

1 BEFORE THE ALASKA OFFICE OF ADMINISTRATIVE HEARINGS ON REFERRAL BY
2 THE COMMISSIONER OF TRANSPORTATION & PUBLIC FACILITIES

3 MILLER CONSTRUCTION COMPANY,
4 LTD,

5 Claimant/Appellant,

6 v.

7 DEPARTMENT OF TRANSPORTATION
& PUBLIC FACILITIES, SOUTHCOAST
8 REGION,

9 Defendant/Respondent.

OAH No. 19-0088-CON

Decision scs
FINAL JUDGMENT

~~[Proposed]~~

10 ~~The Clerk is directed to enter the final judgment as provided below:~~

11 FINAL JUDGMENT SUMMARY *Decision scs*

- 12 1. Judgment Creditor: Miller Construction Company, Ltd
- 13 2. Judgment Debtor: Department of Transportation & Public
14 Facilities, Southcoast Region
- 15 3. Principal ~~Judgment~~ Amount: \$ 7,500,000.00
- 16 4. Pre-Judgment Interest: \$ 0
- 17 5. Attorneys' Fees: \$ 0
- 18 6. Costs: \$ 0
- 19 7. Other recovery amounts: \$ 0
- 20 8. Principal ~~judgment~~ amount shall bear post-judgment interest at 3.25% per *Final decision scs*
21 annum (\$667.81/day).
- 22 9. Attorneys for judgment creditor:
- 23 Schlemlein Fick & Franklin, P.L.L.C.
- 24 Garth A. Schlemlein, ASBA No. 08602011
- 25 Jesse O. Franklin IV, ASBA No. 610060

26 THIS MATTER came before the undersigned Administrative Law Judge pursuant to
27 the Notice of Acceptance of Offer to Allow Entry of Final Decision. The Judge has reviewed
the pleadings in relation thereto including, the April 6, 2022 Department of Transportation

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

& Public Facilities, Southcoast Region's ("SCR") Offer to Allow Entry of Final Decision in the amount of \$7,500,000 and the April 18, 2022 Miller Construction Company, Ltd.'s ("Miller") Acceptance of the Offer of Judgment. It is hereby:

Final Decision

scs

DECIDED

ORDERED, ADJUDGED AND DECREED that, pursuant to the Offer to Allow

Entry of Final Decision, the Acceptance of the Offer of Judgment, AS 36.30.631 and Rule 68 of the Alaska Rules of Civil Procedures, final judgment shall be and hereby is entered

decision

against the Department of Transportation & Public Facilities, Southcoast Region, in the total amount of \$7,500,000.00 as set forth and summarized above, and that the total judgment

amount awarded

shall bear post-judgment interest at the rate of three and one-quarter percent (3.25%) per annum (\$667.81/day).

decision

sc

DATED this 21st day of April, 2022

[Redacted Signature]

Stephen Slotnick
Administrative Law Judge

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

Presented by:

SCHLEMLEIN FICK & FRANKLIN, PLLC

[Redacted signature]

Garth A. Schlemlein, ASBA No. 08602011
Jesse O. Franklin IV, ASBA No. 610060
66 South Hanford, Suite 300
Seattle, Washington, 98134
gas@soslaw.com | jof@soslaw.com

ALASKA DEPARTMENT OF LAW

[Redacted signature]

Max D. Garner
Chief Assistant Attorney General
Alaska Bar No. 9011096
Christopher A. Robison
Assistant Attorney General
Alaska Bar No. 2111126
max.garner@alaska.gov
chris.robison@alaska.gov

Decision and Order
Final Judgment
No. 19-0088-CON

Page 3 of *4*

SCHLEMLEIN FICK & FRANKLIN, PLLC
66 S. Hanford Street, Suite 300
Seattle, WA 98134
Phone: (206) 448-8100 Fax: (206) 448-8514

**BEFORE THE ALASKA OFFICE OF ADMINISTRATIVE HEARINGS ON REFERRAL BY
THE COMMISSIONER OF TRANSPORTATION & PUBLIC FACILITIES**

MILLER CONSTRUCTION CO., LTD.)
)
v.)
)
DEPARTMENT OF TRANSPORTATION &)
PUBLIC FACILITIES, SOUTHCOAST REGION)

OAH No. 19-0088-CON

APPENDIX TO FINAL DECISION AND ORDER

This is the final decision of the administrative agency. There will be no further proceedings, including no proposals for action under AS 44.64.060, and no motions for reconsideration. The right to appeal is controlled by the parties' agreement.

DATED: April 21, 2022.

By: _____

Stephen Slotnick
Administrative Law Judge

This decision is a final decision of an administrative agency. Judicial review of this decision may be obtained by filing an appeal in the Alaska Superior Court in accordance with AS 44.62.560 and Alaska R. App. P. 602(a)(2) within 30 days after the date of this Decision and Order.

Certificate of Service: I certify that on April 21, 2022, a copy of this document was distributed by email to: Jesse O. Franklin IV (by email); Allen R. Benson (by email); Garth Schlemlein (by email); Laurel Barton (by email); Tess Keeley (by email); Max D. Garner (by email); Chris A. Robison (by email); Patricia Runyan (by email); Leilani J. Tufaga (by email); Christina M. Fisher (by email); Dept of Law central email (by email); Liz Forkan (by email); Anadela Gallego (by email). A courtesy copy was also sent to Hilary Porter (by email) and Christopher M. Kennedy, ALJ (by email).

By: _____

Office of Administrative Hearings