

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

July 7, 2015

To: Ms. Dana F. Ponder, 3141 West Roxboro Road, N.E., Atlanta, Georgia 30324

Case Number: _____ Lower Court: _____ County Superior Court

Court of Appeals Case Number and Style: _____

Your document(s) is (are) being returned for the following reason(s).

- ☐ **There is no case pending in the Court of Appeals of Georgia under your name.**
- ☐ **A Notice of Appeal is filed with the clerk of the trial court and not with the Court of Appeals of Georgia. See OCGA §5-6-37.** Once the trial court clerk has received and filed the Notice of Appeal, the trial court clerk will prepare a copy of the record and transcripts as designated by the Notice of Appeal and transmit them to this Court. Once the Notice of Appeal is docketed in the Court of Appeals of Georgia, a Docketing Notice with the Briefing Schedule and other important information is mailed to counsel for the parties or directly to the parties, if the parties are representing themselves. You do not need to provide this Court with a copy of the Notice of Appeal you filed with the superior court.
- ☐ **The Notice of Appeal must include a proper Certificate of Service.** A Certificate of Service must show service to the opposing counsel and contain the counsel's full name and complete mailing address. The opposing counsel must actually be served with a copy of your filing.
- ☐ **An Application for Writ of Habeas Corpus should be filed in the superior court of the county in which you claim you are illegally detained.** An appeal from a denial of an Application for Writ of Habeas Corpus is to the Supreme Court and not the Court of Appeals.
- ☐ **An Application for Writ of Mandamus should be filed in the superior court of the county official whose conduct you intend to mandate.** An appeal from a denial of an Application for Writ of Mandamus is to the Supreme Court and not the Court of Appeals.
- ☐ **Your appeal was disposed by opinion (order) on _____.** The Court of Appeals _____ The remittitur issued on _____ divesting this Court of jurisdiction. The case decision is therefore final.
- ☒ **Your mailing/documents indicate that you intended to file your papers in another court rather than the Court of Appeals of Georgia. Your correspondence is addressed to the Office of Administrative Hearings, The Honorable Kristen L. Miller, Administrative Law Judge, 225 Peachtree Street, Suite 400 in Atlanta. The information you mailed was sent to: Ms. Meryl Mandus, Legal Counsel, 47 Trinity Avenue, Fourth Floor, Atlanta, Georgia 30334. Your correspondence has reached the Court of Appeals of Georgia. There is no Ms. Meryl Mandus at this address. We are returning your correspondence to you.**
- ☐ **If an attorney has been appointed for you and you are concerned with the representation provided by that attorney, you should address that issue to the trial court.** As long as you are represented by an attorney, you cannot file pleadings on your own behalf. Your attorney must file a Motion to Withdraw as Counsel and it must be granted, before you can file your own pleadings in this Court.
- ☐ **A request for an out-of-time appeal should be made to the trial court from which you are appealing.** If your motion is denied by the trial court, you can file an appeal of that decision by filing a Notice of Appeal with the clerk of the superior court.

June 25, 2015

Office of Administrative Hearings
State of Georgia
Administrative Law Judge Kristen L. Miller
225 Peachtree Street, Suite 400
Atlanta, Georgia 30303

Re: OSAH-TA-X-1512791-60-Miller
Tag: GE3820
Violator I.D. 10010543

Dear Judge Miller,

I am writing this on behalf of William G. Ponder, Jr. who received a notice in the fall of 2014 that there were outstanding toll violations from 2012 (Violator ID # 10010543) associated with a car registered to Mr. Ponder.

Mr. Ponder has been living on social security disability since 2011 when he was awarded disability due to a chronic illness. By way of background, Mr. Ponder has had multiple long term episodes of illness over the past 15 years. In 2010, he became ill and moved out of our house and filed for divorce. Over a period of the next four years, he was hospitalized twice at Ridgeview Institute, once at Peachford Hospital and several times at Emory University Hospital. He was in a long term care program at Skyland Trail until the end of 2012. At the beginning of 2013, Mr. Ponder moved to Clayton, Georgia. Unfortunately, he became sick again and was put in long term treatment again being released in the fall of 2014. During a four year period we had limited contact. All of these facts can be substantiated, if necessary.

Since the fall of 2014, Mr. Ponder has been in fairly good health. He is attempting to take care of any issues that were not addressed during his prolonged illness.

A notice came to my home in 2014 and I gave it to Mr. Ponder. The car in question had been given to our daughter in 2010 who was sixteen at the time. She drove the car to and from school. I had purchased a cruise card for both my car and my daughter's car. This was regularly debited from my checking account until the SRTA removed the toll from GA 400. Apparently, Mr. Ponder had changed the tag on this car during that period preventing the SRTA from matching the violations (which were misreads going through the cruise card lane) with the proper cruise card.

Mr. Ponder contacted the SRTA to pay the tolls and asked for leniency on the penalties. At that time he asked for proof and the dates for these violations and was told that they were too old and that the SRTA did not have access to these details any longer. Not knowing how to proceed, Mr. Ponder

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provided the representative his debit card and she debited the first \$150 to pay the \$25 worth of tolls and a \$450 of penalties. His understanding was that she would debit this each month until it was paid. In addition, he asked that future correspondence be sent to his new address P.O. Box 240, Clayton, Georgia 30525. He gave her his phone numbers and requested she call him if any problems occurred.

At some point (I am not sure when), there was a summons issued related to this matter. It was again sent to my address. I honestly am not sure whether I gave this to Mr. Ponder as he did not know about the hearing until June 10, 2015.

On June 10, 2015 an Amendment to Final Notice Amount was sent to my house, again. This time, it showed that he owed \$5.50 in tolls, \$275 in penalties and a \$770 in civil penalties. On June 15, 2015 a Final Decision was filed and again, sent to my address, with a demand for payment within 30 days or Mr. Ponder's vehicle registration would be suspended.

I am requesting that the court to consider vacating this order for a number of reasons. First, the SRTA did not provide any proof at the time that these violations were in fact associated with the vehicle in question. Secondly, the SRTA continued to send correspondence on this matter to the wrong address even though they were informed of his correct mailing address. Finally, Mr. Ponder did not have proper notice of the administrative hearing as this was again, mailed to the wrong address.

Mr. Ponder does not disagree with paying the tolls in question and in good faith gave his bank information to the SGTA to do so. He strongly objects with the civil penalties attached to this matter and would like these penalties removed and requests that the SRTA take no further action against him due to the repeated mishandling of information by the SRTA.

In addition, Mr. Ponder had been sick on and off during these times which he explained to the representative. The representative at the SGTA responded in a ridiculing manner which appeared discriminatory to individuals with impaired capacities. As all disabilities do not involve mobility, the SGTA should have more sensitivity when conducting business with individuals with disabilities. I have made attempts myself to speak with Ms. Mandus and her assistant stated that there was no action Ms. Mandus could take.

With kindest regards,

Dana F. Ponder

Dana F. Ponder
Attorney in Fact

404-277-0234

3141 W. Roxboro Road
Atlanta, Ga 30324
Judge Miller

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Attachments: Durable Power of Attorney

Cc: Ms. Merryl Mandus, Legal Counsel
47 Trinity Avenue, 4th Floor
Atlanta, Georgia 30334

State Tollway Authority
47 Trinity Avenue, SW #4
Atlanta, Georgia 30334

Georgia Attorney General
40 Capital Square S.W.
Atlanta, Georgia 30334

DURABLE POWER OF ATTORNEY

W. Thomas Slower
Closing Attorney

GEORGIA
RABUN COUNTY

KNOW ALL MEN BY THESE PRESENTS: That I, **WILLIAM GRAHAM PONDER, JR.** whose address is: 28 New Hope Church Road (P. O. Box 240) Clayton, Georgia 30525, made and appointed, and by these presents do make, constitute and appoint my wife, **DANA F. PONDER**, whose mailing address is 3141 W. Roxboro Road, NE, Atlanta, Georgia 30324, my true and lawful attorney-in-fact. My attorney-in-fact as provided for hereinabove shall do for me and on my behalf any act or action which I myself might do, including, by way of illustration and not limitation, the following:

(a) To purchase or sell any real property on my behalf, upon such terms and conditions as my attorney-in-fact deems proper, to enter contracts for the purchase or sale of any real property on my behalf, to execute deeds conveying any real estate I may own as security for loans, to execute closing documents in connection with the sale of any real property, to execute or amend leases respecting any real estate I may own and enter into contracts for construction of same on my behalf; and

(b) To purchase or sell any personal property on my behalf, on such terms and conditions as my attorney-in-fact deems proper, to enter into contracts for the purchase or sale of personal property on my behalf, to execute bills of sale or bills of sale to secure debt to any of my personal property and to execute security agreements; and

(c) To borrow money on my behalf and to execute any notes or other evidence of indebtedness in my name, and to give any collateral I may own as security therefor; and

(d) To sell or convey any stock or other securities I may own to any person, firm, corporation or trust, and to execute stock powers and transfers in connection therewith; and

(e) To draw checks in any amount upon any bank account of any nature standing in my name, and to withdraw any money from any savings account; and

(f) To participate in all correspondence, court appearances, mediation sessions, conferences and to do all acts, executing or negotiating issues involving the administration of any estate I may be a named beneficiary or heir at law. To settle, adjust or submit to arbitration and compromise all claims which I may have against others or which others may have against me, to amend any contract which I may have heretofore entered into, to execute releases, receipts or other disposition of any claims which I may have against others; and

(g) To pay any obligations now or hereafter incurred by me; and

(h) To execute on my behalf any income, gift, property, intangible or other tax returns whether federal, state or local; and

(l) To enter any safe deposit box I may maintain; and

(j) To collect, receive and receipt for any interest, rent, dividends, or other money or funds which may be due me; and

(k) To endorse, cash or deposit any checks, drafts or other evidence for the payment of money due me; and

(l) In general, to do, execute and perform any other act, deed, matter or thing whatsoever that ought to be done, executed or performed, or in the opinion of my attorney-in- fact ought to be done, executed and performed in and about the performance of any of the foregoing powers, as fully and effectively as if I were personally present.

(m) To transfer my cash, tangible and intangible personal property and real property without consideration in trust to the Trustee of any Trust Agreement established by me during my lifetime for the benefit of me, so as to subject such property transferred to all the terms and conditions of the Trust Agreement.

My attorney-in-fact shall have the authority to give consent for such medical treatment to be performed on me based on medical advice, has determined in good faith to be necessary for my well being including my being placed in a hospital and/or nursing home and/or other medical treatment facility or to withhold such consent and to obtain medical records from my medical providers.

This is a durable power of attorney and shall be effective upon the date set forth below and shall remain in full force and effect until specifically revoked by me according to law or by my sooner death. This power of attorney shall not be revoked by my physical incapacity or mental incompetency.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal this

22ND day of May, 2015.

Signed, sealed and delivered
in the presence of:

Taw Elmer

Witness

William Graham Ponder, Jr.

William Graham Ponder, Jr.

Notary Public

My Commission Expires:

