00- R -1922

Entered - 02/23/99 - sb
CL99L0111 - DIANNE C. MITCHELL

CLAIM OF: DECKER AND HALLMAN, P.C.
Suite 4300
285 Peachtree Street
Atlanta, Georgia 30308

For damages alleged to have been sustained as a result of the collection of occupational taxes and license fees by the City in1996, 1997 and 1998.

THIS ADVERSED REPORT IS APPROVED

BY: Rosalind Rubens Newell by RNG/DCA
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

CONSENT AGENDA

ADVERSED BY CITY COUNCIL DEC 04 2000

ADVERSE REPORT
Public Safety
11/28/00
C. T. Martin

CERTIFIED
DEC 4 2000
ATLANTA CITY COUNCIL PRESIDENT

CERTIFIED
DEC 04 2000
MUNICIPAL CLERK

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

December 12, 2000

Decker and Hallman, P.C.
Attn: Robert D. Feagin, Esq.
285 Peachtree Street
Suite 4300
Atlanta, Georgia 30308

00-R-1922

Dear Attorney Feagin:

I sincerely regret that you have been adversely affected by the circumstances raised in your 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 claim at its regular meeting on December 4, 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**.

Sincerely,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 99L0111 Date: November 15, 2000

Claimant /Victim **HALLMAN AND DECKER, P.C.**
BY: (Atty) Robert Feagin and Irwin Stolz, Jr.
Address: Suite 1200, 285 Peachtree Center Avenue, Atlanta, Georgia 30303
Subrogation: _____ Claim for Property damage $ 32,400.00 Bodily Injury $ _____
Date of Notice: 02/18/99 Method: Written, proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 1996, 1997 & 1998 Place: 55 Trinity Avenue
Department Finance Division: _____
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimants demand reimbursement for occupational taxes and license fees paid to the City that they contend was erroneous and illegal. The claimants have filed a lawsuit to resolve the issues raised in their claim.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____
Pictures _____ Diagrams _____ Reports: Police _____ Dept Report _____ Other _____
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,

INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay $ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____
Claims Manager: _____ Concur/date 11-15-00
Committee Action: _____ Council Action _____

FORM 23-61

COUNCIL PRESIDENT PROTEM DEBI STARNES PRESIDED

RCS# 2434
12/04/00
3:58 PM

Atlanta City Council

Regular Session

CONSENT

Pages: 1-19

ADOPT

YEAS:	12
NAYS:	0
ABSTENTIONS:	0
NOT VOTING:	3
EXCUSED:	0
ABSENT	1

SEE ATTACHED LISTING OF ITEMS ADOPTED/ADVERSED ON CONSENT AGENDA

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

ITEM (S) REMOVEDFROM
CONSENT AGENDA
00-O-1874
00-O-1986
00-R-1950

CONSENT

		12/04/00 Council Meeting
ITEMS ADOPTED ON CONSENT AGENDA	**ITEMS ADOPTED ON CONSENT AGENDA**	**ITEMS ADVERSED ON CONSENT AGENDA**
1. 00-O-1289 2. 00-O-1680 3. 00-O-1792 4. 00-O-1797 5. 00-O-1003 6. 00-O-1228 7. 00-O-1795 8. 00-O-1796 9. 00-O-1860 10. 00-O-1616 11. 00-O-1853 12. 00-O-1801 13. 00-O-1963 14. 00-O-1965 15. 00-R-1788 16. 00-R-1886 17. 00-R-1953 18. 00-R-1955 19. 00-R-2009 20. 00-R-2010 21. 00-R-2011* 22. 00-R-1890 23. 00-R-1937 24. 00-R-1938 25. 00-R-1939 26. 00-R-1940 27. 00-R-1988 28. 00-R-2006 29. 00-R-2013 30. 00-R-1887 31. 00-R-2015 32. 00-R-1957 33. 00-R-1958 34. 00-R-1877 35. 00-R-2008	36. 00-R-1959 37. 00-R-1882 38. 00-R-1985 39. 00-R-1943 40. 00-R-1945 41. 00-R-1946 42. 00-R-1947 43. 00-R-1948 44. 00-R-1949 45. 00-R-1951 46. 00-R-1970 47. 00-R-2016 48. 00-R-1901 49. 00-R-1902 50. 00-R-1903 51. 00-R-1904 52. 00-R-1905 53. 00-R-1906 54. 00-R-1907 55. 00-R-1908 56. 00-R-1909 57. 00-R-1910 58. 00-R-1911 59. 00-R-1912 60. 00-R-1913 61. 00-R-1914 62. 00-R-1915 63. 00-R-1916	64. 00-R-1816 65. 00-R-1817 66. 00-R-1818 67. 00-R-1819 68. 00-R-1820 69. 00-R-1821 70. 00-R-1822 71. 00-R-1823 72. 00-R-1824 73. 00-R-1825 74. 00-R-1826 75. 00-R-1827 76. 00-R-1828 77. 00-R-1829 78. 00-R-1830 79. 00-R-1831 80. 00-R-1832 81. 00-R-1833 82. 00-R-1834 83. 00-R-1836 * President Pitts recused himself.