Entered -10-24-00 - sb
CL 00L0644 - GWENDOLYN BURNS

00- R -1931

CLAIM OF: **JAMES STANLEY SELF**
910 Ponce de Leon Avenue, NE
Atlanta, Georgia 30306

For damages alleged to have been sustained from an unlawful arrest on September 28, 2000, at 516 Ponce de Leon, NE..

THIS ADVERSED REPORT IS
APPROVED

BY: Robert N. Godfrey
ROBERT N. GODFREY
DEPUTY CITY ATTORNEY

CONSENT AGENDA

ADVERSED BY CITY COUNCIL DEC 04 2000

ADVERSE REPORT
COM. Public Safety
DATE 11/28/00
CH. Cit. 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

James Stanley Self
910 Ponce de Leon Ave., NE
Atlanta, GA 30306

00-R-1931

Dear Mr. Self:

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. 00L0644 Date: November 16, 2000

Claimant /Victim **JAMES STANLEY SELF**
BY: (Atty) (Ins. Co.) _____
Address: 910 Ponce de Leon Avenue, NE, Atlanta, Georgia 30306
Subrogation: _____ Claim for Property damage $_____ Bodily Injury $ unspecified
Date of Notice: 10/9/00 Method: Written, Proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 _____ Ante Litem (6 Mo.) _____
Date of Occurrence 9/28/00 Place: 516 Ponce de Leon Avenue, NE
Department POLICE Division _____
Employee involved J. D. Patterson Disciplinary Action: _____

NATURE OF CLAIM: Claimant alleges that he sustained damages when he was falsely arrested and imprisoned for "drinking in public" by Officer Patterson. However, a municipal corporation shall not be liable for the torts of policemen or other officers engaged in the discharge of the duties imposed on them by law as set forth in O.C.G.A. Section 36-33-3.

INVESTIGATION:

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

INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay $ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____
Claims Manager: _____ Concur/date 11-17-00
Committee Action: _____ Council Action _____

FORM 23-61

BURNS
10/23/00

Council of The City Of Atlanta
Clerk of The Council
City Hall
55 Trinity Ave. S.W.
Atlanta, GA 30335

Re: Claim for Damages

Today's Date: 9-30-00

9

Dear Sir or Madam:

ENTERED - 10-24-00 - SB
00L0644 - GWEN BURNS

This is to notify the City of Atlanta that I have suffered damages in the sum of $ 300.00 Property and/or $_____ bodily for which I contend the City is liable.

1. Date of Incident 9-28-00 (Month/Day/Year) 2. Police Called ✓ (Yes) (No)

3. Location of Incident 516 Ponce De Leon

4. Name of your Insurance Company_____ Policy #_____

5. State what and how the incident occurred I WAS ARRESTED FOR DRINKING IN PUBLIC

6. **ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE STATEMENTS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION.**

7. The registered owner must make the claim for vehicle damages. Complete the following and attach two (2) estimates of repair.

Your Vehicle:_____
(Make) (Year) (Tag #) (Drivers Name)

City Vehicle:_____
(Make) (Drivers Name) (Department)

8. Witness:_____
(Name) (Address) (Phone)

9. The acknowledgement of this claim in no way waives the Governmental Immunity of the City Of Atlanta, as granted by State Law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employees.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

James Stanley Self (SEAL)
(Claimant)

10. THIS CLAIM SHOULD BE MAILED IMMEDIATELY TO THE ADDRESS SHOWN ABOVE.

910 Ponce De Leon
(Address)

Atlanta GA
(City) (State) (Zip) (Home Phone) (Bus. Phone)

00-R-1931

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-[redacted] 80. 00-R-1832 81. 00-R-1833 82. 00-R-1834 83. 00-R-1836 * President Pitts recused himself.