

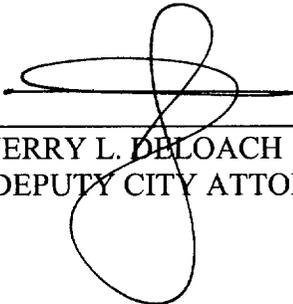
Entered - 12/05/02- sb
CL 02L0878 - GWENDOLYN BURNS

CLAIM OF: ALLEN WATERS
1360 Lavista Road
Atlanta, Georgia 30324

03- *Q*-0521

For damages alleged to have been sustained from a wrongful arrest by Atlanta Police on June 4, 2002 at 2399 Piedmont Road, NE.

THIS ADVERSED REPORT IS APPROVED

BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

ADVERSED BY
Council 4/21/03

ADVERSE REPORT

COMM: *Public Safety*
DATE: *4/21/03*
CHAIR: _____
Mary Norwood

C. to Martin
Chela Traylor
R. L. Hill

CERTIFIED
APR 21 2003
John A. Protem
COUNCIL PRESIDENT PROTEM

CERTIFIED
APR 21 2003
Rachel Dunham Anderson
MUNICIPAL CLERK



CITY OF ATLANTA
OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

April 29, 2003

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6273

Allen Waters
1360 Lavista Rd.
Atlanta, GA 30324

03-R-0521

Dear Mr. Waters:

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 21, 2003. 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.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0878

Date: March 11, 2003

Claimant /Victim ALLEN WATERS
BY: (Atty) (Ins. Co.)
Address: 1360 Lavista Road, Atlanta, Georgia 30324
Subrogation: Claim for Property damage \$ 857.00 Bodily Injury \$
Date of Notice: 12/4/02 Method: Written, Proper Improper X
Conforms to Notice: O.C.G.A. §36-33-5 Ante Litem (6 Mo.)
Date of Occurrence 6/4/02 Place: 2399 Piedmont Road, NE
Department POLICE Division
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that he sustained damage when he was unjustly arrested for a traffic violation. However, the claim as presented does not comply with the requirements of notice as provided in O.C.G.A. 36-33-5 in that the claim was not filed with the six months of the event. Secondly, the Department of Police is immune from liability as provided in O.C.G.A. §36-33-1.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
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,

[Signature]
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2P01 2H01
Claims Manager: [Signature] Concur/date 03-10-03
Committee Action: Council Action

RCS# 4616
4/21/03
2:23 PM

Atlanta City Council

Regular Session

CONSENT I Pgs. 1-19; Except 03-O-0441; 03-O-0391

Adopt

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

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	B Woolard

CONSENT I

4/21/03 FULL COUNCIL MEETING

Items Adopted on the Consent Agenda

1. 03-O-0186
2. 03-O-0350
3. 03-O-0401
4. 03-O-0442
5. 03-O-0438
6. 03-O-0445
7. 03-O-0446
8. 03-O-0443
9. 03-O-0450
10. 03-O-0485
11. 03-O-0399
12. 03-O-0369
13. 03-O-0416
14. 03-O-0193
15. 03-O-0355
16. 03-O-0359
17. 03-O-0360
18. 03-O-0436
19. 02-O-1543
20. 03-O-0432
21. 03-O-0433
22. 03-O-0434
23. 03-R-0444
24. 03-R-0530
25. 03-R-0531
26. 03-R-0532
27. 03-R-0533
28. 03-R-0534
29. 03-R-0535
30. 03-R-0536
31. 03-R-0537
32. 03-R-0538
33. 03-R-0546
34. 03-R-0577
35. 03-R-0390
36. 03-R-0451
37. 03-R-0571
38. 03-R-0549
39. 03-R-0555
40. 03-R-0556
41. 03-R-0558
42. 03-R-0559
43. 03-R-0560
44. 03-R-0561
45. 03-R-0562
46. 03-R-0563
47. 03-R-0564
48. 03-R-0572
49. 03-R-0588
50. 03-R-0589
51. 03-R-0590
52. 03-R-0448
53. 03-R-0454
54. 03-R-0528
55. 03-R-0529
56. 03-R-0569
57. 03-R-0570
58. 03-R-0591
59. 03-R-0592
60. 03-R-0217
61. 03-R-0539
62. 03-R-0541
63. 03-R-0542
64. 03-R-0566
65. 03-R-0593
66. 03-R-0544
67. 03-R-0545
68. 03-R-0565
69. 03-R-0496
70. 03-R-0497

**Items Adversed on
the Consent Agenda**

72. 03-R-0498
73. 03-R-0499
74. 03-R-0500
75. 03-R-0501
76. 03-R-0502
77. 03-R-0503
78. 03-R-0504
79. 03-R-0505
80. 03-R-0506
81. 03-R-0507
82. 03-R-0508
83. 03-R-0509
84. 03-R-0510
85. 03-R-0511
86. 03-R-0512
87. 03-R-0513
88. 03-R-0514
89. 03-R-0515
90. 03-R-0516
91. 03-R-0517
92. 03-R-0518
93. 03-R-0519
94. 03-R-0520
95. 03-R-0521
96. 03-R-0522
97. 03-R-0523
98. 03-R-0524
99. 03-R-0525
100. 03-R-0526
101. 03-R-0527

Consent I Vote: 15Yeas; 0 Nays: (See RCS #4616)

Items Removed from the Consent Agenda: 03-O-0441 & 03-O-0391