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**Cc:** themtnsvoice <themtnsvoice@aol.com>

**Subject:** Formal Complaint against MARK NEWTON: Violation of Common Conduct Rules

**Date:** Sun, Jun 16, 2019 10:58 pm

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To whom it may concern,

I am still unsure of the protocol for reporting a violation of the Common Conduct Rules. Please forward this to the appropriate person(s) responsible for enforcement or investigation of Rules of Common Conduct Violation, and have them contact me. I am also sending this complaint a little wider than the last one, and I would like to explain in advance my reasoning for copying various persons in Public Safety. The events I am about to outline in my complaint, I believe were captured on Video Recording in and outside of the Fitness Center. **I am requesting that all footage from cameras that may have recorded events in the Fitness Center, and outside in the Fitness Center / Swimclub Parking Lot, be immediately acquired and retained.** I believe it will support some of my claims. Upon reflection of events, taken in context to greater threats and harassment surrounding me, I am also considering filing formal charges against Mr Newton with the Pickens County Sheriff's Office. Again, the video footage may be required as evidence in a criminal proceeding, possibly a civil proceeding, and definitely in a review by the Board in regards to this complaint. The time in question was around 5:00 pm on Sunday June 16, 2019. You may wish to check my Fitness Center "Sign-in" and "Sign-out" times to get a more exact idea of timing.

**With this said, it is my desire to report a violation of the "Rules of Conduct for the Common Properties" by Property Owner and Chairperson for the Hospitality Committee, "Mark Newton".** Earlier this month on June 7th I issued a Complaint, which seems to be being ignored, regarding John Fitzgerald harassing me at the Fitness Center. Consequently I have mostly avoided this Amenity - which I pay substantial annual fees toward - in the hopes that things would settle down. I have begun to return the past few days, Today I was quietly working out, minding my own business, when Mark Newton (who is about 6'8" tall) walked right up into my space and looked down and asked if I was David Hopkins. I said yes, and the man lost it. Screaming epithets including the "F" word followed, with demands I move out, that was destroying the community etc. I backed way from him and he came up onto me again, making insulting accusations regarding me "living in my mommies basement". I explained that yes, as a result of my father passing away we moved in to keep my mom in the house - leaving my primary farm on the Etowah River abandoned. He ranted "Mommies Basement" a few times, said he didn't care, and against suggested I leave Big Canoe. I was actually feeling rather physically threatened at this point as his behavior was to put it bluntly - unhinged and unstable. I walked to the fitness center phone and called security. Mark approached me threateningly two more times then, walking up to me cussing and telling me I needed to move out etc.

A minute or two later he left to go to his car. I quietly followed and after he got in his car I walked up about 10 yards to the rear and got his tag (*I didn't know his name at the time and was planning on reporting him*). I got his license and was walking away when he got out of his car and started coming towards me yelling and cussing and in a rage. He then charged me, just as Security was pulling up. One of the officers was Lieutenant Chip Rice. As he pulled into the parking lot I was backing away from the charging and emotionally unstable Mark Newton, and he and the other EMT in the car witnessed it. I filed a complaint.

I found it funny at the time that the first words out of 6'8" tall Mark Newton's mouth to security was something along the lines that I was threatening him. I'm 5'11" about 180, have 3 crushed vertebrae in my spine and no cartilage in my left knee - and HE was charging ME. This is another reason I am demanding that the video footage be secured - as I believe My Newton is filing a counter claim - one which should be easily discredited by review of video. I told Lieutenant Rice at the time that I hated to waste County law enforcements time on a call for a person "acting like an asshole" - and wouldn't be filing a formal legal complaint - but in retrospect I may head in and file charges after all, or at least see what charges may be possible. The level of heightened insanity on the topic of myself - which is being intentionally stirred up - by the General Manager and her events coordinator Teri Sawyer, even some on the Board and Committees I might add, as well as by irresponsible Smoke Screens Newspaper reporting, and FB Admins that are friends of Jill Philmons - has reached levels that are disturbing. All of the intentionally heightened emotion is being done to discredit my ACCURATE reporting. MANY people have forwarded me emails, screenshots, given me recorded statements regarding very Very VERY bad behavior and statements regarding me. If I can't get this resolved through the processes outlined in the Rules of Conduct - I may consider a civil action. I recently received a threatening letter against my wife and children, and with the recent addition of Fitzgerald and Newton's behaviors - I feel things have passed an acceptable point.

In regards to the issue with Mark Newton, I would like to see the most aggressive actions possible levied against him -

AND I am demanding that he be removed from his position, and all positions, on Committees he may serve on. He has clearly demonstrated that he does not have the mental "togetherness" to be making decisions in this community. The irony that he is chair of the "Hospitality" community has not been lost on others.

I found this to be "**noxious or offensive activity**" that definitely caused me **discomfort, annoyance**" and constituted "**a nuisance**" to me. **I also clearly felt that there was a threat of physical violence to my person. I further found Mr Newton's behavior to be absolutely unhinged and dangerous to anyone near him. He should most likely be banned from all public amenities and common areas until he has undergone a psychological evaluation. I am serious about that.**

I believe that this violation should be investigated and treated for enforcement purposes as a "Serious Violation" as proscribed by the Enforcement mechanism laid fort. I have copied the applicable Rule Text below..

#### A. 15 Rules of Conduct for the Common Properties

##### 1. Purpose

1.1 These Rules and Regulations establish the expected conduct of Property Owners, Tenants, and their Guests when they are on any part of the Common Properties of the Big Canoe Property Owners Association (POA).

##### 2. Rules

2.1 All persons shall conduct themselves so as not to jeopardize or interfere with the rights and privileges of others.

2.2 All persons shall avoid any **noxious or offensive activity** that might cause embarrassment, **discomfort, annoyance, or constitute a nuisance** to others

4. Enforcement (4.1) Violations of the provisions of these Rules and Regulations will subject the appropriate Property Owner to sanctions in accordance with Rule A.2, "Serious Violations".

I look forward to hearing from the appropriate person(s) in regards to this matter. If I don't get this dealt with sufficiently by the POA as our guidelines and rules outline - I may consider legal action. I have a wealth of data showing a pattern of harrasment coming from various aspects of this community. This raises the bar to a new level. I'll be damned if I am going to wait until one of the ginned up nuts in this community takes action against my wife, mother or children.

I think the Board should note very clearly that this is the second time I have issued a formal complaint, and that things are still escalating. I am warning you as clearly as I can that behaviors in the community are escalating in a dangerous way. I will hold yourselves, individually and collectively as an entity, and all other parties responsible for the encouragement (direct or indirectly) of actions of any nutjobs that feel emboldened to take actions against me or my family.

Time is of the essence in this matter due to the substantial safety concerns of my family.

Sincerely,

- david hopkins / property owner lot 4002

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