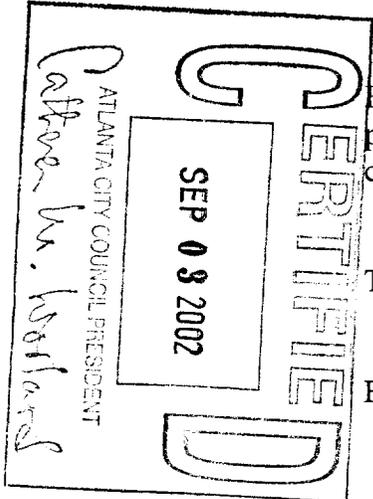


Entered - 03-19-02 - sb  
CL 01L0181 - ALEXIS HOLMES

CLAIM OF: **JUANITA W. MITCHELL**  
311 Argus Circle, NW  
Atlanta, Georgia 30331

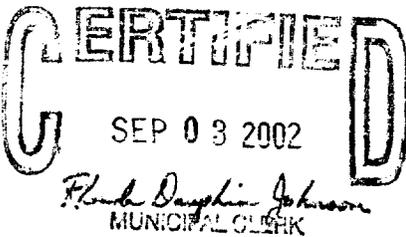
02-*R*-1436



For damages alleged to have been sustained as a result of the City paying contractor for faulty remodeling work performed by a contractor on July 6, 1999 at 311 Argus Circle NW.

THIS ADVERSED REPORT IS APPROVED

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



ADVERSED BY  
CITY COUNCIL SEP 03 2002

### ADVERSE REPORT

COMM: *Public Safety*  
DATE: *8/2/02*  
CHAIR: *[Signature]*  
*[Signature]*  
*[Signature]*  
*[Signature]*  
*[Signature]*



## 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

September 10, 2002

Juanita W. Mitchell  
311 Argus Circle, NW  
Atlanta, GA 30331

02-R-1436

Dear Ms. Mitchell:

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 September 3, 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. 01L0181

Date: 8/14/02

Claimant /Victim JUANITA W. MITCHELL

BY: (Atty)

Address: 311 Argus Circle, NW Atlanta, Georgia 30331

Subrogation: Claim for Property damage \$ Unspecified Bodily Injury \$

Date of Notice: 03/16/01 Method: Written, proper X Improper

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

Date of Occurrence 07/06/99 Place: 311 Argus Circle NW

Department: Planning and Development and Neighborhood Conservation Division: Bureau of Buildings

Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges that she sustained damages when the City paid contractors for faulty work performed through a grant issued to claimant to remodel her home. However, the claim as presented does not comply with the requirements of notice as set forth in O.C.G.A. § 36-33-5, the six month statute of limitations expired prior to receipt of the claim.

INVESTIGATION:

Statements: City employee Claimant Other X Written Oral

Pictures Diagrams Reports: Police 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 X 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,

Alexis Holmes
INVESTIGATOR - ALEXIS HOLMES

RECOMMENDATION:

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

Claims Manager: Concur/date 08/14/02

Committee Action Council Action

RCS# 3953  
9/03/02  
1:47 PM

Atlanta City Council

Regular Session

CONSENT I Pgs. 1-14; Except 02-R-1137; 02-R-1458

ADOPT

YEAS: 14  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 1

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

CONSENT I

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**09/03/02 Council Meeting**

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**ITEMS ADOPTED ON CONSENT  
AGENDA****ITEMS ADVERSED  
ON CONSENT AGENDA**

- |               |               |               |
|---------------|---------------|---------------|
| 1. 02-O-1455  | 43. 02-R-1492 | 59. 02-R-1418 |
| 2. 02-O-1456  | 44. 02-R-1347 | 60. 02-R-1419 |
| 3. 02-O-1457  | 45. 02-R-1461 | 61. 02-R-1420 |
| 4. 02-O-1460  | 46. 02-R-1462 | 62. 02-R-1421 |
| 5. 02-O-1454  | 47. 02-R-1471 | 63. 02-R-1422 |
| 6. 02-O-1336  | 48. 02-R-1484 | 64. 02-R-1423 |
| 7. 02-O-1337  | 49. 02-R-1486 | 65. 02-R-1424 |
| 8. 02-O-1339  | 50. 02-R-1363 | 66. 02-R-1425 |
| 9. 02-O-1340  | 51. 02-R-1364 | 67. 02-R-1426 |
| 10. 02-O-1341 | 52. 02-R-1365 | 68. 02-R-1427 |
| 11. 02-O-1342 | 53. 02-R-1412 | 69. 02-R-1428 |
| 12. 02-O-1343 | 54. 02-R-1413 | 70. 02-R-1429 |
| 13. 02-O-1226 | 55. 02-R-1414 | 71. 02-R-1430 |
| 14. 02-O-1446 | 56. 02-R-1415 | 72. 02-R-1431 |
| 15. 02-O-1465 | 57. 02-R-1416 | 73. 02-R-1432 |
| 16. 02-R-1370 | 58. 02-R-1417 | 74. 02-R-1433 |
| 17. 02-R-1371 |               | 75. 02-R-1434 |
| 18. 02-R-1372 |               | 76. 02-R-1435 |
| 19. 02-R-1373 |               | 77. 02-R-1436 |
| 20. 02-R-1374 |               | 78. 02-R-1437 |
| 21. 02-R-1375 |               | 79. 02-R-1438 |
| 22. 02-R-1376 |               |               |
| 23. 02-R-1378 |               |               |
| 24. 02-R-1379 |               |               |
| 25. 02-R-1380 |               |               |
| 26. 02-R-1392 |               |               |
| 27. 02-R-1468 |               |               |
| 28. 02-R-1480 |               |               |
| 29. 02-R-1481 |               |               |
| 30. 02-R-1482 |               |               |
| 31. 02-R-1483 |               |               |
| 32. 02-R-1385 |               |               |
| 33. 02-R-1479 |               |               |
| 34. 02-R-1369 |               |               |
| 35. 02-R-1439 |               |               |
| 36. 02-R-1440 |               |               |
| 37. 02-R-1495 |               |               |
| 38. 02-R-1500 |               |               |
| 39. 02-R-1501 |               |               |
| 40. 02-R-1386 |               |               |
| 41. 02-R-1388 |               |               |
| 42. 02-R-1491 |               |               |

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1<sup>st</sup> Consent I Vote: 14Yeas; 0 Nays (See RCS #3953)  
Items Removed from Consent: 02-R-1137; 02-R-1458