

Entered - 3-26-02 - sb  
CL 02L0254 - ALEXIS HOLMES

02-*R*-0762

CLAIM OF: **RICHARD M. DICTER**  
718 Waterford Place  
Atlanta, Georgia 30342

For vehicular damages alleged to have been sustained as a result of driving over a pothole in the road on January 2, 2002 at 3521 Piedmont Road.

THIS ADVERSE REPORT IS APPROVED

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

CONSENT AGENCY

ADVISED BY  
CITY COUNCIL MAY 20

**CERTIFIED**  
MAY 20 2002  
ATLANTA CITY COUNCIL PRESIDENT  
*Catherine W. Woodard*

**ADVERSE REPORT**

COMM: *Public Safety*  
DATE: *5/14/02*  
CHAIR: \_\_\_\_\_  
*Carla Ayers*  
*Clara Thomas*  
*Frank G...*  
*City Clerk*  
*Dorothy ...*

**CERTIFIED**  
MAY 20 2002  
*Frank Douglas Johnson*  
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

May 31, 2002

Richard M. Dicter  
718 Waterford Place  
Atlanta, GA 30342

02-R-0762

Dear Mr. Dicter:

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 20, 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. 02L0254

Date: 04/23/02

Claimant /Victim RICHARD M. DICTER

BY: (Atty)

Address: 718 Waterford Place Atlanta, Georgia 30342

Subrogation: Claim for Property damage \$ 1,180.06 Bodily Injury \$

Date of Notice: 03/26/02 Method: Written, proper X Improper

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

Date of Occurrence 01/02/02 Place: 3521 Piedmont Road

Department Division:

Employee involved Disciplinary Action

NATURE OF CLAIM: The claimant alleges that he sustained vehicular damages when he ran over a pothole in the road. An investigation determined that the road where the claimant incurred damages is a Georgia State Department of Transportation road, and it is not the responsibility of the City of Atlanta. The claim has been referred to the Georgia State Department of Transportation, and the claimant has been advised to pursue resolution of his damages with the Georgia State Department of Transportation.

INVESTIGATION:

Statements: City employee Claimant X Other X Written X Oral

Pictures X Diagrams Reports: Police Dept Report Other

Traffic citations issued: City Driver Claimant Driver

Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental Ministerial

Improper Notice More than Six Months Other Damages reasonable

City not involved X Offer rejected Compromise settlement

Repair/replacement by Ins. Co. Repair/replacement by City Forces

Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,

Alexis Holmes
INVESTIGATOR - ALEXIS HOLMES

RECOMMENDATION:

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

Claims Manager: Concur/date

Committee Action: Council Action

RCS# 3731  
5/20/02  
2:33 PM

Atlanta City Council

Regular Session

CONSENT I            PGS. 1-15: Except 02-O-0852; 02-R-0729

ADOPT

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

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

CONSENT I

CONSENT AGENDA MAY 20, 2002

ITEMS ADOPTED ON THE  
CONSENT AGENDA

02-R-0813            02-R-0753  
02-R-0812            02-R-0754  
02-R-0807            02-R-0755  
02-R-0805            02-R-0756  
02-R-0721            02-R-0757  
02-R-0504            02-R-0758  
02-R-0808            02-R-0759  
02-R-0708            02-R-0760  
02-R-0707            02-R-0761  
02-R-0882  
02-R-0881  
02-R-0809  
02-R-0798  
02-R-0797  
02-R-0732  
02-R-0706  
02-R-0724  
02-R-0802  
02-R-0888  
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02-R-0733  
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02-R-0728  
02-R-0727  
02-O-0846  
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02-O-0703  
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02-O-0836  
02-O-0845  
02-O-0844  
02-O-0843  
02-O-0835  
02-O-0834  
02-O-0603  
02-R-0735  
02-R-0752

ITEMS ADVERSED ON THE  
CONSENT AGENDA

02-R-0762  
02-R-0763  
02-R-0764  
02-R-0765  
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02-R-0793  
02-R-0794  
02-R-0795  
02-R-0796