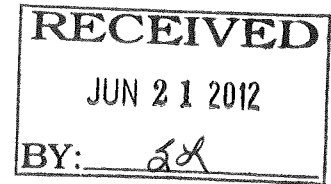


**Dunwoody City Councilmember Dr. Adrian Gendell Bonser**  
**41 Perimeter Center East**  
**Suite 250**  
**Dunwoody, GA 30346**



June 21, 2012

City of Dunwoody  
Attn: Mrs. Sharon Lowery, City Clerk  
41 Perimeter Center East  
Suite 250  
Dunwoody, GA 30346

Dear Mrs. Lowery:

Please accept this letter as a formal Ethics Complaint to be forwarded to the City of Dunwoody's Board of Ethics as outlined in Section 2-258 of the Dunwoody Code of Ordinances.

1. Complaint is hereby made against Mayor Mike Davis; City Councilmembers Denis Shortal, Doug Thompson, Terry Nall, Lynn Deutsch, and John Heneghan; City Manager Warren Hutmacher; and former City Attorney Brian Anderson for holding an unlawful Executive Session on February 3, 2012 concerning the subject of land disposition. Exhibit "1" of the Bob Wilson Report dated May 17, 2012, an excerpt of which is enclosed herewith, reports that the subject of the alleged Executive Session leak was land disposition, namely the sale by the City of a "PVC farm" to a builder. O.C.G.A. § 50-14-3, the Executive Session law in effect at the time, only allowed an Executive Session to be held on the topic of "future acquisition of real estate," not disposition of real estate. I have not yet seen the Executive Session affidavit(s) for February 2, 2012, and I reserve the right to amend this Ethics Complaint to add a complaint for an ethics violation relating to noncompliance with O.C.G.A. § 50-14-4's Executive Session affidavit requirement.

2. Complaint is hereby made against Mayor Mike Davis, and City Councilmembers Denis Shortal, Doug Thompson, Terry Nall, Lynn Deutsch, and John Heneghan, for a violation of the Open Meetings Act relating to a May 29, 2012 Ethics Complaint. O.C.G.A. § 50-14-1 requires public notice and a prior published agenda when a quorum of the Mayor and Council meet, and requires a public vote (following proper notice) on any business conducted by the quorum. As reflected by the City Clerk's single May 29, 2012 Notary stamp on the Ethics Complaint dated May 29, 2012, a quorum of the Mayor and Council met on May 29, 2012, without proper notice, prior publishing of its agenda, and conducted business without a public vote. The May 29, 2012 Ethics Complaint continued the closed-door approach which occurred at the February 3, 2012 Executive Session concerning land disposition.

3. Complaint is made against Mayor Mike Davis for asking me to resign my elected office as City Councilmember, prior to when the Bob Wilson Report was completed, and prior to his Ethics Complaint, and thereafter using taxpayer funds to misuse the Board of Ethics and Code of Ethics for his political agenda of trying to force me to resign my elective office, in violation of Dunwoody Code Sections 2-264 and 2-265.

Pursuant to Dunwoody Code Section 2-258, I have read the complaint and aver that the facts contained therein are true to the best of my knowledge and belief, and I am aware that the ethics ordinance that created the ethics board authorizes the board to impose penalties for filing a frivolous complaint including, without limitation, dismissal of my complaint, payment of costs associated with the handling and processing of the complaint, and/or all other penalties applicable under the law.

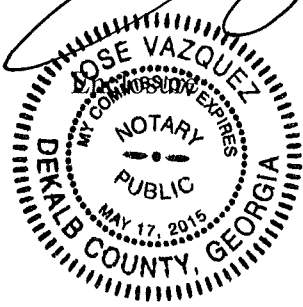
Sincerely,

*Adrian G. Bonser, DDS*

Dr. Adrian G. Bonser  
Dunwoody City Councilmember

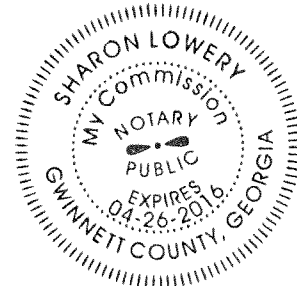
Sworn to and subscribed before me,  
this the 21<sup>st</sup> day of June, 2012.

\_\_\_\_\_  
Notary Public



Sworn to and subscribed  
before me, this the 21<sup>st</sup> day  
of June, 2012.

*Sharon Lowery*



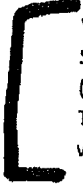
*his position in advance of the time prescribed by the city council, administrators"*

*"Intentionally disclosing any confidential information concerning any official or employee, or any other person, or any property or governmental affairs of the city, without prior formal authorization of the city council;"*

# Dunwoody

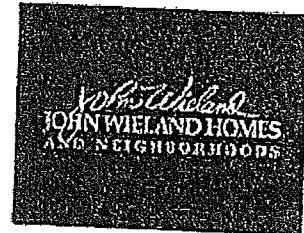
Home Has Some Ships

It seems our city continues to have a problem understanding what "executive session" means. Within hours of the executive session, I received several calls informing what had taken place in that session. I then made several calls to confirm what I had been told (I did not ask any councilmen). Seems I was not the only one who knew what happened Friday morning.



What was the topic of discussion? **The PVC farm is for sale.**

Seems we have a deal or are working on a deal that would sell the PVC land to a builder (John Wieland Homes ?) for the construction of townhouses and single family homes. The City could possibly gain a park from the development. Cost of the homes to be built will be about \$350,000 - \$400,000.



?????

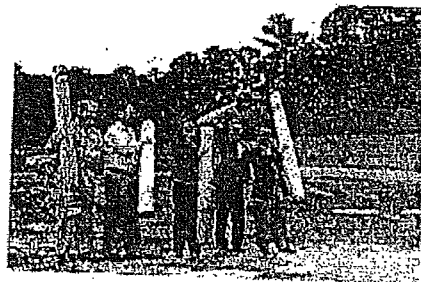
Why am I writing about this secret deal? I am not against the development of this property for townhomes. John Wieland has a fine reputation for building a fine product. This is why:

First, it is not much of a secret. If the council wants things to remain protected, they should stop talking to their friends.

Second, I think there would be questions to be answered. If the City bought this land with the intent to flip it (which they apparently have), then is it not public property? If it is public property, can the city cut a deal with a buyer without putting that asset up for bid? Shouldn't we be looking for the highest return on our investment?

Lastly, despite the city saying they always had plans for this piece of property beyond being a park, everyone I know believes this was purchased to be a park.

<http://www.ajc.com/news/dekalb/dunwoody-schedules-park-grand-1214658.html>



The Crier

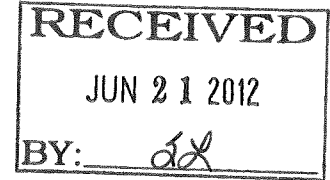
[http://www.thecrier.net/news/image\\_0b02135e-0a21-11e1-8b57-001cc4c002e0.html](http://www.thecrier.net/news/image_0b02135e-0a21-11e1-8b57-001cc4c002e0.html)

Given that the bond issue to buy park land just a block away was soundly defeated, why now are we still pursuing the sale of this 16 acres when we were told we desperately need parks? Why, if we are seeking economic development for the Georgetown area, are we rushing to build less than a hundred homes in a community with 13,000 already?

Bob Lundsten at 9:40 AM

Share 1

**Dunwoody City Councilmember Dr. Adrian Gendell Bonser**  
**41 Perimeter Center East**  
**Suite 250**  
**Dunwoody, GA 30346**



June 21, 2012

Mrs. Sharon Lowery, City Clerk  
City of Dunwoody  
41 Perimeter Center East  
Suite 250  
Dunwoody, GA 30346

Dear Mrs. Lowery:

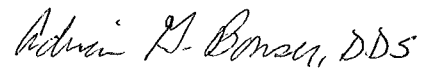
This letter is written in my capacity as Dunwoody City Councilmember, to request the following City records:

1. O.C.G.A. § 50-14-4 Affidavit(s) relating to the City's February 3, 2012 Executive Session(s).
2. The severance/termination agreement between the City and former City Attorney Brian Anderson.
3. Documents reflecting the legal fees and other expenses paid relating to the alleged breach of Executive Session confidentiality in 2012, including but not limited to City attorney bills and fees and Ethics Board attorney bills and fees (excluding the approximately \$50,000 paid to Bob Wilson).
4. Documents reflecting the appointment and swearing-in of the City's current Ethics Board members.
5. Bylaws and rules of the City's Ethics Board.
6. Documentation of the engagement of counsel by the City's Ethics Board in 2012.
7. Records reflecting Executive Session training since January 1, 2009.
8. City Manager Warren Hutmacher's employment agreement, including the amount of his salary plus benefits in 2012.
9. Documents reflecting communications between City Manager Warren Hutmacher, or other city officials, about the PVC farm property or with John Wieland Homes, since October 1, 2011.

10. Records reflecting the City's notice, vote, and engagement of Bob Wilson to investigate an executive session alleged leak in 2012.
11. Records reflecting the notice and vote relating to a May 29, 2012 ethics complaint by the Mayor and a quorum of the Councilmembers.
12. Records relating to the Bob Wilson investigation in 2012, other than his Report and bills.

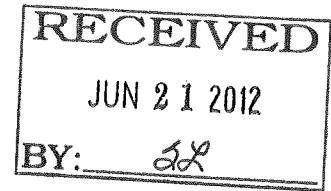
Thank you for your attention to this request. I look forward to receiving the requested records in the next week, and you are welcome to email them to me as they become available.

Sincerely,

A handwritten signature in cursive script that reads "Adrian G. Bonser, DDS".

Dr. Adrian G. Bonser  
Dunwoody City Councilmember

**Dunwoody City Councilmember Dr. Adrian Gendell Bonser**  
**41 Perimeter Center East**  
**Suite 250**  
**Dunwoody, GA 30346**



June 21, 2012

Mayor, City Council, and City Attorney  
City of Dunwoody  
41 Perimeter Center East  
Suite 250  
Dunwoody, GA 30346

Dear Mayor Davis, Councilmembers, and City Attorney:

As you know, my work as a City Councilmember is the subject of an Ethics Complaint dated May 29, 2012. This letter is written to request legal counsel, or payment for legal counsel, to respond to this Ethics Complaint pertaining to my official duties as a City Councilmember. Nearly \$50,000.00 in City funds were spent to investigate this matter, the City paid the former City Attorney \$29,176.00 to leave employment with the City relating to this matter, the Ethics Board has engaged legal counsel at City expense relating to this matter, and undoubtedly the City has incurred City Attorney legal fees related to this matter. As a City Councilmember, I request City funds to respond to this complaint concerning my work as a City Councilmember.

Clearly, it would not be just and appropriate to spend \$100,000.00 or more in City funds on one side of an ethics complaint, and then expect an elected official to spend personal funds to respond to the allegations concerning the elected official's work as a City Councilmember. Thank you for reviewing this request. I hope to receive your response soon.

Sincerely,

A handwritten signature in cursive script that reads "Adrian G. Bonser, DDS".

Dr. Adrian G. Bonser  
Dunwoody City Councilmember