2

2. Inmate Wages

Wages shall be paid to inmate workers at a rate not less than that paid for work of a similar nature in the locality in which the work is performed.

RESPONSE: This request appears to reference an incorrect code, regardless, this request does not reference said code in an accurate format, therefore, Deny.

Respectfully submitted,

/s/ Trent Rigdon
Trent Rigdon Ark. Bar No. 2015227
Arkansas Department of Corrections
1302 Pike Avenue, Suite C
North Little Rock, AR 72114
479-746-1138 Office
Trent.Rigdon@doc.arkansas.gov

CERTIFICATE OF SERVICE

I certify that a copy of the above pleading has been served this 8th day of August 2024, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

David Ferrell (AD [REDACTED])
[REDACTED]

/s/ Trent Rigdon
Trent Rigdon

Attachment # 3

2/7/24, 7:12 AM

004.03.1-115. Private Industry Employment of Inmates Within Correctional Facilities | WestlawNext

WESTLAW

004.03.1-115. Private Industry Employment of Inmates Within Correctional Facilities

ARADC 004.03.1-115 Arkansas Administrative Code (Approx. 5 pages)

West's Arkansas Administrative Code
 Title 004. Department of Corrections
 Division 03. Office of the Secretary
 Rule 1. Administrative Rules
 Fiscal and Logistical Management

Ark. Admin. Code **004.03.1-115**
 Formerly cited as AR ADC 004.00.2-115

**004.03.1-115. Private Industry Employment of Inmates Within
 Correctional Facilities**

Currentness

I. AUTHORITY:

The authority of the Board of Corrections to promulgate this Administrative Rules is found in Ark. Code Ann. § 12-27-105 and § 12-30-501.

II. EXPLANATION:

The Board of Corrections is authorized by Ark. Code Ann. § 12-30-501 to contract with any private individual or private company to employ inmates. The contracts must comply with Title 18 U.S.C. Section 1761. The purpose of this rule is to authorize the Director of the Arkansas Department of Correction to operate the program.

III. APPLICABILITY:

This Administrative Rule applies to the Arkansas Department of Correction, its inmates and any private individual, corporation, partnership, or association contracting with or attempting to contract with the Arkansas Department of Correction to utilize inmate labor as authorized and/or limited by Ark. Code Ann. § 12-30-501.

IV. POLICY:

It shall be the policy of the Department of Correction to expand the Correctional Industry work program by allowing inmates to work for private companies within secure perimeters of correctional facilities. This work program shall operate as a private industry enhancement certification program (PIECP) of the Bureau of Justice Assistance, U.S. Department of Justice.

V. PROCEDURES:

A. The Board of Corrections will be the PIECP certificate holder.

B. The program has nine mandatory requirements that are:

1. Eligibility

There shall be on file written proof of certification from the Bureau of Justice Assistance permitting PIECP in the State of Arkansas prior to any Cost Accounting Center startup.

2. Inmate wages

Wages shall be paid to inmate workers at a rate not less than that paid for work of a similar nature in the locality in which the work is performed.

3. Non-Inmate Worker Displacement

Written assurances from the Employment Security Division that PIECP will not result in the displacement of employed workers; be applied in skills, crafts, or trades in

Attachment #4

11/28/23, 8:18 AM

§ 12-27-105. Board purpose, powers, and duties | WestlawNext

WESTLAW

§ 12-27-105. Board purpose, powers, and duties

ARST § 12-27-105 West's Arkansas Code Annotated Title 12. Law Enforcement, Emergency Management, and Military Affairs Effective: July 24, 2019 to December 31, 2023 (Approx. 3 pa...

West's Arkansas Code Annotated

Title 12. Law Enforcement, Emergency Management, and Military Affairs

Subtitle 3. Correctional Facilities and Programs (Chapters 25 to 59)

Chapter 27. Division of Correction--Division of Community Correction (Refs & Annos)

Subchapter 1. General Provisions

Effective: July 24, 2019 to December 31, 2023

A.C.A. § 12-27-105

§ 12-27-105. Board purpose, powers, and duties

Currentness

<Text of section effective until Jan. 1, 2024. See, also, section 12-27-105 effective Jan. 1, 2024.>

(a) The purpose of the Board of Corrections is to manage correctional resources in the state such that offenders are held accountable for their actions, victims' needs are addressed in a positive manner, and the safety of society is enhanced.

(b) In furtherance of its purpose, the Board of Corrections shall have the following powers and duties:

(1)(A) General supervisory power and control over the Division of Correction and the Division of Community Correction and shall perform all functions with respect to the management and control of the adult correctional institutions and community correction options of this state contemplated by Arkansas Constitution, Amendment 33.

(B) No provision of this act shall abridge, diminish, or curtail in any respect the authority vested in the Board of Corrections as the successor to the State Penitentiary Board and the Arkansas Adult Probation Commission to govern and supervise the administration of the state penal institutions and community correction options;

(2) To coordinate resources for the corrections system, in conjunction with sentencing policy developed by the Arkansas Sentencing Commission, in a fashion that best serves the needs of the state, the entities encompassed, and the individuals served by and affected by corrections;

(3) To review and approve budgets submitted by the Division of Correction and the Division of Community Correction prior to submission for executive and legislative approval;

(4) To develop and approve policy and management decisions for the Division of Correction and the Division of Community Correction, evaluating their impact on corrections as a whole;

(5) To assist in the development of impact statements and recommendations on all existing and proposed legislation with regard to its effect on corrections as a whole, in cooperation and coordination with the commission;

(6) To coordinate the implementation and continued utilization of community correction options in support of sentencing policies developed by the commission;

(7) To investigate, monitor, and address the needs of the state for adequate housing, treatment, and employment of individuals involved in state-funded correctional programs, facilities, and states of supervision;

Attachment #6

WESTLAW

004.03.1-1201. Inmate Labor by Contractual Agreement and Volunteer Services

ARADC 004.03.1-1201 Arkansas Administrative Code (Approx. 9 pages)

West's Arkansas Administrative Code
 Title 004. Department of Corrections
 Division 03. Office of the Secretary
 Rule 1. Administrative Rules
 Work/Study Release

Ark. Admin. Code 004.03.1-1201

Formerly cited as AR ADC 004.00.2-1201

004.03.1-1201. Inmate Labor by Contractual Agreement and Volunteer Services

Currentness

I. POLICY:

Act 814 or 1983 -- to permit the Department of Correction to make contractual arrangements for use of inmate labor by the following prioritized list:

- (a) Other state departments and agencies
- (b) Counties, cities, and school districts
- (c) Civic organizations, and other non-profit organizations, and private citizens; including, but not limited to, those responsible for the preservation of natural resources or other public works. The Department of Correction may provide volunteer services for community service organizations, i.e., Lions Club, Rotary Club, Jaycees, Jaycettes, etc.

II. EXPLANATION:

A. Activities such as this will be performed in a manner so as to create goodwill between the Department of Correction and the public and be of rehabilitative value to the inmates.

B. Contractual Inmate Labor:

1. It is not intended to result in the displacement of currently employed citizens or to create a condition which would preclude the establishment or continuation of full-time free work jobs. Inmate work crews will not be utilized to displace contract labor(ers), subcontractor(s), bids or estimated projects or any similar related type construction and/or maintenance projects.
2. All requests for contractual inmate labor shall be referred to the appropriate Assistant Director. The Warden/Center Supervisor making the referral shall provide the Assistant Director with all necessary information on the appropriate form F-1201-1. The Assistant Director will make a recommendation and forward all documentation to the Director for approval/disapproval.

3. The Department may, upon approval by the Director, enter into a contractual arrangement for inmate labor with the requesting party. Acceptable parties are enumerated under this policy statement.

C. Inmate Volunteer Services:

1. The Department may enter into an agreement with community service organizations for inmates.
2. The formula for the use of work release inmates on volunteer projects in the county in which work release unit/center is located will be as follows: two hours times the unit/center Work Release inmate population equals the total number of hours of volunteer work allowed a month per unit/center.

Attachment #6

12/5/23, 12:41 PM

004.03.1-1201. Inmate Labor by Contractual Agreement and Volunteer Services | WestlawNext

DAILY WORK HOURS: _____ a.m./p.m. TO _____ a.m./p.m. Hourly Rate
_____CONTACT PERSON: _____ TELEPHONE NO: _____
_____PERSON TO SUPERVISE INMATES: _____ POSITION: _____

THE FOLLOWING WILL BE PROVIDED BY WHOM (REQUESTING PARTY OR ADC):

TRANSPORTATION: _____

MEALS: _____

TOOLS: _____

MATERIALS: _____

EQUIPMENT: _____

OTHER INCIDENTAL EXPENSES (Specify _____)
_____)NUMBER OF INMATES AUTHORIZED: _____

DATE: _____

SIGNATURE OF REQUESTING PARTY

Approved _____ DATE: _____

Disapproved _____ WARDEN/CENTER SUPERVISOR

Approved _____ DATE: _____

Disapproved _____ ASSISTANT DIRECTOR

Approved _____ DATE: _____

Disapproved _____ DIRECTOR

INMATE VOLUNTEER STATEMENT

I, Inmate _____, ADC # _____, do hereby volunteer to participate in programs and projects as outlined in AR-1201.

These programs and projects include Contractual Inmate Labor and/or Inmate Volunteer Services.

I hereby agree to waive any liability which may be incurred by performing volunteer services and/or contractual labor and agree to hold the Department of Correction harmless for any injury or damage which I might sustain.

I also consent to be photographed, which may include filming or any kind, while participating in these programs and projects, and further release and save harmless the Department of Correction, its agents and servants, from any and all claims of damage for libel, slander, invasion of the right of privacy, or any other claim based on the use of said photographs or film.

This statement of my act of volunteering, waiver of liability, consent to being photographed, and release is given freely and voluntarily without any promises, threats or duress.

Attachment #10

12/5/23, 12:41 PM

004.03.1-1201. Inmate Labor by Contractual Agreement and Volunteer Services | WestlawNext

4. The requesting party may provide necessary tools, materials, equipment, transportation, and meals as approved by the Warden/Center Supervisor.
5. Security and supervision of inmate(s) will be the responsibility of the requesting party unless other arrangements are approved by the Warden/Center Supervisor.
6. Wardens/Center Supervisors are responsible for maintaining accurate records on the number of hours of volunteer work each inmate performs and that volunteer work at work release centers is done according to the prescribed formula.
7. Wardens/Center Supervisors shall be responsible for submitting a monthly report on inmate volunteer service projects and number of hours worked to the public information officer and is to be included in the monthly report to the Board of Correction.

IV. IMPLEMENTATION:

A. Each Warden/Center Supervisor is responsible for developing a Standard Operating Procedure (SOP) to ensure implementation of this Administrative Rule. Each Warden/Center Supervisor will provide the Assistant Directors and Director with copies of the SOP.

B. None of the above state programs/projects are in any way to be used to replace all free world labor, sublet, nor to work through/for a second party.

C. If a project receives or is receiving media attraction, then the Unit Warden/Center Supervisor is to notify the public information officer.

CONTRACTUAL INMATE LABOR AGREEMENT

DATE: _____

REQUESTING UNIT/CENTER: _____

REQUESTING PARTY: _____ POSITION: _____

ADDRESS: _____ PHONE: _____

NATURE OF PROJECT (detailed explanation):

LOCATION OF PROJECT: _____

LENGTH OF PROJECT: _____

BEGINNING DATE _____ ENDING DATE: _____

DAILY WORK HOURS: _____ a.m./p.m. TO _____ a.m./p.m. HOURLY RATE _____

CONTACT PERSON: _____ TELEPHONE NO.: _____

PERSON TO SUPERVISE INMATES: _____ POSITION: _____

THE FOLLOWING WILL BE PROVIDED BY WHOM (REQUESTING PARTY OR ADC):

Attachment # 12



GARMENT PROGRAM

Certificate of Completion
This Certifies That

DAVID L. FERRELL



has satisfactorily completed in-service basic training with
Arkansas Industries' Garment Program, shown skill &
performance as machine operator on

SINGLE NEEDLE/SERGER/BAR TACK/BUTTON/BUTTON HOLE

as prescribed by this program. We therefore award this

Certificate in Basic Training

presented by Arkansas Correctional Industries,

this ____ day of ____, 20__.

INDUSTRY ADMINISTRATOR

PROGRAM MANAGER

SUPERVISOR

Attachment # 14



Arkansas
Department of Correction
Certificate of Achievement



Barment Factory

This is to certify that

David Ferrell ADC

has successfully completed On-the-Job-Training and Instruction on the

Janitorial Porter

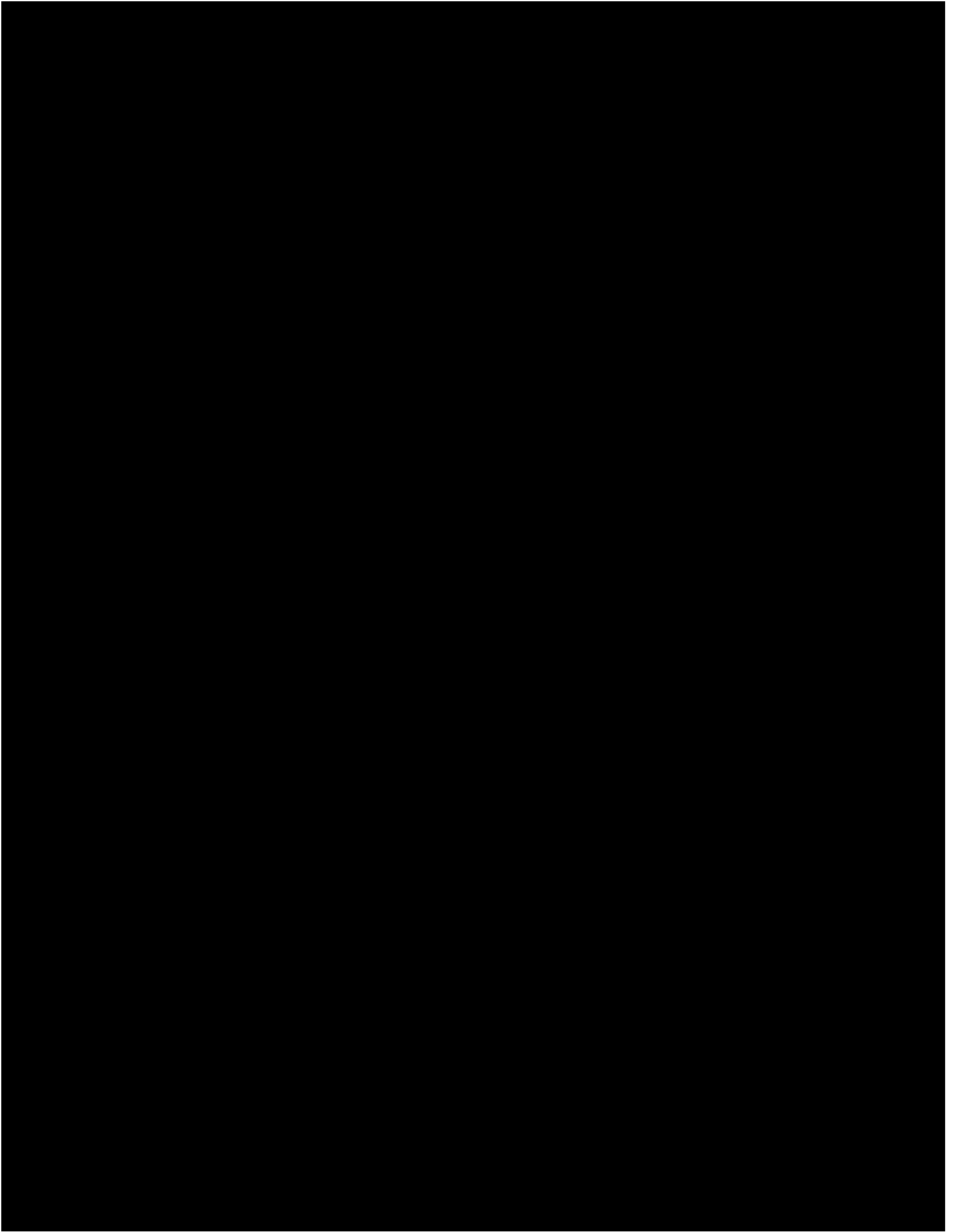
and is hereby awarded this Certificate

of Achievement on this 3rd day of November, 2025

Program Manager
Supervisor

[Signature]
[Signature]

Attachment # 15



BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

TO: Ms. Tawine Rowell, LEGAL DIVISION
Arkansas Department of Correction
6814 Princeton Pike Ave., Suite C
North Little Rock, AR. 72114

FROM: David Ferrell (ADC # [REDACTED])
[REDACTED]

RE: David Ferrell V. Arkansas Division of Correction,
Claim No. 241511

2nd Set of Production of Documents

In accordance with Ark.R.Civ.P.R. 34 Production of Document(s) the Claimant request that the Arkansas Division of Correction produce for inspection and copying the following documents within 30 days of these Production of Documents

If you cannot produce the following requested document(s), state and answer to the inability to secure the documents after you have shown due diligence to do so.

These Production of Document(s)
shall be deemed continuing as to require New information

REQUEST FOR PRODUCTION 1: Contract(s) between the Arkansas Department of Correction and ACI, Arkansas Correctional Industry at the [REDACTED] Unit Prison/Garment Industry.

The Claimant does not seek the entire contract, only:

a) Information concerning the use of inmate Labor at the [REDACTED] Unit Prison/Garment Industry Program

b) Information concerning the training of inmate labor by ACI, Arkansas Correctional Industry at the [REDACTED] Unit Garment Industry Program.

1. REQUEST FOR PRODUCTION : The Claimant's Work History Reports done by Mrs. Price at the [REDACTED] Unit Garment Industry Program.

P.1 of 2

Attachment #17

REQUEST FOR PRODUCTION 3: All Policies, Memos, Statements, Originals or copies in reference to the PIECP, Prison Industry Enhancement Certification Program.

The Claimant only has ADC AR's and shipping Labels Concerning the PIECP.

2. REQUEST FOR PRODUCTION : The Claimant's Garment Industry Certification "Certificate" that Mrs. Price submitted to Mr. Best on or about 5-27-2024 to be signed off on.

The Claimant does not have it nor access to it except by way of Discovery.

3. REQUEST FOR PRODUCTION : Any document(s) relating to the Arkansas Department of Correction receiving money for the use of inmate labor and or training of inmates at the [REDACTED] Unit Garment Industry Program.

4. REQUEST FOR PRODUCTION : The Arkansas Correctional Industry Safety Rules and Regulations that Mr. Best had the Claimant to sign in 2024 at the Garment Industry Program.

The Claimant does not have a copy of it nor access to it other than by way of discovery

Per Ark.R.Civ.P. 37, Failure to Make Discovery (3) Evasive or Incomplete answer(s) or Response is to be treated as a failure to comply.

5. REQUEST FOR PRODUCTION : ACI's Mission and Vision Statements.

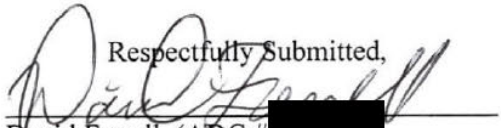
CERTIFICATE OF SERVICE

The Claimant has placed one true and accurate copy of the foregoing into the ADC Prison Legal Mail System on this October 11 2024 to:

Arkansas Claims Commission
101 East Capitol Ave., Suite 410
Little Rock, AR 72201-3823

by way of 1st Class U.S. Mail.

Respectfully Submitted,


David Ferrell, (ADC # [REDACTED])
[REDACTED] it
[REDACTED]

P.2 of 2

Attachment #18

**ARKANSAS CORRECTIONAL INDUSTRIES
SAFETY RULES AND REGULATIONS
[REDACTED] UNIT GARMENT FACTORY**

1. Garment Factory work hours may vary from day to day. You are to come to work when called or you will receive a Major Disciplinary unless you have an authorized lay in.
2. Breaks are at the discretion of management and will be called by a supervisor only. Bathroom Breaks will be monitored. Chow time is not to exceed 30 minutes unless approved by the Program Manager.
3. Tools assigned to you are your responsibility. You are to check tools out at the beginning of each work period and back in at the end of the work period. Do not check out or in another person's tools!
4. No smoking of any kind is allowed in or around the Garment Factory. Food or drinks are only allowed on the sewing room floor at supervisor discretion and only during break-time.
5. There will be no tablets, radios, MP 4 players or reading materials of any kind (including religious material) brought to the Garment Factory. Anything that does not belong in the Garment Factory will be considered contraband.
6. You are to remain at your machine and continue working until the horn blows for breaks or at the end of the work period. Anyone caught out of place of assignment will receive a major disciplinary.
7. Repairing, altering or making personal items is strictly forbidden. You are subject to be strip searched any time. If caught, disciplinary action will be taken.
8. Do not attempt to take items from the Garment Factory which have not been issued to you through the Clothing Room. Anything not issued to you through the Clothing Room will be considered contraband. If caught, disciplinary action will be taken.
9. Due to the small confines of the Garment Factory, there will be no loud talking or excessive noise on the sewing room floor. Loitering around other work areas will not be tolerated. Stay in your assigned work area.
10. Inmates are not assigned to one machine on a permanent basis. If you are instructed to operate another machine or do any other job, you are to do whatever you are instructed to do.

Attachment #19

11. Any inmate caught in the Warehouse, Blue Room, Shop, Cutting Table Area, or Clerk's Office without prior authorization from the Program Manager is subject to major disciplinary action. Also, the areas of the stairs are strictly off limits!
12. If the lights go off for any reason, you are to turn your machine off, place your tools in a safe place, and sit quietly until the lights come back on. Do not yell or move from your assigned work area.
13. The primary exit in case of an emergency is the door in which you enter the Garment Factory when you report to work. The secondary exit is through the door located in the break area. Fire extinguishers are located on the walls and are plainly marked.
14. All chemicals stored within the Garment Factory are kept locked in a secured area. All Flammable or combustible chemicals are stored in a flame-resistant metal cabinet and are issued only by a supervisor who directly supervises the inmate(s) while they are using such chemicals. All safety precautions are observed. Do not use any chemicals unless you are trained properly.
15. Dust masks are available upon request from any Supervisor.
16. Do not operate any machine in the Garment Factory unless all safety guards are in place. Operate machines only after you have been properly trained and instructed. Do not break or take the guards off machines.
17. Machine operators are not to repair machines; instead, they are to notify the Supervisor, or Garment Factory maintenance when they have a machine malfunction.
18. Any inmate assigned to clean up crew will work every day that Garment works, even the days that Garment calls just Volunteers.
19. If you receive an extended medical lay-in, you are to bring the paperwork (MS-207 Form) to the Garment Factory or have your barracks Supervising Officer call the Garment Factory to verify the lay-in.
20. ANYONE CAUGHT VIOLATING THESE RULES WILL BE SUBJECT TO DISCIPLINARY ACTION!

I, David Jarrett, ADC [REDACTED], have read the above stated rules and I understand them to the best of my ability. Further, I agree to abide by these rules.

[Signature]
Signature (Inmate)

[Signature]
Supervisor

4-2-24
Date

Attachment #20

Wednesday, January 31, 2024

9:04:51 AM

Total Pieces: 59337

Total Inventory Cost: \$133,509.02

Total Retail: \$328,632.53

Attachment # 21

AFFIDAVIT OF EDDIE POWELL

BEFORE ME, the undersigned authority, on this day personally appeared Eddie Powell who being of sound mind and legal age, and after being duly sworn, deposes and states as follows:

1. I am the Administrator of the Arkansas Corrections Industry (hereinafter ACI).
2. ACI has a mission to train and educate inmates in life skills and marketable job skills through various programs, enabling them to produce quality goods, products and services at competitive prices; in combination will aid in the reduction of recidivism.
3. A.C.I. is a self-supporting division of the Arkansas Department of Correction. Each purchase you make from A.C.I. ensures that we will be able to further train offenders for marketable skills. Statistics show that if A.C.I. teaches an offender a marketable job skill that can be used upon release; that offender is less likely to return to prison. This means that through the purchase of goods and services, you are helping to lower the prison population. Any profits derived from the sale of the products and services go to enlarging the present programs and creating new programs to train and educate more offenders.
4. It is the policy of the Department of Corrections for all able-bodied inmates to work in some program while incarcerated.
5. There are currently nine (9) programs within the Arkansas Department of Corrections for inmates to receive working skills while incarcerated.
6. Inmates are assigned to one of these programs based upon classification.

Attachment #21

Ex 1

7. Job assignments depend on a variety of factors including type of crime, behavior, classification level, job availability, institutional needs, medical classification, security concerns and the skill level of the inmate. The Unit Classification Committee determines all inmate work assignments.

8. Prison Industries Enhancement Certification Program is a program where Claridge Products owns and operates a business inside prison at the Grimes Unit manufacturing whiteboards and chalkboards.

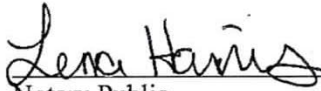
9. Claridge interviews, hires, and employs inmate in a in-unit work release style agreement.

FURTHER AFFIANT SAYETH NAUGHT.


Signature of Affiant
Eddie Powell
Printed Name of Affiant

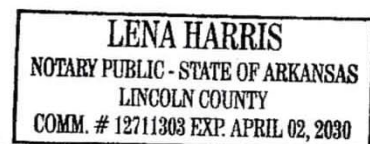
State of Arkansas }
 }ss
County of Jefferson }

Subscribed and sworn to before me, this 24th day of September 2024.


Notary Public

My Commission Expires: April 02, 2030

Attachment #22



12/5/23, 12:45 PM

2023 Arkansas Laws Act 890 (H.B. 1176) | WestlawNext

SECTION 13. APPROPRIATION—PRISON INDUSTRY PROGRAM. There is hereby appropriated, to the Department of Corrections, to be payable from the Division of Correction Prison Industry Fund, for personal services and operating expenses of the Department of Corrections—Division of Correction—Prison Industry Program for the fiscal year ending June 30, 2024, the following:

ITEM NO.	FISCAL YEAR
	2023–2024
(01) REGULAR SALARIES	\$2,349,087
(02) EXTRA HELP	10,000
(03) PERSONAL SERVICES MATCHING	992,931
(04) OVERTIME	8,000
(05) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	7,905,213
(B) CONF. & TRAVEL	41,280
(C) PROF. FEES	100,000
(D) CAP. OUTLAY	751,500
(E) DATA PROC.	0
TOTAL AMOUNT APPROPRIATED	\$12,158,011

<https://nextcorrectional.westlaw.com/Document/19C4BEDB0EA6D11ED9A8C97CEA432CEBB/View/FullText.html?navigationPath=Search%2Fv1%2Fresults%2...> 1/1

EXHIBIT #6
Attachment # 22

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

DAVID FERRELL (ADC # [REDACTED])

CLAIMANT

V.

CLAIM NO. 241511

ARKANSAS DIVISION OF CORRECTION

RESPONDENT

ADC SECOND AMENDED RESPONSES TO SECOND REQUEST FOR PRODUCTION

COMES NOW, Respondent, and for its responses to Claimant's second set of request for production of documents, states:

Request for Production 1: Contract(s) between the Arkansas Department of Correction and ACI, Arkansas Correctional Industry at the [REDACTED] Unit Prison/Garment Industry.

The Claimant does not seek the entire contract, only:

- a) Information concerning the use of inmate labor at the [REDACTED] Unit Prison/Garment Industry Program
- b) Information concerning the training of inmate labor by Aci, Arkansas Correctional Industry at the [REDACTED] Unit Garment Industry Program.

RESPONSE: No such contract exists.

Request for Production 2: The Claimant's Work History Reports done by Mrs. Price at the [REDACTED] Unit Garment Industry Program.

RESPONSE: This discovery was provided by former ADC Counsel Kris Higdon on November 18, 2024.

Request for Production 3: All Policies, Memos, Statements, Originals or copies in reference to the PIECP, Prison Industry Enhancement Certification Program.

RESPONSE: See attached.

Request for Production 4: The Claimant's Garment Industry Certification "Certificate" that Mrs. Price submitted to Mr. Best on or about 5-27-2024 to be signed off on. The Claimant does not have it nor access to it except by way of Discovery.

Attachment #24

INTERROGATORY 4: Does the Arkansas Department of Correction receive any money for the use of the Claimant's labor performed at the [REDACTED] Unit ACI Garment Industry Program?

RESPONSE: No, the [REDACTED] Unit Garment Industry program is not a Prison Industry Enhancement Certification program so no money is received.

INTERROGATORY 5: Did the Cummins Unit Garment Industry Program receive any money from: SECTION 13 APPROPRIATION-PRISON INDUSTRY PROGRAM 2023 AR. LAW ACT 890 (H.B. 1176) from the Fiscal Year, June 30, 2023, through June 30, 2024?

RESPONSE: Act 890 was an Act to make an appropriation for personal services and operating expenses for the Department of Corrections – Division of Correction for the fiscal year ending June 30, 2024.

INTERROGATORY 6: Who has the responsibility to pay the ADC inmates for their labor as quoted in: Ark. Admin. Code 004.03.1-115: Private Industry Employment of Inmates within Correctional Facilities?

RESPONSE: Respondent is not sure what code Claimant is referencing. The ADC does not pay inmates. The Prison Industry Enhancement Certification program ("PIECP") is no longer functioning at any ADC units. The Garment Unit Industry program at the Cummins Unit is not a PIECP. The PIECP was only offered at the McPherson and Grimes units which contracted with certain companies during the program's existence. Those contracted companies would be responsible for paying inmates for their labor.

Respectfully submitted,

/s/ Miles S. Morgan
Miles S. Morgan Ark. Bar No. 2017049
Arkansas Department of Corrections
1302 Pike Avenue, Suite C
North Little Rock, AR 72114
Miles.S.Morgan@doc.arkansas.gov

Attachment #25

CERTIFICATE OF SERVICE

I certify that a copy of the above pleading has been served this 18th day of November 2025, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

David Ferrell (ADC# [REDACTED])
[REDACTED]

/s/ Miles S. Morgan

Miles S. Morgan

Attachment #26

12/4/24, 7:24 AM

2024 Arkansas Laws Act 49 (H.B. 1013) | WestlawNext

SECTION 9. APPROPRIATION—PRISON INDUSTRY PROGRAM. There is hereby appropriated, to the Department of Corrections, to be payable from the Division of Correction Prison Industry Fund, for personal services and operating expenses of the Department of Corrections—Division of Correction—Prison Industry Program for the fiscal year ending June 30, 2025, the following:

ITEM NO.	FISCAL YEAR 2024–2025
(01) REGULAR SALARIES	\$2,351,787
(02) EXTRA HELP	10,000
(03) PERSONAL SERVICES MATCHING	1,029,932
(04) OVERTIME	8,000
(05) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	7,905,213
(B) CONF. & TRAVEL	41,280
(C) PROF. FEES	100,000
(D) CAP. OUTLAY	629,000
(E) DATA PROC.	0
TOTAL AMOUNT APPROPRIATED	\$12,075,212

Attachment #27

12/15/25, 7:36 PM

2025 Arkansas Laws Act 790 (H.B. 1174) | WestlawNext

(01) MAINT. & GEN. OPERATION

(A) OPER. EXPENSE	\$5,394,120
(B) CONF. & TRAVEL	104,150
(C) PROF. FEES	100,000
(D) CAP. OUTLAY	2,427,590
(E) DATA PROC.	0

(02) DEBT SERVICE	0
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TOTAL AMOUNT APPROPRIATED	\$8,025,860
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SECTION 9. APPROPRIATION—PRISON INDUSTRY PROGRAM. There is hereby appropriated, to the Department of Corrections, to be payable from the Division of Correction Prison Industry Fund, for personal services and operating expenses of the Department of Corrections—Division of Correction—Prison Industry Program for the fiscal year ending June 30, 2026, the following:

ITEM NO.	FISCAL YEAR 2025-2026
(01) REGULAR SALARIES	\$2,351,787
(02) EXTRA HELP	10,000
(03) PERSONAL SERVICES MATCHING	1,091,660
(04) OVERTIME	8,000
(05) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	7,905,213
(B) CONF. & TRAVEL	41,280
(C) PROF. FEES	100,000
(D) CAP. OUTLAY	850,000
(E) DATA PROC.	0
TOTAL AMOUNT APPROPRIATED	\$12,357,940

SECTION 10. APPROPRIATION—FARM OPERATIONS PROGRAM. There is hereby appropriated, to the Department of Corrections, to be payable from the Division of Correction Farm Fund, for personal services and operating expenses of the Department of Corrections—Division of Correction—Farm Operations Program for the fiscal year ending June 30, 2026, the following:

ITEM NO.	FISCAL YEAR 2025-2026
(01) REGULAR SALARIES	\$2,871,466
(02) EXTRA HELP	10,000
(03) PERSONAL SERVICES MATCHING	1,307,018
(04) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	12,900,000
(B) CONF. & TRAVEL	53,010
(C) PROF. FEES	138,354
(D) CAP. OUTLAY	2,000,000
(E) DATA PROC.	0
(05) PURCHASE CATTLE/MEAT	650,000
TOTAL AMOUNT APPROPRIATED	\$19,929,848

Attachment #28

From: [Misty Scott](#) on behalf of [ASCC Pleadings](#)
To: [Tasha Tidwell](#); [Miles Morgan](#)
Cc: [Yolanda Charles](#); [ASCC Pleadings](#); [Mika Tucker](#)
Subject: ORDER: David Ferrell v. ADC, Claim No. 241511
Date: Monday, March 9, 2026 1:08:34 PM
Attachments: [David Ferrell v. ADC9.pdf](#)
[David Ferrell-order3.pdf](#)

Ms. Tidwell and Mr. Morgan:

Please see attached. Contact Mika Tucker with any questions.

Thank you,

Misty

Misty Scott
Arkansas State Claims Commission

ARKANSAS STATE CLAIMS COMMISSION

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



KATHRYN IRBY
DIRECTOR

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

March 9, 2026

Mr. David Ferrell (ADC) [REDACTED]
[REDACTED]
[REDACTED]

Ms. Tasha Tidwell
Mr. Miles Morgan
Arkansas Division of Correction
1302 Pike Avenue, Suite C
North Little Rock, Arkansas 72114

(via email)

Re: ***David Ferrell v. Arkansas Division of Correction***
Claim No. 241511

Dear Mr. Ferrell, Ms. Tidwell, and Mr. Morgan:

Enclosed please find an Order entered on March 6, 2026, by the Arkansas State Claims Commission. If you have any questions, please do not hesitate to contact my office.

Sincerely,

Mika Tucker

ES: msscott

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

DAVID FERRELL (ADC [REDACTED])

CLAIMANT

V.

CLAIM NO. 241511

ARKANSAS DIVISION OF
CORRECTION

RESPONDENT

**ORDER ON CLAIMANT'S
MOTION FOR RECONSIDERATION**

Now before the Arkansas State Claims Commission (the "Commission") is a motion filed by David Ferrell (the "Claimant") for reconsideration of the Commission's December 22, 2025, order dismissing Claimant's claim against the Arkansas Division of Correction (the "Respondent"). Based upon a review of the claim file, the arguments made therein, and the law of Arkansas, the Commission hereby finds as follows:

1. Claimant filed his claim on February 29, 2024, seeking \$14,999.99 in damages related to unpaid wages accrued when working at his unit's garment factory.
2. Respondent filed a motion for summary judgment arguing that Claimant was not entitled to any compensation by Respondent for the work he performed.
3. Claimant filed a response to the motion for summary judgment, arguing that he should have been paid for his work as a sewing machine operator and taking issue with Respondent's discovery responses.
4. In its December 22, 2025, order, the Commission granted Respondent's motion for summary judgment. The Commission specifically found that Respondent made a *prima facie* showing of entitlement to summary judgment and that Claimant's response to the motion for summary judgment did not contradict Respondent's arguments and affidavits or provide affidavits in opposition to Respondent's. The Commission noted the uncontroverted evidence presented by Respondent is that the [REDACTED] Unit did not offer jobs to inmates where they are eligible to be

paid and that Claimant did not meet proof with proof with respect to the material issue of fact that Respondent had no obligation to pay Claimant for work he performed at the [REDACTED] unit.

5. Claimant then filed the instant motion for reconsideration, arguing, *inter alia*, that the facts argued in Respondent's motion for summary judgment were untrue.

6. Respondent did not respond to the motion for reconsideration.

7. In analyzing a motion for reconsideration, Rule 7.1 of the Commission Rules and Regulations states that motions for reconsideration "will only be entertained if they set forth new or additional evidence which was not [previously] available"

8. The Commission finds that the motion does not set forth new or additional evidence not previously available.

9. As such, Claimant's motion for reconsideration is DENIED, and the Commission's December 22, 2025, order remains in effect.

IT IS SO ORDERED.



ARKANSAS STATE CLAIMS COMMISSION
Dee Holcomb



ARKANSAS STATE CLAIMS COMMISSION
Henry Kinslow



ARKANSAS STATE CLAIMS COMMISSION
Paul Morris, Chair

DATE: March 6, 2026

Notices which may apply to this claim

- (1) A party has forty (40) days from transmission of this Order to file a Motion for Reconsideration or a Notice of Appeal with the Commission. Ark. Code Ann. § 25-44-211(a)(1). If a Motion for Reconsideration is denied, that party then has twenty (20) days from the transmission of the denial of the Motion for Reconsideration to file a Notice of Appeal with the Commission. Ark. Code Ann. § 25-44-211(a)(1)(B)(ii). A decision of the Commission may only be appealed to the General Assembly. Ark. Code Ann. § 25-44-211(a)(3).
- (2) If a Claimant is awarded \$15,000.00 or less by the Commission at hearing, that award is held forty (40) days from the date of disposition before payment will be processed to allow either party to utilize its remedies under Ark. Code Ann. § 25-44-211(a). Note: This does not apply to agency admissions of liability and negotiated settlement agreements.
- (3) Awards or negotiated settlement agreements of more than \$15,000.00 are referred to the General Assembly for approval and authorization to pay. Ark. Code Ann. § 25-44-215(b).

Arkansas
State Claims Commission**BEFORE THE ARKANSAS STATE CLAIMS COMMISSION**

MAR 23 2026

RECEIVED

DAVID FERRELL (ADC [REDACTED])
V. CLAIM NO. 24511

APPELLANT

ARKANSAS DIVISION OF
CORRECTION

RESPONDENT

NOTICE OF APPEAL

Notice is hereby given that David Ferrell (ADC [REDACTED]), appeals to the General Assembly of Arkansas from the Final Order of the Arkansas State Claims Commission, entered on March 6, 2026.

APPELLATE JURISDICTION

The appellate jurisdiction of the General Assembly of Arkansas is invoked pursuant to Ark. Code Ann. § 25-44-211 (a)(1)(B)(ii) and Ark. Code Ann. § 25-44-211(a) (3).

DESIGNATION OF RECORD

Claimant/Appellant hereby designates the entire record, and all proceedings, exhibits, evidence, and documents, any and all materials brought forth in the AR. State Claims Commission's original pleading that pertains to said above mentioned Order of Denial and documents introduced in evidence to be contained in the record on appeal.

CERTIFICATE OF ORDER OR TRANSCRIPT

Appellant states, that for good cause shown, he is requesting that the Arkansas state Claims Commission/Clerk/Reporter of Appeal, would prepare the above stated material

documents, deemed essential, to be certified, and transmitted to the Clerk of the General Assembly of Arkansas for filing and docketing.

Respectfully Submitted,

March 20, 2026

David Ferrell

Claimant/Appellant, (ADC)

CERTIFICATE OF SERVICE

I David Ferrell have placed one true and accurate copy into the ADC Prison Legal Mail system

to:

Arkansas Department of Corrections
Legal Division
1302 Pike Avenue, Suite C
North Little Rock, AR. 72114