

03-R -1058

Entered 05-21-03 - sb
CL 03L0377 - GWENDOLYN BURNS

ADVERSED
JUL 21 2003

CLAIM OF: CATHY WILLIAMS AND
KENNETH L. WILLIAMS
1237 Trenton Street
Atlanta, Georgia 30316

For damages alleged to have been sustained when
Atlanta Police issued a ticket for "operating a
vehicle without proof of insurance" on March 18,
2003 at Peoples Street and Lucile Street.

THIS ADVERSED REPORT IS
APPROVED

BY: _____
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

CERTIFIED
JUL 21 2003
Schwan D. Moore
COUNCIL PRESIDENT PROTEM

CERTIFIED
JUL 21 2003

DEPUTY MUNICIPAL CLERK

ADVERSED REPORT
PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE
DATE: 7/15/03
CHAIR:
Cathy Williams
Kenneth L. Williams
Mary Norwood



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

July 25, 2003

Cathy Williams and Kenneth L. Williams
1237 Trenton Street
Atlanta, GA 30316

03-R-1058

Dear Ms. Williams:

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 July 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. 03L0377

Date: June 18, 2003

Claimant /Victim CATHY WILLIAMS and KENNETH L. WILLIAMS

BY: (Atty) (Ins. Co.)

Address: 1237 Trenton Street, Atlanta, Georgia 30316

Subrogation: Claim for Property damage \$ 85.00 Bodily Injury \$

Date of Notice: 5/2/03 Method: Written, Proper X Improper

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

Date of Occurrence 3/18/03 Place: Peoples and Lucile Street

Department POLICE Division

Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimants allege that they sustained damages when Kenneth was unjustly ticketed for operating a vehicle with "no proof of insurance". However, the Department of Police is a governmental function and is protected by sovereign immunity for all operations as set forth in O.C.G.A. §36-33-1.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral X

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 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 07/16/03

Committee Action: Council Action

RCS# 4940
7/21/03
6:41 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PGS. 1-11, EXCEPT:03-O-1034
03-R-1110, 03-R-1137, 03-O-1116
ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 1
ABSENT 1

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

CONSENT I

		7/21/03 Full Council Meeting
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 02-O-1259	26. 03-R-1039	51. 03-R-1064
2. 03-O-0148	27. 03-R-1040	52. 03-R-1065
3. 03-O-0826	28. 03-R-1041	53. 03-R-1066
4. 03-O-1114	29. 03-R-1042	54. 03-R-1067
5. 03-O-1122	30. 03-R-1043	55. 03-R-1068
6. 03-O-0939	31. 03-R-1044	56. 03-R-1069
7. 03-O-0974	32. 03-R-1045	57. 03-R-1070
8. 03-O-1120	33. 03-R-1046	58. 03-R-1071
9. 03-O-0964	34. 03-R-1047	59. 03-R-1072
10. 03-O-1115	35. 03-R-1048	60. 03-R-1073
11. 03-O-1117	36. 03-R-1049	61. 03-R-1074
12. 03-R-0896	37. 03-R-1050	
13. 03-R-1103	38. 03-R-1051	
14. 03-R-1126	39. 03-R-1052	
15. 03-R-1136	40. 03-R-1053	
16. 03-R-1124	41. 03-R-1054	
17. 03-R-1102	42. 03-R-1055	
18. 03-R-1129	43. 03-R-1056	
19. 03-R-1135	44. 03-R-1057	
20. 03-R-1088	45. 03-R-1058	
21. 03-R-1104	46. 03-R-1059	
22. 03-R-1111	47. 03-R-1060	
23. 03-R-1036	48. 03-R-1061	
24. 03-R-1037	49. 03-R-1062	
25. 03-R-1038	50. 03-R-1063	

Consent I Vote: 13 Yeas; 0Nays: (See RCS #4940)

Items Removed from the Consent Agenda: 03-O-1034; 03-O-1116; 03-R-1110; 03-R-1137;