

56

Entered 2-10-98 - sb
CL 98L0042- GWENDOLYN BURNS
00- 2-0793

CLAIM OF: STEVEN SANTUFF

through his attorney,

BRIAN SPEARS

1126 Ponce de Leon Avenue, NE
Atlanta, Georgia 30306

For damages alleged to have been sustained
as a result of a defamation of character
incident on August 26, 1998 at the Atlanta
Police Department..

THIS ADVERSED REPORT IS
APPROVED

BY: *Rosamund Robbins Jewell*
ROSAMUND ROBBINS JEWELL
DEPUTY CITY ATTORNEY

COM. *Fulvia Salyer*

DATE *5/30/2000*

CHM. *W. F. ...*

[Handwritten signatures]

ADVERSED BY
CITY COUNCIL JUN 0 5 2000

CERTIFIED
JUN - 5 2000
ATLANTA CITY COUNCIL PRESIDENT
[Signature]

CERTIFIED
JUN 0 5 2000
[Signature]
MUNICIPAL CLERK



CITY OF ATLANTA
OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

June 16, 2000

Brain Spears
Attorney at Law
1126 Ponce de Leon Ave., NE
Atlanta, GA 30306

00-R-0793

RE: Steven Santuff

Dear Attorney Spears:

I sincerely regret that your clients have been adversely affected by the circumstances raised in their claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on June 05, 2000. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: **Claims Division/Law Department**

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0042

Date: May 18, 2000

Claimant /Victim STEVEN SANTUFF
BY: (Atty) (Ins. Co.) BRIAN SPEARS, Attorney at Law
Address: 1126 Ponce de Leon Avenue, NE, Atlanta, Georgia 30306
Subrogation: Claim for damage \$ unspecified Bodily Injury \$
Date of Notice: 1/22/98 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 8/26/97 Place: Atlanta Police Department
Department POLICE Division
Employee involved J. R. Brady Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that he sustained damages as a result of defamatory acts committed against him while seeking employment with the Atlanta Police Department. Claimant further contends that he is entitled to receive a name clearing hearing. However, claimant's claim is unsubstantiated and has no basis in law.

INVESTIGATION:

Statements: City employee X Claimant X Others Written X Oral
Pictures Diagrams Reports: Police Dept Report X Other X
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice More than Six Months Other X Damages reasonable
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,

Gwendolyn Burns
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager: Concur/date 05-19-00
Committee Action: Council Action

DIANE DALTON
Attorney and Counselor at Law

BURNS
01-26-98

1099 Standard Drive
Atlanta, Georgia 30319

(404) 261-9509

January 20, 1998

CERTIFIED MAIL
NO. Z 360 712 708
RETURN RECEIPT REQUESTED

ENTERED - 2-10-98 - SB
98L0042 - GWEN BURNS
CERTIFIED MAIL
NO. Z 360 712 709
RETURN RECEIPT REQUESTED

AND

Lt. LaSalle Smith, Liaison
City of Atlanta Mayor's Office
55 Trinity Avenue, S.W.
Suite 2400
Atlanta, GA 30335

Atlanta City Council
55 Trinity Avenue, S.W.
Suite 2900
Atlanta, GA 30335

RE: Ante Litum Notice of Steven D. Santhuff
concerning Defamation of Character
and Injury to Reputation

Dear Lt. Smith and Council Members:

Pursuant to O.C.G.A. 36-33-5, I am forwarding the requisite Ante Litum notice of intent to file suit, if necessary, against the City of Atlanta concerning Mr. Steven D. Santhuff's grievance against the Atlanta Police Department Background and Recruiting Unit. Let me add, Lt. Smith, that after your telephone response to Mr. Santhuff's letter of January 12, it appears that it may not be necessary to file a lawsuit.

However, in the interest of preserving Mr. Santhuff's right to proceed further should the case warrant it, when Mr. Santhuff consulted me today, I advised him of the need to formally present notice within 6 months of the time that an action against the City arises. After reviewing his documentation with him, it appears that the defamatory act(s) were done on or about August 26, 1997 when Mr. Santhuff was required by the Gwinnett County Police Department with which he sought employment to list all other agencies applied to and the reasons for rejection. An investigation by the Gwinnett County Police Department ensued after which Mr. Santhuff was then rejected and denied employment.

The reasons given for rejection by the Atlanta Police Department are defamatory in nature and has and will affect his future employment possibilities. He has unsuccessfully attempted to have serious errors that are a part of public open record removed from his application file with regard to the City of Atlanta Police Department's evaluation and rejection of him. In his January 12 letter to you, he has described the basis for the inaccuracies in his record reflecting the reasons for rejection which specifically refer to Deliberate Omissions, Criminal History, and Theft from an Employer.

(7) 413-2645

Lt. LaSalle Smith, Liaison
City of Atlanta Mayor's Office
and
Atlanta City Council

In response to his January 12 letter, on January 20 he was advised by you, Lt. Smith, to call Sgt. C. J. Davis for an appointment to discuss the concerns he has regarding correcting the records; you also indicated that the Texas "incident" would be corrected. Mr. Santhuff appreciates your involvement in his case and your efforts to help him resolve it. However, continuing damage will occur concerning future employment prospects unless all of the record correctly reflects the facts. The Internal Correspondence dated June 20, 1997 of a Memo regarding Police Applicant: Steven Santhuff is likewise as damaging as the reasons for rejection.

Mr. Santhuff appears to have a valid claim for injury to his reputation/character but would prefer to resolve the matter without litigation. He is willing to work with Sgt. Davis to ensure that his grievance is addressed and the record changed to properly reflect his background without the libelous material and misinterpretation it now contains. However, if his concerns for the inaccuracies in his record are not corrected, I have urged him to file a lawsuit for damages.

I write this letter on Mr. Santhuff's behalf in order to ensure that this matter is taken seriously and with the intent of the Legislature in passing O.C.G.A. 36-33-5. That is, to afford the City an opportunity to correct the record and abate the effects on Mr. Santhuff's reputation before it becomes great or far-reaching and to avoid the expense of litigation, thus reducing the exposure of funds in the city treasury to depletion.

Thank you for your time and consideration of this matter.

Sincerely,

Diane Dalton

DD:da

cc: Mr. Steven D. Santhuff
6531 Gray Hawk Way
Stone Mountain, Georgia 30087
(Sent by Fax)

00-*R*-0793

RCS# 1981
6/05/00
2:45 PM

Atlanta City Council

Regular Session

CONSENT AGENDA PAGES (1 - 10)

ADOPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 1

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	Y Alexander
B Winslow	Y Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA
00-O-0662

06/05/00 Council Meeting	
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSED ON CONSENT AGENDA
1. 00-O-0590	39. 00-R-0775
2. 00-O-0677	40. 00-R-0776
3. 00-O-0712	41. 00-R-0777
4. 00-O-0752	42. 00-R-0778
5. 00-O-0592	43. 00-R-0779
6. 00-O-0593	44. 00-R-0780
7. 00-O-0594	45. 00-R-0781
8. 00-O-0625	46. 00-R-0782
9. 00-O-0666	47. 00-R-0786
10. 00-O-0673	48. 00-R-0787
11. 00-O-0722	49. 00-R-0788
12. 00-O-0724	50. 00-R-0789
13. 00-O-0725	51. 00-R-0790
14. 00-O-0730	52. 00-R-0791
15. 00-O-0589	53. 00-R-0792
16. 00-O-0713	54. 00-R-0793
17. 00-O-0714	
18. 00-O-0715	
19. 00-O-0716	
20. 00-R-0753	
21. 00-R-0794	
22. 00-R-0761	
23. 00-R-0719	
24. 00-R-0763	
25. 00-R-0764	
26. 00-R-0762	
27. 00-R-0765	
28. 00-R-0766	
29. 00-R-0768	
30. 00-R-0769	
31. 00-R-0770	
32. 00-R-0771	
33. 00-R-0772	
34. 00-R-0773	
35. 00-R-0774	
36. 00-R-0783	
37. 00-R-0784	
38. 00-R-0785	