

Entered - 4-11-02 sb  
CL 02L0290 - GWENDOLYN BURNS

CLAIM OF:

**GERALD GARRETH**  
276 Decatur Street  
Atlanta, Georgia 30312

02-*R*-0779

For damages alleged to have been sustained when the headlight on his vehicle was damaged during a search by police on April 2, 2002 at 180 Harriet Street, SE.

THIS ADVERSED REPORT IS  
APPROVED

CONSENT AGENDA

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

ADVERSED BY  
CITY COUNCIL MAY 20

CERTIFIED  
MAY 20 2002  
*Robert N. Godfrey*

**ADVERSE REPORT**  
COMM: *Public Safety*  
DATE: *5/14/02*  
CHAIR: \_\_\_\_\_  
*Carla Smith*  
*Clara Weislow*  
*C. T. Martin*  
*[Signature]*  
*[Signature]*

CERTIFIED  
MAY 20 2002  
*Robert Vanhook 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

Gerald Garreth  
276 Decatur St.  
Atlanta, GA 30312

02-R-0779

Dear Mr. Garreth:

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. 02L0290

Date: May 2, 2002

Claimant /Victim GERALD GARRETH
BY: (Atty) (Ins. Co.)
Address: 276 Decatur, Street, Atlanta, Georgia 30312
Subrogation: Claim for damage \$ 135.89 Bodily Injury \$
Date of Notice: 4/5/02 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 4/2/02 Place: 180 Harriet Street
Department POLICE Division
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that he sustained damages when his headlight was removed and not properly installed during a search of his vehicle. However an investigation determined the search of the vehicle was limited to the interior area only. More importantly, 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 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,

Gwendolyn Burns
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2P01 2H01
Claims Manager: Concur/date 05-03-02
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  
02-R-0887  
02-R-0733  
02-R-0731  
02-R-0728  
02-R-0727  
02-O-0846  
02-O-0830  
02-O-0703  
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02-O-0671  
02-O-0606  
02-O-0605  
02-O-0833  
02-O-0601  
02-O-0488  
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  
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02-R-0794  
02-R-0795  
02-R-0796