

Please Read Instructions on Reverse Side of Yellow copy

Please print in ink or type

Please file
mark, & return

D18.

Arkansas
State Claims Commission

DEC 05 2014

BEFORE THE STATE CLAIMS COMMISSION
Of the State of Arkansas

☒ Mr.
☐ Mrs.
☐ Ms.
☐ Miss

RECEIVED

Steve S. Bader #191787, Claimant

vs.

State of Arkansas, Respondent
Centralized Banking of A.C. & Warden White, N.C.U. of
Dept. of Corrections

Steve Bader

the above named Claimant, of

Loss of Property, Failure
to Follow Procedures

(Street or R.F.D. & No.)

(City)

Arkansas 72510 NA
(State) (Zip Code) (Daytime Phone No.)

County of IZARD

represented by NA

(Legal Counsel, if any, for Claim)

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

State agency involved: Centralized Banking, A.C. Amount sought: 33.19

Month, day, year and place of incident or service: 7-31-14, Centralized Banking, A.C.

Explanation: During the month of July, I've written 2 checks. I was for Home Publications for M.N. Another check was for Prison Pen Pals P.H. The 1st check to Home was \$25. The 2nd check was to P.P.P. was for \$19.95 on 7-31-14 I received a scheduled inmate receipt for both these checks sent out at 11:00 PM & 1:41 PM. Task #05767521 for 12/20/14 Home and Task #05767522 for 19.95 to P.P. Pals on 8-16-14. I received a letter dated 8-8-14 from Prison Pen Pals stating they received my information and photo to place a ad for me. Then they received a check but it was made out to Home Publications for \$25. I don't believe I made this mistake I wrote a profile ad for Prison Pen Pals. I stuck it in an envelope addressed to Prison Pen Pals, went to the post office, had a picture taken of me, had a check signed by a large \$25.95 to be included in Prison Pen Pals envelope with my picture and proof that the A.C. Bank should have received all this in I envelope that the 19.95 signing the A.C. P.P. Pals ad happened in the mailbox while taking of my picture for the Warden White to approve letters. It was so. The bank sent check after I wrote both Home & P.P. Pals with a explanation the checks were sent to the wrong place and included the deposit from Home sent me on 9-9-14 not even date that Unauthorized photo was sent, more than I that took \$25.

As parts of this complaint, the claimant makes the statements, and answers the following questions, as indicated: (1) Has claim been presented to any state department or officer thereof?

NO; when? (Month) (Day) (Year) to whom? (Department)
(Yes or No)

and that the following action was taken thereon:

and that \$ was paid thereon: (2) Has any third person or corporation an interest in this claim? NO; if so, state name and address

(Name) (Street or R.F.D. & No.) (City) (State) (Zip Code)
and that the nature thereof is as follows: and was acquired on in the following manner:

THE UNDERSIGNED states on oath that he or she is familiar with the matters and things set forth in the above complaint, and that he or she verily believes that they are true.

Steve S. Bader
(Print Claimant/Representative Name)

Steve Bader
(Signature of Claimant/Representative)

SWORN TO and subscribed before me at Calico Red

AK

on this 3rd day of December 2014
(Date) (Month) (Year)

(Notary Public)

My Commission Expires: 4 / 10 / 2023
(Month) (Day) (Year)

(SEAL)



SF1-R7/99

to return. If this was \$19.95 worth of pictures with a shipping charge I think, this check was written out to Prison Pen Pals instead of Home!

Since I received a letter dated 8-8-54 from Prison Pen Pals that they received my profile ad and picture, but a check written out to Home

I filed a Step 1 Informal Petition on May 21, 14. It came back saying I put information in the wrong envelope. This can't be true since Prison Pen Pals said on 8-8-54, that they received my picture and profile ad, but the \$19.95 check approved by Warden White and sent out by the bank was not included. I write a report. I also recall that Warden White said that the checks were and never are sent out together which just shows he did not check into anything the bank did send. Receipts show they were sent out I ~~write~~ write report on 7-31-54.

I am asking for my \$3.00 dollar picture to be replaced; for \$19.95 check written to Pen Pals to be replaced \$1.00 to be replaced that was supposedly supposed to be sent to Home, but sent to Prison Pen Pals.

I never received the Step 2 information

to be returned to me with Mr. Sanders
and the A.C. bank centralized name
on it! I can't include it with
this filing.

I did try to confront this mix money
up with letters and deposit forms sent
both to Acme Publications and Prison
Pen Pals. I haven't got my money back and
Prison Pen Pals is still sending me letters to
deal with this.

Just to be sure, I wrote a letter to
the chief deputy director, appeal denied
on grounds ENC 14-00005, dated 7/13/14.

He confirmed with the units response!

So again, since I sent the \$19.95 check
with a \$3.00 inmate photo of me and
sent off by a Sergeant himself with the
\$19.95 inmate check attached after receiving
my \$3.00 picture of my self, I ask for this
money to be returned to me since apparently
the bank, or the Calico Books Warden White
through authorization mixed this up! I
made sure the presigned \$19.95 check was
signed early and attached to my self with an
envelope filled out to Prison Pen Pals with name!

1. \$19.95 check to Prison Pen Pals
2. \$3.00 check to Warren Sanders, Calico Rock
New Business Manager. For picture
of my self to Prison Pen Pals sight.
3. \$1.20 check deducted to Acme, I have receipt on 7-31-14.
4. \$1.50 - check to Acme, deducted I have receipt
on 7-22-14

These #1 & #2 checks got sent to
Acme. #3 check got sent to Prison
Pen Pals. Prison Pen Pals sent me the
letter dated 8-8-14 that they received
my picture and address of me, but
they did not include my \$19.95 check check.
I had the \$1.20 Acme check. I don't know
what this

4. \$3.29 - For a check to return more than 500
probably \$19.95 worth of pictures from Acme
back to Acme! Return mail notice 9-9-14
This is probably Coraminal Impersonation for
Acme to cash \$19.95 Prison Pen Pals check
since there was 3 inches of pictures stacked
on top of each other!

Let's office of Reg. Gen. X 500
a paper for this filing of State Claims
Commission. Sent to letter dated 11-3-14
Respectfully,
Steve Baker 4

A. Hearsay:

1. Filing of Ark Claims Suit. 5 pgs.
2. Exhibit A: Schedule Inmate withdrawal receipts
7-31-14, \$1.20 Task # 05767521 to Acme Public
7-31-14, \$1.95 Task # 05767522 to Prison Pen Pal
3. Exhibit B: dated 8-8-14, received 8-16-14, letter from
Prison Pen Pal stating they received my picture
and information for my ad, but a \$1.20 check to Acme.
4. Exhibit C: A picture receipt to send back more than
8 photos as I did not order. Postage receipt \$3.24, 10/1/14.
5. Exhibit D: 7-14-14, a check for \$1.20 was made out,
but could not get processed as it was a cash check.
6. Exhibit E: 7-22-14, \$1.50 check I do believe I wrote
for Acme pictures. Check withdrawal receipt.
- Exhibit F: 7-22-14, \$1.50 check I do believe I wrote
for Acme pictures. Check withdrawal receipt.
7. Exhibit G: 7-22-14, \$1.50 check I do believe I wrote
for Acme pictures. Check withdrawal receipt.
8. pg 5 of 6. Exhibit 6 on 7-31-14, \$1.20 check deduction
sent to Acme.
on 7-31-14, \$1.95 check deducted sent to Prison Pen
9. Exhibit H, AOC return mail notice of 329, on 9-9-14
10. Exhibit I: chief director's statement Appeal denied
11. Exhibit J: Attachment 11, Warden's response to
Complaint # NC 11-25. And my Appeal sent to
chief director on 9-25-14

pg 2 of Affidavit:

17. Step 1 + 2 of Internal Resolution and grievance
 Recd Aug 26, 14, Gairdner a Officer I met
 returned to me with my indication there
 going to return my money that they sent to
 the wrong place.

A) Excl. 17

IBSR160_ARDOC - 48

SCHEDULED INMATE RECEIPT

UNIT: North Central Unit
BANK ACCOUNT ID: 0014636

FACILITY: North Central Unit
ENTERED BY: HME2

INMATE NAME: Bader, Steven Scott
HOUSING AREA/BED: BK01/022L

ADC #: 096787C

ACCOUNT TYPE: Inmate Checking Account

DATE	TIME	WITHDRAWAL TYPE	PAYABLE TO	AMOUNT	TASK #
07/31/2014	1:40:40 PM	Individual Check	Acme PublicationsP.O. Box 130397St. Paul, MN 55113	\$1.20	05767521
COMMENTS: Check Written For: Pictures Steve Bader #96787 Check Request Comments: Pictures Acme Publications Payee: Acme PublicationsP.O. Box 130397St. Paul, MN 55113					
07/31/2014	1:40:41 PM	Individual Check	Prison Pen PalsP.O. Box 235East Berlin, PA 17316-0235	\$19.95	05767522
COMMENTS: Check Written For: Internet Ect. Steve Bader #96787 Check Request Comments: Internet Ect. Prison Pen Pals Payee: Prison Pen PalsP.O. Box 235East Berlin, PA 17316-0235					

CURRENT BALANCE: \$165.90

EXHIBIT 8

I received this 8-18-14

Prison Pen Pals
P O Box 235
East Berlin PA 17316-0235

Steve Bader # 96787

08-08-14

We received your information and photo to place an ad for you.
Then we received a check but it was made out to Acme Publications for \$1.20
This apparently was a mistake, we are not sure what to do with the check because most institutions will not allow you to send a check directly to you.

Please advise as to what you want us to do with the check and check into if there was a check mailed to Acme publications for Prison Pen Pals?

Thank you

Prison Pen Pals
Processing Department

I wrote both places for refunds
around 8-18-14

8-19

Exhibit C

North Central Unit Main Canteen is Open

Inmate Bader, Steven S. (096787) is on Punitive Isolation Restrictions until 10/08/2014

Arkansas ADC
North Central Unit Main Canteen

Bader, Steven S.
Customer Number: 096787
Housing Location: PI00/021A

Initial Balance: 168.22
Ending Balance: 164.93
Spending Limit: 100.00

REGULAR RECEIPT

Item	Qty	Price
POSTAGE		
[901]	329 @ 0.01	3.29
Subtotal		3.29
Sales Tax		0.00
Total		3.29

October 01, 2014 09:41:08 AM

X _____
Bader, Steven S.

To return more than 5 pictures that I did not order, but probably for Person Pen Pals check that was sent to Alvin by mistake.

9

Ex. 61 + 0

IBSR160_ARDOC - 48

SCHEDULED INMATE RECEIPT

UNIT: North Central Unit
BANK ACCOUNT ID: 0014636

FACILITY: North Central Unit
ENTERED BY: HME2

INMATE NAME: Bader, Steven Scott
HOUSING AREA/BED: BK01/022L

ADC #: 096787C

ACCOUNT TYPE: Inmate Checking Account

DATE	TIME	WITHDRAWAL TYPE	PAYABLE TO	AMOUNT	TASK #
07/14/2014	1:55:17 PM	Individual Check	NCU Employee Corporation	\$3.00	05686898
COMMENTS: Check Written For: S. Bader #096787 - Photo Project Check Request Comments: NCU Employee Corp - S. Bader #096787 - Photo Project Payee: NCU Employee Corporation					

CURRENT BALANCE: \$73.75

*sent with photo to Mr. Bader by
the person who was to be
of the photo*

EXH. 60-E

IBSR160_ARDOC - 48

SCHEDULED INMATE RECEIPT

UNIT: North Central Unit
BANK ACCOUNT ID: 0014636

FACILITY: North Central Unit
ENTERED BY: VONRO01

INMATE NAME: Bader, Steven Scott
HOUSING AREA/BED: BK01/022L

ADC #: 096787C

ACCOUNT TYPE: Inmate Checking Account

DATE	TIME	WITHDRAWAL TYPE	PAYABLE TO	AMOUNT	TASK #
07/22/2014	1:21:52 PM	Individual Check	Acme PublicationsP. O. Box 130397St. Paul, MN 55113	\$1.50	05724812

COMMENTS: Check Written For: S. Bader 96787, non nuditycelebrity pics Check Request Comments: Acme Publications, non nudity
celebrity pics Payee: Acme PublicationsP. O. Box 130397St. Paul, MN 55113

CURRENT BALANCE: \$137.25

AR DOC

REPORT NO. IBSR148 - 80

BANKING LOCATION: AR Department of Corrections
UNIT: North Central Unit
FACILITY: North Central Unit

ACCT NAME: Bader, Steven Scott

TYPE: Inmate Checking Account

POSTED TRANSACTIONS

DATE	TRANSACTION TYPE	DEPOSIT REMITTER	REASON	REFERENCE #	+/-	AMOUNT	BALANCE
07/09/2014	Canteen Sale to Inmate		Personal Spending	1617673	-	\$6.72	\$20.81
07/11/2014	Deposit Money for Inmate		Money Orders	1757027	+	\$70.00	\$90.81
07/14/2014	Canteen Sale to Inmate		Personal Spending	1617673	-	\$14.06	\$76.75
07/14/2014	Individual Check			CK0195819	-	\$3.00	\$73.75
07/16/2014	Deposit Money for Inmate		Money Orders	1757031	+	\$65.00	\$138.75
07/22/2014	Individual Check			CK0196099	-	\$1.50	\$137.25
07/23/2014	Canteen Sale to Inmate		Personal Spending	1617673	-	\$16.80	\$120.45
07/28/2014	Deposit Money for Inmate	Bader, Phoebe	Money Orders	1757042	+	\$75.00	\$195.45

TRUST FUND ACCOUNT STATEMENT

FROM: 06/01/2014 TO: 08/11/2014

PAGE: 4 of 6
PROCESSED: 08/11/2014 12:16 PM
REQUESTOR: Barbara J Tate

ACCT ID: 0014636 ADC#: 096787 HOUSING: BK01 022L

07/14/2014 Individual Check

COMMENTS: Check Written For: S. Bader #096787 - Photo Project Check Request Comments: NCU Employee Corp - S. Bader #096787 - Photo Project Payee: NCU Employee Corporation

07/16/2014 Deposit Money for Inmate

COMMENTS: Phoebe Bader

07/22/2014 Individual Check

COMMENTS: Check Written For: S. Bader 96787, non nuditycelebrity pics Check Request Comments: Acme Publications, non nudity celebrity pics Payee: Acme Publications
P. O. Box 130397
St. Paul, MN 55113

07/23/2014 Canteen Sale to Inmate

07/28/2014 Deposit Money for Inmate

Bader, Phoebe

Money Orders

Personal Spending

12

AR DOC

REPORT NO. IBSR148 - 80

BANKING LOCATION: AR Department of Corrections
UNIT: North Central Unit
FACILITY: North Central Unit

ACCT NAME: Bader, Steven Scott

TYPE: Inmate Checking Account

POSTED TRANSACTIONS

DATE	TRANSACTION TYPE	DEPOSIT REMITTER	REASON	REFERENCE #	+/-	AMOUNT	BALANCE
07/28/2014	Canteen Sale to Inmate		Personal Spending	1617673	-	\$8.40	\$187.05
07/31/2014	Individual Check			CK0196379	-	\$1.20	\$185.85
			COMMENTS: Check Written For: Pictures Steve Bader #96787 Check Request Comments: Pictures Acme Publications Payee: Acme Publications P.O. Box 130397 St. Paul, MN 55113				
07/31/2014	Individual Check			CK0196380	-	\$19.95	\$165.90
			COMMENTS: Check Written For: Internet Ect. Steve Bader #96787 Check Request Comments: Internet Ect. Prison Pen Pals Payee: Prison Pen Pals P.O. Box 235 East Berlin, PA 17316-0235				
08/04/2014	Canteen Sale to Inmate		Personal Spending	1617673	-	\$55.88	\$110.02
08/06/2014	Canteen Sale to Inmate		Personal Spending	1617673	-	\$2.25	\$107.77
08/06/2014	Canteen Sale to Inmate		Personal Spending	1617673	-	\$98.05	\$9.72
08/11/2014	Canteen Sale to Inmate		Personal Spending	1617673	-	\$2.66	\$7.06

ENDING BALANCE: 08/11/2014 \$7.06

TRUST FUND ACCOUNT STATEMENT

FROM: 06/01/2014 TO: 08/11/2014

PAGE: 5 of 6

PROCESSED: 08/11/2014 12:16 PM

REQUESTOR: Barbara J Tate

HOUSING: BK01 022L

ACCT ID: 0014636 ADC#: 096787

3 The Ark. Claims Commission
my withdrawal receipt shows \$150 deducted on 7-22-14 TO Homeless Exhibit E
I never wrote a \$150 check to same on 7-22-14.

Exhibit 17

180

09.09-14

BADGER, STEVEN

096787

Acme

PUBLICATIONS

Postage Stamps

Reading Material
(Must come from publisher
or Bookstore)

(All money orders must include inmate name and ADC Number)

Unauthorized Material Enclosed

Unauthorized Correspondence

_____ Other

Letter too large to fit in regular-size envelope. Send a signed Inmate Check for the amount of \$ 3.29

Please send a signed Inmate Check for \$_____ and a stamped envelope.

Advise your correspondent that **ALL** of the required information **MUST** be included in your address. The information which shall be required is:

I Wish To:

- [] Donate above items
- [] Return to sender
- [] Destroy above items

Mail Room Supervisor

Date _____

Exhibit I

IGTT430
3GD

Attachment VI

INMATE NAME: Bader, Steven S.

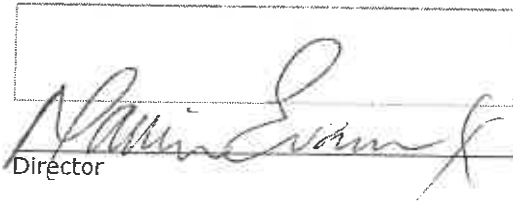
ADC #: 096787

GRIEVANCE#: NC-14-00235

CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION

In my review of this matter, I find that I concur with the unit's response.

Appeal denied


Director

Date

11-3-14

INMATE NAME: Bader, Steven S.

ADC #: 096787C

GRIEVANCE #: NC-14-00235

WARDEN/CENTER SUPERVISOR'S DECISION

Complaint:

I've asked Mr. Sanders for help but have not heard from him pertaining to 2 checks I wrote that were sent out 7-31-14. \$1.20 inmate receipt was mailed to me that it was sent to Acme Publications, P.O. Box 130397 St. Paul, MN 55113. On 7-31-14, on the same inmate receipt paper showed \$19.95 was sent to Prison Pen Pal in Pa! Last week, I received a letter from Prison Pen Pals, P.O. Box 235, East Berlin, PA 17316-0235, dated 8-8-14 saying they received a check made out to Acme Publications for \$1.20. This is a mistake made by Ar. Centralized Banking that sent Acme's check \$1.20 Task #05767521 to Prison Pen Pals. I have not heard from Acme's Publication P.O. Box 130397 St. Paul, MN 55113 if they received Prison Pen Pals \$19.95 check, but Prison Pen Pals do not receive this. I need this money mess straightened out to get on a Pen Pal site for a potential lady pen pal. Whatever the money can be (unreadable) back since it was sent to the wrong place.

Response:

An interview with Mr. Warren Sanders indicates that TCB does not process all of your withdrawals at the same time, therefore Mr. Sanders can only assume, just as you assumed, that you attached the wrong withdrawal slip to the wrong envelope. This more likely being the case and since you do not have their address, you need to contact the company and try and work this out. Your grievance is therefore without merit.

Signature of Warden/Supervisor or Designee

Title

Date

9-23-14

RECEIVED

SEP 29 2014

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 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?

Mr. Sanders response shows he did not look into any bank statements in my account showing that I wrote a pa on 7-31-14, two checks were wrote out and sent to two different places mentioned above. I have receipts on my property stating this. I have a letter from Prison Pal Pals stating that they received \$1.20 check made out to Acme. I made sure I went and got the right envelope and check for 19.95 the day I got a picture of me taken for the pen pal website. I gave Sanders a chance to straighten this out. Then I wrote Acme and sent them a deposit from since then I receive a return mail notice of an unmailed photo from Acme Publications. This is forging a check on thing. 3.29 will return the pictures I did not order. I would like my \$19.95 for the pictures of me returned. 3.29 return pictures of pictures I did not order. It is made out to Acme but sent to Prison Pen Pal. Any of this 6 worked out to stop a state of.

Inmate Signature

Steve Bader

ADC#

Date

ADC# 96787 Date 9-25

UNIT LEVEL GRIEVANCE FORM (Attachment I)

Unit/Center Calico Rock

Name Steve Bader

ADC# 96787 Brks # 1 Job Assignment FW

AUG 26 2014

Office

FOR OFFICE USE ONLY

GRV. # NC-14-00735

Date Received: 8/26/14

GRV. Code #: 503

Aug 21, 14 (Date) STEP ONE: Informal Resolution

8-24-14 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)

If the issue was not resolved during Step One, state why: I need to be reimbursed for 19.95 & 3.00 ADC picture of me for personal internet. Request

(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 a serious nature). If you marked yes, give this completed form to the designated problem-solving staff, who will sign the attached emergency receipt. If an Emergency, state why:

Is this Grievance concerning Medical or Mental Health Services? 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): I've asked Mr. Sanders for help but have not heard from him pertaining to 2 checks I wrote that were sent out 7-31-14. 11.20 inmate receipt was made to me that it was sent to Acme Publications, PO Box 130397 St. Paul, MN 55113. On 7-31-14 on the same inmate receipt paper showed 19.95 was sent to Prison Pen Pal in PA. Last week, received a letter from Prison Pen Pal, PO Box 215, East Berlin PA 17316-0215. Dated 8-8-14 saying they received a check made out to Acme Publications for 120. This is a mistake made by Mr. Centralized Banking that sent Acme's check. Task # 65767521 to Prison Pen Pal. I have not heard from Acme Publication PO Box 130397 St. Paul, MN 55113 if they received Prison Pen Pal's 19.95 check, but Prison Pen Pal did not receive this. I need this money mess straightened out to get on a Pen Pal site for a potential lady pen pal. Wherever the money can be sent back since it was sent to the wrong place.

Steve Bader

Aug 21, 14

Inmate Signature

Date

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

THIS SECTION TO BE FILLED OUT BY STAFF ONLY

This form was received on 8-22-14 (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

Sgt GORAL 65360 Steve Bader 8-22-14
PRINT STAFF NAME (PROBLEM SOLVER) ID Number Staff Signature Date Received

Describe action taken to resolve complaint, including dates: AFTER RECEIVING THIS INFORMATION ON FRIDAY NIGHT, MR SANDERS WAS UNAVAILABLE AND COULD NOT BE REACHED. ATIN A REQUEST TO THE BUSINESS OFFICE MR. SANDERS OR ASK THE BARRACKS OFFICER TO CALL ON MONDAY AND ASK IF HE WILL SEE YOU

Steve Bader 8-24-2014 Steve Bader 8-24-14
Staff Signature & Date Returned Inmate Signature & Date Received

This form was received on (date), pursuant to Step Two. Is it an Emergency? (Yes or No).

Staff Who Received Step Two Grievance: Date:

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

Forwarded, provide name of person receiving this form: Date:

Arkansas
State Claims Comm.
DEC 15 2014

RECEIVED
CLAIMANT

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

STEVEN BADER (ADC 096787)

V.

NO. 15-0423-CC

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

ANSWER

COMES NOW the Respondent, Arkansas Department of Correction, 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 the investigation by internal affairs 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

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 the investigation by internal affairs.

Respectfully submitted,
Department of Correction Office of Counsel

Lisa Mills Wilkins
LISA MILLS WILKINS Ark. Bar #87190
Attorney Supervisor
Post Office Box 8707
Pine Bluff, AR 71611
(870)267-6844 Office
(870)267-6373 Facsimile

CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been served this 12 day of December 2014, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Steven Bader (ADC 096787)
North Central Unit
#10 Prison Circle
Calico Rock, AR 72519

Lisa Mills Wilkins
LISA MILLS WILKINS Ark. Bar #87190

APR 22 2015

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

STEVE BADER (ADC # 096787)

RECEIVED
CLAIMANT

V.

NO. 15-0423-CC

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

RESPONDENT'S MOTION TO DISMISS

COMES NOW the Respondent, Arkansas Department of Correction, and for its MOTION TO DISMISS, states and responds as follows:

1. Claimant filed a claim for failure to follow policy and loss of property. He seeks \$33.19. Claimant has failed to state a claim upon which relief can be granted under ARCP Rule 12(b)(6).
2. On July 31, 2014, Claimant attempted to mail two inmate checks and requests for pen pals, one to Prison Pen Pals ("PPP") and one to Acme. Apparently, the checks were placed in the wrong envelopes, by whom, it is unclear and will never be known. PPP did not process the \$1.20 check to Acme and notified Claimant that they still needed his check for \$19.95 to set up his PPP profile. See Exhibit "A". PPP did receive his photo which he spent \$3.00 to have taken for his profile. However, Acme *cashed the check* made payable to PPP and mailed claimant excess photos of women to satisfy the \$19.95 they received. See Exhibit "B". Claimant then spent \$3.29 to return the excess photos which he could not retain in excess of the five photos he is allowed to keep.
3. Claimant alleges that ADC is responsible for the \$19.95, \$3.00, and \$3.29. ADC is not responsible for the \$19.95 because Acme should not have cashed the check. Acme was an intervening third party tortfeasor who wrongfully cashed Claimant's check when they had no authority or right to do so. Claimant needs to seek this money from Acme. Claimant has not lost the \$3.00 for his photo, he can obtain his photo from PPP by simply writing them and requesting its return. There is no evidence that this is a loss. Claimant has not shown that ADC is responsible for the \$3.29 in return postage to Acme. Instead, Claimant needs to seek restitution from Acme for this money as they are the ones who caused it to be spent by cashing the check and sending Claimant photos he did not request. Claimant should seek this money from Acme.
4. A motion to dismiss is proper when there are no facts upon which relief can be granted. ARCP 12(B)(6). Claimant has shown no facts upon which he is entitled to relief and this claim should be dismissed.

WHEREFORE, for the reasons stated above and the evidence submitted, the Claim should be dismissed.

Respectfully submitted,
Department of Correction
Office of Counsel



LISA MILLS WILKINS Ark. Bar #87190

Attorney Supervisor

Post Office Box 8707

Pine Bluff, AR 71611

(870)267-6844 Office

(870)267-6373 Facsimile

CERTIFICATE OF SERVICE

I certify that a copy of the MOTION TO DISMISS has been served this 22 day of April, 2015, on the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

STEVE BADER (ADC # 096787)
NCU
10 PRISON CIRCLE
CALICO ROCK, AR 72519

Lisa Mills Wilkins
LISA MILLS WILKINS Ark. Bar #87190

Prison Pen Pals
P O Box 235
East Berlin PA 17316-0235

Steve Bader # 96787

08-08-14

We received your information and photo to place an ad for you.
Then we received a check but it was made out to Acme Publications for \$1.20
This apparently was a mistake, we are not sure what to do with the check because most
institutions will not allow you to send a check directly to you.

Please advise as to what you want us to do with the check and check into if there was a
check mailed to Acme publications for Prison Pen Pals?

Thank you

Prison Pen Pals
Processing Department

ORIGINAL CHECK HAS AN ARTIFICIAL WATERMARK ON REVERSE SIDE - HOLD AT AN ANGLE TO VIEW

KANSAS DEPARTMENT OF CORRECTION
TrustFund Centralized Banking
P.O. Box 8908
Pine Bluff, AR 71611-8908

Bank of America 81-7
820

196380

07/31/2014

\$19.95

DATE

AMOUNT

PAY
TO THE
ORDER
OF

Nineteen and 95/100 Dollars

Prison Pen Pals
P.O. Box 235
East Berlin, PA 17316-0235

VOID AFTER 180 DAYS

Viatic Bie
nb lu

Internet & Ect. Steve Bader #96787

⑈ 196380 ⑈ ⑆ 082000073 ⑆ 004163432207 ⑈

SUBSEQUENT COLLICITING BANK USE ONLY

SEQ# 102

TCF NATIONAL BANK
CICS # AX62

AUG 13 2014

FOR DEPOSIT ONLY BANK USE ONLY

YOUR ENDORSEMENT IS REQUIRED ABOVE OR BELOW
DO NOT SIGN, INITIAL, OR STAMP BELOW THIS LINE

Acme Publications
P.O. Box 130397
St. Paul MN 55113

20140813 991262000214 >291070001< TCFNATL

Tag	Serial Number	Note Payee Name	Item Date Volume ID	Account Number	Amount
No	196380	No	08/13/2014 14090200144901	4163432207	19.95

Arkansas
State Claims Commission
MAY 04 2015

BEFORE THE ARKANSAS STATE CLAIMS
COMMISSION

Steve Bader #96787

Claimant

V. No 15-0423CC

Arkansas Dept. of Correction Respondent

Response to motion to dismiss AND
motion for judgement.

Comes Now the claimant is and has shown a stated claim upon which relief of my money to be returned to me that was wrongly sent to Acme, \$995, instead of Prison Pen Pals and the \$120 sent to Prison Pen Pals instead of Acme.

In the real world, whenever the bank released a person's money wrongly, the bank pursues the embezzler or the criminal impersonator of a checking account or savings account. This same right a American citizen has for the prosecution of his money has indiscreetly, I and any other inmate needs to be protected with the

same rights since the ADC's inmate money system consist of Bank of America; Arkansas Dept. of Correction, Trust Fund Centralized Banking. Where all inmates family send's money to this Bank and they, and NO one else, send's money in our written inmate Personal Withdrawal Request form; which is a check request that is sent for \$19.95 to Prison Pen Pals and \$1.20 sent to HOME. However, the ADC's Trust Fund Centralized Bank sent these 2 checks to the wrong place and HOME criminally impersonalized themselves by cashing a \$19.95 check written to PRISON Pen Pals and sending the \$19.95 worth of pictures I did not receive!

Department of Corrections lawyer says the ADC is not responsible for this. I've said from the start that the ADC's Trust Fund bank is responsible for this!

I didn't go to Pine Bluff to process these checks and send them to the wrong places nor did Warden White, formerly

of Cahio Rock, or business manager Warden Sanders of Cahio Rock's N.C.U. prison. This leaves the ADC's Trust Fund centralized bank responsible.

I have sent a deposit form to Acme. We I wrote in my complaint to this court, asking Acme to send my prison pen pal check of \$19.95 that was wrongly sent to Acme back to me. They didn't. They later just sent the \$19.95 worth of pictures to me that I did not order. The respondent's motion to dismiss on #3; And I need to seek my money from Acme. For her to say this tells me she didn't read all my complaint or she would have noticed I already sent a deposit form to Acme asking for my \$19.95 that was wrongly sent to them to be returned. At this point, a claim upon relief has been stated and A.R.C.P. Rule 12b-6 does not comply.

The respondent states that the ADC is responsible for the \$3.29 in return postage

of the \$1995 worth of pictures that I did not order. I believe they are. Had I not accepted to return them, it would show I got paid \$1995 worth of pictures instead of get on the prison Ben Pals 1 year web sight in hopes of getting a women per pal friend

The \$3.00 photo can be deducted from this, but I still ask for the \$5.75 ~~has~~ postage to be added to the return fee's since I'm having to spend this postage to confront that the A.R.C.S Trust Fund (Centralized bank just as a American Society bank would go after and even prosecute or press charges of criminal impersonation or embezzlement of their clients money!

This I ask to be ruled on for a judgement along with judgement of pleadings. In considering a motion for a judgement on pleadings for failure to state facts upon which relief can be granted, the facts alleged in the complaint must be treated

as true and viewed in the light most favorable to the party seeking relief.

Smith v. American Greetings Corp. 304 Ark 596, 804 S.W.2d 683 (1991). Though I feel I stated facts that the AOC trust-fund centralized bank is responsible for sending my withdrawal request of \$19.95 written to Prison Pen Pals to ACME that they wrongly cashed instead of return in a AOC deposit form, and AOC's T.F.C.B. is responsible for sending \$1.20 written to ACME that was sent to P.P. Pals and they didn't return it, I want my money returned by the bank of the ~~inmate~~ T.F.C. bank that wrongly railroaded my money to the wrong people. I am the party seeking relief in wanting not only the \$19.95 returned, but \$1.20, \$3.29 it took to return photos that I would not accept in payment for ACME in their criminal impersonation of cashing Prison Pen Pals \$19.95 check and sending them that money's amount worth of pictures instead of return the \$19.95 worth

in a inmate AOC deposit form. And I ask
for the \$5.75 legal postage to be returned
since the AOC T.F.C. bank gave me no
notice of attempting to get my money back
they wrongly sent to the wrong place.
I had to file suit to get this money
back of mine that they just railroaded
to the wrong place though I had address-
ed envelopes of where they were
supposed to go. With 1 that had
my picture in it. I don't see how
they could mix them 2 checks up
with my photos in it for a Prisoner
Pay web sight.

Motions for judgments on the pleadings
are not favorable by the court. Such a
judgment should be entered only if the pleadings
show on their face that there is no defense to
the suit. When considering the motion, the
facts alleged in the complaint are viewed
as true, and in the light most favorable
to the party seeking relief. Estate of
Hastings v. Platters & Stockman Bank, 307 Ar.

34, 818 Sw2d 239 (1991).

Since Neither ARCP 12 nor rule 56 authorizes the trial court to summarily dismiss a complaint where there are matters before the court that show there is an issue of fact to be decided. *Maas v. Maerel Assoc.* 13 Ar. App. 240, 682 Sw. 2d 769 (1985). *Dickson v. Delhi Seed Co.* 26 Ar. App. 83, 760 Sw. 382 (1988).

I did my part in sending a deposit form to them places in return of my money. Since they decided, that American T.F.C. bank of Ark. prisoners should return my money and go after the business that cashed a check not written to them and one that may have done nothing with, but was still taken from my account.

Respectfully Submitted,
Steve Bader 96787

INMATE PERSONAL ~~Y~~ HDRAW REQUEST FORM

North Central Unit

ADC UNIT

DEC 05 2014

Steve Bader
Print Inmate Name

96187
ADC Number

88
Barracks Number

9114901075742053304993

PLEASE PRINT REQUESTED INFORMATION

Date of Request 11-24-14 Amount of Request \$ 5.75

FIVE DOLLARS AND 75 Dollars

Check is to be Payable To: WCU mail Room

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

Purpose of Withdraw Request: Postage

Steve Bader
Inmate Signature

U. C. R. 12/3/14
ADC Witnessed Signature

Approved: Circle One YES
NO

Reason for Denial

Signature Warden/Warden Designee

Mr. Warren Sanders
Business Manager-Print Name

Business Manager Signature

Inmate Banking: Inmate Funds Available - Circle One Yes No

STATE CLAIMS COMMISSION DOCKET
OPINION

Amount of Claim \$ 33.19

Claim No. 15-0423-CC

Steve Bader, #096787 Claimant
vs. Pro se Claimant

AR Dept. of Correction Respondent
State of Arkansas Respondent

Date Filed December 5, 2014
Type of Claim Failure to Follow Procedure, Loss of Property

FINDING OF FACTS

The Claims Commission hereby unanimously grants the Respondent's "Motion to Dismiss" for reasons set forth in paragraphs 2 and 3 contained in the motion. Therefore, this claim is hereby unanimously denied and dismissed.

(See Back of Opinion Form)

CONCLUSION

The Claims Commission hereby unanimously grants the Respondent's "Motion to Dismiss" for reasons set forth in paragraphs 2 and 3 contained in the motion. Therefore, this claim is hereby unanimously denied and dismissed.

Date of Hearing May 14, 2015

Date of Disposition May 14, 2015

[Signature] Chairman
[Signature] Commissioner
[Signature] Commissioner

**Appeal of any final Claims Commission decision is only to the Arkansas General Assembly as provided by Act #33 of 1997 and as found in Arkansas Code Annotated §19-10-211.

Please File mark
and return copy

Before The Arkansas Claims Commission

Steve Bader (ADC 096787)

Claimant

v.

No. 15-0423-CC

Arkansas Dept. of Correction

Respondent

Appeal

Arkansas General Assembly
provided by Act #33 of 1997

Arkansas
State Claims Commission

MAY 27 2015

RECEIVED

Comes Now the Claimant herein, Steve Bader (ADC 096787), a personer incarcerated within the Arkansas Dept. of Corrections @ the North Central Unit in Calico Rock, Arkansas, whom appeals the unanimous decision in granting the Respondent's "Motion to Dismiss" on May 14, 2015 (Claim No. 15-0423-CC, Amount of Claim \$ 33.19)

This Claimt should be heard before the Arkansas Claims Commission as set forth under Rule 9(b)(c).

- Rule 9(b), the Arkansas Dept. of Correction Trustfund Centralized Banking made overments by mistake. The Respondent acknowledges within their "Motion to Dismiss" paragraph 2: "the checks was placed in wrong envelopes," and it is the official duty of all business office managers and ADC centralized banking officials to insured that All monetary funds of inmates are set to the appropriate parties. When those official duties are averted, then the liability of the Arkansas Dept. of Correction is absolute.

- Rule 9(c), the conditions precedent are that of

the lack of performance by Centralized Banking). Once banking officials discover that a monetary instrument issued was mailed by them to wrong payee, under the Rules of Arkansas Banking that "mistake" has to be corrected.

In addition to Rules 9(b)(c), this claim is also justified under Rule 9(d). Arkansas Dept. of Correction are completely liable to correctly administer the safe transactions of my monetary funds. The financial monetary instrument/document issued by Centralized banking was not done in compliance with Arkansas Law.

It is not the responsibility of the claimant to correct the Rule 9(b) violation because this rule is broad in scope and applies to all actions (Rule 9(c)) whether contractual or not. IF a payroll check is placed "In the wrong envelopes" and cashed by wrong employee, it would still be the duty of the Arkansas Dept. of Correction to correct that miscarriage of justice.

Wherefore, the claimant prays that the Arkansas General Assembly as found in Arkansas Code Annotated 19-10-211 will over-rule the unanimous decision to deny and dismiss Claim No. 15-0423-CC filed on Dec. 5, 2014, granting a oral hearing) or the amount of claim requested.

Under the penalties of perjury, the foregoing matters of legality are true and correct to the best of my knowledge.

Respectfully Submitter
Steve Bader (ADC 096787) 33

This Day 25th of May 2015

Steve Barker

Steve Bader (ADC 096787)

State of Arkansas } ss
County of Izard)
Subscribed

Subscribed and sworn to before me,
A Notary Public, on this Day 25th of May 2015
My Commission expires 4/10/2023

OL BR

Notary Public



Notary Seal

Exhibit A

Prison Pen Pals
P O Box 235
East Berlin PA 17316-0235

Steve Bader # 96787

08-08-14

We received your information and photo to place an ad for you.
Then we received a check but it was made out to Acme Publications for \$1.20
This apparently was a mistake, we are not sure what to do with the check because most
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Please advise as to what you want us to do with the check and check into if there was a
check mailed to Acme publications for Prison Pen Pals?

Thank you

Prison Pen Pals
Processing Department

*Please file, mark,
and return copy.*

Arkansas
State Claims Commission

MAY 27 2015

RECEIVED



Exhibit

A

35

(Exhibit B) Acme Publications received this
 reimbursement check and cashed it and 12/23/2014 11:35 AM
 sent me \$19.95 worth of pictures I return
 them.

ORIGINAL CHECK HAS AN ARTIFICIAL WATERMARK ON REVERSE SIDE - HOLD AT AN ANGLE TO VIEW

ARKANSAS DEPARTMENT OF CORRECTION
 TrustFund Centralized Banking
 P.O. Box 8908
 Pine Bluff, AR 71611-8908

Bank of America 81-7
 820

196380

07/31/2014

\$19.95

DATE

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 OF

Nineteen and 95/100 Dollars

Prison Pen Pals
 P.O. Box 235
 East Berlin, PA 17316-0235

VOID AFTER 180 DAYS

Viuci Bie
m b lue

Internet & Ect. Steve Bader #96787

⑈196380⑈ ⑆082000073⑆ 004163432207⑈

SURFPOUNT CALL LETTERS BANK USE ONLY

SEQ# 12102

AUG 13 2014

TCF NATIONAL BANK
 CICS # 6X62

FOR DEPOSIT ONLY BANK USE ONLY

YOUR FUNDING UNIT IS IN THE ACME AREA ONLY
 DEPOSIT HERE, WITHIN THE ACME AREA ONLY

Acme Publications
 P.O. Box 130397
 St. Paul, MN 55113

20140813 991262000214 >291070001< TCFNATL

Tag	Serial Number	Note Payee Name	Item Date Volume ID	Account Number	Amount
No	196380	No	08/13/2014 14090200144901	4163432207	19.95

