

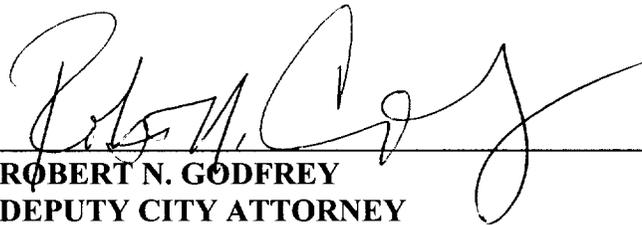
Entered - 08/01/01 - sb  
CL01L0484 - DIANNE C. MITCHELL

CLAIM OF: **DEREK THOMAS**  
236 Peachtree Street  
Atlanta, Georgia 30303

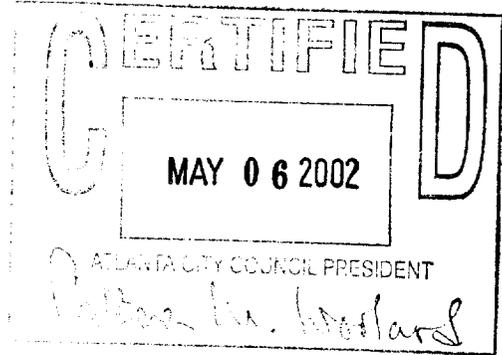
02-R-0656

For damages alleged to have been sustained as a result of the improper holding of his property by police property from March 27, 1999 until August 31, 2001 at 675 Ponce de Leon Avenue.

THIS ADVERSED REPORT IS APPROVED

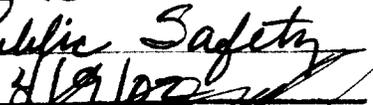
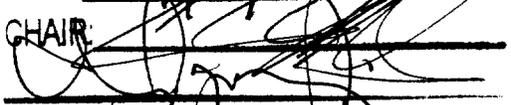
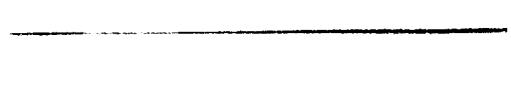
BY:   
ROBERT N. GODFREY  
DEPUTY CITY ATTORNEY

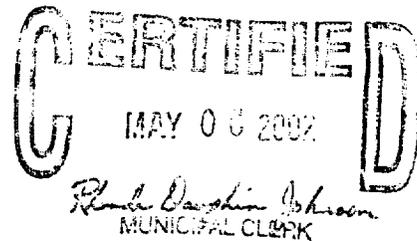
ADVERSED BY  
CITY COUNCIL MAY 06



CONSENT AGENT

ADVERSE REPORT

Public Safety  
DATE:   
CHAIR:   
 C.T. Martin  
  






**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

May 21, 2002

FORIS WEBB, III  
DEPUTY MUNICIPAL CLERK

Derek Thomas  
236 Peachtree St  
Atlanta, GA 30303

02-R-0656

Dear Mr. Thomas:

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 May 6, 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, CMC  
Municipal Clerk

**cc: Claims Division/Law Department**

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0484

Date: March 28, 2002

Claimant /Victim DEREK THOMAS

BY: (Atty)(Ins. Co.) \_\_\_\_\_

Address: 236 Peachtree Street, Atlanta, Georgia 30303

Subrogation: \_\_\_\_\_ Claim for Property damage \$ Not Stated Bodily Injury \$ \_\_\_\_\_

Date of Notice: 07/30/01 Method: Written, proper X Improper \_\_\_\_\_

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 03/27/99-08/31/01 Place: Police Property 675 Ponce de Leon Avenue

Department Police Division: \_\_\_\_\_

Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: The claimant is alleging that the Police Property Management Unit is unlawfully holding his Rolex watch. The investigation determined that the watch was being held as evidence until the case against the claimant was adjudicated. The watch was released as evidence and returned to the claimant in August, 2001.

INVESTIGATION:

Statements: City employee X Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral X

Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police X 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 \_\_\_\_\_

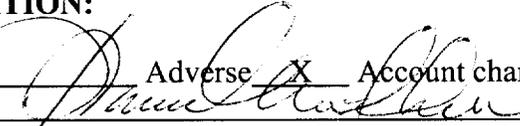
Claimant Negligent \_\_\_\_\_ City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ \_\_\_\_\_ Adverse X Account charged: 1A01 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_ 2P01 \_\_\_\_\_

Claims Manager:  Concur/date 03-28-02

Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

RCS# 3723  
5/06/02  
4:03 PM

Atlanta City Council

Regular Session

CONSENT I

Pgs. 1-14: Except 02-R-0507; 02-O-0668  
02-R-0701; 02-O-0594; 02-O-0675; 0584  
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 Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
B Winslow	Y Muller	Y Boazman	NV Woolard

**ITEM (S) REMOVED FROM  
CONSENT AGENDA  
02-R-0701  
02-O-0584  
02-O-0594  
02-O-0675  
02-O-0668**

CONSENT I

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**05/06/02 Council Meeting**

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**ITEMS ADOPTED ON CONSENT AGENDA**

**ITEMS ADOPTED ON CONSENT AGENDA**

**ITEMS ADVERSED ON CONSENT AGENDA**

1. 02-O-0666
2. 02-O-0678
3. 02-O-0681
4. 02-O-0684
5. 02-O-0487
6. 02-O-0491
7. 02-O-0686
8. 02-O-0687
9. 02-O-0688
10. 02-O-0086
11. 02-O-0672
12. 02-O-0689
13. 02-O-0563
14. 02-O-0673
15. 02-O-0674
16. 02-R-0512
17. 02-R-0680
18. 02-R-0598
19. 02-R-0697
20. 02-R-0600
21. 02-R-0658
22. 02-R-0702
23. 02-R-0480
24. 02-R-0507
25. 02-R-0501
26. 02-R-0604
27. 02-R-0704
28. 02-R-0607
29. 02-R-0608
30. 02-R-0609
31. 02-R-0610
32. 02-R-0611
33. 02-R-0612

34. 02-R-0613
35. 02-R-0614
36. 02-R-0615
37. 02-R-0616
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40. 02-R-0619
41. 02-R-0620
42. 02-R-0621
43. 02-R-0622
44. 02-R-0623
45. 02-R-0624
46. 02-R-0700

47. 02-R-0625
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  73. 02-R-0651
  74. 02-R-0652
  75. 02-R-0653
  76. 02-R-0654
  77. 02-R-0655
  78. 02-R-0656
  79. 02-R-0657
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