

Entered - 06/12/00 - sb
CL00L0346 - DIANNE C. MITCHELL

CLAIM OF: **BLAKE MAFFAI**
1203 Alexander Circle
Atlanta, Georgia 30326

01-R-1204

For damages alleged to have been sustained as a result of the loss of the claimant's watch during his arrest on January 28, 2000 at 265 East Paces Ferry Road.

THIS ADVERSED REPORT IS APPROVED

BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

CONSENT AGENDA

ADVERSED BY
CITY COUNCIL AUG 06 2001

ADVERSE REPORT

COMM _____

DATE _____

CHAIR: C. T. Martin

Michael B...

Danny St...

Albert...

...

Chela...

ATLANTA CITY COUNCIL PRESIDENT
AUG 06 2001
G E R T I F I E D

MUNICIPAL CLERK
AUG 06 2001
G E R T I F I E D



**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**

August 8, 2001

Blake Maffai
1203 Alexander Circle
Atlanta, Georgia 30326

01-R-1204

Dear Mr. Maffai:

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 August 6, 2001. 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

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: **Claims Division/Law Department**

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0346

Date: July 19, 2001

Claimant /Victim BLAKE MAFFEI
BY: (Atty)(Ins. Co.)
Address: 1203 Alexander Circle, Atlanta, Georgia 30326
Subrogation: Claim for Property damage \$ 2,600.00 Bodily Injury \$
Date of Notice: 06/01/00 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 01/28/00 Place: 265 East Paces Ferry Road
Department Police Division:
Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges that his watch was lost or taken at the time he was arrested by Atlanta police officers. The investigation determined that the officers involved in the arrest have no knowledge of the claimant having a watch on at the time of his arrest. Both officers do recall that the claimant was heavily intoxicated and unruly at the time of his arrest for criminal trespass and obstruction of a police officer. There is no evidence of any wrongdoing on the part of the police officers. Furthermore, the City is immune from liability for the torts of its police officers engaged in the discharge of their duties as set forth in O.C.G.A. §36-33-3.

INVESTIGATION:

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

[Signature]
INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager: [Signature] Concur/date 07-19-01
Committee Action: Council Action

RCS# 3033
8/06/01
2:56 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1-15

ADOPT

YEAS: 15
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 0

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

Unanimous

Y McCarty
Y Starnes
Y Bond
Y Winslow

Y Dorsey
Y Woolard
Y Morris
Y Muller

Y Moore
Y Martin
Y Maddox
Y Boazman

Y Thomas
Y Emmons
Y Alexander
NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA
01-O-1106
01-R-1200
01-R-1217

CONSENT

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28. 01-R-1140		75. 01-R-1208	
