

**BEFORE THE ETHICS BOARD FOR THE
CITY OF DUNWOODY, GEORGIA**

STEPHEN CHIPKA, Complainant,)	Ethics Complaint filed May 21, 2013
)	
)	
v.)	
)	
COUNCILMEMBER ADRIAN BONSER, Respondent.)	
)	

**REPORT OF FINDINGS OF FACT, CONCLUSIONS OF LAW, AND
RECOMMENDATIONS TO THE ETHICS BOARD**

COMES NOW, DENNIS T. STILL, duly appointed Hearing Officer in the above referenced matter, and submits this, his Findings of Fact, Conclusions of Law, and Recommendations to the Ethics Board for the City of Dunwoody, as follows:

FINDINGS OF FACT

1.

The complaint form filed by the Complainant and received by the City on May 21, 2013 contains therein two counts. Count 1 does “accuse Adrian Bonser with failing to investigate allegations of corruption and cover-ups within the City of Dunwoody Police Department in violation of Sec. 2-222(a)(12);” and Count 2 does “accuse Adrian Bonser with abandonment of her obligations to serve her District constituents while pursuing other personal interests and accepting compensation from the City of Dunwoody in violation of Sec. 2-222(a)(12).” The Ethics Complaint did not include any attached documentary evidence.

2.

Sec. 2-222(a)(12) provides specifically “Intentionally violating any provision of the City Charter which prescribes the conduct of a public servant.”

3.

Sec. 2-256 of the City of Dunwoody's Ethics Ordinance at sub-paragraph (c) and sub-paragraph (3) and sub-paragraph (4) requires that the Complainant allege specifically facts which constitute the violation and attach documentary evidence which supports said violation, neither of which was included in the Complainant's Ethics Complaint.

4.

Both parties were given ample opportunity prior to the hearing to present documentary evidence supporting any allegations in the Complaint which constituted numerous emails and other documents, all of which were reviewed in detail by the hearing officer, including a video of the investigation of Mr. Chipka's arrest on February 9, 2011, which seems to be the genesis for this action.

5.

Before the hearing began a "Motion to Dismiss Ethics Complaint and Memorandum of Law in Support Thereof" was filed on behalf of Councilmember Bonser by her attorney. The Hearing Officer after considering the same, took the motion under advisement and proceeded with the hearing. Out of abundance of caution and in an effort to give the Complainant a forum to address his Complaint, over objection of Respondent Councilmember Bonser, a hearing was held on August 29th, 2013 in the public council chambers of the City of Dunwoody.

6.

The genesis of this Complaint followed a February 9, 2011 arrest of Mr. Chipka where he was charged with aggressive driving by the City of Dunwoody Police Department. After that point, Mr. Chipka complained to anyone who would listen and even those who would not listen.

He complained about the victim of the aggressive driving's use of the cell phone to call the police when she was being aggressively followed by Mr. Chipka. He complained to the Atlanta Police Department about an off-duty Atlanta police officer who was a casual observer in the original incident. The Atlanta Police Department professional standards officer investigated the case and closed the same on May 31, 2012, and thereafter, Mr. Chipka complained about the professional standards officer on July 7, 2012. Mr. Chipka complained to the Georgia Bureau of Investigation (G.B.I.) who refused to accept his Complaint. Mr. Chipka campaigned to have the City terminate the employment of the Police Chief, and other officers involved in his original arrest. Mr. Chipka complained to the Mayor and other city officials about the investigation of his case, even though the Chief reviewed all the action arising out of Mr. Chipka's arrest. Mr. Chipka, during this investigation, indicated he was running for City Council and further asked Councilmember Bonser to resign.

7.

On April 21, 2011, Mr. Chipka's aggressive driving case was bound over to the State Court of DeKalb County. This allowed the case to be disposed of by an independent court. The State Court of DeKalb County on August 12, 2011, accepted a plea of nolo contendere to one count of the aggressive driving showing that Mr. Chipka attempted to harass and intimidate the victim. After the conviction, Mr. Chipka demanded the expungement of his record, even after having entered a nolo contendere plea to the charges.

8.

Mr. Chipka complained about the City Attorney and threatened to sue the City and its officials for his conviction of aggressive driving. Most all of the communications in regard to

these circumstances were based on emails primarily from Mr. Chipka to everybody in sight: The Mayor, the Council, the Police Chief, and the City Administrators. Most each and every email contained derogatory, disrespectful, condescending, and delusional statements totally unrelated to any substance of the allegations contained herein. There is evidence in the reply emails that each and every city official, including Councilmember Bonser, attempted to investigate the complaints by Mr. Chipka but the real problem was Mr. Chipka did not like the results of those investigations and imputed some sort of impropriety because they did not agree with his opinions.

9.

Mr. Chipka even threatened to have Dr. Bonser's medical license revoked for some alleged impropriety totally unrelated to her medical profession. Mr. Chipka has made repeated unsubstantiated allegations of misconduct.

CONCLUSIONS OF LAW

10.

The written Complaint filed by Stephen Chipka on May 21, 2013 does not comply with Sec. 2-256(c) in that no facts were alleged in his Complaint. Further, Mr. Chipka's Complaint does not comply with Sec. 2-256(c)(4) in that no documentary evidence was attached to the Complaint as exhibit.

11.

Further, in reviewing the Ethic Complaint and email complaints of Mr. Chipka, there is no evidence which supports his Ethics Complaint whatsoever. Mr. Chipka complaints repeated

unsupported allegations of misconduct which are not supported by any evidence presented in any manner to this hearing body.

12.

It is the burden of the Complainant to show by a preponderance of the evidence, that Councilmember Bonser has violated the provisions of the Ethics Ordinance. The evidence and Complaint submitted by Mr. Chipka is frivolous, unjustified, derogatory, disrespectful, and condescending, all of which results in unfounded and unsupported allegations of ethical misconduct. The Complaint, on its face, was brought merely to satisfy the Complainant's own personal interest and to be of a nuisance to Councilmember Bonser.

RECOMMENDATION TO THE BOARD OF ETHICS

11.

It is the Hearing Officer's recommendation that the Board of Ethics of the City of Dunwoody should find that the Complaint filed by Stephen Chipka does not have any credible evidence that there has been a violation of the Ethics Ordinances of the City of Dunwoody. It is the recommendation of the Hearing Officer that this Board of Ethics dismiss the Complaint filed by Stephen Chipka with prejudice.

It is further the recommendation of the Hearing Officer that the Board of Ethics should issue a public reprimand to Stephen Chipka as a result of his unfounded, frivolous, or politically motivated complaints against Councilmember Adrian Bonser.

It is further the recommendation of the Hearing Officer that the wrongful use of the Ethics Complaint process as provided for in Sec. 2-262 by Stephen Chipka should be sanctioned by this body and the Mayor and Council with a public reprimand and a requirement that he pay reasonable costs of \$ _____ associated with the handling and processing of his Ethics Complaint against Councilmember Bosner.

Respectfully submitted, this 5th day of September, 2013.



Dennis T. Still
Hearing Officer

cc: Board of Ethics Members