ADOPTED BY CITY COUNCIL JAN 22 2002

Entered - 10/17/01 - sb
CL01L0635 - DIANNE C. MITCHELL

CLAIM OF: **PAMELA ASHE**
3641 Adkins Road, NW
Atlanta, Georgia 30331

02- R -0021

For damages alleged to have been sustained as a result of an inspection of her apartment not being made in a timely manner on June 22, 2001 at 3041 Landrum Drive, Apt. 7C.

CERTIFIED JAN 22 2002 ATLANTA CITY COUNCIL PRESIDENT

THIS ADVERSED REPORT IS APPROVED

CONSENT AGENDA

BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

CERTIFIED JAN 22 2002 MUNICIPAL CLERK

ADVERSE REPORT
COMM: P.S.L.A.
DATE: 1-15-02
CHAIR:
C.T. Martin

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

January 29, 2002

Pamela Ashe
3641 Adkins Rd., NW
Atlanta, GA 30331

02-R-0021

Dear Ms. Ashe:

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 January 22, 2002. 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

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. **01L0635** Date: December 5, 2001

Claimant /Victim **PAMELA ASHE**
BY: (Atty)(Ins. Co.)
Address: 3541 Adkins Road, NW, Atlanta, Georgia 30331
Subrogation: _____ Claim for Property damage $ **300.00** Bodily Injury $ _____
Date of Notice: 10/02/01 Method: Written, proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 06/22/01 Place: 3041 Landrum Drive, Apt. 7C
Department Planning Dev. and Neighborhood Cons. Division: Housing Code Inspection
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges that she incurred damages when she moved out of her apartment due to the Housing Code Inspection she had requested not being done in a timely manner. The investigation determined that the Housing Code Inspector made several attempts to inspect the claimant's apartment, but no one was at home on each occasion and no one returned his calls. Furthermore, the City is immune from liability as set forth in O.C.G.A.§36-33-1.

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,

INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay $ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____
Claims Manager: _____ Concur/date 12-14-01
Committee Action: _____ Council Action _____

FORM 23-61

RCS# 3405
1/22/02
1:28 PM

Atlanta City Council

Regular Session

CONSENT

Pages: 1 through 9

ADOPT

SEE ATTACHED LISTING OF ITEMS ADOPTED/ADVERSED ON CONSENT AGENDA

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

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT

ITEMS ADOPTED ON CONSENT AGENDA

1. 02-O-0085
2. 02-R-0003
3. 02-R-0007
4. 02-R-0008
5. 02-R-0009
6. 02-R-0036
7. 02-R-0038
8. 02-R-0010
9. 02-R-0031
10. 02-R-0032
11. 02-R-0033
12. 02-R-0034
13. 02-R-0094
14. 02-R-0095
15. 02-R-0096
16. 02-R-0097

ITEMS ADVERSED ON CONSENT AGENDA

17. 02-R-0011
18. 02-R-0012
19. 02-R-0013
20. 02-R-0014
21. 02-R-0015
22. 02-R-0016
23. 02-R-0017
24. 02-R-0018
25. 02-R-0019
26. 02-R-0020
27. 02-R-0021
28. 02-R-0022
29. 02-R-0023
30. 02-R-0024
31. 02-R-0025
32. 02-R-0026
33. 02-R-0027
34. 02-R-0028
35. 02-R-0029
36. 02-R-0030
37. 02-R-0098
38. 02-R-0099
39. 02-R-0100
40. 02-R-0101
41. 02-R-0102
42. 02-R-0103