

April 22, 2013

BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED
AND REGULAR MAIL

Stephen T. Chipka
1682 Manhasset Drive
Dunwoody, Georgia 30338

RE: April 15, 2013 Ethics Complaint

Dear Mr. Chipka,

This correspondence acknowledges the City's receipt of your April 15, 2013 Ethics Complaint against Councilmember Adrian Bonser. This letter is written pursuant to Section 2-257(c) of the City of Dunwoody Ethics Code. Under said Code Section, the City Attorney's office reviews the Ethics Complaint for all procedural filing requirements of Section 2-256.

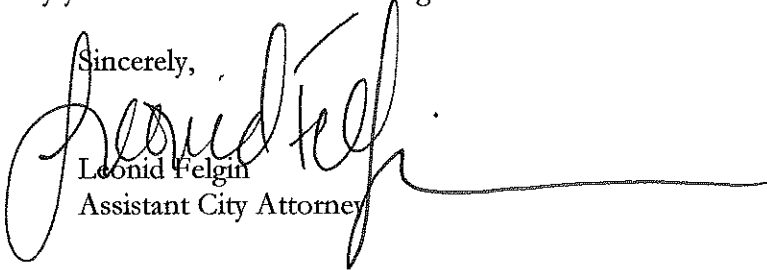
Section 2-256(c)(2) requires that every Count of a Complaint state the "specific section of this Article alleged to have been violated." The above-referenced filed Complaint names three Counts against Councilmember Bonser. Only Count 3, however, references part of the Ethics Code, specifically Section 2-222, alleged to have been violated. Counts 1 and 2 reference Section 2.09 of the City Charter, which is not the procedurally appropriate section to base an Ethics violation on. As such, it is the determination of the City Attorney's Office, that Counts 1 and 2 of the Complaint are not in conformance with the requirements of Section 2-256 and, pursuant to Section 2-257, said Counts are hereby dismissed without prejudice. Pursuant to Section 2-257, you may refile Counts 1 and 2 of this Complaint within thirty days of receiving this dismissal or, if you choose to, you may file an appeal of this dismissal of Counts 1 and 2 with the duly appointed Hearing Officer for this Complaint, Jennifer Keaton, by filing a notice of same within five (5) days of receipt of this dismissal with the City Attorney's office.

Count 3 of the above-referenced Complaint is deemed to comply with the procedural requirements of Section 2-256 and will be forwarded to Hearing Officer Keaton by April 22, 2013.¹

¹ The City Attorney's office does note here that the alleged violation stems from the July 3, 2012, e-mail directed by Councilmember Bonser to Complainant Stephen Chipka. Section 2-261 of the Ethics Code states that the Ethics Complaint must be filed within six months from the date the Complainant knew of the action alleged to be a violation. The six month period thus expired on January 3, 2013. Thus, it is the opinion of the City Attorney's office that the Complaint would be dismiss-able by virtue of this Statute of Limitation. However, even though a Statute of Limitations is, traditionally, a procedural determination, it is not one of the factors listed in Section 2-256 and, therefore, in an abundance of caution, the City Attorney's Office reserves this decision to the review and determination of the Hearing Officer.

Further notification regarding the investigation of this Complaint, including any questions the Hearing Officer may have for you, will come from the Hearing Officer directly. The City Clerk will notify you of the date of the hearing on this matter.

Sincerely,



Leonid Felgin
Assistant City Attorney

Cc: Adrian Bonser
Jennifer Keaton, Esq.