

THE STATE OF SOUTH CAROLINA
In the Supreme Court

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APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

S.C. Supreme Court

Edward W. Miller, Circuit Court Judge

Opinion No. 2012-UP-227 (S.C. Ct. App. Filed April 18, 2012)

City of Greenville, ... Respondent,

v.

Amrik Singh and SBPS, Inc. d/b/a Travel Inn, ... Petitioner,

APPENDIX

Vol. IV

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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Edward W. Miller, Circuit Court Judge

Case No. 2007-CP-23-02755

Amrik Singh and SBPS, Inc.
d/b/a/ Travel Inn,

Respondents,

v.

City of Greenville,

Appellant.

RECORD ON APPEAL
VOLUME 3 OF 3

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FILED-CLERK OF COURT
GREENVILLE, S.C.
PAUL E. WICKSTROM

COPY

December 18, 2009

2009 DEC 22 P 2:11

Office of the City Attorney

The Honorable Edward W. Miller
305 E. North Street, Suite 219
Greenville, SC 29609-4751

Re: *Amrik Singh vs. City Of Greenville*
2007-CP-23-02755

Dear Judge Miller:

I have received the email request of December 15, 2009, from your clerk, Teal Johnson. I understand that the Court wants the City to respond the questions about back up material listing and summarizing the police calls to the Travel Inn and other hotels in Greenville between April 1, 2004, and June 16, 2006. The questions and the City's responses are provided below.

Question 1. The police log you provided lists a total of 901 calls to this location (Travel Inn); however, in your summary, you elaborate on a total of 390 calls – what appear to be more serious offenses. Can you clarify the discrepancy in these numbers for the Court?

Response. Your assessment of the two exhibits is correct. Exhibit 1 contains a list of response calls of all types. The summary of calls contained in Exhibit 3 generally tracks the more serious offenses, similar in scope to the tier one and tier two offenses of the Uniform Crime Report (UCR) used by the Federal Bureau of Investigation (FBI) to track crime on a nationwide basis. (In some instances, there may have been a burglar alarm but not a burglary. Both actual burglaries and false burglary alarms require the police to provide a response to investigate a burglary in progress.) The more serious calls total 390 and are summarized by general type of call. The remaining 500+ calls are for lesser offenses, such as calls of a suspicious person, damage to property, domestic disputes, or 911 disconnects. All of those, however, require a police response, with the threat of a possible serious crime in progress requiring more police personnel.

City Code § 8-43 establishes a licensee can have its business license revoked due to nuisance conditions as determined by the police making an unusually high number of response calls, regardless of arrests, to the business premises or nearby properties. This basis of the number of calls is in addition to the basis of frequent arrests for prostitution, drug related offenses, prostitution, etc. Regardless of whether one looks solely at the more serious crime calls or all response calls, the number for the Travel Inn is unusually high. The back up material substantiates that conclusion. This ordinance like all local

government ordinances is a legislative act which is presumed constitutional unless shown otherwise by a challenging party by *proof beyond a reasonable doubt*. See, *Peoples Program for Endangered Species v. Sexton*, 323 S.C. 526, 476 S.E.2d 477 (1996) *Robinson v. Richland County*, 293S.C. 27, 358 S.E. 2d 392 (1987); *Holcombe v. City of Beaufort*, S.C., S.E.2d, (2006).

Question 2. Can you please provide the Court the following information?

- a. What is a "Welfare Check" (incident #1)? Can you tell the Court what this entails?; and
- b. What is a "Hold up Alarm" (incident #2)?

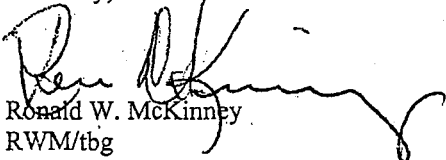
Response.

(a) A Welfare Check is usually a call to police from family, friend, or acquaintance of an individual as to the physical condition of the person reported to need attention. It may relate to concerns about the person's advanced age, health history, or intoxication due to the use of alcohol or other drugs. It requires the dispatch of at least one officer to the designated location. If the individual's precise location is not defined with specificity, it also involves seeking out the individual or the caller, or both upon arrival to the location given by the caller.

(b) A Hold up Alarm is an on premises alarm, activated by an employee when a hold up is in progress. It alerts police to come immediately. The call may be an actual hold up or a false alarm. In either instance, the police respond with enough back up to deal with an actual hold up involving armed individuals and potential victims.

I hope these responses address the questions presented to the Court's satisfaction. If you have questions or comments, please let me know.

Sincerely,


Ronald W. McKinney
RWM/tbg

C: Ryan L. Beasley, Esquire
James W. Fayssoux, Jr., Esquire

STATE OF SOUTH CAROLINA)

COUNTY OF GREENVILLE)

AMRIK SINGH and SBPS, Inc.
d/b/a TRAVEL INN,)

Appellants,)

v.)

CITY OF GREENVILLE,)

Respondent.)

IN THE COURT OF COMMON PLEAS

THIRTEENTH JUDICIAL CIRCUIT

C.A. No. 2007-CP-23-2755

**APPELLANTS' SUPPLEMENTAL
MEMORANDUM IN SUPPORT OF
APPEAL**

CLERK OF COURT
GREENVILLE CO. S.C.
W. GREENING

APR 15 P 12:27

This civil action is an appeal from the City of Greenville's revocation of the business license of Amrik Singh and SBPS, Inc. d/b/a Travel Inn. For the reasons set forth previously and in this memorandum the Appellants request this Court to find that: (1) City Manager arbitrarily revoked Appellants' business license; and (2) Appellants were denied an opportunity for meaningful review when the Greenville City Council delegated its authority to enforce compliance with §8-43 to one individual.

FACTS

Appellant Amrik Singh is the owner of real property located at 755 Wade Hampton Boulevard, Greenville, SC. He is the sole shareholder of SBPS, Inc. and owns and operates the Travel Inn Motel located on the subject property. Appellant Singh invested his life savings and purchased the real property in May of 2006. He had owned and operated the motel for only ninety-three days when he received his first written notice from the Respondent concerning the status of his business license. In a letter from the Respondent City's Office of Management and Budget dated August 2, 2006, the interim Director notified Appellant Singh

that Respondent City was revoking the Travel Inn's business effective September 16, 2006, on grounds that numerous offenses and criminal activities had occurred on the property in the previous two years and that its existence constituted a nuisance detrimental to the health, safety and welfare of the public under Greenville Code of Ordinance § 8 - 44. (Exhibit 1 - Jonathan Simmons letter August 6, 2006).

I. Procedural History and Facts

Pursuant to the appeals process set forth in Greenville City Ordinance § 8-44, Appellant Singh requested and received a Business License Revocation Hearing on August 29, 2006. Appellant Singh presented evidence that he had only owned the property ninety-three (93) days prior to the City's letter revoking his business license and further pleaded that this was the first formal notice that the City considered his establishment to be a nuisance. (Exhibit 2 - Transcript of Hearing Dated August 29, 2006). Despite his requests not to punish his family for incidents occurring prior to his total operation, ownership and control of the business, the Hearing Officer recommended that the City Manager uphold the business license revocation. (Exhibit 3 - Hearing Officer's Recommendation). The City Manager informed the Appellant of his decision to uphold the revocation by way of letter dated September 6, 2006 and further informed the Appellant that he believed the history of incidents at Travel Inn constituted a violation of § 8 - 43 and that the license was revoked as of September 16, 2006. (Exhibit 4 - James Bourey Letter dated September 6, 2006).

Mr. Singh timely appealed this decision to City Council pursuant to the administrative relief process set forth in the Ordinance. Due to the fact that the business license was scheduled to terminate prior to Mr. Singh's opportunity to exercise his administrative and due process rights and be heard on appeal by the City Council, Appellants also sought a temporary injunction

in the Greenville County Circuit Court. The Honorable D. Garrison Hill denied the motion by Order dated September 15, 2006 and the subsequent Motion to Reconsider by Order dated September 30, 2006.

The Travel Inn shut down and was not allowed to conduct business after September 16, 2006, the effective date of the revocation. Appellant Singh's appeal before City council was heard on November 13, 2006. After receiving arguments from both City and Mr. Singh, the Council determined that Mr. Singh should be granted another opportunity to improve conditions at the Travel Inn and voted to "modify the City Manager's decision for business license revocation by granting an extension of 60 days for a conditional permit." (Exhibit 5 - City Council Appeal Minutes - November 13, 2006, p. 14). The decision of City Council to grant Appellant Singh and the Travel Inn a conditional business license was set forth in a November 15, 2006 letter from Lillian Brock Flemming, City Council's Mayor Pro Tem. (Exhibit 6 - Lillian Brock Fleming letter dated November 15, 2006). The terms of the conditional business license were formally agreed to and reduced to writing and signed by both a representative of the City and Respondent Singh. (Exhibit 7 - Executed Conditional License Terms dated November 17, 2006). Under the new conditional license, Mr Singh was required to:

- (1) Maintain a log of persons placed on Trespass Notice and refuse to rent rooms to any person on this list. Police will be able to inspect this list at any time without prior notice.
- (2) Require presentation of a personal identification card or Driver's License and motor vehicle tag number from all patrons upon registering for lodging.
- (3) Require a \$100.00 Security Deposit for those patrons that reside at this location for more than one week continuously
- (4) Prohibit hourly room rates

- (5) Maintain security cameras and record all activity for retrieval
 - a. Monitor cameras twenty-four hours per day
 - b. Police will be able to monitor cameras at any time without prior notice
- (6) Provide written documentation that the security company used by Travel Inn is licensed and bonded by the State of South Carolina
 - a. Security personnel must be on duty 24 hours a day / 7 days a week
 - b. Security personnel must monitor all parking lots and the sidewalk in front of the Travel Inn to reduce prostitution
- (7) Names and addresses of security personnel and Travel Inn Employees must be submitted to Police. Security Personnel must not have criminal convictions.
- (8) Police will be able to inspect the rooms before reopening on November 20, 2006
- (9) The property owner and manager are responsible for maintaining the grounds and complying with the property maintenance code
- (10) Enforce all conditions in the Travel Inn Policy submitted to the City of Greenville

Except for a minor change in 6(a.) which only required security personnel on the premises from 3:00 p.m. to 5:00 a.m. until December 5, 2006, the aforementioned items were the only conditions and requirements for Mr. Singh to be allowed to maintain his new, conditional business license. In reliance upon this agreement and the contractual promises of both parties, Mr. Singh incurred further debt and invested the remainder of all his financial resources in a good faith effort to comply with the parties' agreement. (Exhibit 8 - Transcript of Hearing dated May 30, 2007 - P. 6-8).

In addition to setting forth the terms of the conditional license the City required that the Chief of Police inspect the property to ensure Mr. Singh's strict compliance with the agreement. Following the initial sixty day evaluation period, Chief Willie L. Johnson, of the City's Police

Department, submitted his written evaluation to Mr. Bourey measuring Travel Inn's compliance with the conditions of the Agreement and City Council's demands that it reduce any nuisance activities. (Exhibit 9 - City of Greenville Memorandum from Chief Willie Johnson dated January 17, 2007). Chief Johnson's memorandum indicates that "immediately following council's action to allow the Travel Lodge and Motel to operate on a 60 day probationary period I assigned our vice and narcotics bureau to keep a daily check on the premises." The Chief reported that the rooms were much cleaner, the parking lot was being pressure washed during inspection and the security guards were uniformed and visible. His ultimate finding and report to City Council was that based on the Departments both announced and unannounced inspections, "Mr. Singh has lived up to the conditions outlined in the November 17, 2006 meeting" (Exhibit 9).

On February 20, 2007, by way of letter from Deborah Gammons, the City Manager arbitrarily decided to extend the probationary period for one year and further reiterated the previous terms and conditions. (Exhibit 10 - Letter of Debra J. Gammons dated February 20, 2007).

On March 30, 2007, without any further communication, hearings or due process, the City Manager revoked the conditional business license effective April 30, 2007. The stated grounds were based upon the City Manager's assertion that Mr. Singh had shown an "inability or unwillingness to maintain a safe, drug-free, and crime-free environment." (Exhibit 11- City Manager Letter dated March 20, 2007) The letter further referenced four (4) alleged incidents that the Manager contends constituted a nuisance. The letter did not reference a specific violation of any ordinance, statute or condition previously agreed upon by the parties. Id.

Mr. Singh requested an appeal of this revocation pursuant to § 8-44, but was denied any such administrative review. (Exhibit 12 - City Attorney Letter dated April 6, 2007). The Appellants filed a Complaint and Motion for a Temporary Restraining Order seeking relief pending the disposition of the case on the merits or his administrative appeals. The Motion was denied by Form Order of the Honorable Larry R. Patterson dated April 24, 2007. (Judge Larry R. Patterson Order dated April 24, 2007). Upon this denial, Appellant Singh timely appealed the revocation of his business license to the Court of Common Pleas, pursuant to Rule 74 of the South Carolina Rules of Civil Procedure.

II. Appeal of City Council's Decisions to the Circuit Court

This Honorable Court heard this appeal on June 19, 2007 and held that Appellant Singh was entitled to a new hearing on the revocation of the conditional business license if the same was requested within five (5) days of his Order. (Exhibit 14 - Order of the Honorable Edward R. Miller dated June 19, 2007).

Appellants immediately requested an administrative hearing on June 22, 2007, and as a showing of good faith Mr. Singh agreed not to re-open his motel for new business until such review may be heard. (Exhibit 15 - James W. Fayssoux, Jr. Letter and Request for Hearing dated June 22, 2007).

Respondent City refused to grant Appellants the requested hearing and filed a Notice of Appeal of Judge Miller's Order to the South Carolina Court of Appeals on July 13, 2007. Respondent then issued both verbal and written warnings to the Appellants that it would arrest and criminally prosecute Mr. Singh if he attempted to re-open his business while he waited for this appeal to be heard. (Exhibit 16 - Transcript of Hearing - August 6, 2007). The Appellants again sought a Temporary Restraining Order from the Circuit Court to prevent any attempts to

interfere with the Mr. Singh's attempts to salvage his business during the pendency of the appeal. The Court denied the Motion by Order of the Honorable Edward Welmaker upon grounds that the matter was under appeal and the Circuit Court lacked jurisdiction. (Exhibit 17 - Judge G. Edward Welmaker Order dated August 20, 2007). The Travel Inn has remained closed since May of 2007.

The Court of Appeals reversed the lower court's order on July 29, 2009 finding the conditional business license and its subsequent revocation should be viewed as a continuous revocation process, and remanded the matter to Court of Common Pleas for Greenville County with instructions.

A hearing followed before this Honorable Court on November 17, 2009. Both Appellants and Respondent were represented by counsel and presented evidence to this Court regarding a question about whether or not the City's revocation was arbitrary, unreasonable or an obvious abuse of discretion.

This Court took the matter under advisement and instructed the City to explain the alleged discrepancy with their representation of certain numerical statistics related to Travel Inn. On December 18, 2009, in response to the Court, City Attorney provided a statistical breakdown of the Travel Inn's "911 Call Log," as well as similar analyses of comparable hotels within Greenville's city limits. City Attorney's report concluded that there were actually 901 phone calls attributed to Travel Inn, with only 390 calls designated as "serious" in nature. Other comparable hotels receiving "serious" calls during the City's chosen time frame included: Value Lodge (aka Relax Inn) - 347; Hyatt Regency - 165; Regal Inn - 146; and Super 8 - 112.

This memorandum is submitted in response to the City's submissions to the Court and to further support the Appellants' position that the City Manager arbitrarily revoked Singh's license and inappropriately delegated its licensing authority to a single person.

LAW/ANALYSIS

I. **The City's revocation process of Travel Inn's business license was arbitrary, capricious and an obvious abuse of discretion.**

The City Manager revoked the Conditional Business License on grounds different from the terms agreed upon in the issuance of the provisional license and beyond the scope of the revocation grounds set forth in the Ordinance § 8 – 43. This is precisely why counsel argued previously that unilateral decision making should be subjected to further procedural due process and the administrative review provided for in Ordinance § 8 – 44. Although the Court of Appeals has clearly ruled that no additional process is due, the appellate court specifically instructed this Court to review the City's overall revocation decision with scrutiny as to whether the City acted within its lawful authority and in a manner that was not arbitrary or capricious, and whether the City's actions in relinquishing complete discretion to the city manager was in itself arbitrary.

A. **City Council's relinquishment of complete and unfettered discretion to City Manager to determine compliance with Ordinance § 8-43 and the Conditional Business License terms was itself arbitrary.**

Although the minutes of City Council and the specific terms of the CBL agreement set forth reasonable standards for the Mr. Singh to retain his license, the fairness and equity of those intentions were lost when the City granted its manager exclusive, unfettered discretion as to

determine compliance. Similar relinquishments of discretion have been previously held by our Courts to be arbitrary per se. "As a general rule, '[a] statute which in effect reposes an absolute, unregulated, and undefined discretion in an administrative body bestows arbitrary powers and is an unlawful delegation of legislative power. We have held invalid ordinances attempting to vest such arbitrary powers in municipal authorities." S.C.D.O.T. v. Harbin, 226 S.C. 585, 86 S.E.2d 466, 471 (1955). Just as the legislature can not relinquish such arbitrary discretion to a administrative body, the City cannot grant similar discretion to its manager. Furthermore, a presumption that an officer will not act arbitrarily but will exercise sound judgment and good faith will not sustain a delegation of unregulated discretion. *Id.* at 471. (See also, Gale v. State Board of Medical Examiners, 282 S.C. 474, 320 S.E.2d 35 (Ct. App. 1984), holding that the "non-delegation doctrine" prohibits the legislature from vesting unbridled, uncontrolled or arbitrary power in an administrative agency.) Even though the relevant Ordinance may on its face pass constitutional muster, if the City implements it in an undefined and extraordinary manner so as to give unbridled discretion to an officer, it becomes arbitrary, unreasonable and an obvious abuse of discretion in its application. That is precisely what occurred in this case.

"The power of municipalities to declare and abate public nuisances and the right of summary action in the abatement exist at common law under the police power. This remedy has not been impaired by constitution, statute, or decision. Am. Jur. 2d, Municipal Corporations § 412. A municipality has authority to summarily abate that which it has declared to be a public nuisance. *Id.*

Nevertheless, proceedings by municipalities and their officials to summarily abate nuisances should be taken cautiously in view of the danger of liability for damage where that abated as a nuisance is in fact viewed by the courts not to be of such character." *Id.* As explained by the

Supreme Court in Morrison v. Rawlinson, 193 S.C. 25, 7 S.E.2d 635 (S.C. 1940), "the power to declare what shall be a nuisance and to abate it is ordinarily not a self executing one. It must be exercised only in accordance with ordinances or by-laws regularly and legally adopted applicable alike to all of the class." See also, Schloss Poster Advertising Co. v. City of Rock Hill, 190 S.C. 92, 2 S.E.2d 392 (S.C. 1939). "We have found no authority dissenting from the general proposition that the power to declare a nuisance must be exercised by an ordinance general in its character operating uniformly upon all persons and upon all property of the same character within the city. And it is generally held that a municipal corporation cannot make a thing a nuisance by merely declaring it to be such" Id.

Here, such relinquishment and delegation of authority to a single individual, to exercise at his own whim, would be improper because it reserved in the City Manager arbitrary power without guidance from any uniform rules or regulations applying to all businesses similarly situated. In effect, the City committed itself to the unfettered and unrestrained will of a single individual to determine compliance for any reason deemed satisfactory by him. As a result, the sole basis articulated by the City Manager for revocation was Singh's "unwillingness and inability" to maintain a "safe, crime-free and drug-free environment;" a subjective standard that is absent from the applicable city ordinances, and therefore in no way controls or guides the discretion by which City Manager was so vested. For a body of city councilmen to relinquish their proscribed authority into a single person, they permitted the City Manager to cloth himself with the uncontrolled power to capriciously permit a license to some and deny it to others. The inherent danger here is that it makes possible the arbitrary discriminations and abuses in its execution, depending upon no standard whatsoever, other than the self-executing will of the City Manager to become the touchstone by which its validity is to be tested. What makes the City

Council's decision to relinquish its decision-making authority so unnecessary is that Ordinance § 8 – 44 has already been codified and thus provides a licensee with meaningful review by established procedures through which impartial enforcement can be secured.

However, the City chose to give the City Manager carte blanche over this particular business license. This extended power became so great that when Mr. Singh attempted to challenge the accusations that he failed to uphold certain contractual obligations, he was flatly denied by the City Manager and the City Attorney to present a defense or any extenuating circumstance. This behavior flies in the face of constitutional guarantees, the purpose of our judicial system, and the City's own ordinances, and should not be condoned by this Court.

B. City Manager's invalid authority was arbitrarily applied.

In addition to the method of determining compliance being an arbitrary and unreasonable abuse of discretion, its application was also done in an arbitrary manner.

1. Travel Inn subjected to standards distinct from the Ordinance.

The City has held Singh to a harsher standard than any other business by applying standards that are outside of Ordinance § 8 – 43 and the conditional business license agreement.

"Generally, where a statute or ordinance authorizes revocation of a license for causes enumerated, such license cannot be revoked on any ground other than the causes specified."

Burley v. City of Annapolis, 182 Md. 307, 34 A.2d 603 (1943). Yet the City of Greenville is asking this Court to uphold its license revocation for causes not enumerated in Ordinance § 8 – 43. This Court should be concerned when a licensing authority points specifically to certain

causes in its ordinance for which a license can be revoked, and then summarily revokes a license for other causes. See Id. at 310, 604.

The Court in Burley understood there to be "a wide distinction between a statute or ordinance under which a licensee knows that he holds his license at the pleasure of the governing authority, and a statute or ordinance which contains no such provision. In the one case, revocation is not arbitrary because it is part of the condition upon which the license was obtained. In the other case, it may be extremely arbitrary, and if permitted, leaves a licensee with no security or redress." Id.

In this case, Mr. Singh had a right to believe that only certain conditions within the Ordinance and conditional business license agreement could trigger revocation, and that his license would not be taken away for other reasons. If the City could revoke his license at any time for any reason, it would not be necessary for it to specify causes for revocation in the ordinance. The fact that the City codified Ordinance § 8 – 43 without expressly reserving a general power of arbitrary revocation shows that the City did not contemplate the exercise of such a power. Furthermore, City Council was not required to extend to Mr. Singh a conditional business license, but upon doing so, they bound themselves to the added terms set forth in that contractual agreement. The conditions enumerated in the City's provisional license were accomplished by Mr. Singh and verified by the Chief of Police. By Singh accomplishing the same, the City became obligated to apply the controlling standards of § 8 – 43 and its pledge to Mr. Singh that he could maintain his license so long as he continued to uphold his end of the bargain.

Thus, Mr. Singh and the City must be bound to the expressed terms of the conditional business license and the conditions for revocation set forth in the ordinance. A contrary

application by the City would be extremely arbitrary, and to permit the City to reject its contractual obligations after Mr. Singh has complied would make its agreement illusory.

2. Standard set forth by City Manager was unreasonable and discriminatory

The City Manager has introduced a new, heightened standard of compliance under the municipal code *sua sponte*, and unreasonably applied that standard in a manner that segregates Mr. Singh from every other property holder in this City. The City Council had the opportunity to set a benchmark for the number of calls Mr. Singh should not exceed during his conditional license, but specifically chose not to. Instead, City Council improperly delegated unfettered discretion to its City Manager.

The only evidence in the record concerning the Singh's compliance with Conditional Business License Terms are the continuing reports of the police sent to monitor Mr. Singh and the summary memorandum by the Chief of Police confirming Appellants' compliance. In good faith the Appellant invested all remaining resources in complying with the strict terms set forth by City Council's final decision and fairly assumed that his provisional license, in which he so heavily invested his time and efforts, would be afforded something other than the whim of a City official.

Despite these efforts, the City Manager essentially changed the terms and rules of the conditional business license and relevant Ordinance so as to achieve the desired end result of closing Mr. Singh's business. The Manager's March 30, 2007 revocation letter states that "the basis for the revocation is the management's inability or unwillingness to maintain a safe, drug-free and crime-free environment" (Exhibit 11). This is not a standard set forth in the agreed-to provisional license terms or in the subject ordinance.

Municipality decisions that are made on sweeping and general conclusions which are not based on specific criteria in an ordinance are necessarily arbitrary and unenforceable. See Peterson Outdoor Advertising v. City of Myrtle Beach, 327 S.C.230, 489 S.E.2d 630 (1997). In *Peterson* the Supreme Court held that a City's administrative decision based on no objective standards or based on the unfettered will of the City was arbitrary and would not pass constitutional muster. A "complete abandonment of any standard and the substitution of unfettered and undefined will" is a perfect characterization of the City Manager's decisions with regard to the Travel Inn.

It is also clear from the record that the Travel Inn only had four (4) police response calls during the period of its provisional license. The City's standard for Appellants' four (4) calls in six months qualifying it as a nuisance under §8 - 43 is substantially harsher than those standards being applied to all other hotels within the City limits. Specifically, in 2006 during the period of Mr. Singh's conditional business license, the following motel/hotels in Greenville's city limits had received the following complaints: (1) Regal Inn-35, (2) Value Lodge-108, (3) Westin Poinsett-12, (4) Budget Inn-17, (5) Days Inn-28, (6) Embassy Suites-13, (7) Hilton-14, (8) Holiday Inn Express-17, (9) Hyatt-29, (10) Inn at Orchard Park-15, (11) Quality Inn-16. The City does not dispute these figures yet continues to repeatedly label the appellant as a nuisance requiring a revocation of its business license.

The undisputed facts are that Defendant Travel Inn never violated a condition of its business license and that during its operation under the conditional business license it maintained one of the best security statistics of all the hotels in the City. The City Manager made his own determination that Travel Inn is a nuisance by merely declaring it as such and applying a standard not found anywhere in the relevant Ordinances, nor applied to any other business in the

City of Greenville. When challenged, the City Manager denied the Appellants' right to a meaningful review of the City Manager's unilateral decision.

The City Manager could not find a violation of the conditional license terms so he attempted to define a new standard that applied exclusively to the Travel Inn. The City Manager essentially required that Mr. Singh maintain a utopia that was prohibited from any incident, regardless of the Mr. Singh's fault or efforts. Here, the City based its decision on the arbitrary application of a new standard that was never disclosed to Mr. Singh until the letter revoking his Conditional Business License. Such conduct is discriminatory and unreasonable.

II. The City has consistently misrepresented the numbers and substance of 911 calls

A. The City misrepresented the substance of the 911 calls in an effort obtain "shock value"

A municipality's license revocation decision should be deemed arbitrary and capricious if it is not supported by substantial evidence in the record. In determining whether substantial evidence supports the City's decision, this Court should consider all the evidence in the record, both favorable and contrary, and determine whether a reasonably prudent person could reach the same conclusion as the City or City Manager.

Throughout these entire proceedings, the City has represented that Greenville City Police responded to nine-hundred eighteen (918) calls attributed to Travel Inn during a two (2) year period. The City Attorney's Office has hammered on this "918" number through various memoranda and testimony to this Court, the South Carolina Court of Appeals, and City Council. In so representing those numbers, City has never once distinguished the fact that five-hundred eleven (511) of those calls, almost three-quarters of the calls, were considered by the City to be

insignificant (Exhibit 18A – City’s December 18, 2009 summary of response calls to Travel Inn).

It was only upon remand to this Honorable Court when Judge Miller requested clarification of these numbers that the City Attorney researched the accuracy of his statistics, and amended the reported numbers on December 18, 2009. For the first time since Mr. Singh’s license was initially revoked in April 2006, City has admitted that only 390 calls were of any significance¹ (also, the amended numbers reflect a total of 901 calls attributed to Travel Inn’s address). When interpreting the nature and extent of the 911 Call Log related to Travel Inn, this Court should be mindful of the discrepancy in the reported numbers and the manner in which they were represented as truthful and accurate.

B. The actual number of significant police response calls to Travel Inn is consistent with other hotels within Greenville’s City Limits.

The business nuisance standard set forth by Ordinance § 8 – 43 has been interpreted by the City as the “police making an unusually high number of response calls, regardless of arrests made.” Consequently, the City focuses not on the outcome of any given incident, but on the volume of the calls. Thus, one of the inquiries before this Court should be whether three-hundred ninety (390) response calls during a two-year period is unusual or uncharacteristic. As mentioned above, other comparable hotels receiving significant calls during the City’s chosen time frame included: Relax Inn/Value Lodge - 347; Hyatt Regency - 165; Regal Inn - 146; and Super 8 – 112 (Exhibit 18B – City’s December 18, 2009 summary of response calls).

On balance, this Court will find that a volume of three-hundred ninety (390) calls is consistent with other hotels. For example, the Value Lodge received almost an identical number

¹ December 18, 2009 report does not attempt to define “significant” police calls, but the report does compare the Travel Inn to other local hotels by the volume of calls relating to specific conduct. Greenville City Police Department does, however, categorize phone calls in order of priority from 1 (most serious) to 10 (least serious).

of response calls during the same period and did not even receive a citation from the City. The Regal Inn, also on Wade Hampton Boulevard, received a comparable number of response calls and still no citation. In fact, it would be difficult for any person to distinguish the 911 Call Log for Travel Inn.

Furthermore, if the Court were to examine the volume of response calls attributed to the Travel Inn while Mr. Singh held the conditional business license, it would find that Mr. Singh had the City's best record. This is precisely why the City in its December 9, 2009 memorandum still argues for the Court to uphold the revocation based on the statistics presented at the initial administrative hearing on August 29, 2006. The City is refusing to recognize that Mr. Singh was able to reduce the call ratio from 901 calls in two years to only 4 calls in six months. Despite the previous representations to the Court regarding the Call Log, a cursory statistical analysis would indicate that Singh was not unwilling or unable to curb the criminal activity occurring around his premises, but was in fact actively abating the previous nuisances. Nevertheless, the City Manager deemed the Travel Inn a continuing nuisance.

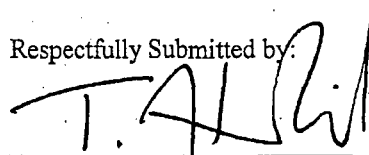
Even when the Court considers all reported incidents in the context of one continuous revocation process, as instructed by the Court of Appeals, this Court should conclude that City's decision was result-oriented, arbitrary, and capricious. The City Manager never took the time to conduct an analysis similar to the one above, nor can he support his decision with objective, empirical data. City Manager simply chose to revoke Mr. Singh's license on a whim.

CONCLUSION

For the reasons stated above, the Court should find that the City of Greenville arbitrarily revoked Appellant Singh's business license and denied Appellants the opportunity for

meaningful review when the Greenville City Council delegated its enforcement of §8 – 43 to one individual.

Respectfully Submitted by:



James W. Fayssoux, Jr. / S.C. Bar No. 16659

T. Hunt Reid / S.C. Bar No. 77538

FAYSSOUX LAW FIRM, P.A.

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Greenville, South Carolina 29601

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rlb@sctriallawyers.com

ATTORNEYS FOR RESPONDENTS AMRIK
SINGH AND SBPS, INC D/B/A TRAVEL INN

April 15, 2010
Greenville, South Carolina

EXHIBIT INDEX

- Exhibit 1 - Jonathan Simmons letter August 6, 2006
- Exhibit 2 - Transcript of Hearing Dated August 29, 2006
- Exhibit 3 - Hearing Officer's Recommendation
- Exhibit 4 - James Bourey Letter dated September 6, 2006
- Exhibit 5 - City Council Appeal Minutes - November 13, 2006, p. 14
- Exhibit 6 - Lillian Brock Fleming letter dated November 15, 2006
- Exhibit 7 - Executed Conditional License Terms dated November 17, 2006
- Exhibit 8 - Transcript of Hearing dated May 30, 2007 - P. 6-8
- Exhibit 9 - City of Greenville Memorandum from Chief Willie Johnson dated January 17, 2007
- Exhibit 10 - Letter of Debra J. Gammons dated February 20, 2007
- Exhibit 11 - City Manager Letter dated March 20, 2007
- Exhibit 12 - City Attorney Letter dated April 6, 2007
- Exhibit 13 - Judge Larry R. Patterson Order dated April 24, 2007
- Exhibit 14 - Order of the Honorable Edward R. Miller dated June 19, 2007
- Exhibit 15 - James W. Fayssoux, Jr. Letter and Request for Hearing dated June 22, 2007
- Exhibit 16 - Transcript of Hearing - August 14, 2007
- Exhibit 17 - Judge G. Edward Welmaker Order dated August 20, 2007
- Exhibit 18A - City's summary of response calls to Travel Inn dated December 18, 2009
- Exhibit 18B - City's summary of response calls other hotels dated December 18, 2009

EXHIBIT 1



Office of Management & Budget

August 2, 2006

Mr. Amrik Singh
Travel Inn
755 Wade Hampton Boulevard
Greenville, South Carolina 29605

Re: Business License Revocation

Dear Mr. Singh:

THIS IS NOTICE THAT THE CITY OF GREENVILLE REVOKES YOUR BUSINESS LICENSE for your business, Travelodge, 755 Wade Hampton Boulevard, Greenville, South Carolina 29609, pursuant to §§ 8-44 and 8-45, City of Greenville Code of Ordinances. I am enclosing copies of the relevant Ordinances. Revocation is effective 45 days from this notice date. The Revocation is effective **September 16, 2006**. You must close Travelodge, 755 Wade Hampton Boulevard, Greenville, South Carolina 29609 on September 16, 2006.

The grounds for revocation are (1) the numerous offenses and activities that have occurred on or near your business and (2) the continued operation of your business would constitute a nuisance detrimental to the health, safety, and welfare of the public because of the nature and frequency of the offenses. The offenses and activities that have occurred include fights, verbal disputes, drug possession, petit larceny, disorderly conduct, and other violations.

You may request a Hearing within five days of today's date to contest the grounds of your Business License Revocation or to request an extension of time to close your business. At the Hearing, a Hearing Officer will preside. You may be represented by an attorney and present witnesses, affidavits, and any relevant documentary evidence. You may view and copy any documentary evidence the City has before the Hearing; you must pay for the costs of the copies. After the Hearing, the Hearing Officer shall present a report to the City Manager who will take final action and notify you in writing of his decision.

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Office of Management & Budget

Furthermore, the City Manager's decision is final unless an appeal is made to City Council. Written notice of the appeal must be served upon the City Clerk within five days of the City Manager's decision; the written notice of appeal must specify the grounds for the appeal and the action requested. City Council will make its decision based on the record; however, in its discretion, City Council may hear oral arguments.

Please call if you have any questions.

Sincerely,

Jonathan F. Simons, Jr.
Interim Director, Office of Management and
Budget

Enclosures

c: James M. Bourey, City Manager
John Castile, Deputy City Manager
Ronald W. McKinney, City Attorney
Chief W. L. Johnson
Debra J. Gammons, Assistant City Attorney
✓ Jodie Dudash, Business License Supervisor

HAND-DELIVERY

EXHIBIT 2

COPY

CITY OF GREENVILLE V. AMRIK SINGH AND SBPS,
INC., DOING BUSINESS AS TRAVEL INN

Business License Revocation Hearing
August 29, 2006

JUDY COMP & ASSOCIATES, INC.

203

675

- 1 Q. And so in May of 2006 was the first
2 time you actually owned the property?
3 A. Yes.
4 Q. Who were you working for prior to May
5 of 2006?
6 A. Who I work for?
7 Q. Yes.
8 A. I worked for myself, you know.
9 Q. I understand that, but was Valogi
10 owning the restaurant --- running the
11 hotel?
12 A. Before May or ---
13 Q. Yes, sir. Before you owned it did you
14 buy it from Valogi?
15 A. Yeah. He (inaudible)
16 Q. Okay. And is that a copy of the
17 closing statement that showed when you
18 bought it and what you paid for it?
19 A. Yes.
20 Q. How much did you pay for that property?
21 A. This was almost 1,600 million.
22 Q. 1.6 million?
23 A. Yeah.
24 Q. All right. I think that closing
25 statement shows you paid \$1.6 million

JUDY COMP & ASSOCIATES, INC.

EXHIBIT 3

Interoffice Memo

Date: 8/30/2006

To: James M. Bourey, City Manager

From: Steve Landrith 

RE: Business License Revocation - Travel Inn

On August 2, 2006, Mr. Jonathan Simons, Business License Administrator, notified Mr. Amrik Singh, that the business license for Travel Inn located at 755 Wade Hampton Boulevard would be revoked September 16, 2006. The revocation was pursuant to Section 8-43 and 8-44 of the City of Greenville Code of Ordinances. The specific grounds included numerous criminal offenses and activities that occurred at or near the business. Mr. Simons also described the continued operation of the business as a nuisance detrimental to the health, safety and welfare of the public due to the nature and frequency of the offenses.

Mr. Singh was informed of his right to a hearing to contest the grounds of the revocation. Mr. Singh obtained the services of Mr. David Holmes of the Holmes Law Firm to represent his interests regarding this revocation. The original hearing date of August 10, 2006 was rescheduled to August 29, 2006 at the request of Mr. Holmes. All parties were notified of the hearing date and time.

All documents and an audio tape of the hearing are available should you need to review them. The hearing was attended by Mr. Singh and his attorney, David Holmes, members of Mr. Singh's family; Ms. Brenda Parker, front desk clerk of the hotel; Mr. Jason Parker, a resident of the hotel; Ms. Debra Gammons, City Attorney; Jon Simons, Business License Administrator; Jodie Dudash, Business License Supervisor; Lieutenant Randy Evett, City Police; Captain David Henderson, City Police; Ms. Dawn Condrey, an adjacent business owner; and myself. A copy of the sign-in sheet is attached.

I began the hearing with introductions and explained the format of the hearing. Ms. Gammons introduced Mr. Simons who described the actions taken by the police and the notifications to Mr. Singh. The hearing continued with Lieutenant Evett's description of the arrests made at the business location and the numerous complaints and police reports related to the business. Documentation indicated approximately 918 calls for service from April 1, 2004 to June 16, 2006 which included 46 drug related violations, 12 assaults, 2 assault and battery with intent to kill, 2 armed robberies, 9 stolen vehicles, and 15 petty

8/30/2006

Interoffice Memo: Business License Revocation - Travel Inn

larcenies. Lieutenant Evett also provided testimony that undercover drug buys have been made from Mr. Singh's daughter, Ms. Kaur. Ms. Kaur had been identified as the hotel manager by the police and was subsequently arrested. Mr. Evett's testimony was supported by extensive documentation of the complaints and arrests. Ms. Jodie Dudash provided testimony regarding the business license applications for the years 2004, 2005 and 2006 and provided copies which contained the signature of Mr. Singh. Ms. Dawn Condrey, owner of Top Hats Hair Salon at 738 Wade Hampton Boulevard, testified to the problems associated with the tenants of the hotel that directly effect her business including break-ins and hotel tenants coming to her business who were intoxicated and asking for money.

Mr. Singh stated he did not own the property until 2006. Mr. Singh also provided testimony that closing his business would cause a financial hardship. Further testimony by Mr. Singh indicated he had "kicked" out tenants that he knew were dealing with drugs or other illegal activity. Mr. Singh has inquired about hiring a security company but has not obtained those services as of the hearing date. Mr. Singh also stated he was considering installing cameras and hiring off duty police as security. Mr. Singh requests a six months extension of time to allow him to address the problems and clean up his business.

Further testimony provided by Balvir Singh, son; Ms. Brenda Parker, front desk clerk; and Mr. Jason Cannon, resident of hotel, identified efforts made by Mr. Singh to "kick out" people he knew were participating in illegal activity.

Having heard the testimony and reviewed the supporting documentation, I find the information supports the grounds for revocation. That information was not refuted at the hearing. Based on these findings, I recommend that you ratify Mr. Simons' revocation of Mr. Singh's business license. I have prepared a letter for that purpose which is attached with documentation supporting the findings. The letter contains notification of Mr. Singh's right to appeal this decision to City Council.

Cc: Debra Gammons, Assistant City Attorney
Jon Simons, Business License Administrator
Lieutenant Randal Evett, Greenville City Police
File

Attachments

EXHIBIT 4



RECEIVED

SEP 06 2006

CITY ATTORNEY

City Manager's Office

September 6, 2006

Mr. Amrik Singh
Travel Inn
755 Wade Hampton Boulevard
Greenville, South Carolina 29605

Re: Business License Revocation - Travel Inn

Dear Mr. Singh:

A business license hearing was held on August 29, 2006 in accordance with Section 8-44 of the City of Greenville Code of Ordinances. You were notified of the hearing and you were present. Information was presented by City officials as well as yourself regarding the revocation of your business license. A hearing officer was appointed to review the documentation, hear the testimony, and make a recommendation to me.

The Hearing Officer pursuant to Section 8-44 of the City of Greenville Code of Ordinances has recommended that the revocation of the business license for Travel Inn located at 755 Wade Hampton Boulevard be sustained. His recommendation is based on: (1) numerous arrests made in or near your premises for drug violations, verbal disputes, assaults and other criminal violations; and (2) continuing complaints of illegal activity at your premises. This pattern is indicative of an ongoing problem. These conditions constitute a nuisance detrimental to the health, safety, and welfare of the public because of the nature and frequency of the offenses. In addition, the continuing nature of the offenses indicates an unwillingness, or inability on your part to maintain a safe, crime-free, and drug-free business environment.

I have reviewed the Hearing Officer's report and I am accepting his recommendation that your business license be revoked effective September 16, 2006. If you wish to do so, you may appeal this decision by filing a written notice with the City Clerk, Post Office Box 2207, Greenville, South Carolina 29602 no later than five business days from the date of this letter. The City Council may, in its discretion, hear oral arguments on the appeal.

Sincerely,

James M. Bourey
City Manager

CC: Debra Gammons, Assistant City Attorney
Jon Simons, Business License Administrator
Steve Landrith, Hearing Officer
Lieutenant Randle Evett
David Holmes, Attorney at Law

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367

681

EXHIBIT 5

Mr. McKinney suggested that if there were a particularly egregious set of circumstances that occurred before the 60 days, Council be notified and reserve the option to terminate the license prior to the completion of the 60-day time period based on that set of circumstances.

Mayor Pro Tem requested that Ms. Gammons and Police Officers be involved as they have been involved in other revocations and know what works best. Mayor Pro Tem Flemming stated that the terms would be non negotiable.

There was some discussion that perhaps the motion was not clear and did not include all conditions intended. For clarity, the motion was restated.

Councilman Smock moved, seconded by Councilman Sofield, to modify the City Manager's decision for business license revocation by granting an extension of 60 days for a conditional permit, and that those conditions be worked out with the Police Department and the City Manager and would include the conditions outlined by Mr. McKinney as stated above. The motion carried 5-1, with Councilman Sudduth dissenting.

At this time, Councilman Smock left the meeting for another engagement related to City business.

CONSENT AGENDA

~~There will be no discussion of these items unless a Council member so requests in which event the item in question will be considered separately.~~

10. UNFINISHED BUSINESS – (Ordinances - Second and Final Reading)

Councilman Shain moved, seconded by Councilman Sofield, to approve agenda item 10a for second and final reading, 11a, 11b and 11c for first reading and 12a, 12b and 12c for first and final reading. The motion carried unanimously.

- a. Ordinance to appropriate \$76,400 from the CBD Tax Increment Fund to the Downtown Streetscapes Project.

11. NEW BUSINESS – (Ordinances – First Reading)

Councilman Shain moved, seconded by Councilman Sofield, to approve agenda item 10a for second and final reading, 11a, 11b and 11c for first reading and 12a, 12b and 12c for first and final reading. The motion carried unanimously.

- a. Ordinance to provide for valet parking operations in public rights of way.
- b. Ordinance to amend Section 50-312, "Definitions," and Section 50-318, "Maintenance," of Article VI, "Signs," of the Zoning Ordinance. (Z-29-2006)

EXHIBIT 6



city of greenville

November 15, 2006

Mr. Ryan L. Beasley
Attorney at Law
644 East Washington Street
Greenville, South Carolina 29601

Re: Amrik Singh and SBPS, Inc., d/b/a Travel Inn
755 Wade Hampton Boulevard

Dear Mr. Beasley:

City Council voted November 13, 2006 to modify the City Manager's decision that revoked the Business License of Travel Inn, 755 Wade Hampton Boulevard, Greenville, South Carolina. City Council voted to grant a Conditional Business License to Travel Inn.

The terms of the Conditional Business License are (1) Travel Inn may re-open its business November 20, 2006 and remain open for sixty days thereafter provided that (2) Travel Inn complies with all conditions to be established by the City Manager; (3) at the end of the sixty-day period, the Police Department will submit a written evaluation to the City Manager measuring Travel Inn's compliance with the conditions and compliance with reducing the illegal and nuisance activities on the premises; (4) if after the sixty-day period, the City Manager finds that Travel Inn is in compliance with the conditions and illegal and nuisance activities have significantly decreased, Travel Inn will be placed on a six-month Probation Period; (5) the Police Department shall continue to monitor Travel Inn and report to the City Manager; (6) any deviation from the conditions reported to the City Manager will result in automatic revocation of the Conditional Business License of

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Travel Inn on the date the City Manager determines that the Travel Inn is not in compliance.

Sincerely,

Lillian Brock Fleming

Lillian Brock Fleming
Mayor Pro Tem

/dpb

EXHIBIT 7

City Manager's Conditions
TRAVEL INN
CONDITIONAL BUSINESS LICENSE TERMS
755 Wade Hampton Boulevard

1. Maintain a log of persons placed on Trespass Notice and refuse to rent rooms to any person on this list. Police will be able to inspect this list at any time without prior notice
2. Require presentation of a personal identification card or Driver's License and motor vehicle tag number from all patrons upon registering for lodging
3. Require a \$100.00 Security Deposit for those patrons that reside at this location more than one week continuously
4. Prohibit hourly room rates
5. Maintain security cameras and record all activity for retrieval
 - a. Monitor cameras twenty-four hours per day
 - b. Police will be able to monitor cameras at any time without prior notice
6. Provide written documentation that the security company used by Travel Inn is licensed and bonded by the State of South Carolina
 - a. Security personnel must be on duty 24 hours a day/7 days a week
 - b. Security personnel must monitor all parking lots and the sidewalk in front of Travel Inn to reduce prostitution
7. Names and addresses of security personnel and Travel Inn employees must be submitted to Police. Security personnel must not have criminal convictions
8. Police will be able to inspect all rooms before reopening November-20, 2006
9. The property owner and manager are responsible for maintaining the grounds and complying with the property maintenance code
10. Enforce all conditions in the Travel Inn Policy submitted to the City of Greenville

Amrit Singh 11-17-06
balvir Singh 11-17-06
H Randall J Ewert 11-17-06

EXHIBIT 8

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

COURT OF COMMON PLEAS
2007-CP-23-02755

COPY

AMRIK SINGH AND SBPS, INC.)
D/B/A TRAVEL INN,)
PLAINTIFFS,)

vs.)

TRANSCRIPT OF RECORD

CITY OF GREENVILLE AND)
JAMES BOUREY, CITY MANAGER,)
DEFENDANTS.)

May 30, 2007
Greenville, South Carolina

B E F O R E:

THE HONORABLE EDWARD W. MILLER, JUDGE..

A P P E A R A N C E S:

RYAN L. BEASLEY, ESQ.
JAMES W. FAYSSOUX, JR., ESQ.
Attorney for the Plaintiffs

DEBRA J. GAMMONS, ESQ.
Attorney for the Defendant

APRIL HERRON
Official Court Reporter

1 8-44. City Council disagreed with that decision. And what
2 we ultimately got from them was a letter in which they
3 basically held his decision in abeyance and said we're not
4 going to shut you down, we're going to give you additional
5 business license provided you live up to certain conditions.
6 And I'll find that for you, Judge.

7 Basically they listed about eight conditions, Your Honor.
8 And it's in the exhibit package, I want to refer you to the
9 right page. Your Honor, if you could turn to Exhibit C in
10 that package that I gave you -- excuse me, Exhibit D in that
11 package that I gave you'll see the letter from someone
12 associated with the City. And then what we have is a signed
13 document called, Conditional Business Terms.

14 THE COURT: Are you on C or D?

15 MR. FAYSSOUX: I'm on D, Your Honor. I'm sorry. Top of
16 the third page of Exhibit D.

17 THE COURT: Okay.

18 MR. FAYSSOUX: Your Honor, I won't read them all into the
19 record but basically it dealt with the security on the
20 premises. And there were certain conditions that we had to
21 meet. We had to hire security, we had to maintain certain
22 logs, we got security cameras, we changed our policies. We
23 had to be subject to inspections of the police department.
24 It resulted in over \$50,000 of additional investment by my
25 client under what they thought was a good faith promise by

1 the City that if you comply with these terms, then we'll let
2 you keep your business license. We did that. And, Judge, at
3 no point in this hearing or at any point in time has anyone
4 alleged that we haven't complied with the conditions. We've
5 complied with every single one of them. And I believe the
6 City will admit that.

7 In fact, the Police Department, under these conditional
8 business terms, did a review in January of this year and
9 issues a detailed memorandum to the City Manager and the City
10 Council where the quote from that document was is, Mr. Singh,
11 which is my client right here, Your Honor, has lived up to
12 his end of the obligations. That's the only evidence that we
13 have, that he lived up to his end of the obligations. Then
14 what we have, Judge, is the City Manager, after we received
15 this commission from the City Council, the City Manager
16 issues us another letter in February of this year in which he
17 extends our probationary period by about 60 days. Just
18 arbitrarily decides he's going to extend it by 60 days. Then
19 he goes forward, Judge, and gives us another letter in March
20 30th of this year and says that we got to close down again by
21 April 30th. And he bases this, Judge, on four incidents that
22 occurred at the property. And they say those are incidents
23 where the police were called and had to report to the
24 property. And in the City Manager's view, and I'll talk
25 about that in a little more detail in just a second, he says

1 he revoked our business license. We tried to appeal that
2 decision to the City Council. The City Council refused to
3 hear it. City Council -- we got a letter from the city
4 attorney basically saying the City Counsel's already heard
5 this matter, they're not going to hear this decision by the
6 City Manager. And now the City's up here arguing today that
7 we have to wait some 18 months to have a law suit to decide
8 whether or not our due process rights have been denied by
9 this subsequent revocation of the business license by the
10 City Manager.

11 And what we did file a TRO, Judge, before Judge Patterson
12 asking him -- again, I know, Judge, this is procedurally a
13 nightmare, but we filed another TRO asking them to allow us
14 to stay open until we can either have this appeal or we can
15 have a hearing on the merits on the complaint that was
16 denied. So what we've now done, Judge, is that we have
17 appealed the City Manager's decision and the City Counsel's
18 decision which either call it an acceptance or just a refusal
19 to hear from us that I guess by acquiescence adopted the City
20 Manager's decision. Which has permanently revoked our
21 business license. Based on what they said was ordinance.

22 Now, Judge, I'm going to tell you just a little bit about
23 the merits and it will make a whole lot of sense of why this
24 is terribly unfair to my client.

25 THE COURT: Okay.

EXHIBIT 9



City of Greenville

MEMORANDUM

VIA E-MAIL

To: James Bourey, City Manager
From: Chief Willie L. Johnson
Date: January 17, 2007
Subj: Travel Lodge (755 Wade Hampton Boulevard) - Update
07-06

Immediately following council's action to allow the Travel Lodge and Motel at 755 Wade Hampton Boulevard to operate on a 60 day probationary period I assigned our vice and narcotics bureau to keep a daily check on the premises. Any violations were to be enforced and a report forwarded to my office.

On November 17, 2006 Debra Gammons and one of our department representatives met with Mr. Singh, the owner, and outlined the conditions he must follow during the probationary period. He agreed with everything.

On November 18, 2006 Detectives spoke with Mr. Singh at the motel location. Detective's video taped the rooms which appeared to be much cleaner than normal. The building and parking lot was being pressure washed during their visit. Mr. Singh was given a contact number to the police department if he had any questions. During the remainder of November the detectives frequently checked the motel finding that a security guard was on duty and that vehicle traffic had been minimal. Patrons had been few.

Daily checks continued in December and no violations were noted. The uniformed security guard was on duty and visible. The patron traffic was slow. The vehicles on the premises matched the number of patrons registered.

On January 12, 2007 detectives conducted an unannounced inspection of the property. The log book showed 20 rooms occupied. The vehicles on the premises were consistent with the number of patrons. The unarmed security guard was uniformed and visible. The security company had changed from "American Security" to "Employers Security Company." A check of the camera system, which consists of at least six cameras covering the premises, was working properly.

January 19, 2007
Page #2

One police incident report (GPD07-5482 copy attached) has been written as a result of a problem at the location on January 3, 2007. In this incident a verbal dispute occurred and a person was placed on trespass notice by the owner. It appears that Mr. Singh was present when the dispute unfolded along with the security guard; however, the report reveals that Mr. Singh attempted to conceal the incident from responding officers.

Based on our inspections, Mr. Singh has lived up to the conditions outlined in the November 17, 2006 meeting listed above. We will continue to keep a vigilant watch on the property to ensure the guidelines set by Council are followed.

WLJ/sf
Attachment

c: John Castile, Deputy City Manager
Ron McKinney, City Attorney
Debra Gammons, Assistant City Attorney
Captain Ed Blackburn

EXHIBIT 10



Office of the City Attorney

February 20, 2007

Mr. Ryan L. Beasley
Attorney at Law
644 East Washington Street
Greenville, South Carolina 29601

Re: Business License
Amrik Singh and SBPS, Inc., d/b/a Travel Inn
755 Wade Hampton Boulevard

Dear Ryan:

James M. Bourey, City Manager, has extended the probationary period for Travel Inn to one year beginning January 23, 2007; all the Conditions previously established by City Manager must continue during this period.

The terms of the Business License during this probationary period are:

1. Maintain a log of persons placed on Trespass Notice and refuse to rent rooms to any person on this list; Police will be able to inspect this list at any time without prior notice;
2. Require presentation of a personal identification card or Driver's License and motor vehicle tag number from all patrons upon registering for lodging;
3. Require a \$100.00 Security Deposit for those patrons that reside at this location more than one week continuously;
4. Prohibit hourly room rates;
5. Maintain security cameras and record all activity for retrieval; Monitor cameras twenty-four hours per day; Police will be able to monitor cameras at any time without prior notice;
6. Provide written documentation that the security company used by Travel Inn is licensed and bonded by the State of South Carolina;

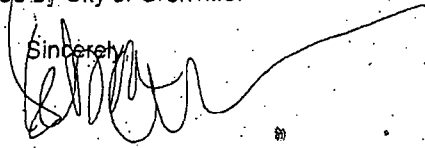
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Security personnel must be on duty 24 hours a day, 7 days a week;
Security personnel must monitor all parking lots and sidewalk in front
of Travel Inn to reduce prostitution;

7. Names and addresses of security personnel and Travel Inn
employees must be submitted to Police; Security personnel must not
have criminal convictions; and

8. The property owner and manager are responsible for
maintaining the grounds and complying with the International
Property Maintenance Code, adopted by City of Greenville.

Sincerely,



Debra J. Gammons
Assistant City Attorney

DJG/dpb

c: James M. Bourey, City Manager
John Castile, Deputy City Manager
Chief Willie Johnson
Lieutenant Randy Evett
Phillip Robey, Office of Management and Budget Director

EXHIBIT 11



City Manager's Office

March 30, 2007

Mr. Ryan L. Beasley
Attorney at Law
644 East Washington Street
Greenville, South Carolina 29601

Re: Business License Revocation
Amrik Singh and SBPS, Inc., d/b/a Travel Inn
755 Wade Hampton Boulevard

Dear Mr. Beasley:

This is the Notice that City of Greenville will proceed with the revocation of Travel Inn's Business License effective 30 days from the date of this letter. This time is afforded as a means to bring an orderly cessation of all activity. Travel Inn must close April 30, 2007.

The basis for Revocation is the management's inability or unwillingness to maintain a safe, drug-free, and crime-free environment.

The Business License was originally revoked by Notice dated August 2, 2006. Upon Hearing the Appeal, City Council expressed concern in the Hearing about the circumstances at Travel Inn over a long period of time but City Council held the Business License Revocation in abeyance. City Council also authorized me to review conditions on an ongoing basis and make decisions concerning the Business License.

From January 2007 through March 2007, four incidences have occurred that reflect the continuation of the prior nuisance pattern.

The first incident occurred on or about January 3, 2007. Police responded to a disconnect call from Travel Inn. Later, Police found that one of the patrons of Travel Inn called 911 because of a dispute he was having with another subject who was very intoxicated and creating a disturbance at

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Travel Inn. The subject was placed on Trespass Notice from Travel Inn. Mr. Singh stated to Police that there was no problem when Police questioned him about the incident.

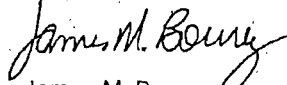
The second incident occurred on or about February 11, 2007 when a homicide investigation revealed that a suspect was staying at Travel Inn. The homicide occurred at Regal Inn, 536 Wade Hampton Boulevard. This suspect was in a room at Travel Inn but had not been registered as required. Lieutenant Randle Evett informed Mr. Singh on February 19, 2007 of this non-compliance and a second non-compliance dealing with registration (only a patron's first name was listed).

The third incident occurred on or about March 7, 2007. Chief Willie Johnson was notified by Greenville County Sheriff's Office that Maninder Kaur, daughter of Mr. Singh, was living at Travel Inn. Ms. Kaur was charged with two counts of Forgery on March 7, 2007. She was arrested at Travel Inn. Mr. Singh stated through you at the Business License Revocation Hearing that Ms. Kaur would not be allowed to resume her residence at Travel Inn because of her criminal activity at Travel Inn.

The fourth incident occurred on or about March 14, 2007. Police arrested three suspects for Possession of Crack Cocaine; the Drug Analysis revealed Cocaine (Crack). These suspects were arrested in the parking lot of Travel Inn as they were returning to the room of Leroy Johnson and Donald Parker Salmon, patrons of Travel Inn.

This resumed pattern of nuisance conditions is unacceptable.

Sincerely,



James M. Bourey
City Manager

JMB/dpb

c: John Castile, Deputy City Manager
Ronald W. McKinney, City Attorney
Chief Terri Wilfong
Lieutenant Randle Evett

Debra J. Gammons, Assistant City Attorney
Phillip Robey, Office of Management and Budget Director
Jodie Dudash, Business License Supervisor
Amrik Singh

Hand-delivery

EXHIBIT 12



Office of the City Attorney

April 6, 2007

Mr. Ryan L. Beasley
Attorney at Law
644 East Washington Street
Greenville, South Carolina 29601

Re: Business License Revocation
Amrik Singh and SBPS, Inc., d/b/a Travel Inn
755 Wade Hampton Boulevard

Dear Ryan:

I am in receipt of your April 4, 2007 letter to James M. Bourey, City Manager, concerning Travel Inn.

City Council instructed Mr. Bourey to oversee the Business License Revocation of Travel Inn and to proceed with full revocation, if necessary. The revocation of the Business License for Travel Inn was held in abeyance. Amrik Singh's Due Process rights have not been violated. City Council placed Mr. Singh on notice at the Appeals Hearing November 13, 2006 that continued nuisance activity at or on the premises of Travel Inn would not be tolerated.

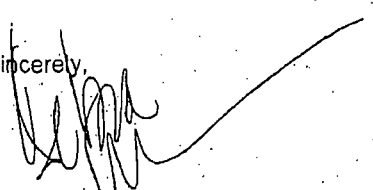
Since City Council has heard the Appeal and made its decision, City Council will not hear this matter again.

If you or Mr. Singh dispute the occurrences cited in Mr. Bourey's letter, I invite you to submit evidence to the contrary.

I look forward to hearing from you.

P.O. Box 2207 • 206 South Main Street • Greenville, SC 29602 • P 864-467-4420 • F 864-467-4424
www.greatergreenville.com

Sincerely,


Debra J. Gammons
Assistant City Attorney

DJG/dpb

c: James M. Bourey, City Manager
Ronald W. McKinney, City Attorney
Chief Terri Wilfong
John Castile, Deputy City Manager
Lieutenant Randle Evett
Phillip Robey, Office of Management and Budget Director
Jodie Dudash, Business License Supervisor

EXHIBIT 13

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE
IN THE COURT OF COMMON PLEAS

CASE NO. : 2007CP2302417

RECEIVED
JUDGMENT IN A CIVIL CASE
APR 26 2007
CITY ATTORNEY

Amrik Singh vs. Greenville City Of

CHECK ONE:

- ☐ JURY VERDICT. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☐ DECISION BY THE COURT. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ☐ ACTION DISMISSED (CHECK REASON): ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit); ☐ Rule 43(k), SCRPC (Settled); ☐ Other:
- ☐ ACTION STRUCKEN (CHECK REASON): ☐ Rule 40(j) SCRPC; ☐ Bankruptcy;
☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
☐ Other:

IT IS ORDERED AND ADJUDGED:

☐ See attached order;

☐ Statement of Judgment by the Court:

Motion for a temporary injunction is denied.

Dated at Greenville, South Carolina, this 27 day of April, 2007.

Court Reporter:

Larry R. Patterson
PRESIDING JUDGE - LARRY R. PATTERSON

This judgment was entered on the 25th day of April, 2007, and a copy mailed first class this 25th day of April, 2007 to attorneys of record of to parties (when appearing pro se) as follows:

Ryan Bensley Price Paschal & Ashmore 644 East Washington
Street Greenville, SC 29601, James W. Fay 5544

ATTORNEY(S) FOR THE PLAINTIFF(S)

Debra J. Gammons
ATTORNEY(S) FOR THE DEFENDANT(S)

SCRPC APP-24/FORM 4 (Rev. 6/02)

Paul B. Wickensimer - Clerk of Court

EXHIBIT 14

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE
IN THE COURT OF COMMON PLEAS

CASE NO. : 2007CP2302755

JUDGMENT IN A CIVIL CASE

Amrik Singh vs. Greenville City Of

CHECK ONE:

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☐ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ☐ **ACTION DISMISSED (CHECK REASON):** ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit); ☐ Rule 43(k), SCRPC (Settled); ☐ Other:
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j) SCRPC; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other:

IT IS ORDERED AND ADJUDGED:

☐ See attached order;

☐ Statement of Judgment by the Court;

SEE ATTACHED ORDER

Dated at Greenville, South Carolina, this _____ day of _____, 20____

Court Reporter:

PRESIDING JUDGE -

This judgment was entered on the 20TH day of JUNE, 2007, and a copy mailed first class this 20TH day of JUNE, 2007 to attorneys of record or to parties (when appearing pro se) as follows:

James Walter Fayssoux Jr Anderson Fayssoux & Chasteen P.O.
Box 1749 Greenville, SC 29602
Ryan Beasley Price Paschal & Ashmore 644 East Washington
Street Greenville, SC 29601

ATTORNEY(S) FOR THE PLAINTIFF(S)

Debra J. Gammons City of Greenville P.O. Box 2207 Greenville,
SC 29602

ATTORNEY(S) FOR THE DEFENDANT(S)

SCRPC APP-24/FORM 4 (Rev. 6/02)

Paul B. Wickensimer - Clerk of Court

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF GREENVILLE	)	THIRTEENTH JUDICIAL CIRCUIT
AMRIK SINGH and SBPS, Inc.	)	C.A. NO. 2007-CP-23-02755
d/b/a TRAVEL INN,	)	
Appellant,	)	
vs.	)	ORDER
CITY OF GREENVILLE,	)	
Respondent.	)	

FILED
JUL 20 4 28
CLERK OF COURT
JUL 20 2007

This matter comes before the Court upon the Appellant's Notice of Intent to Appeal, pursuant to Rule 74, South Carolina Rules of Civil Procedure ("SCRCF") and Respondent's Notice of Motion and Motion to Dismiss Appeal, pursuant to Rule 72, SCRCF, and § 8-44, City of Greenville Code of Ordinances ("CGCO"). This Appeal and Motion were heard on May 30, 2007 in Greenville, South Carolina. For the reasons set forth below, the Court denies Respondent's Motion to Dismiss Appeal and orders that the business license review procedure of § 8-44 be followed.

CHRONOLOGY OF EVENTS

The appellant, Amrik Singh, is the owner of the Travel Inn (formerly Travel Lodge), located at 755 Wade Hampton Boulevard in Greenville, South Carolina. In a letter from Jonathan F. Simons, the Interim Director of the City of Greenville's ("City") Office of Management & Budget, to the Appellant dated August 2, 2006, Mr. Simons gave the Appellant notice that the City was going to revoke his business license for the Travel Inn effective September 16, 2006. The grounds for revocation were the numerous offenses and activities that had occurred on or near the business and that the continued

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operation of the business would constitute a nuisance detrimental to the health, safety, and welfare of the public because of the nature and frequency of the offenses. The letter further notified the appellant of his right to a hearing and the procedures of the hearing.

The Appellant did request a hearing, which was held on August 29, 2006 in front of Steve Landrith, the hearing officer as provided by § 8-44, CGCO. On August 30, 2006, Mr. Landrith submitted his summarized report of the hearing, including his findings of facts and recommendations, to James M. Bourey, the City Manager, as provided by § 8-44, CGCO. Mr. Landrith's recommendation to Mr. Bourey was that he ratify Mr. Simon's revocation of Appellant's business license. Mr. Bourey accepted Mr. Landrith's recommendation that Appellant's business license be revoked effective September 16, 2006 and notified the Appellant of this, his right to appeal, and the appellant procedures in a letter dated September 6, 2006.

On September 11, 2006, the Appellant did submit his Notice of Intent to Appeal to City Council. Before City Council could hear Appellant's appeal, Appellant pursued a temporary injunction in Greenville County's Court of Common Pleas. The Honorable D. Garrison Hill denied the motion in an Order dated September 15, 2006 sighting the Appellant's adequate remedy at law and the failure to demonstrate a likelihood of success on the merits. On September 30, 2006, Judge Hill denied Appellant's Motion to Reconsider or Alter or Amend that Order.

Appellant's Appeal before City Council was heard on November 13, 2006. After hearing the oral arguments, City Council voted to modify the revocation of Appellant's business license and granted a Conditional Business License to Travel Inn. The terms of the conditional business license were explained in a November 15, 2006 letter from

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Lillian Brock Flemming, City Council's Mayor Pro Tem, to Ryan Beasley, Appellant's

counsel. The terms of the letter were:

- (1) Travel Inn may re-open its business November 20, 2006 and remain open for 60 days thereafter provided that:
- (2) Travel Inn complies with all conditions to be established by the City Manager;
- (3) at the end of the sixty day period, the Police Department will submit a written evaluation to the City Manager measuring Travel Inn's compliance with the conditions and compliance with reducing the illegal and nuisance activities on the premises;
- (4) if after the sixty day period, the City Manager finds that Travel Inn is in compliance with the conditions and illegal and nuisance activities have significantly decreased, Travel Inn will be placed on a six month Probation Period;
- (5) the Police Department shall continue to monitor Travel Inn and report to the City Manager;
- (6) any deviation from the conditions reported to the City Manager will result in automatic revocation of the Conditional Business License of Travel Inn on the date the City Manager determines that the Travel Inn is not in compliance.

The further conditions established by the City Manager and agreed to in writing on November 17, 2006 by Mr. Singh and his son, Balvir Singh, were:

- (1) Maintain a log of persons placed on Trespass Notice and refuse to rent rooms to any person on this list. Police will be able to inspect this list at any time without prior notice
- (2) Require presentation of a personal identification card or Driver's License and motor vehicle tag number from all patrons upon registering for lodging
- (3) Require a \$100.00 Security Deposit for those patrons that reside at this location for more than one week continuously
- (4) Prohibit hourly room rates
- (5) Maintain security cameras and record all activity for retrieval
 - (a.) Monitor cameras twenty-four hours per day
 - (b.) Police will be able to monitor cameras at any time without prior notice
- (6) Provide written documentation that the security company used by Travel Inn is licensed and bonded by the State of South Carolina
 - (a.) Security personnel must be on duty 24 hours a day / 7 days a week
 - (b.) Security personnel must monitor all parking lots and the sidewalk in front of Travel Inn to reduce prostitution
- (7) Names and addresses of security personnel and Travel Inn employees must be submitted to Police. Security personnel must not have criminal convictions
- (8) Police will be able to inspect all rooms before reopening November 20, 2006
- (9) The property owner and manager are responsible for maintaining the grounds and complying with the property maintenance code

(10) Enforce all conditions in the Travel Inn Policy submitted to the City of Greenville

The only change to these agreed to conditions, contained in a November 17, 2006 letter from Debra Gammons, Assistant City Attorney, to Mr. Beasley, was that Appellant did not have to fully comply with condition (6.) (a.) until December 5, 2006; between November 20, 2006 and that date, Appellant was only required to have security personnel on the premises from 3:00 pm to 5:00 am.

Following the initial sixty day evaluation period, Chief Willie L. Johnson, of the City's Police Department, submitted his written evaluation to Mr. Bourey measuring Travel Inn's compliance with the conditions and compliance with reducing the illegal and nuisance activities on the premises as instructed by City Council. In his memo, dated January 17, 2007, Chief Johnson concluded that, based on their inspections, Appellant had lived up to the conditions required of him to remain open. Chief Johnson further stated that the Police would continue to watch the property to ensure the guidelines set by City Council were followed.

On January 22, 2007, as documented by his memo of the same date to Chief Johnson, Lieutenant R. L. Evett made an inspection of the Travel Inn and found no security personnel on the premises. Lieutenant Evett spoke with Appellant and Appellant stated that he had dropped the daytime security and only had security between the hours of 6:00 pm and 6:00 am. Lieutenant Evett informed Appellant at that time that security would have to be maintained 24 hours a day in order to be in compliance with the agreement and the only person that could relax that condition was Mr. Bourey.

Lieutenant Evett made another trip to the Travel Inn on February 19, 2007, according to his memo to Captain Henderson dated March 1, 2007. This stop was in

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response to a homicide suspect getting picked up there and not being registered with the Appellant¹. Lieutenant Evett inspected the patron log book and found the book to be in order except for one patron, whose first name was the only name listed. He advised the manager on duty, Brenda Parker, that in order to be in compliance, the full identity of the patrons must be listed on the log. Ms. Parker then added the patron's last name. Lieutenant Evett further noted that all the other conditions were being met.

On February 20, 2007, Ms. Gammons sent a letter to Mr. Beasley stating that Mr. Bourey had extended the probationary period for Travel Inn to one year beginning January 23, 2007. The letter also reiterated the conditions that were agreed upon between the parties on November 17, 2006. The letter did not, however, state any grounds or reasons for the change in the length of the probationary period from the six month period City Council set out on November 15, 2006 (condition (4)) to the now imposed one year period.

According to his supplemental report on case number 07-31416, Sergeant Jones of the Greenville County Sheriff's Office went to the Travel Inn on March 7, 2007 looking for Maninder Kaur, Amrik Singh's daughter, since the Travel Inn was the last known address for this suspect. Sergeant Jones, with warrants in hand, inquired as to where Ms. Kaur was and was told by one person she was in the adjoining restaurant and by another she was in the motel. Sergeant Jones went to the restaurant to find her and while there, Ms. Kaur's husband told him that he had her on the telephone. Ms. Kaur told Sergeant Jones she was in Anderson and would be there in 20 minutes. Sergeant Jones left the restaurant and walked straight back to the Travel Inn's office. He found Ms. Kaur standing there talking on the telephone and took her into custody. On March 8,

¹ Appellant argues this suspect was unregistered because he was a guest of a registered patron.

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2007, upon receiving this news from the Sheriff's Office, Chief Johnson emailed the information he had to Ms. Gammons directly and to Mr. Bourey, John Castile, and Ron McKinney by copy. In this email, he stated that based on Ms. Kaur's charges and the ongoing problems at the Motel the police recommend that the license be pulled.

Appellant received notice City was going to proceed with the revocation of their business license by a letter from Mr. Bourey to Mr. Beasley dated March 30, 2007. The letter stated that the Travel Inn must close April 30, 2007 and the grounds for the revocation was management's inability or unwillingness to maintain a safe, drug free, and crime free environment. Mr. Bourey stated that City Council had authorized him to review the conditions on an ongoing basis and make decisions concerning the business license. The letter cited four incidences, which to Mr. Bourey, reflected the continuation of the prior nuisance pattern. The first incident cited was a disconnected 911 call on January 3, 2007, in which the Police responded and found a patron having a dispute with an intoxicated subject. At the scene, the responding Officer inquired to Mr. Singh about the incident and Mr. Singh told him there was no problem. The second and third incidents cited were the February 19, 2007 and March 7, 2007 incidents recited above. The fourth and final incident mentioned was on March 14, 2007 when three suspects were arrested for the possession of crack cocaine in the parking lot as they returned to some other patron's room.

On April 4, 2007, Mr. Beasley mailed a letter to Mr. Bourey, of which this Court does not have a copy, and on April 6, 2007 Ms. Gammons replied back. In Ms. Gammon's reply, she stated that since City Council had heard the Appeal and made its decision, they were not going to hear the matter again. She also invited Mr. Beasley or

Mr. Singh to submit evidence to the contrary if they disputed any of the four occurrences cited in Mr. Bourey's March 30, 2007 letter.

On April 9, 2007 City Council held a meeting and Mr. Beasley was there as a citizen wishing to address Council. Mr. Beasley was heard and presented a chronology of the events regarding the Appellant's business license. Mr. Beasley presented the March 30, 2007 letter and stated there were four complaints over the past five months and this was the basis for determining that Travel Inn was a continued nuisance. Mr. Beasley compared this incident record to other area hotels, questioned what the definition of a continued nuisance was, and contended that four complaints in five months was an unfair criteria to be labeled a continued nuisance. Knowing that the Appellant was not being given the chance to appeal the conditional license's revocation, Mr. Beasley finished by saying that his client's only recourse would be a lawsuit against the City.

At the meeting, Councilman Shain requested additional information from Mr. Bourey and Mr. McKinney, the City Attorney, but they were reluctant to say much since Mr. Beasley indicated his client wanted to file a lawsuit. Mr. Bourey did say that the Council had authorized him to make conditions, Appellant had not met those conditions, and that the City had the right to revoke immediately. He stated that he received a recommendation to revoke from both the Police Department and from the City Attorney, and therefore, proceeded with the revocation. Mr. McKinney added that the revocation was related to the character of the offenses and whether or not there was good cause based on those to conclude that there was a resumption of the prior pattern of activity.

On April 11, 2007 Mr. Beasley sent a letter to Ms. Gammons in response to her April 6, 2007 invitation to dispute the four instances. For the first, second and fourth

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incidences, Mr. Beasley brought up Mr. Singh's lack of knowledge or the impossibility for him to be able to defend against the incidences, but the incidents themselves were not disputed. Mr. Beasley did dispute the third incidence, however, and provided a lease contract as evidence that Ms. Kaur did not live at the Travel Inn and was only there due to the fact that she ran the adjoining restaurant.

On April 12, 2007 Appellant filed suit against City and Mr. Bourey and moved for a temporary restraining order to enjoin City Council from allowing Mr. Bourey to revoke Appellant's business license. The Honorable Larry R. Patterson heard this motion and denied it on April 24, 2007. Upon this denial, Appellant appealed the revocation of his business license from Greenville City Council to the Court of Common Pleas, pursuant to Rule 74, SCRPC. The Respondents filed their Motion to Dismiss the Appeal on May 11, 2007.

The Appeal and the Motion to Dismiss were heard in Greenville County on May 30, 2007. At the hearing, the Appellant was represented by Mr. Beasley and James W. Fayssoux and the Respondent was represented by Ms. Gammons. The Respondent's proffered two contentions in support of their Motion to Dismiss: 1. The Court is without jurisdiction pursuant to Rule 72; and 2. The Court lacks subject matter jurisdiction since this appeal is not ripe due to the suit between these parties pending in the Circuit Court (Civil Action Number 07-CP-23-2417). The Appellants argued the Court had jurisdiction based on Rule 74, SCRPC and that this case is mutually exclusive of the other. In regards to the Appeal, the Appellant contended that Appellant's Due Process rights had been denied and the City Manager's revocation of Appellant's business license was arbitrary, an abuse of discretion, and unreasonable. The City asserted that Appellant had

already been through the full revocation process and there was no right further right to appeal.

LAW AND ANALYSIS

I. MOTION TO DISMISS

The City's first contention for dismissal is that there is no final judgment or appealable order in which to appeal. Rule 74, SCRCP, states: 'the procedure on appeal to the circuit court from the judgment of an inferior court or decision of an administrative agency or tribunal shall be in accordance with the statutes providing such appeals'. Rule 74's inclusion of 'decision of an administrative agency or tribunal' is confirmation that an appeal of Appellant's business license revocation by City Council and the City Manager is an appealable order or final judgment within the meaning of Rule 72. The Court, therefore, is not persuaded by this argument.

The City further argues that since the other civil suit is still pending in the Circuit Court, this appeal is not ripe, and the Court, therefore, lacks subject matter jurisdiction. This appeal is seeking a different remedy than the pending suit. This appeal asks for the case to be remanded back to City Council for a full revocation hearing. The other suit seeks a declaratory judgment, temporary and permanent injunctions, and monetary damages. This suit is mutually exclusive from the other suit and is ripe.

The Court, therefore, denies the City's Motion to Dismiss.

II. APPEAL

Section 8-44 of the City of Greenville Code of Ordinances controls the business license revocation and appellant procedures. Section 8-44 (a) controls the notice to the business owner of the revocation. It states:

Where grounds exist to deny or revoke a license under this article, the business license administrator shall provide written notice to the licensee or applicant setting forth the grounds, revoking the license effective 45 days from the date of the notice, and advising the licensee or applicant of appeal procedures.

Section 8-44 (b) controls the initial hearing before the hearing officer. It says:

The applicant or licensee may, within five working days from the date of the notice, request a hearing to contest the grounds or request an extension of time to close the business. The hearing shall be held within 15 days unless additional time is allowed by the city manager. The hearing officer shall be a supervisory employee designated by the city manager. The licensee or applicant may be represented by an attorney and may present witnesses, affidavits and any relevant documentary evidence. The licensee may view and copy any documentary evidence prior to the hearing. Formal rules of evidence shall not apply. The hearing officer shall prepare a summarized report of the hearing, to include his findings and recommendations, which shall be submitted to the city manager, who shall take final administrative action, notifying the licensee or applicant in writing. Unless extended in writing by the city manager, any revocation is, effective 45 days from the date of the original notice to the licensee.

And Section 8-44 (c) controls the appeal. It provides:

An appeal, which shall not stay the revocation, may be taken upon the written record to the city council. Notice of such appeal shall be served upon the city clerk within five days from the final action by the city manager, specifying the grounds for the appeal and the action requested. The record shall consist of the report of the hearing officer, any documentary evidence presented at the hearing, and the written appeal. The council may, in its discretion, hear oral arguments on the appeal.

The City of Greenville has no further ordinances regarding the business license revocation or appellate process.

In the case at hand, Responded provided the Appellant notice of the revocation.

The hearing officer heard the case and made a recommendation to revoke to the City Manager. The City Manager revoked and the Appellants appealed to City Council. On appeal, City Council voted to modify the revocation and grant Appellant a conditional business license. The only procedural modification to Section 8-44 under these conditions was a modification of the notice requirement under § 8-44(a). As stated

above, § 8-44(a) gives the business 45 days from the date of the notice of revocation before it can become effective. City Council modified this clause (condition (6) of Ms. Flemming's letter dated November 15, 2007) so that the revocation would become automatic on the date the City Manager determined that the Travel Inn was not in compliance. City Council made no other modifications to the revocation or appellate procedure.

City Council was under no obligation to grant Appellant a conditional business license, but when they did, it had the effect of creating a new license with its own unique conditions. Since not otherwise agreed to or demanded, this conditional license is entitled to the same safeguards and due process as any other license. Therefore, with neither an ordinance on point nor an expressly stated procedure for the revocation hearing or appeal of the conditional license, the default business license revocation review procedure, under Section 8-44 of the City of Greenville Code of Ordinances, controls.

WHEREFORE, Appellant is entitled to a hearing, pursuant to § 8-44(b), if requested within five working days of this Order.

IT IS SO ORDERED.

Dated: 6/19/07
Greenville, South Carolina

Edward W. Miller
Edward W. Miller, Judge
Thirteenth Judicial Circuit

EXHIBIT 15

ANDERSON FAYSSOUX AND CHASTEEN
ATTORNEYS AT LAW, P.A.

STUART G. ANDERSON, JR.
JAMES W. FAYSSOUX
TERRY G. CHASTEEN
JAMES W. FAYSSOUX, JR.
SIDNEY P. MITCHELL, JR.
R. MILLS ARLAIL, JR.

217 E. PARK AVE. (29601)
P. O. BOX 1749
GREENVILLE, SOUTH CAROLINA 29602
TELEPHONE: (864) 233-0445
(864) 233-4566
FAX: (864) 233-4567
(864) 233-4781
www.AFClaw.net

June 22, 2007

James Bourey
P.O. Box 2207
206 S. Main Street
Greenville, SC 29602

Re: Amrik Singh and SBPS, Inc., d/b/a Travel Inn v. City of Greenville

Dear Mr. Bourey,

We have received the Order, No. 2007-CP-23-02755, from the Honorable Edward W. Miller remanding a decision on the business license revocation before an administrative hearing. Please be advised that pursuant to Greenville City Code of Ordinances § 8-44(b), the Travel Inn requests a hearing on this matter before an officer designated in accordance with the Code.

Please let me know when this matter is scheduled to be heard by the appropriate hearing officer.

With kindest regards,

Your truly,

JAMES W. FAYSSOUX, JR.
For Anderson, Fayssoux & Chasteen
Attorneys at Law, PA

JWF/thr

Cc: Debra J. Gammons
Ronald W. McKinney
Ryan L. Beasley
Amrik Singh

EXHIBIT 16

1 STATE OF SOUTH CAROLINA)
2 COUNTY OF GREENVILLE.) IN THE COURT OF COMMON PLEAS

3
4 AMRIK SINGH AND SBPS,)
INC., d/b/a TRAVEL INN,)
5 Plaintiffs,) TRANSCRIPT OF RECORD
6) 2007-CP-23-2417

7 -vs-) AUGUST 6, 2007
8 CITY OF GREENVILLE,) GREENVILLE, SOUTH CAROLINA
9 Defendant.)

10
11 B E F O R E:

12 THE HONORABLE G. EDWARD WELMAKER, JUDGE.
13

14
15 A P P E A R A N C E S:

16 JAMES W. FAYSSOUX, JR., ESQUIRE
17 RYAN BEASLEY, ESQUIRE
Attorneys for the Plaintiffs

18 DEBRA J. GAMMONS, ESQUIRE
19 Attorney for the Defendant

20
21 Michael R. Watts
22 Circuit Court Reporter
23
24
25

1 The second request is that the city be restrained
2 and enjoined from imposing any fines if he opens that
3 business. If he opens, he will be violating the city
4 ordinance.

5 Your Honor, as you are aware, the city ordinance
6 provides for the revocation of a business license if that
7 business becomes a public nuisance, and this business has
8 been declared a public nuisance, and that is determined by
9 an excessive number of calls, arrests on the property.

10 From April 2004, through June 2006, when Mr. Singh
11 who owned the property, he was the manager of the property,
12 listed himself as the president of SBPS under the business
13 license applications beginning in 2004. From April 2004,
14 through June 2006, there were about 980 case calls for
15 service. That's about 450 per year, more than any other
16 business has been allowed to operate in this city.

17 There have been revocations of businesses with
18 less disturbances and less of a public nuisance. And those
19 people -- many of them were from Greenville or from South
20 Carolina. The city does not care that Mr. Singh moved here
21 from New York. The city does not care that he is of Indian
22 descent. That makes no difference. The city is not looking
23 at this from a cultural standpoint or from a racial
24 standpoint, as Mr. Fayssoux alleges. We are looking at this
25 from a business standpoint. The city has the power under

EXHIBIT 17

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE
IN THE COURT OF COMMON PLEAS

CASE NO. : 2007-CP-23-2755

JUDGMENT FILED

AUG 22 2007

ATTORNEY

Amrik Singh, et al. v. City of Greenville

CHECK ONE:

- ☐ JURY VERDICT. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☐ DECISION BY THE COURT. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ☐ ACTION DISMISSED (CHECK REASON): ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit); ☐ Rule 43(k), SCRPC (Settled); ☐ Other: _____
- ☐ ACTION STRICKEN (CHECK REASON): ☐ Rule 40(j) SCRPC; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other: _____

IT IS ORDERED AND ADJUDGED:

☐ See attached order;

☐ Statement of Judgment by the Court:

This matter came before the Court pursuant to Plaintiff's motion for a temporary restraining order. The Court finds that it lacks jurisdiction under Rule 225, S.C.R.A.P.

Dated at Greenville, South Carolina, this 14 day of Aug, 2007.

Court Reporter: _____

G. Edward Welmaker
PRESIDING JUDGE - G. EDWARD WELMAKER

This judgment was entered on the 20th day of August, 2007, and a copy mailed first class this 20th day of August, 2007 to attorneys of record or to parties (when appearing pro se) as follows:

James Walter Fayssoux, Jr. PO Box 1749 Greenville, SC 29602
Ryan Beasley 644 E. Washington St., Greenville, SC 29601

Debra Gammons PO Box 2207 Greenville, SC 29602

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

SCRPC APP-24/FORM 4 (Rev. 6/02)

Paul B. Wickensimer - Clerk of Court

EXHIBIT 18

EXHIBIT 18 A

755 Wade Hampton (901 calls)

Drug Related: 55

7 prostitution related calls including 1 report and 2
35 total reports including 29 arrests

Armed Robberies: 3

2 reports

Domestic Incidents: 34

1 call involving truancy, 9 total reports including 7 arrests

Thefts: 43

6 calls for breach of trust including 3 reports
2 calls for forgery including 1 report
3 calls for fraud including 2 reports and 1 arrest
33 total reports including 3 arrests

Suspicious Person(s): 147

35 total reports including 23 arrests

Assaults: 21

10 total reports including 5 arrests

Stolen & Recovered Vehicle(s): 16

12 total reports including 3 arrests

Sex Incidents: 1

no report

Burglaries: 4

1 report

Trespass: 31

13 total reports including 2 arrests

Disorderly Conduct: 34

28 total calls including 14 arrests

Auto Breakings: 1

no report.

Total = 390

EXHIBIT 18 B

Relax Inn

107 Duvall (581 Calls)

Drug Related: 56

5 calls for prostitution resulting in 4 arrests
38 total reports including 32 arrests

Suspicious Person(s): 117

23 total reports including 16 arrests

Assaults: 18

7 total reports including 2 arrests

Domestic Incidents: 25

3 calls involving children; 2 for child neglect / abuse, 1 for truancy
3 total reports including 1 for child neglect / abuse
1 arrest out of the 3

Disorderly Conduct: 11

9 total reports including 1 involving weapons
3 arrests out of the 9

Auto Breaking: 15

14 total reports including 2 arrests

Stolen & Recovered Vehicle(s): 18

12 total reports, including 1 for breach of trust

Burglaries: 10

6 total reports including 1 arrest

Sex Incident:

no report

Trespass: 18

14 total reports including 3 arrests

Thefts: 30

27 total reports including 5 for breach of trust, 1 for fraud
3 arrests out of the 27

Armed Robberies: 5

1 call each for strong arm and car jacking
2 reports

4 calls for weapons (primary call) related incidents resulting in action: 1 report, 3 arrests

5 arrests made for suspicious vehicle calls

15 calls for warrant service resulting in 11 arrests

Total = 347

Hyatt

220 N. Main St. (407 Total Calls)

Stolen & Recovered Vehicle(s): 6
5 reports

Disorderly Conduct: 10
7 reports including 6 arrests; 4 intoxication

Suspicious Person(s): 76
20 reports including 8 arrests

Auto Breaking: 6
3 reports

Theft: 34
25 reports including 1 arrest; 2 for fraud, 3 calls for breach of trust (2 reports)

Assault: 7
4 reports including 3 arrests

Robberies: 2
1 purse snatching; both reported

Trespass: 13
7 reports including 1 arrest

Burglary: 6
4 reports

Vice: 1
liquor violation; arrest

Domestic Incident: 4
1 report

Total = 165

Regal Inn

536 Wade Hampton (292 calls)

Suspicious Person(s): 42
7 arrests

Drug Related: 21
4 calls prostitution related; 4 total reports including 3 arrests

Disorderly conduct: 9
5 reports including 3 arrests; 2 calls involved weapons, 1 arrest for weapons call

Assaults: 9
4 reports including 1 arrest

Thefts: 15
3 calls for breach of trust; another 3 reports for breach of trust; 10 total reports including 1 arrest

Burglaries: 4
1 report

Domestic Incidents: 12
2 arrests

Trespass: 8
1 report

Stolen & Recovered Vehicle(s): 8
1 call for breach of trust; 1 report for breach of trust; 5 total reports

Auto Breakings: 1
no report

Sex Incidents: 3
2 reports including 1 arrest

* 1 Foot pursuit

10 calls for warrant service resulting in 4 arrests and 1 report

3 subjects arrested for suspicious vehicles

Total = 146

COPY

STATE OF SOUTH CAROLINA)

COUNTY OF GREENVILLE)

AMRIK SINGH and SBPS, Inc.
d/b/a TRAVEL INN,)

v)

CITY OF GREENVILLE,)

Respondent.)

) IN THE COURT OF COMMON PLEAS

) THIRTEENTH JUDICIAL CIRCUIT

) CASE NUMBER: 2007-CP-23-02755

) **RESPONDENT'S REPLY**
) **MEMORANDUM**

This case has a long history. The City has previously set forth its understanding of the procedural background in its Memorandum in Support of Dismissal of Appeal, dated September 2, 2009, and previously filed with the Court. That Memorandum is incorporated herein by reference. On November 17, 2009, counsel for the parties argued the merits of the case before the Court. At that time, the Court requested additional information from the City as to the number of police call to other hotels in the City for the same time period. By letter dated, December 9, 2009, the City provided the requested back up data in the form of (1) a printout of police calls to all hotels in the City from April 1, 2004 through June 16, 2006, (2) a "key" explaining the alpha numeric codes in the printout and (3) a compiled summary of the type and number of calls for more serious occurrences at each hotel. On December 18, 2009, the City provided follow-up responses to the Court's questions about those calls. In particular the letter stated that the figure of 390 contained in the summary of incidents applicable to the Travel Inn tracked the more serious occurrences and the remaining 511 calls were for matters such as suspicious persons, 911 disconnects, and domestic disputes. Those two letters and the data provided with them are also incorporated herein by reference. At all times in this appeal the primary issue has been whether the City's revocation of the Travel Inn's business license for its unusually high number of police calls - and the conditions generating the calls - was arbitrary and capricious. The supplemental information submitted in response to the Court's request corroborates the unusually high number of calls to Travel Inn and the nuisance conditions that existed there. The chart on the following page illustrates the problem.

GREENVILLE POLICE CALLS TO HOTELS

April 1, 2004 – June 16, 2006

Hotel	Address	Total Calls
Travel Inn	755 Wade Hampton Blvd.	901
Value Lodge	107 Duvall Dr.	581
Hyatt	220 N. Main St.	407
Regal Inn	536 Wade Hampton Blvd.	292
Westin Poinsett	120 S. Main St.	267
Embassy Suites	670 Verdae Blvd.	250
Super 8	27 S. 291	209
Quality Inn	540 N. 291	197
Days Inn	2756 Laurens Rd.	189
La Quinta Inn	65 W. Orchard Park Dr.	152
Budget Inn	10 Mills Ave.	135
Hampton Inn	246 Congaree Rd.	121
Sunset Inn	1403 Wade Hampton Blvd.	107
Hilton	45 W. Orchard Park Dr.	105
Amerisuites	40 Orchard Park Dr.	100
Holiday Inn Express	407 N. Main St.	83
Inn at Orchard Park	50 Orchard Park	78
Courtyard by Marriot	70 Orchard Park Dr.	72
Sleep Inn	231 N. 291	69
Studio Plus	530 Woods Lake Rd.	64
The Phoenix Inn	246 N. 291	45
Crown Plaza	851 Congaree Rd.	42
Hawthorne Suites	48 McPrice Ct.	38
Hampton Inn Downtown	171 Riverplace	7
Pettigru Place	302 Pettigru St.	2
Relax Inn	601 Pendleton St.	2

The Greenville City Code addresses one of several grounds for revocation of a business license in Section 8-43(b) (2) (b):

The police make an unusually high number of response calls, regardless of arrests, to the business premises, or to the immediate vicinity, and the high number of response calls corresponds with or relates to the hours of business operations of the licensee;

The primary question in this litigation is whether the number of calls was "unusually high regardless of the number of arrests made." The foregoing chart shows that the average number of all twenty-six locations – including the Travel Inn – is 173.7 calls. If we delete the top quartile and the bottom quartile as not being representative of the "normal" mid range, then the average number drops to 123. Travel Inn's 901 calls are five times the first figure (173.7) and seven times the second (123). Regardless of the criterion one applies for determining the "average" or the "usual," the Travel Inn clearly had an unusually high number of police calls. The chart on its face upholds the validity of the City's determination.

In its recent Supplemental Memorandum the Travel Inn never refuted that it had an unusually high number of calls. It did not address the central issue. Instead, the Supplemental Memorandum tries to redefine the issue and to divert the Court's attention to what Travel Inn calls the "more significant" calls, presumably the burglaries, disturbances, etc. In trying to redefine the issue in that manner, Travel Inn misses the point on two fronts. First, the nuisance condition that led to the City's action comes into operation regardless of whether there are arrests or not. All of those hundreds of call that Travel Inn sets aside as "insignificant" involved police officers' time and the time of back up police officers. (See City's original Memorandum of September 2, 2009.) Second, Travel Inn shies away from confronting how its number of 390 of the more serious offenses compares with the "usual" number of such calls at other hotels. It is worthy of note that the total of 390 more serious calls exceeds the combined number of both type calls for all but two other of the remaining twenty-five hotels.

Also interesting is when Travel Inn argues that it had only 43 more of the "significant" calls than the number two hotel on the list, which is The Regal Inn/Travel Lodge of Duvall Drive. In desperation to avoid the central issue of the on-going bad conditions at Travel Inn, the Appellant's only substantive defense is to compare itself to

the second worst place in town. Further when Travel Inn's willingness to describe police calls for suspicious persons, domestic disputes, and 911 disconnects as "insignificant" is indicative of its problem that underlies its failure to control its own premises.

The City Manager's letter of March 30, 2007, stated that the Travel Inn must cease operations because of its continuing pattern of behavior:

- The harboring on the premises of a homicide suspect in the room of a man registered simply as "Bill;"
- The arrest by a sheriff's deputy on premises of Mr. Singh's daughter on forgery and fraud charges for actions she took on her customer's credit cards at the Taste of India;
- The response of police to disturbance involving an intoxicated person who was on trespass notice, although when the police arrived Mr. Singh denied knowledge of the event or person;
- The arrest on crack cocaine charges in the Travel Inn parking lot of persons returning to the room of regular patrons of the hotel.

Interestingly, the Appellant's Supplemental Memorandum never addresses the substance of these events. It is silent about the resumed ongoing pattern of drugs, disturbances, burglaries, thefts, and the like. The simple fact is that Amrik Singh presided over an ongoing quagmire of nuisance conditions. Singh would not or could not get the situation under control. Nor would he assist police by telling the truth when they arrived. The original pattern and the resumed activity of early 2007 indicate that the pattern was continuing when Mr. Singh was not supervised constantly and was left to his own devices.

One clarification is important for the record: Appellants' Supplemental Memorandum says, "He [Mr. Singh] had owned and operated the motel for only ninety-three days when Mr. Singh received his first written notice from the Respondent concerning the status of his business license." (Appellants' Supplemental Memorandum, p.1) In fact Amrik Singh signed the business license application for Travel Inn in 2004. Amrik Singh signed business license application for Travel Inn in 2005. Amrik Singh signed the business license application for Travel Inn in 2006. (Exhibit 6 of the Respondent's Memorandum in support of Dismissal of Appeal, September 2, 2009) At all

relevant times of mismanagement of the Travel Inn, Amrik Singh was the person responsible for the premises and operation of the Travel Inn.

Instead of addressing the substance of the perpetual lack of control, the Appellant's Supplemental Memorandum reverts to the pre-occupation with procedural issues. It seems to revisit the proposition that there were two separate proceedings here: the initiating of the revocation process and the City Manager's subsequent action in revoking the license for the continuation of the bad pattern. That issue has already been decided by the Court of Appeals. The Hon. Kay Gorenflow Hearn, then Chief Judge of the Court of Appeals, wrote, "Therefore on remand the circuit court should view the initial complaints against Singh, in addition to the four subsequent complaints, in order to determine whether the city's decision to revoke the Singh's license was arbitrary, unreasonable, or an obvious abuse of discretion." Despite the Travel Inn's ongoing efforts to argue otherwise, there is here a single set of events that were an ongoing threat to public safety. The source of those events was the Travel Inn, and its unmanaged, unsupervised premises.

On issues of process, the Appellant seems to hold that a municipal administrative proceeding should jump through every procedural hoop as would a judicial proceeding. That proposition is unrealistic and is not required by any statute or case law. Indeed, for decades appellate courts of record in this state have held to the maxim that a person is entitled to a fair trial, not a perfect trial. State v. White, 371 S.C. 439, 639 S.E.2d 160 (2006, Ct. App.), State v. Sweet, 342 S.C. 342, 536 S.E.2d 91 (2000); State v. Johnson, 334 S.C. 78, 512 S.E.2d 795 (1999); State v. Whaley, 290 S.C. 463, 351 S.E.2d 340 (1986); Smoak v. Seaboard Coast Line R. Co. 259 S.C. 632, 193 S.E.2d 594 (1972); Crosby v. State, 241 S.C. 40, 126 S.E.2d 843 (1962). If the maxim holds so strongly in court proceedings where a judge presides, it must surely hold in municipal administrative proceedings involving hearing officers, city managers, and council members who are not lawyers, much less judges. Even if it were perceived that Travel Inn did not have a procedurally perfect process, it certainly had a fair one. Travel Inn was represented by counsel at each step of the way. Mr. Singh testified at the administrative hearing. He was present and represented by counsel at the hearing before City Council. It is clear from both transcripts of record that the hearing officer and members of council had studied the

record. Council itself bent over backwards to afford Mr. Singh an opportunity to get control of his situation. In the final analysis he did not.

The Appellant's Supplemental Memorandum asserts that Travel Inn complied with certain provisions of the conditions set by the Manager during the initial period of conditional operation. One of those conditions was that patrons of the hotel register with a full name. The Appellant's Supplemental Memorandum remains silent on the fact that the City Manager's letter of March 30, 2007, points out that the homicide suspect apprehended on the Travel Inn premises was found in a room where only a first name had been used. The lax practice of "first name only," on the guest register - the discontinuance of which was one the conditions to be met - was going to remain uncorrected. The practice invited bad behavior with serious consequences for law enforcement investigations.

With these facts in mind, the legal standard to be applied by the Court is important. The exercise of police power under a municipal ordinance is subject to judicial correction only if the action is arbitrary and has no reasonable relation to a lawful purpose. Town of Hilton Head v. Fine Liquors, Ltd., 302 S.C. 550, 397 S.E.2d 662 (1990), Bob Jones University v. City of Greenville, 243 S.C. 351, 133 S.E.2d 843 (1963); Town of Scranton v. Willoughby, 306 S.C. 421, 412 S.E.2d 424 (1991). These holdings are in line with legal commentaries on the subject.

However, courts will not attempt to control or interfere with the discretion of a municipal legislative body or of a duly designated board or official relative to the grant or denial of a license or permit, approval or disapproval of its transfer, or a revocation or cancellation of a license or permit. All reasonable doubts as to the correctness of the licensing authority's rulings should be resolved in its favor. A trial court reviewing an administrative licensing decision may be precluded from reviewing the case de novo. Accordingly, courts will not question or set aside license or permit requirements or exactions, or the granting, denial or revocation of licenses or permits by municipal authorities except for oppressiveness, discrimination or clear abuse of power or discretion.

McQuillan's on Municipal Corporations, § 26:122.

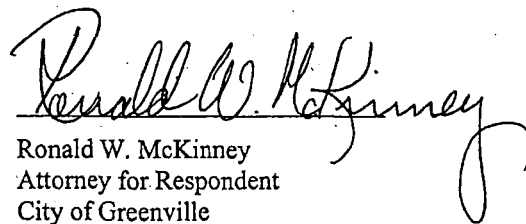
Thus, when reviewing a local government action, a court gives local government great latitude in creating solutions to the many challenges it faces. The council's discretion, and not the court's, must control. In such matters it has been said that the municipal authorities are usually better judges than the courts. Legislative and administrative decisions of municipal bodies will not be disturbed by courts in the absence of arbitrariness, unreasonableness, capriciousness, bad faith, unfairness, oppressiveness, actions in excess of their power, actions under error

of law, or actions directly prohibited by, or inconsistent with the policy of, the state or federal laws or the Constitution of the state or of the United States. 56 Am. Jur. 2d "Municipal Corporations, Etc." § 346. In this instance the City of Greenville recognized and dealt with the serious consequences of incompetent management and control of the premises of the Travel Inn. The question before the Court is whether the Travel Inn as Appellant has met its burden to show by convincing evidence that the action of the City was arbitrary and capricious. No such showing has been or could be shown.

CONCLUSION

The City of Greenville's business license revocation ordinance is fair and has a bona fide public purpose. The City applied the ordinance fairly to Travel Inn. A thorough and complete record demonstrates an ongoing pattern of non compliance. Efforts to hold Travel Inn by the hand could not change its ways. The revocation of the business license was a lawful exercise of municipal authority. The Court should not substitute its own judgment in a de novo proceeding but should assess whether the City's action when viewed as a whole was arbitrary and capricious. It was not arbitrary and capricious. The appeal should be dismissed.

Respectfully submitted,



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Attorney for Respondent
City of Greenville
P.O. Box 2207
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S.C. Bar No. 3862
Office: (864) 467-4420
Fax: (864) 467-4424

Date: April 28, 2010

COPY

STATE OF SOUTH CAROLINA

)
IN THE COURT OF COMMON PLEAS

COUNTY OF GREENVILLE

2010 MAY 26

) A 10-05
THIRTEENTH JUDICIAL CIRCUIT

)
CASE NUMBER: 2007-CP-23-02755

AMRIK SINGH and SBPS, Inc.
d/b/a TRAVEL INN,

FILED-CLERK OF COURT
GREENVILLE CO. S.C.

Appellant,

) CITY OF GREENVILLE'S MOTION
) TO ALTER OR AMEND JUDGMENT
) PURSUANT TO S.C.R.C.P. RULE 59

v.

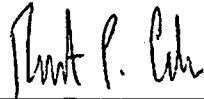
CITY OF GREENVILLE,

Respondent.

The Defendant City of Greenville moves this Honorable Court pursuant to South Carolina Rules of Civil Procedure Rule 59, "Motion to Alter or Amend Judgment," to reconsider and alter or amend its Order dated May 18, 2010, and entered May 19, 2010. The Order of the Court did not take into account that the City of Greenville is organized under the Council-Manager form of municipal government. The granting and revoking of business license is not a legislative matter. It is an administrative/executive matter. State statute provides that a city manager is the chief executive officer of a municipality. City ordinances vest in the manager the authority to revoke a business license. The City Council's role under city ordinances is limited to a review of the revocation. The City council reviewed the revocation and returned the matter to the City Manager from whom the action was appealed. The City Council did not reverse the City Manager. The City Council merely afforded what amounts to a conditional extension of the business license. The reasonableness of the action of the City should be judged on the facts and circumstances as a whole. There is no denial that there was an abnormally high number

of police calls pertaining to the Travel Inn. The Court of Appeals has ruled that it is appropriate to consider the reasonableness of the action based on all conditions and circumstances at the Travel Inn. The order did not deny the seriousness of the instances leading to the final revocation, nor did the Plaintiff bear its burden of proof to refute the facts. When viewed as a whole the actions of the City were reasonable and fair and the Plaintiffs failed to meet the high burden of proof to show otherwise. The defendant will soon present to the Court a memorandum in support of this motion.

Respectfully submitted,

 ON BEHALF OF

RONALD W. MCKINNEY
CITY ATTORNEY
OFFICE OF THE CITY ATTORNEY
Post Office Box 2207
Greenville, South Carolina 29602
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864-467-4424 facsimile

May 24, 2010
Greenville, South Carolina

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

CASE NO.: 2007-CP-23- 02755

AMRIK SINGH and SBPS, Inc.,
d/b/a TRAVEL INN

MOTION AND ORDER INFORMATION

FORM AND COVERSHEET

vs.

CITY OF GREENVILLE

FILED CLERK OF COURT
GREENVILLE CO. S.C.
MAY 26 2007

Plaintiff's Attorney:
Ronald W. McKinney, Bar No. _____
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E-mail: rmckinney@greenvillesc.gov

Defendant's Attorneys:
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E-mail: wally@fayssouxlaw.com
Ryan L. Beasley
650 East Washington Street
Greenville, South Carolina 29601
Phone: (864) 467-1001 Fax (864) 242-6560
E-mail: rlb@ryanbeasleylaw.com

- ☒ MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)
☐ FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)
☐ PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)

SECTION I: Hearing Information

Nature of Motion: Motion to Alter or Amend Judgment

Estimated Time Needed: 1 hr

Court Reporter Needed: ☒ YES ☐ NO

SECTION II: Motion/Order Type

- ☒ Written motion attached
☐ Form Motion/Order

I hereby move for relief or action by the court as set forth in the attached proposed order.

Ronald W. McKinney ON BEHALF OF: RONALD W. MCKINNEY 5/24/10
Signature of Attorney for ☐ Plaintiff / ☐ Defendant Date submitted

SECTION III: Motion Fee

- ☐ PAID - AMOUNT: \$
☐ EXEMPT: (check reason)
☐ Rule to Show Cause in Child or Spousal Support
☐ Domestic Abuse or Abuse and Neglect
☐ Indigent Status ☐ State Agency v. Indigent Party
☐ Sexually Violent Predator Act ☐ Post-Conviction Relief
☐ Motion for Stay in Bankruptcy
☐ Motion for Publication ☐ Motion for Execution (Rule 69, SCRCP)
☐ Proposed order submitted at request of the court; or,
reduced to writing from motion made in open court per judge's instructions
Name of Court Reporter: _____
☐ Other: _____

JUDGE'S SECTION

- ☐ Motion Fee to be paid upon filing of the attached order.
☐ Other: _____

JUDGE CODE _____

Date: _____

CLERK'S VERIFICATION

- Collected by: BR Date Filed: 5-25-10
☐ MOTION FEE COLLECTED: \$
☐ CONTESTED - AMOUNT DUE: \$

CK# 2055
Greenville

SCCA 233 (11/2003)

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

AMRIK SINGH and SBPS, Inc.
d/b/a TRAVEL INN,

FILED-CLERK OF COURT
GREENVILLE CO. S.C.
MAY 26 10:05 AM '10

IN THE COURT OF COMMON PLEAS

THIRTEENTH JUDICIAL CIRCUIT

CASE NUMBER: 2007-CP-23-02755

COPY

v.

CITY OF GREENVILLE,

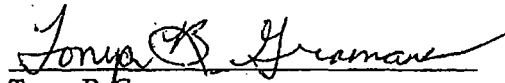
Respondent.

CERTIFICATE OF SERVICE

I hereby certify that City of Greenville's Motion to Alter or Amend Judgment Pursuant to S.C.R.C.P. Rule 59 in the above-referenced case was served on Appellant, Amrik Singh and SBPS, Incorporated, d/b/a Travel Inn, by depositing a copy of the document in the United States Mail, with proper postage affixed, this 24th day of May, 2010 to the Appellant's Attorneys as addressed below:

Ryan L. Beasley
Attorney at Law
650 East Washington Street
Greenville, South Carolina 29601

James W. Fayssoux, Jr.
Attorney at Law
209 East Washington Street
Greenville, South Carolina 29601



Tonya B. Gramann
Legal Office Manager
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Post Office Box 2207
Greenville, South Carolina 29602
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May 24th, 2010
Greenville, South Carolina

THE STATE OF SOUTH CAROLINA
[In The Court of Appeals]

RECEIVED
JUL 15 2010
SC Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Edward W. Miller, Circuit Court Judge

Case No. 2007-CP-23-02755

Amrik Singh and SBPS, Inc.
d/b/a/ Travel Inn,

Respondents,

v.

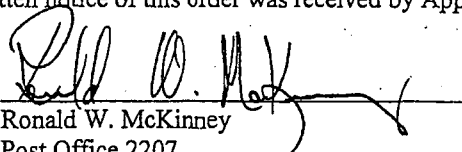
City of Greenville,

Appellant.

NOTICE OF APPEAL

The City of Greenville appeals the order of the Honorable Edward W. Miller dated May 18, 2010. Appellant received written notice of entry of this order on May 20, 2010. The City moved to alter or amend judgment on May 24, 2010. Judge Miller denied City's motion to alter or amend judgment on June 8, 2010, and written notice of this order was received by Appellant on June 16, 2010.

July 14, 2010


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THE STATE OF SOUTH CAROLINA
[In The Court of Appeals]

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Edward W. Miller, Circuit Court Judge

Case No. 2007-CP-23-02755

Amrik Singh and SBPS, Inc.
d/b/a/ Travel Inn,

Respondents,

v.

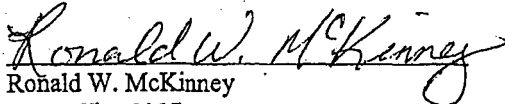
City of Greenville,

Appellant.

AMENDED NOTICE OF APPEAL

The City of Greenville appeals the order of the Honorable Edward W. Miller dated May 18, 2010. Appellant received written notice of entry of this order on May 20, 2010. The City moved to alter or amend judgment on May 24, 2010. Judge Miller denied City's motion to alter or amend judgment on June 8, 2010, and written notice of this order was received by Appellant on June 16, 2010.

July 26, 2010


Ronald W. McKinney
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AUG 9 6 2010

CITY ATTORNEY

RECEIVED

JUL 27 2010

SC Court of Appeals

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS

AMRIK SINGH,)
)
 PLAINTIFF,)
)
 -VS-)
)
 CITY OF GREENVILLE,)
)
 DEFENDANT.)
 _____)

2007-CP-23-2755

TRANSCRIPT OF RECORD

NOVEMBER 17, 2009
GREENVILLE, SOUTH CAROLINA

BEFORE:

THE HONORABLE EDWARD W. MILLER

APPEARANCES:

ATTORNEY FOR PLAINTIFF:

JAMES W. FAYSSOUX, JR., ESQUIRE
RYAN L. BEASLEY, ESQUIRE

ATTORNEY FOR DEFENDANT:

RONALD W. McKINNEY, ESQUIRE

SUSAN W. HUDGINS
CIRCUIT COURT REPORTER

EXHIBITS

<u>NO</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EVIDENCE</u>
P-1	11/16/09 HEARING EXHIBITS	6	7
P-2	LIST OF EXHIBITS A-K & POLICE REPORTS	39	39
D-1	TOTAL OF HOTEL COMPLAINTS (25)	39	39
D-2	CITY OF GREENVILLE MEMORANDUM & INCIDENT CALLS	39	39

INDEXWITNESSPAGE NO.

CERTIFICATE OF REPORTER

41

1 THE COURT: ALL RIGHT. WHAT ARE WE DOING?

2 MR. FAYSSOUX: YOUR HONOR, I'LL TAKE THE LEAD. WE
3 ARE HERE ON REMAND FROM THE COURT OF APPEALS. AND I HAVE
4 A COPY OF THE ORDER, YOUR HONOR, IF YOU NEED IT, TO PASS
5 UP.

6 THE COURT: THE DECISION WHERE I GOT REVERSED?

7 MR. FAYSSOUX: THE DECISION WHERE YOU WERE
8 ERRONEOUSLY REVERSED, YES, SIR.

9 THE COURT: OH, OKAY. ALL RIGHT.

10 MR. FAYSSOUX: AND I DON'T KNOW THAT YOU WERE SO
11 MUCH REVERSED, YOUR HONOR. I THINK THEY JUST SIMPLY SAID
12 THEY WANT US TO ARGUE ABOUT A DIFFERENT FACT, ---

13 THE COURT: OKAY.

14 MR. FAYSSOUX: --- WHICH IS ESSENTIALLY WHERE WE
15 ARE. I THINK THE ULTIMATE HOLDING OF THE COURT OF
16 APPEALS IS THAT THE REVOCATION OF THE INITIAL BUSINESS
17 LICENSE AND THE SUBSEQUENT REVOCATION OF THE CONDITIONAL
18 BUSINESS LICENSE IS GOING TO BE TREATED AS ONE
19 REVOCATION. SO EVEN THOUGH WE MAY STRONGLY DISAGREE WITH
20 THAT FACT, I THINK THAT'S WHAT WE'RE BOUND BY HERE TODAY.
21 SO THE QUESTION FROM THE COURT OF APPEALS SENT BACK
22 TO YOU, YOUR HONOR, IS BASICALLY ALLOWING US TO CONTINUE
23 WITH OUR INITIAL APPEAL OF THEIR OVERALL EVER EVOLVING
24 DECISION TO REVOKE OUR BUSINESS LICENSE.

25 THE COURT: DO YOU HAVE A COPY OF THE -- I THOUGHT

1 IT WOULD BE IN THE FILE, BUT IT'S NOT.

2 MR. FAYSSOUX: I DO, YOUR HONOR. SPECIFICALLY THE
3 COURT IS ASKING YOU TO LOOK AT TWO -- ONE FACTOR, WHETHER
4 OR NOT THE DECISION OF THE CITY TO REVOKE MR. SINGH'S
5 BUSINESS LICENSE WAS ARBITRARY AND CAPRICIOUS OR
6 UNREASONABLE.

7 AND THE COURT FURTHER GAVE -- THE COURT OF APPEALS
8 FURTHER GAVE THE TRIAL COURT SOME INSTRUCTIONS TO SAY YOU
9 CAN CONSIDER ALL THE EXISTING COMPLAINTS AGAINST MR.
10 SINGH IN REACHING THAT DECISION. THEY DO NOT TELL US
11 WHETHER THEY MEAN THE WHOLE NINE HUNDRED AND EIGHTEEN
12 ALLEGED CALLS OR ONLY THE COMPLAINTS SINCE MR. SINGH TOOK
13 OWNERSHIP OF THE PREMISES. AND I'LL TALK ABOUT THAT IN A
14 LITTLE MORE DETAIL IN A SECOND. BUT THEY DO ASK YOU TO
15 CONSIDER THAT.

16 AND THEY FURTHER SPECIFICALLY REQUEST THAT THE COURT
17 CONSIDER IN REACHING A DECISION AS TO WHETHER OR NOT THE
18 REVOCATION WAS ARBITRARY AND CAPRICIOUS THE FACT THAT THE
19 CITY VESTED COMPLETE DISCRETION IN THE CITY MANAGER. AND
20 SO THOSE ARE THE TWO THINGS THAT I THINK I'D LIKE TO
21 ADDRESS BRIEFLY, I'D LIKE TO ADDRESS AS BRIEFLY AS I CAN
22 TODAY, YOUR HONOR.

23 AND BEFORE WE GET STARTED, I'LL TRY NOT TO BELABOR
24 IT, BUT I THINK WE NEED TO JUST BRIEFLY SET UP THE
25 OVERALL FACTS AGAIN IN THIS CASE. IF YOU'LL REMEMBER,

1 YOUR HONOR, BACK IN 2006 MY CLIENT WHO HAD BEEN WORKING
2 AS AN EMPLOYEE OF THE TRAVEL INN ACTUALLY PURCHASED THE
3 TRAVEL INN FROM AN INDIVIDUAL, PAID SIX HUNDRED THOUSAND
4 DOLLARS FOR IT. THAT WAS IN, I BELIEVE, MAY OF 2006.

5 SOME, NOT EVEN THREE MONTHS, LESS THAN THREE MONTHS
6 AFTER HE ACTUALLY PURCHASED THE TRAVEL INN HE RECEIVES A
7 LETTER FROM THE CITY, WHICH WE WOULD CONTEND IS OUR FIRST
8 OFFICIAL NOTICE SAYING THAT THEY ARE REVOKING OUR
9 BUSINESS LICENSE BASED ON THE GREENVILLE ORDINANCE THAT
10 WE HAD ESSENTIALLY BECOME A NUISANCE BECAUSE OF THE
11 EXCESSIVE 911 CALLS AND COMPLAINTS OF CRIMINAL ACTIVITY.

12 WE WENT THROUGH THE NORMAL PROCEDURAL PROCESS. WE
13 APPEALED THAT. THE CITY HEARING OFFICER MADE A DECISION
14 ON THE CITY MANAGER'S DECISION UPHOLDING MR. BOUREY'S
15 DECISION TO REVOKE OUR LICENSE.

16 WE THEN APPEALED TO CITY COUNCIL. CITY COUNCIL
17 LOOKED AT THE REVOCATION AND CONSIDERED NOT ONLY THE FACT
18 THAT WE ONLY OWNED IT FOR THREE MONTHS DURING THIS
19 ALLEGED NINE HUNDRED AND EIGHTEEN CALLS, BUT THAT WE WERE
20 WILLING TO DO ALL SORTS OF THINGS TO TRY TO REMEDY THE
21 PROBLEM.

22 (WHEREUPON PLAINTIFF'S EXHIBIT 1 WAS MARKED FOR
23 IDENTIFICATION)

24 AND WHAT THE CITY COUNCIL SPECIFICALLY FOUND, AND,
25 YOUR HONOR, I'LL PASS THIS UP BECAUSE I MAY NEED TO REFER

1 TO IT OCCASIONALLY. I'VE MARKED THIS AS PLAINTIFF'S
2 EXHIBIT 1. IT'S A LIST OF ITEMS THAT I THINK ARE
3 IMPORTANT TO TODAY'S RULING.

4 (WHEREUPON PLAINTIFF'S EXHIBIT 1 WAS ADMITTED INTO
5 EVIDENCE)

6 THE FIRST ON THERE IS THE CITY COUNCIL MINUTES. AND
7 THE GIST OF THE CITY COUNCIL MINUTES, ALTHOUGH THEY DO
8 FLOP ALL OVER THE PLACE, IS BASICALLY BEST SUMMED UP BY
9 DEBRA SMOCK. COUNCIL WOMAN SMOCK, WHEN ---

10 THE COURT: DEBRA SMOCK?

11 MR. FAYSSOUX: MAYBE I'VE MISSED -- DIANE SMOCK.

12 I'M SORRY.

13 THE COURT: OH, HER. YEAH, OKAY.

14 MR. FAYSSOUX: YES, SIR. DIANE SMOCK BASICALLY SAID
15 THEY BELIEVE IN SECOND CHANCES. AND WHAT THEY FOUND WAS
16 THAT IF HE DID NOT SHOW DRAMATIC IMPROVEMENT THAT THEY
17 WERE GOING TO REVOKE HIS BUSINESS LICENSE. AND THEY DID
18 NOT DEFINE DRAMATIC IMPROVEMENT AS ONLY TEN OR FIFTEEN
19 CALLS OR TWENTY CALLS. THEY SPECIFICALLY DIDN'T PUT A
20 NUMBER IN THERE.

21 INSTEAD WHAT THEY DID IS THEY SAID YOU GET WITH THE
22 CITY MANAGER AND YOU AGREE TO A SPECIFIC SET OF
23 CONDITIONS. THAT IS OUTLINED IN EXHIBIT 2, YOUR HONOR,
24 WHICH IS THE NOVEMBER 15TH, 2006 LETTER FROM MAYOR PRO TEM
25 FLEMMING IN WHICH THEY DIRECT US TO GET WITH THE CITY

1 MANAGER. THEY SPECIFICALLY REST DISCRETION WITH THE CITY
2 MANAGER AS TO WHETHER OR NOT WE'RE FOLLOWING THESE
3 CONDITIONS, BUT THEY TELL US WHAT WE HAVE TO DO.

4 EXHIBIT 3, YOUR HONOR, IS A LIST OF SOME TEN
5 CONDITIONS THAT ARE SIGNED BY MY CLIENT AND ARE SIGNED BY
6 LIEUTENANT EVERETT ON BEHALF OF THE CITY. AND IT'S
7 TITLED CITY MANAGER'S CONDITIONS. AND THIS IS AN
8 11/16/2006 DOCUMENT IN WHICH THEY SET FORTH TEN
9 CONDITIONS THAT WE'RE REQUIRED TO LIVE UP TO IF WE'RE
10 GOING TO DO TWO THINGS; ONE, KEEP OUR BUSINESS LICENSE,
11 AND MEET THIS DEFINED STANDARD BY COUNCIL WOMAN SMOCK
12 THAT WE HAVE DRAMATICALLY IMPROVED THE ENVIRONMENT OF THE
13 TRAVEL INN. SO EVERYBODY'S ON THE SAME PAGE AS OF
14 11/17/2006.

15 DURING THAT SIXTY DAY PERIOD AS PART OF THE
16 CONDITIONS AND AS PART OF THE LETTER WE WERE ALSO
17 SUPPOSED TO HAVE THE CITY OF -- THE GREENVILLE CITY
18 POLICE CHECK ON US, MONITOR US AND DILIGENTLY MAKE SURE
19 THAT WE HAVE COMPLIED WITH EVERY ASPECT OF THE
20 CONDITIONS. AT THE END OF THE SIXTY DAY PERIOD THEY WERE
21 TO ISSUE A LETTER TO THE CITY MANAGER AND TO THE CITY
22 SAYING WHETHER OR NOT MR. SINGH HAD LIVED UP TO HIS
23 CONDITIONS OR HIS TERMS UP UNDER THE AGREEMENT.

24 THAT'S EXHIBIT 4, YOUR HONOR. THIS IS A MEMORANDUM
25 SUBMITTED BY CHIEF WILLIE JOHNSON TO THE CITY MANAGER.

1 AND AT THE END OF THE SIXTY DAY PERIOD HIS CONCLUSION IS
2 THIS; BASED ON OUR INSPECTIONS MR. SINGH HAS LIVED UP TO
3 THE CONDITIONS OUTLINED IN THE NOVEMBER 17TH, 2006 MEETING
4 LISTED ABOVE. THAT'S IT. WE'VE DONE EVERYTHING WE'RE
5 SUPPOSED TO DO.

6 NOW HERE'S WHERE THE RUB BEGINS. THE CITY MANAGER
7 ARBITRARILY WITHOUT AUTHORITY FROM CITY COUNCIL, AND FOR
8 WHATEVER REASON WE'LL NEVER KNOW, DECIDES I'M GOING TO
9 MAKE YOUR PROBATIONARY PERIOD NOT SIX MONTHS, BUT I'M
10 GOING TO MAKE IT A YEAR. DON'T KNOW WHY HE DID THAT OR
11 WHAT HE DID IT FOR, HE JUST DID IT. REGARDLESS, WE SAY,
12 OKAY, AND WE KEEP MOVING FORWARD.

13 OVER THE COURSE OF JANUARY 1ST TO, I BELIEVE, THE
14 BEGINNING OF MARCH WE THINK WE'RE DOING EXACTLY WHAT
15 COUNCIL WOMAN SMOCK DEMANDED OF US. WE SHOW A DRAMATIC
16 IMPROVEMENT ---

17 THE COURT: WAS THERE AN EXHIBIT THAT YOU REFERRED
18 TO WITH RESPECT TO THE EXTENSION?

19 MR. FAYSSOUX: YOUR HONOR, THERE IS A LETTER --
20 YEAH, I DO, YOUR HONOR. IT'S EXHIBIT 5.

21 THE COURT: OKAY.

22 MR. FAYSSOUX: EXHIBIT 5 IS THE FEBRUARY 20TH LETTER
23 THAT MY CO-COUNSEL, RYAN BEASLEY, RECEIVED IN WHICH THEY
24 ACTUALLY LESSENERED A LITTLE BIT SOME OF THE ASTRINGENT
25 REQUIREMENTS. MY CLIENT WAS GOING BANKRUPT PAYING

1 SECURITY PERSONNEL AND SPENT THOUSANDS OF DOLLARS AND
2 DOING EVERYTHING THEY OUTLINED. AND THEY BASICALLY CUT
3 DOWN ON SOME OF THE SUPERVISION, CUT DOWN ON SOME OF THE
4 SECURITY, BUT SAID YOU'RE GOING TO DO IT FOR A YEAR. WE
5 CONTINUED TO ROCK ALONG.

6 ON MARCH 30TH, 2007 OUT OF ESSENTIALLY LEFT FIELD WE
7 GET THIS OTHER LETTER FROM MR. BOUREY. THIS IS EXHIBIT
8 6, YOUR HONOR. IT'S A MARCH 30TH, 2007 LETTER IN WHICH HE
9 SAYS HE IS REVOKING OUR BUSINESS LICENSE BECAUSE -- AND
10 THE BASIS FOR THE REVOCATION IS THE MANAGEMENT'S
11 INABILITY OR UNWILLINGNESS TO MAINTAIN A SAFE, DRUG FREE
12 AND CRIME FREE ENVIRONMENT. SO THAT SETS UP THE FACTS.

13 NOW WE GOT BEFORE YOU, YOUR HONOR, BECAUSE WE ASKED
14 TO GO BACK TO CITY COUNCIL. THE CITY ATTORNEY AT THAT
15 TIME, MS. GAMMONS, SENT US A LETTER REFUSING TO SEND IT
16 BACK TO CITY COUNCIL SAYING WE'VE MADE OUR DECISION. AND
17 THEN ULTIMATELY WE ENDED UP HERE IN FRONT OF YOU.

18 AND WE'RE ARGUING A LOT. BUT WE'RE ARGUING WHETHER
19 OR NOT IT WAS ARBITRARY AND CAPRICIOUS, WHETHER OR NOT IT
20 WAS APPEALED. AND THEN THAT'S WHEN THIS COURT MADE A
21 FINDING THAT IT WAS A NEW BUSINESS LICENSE THAT HAD ITS
22 OWN CONSTITUTIONAL GUARANTEES. AND IT WAS SENT UP TO THE
23 COURT OF APPEALS. AND NOW HERE WE ARE.

24 SO, YOUR HONOR, TO ANSWER THE INITIAL QUESTIONS OF
25 WHETHER OR NOT, ONE, THE DECISION OF THE CITY MANAGER WAS

1 ARBITRARY AND CAPRICIOUS AND UNREASONABLE. I'VE GOT A
2 COUPLE OF POINTS THAT I THINK THE COURT NEEDS TO
3 CONSIDER.

4 ONE OF THE MOST TELLING FACTS IS THE FIRST THING
5 THAT THE COURT OF APPEALS INDICATES, IS THAT YOU SHOULD
6 CONSIDER ALL OF THE COMPLAINTS ALLEGED AGAINST MR. SINGH.
7 I THINK IT IS INCREDIBLY TELLING, YOUR HONOR, THAT FROM
8 THE BEGINNING COUNSEL FOR THE CITY KEEPS THROWING OUT
9 THIS NUMBER OF NINE HUNDRED AND EIGHTEEN INCIDENTS, NINE
10 HUNDRED AND EIGHTEEN INCIDENTS. EVERY TIME THEY GET A
11 CHANCE THEY THROW THAT OUT.

12 THEY HAVE NEVER ONCE PROPERLY SUBMITTED EVIDENCE OF
13 ANY NINE HUNDRED AND EIGHTEEN INCIDENTS. WE'VE NOT SEEN
14 ALL THE POLICE REPORTS FOR THAT. WE'VE NOT SEEN ANY
15 VERIFICATION FOR THAT. IT'S JUST A SHOCKING NUMBER THAT
16 THEY LIKE TO KEEP THROWING OUT THERE. DID THE SAME THING
17 IN FRONT OF THE COURT OF APPEALS.

18 AND THERE'S A REASON WHY THEY'VE NEVER SUBMITTED ALL
19 THE NINETEEN [SIC] HUNDRED AND EIGHTEEN INCIDENTS.
20 NUMBER ONE, IT WAS TWO YEARS BEFORE HE EVER EVEN OWNED
21 THE PROPERTY. NUMBER TWO, BASED ON OUR FOIA REQUEST AND
22 OUR WORK WE THINK THAT IT SHOWS LESS THAN TEN PERCENT OF
23 THESE ALLEGED NINE HUNDRED AND EIGHTEEN INCIDENTS WERE
24 ANYTHING TO DO WITH A NUISANCE OR A CRIME. WE HAD
25 SPEEDING TICKETS IN THERE. WE HAD THINGS THAT ARE

1 COMPLETELY UNRELATED TO THE PURPOSE OF THIS STATUTE.

2 SO IT IS HORRIBLY MISLEADING TO THIS COURT AND TO
3 THE COURT OF APPEALS TO ALLEGE THAT THERE'S NINE HUNDRED
4 AND EIGHTEEN INCIDENTS WHEN AS BEST WE CAN TELL WE THINK
5 EIGHTY-SIX MAY HAVE DEALT WITH SOME SORT OF CRIMINAL
6 BEHAVIOR OR NUISANCE BEHAVIOR THAT WOULD QUALIFY UNDER
7 THE STATUTE.

8 SO IT'S NEVER PROPERLY ADMITTED. AND THERE'S A
9 REASON THEY'RE NOT PROPERLY ADMITTING IT. AND THERE'S A
10 REASON WHY EVEN IN THE CITY'S MEMORANDUM TODAY THEY DON'T
11 PUT THAT EVIDENCE IN IS BECAUSE IT'S NOT TRUE AND IT'S
12 MISLEADING.

13 BUT FOR THE SAKE OF ARGUMENT LET'S ASSUME THAT THESE
14 NINE HUNDRED AND EIGHTEEN INCIDENTS REALLY WERE EXISTING
15 CRIMINAL ACTIVITY. AND LET'S ASSUME EVEN THOUGH THAT MR.
16 SINGH DIDN'T OWN THE PROPERTY, HE'S GOING TO BE HELD
17 ACCOUNTABLE FOR SOMEBODY WHO HAD IT BEFORE HIM. THE
18 INSTRUCTIONS FROM CITY COUNCIL, THE CONDITIONS TO THE
19 BUSINESS LICENSE WHETHER HE SHOWED A DRAMATIC
20 IMPROVEMENT, YOUR HONOR, HE WENT FROM AN AVERAGE OF
21 THIRTY-SIX CALLS A MONTH, IF YOU ACCEPT THAT NUMBER, TO
22 LESS THAN ONE CALL A MONTH.

23 NOW THERE'S FOUR INCIDENTS THEY'VE BEEN ABLE TO COME
24 UP WITH. SO THE QUESTION IS GOING TO BE IF THE CITY
25 MANAGER NOW IS GOING TO SAY, WELL, THESE FOUR INCIDENTS

1 CONSTITUTE A VIOLATION OF THE STATUTE OR CONSTITUTE A
2 BASIS FOR REVOCATION, WE'VE GOT TO DECIDE IS THAT
3 ARBITRARY AND UNREASONABLE. THAT WOULD APPLY TO THE
4 UNREASONABLE PRONG.

5 WOULD IT BE UNREASONABLE FOR HIM TO SAY THAT FOUR
6 INCIDENTS CONSTITUTES A PROBLEM THAT REQUIRES REVOCATION
7 WHEN HE TREATS EVERY OTHER HOTEL IN THE CITY DIFFERENTLY?
8 AND THE FACT IS HE DOES.

9 WE'VE ENTERED IT INTO EVIDENCE AT PREVIOUS HEARINGS.
10 IT'S BEEN IN THE RECORD. AND IT WAS SUBJECT TO A FOIA
11 REQUEST. I'M HOPING I CAN FIND IT QUICKLY.

12 BUT WE FOUND IN THIS SAME TIME-FRAME, FROM JANUARY 1
13 TIL MARCH 30TH WHEN THEY REVOKED OUR LICENSE, THE REGAL
14 INN, OUR NEIGHBOR, HAD THIRTY-FIVE INCIDENTS. THE VALUE
15 LODGE HAD A HUNDRED AND EIGHT. THE WESTIN HAD TWELVE.
16 THE BUDGET INN HAD SEVENTEEN. DAYS INN HAD TWENTY-EIGHT.
17 EMBASSY SUITES, THIRTEEN. THE HILTON HAD FOURTEEN.
18 HOLIDAY INN EXPRESS, SEVENTEEN. THE HYATT HAD TWENTY-
19 NINE. THE INN AT ORCHARD PARK HAD FIFTEEN. QUALITY INN
20 HAD SIXTEEN. AND THE TRAVEL INN HAD FOUR.

21 SO WE'RE BETTER THAN ANYBODY IN THE CITY. AND I'M
22 ASSUMING IF THE CITY ---

23 THE COURT: LET ME ASK YOU THIS. DO YOU HAVE THE --
24 OVER THE SAME PERIOD WHERE THE CITY ALLEGES NINE HUNDRED,
25 DO YOU HAVE THE NUMBERS FOR THOSE HOTELS?

1 MR. FAYSSOUX: I'M AFRAID I DON'T, YOUR HONOR.

2 THE COURT: OKAY.

3 MR. FAYSSOUX: I'M AFRAID I DON'T. BUT I -- AGAIN,
4 WE'VE GOT TO DEFINE WHAT AN INCIDENT IS. BUT IT WOULD
5 APPEAR THE CITY, FOR PURPOSES OF GETTING OUR LICENSE
6 REVOKED, WOULD SAY THAT IF YOU GET PULLED OVER AND HAVE A
7 SPEEDING TICKET AND ARE PULLED OVER IN OUR PARKING LOT,
8 THEY ARE COUNTING THAT IN THE NINE HUNDRED AND EIGHTEEN
9 INCIDENTS. ALL RIGHT, YOUR HONOR.

10 SO WE KNOW BY THAT STANDARD RIGHT THERE IT'S
11 COMPLETELY UNREASONABLE. AND I'M ASSUMING ALL THE CITY
12 IS GOING TO BE ARGUING ABOUT IS THESE FOUR INCIDENTS
13 BECAUSE NOWHERE IN THIS MEMORANDUM OF DISMISSAL DO WE SEE
14 ANY EVIDENCE ABOUT THIS OTHER ALLEGED NINE HUNDRED AND
15 EIGHTEEN INCIDENTS, JUST A REFERENCE BY NUMBER. SO I'M
16 ASSUMING THAT'S NOT COMING IN.

17 THE NEXT QUESTION WE HAVE, YOUR HONOR, IS, OKAY, IF
18 SOMEHOW FOUR BEING INAPPROPRIATE FOR US AND THREE TIMES
19 AS MANY BEING OKAY FOR THE HYATT IS THE CITY MANAGER
20 HIMSELF HAVING THIS UNLIMITED DISCRETION, THIS UNFETTERED
21 WILL TO DECIDE WHETHER OR NOT WE VIOLATED? IS THAT AN
22 ABUSE OF DISCRETION?

23 AND I THINK THERE ARE TWO CASES THAT ARE INCREDIBLY
24 ON POINT. THE FIRST ONE, YOUR HONOR, IS PETERSON VERSUS
25 OUTDOOR ADVERTISING. AND WITH THE COURT'S PERMISSION I'D

1 LIKE TO PASS THIS CASE UP BECAUSE I THINK IT IS DEAD ON
2 POINT.

3 YOUR HONOR, IN THE PETERSON CASE THERE WAS A ZONING
4 BOARD THAT WAS DENYING AN APPLICATION TO PUT UP TWO
5 BILLBOARDS. AND WHAT THEY ESSENTIALLY SAID IS THEY
6 LOOKED AT THE KIND OF THE FLOWERY OVER-ARCHING LANGUAGE
7 OF THE ZONING ORDINANCE AND SAID GENERALLY WE WANT TO
8 HAVE AN AESTHETICALLY NICE COMMUNITY. AND WE'RE DENYING
9 THESE BUILDING PERMITS BECAUSE IT JUST DOESN'T LOOK GOOD.
10 AND TO QUOTE THEM VERBATIM, THEY SAID IT'S CLUTTER AND IT
11 DOESN'T LOOK GOOD. THAT WAS THE BASIS BASICALLY FOR
12 DENYING IT.

13 THE APPLICANT APPEALED. AND IT EVENTUALLY WENT UP
14 TO THE COURT OF APPEALS. AND HERE'S WHAT THEY SAID.
15 WHEN A GOVERNING BODY, A CITY OF MUNICIPALITY OR A CITY
16 MANAGER MAKES A DECISION BASED ON SOME UNDEFINABLE
17 STANDARD THAT IS NOWHERE IN THE UNDERLYING STATUTE, THAT
18 IN ITSELF IS ARBITRARY BECAUSE IT VIOLATES CONSTITUTIONAL
19 GUARANTEES OF DUE PROCESS. IT'S INHERENTLY VAGUE. WE
20 HAVE NO WAY OF KNOWING WHETHER OR NOT THEY'VE COMPLIED
21 WITH A PORTION OF THE STATUTE WHEN THEY JUST CREATE THEIR
22 OWN STANDARD.

23 YOUR HONOR, THEY OVERTURNED THAT CASE. THAT CASE IS
24 A GOOD LAW OF THE SUPREME COURT OF SOUTH CAROLINA FROM
25 1997. THAT IS EXACTLY WHAT HAS HAPPENED IN THIS CASE

1 BECAUSE IF YOU WILL SEE ON EXHIBIT 5 THE LETTER
2 ULTIMATELY REVOKING OUR BUSINESS LICENSE -- I MAY HAVE
3 MISQUOTED THAT. EXHIBIT 6, YOUR HONOR.

4 THE COURT: 6.

5 MR. FAYSSOUX: YES, SIR. THE LETTER REVOKING OUR
6 BUSINESS LICENSE SETS FORTH THE REASONS. IT DOESN'T SAY
7 WE VIOLATED A SINGLE CONDITION THAT WE AGREED TO BECAUSE
8 THEY CAN'T POINT TO ANY OF THE SIGNED TEN CONDITIONS THAT
9 WE AGREED TO, WE'VE UPHELD. THEY DON'T POINT TO AN
10 EXCESSIVE NUMBER OF CALLS BECAUSE THEY KNOW THAT DOING
11 THAT WOULD SHOW THAT WE'RE AUTOMATICALLY LESS THAN
12 EVERYBODY ELSE IN THE CITY.

13 SO WHAT HE DOES, MR. BOUREY CREATES A UTOPIA
14 STANDARD. AND HE SAYS IF YOU DON'T MAINTAIN A SAFE, DRUG
15 FREE, CRIME FREE ENVIRONMENT, I'M TAKING IT. THAT FLIES
16 IN THE FACE OF PETERSON. THAT FLIES IN THE FACE OF
17 CONSTITUTIONAL GUARANTEES. AND THAT IN ITSELF IS
18 ARBITRARY AND UNREASONABLE AND SHOULD BE OVERTURNED.

19 AND, YOUR HONOR, THAT LINE OF THOUGHT IS SUPPORTED
20 NOT ONLY BY PETERSON VERSUS MYRTLE BEACH, BUT I'D ALSO
21 LIKE TO PASS UP ONE OTHER CASE, SCHLOSS ADVERTISING
22 COMPANY VERSUS THE CITY OF ROCK HILL. IT'S AN OLD CASE.
23 IT'S A '39 SUPREME COURT CASE.

24 BUT IT'S A REALLY GOOD ARGUMENT BY THE SUPREME COURT
25 WHEN THEY TALK ABOUT THE INHERENT DANGER OF VESTING SOME

1 SORT OF UNRESTRAINED WILL OR UNFETTERED POWER TO AN
2 INDIVIDUAL OR TO A CITY TO LET THEM ARBITRARILY DECIDE,
3 YOU KNOW, A SET OF STANDARDS IS GOING TO WORK FOR ONE
4 HOTEL, BUT IT'S NOT GOING TO WORK FOR ANOTHER HOTEL.

5 AND WHAT'S THE POINT OF CONSTITUTIONAL DUE PROCESS
6 IF THE CITY IS ALLOWED TO CIRCUMVENT THE ENTIRE PURPOSE
7 OF THESE STATUTES AND THE PURPOSES OF GETTING NOTICE AND
8 THEN LETTING THE CITY MANAGER MAKE SOME SORT OF ARBITRARY
9 DECISION?

10 SO, YOUR HONOR, I'M SURE I'LL HAVE MORE. AND I'M
11 TRYING TO KEEP IT AS BRIEF AS I CAN. BUT I THINK THOSE
12 ARE MY MAIN POINTS.

13 THE CITY, IF WE'RE GOING TO LOOK AT THIS AND WE'RE
14 BOUND BY THE COURT OF APPEAL'S ARGUMENT THAT THIS IS A
15 CONTINUING REVOCATION, EVEN THOUGH IT'S A CONTINUING
16 REVOCATION THEY HAVE TO ADHERE TO CONSTITUTIONAL
17 GUARANTEES AND THEY HAVE TO AT LEAST, IF THEY'RE GOING TO
18 REVOKE OUR LICENSE, USE SOME SORT OF DEFINABLE STANDARD.

19 THE CITY MANAGER'S REVOCATION DOES NOT REFERENCE THE
20 RELEVANT ORDINANCE. IT DOESN'T LIST ANY OF THE FACTORS
21 IN THE RELEVANT ORDINANCE. IT'S SOMETHING HE CREATES ON
22 HIS OWN BECAUSE IT'S THE ONLY TYPE OF STANDARD HE COULD
23 ARBITRARILY DEFINE THAT WE COULD HAVE POSSIBLY VIOLATED.

24 NUMBER TWO, WE HAVE ADHERED TO ALL THE CONDITIONS OF
25 OUR AGREEMENT TO THE LETTER AS EVIDENCED BY THE CITY'S

1 OWN INSPECTORS, CHIEF JOHNSON, WHO SAYS THEY'VE DONE
2 EVERYTHING HE'S SUPPOSED TO DO. TO QUOTE HIM, "WE'VE
3 LIVED UP TO OUR END OF THE BARGAIN."

4 AND FINALLY, YOUR HONOR, IF YOU'RE GOING TO SAY,
5 OKAY, THE CITY MANAGER DOES HAVE THE RIGHT TO ARBITRARILY
6 REVOKE WHATEVER STANDARD HE FEELS SO LONG AS HE'S
7 TREATING EVERYBODY FAIRLY, AND THE REGAL INN, AND THE
8 HYATT AND THE WESTIN GET THE SAME TREATMENT THAT THE
9 TRAVEL INN GETS. WE SEE, ONCE AGAIN, IT IS ARBITRARY,
10 CAPRICIOUS AND UNREASONABLE AND THAT THE NUMBER THAT THEY
11 BASE IT ON WITH US IS FAR LESS THAN ANY OTHER HOTEL IN
12 THE CITY.

13 SO RESPECTFULLY, YOUR HONOR, WE WOULD ASK YOU THAT
14 YOU FIND THAT THE CITY'S DECISION TO REVOKE OUR LICENSE
15 WAS ARBITRARY AND CAPRICIOUS.

16 THE COURT: ALL RIGHT. THANK YOU VERY MUCH. MR.
17 MCKINNEY.

18 MR. MCKINNEY: THANK YOU, YOUR HONOR. A FEW MATTERS
19 TO DISTINGUISH BETWEEN OUR POSITION AND THAT OF MR.
20 SINGH. FIRST OF ALL, I WANT TO SAY WHAT WE AGREE ON. WE
21 AGREE THAT THE LAW OF THIS CASE HAS BEEN OUTLINED BY THE
22 COURT OF APPEALS' DECISION.

23 AND IT POINTS OUT THAT THE FOUR INCIDENTS THAT
24 OCCURRED WITHIN THE MONTH OF THE EXTENSION OF THE
25 CONDITIONAL LICENSE CANNOT AND SHOULD NOT BE VIEWED IN

1 ISOLATION FROM THE NINE HUNDRED EIGHTEEN OTHER INSTANCES.
2 SO THE DIRECTIVE OF THE COURT OF APPEALS WAS NOT APPEALED
3 BY THE OPPOSING PARTY, DIRECTS THAT THE COURT CONSIDER
4 THE ENTIRE NUMBER.

5 AND IT IS A STANDARD, NOT OF WHETHER THE COURT
6 AGREES OR DISAGREES WITH THE CONCLUSION, BUT WHETHER THE
7 OPPOSING PARTY CAN SHOW BY EXTREMELY PERSUASIVE EVIDENCE
8 THAT THERE WAS AN ABUSE OF DISCRETION, THAT IT WAS
9 OBVIOUSLY UNREASONABLE. AND THAT IS THE STANDARD.

10 THE STANDARD IS NOT AN ARBITRARY WHIM OR FANCY OF
11 THE CITY MANAGER. THE STANDARD IS THAT SET OUT IN THE
12 CITY ORDINANCE ITSELF FOR REVOCATIONS.

13 AND I'VE JUST REALIZED I DON'T HAVE A COPY, BUT I'M
14 GLAD TO PROVIDE THE COURT WITH ONE. BUT I'M ASKING THE
15 COURT TO TAKE NOTICE OF THE CITY CODE PROVISION ON
16 BUSINESS LICENSE REVOCATION, WHICH INCLUDES NUISANCE
17 CONDITIONS EXISTING ON A BUSINESS PREMISES AND AN
18 EXCESSIVE NUMBER OF POLICE CALLS OR POLICE RESPONSES.
19 THAT'S WHY THE NINE HUNDRED EIGHTEEN NUMBER IS IMPORTANT.

20 I HAVE HERE WITH ME A COMPILATION OF THE NUMBER OF
21 COMPLAINTS AGAINST ALL HOTELS IN THE CITY OVER A TEN YEAR
22 PERIOD. I'D LIKE TO SUBMIT THAT TO THE COURT IF I MAY.

23 I THINK WHAT YOU WILL SEE IS THAT ALL THE OTHER
24 TWENTY-FIVE OR SO HOTELS IN THE CITY FOR THE SAME PERIOD
25 HAD ABOUT ELEVEN HUNDRED TEN, ELEVEN HUNDRED TWENTY

1 CALLS. THIS ONE DESTINATION HAD WITHIN TWO HUNDRED THE
2 NUMBER OF CALLS OF THE REMAINING TWENTY-FIVE. IF YOU
3 AVERAGE THOSE OUT YOU'RE GOING TO GET ABOUT AN AVERAGE OF
4 FORTY-FOUR DURING ---

5 THE COURT: OKAY.

6 MR. McKINNEY: --- THE TIME PERIOD.

7 THE COURT: STEVE, CAN YOU MAKE A COUPLE OF COPIES
8 OF THAT SO EVERYBODY'S LOOKING AT THE SAME DOCUMENT? MR.
9 McKINNEY, IF YOU'LL ---

10 MR. McKINNEY: SURE.

11 THE COURT: OKAY.

12 MR. FAYSSOUX: YOUR HONOR, ANY OBJECTION I MAY HAVE
13 TO THAT, I'M ASSUMING YOU WANT ME TO JUST RAISE THAT IN
14 REPLY? IS THAT ---

15 THE COURT: YEAH.

16 MR. FAYSSOUX: I DON'T WANT TO INTERRUPT RON'S TRAIN
17 OF THOUGHT.

18 MR. McKINNEY: THANK YOU.

19 THE COURT: IF YOU NEED TO REFER TO THAT, YOU WANT
20 TO WAIT OR WHATEVER YOU WANT TO DO.

21 MR. McKINNEY: NO.

22 THE COURT: OKAY.

23 MR. McKINNEY: I THINK THE POINT IS THERE IS NO
24 OTHER HOTEL IN THIS CITY THAT RIVALED THE TRAVEL INN
25 ANYWHERE NEAR THE NUMBER OF CALLS FOR THIS DESTINATION.

1 NOW IF WE LISTEN TO MR. FAYSSOUX AND HIS PERSUASIVE
2 ARGUMENTS ONE WOULD BELIEVE THAT MR. SINGH SUDDENLY
3 ARRIVED IN MAY OF 2006 AND THE CITY ARBITRARILY SENDS HIM
4 A NOTICE IN AUGUST OF 2006 THAT IT'S REVOKING HIS
5 BUSINESS LICENSE.

6 THE FACT IS USING THE TWO YEAR PERIOD OF APRIL 2004
7 TIL AUGUST 2006 FOR A COMPILATION OF THE NUMBERS, AND
8 THOSE NUMBERS WERE ESTABLISHED ON THE ADMINISTRATIVE
9 HEARING BELOW. THEY WERE NEVER CHALLENGED THERE.
10 THEY'RE A PART OF THE EVIDENTIARY RECORD. AN OFFICER
11 MAKING THOSE REPRESENTATIONS HAD THE DATA WITH HIM. AND
12 HE WAS CROSS EXAMINED BY THE COUNSEL FOR MR. SINGH IN
13 THOSE PROCEEDINGS. IT'S PART OF THE RECORD. AND IT'S
14 UN-REFUTED.

15 WE ALSO SHOULD LOOK IN THE MATERIAL I SUBMITTED A
16 COUPLE OF MONTHS AGO TO THE COURT, YOUR HONOR, EXHIBIT 6,
17 TRAVEL INN LICENSE APPLICATIONS.

18 THE COURT: OKAY. HANG ON. LET ME GET -- CATCH UP
19 WITH YOU.

20 MR. McKINNEY: ALL RIGHT.

21 THE COURT: OKAY.

22 MR. McKINNEY: I'D LIKE FOR THE COURT, IF IT WOULD,
23 PLEASE, TO LOOK AT WHO THE SIGNATURE WAS ON THE 2004
24 LICENSE APPLICATIONS, AMRIK SINGH. AGAIN, AMRIK SINGH.
25 2005, LIST NAMES OF OWNERS, PARTNERS, OFFICERS OF

1 BUSINESS AND THEIR TITLES, AMRIK SINGH, PRESIDENT.
2 SIGNATURE, AMRIK SINGH. 2006, NAMES OF PARTNERS,
3 OFFICERS, BUSINESSES AND THEIR TITLES, AMRIK SINGH.
4 SIGNATURE, AMRIK SINGH.

5 THROUGHOUT AMRIK SINGH IS THE DESIGNATED,
6 RESPONSIBLE PERSON MANAGING THE PREMISES. WHAT HE
7 ACQUIRED IN MAY OF 2006 WAS TITLE TO THE REAL ESTATE
8 PREMISES. BUT AMRIK SINGH WAS THROUGHOUT THE PERSON WHO
9 APPEARED AT THE CITY HALL, SIGNED BUSINESS LICENSE
10 APPLICATIONS, HELD HIMSELF OUT AS THE RESPONSIBLE PERSON
11 AND WAS PRESUMABLY THERE OR HE SHOULD HAVE BEEN THERE
12 THROUGHOUT THAT TIME.

13 THERE WAS AN ONGOING PATTERN OF DRUGS, PROSTITUTION,
14 ASSAULT AND BATTERY. AND ON ONE OCCASION WE KNOW FROM
15 THE TESTIMONY OF LIEUTENANT RANDY EVETT [SIC] IN THE
16 ADMINISTRATIVE HEARING THE SWAT TEAM OF THE GREENVILLE
17 POLICE DEPARTMENT SHOWED UP TO DEAL WITH SOMEBODY WHO WAS
18 HOLDING UP IN ONE OF THE ROOMS.

19 AND MR. SINGH COMES OUT. WHAT DOES HE DO? WHILE
20 THE SWAT TEAM IS SETTING UP HE COMES OUT TO TRY TO GET
21 THE POLICE DEPARTMENT TO MOVE THEIR CARS. HE HAS
22 MISPLACED PRIORITIES. I DON'T KNOW WHETHER HE WILFULLY
23 ALLOWS THESE THINGS TO HAPPEN OR HE TURNS HIS HEAD AND
24 PRETENDS IGNORANCE. I DO KNOW THAT THERE WAS A
25 CONTINUING ONGOING PATTERN.

1 NOW IN AUGUST, 2006 THERE WAS AN ADMINISTRATIVE
2 HEARING BEFORE ADMINISTRATIVE HEARING OFFICER STEVE
3 LANDRETH. AND MR. SINGH SAID IN THAT PROCEEDING -- THIS
4 IS A GOOD ONE, YOUR HONOR. LET ME READ IT. PAGE 72 OF
5 THE TRANSCRIPT.

6 THE COURT: EXHIBIT?

7 MR. McKINNEY: EXHIBIT 2.

8 THE COURT: ALL RIGHT.

9 MR. McKINNEY: HIS ATTORNEY ASKED, HOW MUCH TIME DO
10 YOU THINK YOU NEED TO CORRECT THESE PROBLEMS? THIS IS
11 AFTER DISCUSSIONS OF ONGOING CRIMINAL ACTIVITY. JUST
12 GIVE ME SIX MONTHS, YOU KNOW. I CORRECT THE WHOLE
13 PROBLEM. IF NOT CORRECT, THEY CAN TAKE IT. I DON'T
14 MIND.

15 SIX MONTHS LATER WHAT WAS HAPPENING? HAD A HOMICIDE
16 AT REGAL INN ACROSS THE STREET AND A FEW BLOCKS DOWN.
17 HAD A TIP THAT THE SUSPECT WAS HOLDING UP IN THE TRAVEL
18 INN. AND THE POLICE FOUND HIM HOLDING UP IN THE ROOM OF
19 A GUEST WHO WAS SIGNED IN AS BILL. NO LAST NAME. NO
20 IDENTIFICATION. PART OF AN ONGOING PREVIOUS PATTERN.
21 YOU GET THE FIRST NAME, YOU GIVE THEM THE ROOM, THEY PAY
22 THE MONEY, YOU TURN YOUR HEAD, THEY ASK NO QUESTIONS.
23 THAT'S A SERIOUS, SERIOUS PROBLEM.

24 AND INTERESTINGLY ENOUGH IN DECEMBER OR NOVEMBER AT
25 THE HEARING BEFORE CITY COUNCIL REPEATED INSTANCES WERE

1 REPORTED OF HIS DAUGHTER HAVING A DRUG PROBLEM, PERHAPS
2 BEING INVOLVED ACCORDING TO THE TRANSCRIPT HEARING OF
3 TURNING PEOPLE IN WITH DRUG PROBLEMS BECAUSE SHE DID NOT
4 WANT COMPETITION HERSELF.

5 SO THE SHERIFF'S DEPUTY, NOT THE POLICE DEPARTMENT,
6 THIS TIME IT'S THE SHERIFF'S DEPUTY SHOWS UP WITH A
7 WARRANT FOR HIS DAUGHTER, MANNINDER KAUR. AND HE'S TOLD
8 BY AN INDIAN MALE, AN OLDER INDIAN MALE AT THE HOTEL THAT
9 SHE'S NOT THERE.

10 NOW IN NOVEMBER HE PROMISED THAT SHE WASN'T GOING TO
11 BE AT THE HOTEL ANYMORE. HE WAS GETTING RID OF HER.
12 THAT PROBLEM WAS GOING AWAY. THE FACT IS SHE CONTINUED
13 THROUGHOUT TO MANAGE THE TASTE OF INDIA, WHICH IS ON
14 ESSENTIALLY THE SAME PREMISES. IT MAY BE TECHNICALLY A
15 DIFFERENT PARCEL. SAME PARKING LOT, SAME BUILDING STYLE,
16 SAME OWNERSHIP, THE SAME PREMISES IN ESSENCE.

17 HE SAID, SHE'S NOT THERE. SHE'S AT THE RESTAURANT.
18 THE SHERIFF'S DEPUTY GOES TO THE RESTAURANT. AND HER
19 HUSBAND SAYS, SHE'S NOT HERE. SHE'S AT THE HOTEL. AND
20 SO HE, THE DEPUTY, GETS A NUMBER. HE DIALS HER UP. SHE
21 SAYS, I'M ON MY WAY BACK FROM ANDERSON. AND THEN THE
22 SHERIFF'S DEPUTY WALKS INTO THE HOTEL LOBBY AND WHO'S
23 THERE? THE DAUGHTER THAT HE'S COME WITH A WARRANT FOR.

24 THERE IS AN ONGOING PATTERN. THE CALLS THEMSELVES,
25 UNDER THE STANDARDS OF THE BUSINESS LICENSE ORDINANCE,

1 WHEN THERE IS AN EXCESSIVE NUMBER OF CALLS IS A BASIS FOR
2 REVOKING A BUSINESS LICENSE. WHEN THERE ARE NUISANCE
3 CONDITIONS, I.E., HARBORING KILLERS, HAVING CRACK COCAINE
4 ARRESTS IN THE PARKING LOT AS HAPPENED AFTER THE -- IN
5 EARLY 2007.

6 ALL OF THOSE CONDITIONS TOGETHER REPRESENT AN
7 ONGOING PATTERN AND NOTWITHSTANDING THE REPRESENTATIONS
8 OF MR. SINGH THAT IF HE HAD SIX MONTHS IT WOULD ALL GO
9 AWAY OR THEY CAN TAKE IT. THERE WAS LITTLE CHOICE. AND
10 THERE WAS LITTLE CHOICE BECAUSE THIS HAS A TRAUMATIC
11 IMPACT.

12 YOU KNOW, LET'S SAY NINE HUNDRED EIGHTEEN CALLS, IF
13 THERE WERE JUST ONE OFFICER, IF THERE WERE AN AVERAGE OF
14 TWENTY MINUTES OR SO PER CALL, LOOK AT HOW MUCH TIME,
15 POLICE TIME THAT IT'S TAKING POLICE OFFICERS OFF THE
16 STREETS WHEN THEY SHOULD BE PROTECTING OTHER LOCATIONS.
17 IT'S A CONSTANT NEED TO COME BACK HERE. THERE ARE
18 NUISANCE CONDITIONS ON THESE PREMISES.

19 WE KNOW FROM THE TESTIMONY OF MS. CONDREY AT THE
20 ADMINISTRATIVE HEARING. MS. CONDREY RAN A BEAUTY SALON
21 ACROSS THE STREET. SHE WAS IN CONSTANT ANGST WITH THE
22 PEOPLE WALKING ACROSS THE STREET FROM TRAVEL INN WHERE
23 THEY WERE GATHERING TO TRY TO GET MONEY FROM HER PATRONS
24 AND FROM HER.

25 THOSE KINDS OF CONDITIONS SHOULD NOT EXIST. THIS IS

1 NOT A NORMAL HOTEL. IT HAS HAD AN EXCESSIVE NUMBER OF
2 CALLS. THERE'S A CLEAR STANDARD OF EXCESSIVE NUMBER OF
3 CALLS IN THE BUSINESS LICENSE ORDINANCE BEING A BASIS FOR
4 REVOCATION. THERE'S A CLEAR STANDARD IN THE LICENSE --
5 BUSINESS LICENSE ORDINANCE FOR NUISANCE CONDITIONS BEING
6 A BASIS FOR REVOCATION. THIS ESTABLISHMENT HAS MET BOTH
7 OF THOSE STANDARDS.

8 CITY COUNCIL BENT OVER BACKWARDS FOR MR. SINGH. AND
9 THE CITY MANAGER EXERCISED PATIENCE, BUT HE ALSO
10 EXERCISED, THANK GOODNESS, SKEPTICISM. AND ONCE THAT
11 HOMICIDE SUSPECT WAS LOCATED THERE IT WAS TIME TO CALL AN
12 END TO AN UNACCEPTABLE SITUATION.

13 THIS IS NOT AN ABUSE OF DISCRETION. IT'S CLEAR,
14 IT'S SUBSTANTIATED AND IT SHOULD BE HELD -- UPHELD.
15 THANK YOU, YOUR HONOR.

16 THE COURT: MR. MCKINNEY, I'VE MADE COPIES. THIS IS
17 THE ORIGINAL. I WANT TO GIVE THAT BACK TO RON.

18 MR. MCKINNEY: I'M OKAY.

19 THE COURT: WELL, I DON'T SEE ANY NUMBERS FOR THE
20 TRAVEL INN.

21 MR. MCKINNEY: WELL, I THINK THAT THE POINT WAS THE
22 NUMBERS FOR OTHER HOTELS AND HOW THIS COMPARES WITH THE
23 OTHER HOTELS. AND SO TO ADDRESS THAT FACTOR AND TO
24 ADDRESS WHETHER OR NOT THERE IS AN EXCESSIVE NUMBER FOR
25 THIS HOTEL I'M PRESENTING THIS INFORMATION TO THE COURT

1 AS HAVING BEEN COMPILED TO REPRESENT WHAT IS THE NORM,
2 WHAT IS THE STANDARD, ---

3 THE COURT: OKAY. I APPRECIATE THAT. BUT I DON'T
4 HAVE THE SAME NUMBERS FOR THE TRAVEL INN.

5 MR. McKINNEY: WELL, WHAT THE -- I GUESS THE POINT
6 IS FOR THE 2004, 2005, 2006 PERIOD YOU WOULD HAVE NINE
7 HUNDRED EIGHTEEN.

8 THE COURT: OKAY. WELL, YOU DON'T HAVE -- I'M JUST
9 -- YOU DON'T HAVE THAT BROKEN DOWN FOR THE ---

10 MR. McKINNEY: NO.

11 THE COURT: OKAY. AND DO YOU HAVE -- I NOTICED THE
12 RELAX INN ENDS AT 2001. YOU DON'T HAVE THE NUMBERS ---

13 MR. McKINNEY: WAIT A MINUTE. HERE, I DO.

14 THE COURT: OKAY.

15 MR. McKINNEY: I DO HAVE SERVICE CALLS CALLED ON OLD
16 TRAVEL LODGE. IT HAD THAT NAME FOR A WHILE.

17 THE COURT: OKAY. CAN WE -- NOW I'M NOT GOING TO
18 MAKE YOU PRESENT IT, BUT IT WOULD BE VERY HELPFUL ---

19 MR. McKINNEY: SURE. AND LET ME MAKE SURE IT'S
20 COMPLETE THOUGH.

21 THE COURT: OKAY.

22 MR. McKINNEY: I DON'T BELIEVE THAT'S IT. I CAN
23 RETRIEVE THAT INFORMATION IF YOU WISH, YOUR HONOR.

24 THE COURT: YEAH, I THINK THAT WOULD BE IMPORTANT.

25 MR. McKINNEY: ALL RIGHT.

1 THE COURT: AND IF YOU COULD GET -- FINISH OUT WITH
2 THE RELAX INN. THEY'VE GOT APPARENTLY A SIGNIFICANT
3 NUMBER, BUT WE DON'T HAVE THE YEARS, ---

4 MR. McKINNEY: WAIT A MINUTE.

5 THE COURT: --- COMPARABLE YEARS FOR THE RELAX INN.

6 MR. McKINNEY: I BELIEVE THIS IS IT, YOUR HONOR.
7 YES.

8 THE COURT: OKAY.

9 MR. FAYSSOUX: YES. I DEFINITELY WOULD LIKE THAT
10 MARKED.

11 THE COURT: ALL RIGHT. WE NEED TO MAKE SOME -- IS
12 IT A LONG DOCUMENT? OKAY. ALL RIGHT.

13 MR. FAYSSOUX: YOU KNOW, WE SEEM A LITTLE FRUSTRATED
14 ABOUT THIS BECAUSE THESE TYPES OF ARGUMENTS AND THE WAY
15 THEY'VE TREATED THE TRAVEL INN IN THIS CASE IF IT WASN'T
16 SO DOG-GONE SERIOUS MIGHT ACTUALLY BE LAUGHABLE.

17 BUT WHAT WE HAVE, YOUR HONOR, IS MY CLIENT LITERALLY
18 WAS THROWN OUT ON THE STREET. LITERALLY THROWN OUT ON
19 THE STREET. LOST EVERY SINGLE THING HE HAD, EVERYTHING.
20 HAD JUDGMENTS STACKED UP TO THE CEILING AGAINST HIM AND
21 IS DESTITUTE BECAUSE OF THIS.

22 YOU KNOW, SAUSAGE IS A GOOD PRODUCT, BUT YOU DON'T
23 WANT TO SEE HOW IT'S MADE. AND CITY COUNCIL, IN DOING
24 THIS TYPE THING, THEY MAY HAVE SOME GREAT END RESULTS
25 DOWN THERE, BUT YOU DON'T WANT TO SEE HOW THEY GO ABOUT

1 GETTING IT. AND THAT'S EXACTLY WHAT WE'VE HAD HERE.

2 THAT DOCUMENT THAT JUST GOT MARKED AND HANDED UP,
3 THAT'S THE FIRST TIME, THIS IS GREAT, JUDGE, BECAUSE
4 THAT'S THE FIRST TIME THEY'VE ACKNOWLEDGED -- IF YOU'LL
5 LOOK AT THE BOTTOM OF THAT DOCUMENT, HE'S STILL USING THE
6 WORD NINE HUNDRED AND EIGHTEEN. BUT LOOK AT THE TOTAL ON
7 THE BOTTOM OF ACTUAL INSTANCES THAT COULD POSSIBLY BE
8 CONSIDERED CRIMINAL, OR VIOLENT, OR NUISANCE, EIGHTY-SIX.

9 SO COMPARE EIGHTY-SIX NOW TO THIS OTHER NUMBER
10 THAT'S BEEN PASSED UP. I HAVE NO IDEA WHERE THESE THINGS
11 COME FROM. AND THIS IS THE PROBLEM, JUDGE. WE JUST GET
12 -- WE'RE JUST GETTING NUMBERS AND MEMOS. I HAVE NO IDEA
13 WHO DID THIS MEMO. I HAVE NO IDEA WHAT IT'S BASED ON. I
14 HAVE NO IDEA IF THEY'RE INCLUDING SPEEDING TICKETS LIKE
15 THEY DID WITH US.

16 BUT I DO KNOW THAT IF YOU COMPARE THE NUMBER EIGHTY-
17 SIX TO THE NUMBERS THEY'VE JUST PASSED UP RIGHT HERE,
18 THAT'S A WHOLE DIFFERENT ARGUMENT THAN THE NINE HUNDRED
19 AND EIGHTEEN, WHICH IS COMPLETELY MISLEADING TO THIS
20 COURT. AND IT WAS VERY MISLEADING TO THE COURT OF
21 APPEALS BECAUSE THEY DIDN'T HAVE THAT KNOWLEDGE EITHER.

22 YOUR HONOR, A COUPLE OF QUICK POINTS I WANT TO
23 ADDRESS. AS LONG AS WE'RE QUOTING ---

24 THE COURT: WHY DIDN'T THEY HAVE IT?

25 MR. FAYSSOUX: BECAUSE IT WAS -- IT'S NEVER BEEN

1 PRESENTED, JUDGE, EVER. YOU DIDN'T HAVE IT. NOBODY HAD
2 IT AT THE PREVIOUS HEARINGS. SO WHAT HAPPENS IS WHEN
3 COUNSEL -- IF COUNSEL FOR THE CITY GETS UP THERE AND IN
4 APPELLATE ARGUMENTS JUST THROWS THIS NUMBER OUT AND SAYS
5 THERE'S BEEN NINE HUNDRED AND EIGHTEEN INCIDENTS, I CAN'T
6 SPEAK FOR WHY IN THE WORLD THE COURT OF APPEALS WOULD
7 CONSIDER THAT SINCE IT'S NOT PART OF THE RECORD OTHER
8 THAN PREVIOUS REFERENCES TO IT.

9 I MEAN, IT'S NOWHERE IN THE RECORD ON AN APPEAL.
10 YOU KNOW, I'M FRUSTRATED BY THAT FACT, BUT I'M ACTUALLY
11 QUITE RELIEVED NOW THAT WE FINALLY FOR THE FIRST TIME ARE
12 SEEING THE REAL NUMBER. IT'S EIGHTY-SIX.

13 THE COURT: WELL, WHAT NUMBERS WERE PRESENTED TO THE
14 CITY COUNCIL AT THE ---

15 MR. FAYSSOUX: AGAIN, I THINK THIS ARBITRARY NINE
16 HUNDRED AND EIGHTEEN. BUT THAT'S THAT WHOLE POINT,
17 JUDGE, BECAUSE THIS IS WHAT HAPPENED -- THEY KEEP SAYING
18 NINE HUNDRED AND EIGHTEEN. AND MR. BEASLEY MADE A VERY
19 COMPASSIONATE ARGUMENT AND SAID TWO POINTS. NUMBER ONE,
20 IT WAS BEFORE HE OWNED IT. AND NUMBER TWO, THESE THINGS
21 DON'T EVEN DEAL ---

22 THE COURT: WELL, MAYBE IT'S BEFORE HE OWNED IT, BUT
23 HE SIGNED THE BUSINESS LICENSE APPLICATION AS PRESIDENT,
24 OR OWNER OR PARTNER. SO ...

25 MR. FAYSSOUX: YOUR HONOR, HE DEFINITELY DIDN'T HAVE

1 THE POWER TO SPEND SIXTY THOUSAND DOLLARS TO UPGRADE
2 SECURITY OF HIS OWN MONEY TO FIX ANY PROBLEM.

3 THE COURT: WELL, WHAT WAS THE OWNERSHIP OR THE ---

4 MR. FAYSSOUX: HE WAS AN EMPLOYEE.

5 THE COURT: AN -- WELL, WHY IS HE SIGNING AS THE
6 OWNER, PARTNER OR PRESIDENT?

7 MR. FAYSSOUX: BECAUSE I'M ASSUMING, I'D HAVE TO
8 TALK TO MY CLIENT, BUT I'M ASSUMING -- THE INSTRUCTION
9 FROM THE OWNER. HE WAS TRYING TO ONE DAY PURCHASE THE
10 THING, AND HE DID. I THINK THAT'S HOW IT WORKED.

11 MR. BEASLEY: AND THERE ACTUALLY SHOULD BE AN
12 AFFIDAVIT OF THE OWNER OF THE PROPERTY SAYING THAT HE WAS
13 AN EMPLOYEE AND THAT HE DIDN'T HAVE THE AUTHORITY TO
14 SPEND ANY MONEY ON SECURITY OR ANYTHING ELSE AT THAT
15 TIME. AND THAT WAS MADE PART OF THE RECORD BEFORE CITY
16 COUNCIL, WHICH WAS ARGUED BEFORE CITY COUNCIL.

17 THE COURT: OKAY.

18 MR. BEASLEY: WHICH IS WHY -- CITY COUNCIL ACTUALLY
19 VOTED AGAINST OR VOTED TO REVOKE THE LICENSE AND GO ALONG
20 WITH THE CITY MANAGER'S DECISION. HOWEVER, AFTER
21 PRESENTING THE FACTS OF OUR CASE AND THE FACTS -- EIGHTY-
22 SIX OF THESE WERE ACTUALLY NUISANCE OR CRIMINAL
23 ACTIVITIES AND THAT MR. SINGH HAD REALLY ONLY HAD
24 AUTHORITY TO START BUYING A NEW FENCE -- SIX THOUSAND
25 DOLLARS ON A NEW FENCE, SIXTY-FIVE HUNDRED ON CAMERAS,

1 SPENDING SIX HUNDRED DOLLARS A WEEK ON SECURITY. ALL
2 THOSE THINGS WERE BEING DONE.

3 AND SO THEY, AFTER HEARING THAT, THEY DECIDE TO VOTE
4 AGAIN. AND THEY VOTED FIVE TO ONE TO GIVE HIM ANOTHER
5 SHOT. AND THAT'S WHAT THEY DID.

6 MR. FAYSSOUX: AND, JUDGE, THAT'S WHAT'S SO
7 IMPORTANT ABOUT THIS RIGHT HERE.

8 THE COURT: AND THAT IS THE AUGUST '06 CITY COUNCIL
9 TRANSCRIPT THAT I HAVE? IS THAT ...

10 MR. FAYSSOUX: YES, SIR.

11 MR. McKINNEY: CITY COUNCIL DID NOT HEAR THE CASE
12 TIL NOVEMBER. THERE'S NO TRANSCRIPT AS I RECALL, BUT
13 THERE ARE MEETING MINUTES THAT ARE ---

14 THE COURT: WELL, I'M LOOKING AT THE BUSINESS
15 LICENSE -- OKAY, THE BUSINESS LICENSE REVOCATION HEARING,
16 AUGUST 29TH, '06.

17 MR. McKINNEY: YES.

18 MR. FAYSSOUX: WHAT I'M LOOKING AT, YOUR HONOR, IS
19 EXHIBIT 1 THAT I PASSED UP IS THE NOVEMBER 13TH, 2006
20 MINUTES IN WHICH THEY'RE QUOTING WHAT THE PARTIES ARE
21 ARGUING ABOUT.

22 AND SPECIFICALLY, YOUR HONOR, PAGE 13 OF MY EXHIBIT
23 1 SUMS IT ALL UP. THIS IS WHERE IT CAME FROM. IT WAS
24 ACTUALLY MR. McKINNEY'S IDEA. IT SAYS MR. McKINNEY
25 SUGGESTED THAT SINGH OPEN AND OPERATE ONE WEEK FROM

1 TONIGHT AND BE IN OPERATION FOR A PERIOD OF SIXTY DAYS.
2 IT GOES ON TO TALK ABOUT THE FACT THAT THEY'RE GOING TO
3 COME UP WITH CONDITIONS.

4 AND THE END RESULT IS HE CAN BE EVALUATED AT THE END
5 OF THAT SIXTY DAY PERIOD. AND ABSENT A DRAMATIC
6 IMPROVEMENT IN CONDITIONS THE BUSINESS WOULD BE REVOKED.
7 THAT'S MR. MCKINNEY.

8 AND THAT'S WHAT HAPPENED, YOUR HONOR. WE ---

9 THE COURT: WELL, THEN IF THERE WAS -- HE DIDN'T GET
10 REVOKED, THEN HE'D BE ON SIX MONTHS PROBATION, CORRECT?

11 MR. FAYSSOUX: THAT'S CORRECT, YOUR HONOR. AND WHAT
12 OUR POINT IS WE SHOWED -- WE COULD NOT HAVE SHOWN A MORE
13 DRAMATIC IMPROVEMENT.

14 AND EVEN THE FOUR INCIDENTS THAT THEY WANT TO TRY TO
15 HANG ON US RIGHT HERE, IT WOULD BE NO MORE FAIR FOR ME TO
16 SAY THAT THE CITY OF GREENVILLE IS HARBORING CRACK
17 DEALERS IF SOMEBODY DOES A DEAL IN THEIR PARKING LOT THAN
18 IT WOULD BE TO SAY -- THAN TO MAKE SOME SORT OF ASSERTION
19 THAT MY CLIENT IS HARBORING CRIMINALS BECAUSE SOMEBODY
20 FLEES A MURDER AT ANOTHER HOTEL AND HIDES OUT UNBEKNOWNST
21 TO MR. SINGH WITH A FRIEND AT HIS HOTEL.

22 I MEAN, THAT -- IT'S INAPPROPRIATE. AND IT'S NOT
23 RIGHT. AND IT'S BASICALLY ANY SORT OF SHOCK VALUE THAT
24 THEY CAN PUT ON THIS CASE TO HIDE THE FACT THAT HE WENT
25 FROM ALL THESE ALLEGED INCIDENTS TO FOUR IN FOUR MONTHS.

1 HE BEAT EVERYBODY IN THE CITY.

2 AND WHAT THEY STILL HAVE NOT DONE AS WE SIT HERE
3 TODAY, THEY CAN'T NAME A SINGLE THING WE DIDN'T DO UNDER
4 THE CONDITIONS AND TERMS. NOT ONE THING. INSTEAD THEY
5 LET MR. BOUREY CREATE A STANDARD BECAUSE BASICALLY THERE
6 WAS NO OTHER WAY TO GET RID OF MR. SINGH OTHER THAN JUST
7 CREATE A NEW STANDARD 'CAUSE HE DID EVERYTHING THEY ASKED
8 HIM TO DO. AND, YOUR HONOR, IT'S JUST NOT FAIR. IT'S
9 NOT RIGHT.

10 THE COURT: OKAY. I WANT TO LOOK AT THIS LAST
11 DOCUMENT BEFORE WE ---

12 MR. McKINNEY: YOUR HONOR.

13 THE COURT: YES, SIR.

14 MR. McKINNEY: HE'S MADE A FEW COMMENTS THAT I FEEL
15 COMPELLED TO RESPOND TO. NO ONE DECEIVED THE COURT OF
16 APPEALS. THE COURT OF APPEALS HAD A RECORD THAT THICK.
17 THERE WERE EXTENSIVE ARGUMENTS BEFORE THE COURT.

18 AND IF YOU READ THE ORDER I BELIEVE YOU'LL SEE THAT
19 THE COURT RECOGNIZES THERE WERE NINE HUNDRED EIGHTEEN
20 CALLS IN TWO YEARS, A HUNDRED AND NINETY-FOUR INCIDENT
21 REPORTS, FORTY-SIX DRUG RELATED, THIRTY-FOUR TRESPASSES,
22 TWELVE ASSAULTS, TWO ASSAULT AND BATTERY WITH INTENT TO
23 KILL, TWO ARMED ROBBERIES, NINE STOLEN VEHICLES, FIFTEEN
24 PETTY LARCENIES, FOUR DISORDERLY CONDUCTS AND TWO
25 CONTROLLED PURCHASES BY THE DAUGHTER.

1 THEY'RE NOT PREOCCUPIED WITH SIX OR SEVEN TRAFFIC
2 TICKETS. THEY ARE OCCUPIED WITH THE MAIN THINGS. THE
3 COURT OF APPEALS HAD THAT INFORMATION IN FRONT OF THEM.

4 THE COURT: OKAY.

5 MR. McKINNEY: AT THE ADMINISTRATIVE HEARING
6 LIEUTENANT RANDLE EVETT [SIC] TESTIFIED TO THE NUMBER OF
7 CALLS. THE CITY CODE STANDARD ISN'T THE NUMBER OF
8 ARRESTS EFFECTED OR THE NUMBER OF CONDITIONS. IT'S THE
9 NUMBER OF TIMES THAT THE POLICE HAVE TO GO TO THE
10 PREMISES TO DO SOMETHING.

11 THE COURT: HOW IS THAT INFORMATION RECORDED AND
12 MAINTAINED?

13 MR. McKINNEY: I THINK FROM DISPATCH.

14 THE COURT: OKAY. AND IS -- WOULD THEY HAVE SIMILAR
15 INFORMATION ON THE OTHER -- Y'ALL LISTED -- YOU GOT
16 TWENTY SOME -- TWENTY-FIVE OF THEM LISTED.

17 MR. McKINNEY: YEAH.

18 THE COURT: IS THAT -- WHAT I'M TRYING TO GET AT AND
19 WHAT I NEED TO KNOW IF I'M GOING TO MAKE A DETERMINATION
20 ---

21 MR. McKINNEY: YOU WANT APPLES AND APPLES.

22 THE COURT: YEAH. IS THAT THE SAME -- WHAT ARE THE
23 NUMBERS I'VE GOT? THAT'S WHAT I NEED TO KNOW.

24 MR. McKINNEY: OKAY. IF THE COURT WILL ALLOW ME I
25 CAN DOUBLE CHECK ---

1 THE COURT: OKAY.

2 MR. McKINNEY: --- AND SUBMIT THAT TO THE COURT WITH
3 A COPY GOING TO OPPOSING COUNSEL.

4 THE COURT: OKAY. WELL, WHY DON'T, I MEAN, THIS IS
5 OBVIOUSLY A WEIGHTY MATTER. IT'S AN EMOTIONAL MATTER.
6 AND A DECISION NEEDS TO BE MADE, BUT I DON'T WANT TO MAKE
7 ONE WITHOUT HAVING THE INFORMATION. SO WHAT I'D LIKE --
8 WHEN DO I DO IT AGAIN?

9 (WHEREUPON THE COURT WAS TALKING WITH THE CLERK)

10 THE COURT: WELL, LET'S DO THIS. IF YOU CAN GET ME
11 THE INFORMATION AND PROVIDE A COPY TO OPPOSING COUNSEL,
12 AND PERHAPS I'LL BE ABLE TO MAKE MY DETERMINATION BASED
13 ON THE INFORMATION I HAVE. IF NOT, THEN I MAY RECONVENE
14 A HEARING IN JANUARY IF I NEED TO. OKAY?

15 MR. FAYSSOUX: YES, SIR.

16 MR. McKINNEY: VERY WELL.

17 THE COURT: THAT'D BE GOOD?

18 MR. McKINNEY: YES.

19 THE COURT: THERE'S NO PRESSING NEED RIGHT NOW TO
20 HAVE A DECISION RENDERED IMMEDIATELY, IS THERE?

21 MR. FAYSSOUX: NO.

22 THE COURT: I MEAN, I UNDERSTAND YOUR CLIENT'S
23 FINANCIAL CIRCUMSTANCES, BUT THAT'S NOT GOING TO CHANGE

24 ---

25 MR. FAYSSOUX: IT WON'T, YOUR HONOR. I THINK

1 WHENEVER THE COURT CAN GET TO IT, THE COURT WILL GET TO
2 IT.

3 THE COURT: OKAY. 'WELL, I'M GOING TO MOVE
4 EXPEDITIOUSLY WITH IT. SO ...

5 MR. McKINNEY: AND FOR THE RECORD, YOUR HONOR, EVEN
6 IF IT'S EIGHTY-SIX, EIGHTY-SIX ARRESTS ALONE WOULD BE
7 SUFFICIENT.

8 THE COURT: OKAY..

9 MR. McKINNEY: I'LL NOTIFY THE COURT OF WHAT RECORDS
10 THE POLICE DISPATCH DOES OR DOES NOT HAVE.

11 THE COURT: OKAY.

12 MR. McKINNEY: AND HOPEFULLY GET BACK TO CERTIFY
13 WHAT THEY CAN OR CANNOT DO WITHIN A FEW DAYS.

14 THE COURT: OKAY. AND, YOU KNOW, WHAT THESE NUMBERS
15 MEAN ---

16 MR. McKINNEY: SURE.

17 THE COURT: --- WITH THIS NEW DOCUMENT, IS THAT THE
18 SAME -- OKAY. I'VE GOT -- I'M JUST WANDERING IF THEY
19 HAVE THIS DOCUMENTATION FOR ALL THESE OTHER HOTELS,
20 MOTELS.

21 MR. McKINNEY: I WILL FIND OUT.

22 THE COURT: OKAY. ALL RIGHT. VERY GOOD. THANK
23 Y'ALL VERY MUCH. YES, SIR.

24 MR. FAYSSOUX: I'M SORRY, YOUR HONOR. JUST THE LAST
25 THING YOU'LL HEAR. WE WERE GOING TO PASS UP OUR SIMILAR

1 VERSION OF THE NUMBERS THAT WE MARKED 'CAUSE I QUOTED ---

2 THE COURT: SURE.

3 MR. FAYSSOUX: --- IN THE RECORD ---

4 THE COURT: DO YOU HAVE A COPY FOR MR. McKINNEY?

5 MR. FAYSSOUX: I'LL HAVE TO MAKE ONE.

6 THE COURT: WE'LL MAKE A COPY. WE CAN DO IT. WE'LL

7 MAKE IT RIGHT HERE. HOW MANY COPIES DID YOU MAKE? HEY,

8 RON, I MIGHT GET YOU TO GIVE US -- IF I GAVE YOU AN EXTRA

9 COPY OF THOSE THINGS, GET THEM MARKED AS AN EXHIBIT ---

10 MR. McKINNEY: SURE.

11 THE COURT: --- SO I CAN KEEP A COPY SO SHE DOESN'T

12 HAVE TO -- DO YOU HAVE AN EXTRA COPY? COULD WE MAKE YOU

13 -- I KNOW WE MADE ONE ON THE ORIGINAL DOCUMENT.

14 MR. McKINNEY: I DON'T HAVE A COPY OF WHAT HE JUST

15 HANDED UP.

16 THE COURT: NO. THIS IS THE ONE WHERE YOU'VE GOT

17 THE OTHER TWENTY-FIVE. I KNOW WE MADE AN EXTRA COPY. I

18 THOUGHT WE GAVE THE EXTRA ----

19 MR. McKINNEY: YES.

20 THE COURT: --- COPY TO YOU. WE'LL MARK THAT AS AN

21 EXHIBIT. AND IF WE HAVE ---

22 MR. McKINNEY: ALL RIGHT.

23 MR. FAYSSOUX: AND, YOUR HONOR, TOO, I DON'T KNOW --

24 I'M SURE YOU'RE JUST THRILLED TO GET A BUNCH OF MORE

25 DOCUMENTS ON THIS THING. BUT IF YOU NEED IT, I CAN

1 CERTAINLY SUPPLY THE FOIA REQUEST THAT IS THE SUBSTANCE
2 FOR THE NUMBERS WE JUST PASSED UP TO YOU, IF YOU NEED
3 THAT. IT'S GOING TO BE A STACK, BUT ...

4 THE COURT: WELL, NO, I TELL YOU WHAT, IF MR.
5 MCKINNEY DISPUTES WHAT HE'S HANDED UP, ---

6 MR. FAYSSOUX: AND I'LL PROVIDE IT TO MR. MCKINNEY.

7 THE COURT: --- THEN Y'ALL PROVIDE IT. AND IF I
8 HAVE TO LOOK AT IT, I'LL LOOK AT IT.

9 MR. FAYSSOUX: OKAY.

10 THE COURT: OKAY?

11 MR. MCKINNEY: VERY WELL. AND, YOUR HONOR, I WAS
12 NOT THE ORIGINAL ATTORNEY ON THIS FILE. AND IT'S YAY
13 BIG.

14 THE COURT: YEAH.

15 MR. MCKINNEY: I CAN READ THAT MUCH. I'LL SEE IF
16 SOMETHING IS ALREADY THERE.

17 THE COURT: OKAY. THAT'D BE GREAT. ALL RIGHT.
18 THANK YOU VERY MUCH.

19 MR. FAYSSOUX: THANK YOU, YOUR HONOR.

20 MR. BEASLEY: THANK YOU, JUDGE.

21 (WHEREUPON PLAINTIFF'S EXHIBIT 2 WAS MARKED AND
22 ADMITTED INTO EVIDENCE)

23 (WHEREUPON DEFENDANT'S EXHIBITS 1 AND 2 WERE MARKED
24 AND ADMITTED INTO EVIDENCE)

- 1 (HEARING ENDED AT 12:19 PM)
- 2 (END OF REQUESTED TRANSCRIPT OF RECORD)

1 CERTIFICATE OF REPORTER

2 I, THE UNDERSIGNED, SUSAN W. HUDGINS, OFFICIAL COURT
3 REPORTER FOR THE THIRTEENTH JUDICIAL CIRCUIT OF THE STATE
4 OF SOUTH CAROLINA, DO HEREBY CERTIFY THAT THE FOREGOING
5 IS A TRUE, ACCURATE, AND COMPLETE TRANSCRIPT OF RECORD OF
6 ALL THE PROCEEDINGS HAD AND EVIDENCE INTRODUCED IN THE
7 TRIAL/HEARING OF THE CAPTIONED CASE, RELATIVE TO APPEAL,
8 IN THE CIRCUIT COURT FOR GREENVILLE COUNTY, SOUTH
9 CAROLINA, ON THE 17TH DAY OF NOVEMBER 2009.

10 I DO FURTHER CERTIFY THAT I AM NEITHER OF KIN,
11 COUNSEL, NOR INTEREST TO ANY PARTY HERETO.

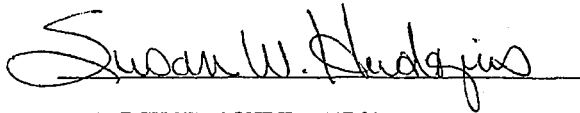
12 MARCH 1, 2010

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CIRCUIT COURT REPORTER

Amrik Singh et al. v. City of
Greenville
C.A. No.: 2007 CP 23 2417
11-16-09 HEARING EXHIBITS

EXHIBIT INDEX

1. Minutes of Formal Meeting of City Council November 13, 2006
2. Correspondence to Ryan L. Beasley, Esq. from Lillian Brock Flemming, dated November 15, 2006
3. Travel Inn Conditional Business License Terms
4. City of Greenville Memorandum to James Bourey from Chief Willie L. Johnson, dated January 1, 2007
5. Correspondence to Ryan L. Beasley, Esq. from Debra J. Gammons, Esq., dated February 20, 2007
6. Correspondence to Ryan L. Beasley, Esq. from James Bourey, dated March 30, 2007



EXHIBIT 1



MINUTES

FORMAL MEETING OF CITY COUNCIL

COUNCIL CHAMBERS - CITY HALL
NOVEMBER 13, 2006
5:30 P.M.

-
1. Call to Order
Mayor Pro Tem Flemming called the meeting to order.
 2. Invocation
Councilman David Sudduth
 3. Pledge of Allegiance
All
 4. Roll Call
The following members of Council were in attendance:
Mayor Pro Tem Flemming,
Diane Smock, Michelle Shain,
Chandra Dillard, Deb Sofield
and David Sudduth. Mayor White was out of town.
 5. Approval of the Minutes – October 23, 2006, October 30, 2006 and November 6, 2006 –
Approved as submitted.
 6. Communications/Announcements from the Mayor and Council
 7. Citizens Wishing to Address Council

Audrey Stenger, 16 West McBee Avenue, owner of Cazbah, spoke on behalf of restaurant, bar and retail owners and residents to express concern regarding the status of a proposed ordinance regulating the distance between bars and restaurants. Ms. Stenger gave a brief overview of meetings that took place regarding this issue and stated that in July 2006, City staff distributed proposed conditional use recommendations, which concerned the public. Ms. Stenger added that at a work session on August 7, 2006 the referenced recommendations were presented to Council, at which time Mayor White expressed concern regarding the possibility of the Board of Zoning Appeals' decision making process being transferred to City staff. Ms. Stenger requested clarification of the downtown action plan time line of October 23, 2006, which stated that the proposed recommendations would go to the Planning Commission on November 28, 2006 and to Council thereafter. Ms. Stenger also stated that meetings were being held by the group in attendance tonight and that they opposed the proposed recommendations and requested Council to stop the process to allow the group time to develop a proposal for a balanced downtown.

Nancy Whitworth, Economic Development Director, stated that there was not a proposal going to the Planning Commission regarding bars, but there were discussions relating to restaurants which were unrelated to the recommendations. Bryan Wood, Planning Department, confirmed this information.

Mayor Pro Tem Flemming suggested a work session and that the group be contacted.

City Manager James Bourey stated that he was unaware that a group was meeting and agreed that a discussion needed to take place and that contact information would be obtained. Ms. Whitworth stated that Mary Douglas Neal, Economic Development Department, would set up a meeting with the group.

Councilman Sofield expressed concern that restaurant owners and others were not informed and questioned whether the group was aware of how to contact staff. Ms. Stenger stated that the group's intention was to address the issue in order to ensure that the process was not moving forward until the group had the opportunity to participate. Councilman Flemming ascertained that Ms. Stenger was agreeable to be contacted on behalf of the group.

Carl Sobocinski, 207 S. Main Street, spoke in support of the valet parking ordinance on tonight's agenda. Mr. Sobocinski stated that his business had been providing valet parking for the past two years and stressed that this service was offered for the benefit of everyone's customers. Mr. Sobocinski pointed out that hospitality was part of his business and the business of others as well as the City. Mr. Sobocinski requested consideration of the following: 1) City offer valet parking as a public-private partnership, and 2) Do not charge for the spaces used for valet parking in order to avoid territorialism between businesses.

Omar Nagi, 1 College Street, spoke on behalf of downtown businesses, bars and restaurants and expressed concern regarding the recently passed smoking ordinance and the lack of clarification on some issues and how it would impact their businesses. Mr. Nagi questioned who would regulate this ordinance and stated that he would not police it. Mr. Nagi stated that a meeting needed to occur and clarifications made.

Jeff Zaglin, 660 South Main Street, owner of the Greenville Army Navy Store, stated that his business was located in the Westend for over 50 years and pointed out that a parking problem always existed there. Mr. Zaglin stated that he experienced problems with enforcement and regulations of valet parking and that his customers were shooed out of valet parking and treated rudely by attendants. Mr. Zaglin stated that his customers deserved to be treated with respect and that businesses should be treated fairly, not just new businesses, and that his customers pay taxes also.

8. Presentation: Greenville Hospital System

Mr. Michael Riordan, President and CEO of Greenville Hospital System, reported on four overall organizational goals that included: Measure Quality, Institute Financial Goals, Measure Patient Satisfaction and Measure Staff Satisfaction. Mr. Riordan listed five personal goals that included: Review Strategic Plan, Integrate Physicians into Leadership, Decision Making and Planning, Implement Satisfaction Measures, Develop a Community Plan for the Organization and Increase Diversity.

Mayor Pro Tem Flemming thanked Mr. Riordan for the presentation. Councilman Smock welcomed Mr. Riordan and expressed appreciation for the Hospital's continued partnership. Councilman Sudduth welcomed Mr. Riordan to Greenville on behalf of Bon Secours St. Francis Health System, Greenville.

9. Travel Inn Business License Revocation Appeal

Mayor Pro Tem Flemming read opening remarks that included History, Appeal, Format, and City Council Action and outlined the following sequence of events in the appeal process: Appellant's Arguments, City's Arguments, Recognition of Public's support for either side, Appellant's Rebuttal, City's Rebuttal, Council's Questions, Council's Deliberations, Motion and Discussion, and Vote. A copy of the opening remarks was obtained for the record. *WHERE IS IT?*

Appellant's Arguments

Ryan L. Beasley, Attorney for Travel Inn, made the following arguments on behalf of his client Mr. Amrik Singh: Mr. Beasley stated that implicit in the findings, "a continuing nature of offenses that indicated an unwillingness of Mr. Singh to maintain a safe, crime free, drug free business environment," was that Mr. Singh had the authority and the responsibility for all incidents prior to his ownership of the property. Mr. Beasley pointed out that Mr. Singh purchased the property in May 2006. Mr. Beasley stated that Mr. Singh made numerous improvements to the property that included the installation of cameras at the cost of \$6,500, installation of a fence at the cost of \$6,000, contracted with a security company at the cost of \$600 a week that would include guards to monitor the cameras and instituted new rules that included a \$50 deposit.

Mr. Beasley argued that the revocation placed great weight on the fact that Mr. Singh's daughter was criminally charged for selling drugs, but that she had not been convicted and that there was no evidence that Mr. Singh had any knowledge of his daughter's activities. Mr. Beasley pointed out that Mr. Singh's daughter owned the restaurant next door and that she moved it to Clemson in that she was kicked out of the hotel.

Mr. Beasley stated that Mr. Singh purchased the property for \$1.6 million dollars with a monthly payment of over \$12,000 a month and a property tax of almost \$40,000; costs that Mr. Singh did not incur when managing the property beginning in April 2004.

Mr. Beasley questioned why Mr. Singh required two business licenses; one to Balaji Enterprises as the owner; and one to Mr. Singh as manager of the Travel Inn, if Mr. Singh was the owner as asserted. Mr. Beasley reiterated that Mr. Singh had no authority until May 2006 and stated that there was not any evidence of a notice from the City or the Police Department that there were problems until August 2, 2006 which was in the form of a business license revocation notice.

Mr. Beasley pointed out that Greenville City Police Lieutenant Evett testified that he did not meet Mr. Singh until August 2, 2006, and testified that he had no reason to believe that Mr. Singh had knowledge of his daughter's activities, and that Mr. Singh stated that he did not have knowledge of his daughter's activities. Mr. Beasley stated that in addition, Mr. Singh had fully cooperated with the police and that Balaji Enterprises, as the owner,

should have been notified. Mr. Beasley also stated that testimony was given that Mr. Singh's daughter was notified in April 2004, but that she was in India at that time until June 28, 2004. In conclusion, Mr. Beasley stated that the evidence showed that Mr. Singh had no knowledge and was cooperative in the process. Mr. Beasley related some of Mr. Singh's personal and family history and their current living conditions stating that this business meant everything to Mr. Singh and his family.

Mr. Beasley stated that the case against Mr. Singh was based on conduct that he had no control over and individuals that he had no authority over. Mr. Beasley begged Council to give Mr. Singh time to make the situation right and to rescind the revocation.

City of Greenville's Arguments

Debra Gammons, Assistant City Attorney, stated that City Ordinance provided for revocation of Travel Inn's business license by providing that if any licensee had actual or constructive knowledge of activities then that person was responsible for the activities that occurred on that property. Ms. Gammons stated that violence, prostitution, drug arrest and disorderly conduct were examples of activities that would allow for the revocation of a business license as well as an unusual number of police calls. Ms. Gammons stated that from April 1, 2004 to June 16, 2006 there were 918 calls for service to this location, from which 194 incident reports were written, from which 80 to 90 arrests were made. Ms. Gammons stated that these constituted 46 drug related offenses, 12 assaults, 2 assaults and battery with intent to kill, petty larceny, disorderly conduct, armed robberies and prostitution. Ms. Gammons stated that prostitutes stayed at the hotel and would go out to Wade Hampton and conduct their business inside the hotel.

Ms. Gammons stated that Mr. Singh was the licensee of Travel Inn and was listed on the business license as the President of the business in 2004, 2005 and 2006 and that he listed himself as the licensee and preparer of the application. Ms. Gammons stated that preparing two business licenses was the procedure that the City followed when there was a building as well as a business in that building. Ms. Gammons explained that the business and the owner of the building where the business was located both require a license, so that Balaji Enterprises and Travel Inn both required a license.

Ms. Gammons stated that the activities that Lieutenant Evett and other officers observed were detrimental to the health, safety and welfare of the citizens of Greenville. Ms. Gammons stated that Lieutenant Evett testified that he called Mr. Singh in April 2004 and told him about the illegal activities and made an appointment with him and when he arrived on the property, Mr. Singh was not there, but his daughter stated that Mr. Singh had a doctor's appointment. Ms. Gammons stated that Lieutenant Evett spoke directly with Mr. Singh's daughter, who stated that she was the manager of the property. Ms. Gammons stated that whenever Lieutenant Evett or any other officer went to the property, Mr. Singh's daughter, Manninder Kaur, was acting as the manager.

Ms. Gammons reported that Mr. Singh's daughter was charged on two separate occasions in March 2006 with controlled substance buys of crack cocaine and that in May 2006 she confessed to filing a false police report stating that there was an armed robbery so that she could get money to get her boyfriend out of jail. Ms. Gammons concluded that Ms. Kaur was involved in this business because she was acting manager and was in

fact the daughter of manager and owner, Mr. Singh and that Mr. Singh had responsibility for his employees, including his daughter.

Ms. Gammons stated that this property abutted a residential district and that Dawn Condrey, owner of Top Hats Hair Salon, testified that patrons of Travel Inn had disturbed her business, and upon inquiry of how she knew where the people came from, Ms. Condrey stated that she had seen them return to the hotel. Ms. Gammons further stated that it was significant when a hotel owner needed to put up a fence to protect the outside from its patrons. Ms. Gammons stated that all procedures were followed and requested Council to uphold the City Manager's decision to revoke this business license:

Recognition of public support for the Appellant
Approximately 25 citizens stood in support.

Recognition of public support for the City
There were no citizens who stood in support.

Appellant's Rebuttal

Mr. Beasley stated that Mr. Singh put up the fence for protection and to try to alleviate any problems other business owners might have in the area and stated that Mr. Singh could not help someone who lived in a bad neighborhood behind his house and building a fence was the only thing Mr. Singh could do. Mr. Beasley stated that jail was needed to keep the bad people out and reiterated that Mr. Singh spent \$6,500 on cameras, kicked his daughter out, did not know what was going on, and that Ms. Kaur's restaurant which was next door, moved to Clemson. Mr. Beasley requested an exception to allow the family to speak.

Mayor Pro Tem Flemming stated that this was not a new revocation hearing to hear additional evidence and therefore ruled there would be no additional comments from either side.

Mr. Beasley stated that there were probably only 10 police calls since Mr. Singh took ownership and had authority. Mr. Beasley pointed out that calls made to the police were out of Mr. Singh's control.

City of Greenville's Rebuttal

Ms. Gammons stated that from May 2005 to June 16, 2006 there were 140 incident reports written. Ms. Gammons stated that Mr. Beasley's argument that Mr. Singh did not have authority was without merit as Mr. Singh knew what was going on, saw the police coming to his property and had constructive knowledge if not actual knowledge. Ms. Gammons continued that as the manager and applicant for the business license, Mr. Singh had authority and the responsibility for a safe business relative to all the citizens of Greenville. Ms. Gammons stated that to allow this hive of illegal activity to continue would spread out to the whole City of Greenville. Ms. Gammons requested that Council uphold the City Manager's decision to revoke the business license.

Council's Questions

- ▶ Councilman Smock: What measures would Mr. Singh need to take to end the illegal activities on the property?

Response: Mr. Beasley stated that it was difficult to control someone else's conduct, but Mr. Singh already took the following measures: spent \$6,500 on cameras, contracted with a security company to have guards and tv monitors in the main office, \$6,000 on the fence around the property to control traffic flow, and instituted a detailed set of rules that included a \$50 deposit. Mr. Beasley pointed out that Mr. Singh made calls to the police himself to keep people off his property or from coming back. Mr. Beasley stated that Mr. Singh would add more lights to the parking area and that Mr. Singh would do whatever Council deemed necessary.

- ▶ Councilman Smock: Why were those steps not taken when Mr. Singh was the Manager?

Response: Mr. Beasley stated that Mr. Singh was not authorized to spend any money to make those changes and Mr. Singh was not personally notified and instructed by the police to take those measures.

- ▶ Councilman Smock: How many and of what type were the incidents that occurred since Mr. Singh was the owner of the property?

Response: Ms. Gammons stated that she would need to look up the figure, but that incidents reported from April 2006 included larceny, suspicious person, domestic assault, verbal dispute, burglary, intoxicated persons, loud music, narcotics, drugs and prostitution.

- ▶ Councilman Sofield: How many of the calls were made by Mr. Singh to the Police Department?

Response: Ms. Gammons stated that from April 2004 to August 2006, 42 of the 918 calls were made by Mr. Singh or his daughter.

Response: Mr. Beasley stated that some calls were frivolous and that no report or follow up was made.

- ▶ Councilman Sofield: Would a report be made on a frivolous call?

Response: Mr. Beasley stated that his understanding was that a call with no formal complaint would generate a report only.

Response: Ms. Gammons stated that if a police officer came out to the scene and there was a disturbance, the officer would make an incidence report; but for example, if the police officer found two drunk people and they were willing to go back to their rooms, no incident report would be written in that instance, but it would still be counted as a call for service.

- ▶ Councilman Smock: Ascertained that there was approximately 194 incident reports made from the 918 calls. Ms. Gammons assented.

Response: Ms. Gammons requested permission to address the question of ownership Councilman Smock asked of Mr. Beasley. Ms. Gammons stated that Travel Inn used to be called Travel Lodge and that the 2004 business license application included SBPS, Inc. as owner. Ms. Gammons stated that she asked Mr. Singh at the Business License Revocation Hearing how long he had been in the United States, and he responded 22 years, and that he stated that he was the President of SBPS, as noted in the transcript on page 52 - 54. Ms. Gammons stated that as President, Mr. Singh had authority to make changes.

- ▶ Councilman Sudduth: Acknowledged the changes that Mr. Singh made and asked Mr. Beasley what additional measures Mr. Singh took to change the clientele, such as raising his rates.

Response: Mr. Beasley stated that Mr. Singh asked for identification and driver's license, but had no knowledge if raising the rates was possible or considered. Mr. Beasley pointed out the strict rules Mr. Singh had added and offered to distribute a list of them.

- ▶ Councilman Sofield: Neighbors behind the business called her repeatedly as the Councilmember representing that District, realizing that there might be changes and stated that although Mr. Beasley stated that the neighborhood was not so great behind there, she begged to differ that the neighborhood was a great starter neighborhood and there were quite a few young families there and that they were concerned about what was going on at that fence, before and since the fence went up, and pointed out that activities were still occurring there. Councilman Sofield stated that the neighborhood would be looking to see what Council was doing to protect them and pointed out that continual prostitution was occurring there and was based there. Councilman Sofield stated that she struggled with understanding how to allow Mr. Singh's to continue his business while Mr. Singh was not doing much to change the clientele, and in spite of the measures taken, nothing had changed.

Response: Mr. Beasley stated that Mr. Singh has cooperated with the Police on prostitution stings to prevent prostitution from occurring.

- ▶ Councilman Sofield: Mr. Singh still rents to that clientele?

Response: Mr. Beasley stated that he would not know what a prostitute looked like and would be amazed if Mr. Singh knew.

- ▶ Councilman Sofield: It would be obvious if there was quite a bit of activity in one room.

Response: Mr. Beasley stated that all he was aware of was that Mr. Singh had cooperated with the Police on these prostitution stings and that the Police stated that for the record.

- ▶ Councilman Sofield: Was the prostitution in the area cleaned up?

Response: Lieutenant Evett stated that a prostitution sting was conducted last week and that a female police officer posed as a prostitute, which resulted in two cases in 30 minutes. Lieutenant Evett stated that the problem moved down the street, but that it originated from the hotel.

- ▶ Councilman Shain: Requested more information regarding the security guard.

Response: Mr. Beasley stated that Mr. Singh contracted with a security company before the original hearing, but did not use it because he was shut down. In response to further questioning, Mr. Beasley stated that the hearing was August 29, 2006, and that everything happened in a matter of a few months and that Mr. Singh was shut down pretty quick and that he had already contracted with the security guard and spoke to a police officer regarding off duty work.

- ▶ Councilman Dillard: At any point in time did Mr. Singh confer with the City on how to alleviate the issues at the establishment?

Response: Ms. Gammons stated that he did not confer with the Police Department, and that whenever Lieutenant Evett went to the property, he would speak directly with Ms. Kaur, because she was always there.

- ▶ Councilman Sofield: What would Mr. Singh be willing to do today, if he was given a reprieve? Councilman Sofield stated that there could not be any more calls, and that 918 calls was not a good use of the City police officers' time.

Response: Mr. Beasley stated that Mr. Singh might have a few calls in the normal course of business, but that Mr. Singh would do everything he could and pointed out the investment to security. Mr. Beasley pointed out that some circumstances were out of Mr. Singh's control, but that Mr. Singh would do anything he could in his power to keep his business open.

- ▶ Mayor Pro Tem Flemming: In reference to the \$50 deposit, was it a cash only business or cash and credit?

Response: Mr. Beasley stated that it was both cash and credit.

- ▶ Councilman Sudduth: Coming to a hearing and not having a solution to the problem was not a good answer. Councilman Sudduth expressed concern that at this point a solution to change the clientele or to reduce the call volume was not offered.

- ▶ Response: Mr. Beasley stated that the money spent on cameras, security and fencing was not proposed, but had already occurred. Mr. Beasley stated that it was impossible to come up with a plan to monitor someone coming in to rent a room and doing so would invite lawsuits.

- ▶ Councilman Sudduth: How many cameras were in place, and were they always monitored?

Response: Mr. Beasley stated that there were 16 cameras, and they were always monitored in the main office.

- ▶ Councilman Sudduth: What happened when illegal activities were observed?

Response: Mr. Beasley stated that a security guard would go make contact and find out what was going on.

- ▶ Councilman Sudduth: There actually was a security guard in place?

Response: Mr. Beasley stated that there would be a security guard monitoring cameras as well as security guards walking the grounds. Mr. Beasley stated that Mr. Singh had a contract with Atlas Security and had already implemented the placement of cameras all over the hotel and had built the 6' fence all around the property. Mr. Beasley stated that it was \$600 a week for security guards and \$6,000 was spent on the fence, and \$6,500 was spent for the cameras.

- ▶ Councilman Sudduth: How long has the security firm been in place?

Response: Mr. Beasley stated that the service was contracted a few weeks before the hearing in August, and that Mr. Singh received notice in May and there was not a lot of time in between.

- ▶ Councilman Shain: Requested Ms. Gammons to give a review of previous difficult business license revocation situations.

Response: Ms. Gammons stated that typically the type of incidences in other business license revocations were similar to those at Travel Inn; prostitution, assault and disorderly conduct. Ms. Gammons stated that Mr. Beasley stated that he did not know how Mr. Singh could regulate his clients, but other hotels were able to do that without 918 calls over two years. Ms. Gammons stated that the highest number of calls previously was 100 per year at Relax Inn and that Travel Inn was far beyond that. Ms. Gammons pointed out that Mr. Singh could have monitored his clientele and that other hotels were able to do that.

Response: Mr. Beasley stated that Mr. Singh purchased the property in May and received notice 60 days thereafter. Mr. Beasley stated that after being noticed, Mr. Singh began the process of hiring the security company, and it was true that the cameras were not installed until after the hearing.

- ▶ Councilman Sofield: Mr. Singh was on the property for two years before that.

Response: Mr. Beasley stated Mr. Singh was on the property as manager and did not have the authority to make those decisions.

- ▶ Councilman Sudduth: Did Mr. Singh keep a log or keep track of the people who were arrested in the past, so that he did not offer them a room again?

Response: Mr. Beasley stated that he was not aware of a log, but that Mr. Singh would definitely consider doing so.

Council's Deliberations

Mayor Pro Tem Flemming stated that Council could choose to: 1) affirm the City Manager's revocation action, 2) reverse the City Manager's revocation action or, 3) modify the City Manager's revocation action.

Councilman Smock moved, seconded by Councilman Sofield, to modify the City Manager's decision for business license revocation by granting an extension of six months for a conditional permit, and that those conditions be worked out with the Police Department and the City Manager.

Councilman Smock stated that she would be willing to give Mr. Singh an opportunity to show that he was making a genuine effort, but that it could not be too long as the Police Department had been strained. Councilman Smock stated that in many ways Mr. Singh embodied the American Dream and that she would like to see Mr. Singh succeed in the business. Councilman Smock stated that the conditions should include items that have been discussed this evening such as keeping a log. Councilman Smock questioned whether Mr. Singh had previous experience in managing and owning a motel and suggested a partnership with another hotel in the City that was successful and could advise Mr. Singh. Councilman Smock concluded that after six months, if the conditions were not met, then Mr. Singh's business license would be automatically revoked.

Councilman Shain recalled another revocation hearing where calls were in response to violent situations and expressed concern regarding the safety of the police. Councilman Shain stated that 100 calls were unacceptable and expressed that there should be a limited number of calls that trigger revocation. Councilman Shain expressed concern that the rest of the City and its neighborhoods and citizens suffer when one business takes up so much of the Police Department's time. Councilman Shain stated that a limit be set to the number of police calls and that the Chief of Police be consulted to make that determination.

Councilman Sudduth agreed that this was a resource issue among other things and expressed concern that in spite of Mr. Singh taking ownership in May of 2006, he had been aware of these problems for a number of years and that this fact needed to be taken into account.

Councilman Dillard stated that two business licenses had been revoked in her District with very similar backgrounds and added that people get busy when they think they will lose something. Councilman Dillard pointed out that protecting a \$1.6 million investment early on rather than later in the process spoke volumes. Based on the testimony, Councilman Dillard stated that she had a difficult time believing that Mr. Singh was unaware of illegal activities on the property, and that she was reluctant about giving him a second chance, but would yield to Councilman Sofield as the neighborhood in jeopardy was in her District.

Councilman Sofield agreed and stated that six months was too long and that it was unclear how to put a limit on calls and police service, and expressed concern regarding the

neighborhood's safety, which was a large and growing community. Councilman Sofield questioned whether there was only one official notice.

In response, Ms. Gammons stated that the Ordinance did not provide any set of notice requirements, but that the City as a courtesy would go to businesses as Lieutenant Evett did and would tell them what was happening on the property and that the behavior had to be cleaned up.

Councilman Sofield questioned whether Lieutenant Evett spoke with Mr. Singh. In response, Ms. Gammons stated that he spoke with him on the telephone and made an appointment with him, but that when Lieutenant Evett went there, Mr. Singh's daughter stated that Mr. Singh had to go to a doctor's appointment. Ms. Gammons confirmed that Lieutenant Evett did not speak directly with Mr. Singh, but that he did speak with Mr. Singh's daughter who stated that she was the manager, and was acting manager and was always on the property. Ms. Gammons added per Lieutenant Evett that when he called Mr. Singh to make the appointment, Lieutenant Evett did speak directly with Mr. Singh about the problem. In response to Councilman Sofield's further inquiry, Lieutenant Evett stated that he identified himself and asked to speak to the owner and Mr. Singh identified himself as the owner, and Lieutenant Evett explained the problems and stated that he needed to come to the place of business and meet with Mr. Singh in person to discuss it. Lieutenant Evett added that he took the file with him and stated that the calls increased rather than decreased after that call was made.

Councilman Sofield questioned what response was made by Mr. Singh's daughter at that point, who was acting as manager. Lieutenant Evett stated that the daughter indicated that they called the police regarding the problem before, to which Lieutenant Evett stated that the number of calls for service needed to stop, and added that calling for service was fine, but that the problem should not continue, and Lieutenant Evett reiterated that the number of calls increased.

Councilman Sofield questioned whether the number of calls increased because Mr. Singh thought he was doing the right thing to address the problem. In response, Mr. Beasley stated that Lieutenant Evett testified that in April 2004 he visited Mr. Singh's daughter, but that Mr. Singh's daughter was out of the country at that time and did not return until June 28, 2004 as evidenced by her passport.

Councilman Sofield questioned how many daughters Mr. Singh had. Mr. Beasley stated that he had two daughters, one of whom was 12 years old. Lieutenant Evett stated that he spoke with his daughter personally in the lobby of the hotel.

Mr. Beasley assured Council that Mr. Singh would have the property clean in 10 days or even in a few days.

At this time, Councilman Smock moved, seconded by Councilman Shain, to amend the above motion to modify the City Manager's decision for business license revocation by granting an extension of four months for a conditional permit, and that those conditions be worked out with the Police Department and the City Manager.

Councilman Sofield stated that if in four months it was totally cleaned up and nothing ever happened, then that was fine, however if in one month there was no progress, then she would not be willing to give Mr. Singh three additional months, as it would not be fair to the neighborhood.

Councilman Sudduth questioned the number of calls made from May 2006 to the present. In response, Ms. Gammons stated that from May 2006 to August 29, 2006 that there were 100 calls for service. Councilman Sudduth pointed out that it was almost a call a day. Mr. Beasley stated that some calls were 911 disconnect.

After discussion, Mayor Pro Tem Flemming called for the vote on the amendment for four months. The motion failed for lack of majority, with Council members Sudduth, Dillard and Sofield dissenting.

At this time, Mayor Pro Tem Flemming called Council's attention back to the original motion stated as follows:

Councilman Smock moved, seconded by Councilman Sofield, to modify the City Manager's decision for business license revocation by granting an extension of six months for a conditional permit, and that those conditions be worked out with the Police Department and the City Manager.

Councilman Shain addressed Councilman Sofield to ask her what length of time would be acceptable to her, and in response, Councilman Sofield stated that she would consider as an extension, but was unsure if Mr. Singh could do what needed to be done within three months and expressed concern for the neighborhood behind the business.

Councilman Sofield pointed out that Council did not want to put anyone out of business, but that Mr. Singh had been on the property for years and that the property should have been cleaned up when he was the manager. Councilman Sofield also stated that she understood Mr. Singh wanted to take care of his family, and that she favored second chances, and that she felt that an extension for 60 days would be acceptable.

Councilman Sudduth agreed that he was in favor of second chances, but pointed out that between May of 2006 and August 2006 Mr. Singh owned the property, made some changes including a camera and fence, but that there were still 100 calls. Councilman Sudduth added that what continued to trouble him was that even at this point, Mr. Singh did not have a plan. Councilman Sudduth stated that he did not want to take away a business license, but that this was a resource issue and would send a message to reputable businesses.

Councilman Smock stated that what she heard was that as soon as Mr. Singh took ownership and invested the money, it was soon after that the business was shut down, therefore Councilman Smock felt that Mr. Singh should have the opportunity to implement the security guard and camera changes, run the business for awhile and give it a chance to work. Councilman Smock stated that she did not hear that Mr. Singh had been given that chance.

Councilman Sudduth appreciated that point, however, expressed concern that there was nothing in place to weed out the element causing problems such as an attempt to keep track of the people causing the problems so as not to have them return. Councilman Sudduth stated that he suspected there were many repeat offenders and that this issue should have been addressed.

Mayor Pro Tem Flemming expressed concern that Mr. Singh might not have experience in hotel management training and that there was no warning process in place.

Councilman Dillard commented that 900+ calls was a warning, but stated that she was willing to extend the business license for 60 days, after which time Council would look for changes to have been made.

At this time, Councilman Dillard moved, seconded by Councilman Sofield, to amend the original motion to modify the City Manager's decision for business license revocation by granting an extension of 60 days for a conditional permit, and that those conditions be worked out with the Police Department and the City Manager. The motion carried 5-1, with Councilman Sudduth dissenting.

Mayor Pro Tem Flemming stated that the above motion, which passed, superceded the original motion, and that the vote taken by Council tonight was final, and that a date needed to be set for the 60 days.

City Manager James Bourey questioned whether Council would reconsider if conditions were not met and whether the business license would be automatically revoked. Mayor Pro Tem Flemming stated that this was not made clear and that perhaps another motion was needed.

Councilman Smock stated that since conditions were not yet spelled out, for the benefit of the appellant, it would be fair to give the appellant, the Police Department and City Manager a chance to work out the conditions before the 60 days began counting down.

City Attorney Ron McKinney suggested that Mr. Singh open and operate one week from tonight and be in operation for a period of 60 days, and at the end of that 60 days, the City Manager and the Police Department would make a full and complete report on all aspects of business operations to the best of their knowledge, and that in the interim one week period, the City Manager and Police Department would be authorized to deliver to Mr. Singh reasonable and realistic conditions that Mr. Singh would have to meet in terms of noise, litter, prostitution, serious calls and the like, and that he would be evaluated at the end of that 60-day period, and absent a dramatic improvement in conditions, the business license would be revoked as originally brought to Council and without further recourse to Council.

Mr. McKinney added that if there were a dramatic improvement that Mr. Singh be on a six month probation, with a subsequent report to Council. Mr. McKinney stated that the conditions should be in writing; not mutually agreed upon, and developed by the City Manager and the Police Department drawing upon their experience in other locations and situations, but that the staff be directed to make them realistic and achievable and would include the security devices already in place and in their full and usual operation. Finally,

Mr. McKinney suggested that if there were a particularly egregious set of circumstances that occurred before the 60 days, Council be notified and reserve the option to terminate the license prior to the completion of the 60-day time period based on that set of circumstances.

Mayor Pro Tem requested that Ms. Gammons and Police Officers be involved as they have been involved in other revocations and know what works best. Mayor Pro Tem Flemming stated that the terms would be non negotiable.

There was some discussion that perhaps the motion was not clear and did not include all conditions intended. For clarity, the motion was restated.

Councilman Smock moved, seconded by Councilman Sofield, to modify the City Manager's decision for business license revocation by granting an extension of 60 days for a conditional permit, and that those conditions be worked out with the Police Department and the City Manager and would include the conditions outlined by Mr. McKinney as stated above. The motion carried 5-1, with Councilman Sudduth dissenting.

At this time, Councilman Smock left the meeting for another engagement related to City business.

CONSENT AGENDA

~~There will be no discussion of these items unless a Council member so requests in which event the item in question will be considered separately.~~

10. UNFINISHED BUSINESS – (Ordinances - Second and Final Reading)

Councilman Shain moved, seconded by Councilman Sofield, to approve agenda item 10a for second and final reading, 11a, 11b and 11c for first reading and 12a, 12b and 12c for first and final reading. The motion carried unanimously.

- a. Ordinance to appropriate \$76,400 from the CBD Tax Increment Fund to the Downtown Streetscapes Project.

11. NEW BUSINESS – (Ordinances – First Reading)

Councilman Shain moved, seconded by Councilman Sofield, to approve agenda item 10a for second and final reading, 11a, 11b and 11c for first reading and 12a, 12b and 12c for first and final reading. The motion carried unanimously.

- a. Ordinance to provide for valet parking operations in public rights of way.
- b. Ordinance to amend Section 50-312, "Definitions," and Section 50-318, "Maintenance," of Article VI, "Signs," of the Zoning Ordinance. (Z-29-2006)

- c. Ordinance to appropriate \$67,180 from the Parking Fund to the River Street Garage Project for a Change Order and final payment to close out the Project.

12. NEW BUSINESS – (Resolutions - First and Final Reading)

Councilman Shain moved, seconded by Councilman Sofield, to approve agenda item 10a for second and final reading, 11a, 11b and 11c for first reading and **12a, 12b and 12c** for first and final reading. The motion carried unanimously.

- a. Resolution to support the National League of Cities' partnership for working toward inclusive communities.
- b. Resolution to adopt the City of Greenville's 2007 Agenda for State and Federal legislative priorities and its accompanying action plan to address local issues.
- c. Resolution to approve a Mediation Agreement with Matthew Tindall and Wild Wing Café allowing Wild Wing Café to expand its restaurant to the adjacent location at 13 West Washington Street.

REGULAR AGENDA

13. UNFINISHED BUSINESS – (Ordinances - Second and Final Reading)

None

14. NEW BUSINESS – (Ordinances – First Reading)

- a. Ordinance to abandon a portion of McLeod Street. **(AB-2-2006)**

Councilman Sofield moved, seconded by Councilman Dillard, to approve first reading. The motion carried unanimously.
- b. Ordinance to abandon David Francis Court and a portion of Oakland Avenue. **(AB-3-2006)**

Councilman Shain moved, seconded by Councilman Dillard, to approve first reading. The motion carried unanimously.
- c. Ordinance to annex approximately 0.94 acre of real property located off of Woodruff Road and to provide the zoning designation of S-1, Service, District. **(AX-9-2006)** (Hollingsworth)

Councilman Dillard moved, seconded by Councilman Shain, to approve first reading. The motion carried unanimously.
- d. Ordinance to annex approximately 20.40 acres of real property located on Old Sulphur Springs Road, including the adjacent right-of-way, and to provide the

zoning designation of S-1, Service, District. (AX-10-2006) (Verdae)

Councilman Sofield moved, seconded by Councilman Shain, to approve first reading. The motion carried unanimously.

- e. Ordinance to annex approximately 0.62 acre of real property located on Birdfield Drive and to provide the zoning designation of S-1, Service, District. (AX-11-2006)

Councilman Dillard moved, seconded by Councilman Shain, to approve first reading. The motion carried unanimously.

- f. Ordinance to appropriate \$50,000 from the Fund Balance of the General Fund for the purchase of a Life Safety House for the Fire Department.

Councilman Sofield moved, seconded by Councilman Dillard, to approve first reading.

Councilman Shain questioned whether the City collaborated with the Hospital System's Safe Kids Program. In response, Fire Chief Tommy McDowell stated that the City had been working with them for over ten years.

Councilman Sudduth questioned how much of the \$219,000 additional available fund balance had been spent. In response, Mr. Bourey stated that this was the first request of the \$219,000.

After discussion, the motion carried unanimously.

- g. Ordinance to appropriate \$104,000 from the Viola Street Tax Increment Fund to the Viola Street Improvements - Phase II Project.

Councilman Shain moved, seconded by Councilman Dillard, to approve first reading.

Councilman Sudduth questioned the balance of the TIF Fund before this appropriation. Phillip Robey, Office of Management and Budget Director, stated that this request would use up all of the available fund balance of that Fund.

After discussion, the motion carried unanimously.

- h. Ordinance to appropriate \$188,000 from the Hospitality Tax Fund to the General Fund for four additional police officers to cover the Downtown Area and Neighborhood Policing.

Councilman Sofield moved, seconded by Councilman Shain, to approve first reading. The motion carried unanimously.

- i. Resolution to approve a Mediation Agreement for an appeal to the Circuit Court from the Board of Zoning Appeal's decision and to define the scope of business operations for a commercial establishment at 221 North Main Street.

Councilman Dillard moved, seconded by Councilman Shain, to approve first and final reading.

Councilman Shain requested more information regarding the Noise Control Plan submitted this evening. In response, Ms. Gammons stated that the Noise and Litter/Trash Disposal Plans were submitted today by 221 North Main and that the Noise Plan was made in response to issues arising with the upstairs neighbors, which would now be leased by 221 North Main. Ms. Gammons stated that this plan was required by the mediation and would solve the problem.

After discussion, the motion carried unanimously.

15. **NEW BUSINESS – (Resolutions - First and Final Reading)**

- a. Resolution to support the submission of grant applications from the City of Greenville, Homes of Hope and the Upstate Homeless Coalition for funding under the SC State Housing Finance and Development Authority's Community Redevelopment and Revitalization Program.

Councilman Sofield moved, seconded by Councilman Sudduth, to approve first reading.

Councilman Dillard questioned whether the Neighborhood Association or Ms. Cleveland was aware of this and consented. In response, Imma Nwobodu, Community Development Department, stated that the Neighborhood President was contacted as part of the application process and that a meeting was planned for this week for all the Neighborhood Presidents to review the application in more detail.

After discussion, the motion carried unanimously.

16. **CITY MANAGER'S REPORT**

Mr. Bourey made the following report:

- ▶ **Government Finance Officers Award** - Received by City and OMB staff again this year. Congratulations to OMB staff, Mr. Robey and Jon Simons, formerly with the City's OMB Department.
- ▶ **Bicycle Advisory Committee** - Met last week to further plans for a bicycle friendly community.

Councilman Dillard announced that last Friday at the NAACP Freedom Fund Banquet, Mr. Bourey was given the Coretta Scott King Humanitarian Award for his efforts with Hurricane Katrina relief.

Councilman Shain stated that there were businesses downtown, some retail, that over the years requested ways to be permitted to provide valet parking and expressed concern that all businesses were informed regarding this opportunity. In response, Mr. Bourey stated that the City

Formal Minutes
November 13, 2006
Page 18

would work with anyone and that the proposed ordinance considered tonight provided a structure for the City in which to do that. Mr. Bourey added that there were two restaurant entities providing that service now and that no other formal requests were made, but assured Council that staff would work with those interested parties and all others.

Mayor Pro Tem suggested looking at the possibility of designating spaces for business that were experiencing problems with Valet Parking. Mr. Bourey stated that a concern had been that valet parking spaces were adequately designated and that times for that use be clearly marked and to limit those spaces to those that were necessary.

Councilman Sofield expressed concern that the Downtown Neighborhood Association was not adequately informed as they came to tonight's meeting thinking something was happening that was not. Councilman Sofield pointed out that residents were still concerned regarding the Piazza Bergamo and wanted to participate, and requested that staff assure that neighborhoods, including the downtown neighborhoods, have a voice. Mayor Pro Tem Flemming stated that the primary concern of the downtown group seemed to be the smoking ordinance and pointed out that if there were questions the public could always contact the Clerk's Office or City Hall for clarity. Mr. Bourey stated that the Downtown Report was e-mailed to hundreds of people, which requested residents to call if there were any questions. Mr. Bourey assured Council that the City had done its part in relating information.

17. Adjourn – There being no further business, the meeting adjourned at 7:21 p.m.

Lillian Brock Flemming, Mayor Pro Tem

Cheryle R. Ratliff, City Clerk

MEETING NOTICE POSTED AND MEDIA NOTIFIED: November 10, 2006

EXHIBIT 2



city of greenville

November 15, 2006

Mr. Ryan L. Beasley
Attorney at Law
644 East Washington Street
Greenville, South Carolina 29601

Re: Amrik Singh and SBPS, Inc., d/b/a Travel Inn
755 Wade Hampton Boulevard

Dear Mr. Beasley:

City Council voted November 13, 2006 to modify the City Manager's decision that revoked the Business License of Travel Inn, 755 Wade Hampton Boulevard, Greenville, South Carolina. City Council voted to grant a Conditional Business License to Travel Inn.

The terms of the Conditional Business License are (1) Travel Inn may re-open its business November 20, 2006 and remain open for sixty days thereafter provided that (2) Travel Inn complies with all conditions to be established by the City Manager; (3) at the end of the sixty-day period, the Police Department will submit a written evaluation to the City Manager measuring Travel Inn's compliance with the conditions and compliance with reducing the illegal and nuisance activities on the premises; (4) if after the sixty-day period, the City Manager finds that Travel Inn is in compliance with the conditions and illegal and nuisance activities have significantly decreased, Travel Inn will be placed on a six-month Probation Period; (5) the Police Department shall continue to monitor Travel Inn and report to the City Manager; (6) any deviation from the conditions reported to the City Manager will result in automatic revocation of the Conditional Business License of

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Travel Inn on the date the City Manager determines that the Travel Inn is not in compliance.

Sincerely,

Lillian Brock Flemming

Lillian Brock Flemming
Mayor Pro Tem

/dpb

EXHIBIT 3

City Managers Conditions
TRAVEL INN
CONDITIONAL BUSINESS LICENSE TERMS
755 Wade Hampton Boulevard

- AS* 1. Maintain a log of persons placed on Trespass Notice and refuse to rent rooms to any person on this list. Police will be able to inspect this list at any time without prior notice
- AS* 2. Require presentation of a personal identification card or Driver's License and motor vehicle tag number from all patrons upon registering for lodging
- AS* 3. Require a \$100.00 Security Deposit for those patrons that reside at this location more than one week continuously
- AS* 4. Prohibit hourly room rates
- AS* 5. Maintain security cameras and record all activity for retrieval
 - a. Monitor cameras twenty-four hours per day
 - b. Police will be able to monitor cameras at any time without prior notice
6. Provide written documentation that the security company used by Travel Inn is licensed and bonded by the State of South Carolina
 - a. Security personnel must be on duty 24 hours a day/7 days a week
 - AS* b. Security personnel must monitor all parking lots and the sidewalk in front of Travel Inn to reduce prostitution
- AS* 7. Names and addresses of security personnel and Travel Inn employees must be submitted to Police. Security personnel must not have criminal convictions
- AS* 8. Police will be able to inspect all rooms before reopening November 20, 2006
- AS* 9. The property owner and manager are responsible for maintaining the grounds and complying with the property maintenance code
- AS* 10. Enforce all conditions in the Travel Inn Policy submitted to the City of Greenville

Amrit Singh 11-17-06
Balvir Singh 11-17-06
H. Randall J. Ewert 11-17-06

EXHIBIT 4



City of Greenville

MEMORANDUM

VIA E-MAIL

To: James Bourey, City Manager
From: Chief Willie L. Johnson
Date: January 17, 2007
Subj: Travel Lodge (755 Wade Hampton Boulevard) - Update
07-06

Immediately following council's action to allow the Travel Lodge and Motel at 755 Wade Hampton Boulevard to operate on a 60 day probationary period I assigned our vice and narcotics bureau to keep a daily check on the premises. Any violations were to be enforced and a report forwarded to my office.

On November 17, 2006 Debra Gammons and one of our department representatives met with Mr. Singh, the owner, and outlined the conditions he must follow during the probationary period. He agreed with everything.

On November 18, 2006 Detectives spoke with Mr. Singh at the motel location. Detective's video taped the rooms which appeared to be much cleaner than normal. The building and parking lot was being pressure washed during their visit. Mr. Singh was given a contact number to the police department if he had any questions. During the remainder of November the detectives frequently checked the motel finding that a security guard was on duty and that vehicle traffic had been minimal. Patrons had been few.

Daily checks continued in December and no violations were noted. The uniformed security guard was on duty and visible. The patron traffic was slow. The vehicles on the premises matched the number of patrons registered.

On January 12, 2007 detectives conducted an unannounced inspection of the property. The log book showed 20 rooms occupied. The vehicles on the premises were consistent with the number of patrons. The unarmed security guard was uniformed and visible. The security company had changed from "American Security" to "Employers Security Company." A check of the camera system, which consists of at least six cameras covering the premises, was working properly.

January 19, 2007
Page #2

One police incident report (GPD07-5482 copy attached) has been written as a result of a problem at the location on January 3, 2007. In this incident a verbal dispute occurred and a person was placed on trespass notice by the owner. It appears that Mr. Singh was present when the dispute unfolded along with the security guard; however, the report reveals that Mr. Singh attempted to conceal the incident from responding officers.

Based on our inspections, Mr. Singh has lived up to the conditions outlined in the November 17, 2006 meeting listed above. We will continue to keep a vigilant watch on the property to ensure the guidelines set by Council are followed.

WLJ/sf
Attachment

c: John Castile, Deputy City Manager
Ron McKinney, City Attorney
Debra Gammons, Assistant City Attorney
Captain Ed Blackburn

EXHIBIT 5



Office of the City Attorney

February 20, 2007

Mr. Ryan L. Beasley
Attorney at Law
644 East Washington Street
Greenville, South Carolina 29601

Re: Business License
Amrik Singh and SBPS, Inc., d/b/a Travel Inn
755 Wade Hampton Boulevard

Dear Ryan:

James M. Bourey, City Manager, has extended the probationary period for Travel Inn to one year beginning January 23, 2007; all the Conditions previously established by City Manager must continue during this period.

The terms of the Business License during this probationary period are:

1. Maintain a log of persons placed on Trespass Notice and refuse to rent rooms to any person on this list; Police will be able to inspect this list at any time without prior notice;
2. Require presentation of a personal identification card or Driver's License and motor vehicle tag number from all patrons upon registering for lodging;
3. Require a \$100.00 Security Deposit for those patrons that reside at this location more than one week continuously;
4. Prohibit hourly room rates;
5. Maintain security cameras and record all activity for retrieval; Monitor cameras twenty-four hours per day; Police will be able to monitor cameras at any time without prior notice;
6. Provide written documentation that the security company used by Travel Inn is licensed and bonded by the State of South Carolina;

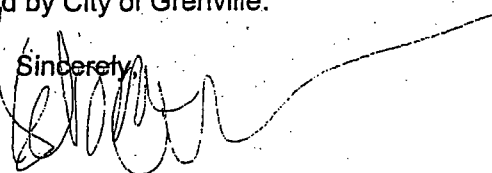
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Security personnel must be on duty 24 hours a day, 7 days a week;
Security personnel must monitor all parking lots and sidewalk in front
of Travel Inn to reduce prostitution;

7. Names and addresses of security personnel and Travel Inn
employees must be submitted to Police; Security personnel must not
have criminal convictions; and

8. The property owner and manager are responsible for
maintaining the grounds and complying with the International
Property Maintenance Code, adopted by City of Greenville.

Sincerely,



Debra J. Gammons
Assistant City Attorney

DJG/dpb

c: James M. Bourey, City Manager
John Castile, Deputy City Manager
Chief Willie Johnson
Lieutenant Randy Evett
Phillip Robey, Office of Management and Budget Director

EXHIBIT 6



City Manager's Office

March 30, 2007

Mr. Ryan L. Beasley
Attorney at Law
644 East Washington Street
Greenville, South Carolina 29601

Re: Business License Revocation
Amrik Singh and SBPS, Inc., d/b/a Travel Inn
755 Wade Hampton Boulevard

Dear Mr. Beasley:

This is the Notice that City of Greenville will proceed with the revocation of Travel Inn's Business License effective 30 days from the date of this letter. This time is afforded as a means to bring an orderly cessation of all activity. Travel Inn must close **April 30, 2007**.

The basis for Revocation is the management's inability or unwillingness to maintain a safe, drug-free, and crime-free environment.

The Business License was originally revoked by Notice dated August 2, 2006. Upon Hearing the Appeal, City Council expressed concern in the Hearing about the circumstances at Travel Inn over a long period of time but City Council held the Business License Revocation in abeyance. City Council also authorized me to review conditions on an ongoing basis and make decisions concerning the Business License.

From January 2007 through March 2007, four incidences have occurred that reflect the continuation of the prior nuisance pattern.

The first incident occurred on or about January 3, 2007. Police responded to a disconnect call from Travel Inn. Later, Police found that one of the patrons of Travel Inn called 911 because of a dispute he was having with another subject who was very intoxicated and creating a disturbance at

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Travel Inn. The subject was placed on Trespass Notice from Travel Inn. Mr. Singh stated to Police that there was no problem when Police questioned him about the incident.

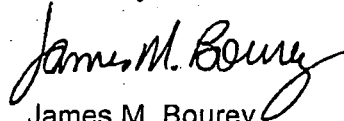
The second incident occurred on or about February 11, 2007 when a homicide investigation revealed that a suspect was staying at Travel Inn. The homicide occurred at Regal Inn, 536 Wade Hampton Boulevard. This suspect was in a room at Travel Inn but had not been registered as required. Lieutenant Randle Evett informed Mr. Singh on February 19, 2007 of this non-compliance and a second non-compliance dealing with registration (only a patron's first name was listed).

The third incident occurred on or about March 7, 2007. Chief Willie Johnson was notified by Greenville County Sheriff's Office that Maninder Kaur, daughter of Mr. Singh, was living at Travel Inn. Ms. Kaur was charged with two counts of Forgery on March 7, 2007. She was arrested at Travel Inn. Mr. Singh stated through you at the Business License Revocation Hearing that Ms. Kaur would not be allowed to resume her residence at Travel Inn because of her criminal activity at Travel Inn.

The fourth incident occurred on or about March 14, 2007. Police arrested three suspects for Possession of Crack Cocaine; the Drug Analysis revealed Cocaine (Crack). These suspects were arrested in the parking lot of Travel Inn as they were returning to the room of Leroy Johnson and Donald Parker Salmon, patrons of Travel Inn.

This resumed pattern of nuisance conditions is unacceptable.

Sincerely,



James M. Bourey
City Manager

JMB/dpb

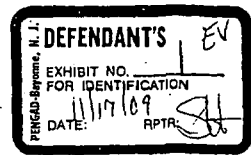
c: John Castile, Deputy City Manager
Ronald W. McKinney, City Attorney
Chief Terri Wilfong
Lieutenant Randle Evett



<u>EXHIBITS</u>	<u>DATE</u>	<u>DESCRIPTION</u>
Exhibit A		Greenville City Code of Ordinances
Exhibit B	Sept. 15, 2006	Hill's order denying Injunction
Exhibit C	Nov. 15, 2006	City Council's modified terms
Exhibit D	Nov. 22, 2006	Bourey's stipulations to license
Exhibit E	Apr. 2, 2007	Bourey's second revocation letter
Exhibit F	Apr. 6, 2007	Gammons letter denying appeal
Exhibit G	Apr. 9, 2007	City Council minutes with Beasley
Exhibit H	Apr. 11, 2007	Beasley's letter contesting 4 incidents
Exhibit I	Apr. 25, 2007	TRO denied by "Choppy"
Exhibit J	Sept. 28, 2006	Pinnacle Bank's default letter
Exhibit K	May 8, 2007	All police reports, inspections, memos

Police Reports of Hotels in the City of Greenville since Jan. 1, 2007

Regal Inn	35	Hyatt	29
Value Lodge	108	Inn at Orchard Park	15
Westin Poinsett	12	Quality Inn	16
Budget Inn	17	*Travel Inn	*4
Days Inn	28		
Embassy Suites	13	** only 86 of 918 calls were of an alleged nuisance or criminal activity	
Hilton	14		
Holiday Inn Express	17		



(1) **Amerisuites**
40 West Orchard Park Drive

Total Number of Complaints by year:

1996: 0
1997: 2
1998: 5
1999: 5
2000: 6
2001: 7
2002: 8
2003: 11
2004: 7
2005: 5
2006: 7

(2) **Budget Inn**
10 Mills Avenue

Total Number of Complaints by year:

1996: 19
1997: 18
1998: 32
1999: 28
2000: 29
2001: 23
2002: 6
2003: 17
2004: 13
2005: 21
2006: 17

(3) Courtyard by Marriot
70 Orchard Park Drive

Total Number of Complaints by year:

1996: 8
1997: 14
1998: 10
1999: 8
2000: 7
2001: 18
2002: 17
2003: 2
2004: 10
2005: 6
2006: 5

(4) Days Inn
2756 Laurens Road

Total Number of Complaints by year:

1996: 12
1997: 13
1998: 11
1999: 25
2000: 18
2001: 30
2002: 26
2003: 9
2004: 18
2005: 28
2006: 28

(5) **Embassy Suites**
670 Verdae Boulevard

Total Number of Complaints by year:

1996: 14
1997: 19
1998: 35
1999: 20
2000: 22
2001: 22
2002: 16
2003: 31
2004: 16
2005: 28
2006: 13

(6) **Hampton Inn**
246 Congaree Road

Total Number of Complaints by year:

1996: 8
1997: 3
1998: 4
1999: 6
2000: 4
2001: 8
2002: 7
2003: 2
2004: 2
2005: 3
2006: 6

(7) **Hampton Inn Downtown**
171 River Place

Total Number of Complaints by year:

2006: 4

(8) **Hawthorne Suites**
48 McPrice Court

Total Number of Complaints by year:

1996: 6
1997: 6
1998: 8
1999: 1
2000: 7
2001: 14
2002: 11
2003: 11
2004: 7
2005: 2
2006: 2

(9) **Hilton**
45 West Orchard Park Drive

Total Number of Complaints by year:

1996: 10
1997: 21
1998: 11
1999: 12
2000: 18
2001: 11
2002: 12
2003: 18
2004: 12
2005: 13
2006: 14

(10) **Holiday Inn Express**
407 North Main Street

Total Number of Complaints by year:

2000: 1
2001: 3
2002: 6
2003: 9
2004: 1
2005: 8
2006: 17

Cabana Inn was located at 407 North Main Street until 1999. Cabana Inn was notified of its high number of calls for service and illegal activity on the property.

Total Number of Complaints by year:

1996: 52
1997: 98
1998: 77
1999: 59

(11) **Hyatt**
220 North Main Street

Total Number of Complaints by year:

1996: 35
1997: 60
1998: 52
1999: 42
2000: 47
2001: 70
2002: 32
2003: 55
2004: 58
2005: 43
2006: 29

(12) Inn at Orchard Park
50 Orchard Park Drive

Total Number of Complaints by year:

1996: 17
1997: 12
1998: 17
1999: 13
2000: 14
2001: 8
2002: 5
2003: 6
2004: 9
2005: 12
2006: 15

(13) LaQuinta Inn
65 West Orchard Park Drive

Total Number of Complaints by year:

1996: 0
1997: 0
1998: 4
1999: 2
2000: 3
2001: 13
2002: 10
2003: 7
2004: 7
2005: 25
2006: 11

(14) **Pettigru Place**
302 Pettigru Street

Total Number of Complaints by year:

1996: 1
1997: 0
1998: 0
1999: 0
2000: 1
2001: 0
2002: 1
2003: 0
2004: 0
2005: 0
2006: 0

(15) **Crown Plaza**
851 Congaree Road

Total Number of Complaints by year:

2005: 1
2006: 10

(16) **The Phoenix Inn**
246 North Pleasantburg Drive

Total Number of Complaints by year:

1996: 11
1997: 21
1998: 10
1999: 7
2000: 6
2001: 8
2002: 5
2003: 6
2004: 5
2005: 9
2006: 7

(17) Quality Inn
540 North Pleasantburg Drive

Total Number of Complaints by year:

1996: 7
1997: 13
1998: 31
1999: 19
2000: 18
2001: 41
2002: 31
2003: 13
2004: 14
2005: 36
2006: 16

(18) Regal Inn
536 Wade Hampton Boulevard

Total Number of Complaints by year:

1996: 12
1997: 22
1998: 23
1999: 33
2000: 32
2001: 19
2002: 26
2003: 35
2004: 32
2005: 37
2006: 35

644

(19) Sleep Inn
231 North Pleasantburg Drive

Total Number of Complaints by year:

1996: 0
1997: 2
1998: 5
1999: 11
2000: 9
2001: 2
2002: 4
2003: 16
2004: 6
2005: 6
2006: 6

(20) Studio Plus
530 Woods Lake Road

Total Number of Complaints by year:

1996: 1
1997: 3
1998: 3
1999: 4
2000: 6
2001: 6
2002: 7
2003: 11
2004: 4
2005: 14
2006: 7

(21) **Sunset Inn**
1403 Wade Hampton Boulevard

Total Number of Complaints by year:

1996: 12
1997: 9
1998: 12
1999: 6
2000: 17
2001: 17
2002: 12
2003: 11
2004: 8
2005: 9
2006: 7

(22) **Super 8**
27 South Pleasantburg Drive

Total Number of Complaints by year:

1996: 15
1997: 11
1998: 21
1999: 14
2000: 22
2001: 25
2002: 18
2003: 20
2004: 31
2005: 38
2006: 1

(23) **Value Lodge**
107 Duvall Drive

Total Number of Complaints by year:

1996: 18
1997: 43
1998: 31
1999: 30
2000: 32
2001: 59
2002: 53
2003: 51
2004: 46
2005: 67
2006: 108

(24) **Westin Poinsett**
120 South Main Street

Total Number of Complaints by year:

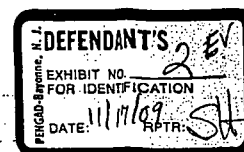
2000: 13
2001: 30
2002: 22
2003: 18
2004: 23
2005: 14
2006: 12

(25) **Relax Inn**
601 Pendleton Street

Relax Inn closed in 2001:

Total Number of Complaints by year:

1996: 44
1997: 43
1998: 34
1999: 50
2000: 49
2001: 21



City of Greenville

Memorandum

To: Debra Gammons

From: Lieutenant R. Evett

Re: 755 Wade Hampton Blvd

Date: June 16, 2006

I have reviewed the calls for service for 755 Wade Hampton Blvd (Old Travel Lodge) once again for the time period of April 1, 2004-June 16, 2006. During this period there have been approximately 918 calls for service from this location, with 194 calls requiring an incident report. The serious types of calls are delineated below and include two controlled purchases of crack cocaine from the manager of this location, Manager Kaur, on March 22nd and 23rd, 2006. This location is a constant source of illegal activity that includes drug trafficking, stolen property, disorderly conduct and there was even a murder suspect arrested at this location. The criminal activity surrounding this location, such as burglary and larceny, has increased due to the patrons that frequent this hotel. I met with the owner's daughter, Kaur, on April 13, 2004, and advised her both the criminal activity and the calls for service from this location would have to lessen, or the police department would be seeking revocation of the business license due to the business becoming a nuisance. From the business is at that stage now. The calls for service that require an incident report have actually increased since my meeting with Kaur, requiring 140 incident reports to be completed from May 2005 to June 16, 2006. In addition, the criminal activity in the area adjacent to this location has continued to increase. The narcotics unit has conducted several reverse prostitution stings on the roadway in front of the location in an attempt to discourage the prostitution problem from the demand side, but the activity continues. The businesses adjoining this location have complained concerning the patrons of the hotel engaging in criminal activity and harassing customers of other establishments. Please review the attached file. The police department requests the revocation of the business license for this location.

- 46 drug related violations
- 34 trespass after notice and notices given
- 12 assaults
- 2 abwtk
- 2 armed robberies
- 9 stolen vehicles
- 15 petty larcenies
- 4 disorderly conduct

City Police Incidents By Address & Date Range

755 Wade Hampton Blvd:

4/1/2004 12:00:01 AM to

6/19/2006 11:59:59 PM

Incident Number	Create Time Incident	Dispo	Incident Type
LCP040428040076	4/28/2004 0:26	3	WELFARE CHECK
LCP040429040632	4/29/2004 21:26	3	HOLD UP ALARM
LCP040429040648	4/29/2004 22:17	9M	NARCOTICS OR DRUGS
LCP040501041193	5/1/2004 22:35	3	WELFARE CHECK
LCP040502041218	5/2/2004 0:33	3	I/P DISTURBANCE
LCP040503041663	5/3/2004 23:27	1	SUSPICIOUS PERSON
LCP040504041677	5/4/2004 0:27	9M	I/P DOMESTIC ASSAULT
LCP040504041774	5/4/2004 11:11	5	A/O LARCENY
LCP040506042411	5/6/2004 14:38	9S	SUSPICIOUS PERSON
LCP040507042765	5/7/2004 14:04	5	NARCOTICS OR DRUGS
LCP040508043083	5/8/2004 14:21	3	EMS REQ ASSISTANCE
LCP040508043094	5/8/2004 14:57	5	1074 DAMAGE IISPECIF
LCP040508043154	5/8/2004 19:00	5	TRESPASSING
LCP040510043695	5/10/2004 23:23	1	NARCOTICS OR DRUGS
LCP040511043960	5/11/2004 21:14	3	NARCOTICS OR DRUGS
LCP040512044080	5/12/2004 12:19	5	A/O LARCENY
LCP040512044150	5/12/2004 17:01	5	NARCOTICS OR DRUGS
LCP040513044413	5/13/2004 15:15	3	NARCOTICS OR DRUGS
LCP040513044415	5/13/2004 15:22	5	MISSING PERSON
LCP040514044717	5/14/2004 13:06	3G	I/P DISTURBANCE
LCP040514044783	5/14/2004 17:04	5	EMS REQ 1ST RESPONDE
LCP040516045237	5/16/2004 10:54	3	SUSPICIOUS PERSON
LCP040519046001	5/19/2004 1:18	1	SUSPICIOUS PERSON
LCP040520046541	5/20/2004 22:55	3	NARCOTICS OR DRUGS
LCP040521046788	5/21/2004 21:09	1	SUSPICIOUS PERSON
LCP040523047092	5/23/2004 1:30	3	REPORT TO IISPECIFYI
LCP040523047136	5/23/2004 8:03	3G	911 DISCONNECT
LCP040524047440	5/24/2004 15:17	3G	J/O ASSAULT
LCP040525047817	5/25/2004 23:01	3	A/O LARCENY
LCP040527048134	5/27/2004 1:16	3G	SUSPICIOUS PERSON
LCP040528048644	5/28/2004 16:19	7	TRAFFIC STOP
LCP040529048802	5/29/2004 6:26	3	SUSPICIOUS VEHICLE
LCP040530049004	5/30/2004 0:18	3	VERBAL DISPUTE
LCP040530049201	5/30/2004 22:56	7W	TRAFFIC STOP
LCP040531049276	5/31/2004 11:20	3	911 DISCONNECT
LCP040601049537	6/1/2004 10:59	7M	NARCOTICS OR DRUGS
LCP040601049573	6/1/2004 12:48	1	SUSPICIOUS VEHICLE
LCP040602049850	6/2/2004 10:47	3G	REPORT TO IISPECIFYI
LCP040602049984	6/2/2004 17:57	3G	SUSPICIOUS PERSON
LCP040604050467	6/4/2004 9:09	3	A/O DISTURBANCE
LCP040605050932	6/5/2004 23:16	3	911 DISCONNECT
LCP040608051471	6/8/2004 0:49	5	THREATENING PHONE CA
LCP040608051544	6/8/2004 10:18	9ST	RECOVERED STOLEN VEH
LCP040610052167	6/10/2004 12:15	3	SUSPICIOUS PERSON

LCP040610052295	6/10/2004 20:23	3	VERBAL DISPUTE
LCP040611052627	6/11/2004 21:48	9S	SUSPICIOUS PERSON
LCP040612052826	6/12/2004 14:49	1	SUSPICIOUS PERSON
LCP040614053258	6/14/2004 11:15	1	TRAFFIC STOP
LCP040616053817	6/16/2004 12:57	9S	WEAPON IN POSSESSION
LCP040616053979	6/16/2004 23:45	3	911 DISCONNECT
LCP040617054006	6/17/2004 2:14	3	SUSPICIOUS VEHICLE
LCP040617054010	6/17/2004 2:32	9ST	VEHI PURSUIT
LCP040618054533	6/18/2004 17:54	7W	TRAFFIC STOP
LCP040619054880	6/19/2004 22:42	3	911 DISCONNECT
LCP040620054934	6/20/2004 2:18	3	LOUD NOISE
LCP040621055343	6/21/2004 23:25	5	1074 DAMAGE IISPECIF
LCP040622055589	6/22/2004 22:33	3	DOMESTIC W/WEAPONS
LCP040624056145	6/24/2004 23:03	1	SUSPICIOUS PERSON
LCP040625056270	6/25/2004 11:57	5	J/O LARCENY
LCP040625056413	6/25/2004 20:44	3	NARCOTICS OR DRUGS
LCP040625056435	6/25/2004 22:24	3G	WEAPON IN POSSESSION
LCP040626056464	6/26/2004 1:24	7M	TRAFFIC STOP
LCP040626056561	6/26/2004 13:42	3	TRESPASSING
LCP040626056579	6/26/2004 14:58	8M	WARRANT SERVICE
LCP040626056680	6/26/2004 21:44	3	SUSPICIOUS VEHICLE
LCP040627056772	6/27/2004 3:28	3	LOUD NOISE
LCP040627056839	6/27/2004 14:13	3G	TRESPASSING
LCP040627056869	6/27/2004 16:15	9M	SUSPICIOUS PERSON
LCP040627056875	6/27/2004 16:34	DUP	DUPLICATE CALL
LCP040629057248	6/29/2004 2:46	3	SUSPICIOUS VEHICLE
LCP040629057451	6/29/2004 20:52	3	FIREWORKS
LCP040701057790	7/1/2004 2:46	7W	TRAFFIC STOP
LCP040701057857	7/1/2004 10:20	1	SUSPICIOUS PERSON
LCP040703058469	7/3/2004 17:26	3	A/O LARCENY
LCP040703058534	7/3/2004 21:56	3	911 DISCONNECT
LCP040704058620	7/4/2004 5:46	5	J/O WEAPON DISCHARGE
LCP040704058639	7/4/2004 10:14	1	SUSPICIOUS VEHICLE
LCP040705059153	7/5/2004 21:12	5	A/O DISTURBANCE
LCP040705059164	7/5/2004 21:28	3	REPORT TO IISPECIFYI
LCP040706059348	7/6/2004 13:14	7M	TRESPASSING
LCP040707059688	7/7/2004 16:51	C3	PP TOW LOGGED
LCP040710060436	7/9/2004 23:56	3	INTOXICATED SUBJECT
LCP040711060757	7/11/2004 0:53	3	VERBAL DISPUTE
LCP040713061499	7/13/2004 20:59	3	SUSPICIOUS PERSON
LCP040714061774	7/14/2004 18:06	3	EMS REQ ASSISTANCE
LCP040714061836	7/14/2004 23:14	5	TRESPASSING
LCP040715061840	7/15/2004 0:00	3	THREATENING PHONE CA
LCP040715062033	7/15/2004 16:48	3	SUSPICIOUS PERSON
LCP040716062309	7/16/2004 17:03	3	SUICIDE
LCP040717062502	7/17/2004 8:02	3	TRESPASSING
LCP040719063187	7/19/2004 18:48	3	911 DISCONNECT
LCP040719063228	7/19/2004 21:44	3	WELFARE CHECK
LCP040719063239	7/19/2004 22:33	3	SUICIDE
LCP040720063385	7/20/2004 14:16	3	SUSPICIOUS PERSON
LCP040720063501	7/20/2004 22:22	1	SUSPICIOUS PERSON

LCP040721063784	7/21/2004 23:32	9M	J/O ASSAULT
LCP040722063916	7/22/2004 11:58	5	INTOXICATED SUBJECT
LCP040723064288	7/23/2004 19:09	3	I/P DISTURBANCE
LCP040723064290	7/23/2004 19:24	9M	911 DISCONNECT
LCP040723064339	7/23/2004 23:40	3	NARCOTICS OR DRUGS
LCP040724064498	7/24/2004 16:12	3	FOUND/RECOVERED PROP
LCP040725064699	7/25/2004 13:22	3	A/O DISTURBANCE
LCP040727065295	7/27/2004 19:50	3	SUSPICIOUS PERSON
LCP040727065334	7/27/2004 23:04	9ST	SUSPICIOUS PERSON
LCP040727065343	7/27/2004 23:53	8M	WARRANT SERVICE
LCP040729065968	7/29/2004 22:31	3	SUSPICIOUS PERSON
LCP040730066174	7/30/2004 16:15	PTOW	PP TOW LOGGED
LCP040802067050	8/2/2004 20:21	5	911 DISCONNECT
LCP040803067223	8/3/2004 12:38	5	REPORT TO IISPECIFYI
LCP040804067575	8/4/2004 17:00	3	911 DISCONNECT
LCP040804067651	8/4/2004 22:51	3	1074 DAMAGE IISPECIF
LCP040806068114	8/6/2004 16:31	1	SUSPICIOUS PERSON
LCP040806068139	8/6/2004 17:57	5	TRESPASSING
LCP040806068216	8/6/2004 22:52	3	EMS REQ 1ST RESPONDE
LCP040807068431	8/7/2004 20:06	3	VERBAL DISPUTE
LCP040807068445	8/7/2004 20:50	3	FIGHT W/WEAPONS
LCP040808068510	8/8/2004 1:18	9S	NARCOTICS OR DRUGS
LCP040810068955	8/10/2004 1:30	3G	NON PRISONER ESCORT
LCP040812069713	8/12/2004 23:52	3	LOUD NOISE
LCP040813069717	8/13/2004 0:30	3	SUSPICIOUS VEHICLE
LCP040813069850	8/13/2004 14:08	5	J/O ASSAULT
LCP040815070403	8/15/2004 20:20	3	I/P DOMESTIC DISTURB
LCP040816070649	8/16/2004 18:01	3	BREACH OF TRUST
LCP040816070692	8/16/2004 21:20	3	I/P DISTURBANCE
LCP040816070710	8/16/2004 22:53	3	SUSPICIOUS PERSON
LCP040818071285	8/18/2004 20:19	9M	VERBAL DISPUTE
LCP040818071286	8/18/2004 20:21	DUP	DUPLICATE CALL
LCP040818071323	8/18/2004 22:20	67T	I/P FORGERY
LCP040821072263	8/21/2004 20:48	3	911 DISCONNECT
LCP040822072509	8/22/2004 22:03	3	FIRE ALARM
LCP040823072636	8/23/2004 12:32	3	911 DISCONNECT
LCP040823072737	8/23/2004 19:47	3	911 DISCONNECT
LCP040827073698	8/27/2004 0:34	1	SUSPICIOUS PERSON
LCP040827073796	8/27/2004 10:31	3	VERBAL DISPUTE
LCP040828074257	8/28/2004 20:05	3G	I/P BURGLARY
LCP040828074281	8/28/2004 21:25	3G	SUSPICIOUS PERSON
LCP040831075091	8/31/2004 22:21	7W	TRAFFIC STOP
LCP040901075174	9/1/2004 8:56	3	VERBAL DISPUTE
LCP040901075340	9/1/2004 16:49	5	REPORT TO IISPECIFYI
LCP040902075449	9/2/2004 0:26	3	SUSPICIOUS PERSON
LCP040903076013	9/3/2004 22:56	7W	TRAFFIC STOP
LCP040904076084	9/4/2004 4:44	3	SUSPICIOUS PERSON
LCP040904076257	9/4/2004 21:57	7M	TRAFFIC STOP
LCP040904076264	9/4/2004 22:37	7W	TRAFFIC STOP
LCP040906076531	9/6/2004 4:37	9S	SUSPICIOUS VEHICLE
LCP040906076535	9/6/2004 6:08	30J	WARRANT SERVICE

LCP040907076963	9/7/2004 21:18	5	A/O DISTURBANCE
LCP040909077458	9/9/2004 16:28	5T	TRAFFIC STOP
LCP040910077679	9/10/2004 12:18	5	A/O LARCENY
LCP040911078038	9/11/2004 18:14	3	FIGHT W/WEAPONS
LCP040912078176	9/12/2004 6:00	9M	SUBJ DOWN-UNK PROBLE
LCP040912078242	9/12/2004 15:47	5	TRESPASSING
LCP040913078565	9/13/2004 23:17	1	SUSPICIOUS PERSON
LCP040915078831	9/15/2004 0:05	3	SUSPICIOUS PERSON
LCP040915079094	9/15/2004 21:09	3	911 DISCONNECT
LCP040915079097	9/15/2004 21:25	3	VERBAL DISPUTE
LCP040916079218	9/16/2004 11:45	5	A/O LARCENY
LCP040916079331	9/16/2004 19:56	3	I/P DOMESTIC DISTURB
LCP040917079647	9/17/2004 18:34	3	I/P DOMESTIC DISTURB
LCP040920080193	9/20/2004 1:18	9S	WEAPON IN POSSESSION
LCP040920080323	9/20/2004 14:12	5	TRESPASSING
LCP040920080393	9/20/2004 18:45	3	VERBAL DISPUTE
LCP040920080397	9/20/2004 19:03	3	NARCOTICS OR DRUGS
LCP040923081190	9/23/2004 13:12	5	TRESPASSING
LCP040923081200	9/23/2004 13:51	5	A/O LARCENY
LCP040927082278	9/27/2004 20:38	3G	ACCIDENT NO INJURIES
LCP040929082840	9/29/2004 17:10	3	TRESPASSING
LCP041002083639	10/2/2004 16:09	3	I/P DOMESTIC DISTURB
LCP041002083711	10/2/2004 20:36	3	SUSPICIOUS VEHICLE
LCP041003083776	10/3/2004 1:49	3	911 DISCONNECT
LCP041004084166	10/4/2004 16:46	3	A/O DOMESTIC DISTURB
LCP041004084169	10/4/2004 17:02	3G	VERBAL DISPUTE
LCP041004084213	10/4/2004 19:56	5	DOMESTIC VERBAL DISP
LCP041007084906	10/7/2004 9:24	9M	TRAFFIC STOP
LCP041007084995	10/7/2004 15:26	3	911 DISCONNECT
LCP041008085123	10/8/2004 1:59	9ST	VEHI PURSUIT
LCP041008085128	10/8/2004 2:51	3G	SUSPICIOUS PERSON
LCP041008085245	10/8/2004 14:34	3	DOMESTIC VERBAL DISP
LCP041008085287	10/8/2004 16:56	3	TRESPASSING
LCP041008085300	10/8/2004 17:25	5	THREATENING PHONE CA
LCP041008085401	10/8/2004 23:20	3	A/O ASSAULT
LCP041009085506	10/9/2004 10:53	5	J/O ASSAULT
LCP041012086140	10/12/2004 0:03	5	SUSPICIOUS PERSON
LCP041013086599	10/13/2004 16:40	3	J/O ASSAULT
LCP041013086612	10/13/2004 17:20	3	REPORT TO IISPECIFY!
LCP041013086663	10/13/2004 21:22	8M	DOMESTIC VERBAL DISP
LCP041015087078	10/15/2004 13:42	5	A/O LARCENY
LCP041015087095	10/15/2004 14:51	3G	TRESPASSING
LCP041019088203	10/19/2004 21:31	5	WELFARE CHECK
LCP041021088666	10/21/2004 16:23	1	TRAFFIC STOP
LCP041021088761	10/21/2004 23:19	3	EMS REQ 1ST RESPONDE
LCP041022088841	10/22/2004 9:40	3	VERBAL DISPUTE
LCP041023089275	10/23/2004 22:14	3	HARASSING PHONE CALL
LCP041024089320	10/24/2004 1:50	3	J/O ASSAULT
LCP041024089328	10/24/2004 2:20	8M	WARRANT SERVICE
LCP041024089342	10/24/2004 4:16	3	VERBAL DISPUTE
LCP041024089469	10/24/2004 22:18	3G	SUSPICIOUS VEHICLE

LCP041025089642	10/25/2004 16:50	3	VERBAL DISPUTE
LCP041025089682	10/25/2004 19:11	3	SUSPICIOUS VEHICLE
LCP041025089706	10/25/2004 21:57	3	SUSPICIOUS PERSON
LCP041026089751	10/26/2004 2:19	3	EMS REQUEST MANPOWER
LCP041026089755	10/26/2004 3:24	3	FIGHT W/WEAPONS
LCP041026089933	10/26/2004 16:57	3	VERBAL DISPUTE
LCP041027090060	10/27/2004 3:29	3	A/O ASSAULT
LCP041029090778	10/29/2004 14:14	3	WELFARE CHECK
LCP041029090813	10/29/2004 16:25	5	VERBAL DISPUTE
LCP041029090859	10/29/2004 19:02	3	TRAFFIC STOP
LCP041030091071	10/30/2004 15:42	3	VERBAL DISPUTE
LCP041030091080	10/30/2004 16:45	7M	NARCOTICS OR DRUGS
LCP041030091140	10/30/2004 21:51	3	I/P ASSAULT
LCP041030091151	10/30/2004 22:38	8M	SUSPICIOUS PERSON
LCP041101091491	11/1/2004 11:41	3	SUSPICIOUS PERSON
LCP041101091645	11/1/2004 20:08	3	SUSPICIOUS PERSON
LCP041101091675	11/1/2004 23:39	1	SUSPICIOUS VEHICLE
LCP041104092300	11/4/2004 11:11	3	VERBAL DISPUTE
LCP041104092324	11/4/2004 12:45	3	I/P ASSAULT W/WEAPON
LCP041104092410	11/4/2004 19:17	5	THREATENING PHONE CA
LCP041106092865	11/6/2004 15:56	5	A/O LARCENY
LCP041107093025	11/7/2004 12:55	3	VERBAL DISPUTE
LCP041107093095	11/7/2004 19:29	3	ANIMAL INCIDENT
LCP041107093125	11/7/2004 23:31	3	911 DISCONNECT
LCP04110093650	11/10/2004 2:35	5	A/O LARCENY
LCP04110093816	11/10/2004 17:58	3	911 DISCONNECT
LCP04110093818	11/10/2004 17:59	DUP	DUPLICATE CALL
LCP04111093905	11/11/2004 5:00	3	SUSPICIOUS VEHICLE
LCP04111094097	11/11/2004 18:34	3	DOMESTIC W/WEAPONS
LCP041116095300	11/16/2004 21:47	9M	NARCOTICS OR DRUGS
LCP041116095306	11/16/2004 22:37	9M	SUSPICIOUS PERSON
LCP041117095312	11/17/2004 0:26	3	I/P DISTURBANCE
LCP041117095509	11/17/2004 17:28	3	ABANDONED VEHICLE
LCP041117095512	11/17/2004 17:40	3	VERBAL DISPUTE
LCP041117095545	11/17/2004 20:44	3	SUSPICIOUS VEHICLE
LCP041118095812	11/18/2004 20:26	9MT	SUSPICIOUS PERSON
LCP041119095911	11/19/2004 10:01	3	SUSPICIOUS VEHICLE
LCP041119095957	11/19/2004 13:11	5	FOUND/RECOVERED PROP
LCP041121096490	11/21/2004 13:52	5	SUSPICIOUS PERSON
LCP041121096556	11/21/2004 20:21	3	VERBAL DISPUTE
LCP041122096708	11/22/2004 13:22	3	SUSPICIOUS PERSON
LCP041122096810	11/22/2004 20:27	3	NON PRISONER ESCORT
LCP041122096816	11/22/2004 20:54	7M	A/O FRAUD
LCP041123096855	11/23/2004 4:07	3	SUSPICIOUS VEHICLE
LCP041123097135	11/23/2004 23:50	7M	SUSPICIOUS PERSON
LCP041124097140	11/24/2004 0:20	3	NON PRISONER ESCORT
LCP041126097555	11/26/2004 0:27	3	LOUD MUSIC
LCP041126097561	11/26/2004 1:16	3	DOMESTIC VERBAL DISP
LCP041126097650	11/26/2004 11:05	3	VERBAL DISPUTE
LCP041126097660	11/26/2004 11:48	5	J/O LARCENY
LCP041126097780	11/26/2004 20:43	3	NON CRIMINAL SERVICE

LCP041129098263	11/29/2004 3:09	3	ROUTINE BACK UP
LCP041130098474	11/30/2004 0:14	3	LOUD NOISE
LCP041204099718	12/4/2004 21:09	3	BREACH OF TRUST
LCP041211101441	12/11/2004 9:06	3	911 DISCONNECT
LCP041211101444	12/11/2004 9:18	3	REPORT TO IISPECIFY!
LCP041219103625	12/19/2004 16:26	5	A/O LARCENY
LCP041220103694	12/20/2004 0:17	3	EMS REQ 1ST RESPONDE
LCP041220103910	12/20/2004 17:01	3	TRAFFIC STOP
LCP041220103937	12/20/2004 18:49	5	A/O LARCENY
LCP041221104153	12/21/2004 14:50	3G	SUSPICIOUS VEHICLE
LCP041222104441	12/22/2004 14:33	5	A/O FORGERY
LCP041223104570	12/23/2004 2:33	3	PROSTITUTION
LCP041224104972	12/24/2004 16:48	3	WELFARE CHECK
LCP041226105306	12/26/2004 20:55	3	TRAFFIC STOP
LCP041231106430	12/31/2004 6:53	7	TRAFFIC STOP
LCP050107006525	1/7/2005 15:39	3	I/P DISTURBANCE
LCP050107006600	1/7/2005 21:16	3	SUSPICIOUS PERSON
LCP050107006609	1/7/2005 21:51	3	911 DISCONNECT
LCP050108006694	1/8/2005 7:26	3	VERBAL DISPUTE
LCP050114008012	1/14/2005 2:17	5T	RECOVERED STOLEN VEH
LCP050114008016	1/14/2005 3:35	9M	SUSPICIOUS PERSON
LCP050117008748	1/17/2005 10:28	7	TRAFFIC STOP
LCP050118008947	1/18/2005 1:08	5	FOUND/RECOVERED PROP
LCP050118009162	1/18/2005 19:37	7M	VERBAL DISPUTE
LCP050120009538	1/20/2005 12:03	5	VERBAL DISPUTE
LCP050121009707	1/21/2005 3:18	3G	SUSPICIOUS PERSON
LCP050122010117	1/22/2005 15:59	1	TRAFFIC STOP
LCP050125010637	1/25/2005 1:36	3	REPORT TO IISPECIFY!
LCP050128011529	1/28/2005 13:52	3	911 DISCONNECT
LCP050131011929	1/31/2005 1:26	3	FIGHT W/WEAPONS
LCP050201012131	2/1/2005 1:06	5	WARRANT SERVICE
LCP050202012419	2/2/2005 7:36	1	SUSPICIOUS PERSON
LCP050203012801	2/3/2005 21:03	3	VERBAL DISPUTE
LCP050203012814	2/3/2005 22:22	3	911 DISCONNECT
LCP050205013213	2/5/2005 15:51	3	911 DISCONNECT
LCP050205013237	2/5/2005 18:35	3	VERBAL DISPUTE
LCP050205013257	2/5/2005 20:16	5	SUSPICIOUS PERSON
LCP050206013354	2/6/2005 7:44	3	911 DISCONNECT
LCP050206013428	2/6/2005 18:34	3	911 DISCONNECT
LCP050206013430	2/6/2005 19:54	3	TRAFFIC STOP
LCP050209013995	2/9/2005 0:46	1	SUSPICIOUS PERSON
LCP050209013998	2/9/2005 1:17	7M	SUSPICIOUS PERSON
LCP050209014073	2/9/2005 10:06	3	SEE COMPLAINANT
LCP050209014075	2/9/2005 10:12	3	SUSPICIOUS PERSON
LCP050209014143	2/9/2005 16:11	1	SUSPICIOUS PERSON
LCP050210014345	2/10/2005 12:26	3	VERBAL DISPUTE
LCP050211014696	2/11/2005 21:09	3	I/P DISTURBANCE
LCP050213015035	2/13/2005 12:02	3	EMS REQ ASSISTANCE
LCP050215015543	2/15/2005 18:21	7W	TRAFFIC STOP
LCP050215015601	2/15/2005 23:10	3	EMS REQ 1ST RESPONDE
LCP050217015843	2/17/2005 0:14	3	SUSPICIOUS PERSON

LCP050218016106	2/18/2005 3:41	3	SUSPICIOUS PERSON
LCP050218016209	2/18/2005 14:08	9M	SUSPICIOUS VEHICLE
LCP050218016289	2/18/2005 20:10	3	911 DISCONNECT
LCP050219016375	2/19/2005 3:56	9M	I/P ASSAULT
LCP050219016382	2/19/2005 5:45	3	TRESPASSING
LCP050219016423	2/19/2005 12:09	5	SUSPICIOUS PERSON
LCP050219016483	2/19/2005 19:03	3	SUSPICIOUS PERSON
LCP050219016488	2/19/2005 19:27	1	TRAFFIC STOP
LCP050220016635	2/20/2005 13:51	3	STRANDED MOTORIST
LCP050221016881	2/21/2005 19:17	3	I/P DOMESTIC DISTURB
LCP050221016885	2/21/2005 19:51	3	INTOXICATED SUBJECT
LCP050221016892	2/21/2005 20:14	5	SUSPICIOUS PERSON
LCP050222016927	2/22/2005 0:43	1	SUSPICIOUS PERSON
LCP050222017041	2/22/2005 12:51	7M	NARCOTICS OR DRUGS
LCP050225017879	2/25/2005 21:47	3	VERBAL DISPUTE
LCP050227018115	2/27/2005 1:11	3	VERBAL DISPUTE
LCP050227018116	2/27/2005 1:20	3	911 DISCONNECT
LCP050303019204	3/3/2005 22:40	3	SUSPICIOUS PERSON
LCP050304019360	3/4/2005 13:21	5	J/O ASSAULT
LCP050306019745	3/6/2005 3:57	3	LOUD NOISE
LCP050309020571	3/9/2005 20:05	3	SUSPICIOUS PERSON
LCP050309020580	3/9/2005 20:48	7M	NARCOTICS OR DRUGS
LCP050312021212	3/12/2005 12:10	3	SUSPICIOUS PERSON
LCP050312021236	3/12/2005 14:35	3	TRESPASSING
LCP050313021417	3/13/2005 5:46	3	DOMESTIC W/WEAPONS
LCP050315022020	3/15/2005 19:01	7	TRAFFIC STOP
LCP050320023295	3/20/2005 23:35	9S	SUSPICIOUS PERSON
LCP050324024302	3/24/2005 20:19	7W	TRAFFIC STOP
LCP050328025059	3/28/2005 0:35	3	SUSPICIOUS PERSON
LCP050329025309	3/29/2005 3:29	3	LOUD NOISE
LCP050329025397	3/29/2005 13:09	3	SUSPICIOUS PERSON
LCP050329025475	3/29/2005 17:19	3	WELFARE CHECK
LCP050331025831	3/31/2005 2:46	3	SUSPICIOUS PERSON
LCP050331025965	3/31/2005 16:28	5	VERBAL DISPUTE
LCP050331026013	3/31/2005 19:44	3	I/P DOMESTIC DISTURB
LCP050402026371	4/2/2005 3:14	3	VERBAL DISPUTE
LCP050402026590	4/2/2005 23:35	1	SUSPICIOUS VEHICLE
LCP050407027579	4/7/2005 1:55	5	VERBAL DISPUTE
LCP050407027767	4/7/2005 21:05	5	A/O LARCENY
LCP050407027790	4/7/2005 23:28	3OJ	SUSPICIOUS VEHICLE
LCP050407027792	4/7/2005 23:56	1	SUSPICIOUS PERSON
LCP050409028216	4/9/2005 18:46	3	ANIMAL INCIDENT
LCP050409028254	4/9/2005 21:39	3	I/P DOMESTIC DISTURB
LCP050410028289	4/10/2005 0:44	7W	TRAFFIC STOP
LCP050410028345	4/10/2005 8:49	5	1074 DAMAGE IISPECIF
LCP050417029918	4/17/2005 2:45	1	SUSPICIOUS VEHICLE
LCP050421030893	4/21/2005 4:45	3	911 DISCONNECT
LCP050421030895	4/21/2005 5:21	3	911 DISCONNECT
LCP050423031485	4/23/2005 2:22	3	SUSPICIOUS PERSON
LCP050424031808	4/24/2005 17:40	3G	A/O DISTURBANCE
LCP050424031819	4/24/2005 18:34	CBC	A/O DISTURBANCE

LCP050424031822	4/24/2005 19:13	5	TRESPASSING
LCP050429033116	4/29/2005 19:12	3	ANIMAL INCIDENT
LCP050504034229	5/4/2005 11:11	5T	RECOVERED STOLEN VEH
LCP050506034720	5/6/2005 5:07	3	911 DISCONNECT
LCP050513036752	5/13/2005 23:10	5	VERBAL DISPUTE
LCP050514036796	5/14/2005 1:42	5T	SUSPICIOUS PERSON
LCP050514037034	5/14/2005 23:57	3	REPORT TO !!SPECIFY!
LCP050515037042	5/15/2005 0:15	3	REPORT TO !!SPECIFY!
LCP050515037044	5/15/2005 0:21	3	NARCOTICS OR DRUGS
LCP050515037054	5/15/2005 0:57	3	SUSPICIOUS VEHICLE
LCP050515037056	5/15/2005 1:02	3	WARRANT SERVICE
LCP050517037776	5/17/2005 23:15	1	TRAFFIC STOP
LCP050518038056	5/18/2005 21:40	8S	DOMESTIC VERBAL DISP
LCP050523039120	5/23/2005 1:17	3	SUSPICIOUS VEHICLE
LCP050523039358	5/23/2005 19:22	3	RECOVERED STOLEN VEH
LCP050526040279	5/26/2005 23:50	3	BREACH OF TRUST
LCP050528040607	5/28/2005 1:12	3	911 DISCONNECT
LCP050528040788	5/28/2005 19:48	5	BREACH OF TRUST
LCP050530041043	5/30/2005 1:13	3	SUSPICIOUS PERSON
LCP050601041645	6/1/2005 15:22	7W	TRAFFIC STOP
LCP050602041840	6/2/2005 12:40	1	SUSPICIOUS VEHICLE
LCP050602041854	6/2/2005 13:53	3	SUICIDE
LCP050604042317	6/4/2005 10:30	3	SUICIDE
LCP050604042377	6/4/2005 16:30	5	A/O LARCENY
LCP050604042421	6/4/2005 20:21	9M	PROSTITUTION
LCP050605042502	6/5/2005 4:12	3G	SUSPICIOUS PERSON
LCP050606042773	6/6/2005 16:37	1	TRAFFIC STOP
LCP050607043070	6/7/2005 19:13	1	TRAFFIC STOP
LCP050607043128	6/7/2005 22:49	9S	911 DISCONNECT
LCP050608043154	6/8/2005 0:49	5	STALKING INCIDENT
LCP050610043762	6/10/2005 7:14	3	SUSPICIOUS VEHICLE
LCP050610043765	6/10/2005 7:46	8M	WARRANT SERVICE
LCP050610043831	6/10/2005 11:09	3	A/O BURGLARY
LCP050610043892	6/10/2005 15:07	3	SUICIDE
LCP050611044023	6/11/2005 1:19	5	SUSPICIOUS PERSON
LCP050611044188	6/11/2005 18:20	3	911 DISCONNECT
LCP050612044269	6/12/2005 1:44	3	SUSPICIOUS PERSON
LCP050612044286	6/12/2005 3:43	3	SUSPICIOUS PERSON
LCP050614044738	6/14/2005 1:12	7M	SUSPICIOUS PERSON
LCP050614044739	6/14/2005 1:13	3	A/O LARCENY
LCP050614044742	6/14/2005 1:34	3	SUICIDE
LCP050614044957	6/14/2005 19:58	3G	SUSPICIOUS VEHICLE
LCP050615045009	6/15/2005 0:01	5	VERBAL DISPUTE
LCP050615045069	6/15/2005 8:03	9S	WARRANT SERVICE
LCP050615045273	6/15/2005 18:11	3	SUSPICIOUS VEHICLE
LCP050616045422	6/16/2005 9:51	3	911 DISCONNECT
LCP050616045554	6/16/2005 17:56	3	VERBAL DISPUTE
LCP050617045911	6/17/2005 23:26	3	I/P DOMESTIC DISTURB
LCP050618045918	6/18/2005 0:00	9M	DOMESTIC W/WEAPONS
LCP050618045992	6/18/2005 7:53	1	NARCOTICS OR DRUGS
LCP050618046066	6/18/2005 17:10	5	J/O ASSAULT

LC P050624047420	6/24/2005 6:03	5	A/O LARCENY
LC P050624047625	6/24/2005 20:52	5	VERBAL DISPUTE
LC P050626047904	6/26/2005 2:42	9M	SUSPICIOUS PERSON
LC P050626048028	6/26/2005 20:57	3G	SUSPICIOUS PERSON
LC P050627048188	6/27/2005 15:46	3	911 DISCONNECT
LC P050627048268	6/27/2005 20:21	7	TRAFFIC STOP
LC P050627048296	6/27/2005 23:12	1	SUSPICIOUS PERSON
LC P050628048405	6/28/2005 12:36	1	SUSPICIOUS PERSON
LC P050628048462	6/28/2005 15:25	5	BREACH OF TRUST
LC P050629048785	6/29/2005 19:25	3	911 DISCONNECT
LC P050629048834	6/29/2005 23:33	3	911 DISCONNECT
LC P050630048870	6/30/2005 4:39	3	I/P DISTURBANCE
LC P050630048895	6/30/2005 8:35	3	VERBAL DISPUTE
LC P050630048973	6/30/2005 14:28	3G	DOMESTIC VERBAL DISP
LC P050630048983	6/30/2005 15:22	3	DOMESTIC VERBAL DISP
LC P050630049020	6/30/2005 18:31	3	TRESPASSING
LC P050630049081	6/30/2005 23:01	3G	I/P DISTURBANCE
LC P050630049096	6/30/2005 23:53	3	SUICIDE
LC P050703049731	7/3/2005 11:42	3	VERBAL DISPUTE
LC P050703049746	7/3/2005 13:40	5	A/O LARCENY
LC P050704049950	7/4/2005 14:10	9S	TRAFFIC STOP
LC P050704049976	7/4/2005 16:57	3	911 DISCONNECT
LC P050705050119	7/5/2005 1:22	3	911 DISCONNECT
LC P050705050341	7/5/2005 20:40	3	SUSPICIOUS PERSON
LC P050706050388	7/6/2005 0:54	3	A/O FORGERY
LC P050706050565	7/6/2005 16:52	5	J/O LARCENY
LC P050707050834	7/7/2005 17:07	3	A/O VEHICLE THEFT
LC P050708050992	7/8/2005 9:51	5	SUSPICIOUS PERSON
LC P050708051139	7/8/2005 21:06	3	911 DISCONNECT
LC P050708051157	7/8/2005 22:26	5	SUSPICIOUS PERSON
LC P050708051158	7/8/2005 22:33	3	911 DISCONNECT
LC P050709051181	7/9/2005 0:25	3	TRESPASSING
LC P050709051296	7/9/2005 13:17	3	FOUND/RECOVERED PROP
LC P050709051387	7/9/2005 22:22	3G	TRESPASSING
LC P050709051403	7/9/2005 23:37	3	VERBAL DISPUTE
LC P050710051591	7/10/2005 22:58	3	911 DISCONNECT
LC P050710051592	7/10/2005 23:06	3	911 DISCONNECT
LC P050713052396	7/13/2005 22:16	9M	SUSPICIOUS PERSON
LC P050714052434	7/14/2005 0:37	3	911 DISCONNECT
LC P050714052437	7/14/2005 1:04	1	SUSPICIOUS PERSON
LC P050714052468	7/14/2005 7:39	3	EMS REQ 1ST RESPONDE
LC P050715052710	7/15/2005 1:47	3	911 DISCONNECT
LC P050716053117	7/16/2005 14:45	5	DECEASED PERSON
LC P050716053180	7/16/2005 20:22	5	TRESPASSING
LC P050716053184	7/16/2005 20:40	7M	NARCOTICS OR DRUGS
LC P050716053205	7/16/2005 22:06	3	LOUD NOISE
LC P050716053232	7/16/2005 23:34	3	I/P DISTURBANCE
LC P050717053308	7/17/2005 6:56	3	NARCOTICS OR DRUGS
LC P050718053712	7/18/2005 21:17	7	SUSPICIOUS PERSON
LC P050718053738	7/18/2005 22:59	3	911 DISCONNECT
LC P050719053972	7/19/2005 21:25	3	DOMESTIC VERBAL DISP

LCP050719053981	7/19/2005 22:24	7	TRAFFIC STOP
LCP050719053989	7/19/2005 23:12	3	STRANDED MOTORIST
LCP050719053992	7/19/2005 23:29	3	I/P DOMESTIC DISTURB
LCP050720054012	7/20/2005 0:44	3	A/O LARCENY
LCP050721054353	7/21/2005 7:22	1	DOMESTIC VERBAL DISP
LCP050721054606	7/21/2005 23:53	3	A/O ASSAULT
LCP050723054905	7/23/2005 0:14	3	INTOXICATED SUBJECT
LCP050723054907	7/23/2005 0:24	3	911 DISCONNECT
LCP050723054918	7/23/2005 0:52	3	911 DISCONNECT
LCP050723054922	7/23/2005 1:24	3G	SUSPICIOUS VEHICLE
LCP050727056183	7/27/2005 16:43	3	911 DISCONNECT
LCP050727056234	7/27/2005 20:03	9S	NARCOTICS OR DRUGS
LCP050727056244	7/27/2005 21:00	9S	NARCOTICS OR DRUGS
LCP050728056286	7/28/2005 0:21	3	VERBAL DISPUTE
LCP050728056300	7/28/2005 2:17	3	LOUD NOISE
LCP050728056581	7/28/2005 23:11	3	VERBAL DISPUTE
LCP050729056598	7/29/2005 1:06	3	VERBAL DISPUTE
LCP050729056609	7/29/2005 2:25	9S	J/O ASSAULT
LCP050730056994	7/30/2005 14:19	9M	DOMESTIC VERBAL DISP
LCP050731057132	7/31/2005 1:24	3	911 DISCONNECT
LCP050731057177	7/31/2005 11:54	3G	NARCOTICS OR DRUGS
LCP050801057339	8/1/2005 9:11	9MT	A/O VEHICLE THEFT
LCP050802057607	8/2/2005 4:57	7W	TRAFFIC STOP
LCP050804058333	8/4/2005 18:23	7M	NARCOTICS OR DRUGS
LCP050805058586	8/5/2005 17:08	7M	NARCOTICS OR DRUGS
LCP050806058723	8/6/2005 4:13	3	I/P DOMESTIC DISTURB
LCP050806058805	8/6/2005 14:51	3	911 DISCONNECT
LCP050807059030	8/7/2005 18:05	3	911 DISCONNECT
LCP050807059048	8/7/2005 20:00	7W	TRAFFIC STOP
LCP050808059215	8/8/2005 15:31	5	PROSTITUTION
LCP050809059527	8/9/2005 20:21	3	SUSPICIOUS PERSON
LCP050809059568	8/9/2005 23:20	7M	I/P LARCENY
LCP050810059739	8/10/2005 15:17	3G	TRESPASSING
LCP050811059863	8/11/2005 0:35	3	SUSPICIOUS PERSON
LCP050811059934	8/11/2005 10:19	3	SUSPICIOUS VEHICLE
LCP050811059976	8/11/2005 12:21	3	911 DISCONNECT
LCP050811060034	8/11/2005 16:45	3G	SUSPICIOUS PERSON
LCP050812060105	8/12/2005 0:11	3	VERBAL DISPUTE
LCP050812060112	8/12/2005 1:03	1	PROSTITUTION
LCP050812060265	8/12/2005 15:40	5	PROSTITUTION
LCP050813060417	8/13/2005 3:44	3	EMS REQ 1ST RESPONDE
LCP050813060523	8/13/2005 16:31	3	911 DISCONNECT
LCP050815060972	8/15/2005 14:12	3G	SUSPICIOUS PERSON
LCP050815060976	8/15/2005 14:24	3	ABANDONED VEHICLE
LCP050816061111	8/16/2005 3:47	1	SUSPICIOUS PERSON
LCP050816061235	8/16/2005 15:03	3	911 DISCONNECT
LCP050816061266	8/16/2005 16:52	3	911 DISCONNECT
LCP050816061299	8/16/2005 19:05	3	REPORT TO !!SPECIFY!
LCP050816061353	8/16/2005 22:45	9M	SUSPICIOUS PERSON
LCP050818061664	8/18/2005 0:17	9S	PROSTITUTION
LCP050818061755	8/18/2005 11:35	PTOW	PP TOW LOGGED

LCP050819062092	8/19/2005 16:21	3	911 DISCONNECT
LCP050819062097	8/19/2005 16:41	7M	NARCOTICS OR DRUGS
LCP050819062100	8/19/2005 16:45	3	911 DISCONNECT
LCP050820062366	8/20/2005 19:03	7M	TRAFFIC STOP
LCP050820062440	8/20/2005 23:34	3	REPORT TO !!SPECIFY!
LCP050821062656	8/21/2005 23:55	1	SUSPICIOUS PERSON
LCP050822062664	8/22/2005 1:33	REPO	REPOSESSED VEHI LOGG
LCP050822062779	8/22/2005 12:49	3	TRESPASSING
LCP050823063111	8/23/2005 17:39	3	DOMESTIC VERBAL DISP
LCP050824063371	8/24/2005 16:57	3	911 DISCONNECT
LCP050827064197	8/27/2005 21:20	3	SUSPICIOUS VEHICLE
LCP050828064250	8/28/2005 1:25	5	I/P DISTURBANCE
LCP050829064437	8/29/2005 1:29	1	SUSPICIOUS PERSON
LCP050829064662	8/29/2005 20:55	3	INTOXICATED SUB 1081
LCP050830064683	8/30/2005 0:15	1	SUSPICIOUS PERSON
LCP050830064748	8/30/2005 9:33	3	911 DISCONNECT
LCP050830064842	8/30/2005 16:22	3	911 DISCONNECT
LCP050831065140	8/31/2005 18:56	3	WELFARE CHECK
LCP050901065196	9/1/2005 0:46	3	NARCOTICS OR DRUGS
LCP050902065627	9/2/2005 16:59	3	911 DISCONNECT
LCP050902065669	9/2/2005 20:24	7W	TRAFFIC STOP
LCP050903065875	9/3/2005 16:57	3	REPORT TO !!SPECIFY!
LCP050903065890	9/3/2005 18:08	3	REPORT TO !!SPECIFY!
LCP050903065895	9/3/2005 18:46	5	VERBAL DISPUTE
LCP050903065908	9/3/2005 19:25	3	NON PRISONER ESCORT
LCP050905066196	9/5/2005 2:56	1	SUSPICIOUS PERSON
LCP050906066423	9/6/2005 4:00	3	SUSPICIOUS PERSON
LCP050908067118	9/8/2005 22:07	3	911 DISCONNECT
LCP050909067290	9/9/2005 16:07	5	A/O LARCENY
LCP050909067401	9/9/2005 23:08	3	VERBAL DISPUTE
LCP050910067422	9/10/2005 0:54	3	NARCOTICS OR DRUGS
LCP050910067429	9/10/2005 1:35	3	NARCOTICS OR DRUGS
LCP050910067447	9/10/2005 3:20	1	SUSPICIOUS PERSON
LCP050910067458	9/10/2005 7:02	9S	J/O ASSAULT
LCP050910067596	9/10/2005 21:44	CBC	TRESPASSING
LCP050910067612	9/10/2005 22:33	3	911 DISCONNECT
LCP050910067621	9/10/2005 23:22	3	NARCOTICS OR DRUGS
LCP050911067633	9/11/2005 0:17	3	INTOXICATED SUB 1081
LCP050911067712	9/11/2005 11:22	3	VERBAL DISPUTE
LCP050911067765	9/11/2005 17:41	5	MISSING PERSON
LCP050912068068	9/12/2005 23:18	3	911 DISCONNECT
LCP050913068299	9/13/2005 22:42	3	911 DISCONNECT
LCP050914068319	9/14/2005 0:00	3	911 DISCONNECT
LCP050914068552	9/14/2005 20:32	3	SUSPICIOUS PERSON
LCP050915068701	9/15/2005 12:11	5	CONTAINED FIRE
LCP050915068826	9/15/2005 22:14	3	ANIMAL INCIDENT
LCP050916069062	9/16/2005 20:01	3	TRESPASSING
LCP050916069069	9/16/2005 20:19	5	NARCOTICS OR DRUGS
LCP050916069112	9/16/2005 22:33	3	911 DISCONNECT
LCP050917069203	9/17/2005 8:04	5	TRESPASSING
LCP050917069337	9/17/2005 20:58	3	VERBAL DISPUTE

LCP050917069375	9/17/2005 22:51	3	911 DISCONNECT
LCP050921070105	9/21/2005 0:16	3	INTOXICATED SUBJECT
LCP050922070562	9/22/2005 21:58	3	911 DISCONNECT
LCP050924070954	9/24/2005 13:48	3G	SUICIDE
LCP050924071064	9/24/2005 23:17	3	WELFARE CHECK
LCP050926071508	9/26/2005 22:58	3	911 DISCONNECT
LCP050926071515	9/26/2005 23:33	3G	911 DISCONNECT
LCP050927071632	9/27/2005 12:32	REPO	REPOSESSED VEHI LOGG
LCP050927071777	9/27/2005 23:37	3	NARCOTICS OR DRUGS
LCP050928071799	9/28/2005 1:34	1	SUSPICIOUS PERSON
LCP050928072034	9/28/2005 22:13	3	NARCOTICS OR DRUGS
LCP050930072345	9/30/2005 2:24	3	EMS REQ ASSISTANCE
LCP050930072596	9/30/2005 21:36	3	911 DISCONNECT
LCP051001072659	10/1/2005 2:32	3G	SUSPICIOUS PERSON
LCP051001072664	10/1/2005 2:49	3	SUSPICIOUS PERSON
LCP051001072667	10/1/2005 3:09	7M	I/P DISTURBANCE
LCP051001072817	10/1/2005 18:51	9M	VERBAL DISPUTE
LCP051001072864	10/1/2005 22:05	3	ANIMAL INCIDENT
LCP051001072883	10/1/2005 23:29	5	SUSPICIOUS PERSON
LCP051002073056	10/2/2005 23:24	3	911 DISCONNECT
LCP051003073199	10/3/2005 13:19	5	A/O FRAUD
LCP051003073223	10/3/2005 14:47	3	REPORT TO !!SPECIFY!
LCP051004073558	10/4/2005 22:14	3	VERBAL DISPUTE
LCP051005073842	10/5/2005 22:16	3G	SUICIDE
LCP051006074125	10/6/2005 22:14	1	911 DISCONNECT
LCP051008074480	10/8/2005 3:34	3	911 DISCONNECT
LCP051008074498	10/8/2005 7:35	7M	I/P DOMESTIC DISTURB
LCP051008074641	10/8/2005 20:41	3	911 DISCONNECT
LCP051010074925	10/10/2005 9:43	3	911 DISCONNECT
LCP051010075025	10/10/2005 15:14	3	911 DISCONNECT
LCP051010075118	10/10/2005 23:51	3G	TRESPASSING
LCP051011075119	10/11/2005 0:00	9ST	TRAFFIC STOP
LCP051011075187	10/11/2005 10:05	3	FOUND/RECOVERED PROP
LCP051012075575	10/12/2005 14:45	7	VERBAL DISPUTE
LCP051013075683	10/13/2005 1:20	5	J/O ARMED ROBBERY
LCP051014076125	10/14/2005 15:01	5	A/O LARCENY
LCP051014076166	10/14/2005 17:44	9M	VERBAL DISPUTE
LCP051015076341	10/15/2005 10:21	1	SUSPICIOUS VEHICLE
LCP051015076470	10/15/2005 22:03	7	TRAFFIC STOP
LCP051016076575	10/16/2005 9:42	3	911 DISCONNECT
LCP051018076961	10/18/2005 0:02	3	I/P DOMESTIC DISTURB
LCP051019077381	10/19/2005 16:54	3	911 DISCONNECT
LCP051020077535	10/20/2005 9:45	3	EMS REQ ASSISTANCE
LCP051020077643	10/20/2005 16:10	3G	TRESPASSING
LCP051020077657	10/20/2005 17:02	3	911 DISCONNECT
LCP051020077692	10/20/2005 19:54	9M	I/P DISTURBANCE
LCP051021077879	10/21/2005 14:44	7	NARCOTICS OR DRUGS
LCP051021077886	10/21/2005 15:06	7	NARCOTICS OR DRUGS
LCP051021078054	10/21/2005 20:52	3	A/O ARMED ROBBERY
LCP051023078455	10/23/2005 17:12	5	SUICIDE
LCP051023078468	10/23/2005 18:24	3	SWAT CALL OUT

LCP051024078541	10/24/2005 9:09	3	I/P DISTURBANCE
LCP051024078669	10/24/2005 16:49	3	911 DISCONNECT
LCP051025078922	10/25/2005 17:12	3G	SUSPICIOUS PERSON
LCP051027079312	10/27/2005 9:22	3	SUICIDE
LCP051028079559	10/28/2005 9:18	3	911 DISCONNECT
LCP051030080116	10/30/2005 14:23	3	VERBAL DISPUTE
LCP051030080123	10/30/2005 15:28	3	911 DISCONNECT
LCP051031080186	10/31/2005 1:10	7W	TRAFFIC STOP
LCP051031080189	10/31/2005 1:31	9S	NARCOTICS OR DRUGS
LCP051031080434	10/31/2005 23:29	3	SUSPICIOUS VEHICLE
LCP051101080521	11/1/2005 10:24	3	911 DISCONNECT
LCP051101080653	11/1/2005 20:26	3G	SUSPICIOUS PERSON
LCP051102080784	11/2/2005 13:12	3	REPORT TO IISPECIFYI
LCP051103081085	11/3/2005 17:18	3	VERBAL DISPUTE
LCP051103081130	11/3/2005 21:01	3G	SUSPICIOUS PERSON
LCP051105081624	11/5/2005 22:33	9M	SUSPICIOUS PERSON
LCP051105081631	11/5/2005 23:17	3	REPORT TO IISPECIFYI
LCP051107081829	11/7/2005 8:56	3	911 DISCONNECT
LCP051108082112	11/8/2005 12:04	3	FOUND/RECOVERED PROP
LCP051111082748	11/11/2005 0:22	3	WELFARE CHECK
LCP051111082904	11/11/2005 17:00	3	911 DISCONNECT
LCP051112083047	11/12/2005 10:01	3	911 DISCONNECT
LCP051112083215	11/12/2005 22:15	3G	911 DISCONNECT
LCP051113083284	11/13/2005 9:15	3	WARRANT SERVICE
LCP051113083343	11/13/2005 16:11	3	911 DISCONNECT
LCP051113083365	11/13/2005 18:11	3	911 DISCONNECT
LCP051114083460	11/14/2005 8:46	5	SUICIDE
LCP051116084082	11/16/2005 18:25	3G	SUSPICIOUS PERSON
LCP051116084089	11/16/2005 18:54	3G	SUSPICIOUS PERSON
LCP051116084144	11/16/2005 23:14	3	911 DISCONNECT
LCP051117084376	11/17/2005 21:54	3	911 DISCONNECT
LCP051118084427	11/18/2005 4:07	1	SUSPICIOUS PERSON
LCP051123085491	11/23/2005 0:10	3	911 DISCONNECT
LCP051123085732	11/23/2005 21:32	1	SUSPICIOUS PERSON
LCP051123085754	11/23/2005 23:00	3	VERBAL DISPUTE
LCP051124085961	11/24/2005 22:53	3	911 DISCONNECT
LCP051124085963	11/24/2005 23:12	3	ESCORT OTHER
LCP051125086038	11/25/2005 10:06	5	A/O VEHICLE THEFT
LCP051125086234	11/25/2005 22:47	3G	WARRANT SERVICE
LCP051126086363	11/26/2005 15:04	3	911 DISCONNECT
LCP051126086399	11/26/2005 18:48	3	TRAFFIC STOP
LCP051128086621	11/28/2005 0:21	3	911 DISCONNECT
LCP051129086874	11/29/2005 0:50	3	911 DISCONNECT
LCP051130087277	11/30/2005 13:38	3	SUSPICIOUS PERSON
LCP051130087316	11/30/2005 15:22	3	NARCOTICS OR DRUGS
LCP051130087409	11/30/2005 21:57	9M	NARCOTICS OR DRUGS
LCP051201087480	12/1/2005 9:43	3	SUSPICIOUS PERSON
LCP051201087627	12/1/2005 19:06	5	911 DISCONNECT
LCP051202087695	12/2/2005 1:44	3	VERBAL DISPUTE
LCP051202087697	12/2/2005 1:54	9S	SUSPICIOUS VEHICLE
LCP051202087710	12/2/2005 4:58	3	EMS REQ 1ST RESPONDE

LCP051202087746	12/2/2005 9:34	OJM	WARRANT SERVICE
LCP051205088562	12/5/2005 23:51	3	EMS REQ ASSISTANCE
LCP051207088819	12/7/2005 0:14	3	911 DISCONNECT
LCP051210089793	12/10/2005 21:24	5	NARCOTICS OR DRUGS
LCP051210089810	12/10/2005 22:14	3	911 DISCONNECT
LCP051211089825	12/11/2005 0:07	3	911 DISCONNECT
LCP051211089974	12/11/2005 20:27	3	WARRANT SERVICE
LCP051213090248	12/13/2005 2:29	5	FOUND/RECOVERED PROP
LCP051213090256	12/13/2005 4:24	3G	SUSPICIOUS PERSON
LCP051214090608	12/14/2005 12:05	3	TRUANT CHILD
LCP051219092475	12/19/2005 13:21	3G	SUSPICIOUS PERSON
LCP051220092690	12/20/2005 7:31	3	VERBAL DISPUTE
LCP051223093648	12/23/2005 14:32	3	911 DISCONNECT
LCP051224093888	12/24/2005 13:42	3	VERBAL DISPUTE
LCP051224093971	12/24/2005 22:43	3	911 DISCONNECT
LCP051225094098	12/25/2005 16:39	3	911 DISCONNECT
LCP051226094171	12/26/2005 7:56	3	REPORT TO !!SPECIFY!
LCP051226094271	12/26/2005 14:30	3G	VERBAL DISPUTE
LCP051226094291	12/26/2005 16:51	3	REPORT TO !!SPECIFY!
LCP051227094539	12/27/2005 17:44	7M	NARCOTICS OR DRUGS
LCP051227094543	12/27/2005 18:05	9S	NARCOTICS OR DRUGS
LCP051228094720	12/28/2005 15:45	3	REPORT TO !!SPECIFY!
LCP051230095285	12/30/2005 20:56	3	SUSPICIOUS PERSON
LCP051231095391	12/31/2005 10:43	5	A/O VEHICLE THEFT
LCP051231095502	12/31/2005 18:58	1	SUSPICIOUS VEHICLE
LCP051231095503	12/31/2005 18:59	5	A/O VEHICLE THEFT
LCP060101005154	1/1/2006 16:05	7M	VERBAL DISPUTE
LCP060102005312	1/2/2006 11:49	3	A/O LARCENY
LCP060102005331	1/2/2006 13:35	5	REPORT TO !!SPECIFY!
LCP060102005420	1/2/2006 23:15	3	911 DISCONNECT
LCP060104005765	1/4/2006 8:48	3	I/P DISTURBANCE
LCP060104005840	1/4/2006 14:14	3	VERBAL DISPUTE
LCP060104005862	1/4/2006 15:08	3	VERBAL DISPUTE
LCP060104005920	1/4/2006 18:24	3	VERBAL DISPUTE
LCP060106006254	1/6/2006 2:56	3	LOUD MUSIC
LCP060106006509	1/6/2006 20:56	7M	NARCOTICS OR DRUGS
LCP060106006526	1/6/2006 22:35	3	VERBAL DISPUTE
LCP060106006529	1/6/2006 22:45	5	WARRANT SERVICE
LCP060107006606	1/7/2006 10:45	3	TRESPASSING
LCP060107006621	1/7/2006 11:51	5	BREACH OF TRUST
LCP060107006706	1/7/2006 18:29	3OJ	SUSPICIOUS VEHICLE
LCP060109006962	1/9/2006 1:25	3	SUICIDE
LCP060109007188	1/9/2006 23:38	3	WELFARE CHECK
LCP060110007396	1/10/2006 20:35	5	TRESPASSING
LCP060110007430	1/10/2006 23:16	5	NARCOTICS OR DRUGS
LCP060111007479	1/11/2006 8:53	3	911 DISCONNECT
LCP060111007528	1/11/2006 11:46	3	VERBAL DISPUTE
LCP060112007700	1/12/2006 0:31	1	TRAFFIC STOP
LCP060112007870	1/12/2006 16:15	3G	I/P DISTURBANCE
LCP060112007903	1/12/2006 17:59	3G	TRESPASSING
LCP060113008139	1/13/2006 15:25	5	A/O VEHICLE THEFT

LCP060114008273	1/14/2006 3:13	3	LOUD NOISE
LCP060114008280	1/14/2006 4:50	4	A/O BURGLARY
LCP060114008443	1/14/2006 17:52	5	VERBAL DISPUTE
LCP060114008480	1/14/2006 21:03	9M	NARCOTICS OR DRUGS
LCP060114008488	1/14/2006 21:48	9M	NARCOTICS OR DRUGS
LCP060115008514	1/15/2006 0:52	5	FIGHT W/WEAPONS
LCP060115008559	1/15/2006 9:04	5	A/O FRAUD
LCP060117008935	1/17/2006 0:39	9S	I/P ASSAULT W/WEAPON
LCP060117008942	1/17/2006 1:53	7M	TRESPASSING
LCP060117009188	1/17/2006 23:37	3	VERBAL DISPUTE
LCP060118009238	1/18/2006 8:14	3	VERBAL DISPUTE
LCP060119009584	1/19/2006 14:58	3	SUSPICIOUS PERSON
LCP060121009990	1/21/2006 3:16	1	SUSPICIOUS PERSON
LCP060121010151	1/21/2006 22:07	1	SUSPICIOUS VEHICLE
LCP060121010166	1/21/2006 22:47	7M	TRAFFIC STOP
LCP060122010297	1/22/2006 13:55	3G	A/O VEHICLE THEFT
LCP060122010303	1/22/2006 14:22	3G	EMS REQ ASSISTANCE
LCP060122010315	1/22/2006 15:40	3	RECOVERED STOLEN VEH
LCP060124010787	1/24/2006 19:59	3	A/O SEX OFFENSE
LCP060124010837	1/24/2006 23:31	3	REPORT TO !!SPECIFY!
LCP060125010972	1/25/2006 13:21	5	SEE COMPLAINANT
LCP060126011340	1/26/2006 20:39	1	SUSPICIOUS PERSON
LCP060126011343	1/26/2006 20:58	1	SUSPICIOUS PERSON
LCP060126011345	1/26/2006 20:59	1	SUSPICIOUS PERSON
LCP060126011348	1/26/2006 21:18	3	SUSPICIOUS PERSON
LCP060126011359	1/26/2006 22:16	3OJ	WARRANT SERVICE
LCP060127011522	1/27/2006 14:47	3	TRESPASSING
LCP060130012245	1/30/2006 17:46	3	A/O DISTURBANCE
LCP060130012253	1/30/2006 18:24	3	VERBAL DISPUTE
LCP060131012496	1/31/2006 17:21	5	J/O LARCENY
LCP060131012569	1/31/2006 23:12	3	911 DISCONNECT
LCP060201012597	2/1/2006 3:08	9S	RECOVERED STOLEN VEH
LCP060203013134	2/3/2006 1:49	9M	1074 DAMAGE !!SPECIF
LCP060203013139	2/3/2006 3:35	3	SUSPICIOUS PERSON
LCP060203013140	2/3/2006 3:38	3	SUSPICIOUS PERSON
LCP060203013250	2/3/2006 14:33	3	SUSPICIOUS PERSON
LCP060204013467	2/4/2006 8:03	1	SUSPICIOUS VEHICLE
LCP060209014909	2/9/2006 22:23	3	A/O VEHICLE THEFT
LCP060211015343	2/11/2006 17:08	3	911 DISCONNECT
LCP060212015416	2/12/2006 0:47	1	SUSPICIOUS PERSON
LCP060213015637	2/13/2006 10:20	1	TRAFFIC STOP
LCP060213015747	2/13/2006 17:01	3	911 DISCONNECT
LCP060213015773	2/13/2006 19:35	3	VERBAL DISPUTE
LCP060214015828	2/14/2006 2:20	3	911 DISCONNECT
LCP060214016061	2/14/2006 23:41	3	911 DISCONNECT
LCP060216016550	2/16/2006 18:32	9M	VERBAL DISPUTE
LCP060216016559	2/16/2006 19:14	8M	WARRANT SERVICE
LCP060217016713	2/17/2006 11:53	3	STRANDED MOTORIST
LCP060218016932	2/18/2006 3:16	1	SUSPICIOUS PERSON
LCP060218016942	2/18/2006 6:12	3	A/O DISTURBANCE
LCP060218017025	2/18/2006 14:46	3G	SUSPICIOUS VEHICLE

LCP060218017080	2/18/2006 21:34	1	SUSPICIOUS PERSON
LCP060220017319	2/20/2006 7:14	7W	TRAFFIC STOP
LCP060222018026	2/22/2006 21:29	3	911 DISCONNECT
LCP060228019386	2/28/2006 11:45	3G	WARRANT SERVICE
LCP060301019801	3/1/2006 16:58	3	EMS REQ ASSISTANCE
LCP060301019870	3/1/2006 23:33	7M	NARCOTICS OR DRUGS
LCP060302019968	3/2/2006 11:30	3	A/O DISTURBANCE
LCP060303020402	3/3/2006 19:15	3	NARCOTICS OR DRUGS
LCP060303020431	3/3/2006 21:50	1	SUSPICIOUS VEHICLE
LCP060303020451	3/3/2006 23:07	3	VERBAL DISPUTE
LCP060304020648	3/4/2006 19:28	9S	TRAFFIC STOP
LCP060305020780	3/5/2006 8:36	3	VERBAL DISPUTE
LCP060305020869	3/5/2006 18:32	3	WELFARE CHECK
LCP060306020904	3/6/2006 0:16	7M	SUSPICIOUS VEHICLE
LCP060306021124	3/6/2006 18:46	3	A/O DISTURBANCE
LCP060308021480	3/8/2006 8:09	3	911 DISCONNECT
LCP060309021756	3/9/2006 0:06	OJM	SUSPICIOUS PERSON
LCP060309022039	3/9/2006 21:30	7	TRAFFIC STOP
LCP060309022047	3/9/2006 22:49	1	SUSPICIOUS VEHICLE
LCP060309022055	3/9/2006 23:55	3OJ	SUSPICIOUS PERSON
LCP060310022358	3/10/2006 22:25	3	SUSPICIOUS PERSON
LCP060311022387	3/11/2006 0:48	3G	PROSTITUTION
LCP060311022390	3/11/2006 1:07	3	PROSTITUTION
LCP060311022414	3/11/2006 3:06	3G	I/P DOMESTIC DISTURB
LCP060311022509	3/11/2006 13:45	5	A/O ASSAULT
LCP060313023026	3/13/2006 20:16	9M	SUBJ DOWN-UNK PROBLE
LCP060314023084	3/14/2006 2:47	1	SUSPICIOUS PERSON
LCP060314023117	3/14/2006 9:18	3	VERBAL DISPUTE
LCP060314023203	3/14/2006 14:01	3	J/O ASSAULT
LCP060314023333	3/14/2006 22:55	1	SUSPICIOUS PERSON
LCP060314023344	3/14/2006 23:54	5	A/O VEHICLE THEFT
LCP060315023375	3/15/2006 5:35	3	FIGHT W/WEAPONS
LCP060318024208	3/18/2006 11:49	5	A/O LARCENY
LCP060319024389	3/19/2006 7:49	3	WELFARE CHECK
LCP060320024530	3/20/2006 0:25	3	I/P DISTURBANCE
LCP060320024732	3/20/2006 19:44	3	VERBAL DISPUTE
LCP060321024784	3/21/2006 3:42	3	SUSPICIOUS PERSON
LCP060321024785	3/21/2006 4:07	3	LOUD NOISE
LCP060321024787	3/21/2006 4:24	3	SUSPICIOUS PERSON
LCP060321024891	3/21/2006 14:29	3	VERBAL DISPUTE
LCP060321024990	3/21/2006 23:27	3	911 DISCONNECT
LCP060323025210	3/23/2006 0:49	3	911 DISCONNECT
LCP060323025240	3/23/2006 8:44	3	911 DISCONNECT
LCP060323025353	3/23/2006 15:44	3	911 DISCONNECT
LCP060324025449	3/24/2006 1:10	3	SUSPICIOUS PERSON
LCP060324025514	3/24/2006 10:31	5	VERBAL DISPUTE
LCP060325025689	3/25/2006 1:34	3	WEAPON IN POSSESSION
LCP060326025893	3/26/2006 2:35	3	THREATENING PHONE CA
LCP060326025906	3/26/2006 5:33	3	REPORT TO !!SPECIFY!
LCP060327026088	3/27/2006 8:30	5	A/O LARCENY
LCP060330027005	3/30/2006 23:10	3G	VERBAL DISPUTE

LCP060331027208	3/31/2006 19:12	3	ROUTINE BACK UP
LCP060331027209	3/31/2006 19:13	9S	FIGHT W/WEAPONS
LCP060401027476	4/1/2006 21:15	3	REPORT TO !!SPECIFY!
LCP060402027634	4/2/2006 17:15	3	I/P DISTURBANCE
LCP060403027884	4/3/2006 16:15	DUP	911 DISCONNECT
LCP060403027885	4/3/2006 16:15	5	A/O LARCENY
LCP060403027982	4/3/2006 23:24	9M	I/P DOMESTIC ASSAULT
LCP060404028142	4/4/2006 14:41	5	SUSPICIOUS PERSON
LCP060406028577	4/6/2006 8:57	3	VERBAL DISPUTE
LCP060406028814	4/6/2006 23:45	3	VERBAL DISPUTE
LCP060408029168	4/8/2006 2:23	3	SUSPICIOUS PERSON
LCP060408029223	4/8/2006 11:14	3	1074 DAMAGE !!SPECIF
LCP060408029245	4/8/2006 13:15	5	1074 DAMAGE !!SPECIF
LCP060409029544	4/9/2006 21:19	3	VERBAL DISPUTE
LCP060410029761	4/10/2006 20:28	8S	WARRANT SERVICE
LCP060410029785	4/10/2006 23:36	7M	NARCOTICS OR DRUGS
LCP060411029797	4/11/2006 2:02	3	ANIMAL INCIDENT
LCP060412030228	4/12/2006 13:13	5	TRESPASSING
LCP060415031014	4/15/2006 6:38	3	SUSPICIOUS PERSON
LCP060415031046	4/15/2006 11:34	3	WARRANT SERVICE
LCP060416031264	4/16/2006 9:45	7M	SUSPICIOUS PERSON
LCP060417031637	4/17/2006 21:04	3	SUSPICIOUS PERSON
LCP060420032234	4/20/2006 9:33	3	SUSPICIOUS PERSON
LCP060420032305	4/20/2006 13:07	9ST	TRAFFIC STOP
LCP060424033382	4/24/2006 20:26	9M	LOUD NOISE
LCP060426033990	4/26/2006 21:17	9M	VERBAL DISPUTE
LCP060426033991	4/26/2006 21:22	DUP	DUPLICATE CALL
LCP060426033999	4/26/2006 22:09	3	WELFARE CHECK
LCP060426034002	4/26/2006 23:15	3	I/P DISTURBANCE
LCP060427034075	4/27/2006 9:26	5	TRESPASSING
LCP060428034466	4/28/2006 15:12	5	A/O LARCENY
LCP060428034479	4/28/2006 15:55	67	ACCIDENT NO INJURIES
LCP060503035701	5/3/2006 10:37	3	I/P DISTURBANCE
LCP060504035942	5/4/2006 1:33	3	A/O BURGLARY
LCP060504036050	5/4/2006 13:02	6	ACCIDENT ON P/P
LCP060505036236	5/5/2006 3:08	3	NARCOTICS OR DRUGS
LCP060505036242	5/5/2006 3:51	1	SUSPICIOUS PERSON
LCP060506036649	5/6/2006 13:20	3G	J/O ASSAULT
LCP060508036968	5/8/2006 4:19	3	SUSPICIOUS PERSON
LCP060509037197	5/9/2006 0:10	3	SUSPICIOUS PERSON
LCP060509037217	5/9/2006 3:54	3	SUSPICIOUS PERSON
LCP060509037442	5/9/2006 22:41	1	SUSPICIOUS VEHICLE
LCP060509037448	5/9/2006 23:18	9M	NARCOTICS OR DRUGS
LCP060509037452	5/9/2006 23:34	CCC	COMM CANCELLED CALL
LCP060511037851	5/11/2006 13:30	5	MISSING PERSON
LCP060511037929	5/11/2006 17:29	3	SUSPICIOUS PERSON
LCP060512038135	5/12/2006 11:36	5	A/O LARCENY
LCP060513038345	5/13/2006 0:27	3	911 DISCONNECT
LCP060513038348	5/13/2006 0:44	7W	TRAFFIC STOP
LCP060513038399	5/13/2006 7:17	3	INTOXICATED SUBJECT
LCP060513038401	5/13/2006 7:38	9M	VERBAL DISPUTE

LCP060514038643	5/14/2006 7:45	3	911 DISCONNECT
LCP060514038679	5/14/2006 12:15	30J	SUSPICIOUS PERSON
LCP060515038800	5/15/2006 2:55	5	FIGHT W/WEAPONS
LCP060515038868	5/15/2006 9:54	DUP	J/O ARMED ROBBERY
LCP060515038867	5/15/2006 9:55	5	J/O ARMED ROBBERY
LCP060515039013	5/15/2006 21:43	9M	INTOXICATED SUB 1081
LCP060515039029	5/15/2006 23:02	3	I/P ASSAULT W/WEAPON
LCP060516039193	5/16/2006 14:50	3	WARRANT SERVICE
LCP060517039369	5/17/2006 10:04	3	SUSPICIOUS VEHICLE
LCP060517039594	5/17/2006 22:56	5	WARRANT SERVICE
LCP060518039631	5/18/2006 7:18	5	RECOVERED STOLEN VEH
LCP060518039817	5/18/2006 18:38	3	SUSPICIOUS PERSON
LCP060518039856	5/18/2006 23:33	9M	WARRANT SERVICE
LCP060520040305	5/20/2006 4:05	3	DOMESTIC VERBAL DISP
LCP060520040330	5/20/2006 8:28	3	911 DISCONNECT
LCP060522040702	5/22/2006 1:39	3	DRUG OVERDOSE !NOTI
LCP060522040893	5/22/2006 17:55	3G	J/O DISTURBANCE
LCP060522040948	5/22/2006 22:12	1	SUSPICIOUS PERSON
LCP060522040962	5/22/2006 23:54	3	ROUTINE BACK UP
LCP060523041208	5/23/2006 21:48	3	VERBAL DISPUTE
LCP060526041806	5/26/2006 2:54	3	J/O DISTURBANCE
LCP060526041809	5/26/2006 3:27	3	A/O VEHICLE BURGLARY
LCP060529042555	5/29/2006 2:06	3	LOUD MUSIC
LCP060529042740	5/29/2006 20:16	3	SUSPICIOUS PERSON
LCP060530042983	5/30/2006 15:42	3	SEE COMPLAINANT
LCP060530042998	5/30/2006 16:29	3	SUSPICIOUS PERSON
LCP060530043049	5/30/2006 20:14	3	SUICIDE
LCP060530043056	5/30/2006 20:37	5	SUICIDE
LCP060530043074	5/30/2006 23:04	9S	LOUD MUSIC
LCP060531043314	5/31/2006 22:14	1	SUSPICIOUS PERSON
LCP060601043490	6/1/2006 15:32	5	A/O VEHICLE THEFT
LCP060601043558	6/1/2006 19:44	5	A/O DOMESTIC DISTURB
LCP060602043649	6/2/2006 6:58	3	VERBAL DISPUTE
LCP060603044003	6/3/2006 10:20	3	VERBAL DISPUTE
LCP060603044134	6/3/2006 22:16	7M	NARCOTICS OR DRUGS
LCP060603044144	6/3/2006 23:29	7M	I/P DISTURBANCE
LCP060604044284	6/4/2006 18:05	3G	SUSPICIOUS PERSON
LCP060604044331	6/4/2006 23:29	3	SUSPICIOUS PERSON
LCP060605044477	6/5/2006 16:46	3	1074 DAMAGE IISPECIF
LCP060606044562	6/6/2006 1:16	8M	SUSPICIOUS PERSON
LCP060606044568	6/6/2006 2:04	3	I/P DISTURBANCE
LCP060607044823	6/7/2006 6:23	3	I/P DOMESTIC ASSAULT
LCP060609045506	6/9/2006 12:20	3	VERBAL DISPUTE
LCP060609045524	6/9/2006 13:21	3	VERBAL DISPUTE
LCP060610045735	6/10/2006 6:44	3G	SUSPICIOUS PERSON
LCP060610045855	6/10/2006 19:50	9S	DOMESTIC VERBAL DISP
LCP060611045908	6/11/2006 0:40	3	NARCOTICS OR DRUGS
LCP060614046677	6/14/2006 12:07	9MT	TRAFFIC STOP
LCP060614046770	6/14/2006 17:18	5	SUICIDE
LCP060615046858	6/15/2006 0:43	1	SUSPICIOUS PERSON
LCP060615046869	6/15/2006 2:34	7W	TRAFFIC STOP

City Police Incidents By Address & Date Range

755 Wade Hampton Blvd:

6/19/2006 12:00:01 AM to

8/7/2006 11:59:59 PM

Incident Number	Create Time Incident	Dispo	Incident Type
LCP060619047933	6/19/2006 10:43	3	J/O LARCENY
LCP060620048117	6/20/2006 1:16	3	I/P DISTURBANCE
LCP060620048127	6/20/2006 2:22	3	I/P DISTURBANCE
LCP060620048130	6/20/2006 2:35	3	I/P DISTURBANCE
LCP060620048137	6/20/2006 3:47	1	SUSPICIOUS PERSON
LCP060620048195	6/20/2006 11:11	3	WARRANT SERVICE
LCP060621048403	6/21/2006 2:54	1	SUSPICIOUS PERSON
LCP060621048422	6/21/2006 7:27	3	SUSPICIOUS PERSON
LCP060621048537	6/21/2006 16:01	3	FIGHT W/WEAPONS
LCP060622048715	6/22/2006 8:36	5	A/O SEX OFFENSE
LCP060622048830	6/22/2006 15:38	5	A/O FRAUD
LCP060623049240	6/23/2006 22:08	3	INTOXICATED SUBJECT
LCP060623049248	6/23/2006 22:53	3	J/O ASSAULT
LCP060624049284	6/24/2006 2:50	CBC	VERBAL DISPUTE
LCP060624049343	6/24/2006 10:54	3	DOMESTIC VERBAL DISP
LCP060624049459	6/24/2006 21:05	7W	SUSPICIOUS VEHICLE
LCP060624049468	6/24/2006 21:53	1	SUSPICIOUS PERSON
LCP060625049547	6/25/2006 3:55	3G	SUSPICIOUS PERSON
LCP060625049566	6/25/2006 9:28	3	EMS REQ 1ST RESPONDE
LCP060628050233	6/28/2006 0:00	3G	I/P DISTURBANCE
LCP060628050294	6/28/2006 10:02	3	VERBAL DISPUTE
LCP060628050335	6/28/2006 12:09	5	A/O LARCENY
LCP060628050491	6/28/2006 22:26	5	I/P DISTURBANCE
LCP060628050500	6/28/2006 22:57	3	A/O DISTURBANCE
LCP060629050745	6/29/2006 20:42	9M	SUSPICIOUS PERSON
LCP060630050817	6/30/2006 3:28	1	SUSPICIOUS PERSON
LCP060630051032	6/30/2006 19:02	3G	INTOXICATED SUBJECT
LCP060701051174	7/1/2006 10:12	5	A/O VEHICLE THEFT
LCP060704051934	7/4/2006 3:19	7M	NARCOTICS OR DRUGS
LCP060704051939	7/4/2006 4:31	30J	WARRANT SERVICE
LCP060704051947	7/4/2006 6:01	3	VERBAL DISPUTE
LCP060704052085	7/4/2006 19:27	5	A/O LARCENY
LCP060705052243	7/5/2006 4:59	3	MISSING PERSON
LCP060705052520	7/5/2006 22:29	3	EMS REQ 1ST RESPONDE
LCP060708053266	7/8/2006 18:29	5	KIDNAPPING OF JUVENI
LCP060708053321	7/8/2006 22:29	8S	WARRANT SERVICE
LCP060708053328	7/8/2006 22:52	1	SUBJ DOWN-UNK PROBLE
LCP060709053350	7/9/2006 0:06	3	I/P DOMESTIC DISTURB
LCP060709053356	7/9/2006 0:23	3	SUSPICIOUS VEHICLE
LCP060709053384	7/9/2006 3:07	3	LOUD NOISE
LCP060709053544	7/9/2006 21:59	9M	SUSPICIOUS PERSON
LCP060710053824	7/10/2006 22:58	9J	MISSING PERSON
LCP060712054198	7/12/2006 9:06	9MT	TRAFFIC STOP
LCP060713054456	7/13/2006 0:49	7W	TRAFFIC STOP
LCP060715055068	7/15/2006 2:39	3G	SUSPICIOUS VEHICLE
LCP060716055281	7/16/2006 0:14	3	LOUD NOISE

119

LCP060720056468	7/20/2006 11:57	5	A/O LARCENY
LCP060721056665	7/21/2006 5:21	3	SUSPICIOUS VEHICLE
LCP060721056724	7/21/2006 10:48	9M	J/O ASSAULT
LCP060721056725	7/21/2006 10:50	3	DUPLICATE CALL
LCP060721056761	7/21/2006 12:54	5	TRESPASSING
LCP060724057633	7/24/2006 19:59	3G	TRESPASSING
LCP060725057720	7/25/2006 8:26	3	A/O BURGLARY
LCP060725057721	7/25/2006 8:28	3	EMS REQ 1ST RESPONDE
LCP060725057757	7/25/2006 10:35	9S	NARCOTICS OR DRUGS
LCP060727058230	7/27/2006 0:18	3	J/O DISTURBANCE
LCP060727058357	7/27/2006 12:17	7	TRAFFIC STOP
LCP060727058468	7/27/2006 19:12	3	SUSPICIOUS PERSON
LCP060729058996	7/29/2006 16:55	3	SUICIDE
LCP060731059325	7/31/2006 1:25	3	I/P DISTURBANCE
LCP060731059326	7/31/2006 1:27	1	SUSPICIOUS PERSON
LCP060801059743	8/1/2006 14:50	9S	TRAFFIC STOP
LCP060801059855	8/1/2006 22:44	5	I/P DISTURBANCE
LCP060805060818	8/5/2006 10:09	3	REPORT TO IISPECIFY!
LCP060805060860	8/5/2006 13:56	3	INTOXICATED SUBJECT
LCP060805060897	8/5/2006 16:33	3	TRESPASSING
LCP060805060915	8/5/2006 18:16	3	VERBAL DISPUTE
LCP060805060921	8/5/2006 18:59	3	I/P DISTURBANCE
LCP060805060934	8/5/2006 19:42	9M	VERBAL DISPUTE
LCP060806061047	8/6/2006 3:29	3	WEAPON IN POSSESSION
LCP060806061051	8/6/2006 3:59	3	SUSPICIOUS PERSON
LCP060807061266	8/7/2006 8:04	5	A/O VEHICLE BURGLARY
	End of Report		
7-Aug-06			Page 1

141

1 STATE OF SOUTH CAROLINA)
2 COUNTY OF GREENVILLE) IN THE COURT OF COMMON PLEAS

3
4 AMRIK SINGH AND SBPS,)
5 INC., d/b/a TRAVEL INN,)
6 Plaintiffs,) TRANSCRIPT OF RECORD
7) 2007-CP-23-2417

8 -vs-) AUGUST 6, 2007
9) GREENVILLE, SOUTH CAROLINA
10 CITY OF GREENVILLE,)
11 Defendant.)

12 B E F O R E:

13 THE HONORABLE G. EDWARD WELMAKER, JUDGE.
14

15 A P P E A R A N C E S:

16 JAMES W. FAYSSOUX, JR., ESQUIRE
17 RYAN BEASLEY, ESQUIRE
18 Attorneys for the Plaintiffs

19 DEBRA J. GAMMONS, ESQUIRE
20 Attorney for the Defendant

21 Michael R. Watts
22 Circuit Court Reporter
23
24
25

INDEX

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
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24
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WITNESSES

PAGE

(NO WITNESSES CALLED)

EXHIBITS

NO.	DESCRIPTION	ID.	EV.
1			
2			
3	(NO EXHIBITS MARKED)		
4			
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1 (PROCEEDINGS, August 7, 2007)

2 THE COURT: Okay. This is Singh versus City of
3 Greenville.

4 Mr. Beasley, Mr. Fayssoux, I believe you are the
5 moving parties, is that correct?

6 MR. FAYSSOUX: Yes, Your Honor.

7 THE COURT: I'll be glad to hear from you.

8 MR. FAYSSOUX: Thank you, Your Honor.

9 Your Honor, I represent the Travel Inn and I
10 represent Mr. Singh in this action we have got against the
11 City of Greenville. Your Honor, we are seeking a TRO today.

12 Before I can get into the merits of the TRO, Your
13 Honor, I think it's essential I give this court just a
14 little bit of the factual and very convoluted procedural
15 background that has us here today. And I understand, judge,
16 you are fitting us in and I'll try to be brief, but there is
17 a little bit I need to go over as to how we are here.

18 Your Honor, in May of 2006, my client, Mr. Singh,
19 purchased the Travel Inn. This is a hotel located over on
20 Wade Hampton Boulevard that has been in the papers quite a
21 bit lately. We purchased that building in May.

22 In August, Your Honor, we received a notice from
23 the city manager saying that he was going to revoke our
24 business license based on statute -- or Ordinance 8-44. And
25 there is lots of reasons under the ordinance, but the thrust

1 of the revocation was that we had had an excessive number of
2 police calls and nuisance calls to the location. And based
3 on the language of that statute -- I'm addressing the
4 constitutionality of it, but based on the language of that
5 statute, it being that we violated it and that he was
6 revoking our business license.

7 Our clients, who were represented by different
8 counsel at that time, properly followed the administrative
9 appeal. They sought a hearing before a hearing officer.
10 The hearing officer -- that was in August. The hearing
11 officer basically affirmed Mr. Burry's findings and made a
12 factual finding recommendation that the revocation be
13 upheld, and they did so.

14 At that point in time Mr. Beasley was retained and
15 we filed a motion for a TRO, similar to the one we are
16 filing today. It was heard by Judge Hill. Judge Hill
17 denied that TRO, basically saying we had an adequate remedy
18 at law. And that's very important, judge. They said we had
19 not exhausted our administrative process and we had to go
20 back and continue to do that. So Mr. Beasley did, and we
21 were able to appeal the hearing officer's finding before
22 city council.

23 When city council heard the appeal, Your Honor,
24 that was in November of last year. They basically modified
25 Jim Burry's, the city manager's and the hearing officer's

1 findings saying "no, we are not going to let you revoke this
2 man's license. What we are going to do is basically give
3 him a second chance."

4 They issued him a conditional business license.
5 And, Your Honor, I think it's -- Exhibit 2 are some letters
6 and some signed indictments from our memorandum which show
7 what these conditions are that city council put forth and
8 that my clients agreed to; that is, "if you uphold these
9 conditions, we are going to let you continue to operate
10 business."

11 Now, Your Honor, before we go any farther, there
12 had been an excessive number of calls to this location prior
13 to my client turning it around, and certainly prior to my
14 client living up to these conditions. There had been some
15 900 calls. Not substantiated, but there was a lot in the
16 two year period of time. There is no question about that.

17 Since my client took control of this operation, or
18 more importantly, since we entered into this agreement with
19 city council when we had these conditions, which involved
20 additional security personnel, a fence, specifications with
21 regards to the log book, video cameras. Very expensive
22 conditions. Since that time my client had four incidents in
23 six months, four incidents, versus the nine hundred and
24 something that they had before.

25 Now, as I'll show the court in just a little bit,

1 that puts us on a better record than pretty much any hotel
2 in the city. We beat the Weston, the Hilton, the Hyatt,
3 Poinsette, all of them.

4 Judge, we live up to these conditions and we
5 believe that's going to be the end of it. Part of the
6 conditions was is that the police department -- actually
7 Chief Johnson had to report back to the city and let them
8 know whether or not we were upholding our end of the deal.
9 He signs a memorandum and submits it to the city in January
10 of 2007. And the quote in that is "Mr. Singh is living up
11 to his end of the deal," and we had. We hadn't had any
12 significant incidents. There had been a dramatic change in
13 what was going on there, and we had spent what little money
14 we had left to live to the city's deal, or to live up to the
15 city's deal.

16 Then that's when it starts to get squirrely on
17 us, judge. At some point in time, February 20th, for no
18 cognizable reason, they extend our probationary period by 60
19 days.

20 Then on March 30th we get a letter from Mr. Burry
21 saying based on the four incidents that we have had in the
22 past six months, they are shutting us down; that we have
23 violated our agreement and they are shutting us down. And
24 what he says, a quote in that revocation, judge, is based on
25 the fact that we have not maintained a drug-free and

1 crime-free environment, they are taking our license. That's
2 the basis of this last revocation of our conditional
3 business license.

4 Well, judge, we tried to appeal that decision. We
5 tried to have that go before a hearing officer. We received
6 a letter from the city attorney saying that our appeal had
7 already been heard, we are not allowed to appeal this
8 arbitrary decision by Jim Burry to take the conditional
9 business license and that we are out of luck.

10 We file a TRO again. This time it was heard by
11 Judge Patterson, and Judge Patterson didn't understand what
12 would be the irrevocable harm, because we still had an
13 appellate process. In fact, according to the order from the
14 court was "we welcome your appeal, Mr. Singh," and that's
15 exactly what we did.

16 So we took the position that since they are not
17 going to let a hearing officer hear Mr. Burry's kind of sua
18 sponte revocation, that they must have a final order now and
19 we should appeal it to the circuit court, and that's exactly
20 what we did.

21 Judge Miller heard this case back in June, Your
22 Honor. And although he didn't make a finding on the merits,
23 he specifically found that we had a conditional business
24 license, one that we signed off on with city council, that
25 it was entitled to the same procedural and due process

1 rights of any other license and that the city had to give us
2 an appeal. They had to let us have a hearing before the
3 hearing officer. And then ultimately if that was not in our
4 favor, we could appeal to city council, but finally we got
5 an order from the court guaranteeing our procedural due
6 process rights.

7 Well, instead of just granting us the hearing
8 within the five days, which we properly requested, and
9 allowing us to go before the hearing officer and letting it
10 run its appellate course, the city appeals Judge Miller's
11 decision. So that appeal or that decision is now down in
12 Columbia. And then the city calls and says "if you open up
13 in the interim, we are going to throw you in jail. We are
14 going to arrest you and we are going to take you to jail, if
15 you open up the business." That's the call I got.

16 So now this is what the city has done. They have
17 put us in this financial strangle hold. We don't have any
18 more money. We are out of time. I'm getting calls from the
19 bank almost daily saying we are three months behind on our
20 note. They are going to default us. They are going to
21 foreclose on us, and the city is happy to wait and not grant
22 us any -- not grant us any appeal and let Columbia take its
23 18 months to make a decision. In the meantime we are going
24 to be shut down. He's going to be out of his buildings
25 where his family lives. He's going to lose his business.

1 He's going to lose everything that he's ever invested.

2 And, judge, it's a little informal to go into it.
3 If you are going to grant this TRO, the TRO we are seeking,
4 is asking an order from this court restraining the city,
5 enjoining them from engaging or prosecuting any criminal or
6 civil penalties against us until at least Judge Miller's
7 order is able to run its course in the appellate procedure
8 down in Columbia; at least until we are able to find out as
9 to whether or not we were entitled to some additional
10 administrative appeal from the city. That's all we are
11 asking. There is no irreparable harm to the city. There is
12 no harm to the city, but the harm to us is not only
13 irreparable, it's inevitable. That bank is going to
14 foreclose.

15 And what has happened here, judge, is -- and we
16 have a note from Jim -- from I believe Pinnacle Bank. In
17 the file I think it's number Exhibit 6, talking about the
18 fact that we are in default on the loan and they can do it,
19 judge what the city has done here is they took our license.
20 They lured us into saying, "okay, if you will do these
21 things, Mr. Singh, we are going to let you stay open." What
22 little bit of money that my client had left he invested into
23 that in good faith. He put up these security measures.
24 He's invested this money. He's done it. He did everything
25 they asked him to do. The city probably established these

1 conditions thinking there is no way in the world he's going
2 to do it, and he does. Not only does he live up to the
3 conditions, he gets the best record in the city. And now
4 the city, instead of finding some sort of reason, they are
5 going to shut him down. And the reasoning is basically
6 because I say so.

7 It's not based on the fact that we violated 8-44,
8 because how could we be seen to have some sort of high
9 nuisance calls, when we are better than everybody else?
10 That in itself would be arbitrary and capricious. It's not
11 on the fact that we violated one of the conditions, because
12 the only evidence in the record is that we have lived up to
13 all the conditions. Instead it's Mr. Burry creating this
14 new standard that says I have decided, because you had four
15 incidents out there, you have not maintained a crime-free
16 drug-free environment. They want us to have some sort of
17 utopia out there. Judge, that's not a standard in the
18 statute. That's not a standard of a contract or a condition
19 that we signed up. That's just a result of a decision by
20 Mr. Burry saying "all right, I'm going to get them out of
21 there one way or the other," and then the city just refuses
22 to let us appeal. It's as if the city has abandoned all
23 reason and all concept of procedural due process in this
24 case. And even when we filed to get an order from the court
25 saying "give them their hearing, let them hear us," they

1 just ignore it and say "we will just appeal it in Columbia
2 and you will default in the process. And if you open that
3 business, you are going to jail. We are going to come
4 arrest you."

5 Judge, the irreparable harm is clear in this case.
6 It's irreparable, it's inevitable.

7 Two, the likelihood of success on the merits is
8 exactly what I just discussed. The Peterson case is exactly
9 on point on this. Anytime you have no standard, other than
10 just that I say so, or that you have some sort of
11 fundamental reasoning behind revoking or taking of the
12 business license that's not based on a standard, that in
13 itself is arbitrary and capricious. The Peterson case
14 follows this line exactly. It dealt with billboards in
15 Myrtle Beach and basically the zoning board just said "I
16 don't think so. I don't like the way it looks and we are
17 shutting you down. We are not going to give you the license
18 for the billboard."

19 That's exactly what happened here. As the judge,
20 by itself I think on the likelihood of success, if we are
21 ever able to argue the merits of this case, it would be
22 arbitrary and capricious and it would need to be allowed to
23 stand, but that's part of the play that the city is running
24 here, judge. They don't want to ever get to the merits of
25 the case. They just draw us out procedurally and then

1 threaten to put us in jail if we try to operate our business
2 license.

3 Finally, judge, the public interests in the harm
4 to the city, there is no harm to the city. In the interim,
5 right before they took our license, they were more than
6 willing to take our \$35,000 in property taxes. So the only
7 harm to the city is that if we get shut down, they don't get
8 our property taxes.

9 The public interests is that, judge, number one,
10 we have become not a problem and new nuisance, but a model
11 for how a hotel should be run. We are one of the best ones
12 in the city. And, two, there is a real valid public
13 interest in knowing the city can't just arbitrarily take
14 things because they decide they would rather have somebody
15 else open.

16 We have got to have our procedural due process
17 rights. You know, judge, I have said it before and it's got
18 to be stated again, if that was you, if that was me, if that
19 was anybody else from Greenville over there, we wouldn't be
20 having this problem. This gentleman has come down from New
21 York. He drove a taxi for 25 years, saved up ever money he
22 ever had, came down here and bought this and in months they
23 just throw him out. He wouldn't have to be anybody else,
24 but because he's not from here, the city is just running
25 roughshod over him. They are bullying him. I mean, they

1 are threatening to put him in jail.

2 Mr. Singh, who probably, who -- I wish he would
3 open the business, but has said no, he's not going to do it.
4 He's never had a traffic ticket in his life. He's not
5 breaking any rules and he doesn't want to do it now.

6 So we are desperate, judge. This is our last
7 chance to avoid foreclosure, that family losing their home
8 and everything that they have ever had. And all we are
9 asking for is not for the sake that we automatically get the
10 stay forever, but that we are just allowed to function as a
11 business until we are given our due process rights, and,
12 that's all we want.

13 THE COURT: How do I have jurisdiction to hear
14 this, Mr. Fayssoux?

15 MR. FAYSSOUX: I think you do, judge. Under Rule
16 225 I think it's clear. I think there is an exception to
17 this, and I think really anything that's being appealed is
18 not necessarily anything that this court would be exercising
19 jurisdiction over. You are not making a decision on whether
20 or not they have to have a hearing, or you are not making a
21 decision of requiring that we get back in front of the
22 hearing officer to hear this. You are simply saying in the
23 interim until we get that question answered they are not
24 allowed to throw us in jail.

25 THE COURT: Isn't this similar to a stay in

1 executing a prior order, that either the Court of Appeals
2 would have to grant or a -- or the circuit court who heard
3 it?

4 MR. FAYSSOUX: I don't -- I don't think so, Your
5 Honor. I really don't. I think we have a conditional
6 business license right now. And I think the way the rules
7 work, that until they give us our administrative hearing or
8 our hearing in front of the hearing officer, they are not
9 allowed to shut us down. Now, after they do that they can
10 do shut, but until they do that, we have got to be allowed
11 to stay open.

12 THE COURT: But the circuit court has ruled that
13 they are entitled to a hearing.

14 MR. FAYSSOUX: Yes, sir.

15 THE COURT: The other side has appealed that.

16 MR. FAYSSOUX: Yes, sir.

17 THE COURT: And you are basically -- aren't you
18 basically seeking a stay from their appeal of that order
19 during the pendency of the appeal?

20 MR. FAYSSOUX: I don't -- I don't necessarily
21 think I am, judge, because I'm just being -- I just want --
22 we want to be allowed to continue to operate the license we
23 already have. That doesn't revoke our license, though, Your
24 Honor. One way or the other it doesn't necessarily revoke
25 our license. It just eventually gives us the due process.

1 And I think, judge, I believe there is an
2 exception to this under 225(b)(11), in which a general rule
3 has been made from administrative tribunals which all other
4 administrative remedies have been exhausted. So I think I
5 have got an exception to it right here, judge. I believe
6 this court does have jurisdiction to it.

7 THE COURT: What is the appeal from the
8 administrative tribunal, Mr. Fayssoux?

9 MR. FAYSSOUX: It would be the appeal that we
10 filed -- well, let me think. I have got to get straight on
11 that.

12 You are asking right now what would our exception
13 be? How is this appeal, this being appealed in Columbia, an
14 exception? Let me make sure I understand you correctly.

15 THE COURT: Right. In other words, the last thing
16 that's happened has been a ruling by Judge Miller and that
17 order has been appealed.

18 MR. FAYSSOUX: That's correct.

19 THE COURT: All right. The execution of that
20 order to give him a hearing has not been done?

21 MR. FAYSSOUX: No, sir.

22 THE COURT: Correct?

23 MR. FAYSSOUX: That's correct.

24 THE COURT: So wouldn't your recourse be to have a
25 stay in what they are seeking to have done through either

1 the Court of Appeals or the -- and I think there was
2 something that came out recently where the lower court judge
3 could perhaps do it, or at least the Court of Appeals.

4 It's not an appeal from the administrative -- the
5 appeal that's pending is not from an administrative
6 tribunal, is it?

7 MR. FAYSSOUX: Well --

8 THE COURT: The appeal is from the circuit court.

9 MR. FAYSSOUX: That's correct, Your Honor. That's
10 correct, Your Honor. It's an appeal of an appeal.

11 MR. FAYSSOUX: I guess the position we are
12 taking --

13 THE COURT: I just want -- I'm concerned about the
14 jurisdictional issue of how I -- whether I have
15 jurisdiction. If I have jurisdiction, I don't mind hearing
16 the case, but I'm concerned whether I do. And I may, but it
17 seems to me that that's the --

18 Judge Miller, I hadn't seen his order, but I'm
19 assuming he said he's entitled to an administrative hearing.

20 MR. FAYSSOUX: He did, Your Honor, as Exhibit 4.
21 Although much of the order goes to the facts, the very last
22 sentence establishes where we are, that we are entitled to a
23 hearing pursuant to the Ordinance 8-44(b).

24 And I guess the reason I think there is an
25 exception, the reason I think it would not necessarily be

1 the stay, Your Honor, is that we have a business license.
2 We have a conditional business license that at least the
3 city manager and no one else has just arbitrarily revoked.
4 And if we don't get relief here, where do we get relief,
5 because what will happen is they are going to pick my client
6 up the second he opens the doors. And we have got no other
7 administrative process we can go to right now. We did that.
8 We tried, and -- we are in a pig and poke, judge. We are
9 running out of options.

10 And I wish I could better articulate how I think
11 this court has jurisdiction, but I think we fall in that
12 exception. I think we are not necessarily asking for a
13 stay. And if the court is concerned about that, I would
14 certainly like the opportunity to brief it and get it to the
15 judge immediately, but I believe you do have jurisdiction,
16 judge. And I think you just don't have jurisdiction, I
17 think you are our last hope right here for being able to
18 keep this business and this family not from getting out on
19 the street.

20 THE COURT: Well, let me ask you this. Assuming
21 there's jurisdiction there, how about the irreparable harm
22 and no adequate remedy of law? If they shut him down,
23 effectively, and when the Court of Appeals kicks it back and
24 says the appeal is denied, then -- I mean, aren't you going
25 to have an adequate remedy at law to get the -- you know,

1 all the profits for the last three years and the loss of
2 your home and everything else? Isn't there an adequate
3 remedy at law?

4 MR. FAYSSOUX: Well, there is -- there is
5 potentially some remedy at law, but I don't know that we do.
6 I don't know that we are even able to -- we have got another
7 lawsuit out there already pending for what we think is an
8 unconstitutional taking, based on what they have done, and I
9 don't know that we would win that. I don't know that we do
10 have an adequate remedy at law, but I think also these
11 damages are to some degree exceedingly difficult to
12 calculate.

13 We are not going to be able to reopen. And if
14 even if we do, it's going to be in such a damaged state of
15 affairs. I understand Your Honor is saying that we can just
16 sue them for these damages, but I don't know that we can,
17 Your Honor. I mean, we have got --

18 I don't know where we go from here. I really
19 don't know where this family goes from here if they shut us
20 down. The family is out on the street. The bank is going
21 to take the property. The property has been so maligned and
22 so devalued as a result of what the city has done and what
23 the city has repeatedly said in the newspaper, that we have
24 no hope of being able to recoup any of the investment that
25 we have on that. So I don't think that we do have an

1 adequate remedy at law, judge.

2 THE COURT: But you filed a lawsuit to that
3 effect?

4 MR. FAYSSOUX: Pardon me, Your Honor.

5 THE COURT: You have -- you said there is a
6 pending lawsuit to that effect?

7 MR. FAYSSOUX: There is, Your Honor. There is.

8 But the courts, and even the rules, are protective
9 about enjoining somebody's business. I mean, they could not
10 possibly get a TRO to suspend us from operating a business.
11 They couldn't do that.

12 THE COURT: You are saying they are doing it back
13 door, huh?

14 MR. FAYSSOUX: That's exactly what they are doing.
15 It's a great play. I mean, strategically it's a great idea,
16 if it wasn't for the Constitution.

17 THE COURT: All right.

18 Ms. Gammons, I'll be glad to hear from you.

19 MS. GAMMONS: Thank you, Your Honor.

20 May it please the court, Your Honor, on the
21 jurisdiction issue, first, the business license has been
22 revoked. The motion is to restrain and enjoin the city from
23 revoking the business license. That's already been done.
24 He does not have a valid business license. And, therefore,
25 he cannot operate that business.

1 The second request is that the city be restrained
2 and enjoined from imposing any fines if he opens that
3 business. If he opens, he will be violating the city
4 ordinance.

5 Your Honor, as you are aware, the city ordinance
6 provides for the revocation of a business license if that
7 business becomes a public nuisance, and this business has
8 been declared a public nuisance, and that is determined by
9 an excessive number of calls, arrests on the property.

10 From April 2004, through June 2006, when Mr. Singh
11 who owned the property, he was the manager of the property,
12 listed himself as the president of SBPS under the business
13 license applications beginning in 2004. From April 2004,
14 through June 2006, there were about 980 case calls for
15 service. That's about 450 per year, more than any other
16 business has been allowed to operate in this city.

17 There have been revocations of businesses with
18 less disturbances and less of a public nuisance. And those
19 people -- many of them were from Greenville or from South
20 Carolina. The city does not care that Mr. Singh moved here
21 from New York. The city does not care that he is of Indian
22 descent. That makes no difference. The city is not looking
23 at this from a cultural standpoint or from a racial
24 standpoint, as Mr. Fayssoux alleges. We are looking at this
25 from a business standpoint. The city has the power under

1 the statutes to regulate businesses and occupations and make
2 sure that they are safe for the community and safe for not
3 only the patrons, but those outside.

4 Your Honor, in their -- again, the city contends
5 that this motion for a temporary restraining order is, one,
6 not jurisdictional. You don't have the jurisdiction to
7 allow it; and two, that it's -- it shouldn't even be here,
8 because, one, the business license has already been revoked.
9 They are asking that it not be revoked. We had that order
10 from Judge Miller and that has been appealed to the Court of
11 Appeals.

12 And, therefore, Your Honor, if you decide that you
13 have jurisdiction and you know that in order to get a
14 temporary restraining order, temporary injunction, that the
15 person must show irreparable harm, must show his likelihood
16 of success on the merits and must show an inadequate remedy
17 at law. He must show all three of those, not one or the
18 other.

19 And the irreparable harm, they are alleging
20 economic difficulties. And Your Honor knows that economic
21 loss in and of itself is not sufficient to constitute
22 irreparable harm.

23 Likelihood of success on the merits. They have
24 shown that they would likely not succeed on the merits,
25 based on what's happened before.

1 And they do have an adequate remedy of law.

2 Your Honor, in that balancing test you also look
3 at the public interests and what's in the public interests.
4 Your Honor, in those calls, those 980 calls from 2004 to
5 2006, there were drugs arrests, assault and batteries. The
6 owner's daughter, Managar Carr, who was the manager, but she
7 was always there on the property, always at the front desk,
8 was charged with distribution of crack. And, Your Honor,
9 after going before city council in November, after city
10 council said, "okay, we are going to put this revocation in
11 abeyance and allow you to reopen," there were several
12 instances after that, after he was clearly warned.

13 In January 2007, the police responded to a
14 disconnect call. Whenever someone dials 911 and
15 disconnects, they respond to that, and they found a
16 disturbance at Travel Inn. They spoke with Mr. Singh
17 himself. He just sort of pushed them off, "oh, nothing is
18 going on, nothing is happening," and they found that there
19 was a disturbance there.

20 On February 11, 2007, there was a homicide
21 investigation and the suspect was at the Travel Inn. They
22 went there, asked who was registered. There was a first
23 name given. They were supposed to list full names, and that
24 suspect was in the room of a patron at Travel Inn.

25 In March 2007, the sheriff's office, again looking

1 for Managar Carr, Mr. Singh's daughter. He told city
2 council in November "she's not going to be on the property.
3 She won't have anything to do with it." In March 2007, she
4 was arrested at Travel Inn. The sheriff said he went into
5 the restaurant area, looked like there was some bedding
6 there, that someone had been staying there. Either Mr.
7 Singh or someone at the hotel said "oh, she's on her way
8 from Anderson." He walked around to the front desk, she's
9 right there talking on the telephone to the sheriff.

10 And then later in March 2007, more arrests for
11 crack cocaine.

12 People know that this is a haven for drugs and
13 illegal activity, Your Honor. And this area, this Travel
14 Inn has become a sore and it's a festering sore. And to
15 allow this business to reopen, that will spread throughout.
16 Your Honor, we have testimony from businesses in the area
17 where patrons from Travel Inn would go to them, they are
18 under the influence of alcohol or drugs, they are begging
19 for money. They are saying stop this.

20 And any money that Mr. Singh spent, as Mr.
21 Fayssoux stated, trying to comply, reward him into
22 complying, that is without any merit whatsoever. He spent
23 money on his own. In fact, he came to city council and said
24 "we put up a big fence so our patrons can't get out." And I
25 thought that was telling right there, that he saw that there

1 was a problem, but he is unable or unwilling to maintain a
2 safe crime-free and a drug-free environment.

3 Your Honor, that's the reason this business needs
4 to stay closed, unless the Court of Appeals make a decision.

5 THE COURT: When was the business license revoked?

6 MS. GAMMONS: It was April 30th, 2007.

7 THE COURT: What is the issue on Judge Miller's --
8 is the sole issue on appeal whether or not he's entitled to
9 another administrative hearing before?

10 MS. GAMMONS: Yes, Your Honor.

11 THE COURT: Judge Miller's order?

12 MS. GAMMONS: He dated that -- that order was
13 filed --

14 THE COURT: June?

15 MR. FAYSSOUX: Yes, Your Honor.

16 MS. GAMMONS: June 20th.

17 THE COURT: And what's your position on
18 jurisdiction? You indicated that you agreed that I didn't
19 have the jurisdiction, Ms. Gammons?

20 MS. GAMMONS: Yes, Your Honor.

21 THE COURT: Do you know why?

22 MS. GAMMONS: Because this -- because Judge Miller
23 said Travel Inn should be entitled to a hearing, again,
24 before the hearing officer, and, again, before city council,
25 basically saying they got a second bite at the apple. And

1 the City of Greenville appealed that decision, and that's in
2 the Court of Appeals. So for Travel Inn to come before you
3 now and say restrain and enjoin the city from revoking the
4 business license, one, it's already been revoked. So I
5 guess they are asking you to unvoke it. Jurisdictionally
6 and by law you are not able to.

7 THE COURT: So the license was revoked before
8 Judge Miller had his hearing?

9 MS. GAMMONS: Yes, Your Honor. It was revoked --
10 the city manager sent his letter March 30th, 2007, and
11 stated that he must close his business April 30th, 2007.

12 MR. FAYSSOUX: Your Honor, if I could just try to
13 briefly talk about that.

14 THE COURT: Okay.

15 MR. FAYSSOUX: There is no question he tried to
16 revoke it, but that's what's so frustrating about this
17 process, is the city just makes these rules up as they go
18 along. They think that sometimes they will follow procedure
19 and sometimes they won't. Mr. Burry just said "I'm revoking
20 it," no matter what city council said, no matter what we
21 have agreed to.

22 You notice Ms. Gammons wasn't able to say the
23 reason they want to shut us down is because we violated a
24 condition of anything, because we haven't, or that we are
25 violating the statute, because we haven't. It's just

1 because Mr. Burry said "I'm just going to revoke it anyway."
2 And so what's so important about that, judge, is if you look
3 at the procedural process, if Mr. Burry gets these whims
4 that he's going to shut somebody down, he can't do it for 45
5 days, because they are required by law to give us that admin
6 hearing in 45 days. We are allowed to keep operating until
7 we get our admin hearing, and that's what they have found a
8 way to get around. They just said "we are going to revoke
9 you, but we are not going to give you an admin hearing and
10 we are not going to let you stay open."

11 If they are not going to give us this admin
12 hearing, if they are going to take our procedural due
13 process rights, we should be allowed to stay open and to
14 function. We are not asking the court to grant us a
15 business license. We are just asking the court to protect
16 us in what the statutes do, is that we are allowed to stay
17 open until we have run our administrative course, and they
18 found a way around that.

19 MS. GAMMONS: Your Honor, the city manager has the
20 authority to revoke the business license. And when he sends
21 a letter to a business stating that it is revoked, it is
22 revoked.

23 And they -- what Mr. Fayssoux is alleging is that
24 under the initial revocation, they -- it's 45 days from the
25 date of the letter to close the business, but this was --

1 this was not an initial revocation of that business, but
2 Travel Inn does not have a business license.

3 THE COURT: Okay.

4 MR. FAYSSOUX: But what I'm stressing is that
5 the -- listen to this. "Unless extended by writing, the
6 revocation is effective 45 days. You are revoked 45 days
7 from when I give you the letter." But the paragraph before
8 that says they have to have the hearing within 45 days. So
9 that's what -- that's why that's tied together and that's
10 what's so critical. Sure, they can revoke it. And if they
11 never give us a hearing, that's what's going to happen.

12 We are just asking that if we are in this kind of
13 gray nebulous area where they said they are going to revoke
14 it and we are in this extended 45 day period, we were still
15 waiting on our hearing to see whether it's right, we would
16 be allowed to stay open, like every other business, until
17 they are allowed to have that hearing and not be threatened
18 with criminal and civil prosecution.

19 THE COURT: Their position is that you had the
20 hearing. And after the hearing, then you had a conditional
21 or a probational business license that's -- I presume their
22 argument is it's still tied into the first one. So,
23 therefore, it's no need for another hearing?

24 MS. GAMMONS: That is correct, Your Honor.

25 THE COURT: The gist of your appeal?

1 MS. GAMMONS: That is correct.

2 And there is no nebulous area. The ordinances are
3 clear, and there is no requirement that -- if the business
4 request a hearing before the hearing officer, then the city
5 will grant that, but this was a continuation of that initial
6 revocation.

7 MR. FAYSSOUX: And that's what Judge Miller
8 immediately bought that and called out, is that you created
9 this new license, you can't manipulate your way around that
10 process or our due process rights.

11 MS. GAMMONS: And we have appealed that decision,
12 Your Honor.

13 THE COURT: Okay. Well, I'm still concerned about
14 the jurisdictional issue, and I would be glad to give you
15 some time to find some law on that. We'll be here this
16 week.

17 MR. FAYSSOUX: I will have it up here to you by
18 tomorrow morning, judge.

19 THE COURT: All right. Okay. Thank you very
20 much.

21 MS. GAMMONS: Thank you, Your Honor.

22 MR. FAYSSOUX: Thank you.

23 (END OF REQUESTED TRANSCRIPT OF RECORD)
24
25

CERTIFICATE

I, the undersigned, Michael R. Watts, Official Court Reporter for the Sixteenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and the evidence introduced in the trial of the captioned case in the Court of Common Pleas for GREENVILLE County, South Carolina, on the 7th day of August, 2007.

I do further certify that I am neither of kin, counsel nor interest to any party hereto.

June 10, 2008



Michael R. Watts
Circuit Court Reporter

STATE OF SOUTH CAROLINA)

COUNTY OF GREENVILLE)

COURT OF COMMON PLEAS
2007-CP-23-02755

ORIGINAL

AMRIK SINGH AND SBPS, INC.)
D/B/A TRAVEL INN,)
PLAINTIFFS,)

vs.)

TRANSCRIPT OF RECORD

CITY OF GREENVILLE AND)
JAMES BOUREY, CITY MANAGER,)
DEFENDANTS.)

May 30, 2007
Greenville, South Carolina

B E F O R E:

THE HONORABLE EDWARD W. MILLER, JUDGE.

A P P E A R A N C E S:

RYAN L. BEASLEY, ESQ.
JAMES W. FAYSSOUX, JR., ESQ.
Attorney for the Plaintiffs

DEBRA J. GAMMONS, ESQ.
Attorney for the Defendant

APRIL HERRON
Official Court Reporter

I N D E X

(SW) - Denotes State's Witness
(DW) - Denotes Defense Witness
(IC) - Denotes In Camera

There were no witnesses

Ruling by the Court.....39
Certificate of Reporter.....40

E X H I B I T S

There were no Exhibits.

1 THE COURT: How y'all doing? Who's moving this one?

2 MS. GAMMONS: Your Honor, Debra Gammons, Assistant City
3 Attorney for Greenville.

4 THE COURT: Okay, are you the moving?

5 MS. GAMMONS: Yes, Your Honor.

6 THE COURT: All right.

7 MS. GAMMONS: The Travel Inn brought an appeal after it
8 submitted its complaint so the City is moving to dismiss this
9 appeal. The basis as stated in the City's memorandum is one
10 there's no final order or decision from which Travel Inn can
11 submit an appeal. And two, it's not right for review. So
12 those are the main reasons. This complaint was submitted by
13 Travel Inn in April. The City submitted its answer and the
14 proper procedure is to go forward on complaint and not try to
15 get two bites at the apple by now submitting an appeal after
16 it's submitted its complaint. So the City is alleging that
17 this Court does not have jurisdiction to hear this appeal
18 because of those reasons.

19 THE COURT: All right.

20 MS. GAMMONS: Thank you, Your Honor.

21 MR. FAYSSOUX: Thank you, Your Honor. Your Honor, with
22 regards to the motion to dismiss, Judge, there has been a
23 final order and there has been a final decision by the City
24 Manager and by the City's silence in acquiescence also by the
25 City. They have issued us a permanent revocation of our

1 business license and they shut down. What we have done is
2 followed an actual administrative process in our appeals.
3 There is a complaint out there that's hopefully not going to
4 be complaint for a regulatory taking but we're trying to do
5 is to avoid that. We're not appealing that complaint, we're
6 appealing the last decision we got from the City Manager and
7 the City permanently revoking our license.

8 Your Honor, I think if I go into my argument, we have
9 motion we filed too or actually the appeal. I think a lot of
10 that and I think the background of the facts will address why
11 procedurally it is proper before this Court and this Court
12 certainly has jurisdiction to hear this appeal.

13 THE COURT: All right. What's your motion?

14 MR. FAYSSOUX: Your Honor, we filed the appeal under Rule
15 72 through the Circuit Court from the final decision of City
16 Council. Judge, before I go into why this appeal must
17 certainly should be overturned, I need to give you a little
18 bit of factual background of what's happened in this case.
19 It has been somewhat of a procedural nightmare, I'm the first
20 the admit that. But, Judge, what we have here is a
21 tremendous wrong that needs to be right by the Court and has
22 been a complete deprivation of my client's Constitutional due
23 process and his rights.

24 Your Honor, the reason this thing ended up in your lap is
25 we purchased the Travel Inn in May of 2006. My client had

1 worked there prior to that and had some managerial duties
2 prior to that but we purchased, we took the fee estate to the
3 Travel Inn in May of 2006. We paid 1.6 million dollars for
4 that building. 90 days or 93 days, Judge, three months to
5 the day, after we owned the building, we get a letter out of
6 left field from the City Manager basically saying under the
7 office of Section -- 8-44, we create a public nuisance and
8 he's going to shut us down based on excessive phone calls.
9 We probably -- excessive phone calls to the police department
10 in excessive arrest and what they alleged was an element of
11 crime in that area. We properly followed the administrative
12 process, we made an appeal before the hearing officer. The
13 hearing officer, in our opinion, rubber stamped the opinion
14 of the City Manager.

15 We then filed for a TRO before Judge Hill. Which was the
16 proper thing to do at the time asking that we be allowed to
17 remain opened until we could have our appeal heard by City
18 Council. Judge Hill denied that request saying that we had
19 administrative remedy and that the City Council appeal was
20 coming up and it didn't rise to the level of a TRO. We have
21 our appeal before City Council, Your Honor, in November of
22 last year. And basically what City Council did is they
23 disagreed with the decision of the City Manager. The City
24 Manager unequivocally revoked our license, presumably
25 permanently based on what he said was a public nuisance under

1 8-44. City Council disagreed with that decision. And what
2 we ultimately got from them was a letter in which they
3 basically held his decision in abeyance and said we're not
4 going to shut you down, we're going to give you additional
5 business license provided you live up to certain conditions.
6 And I'll find that for you, Judge.

7 Basically they listed about eight conditions, Your Honor.
8 And it's in the exhibit package, I want to refer you to the
9 right page. Your Honor, if you could turn to Exhibit C in
10 that package that I gave you -- excuse me, Exhibit D in that
11 package that I gave you'll see the letter from someone
12 associated with the City. And then what we have is a signed
13 document called, Conditional Business Terms.

14 THE COURT: Are you on C or D?

15 MR. FAYSSOUX: I'm on D, Your Honor. I'm sorry. Top of
16 the third page of Exhibit D.

17 THE COURT: Okay.

18 MR. FAYSSOUX: Your Honor, I won't read them all into the
19 record but basically it dealt with the security on the
20 premises. And there were certain conditions that we had to
21 meet. We had to hire security, we had to maintain certain
22 logs, we got security cameras, we changed our policies. We
23 had to be subject to inspections of the police department.
24 It resulted in over \$50,000 of additional investment by my
25 client under what they thought was a good faith promise by

1 the City that if you comply with these terms, then we'll let
2 you keep your business license. We did that. And, Judge, at
3 no point in this hearing or at any point in time has anyone
4 alleged that we haven't complied with the conditions. We've
5 complied with every single one of them. And I believe the
6 City will admit that.

7 In fact, the Police Department, under these conditional
8 business terms, did a review in January of this year and
9 issues a detailed memorandum to the City Manager and the City
10 Council where the quote from that document was is, Mr. Singh,
11 which is my client right here, Your Honor, has lived up to
12 his end of the obligations. That's the only evidence that we
13 have, that he lived up to his end of the obligations. Then
14 what we have, Judge, is the City Manager, after we received
15 this commission from the City Council, the City Manager
16 issues us another letter in February of this year in which he
17 extends our probationary period by about 60 days. Just
18 arbitrarily decides he's going to extend it by 60 days. Then
19 he goes forward, Judge, and gives us another letter in March
20 30th of this year and says that we got to close down again by
21 April 30th. And he bases this, Judge, on four incidents that
22 occurred at the property. And they say those are incidents
23 where the police were called and had to report to the
24 property. And in the City Manager's view, and I'll talk
25 about that in a little more detail in just a second, he says

1 he revoked our business license. We tried to appeal that
2 decision to the City Council. The City Council refused to
3 hear it. City Council -- we got a letter from the city
4 attorney basically saying the City Counsel's already heard
5 this matter, they're not going to hear this decision by the
6 City Manager. And now the City's up here arguing today that
7 we have to wait some 18 months to have a law suit to decide
8 whether or not our due process rights have been denied by
9 this subsequent revocation of the business license by the
10 City Manager.

11 And what we did file a TRO, Judge, before Judge Patterson
12 asking him -- again, I know, Judge, this is procedurally a
13 nightmare, but we filed another TRO asking them to allow us
14 to stay open until we can either have this appeal or we can
15 have a hearing on the merits on the complaint that was
16 denied. So what we've now done, Judge, is that we have
17 appealed the City Manager's decision and the City Counsel's
18 decision which either call it an acceptance or just a refusal
19 to hear from us that I guess by acquiescence adopted the City
20 Manager's decision. Which has permanently revoked our
21 business license. Based on what they said was ordinance.

22 Now, Judge, I'm going to tell you just a little bit about
23 the merits and it will make a whole lot of sense of why this
24 is terribly unfair to my client.

25 THE COURT: Okay.

1 MR. FAYSSOUX: First of all, we have a standard of review
2 in this case. Judge, this Court's not allowed obviously to
3 -- I mean, if even if you disagree with it. What you can
4 only do is reverse then that their decision was arbitrary and
5 capricious after they had considered all the facts. That the
6 test set forth in Gay versus Beaufort. After they considered
7 all the facts, you can only reverse them if it's arbitrary or
8 unreasonable or capricious. Well we don't even get pass the
9 threshold of the Gay versus Beaufort case, Your Honor. City
10 Council wouldn't even consider our arguments. They -- when
11 the city manager makes its decision and issues this letter in
12 March of this year that says, I'm going to shut you down.
13 And he bases it because you have not maintained a drug free,
14 crime free environment. We immediately went to appeal to the
15 city to show that not only we disputed each of those four
16 incidents that they alleged was a problem but also that we
17 were being treated differently than every other hotel in the
18 city.

19 Talk about it in a second, Judge, but our record is
20 better than any other hotel right now. Four incidents in six
21 months is better than the Westin, the Hyatt, the Hilton. But
22 yet he's going to shut us down. And the City Council says
23 because there may be a lawsuit pending, we're not going to
24 hear it, they weren't allowed to comment on it. So now we're
25 basically stuck out there with apparently no form of relief.

1 Your Honor, based on that they haven't considered all the
2 facts and evidence. So by per say it's an arbitrary decision
3 by City Council. But even if they did consider the facts and
4 evidence, just as I stated to the Court before, these four
5 incidents basically have us having a better security record,
6 a better environment than some of the top hotels in the city.
7 At least if you look in terms of the prices and in terms of
8 reputations. So what happens is this gentleman, who buys
9 this piece of property, has it taken from him essentially 90
10 day months after he buys it, he's given a chance to clean up
11 that area. Where they have 900 some incidents in a two-year
12 period. He pours every dime he has following these
13 conditions. And then it improves dramatically. The
14 environment over there where he has only four incidents, four
15 calls to the police in six months. And yet the city manager
16 decides to shut him down anyway.

17 Well, Judge, what we have here is a standard and a since
18 of discretion being applied by the City Manager is, Because I
19 say so. And the City Council refusing to even hear it or
20 address what the City Manager's done, they've acquiesced to
21 that. Judge, this case, the Peterson case is dead on point
22 of what happened here in this case. It's a perfect example
23 of the Court not allowing this type of unbridle discretion by
24 -- by a City Councilman or by administrative filing.

25 In Peterson, Your Honor, this dealt -- it was a Myrtle

1 Beach case and there was a zoning board, it was a community
2 esthetics board or a community awareness board that was
3 supposed to monitor whether or not the billboards coming up
4 in the town were appropriate. Well they had some general
5 guidelines set forth in their ordinances. And what the city
6 did in Myrtle Beach or the underlining zoning board just sat
7 one time of two people apply for applications, we're not
8 going to grant them because we think it's too much clutter.
9 And then the City Council affirmed that decision and said,
10 you know what, they think it's too much clutter, we're not
11 going to apply. The Supreme Court reversed that decision
12 Judge, basically because they didn't apply a single standard
13 from the ordinance. They can't just generally quote the
14 terms of the ordinance and say it's not a good thing.
15 Therefore, we're not going to grant you permits. Because
16 that by itself is arbitrary and unreasonable.

17 This case is worst. In this case under 8-44 they have
18 certain things that they have to show in order to find that
19 somehow we rise to the level of a nuisance and---

20 THE COURT: I don't have a copy of the city code.

21 MR. FAYSSOUX: Sir?

22 THE COURT: What is 8-44?

23 MR. FAYSSOUX: 8-44---

24 THE COURT: I -- this is an impassionate speech but what
25 are you appealing?

1 MR. FAYSSOUX: Judge, we're appealing the decision to
2 shut us down. We have to appeal it. Otherwise, what's our
3 remedy? We're appealing the revocation of the business
4 license which is exactly what was happening in the Peterson
5 case.

6 MS. GAMMONS: Your Honor, that's thier complaint. They
7 appealed it when they served their complaint on the City.
8 And this Court cannot make a decision on an appeal when
9 there's no final judgment or decision that's been made.
10 That's the City's argument.

11 THE COURT: Okay.

12 MS. GAMMONS: This Court doesn't have jurisdiction.

13 MR. FAYSSOUX: But, Judge, listen to what they've done.
14 I mean, and I'll get to that but it's a brilliant plan by the
15 City to avoid ever having anything being appealed. What
16 they've done in this case is they followed 8-44 and they're
17 certain guidelines of what rises to the level of nuisance,
18 okay. So the City Council revoked -- or the City Manager and
19 then the City Council tries to revoke our license based on
20 8-44. But once the City Manager makes its decision that I'm
21 revoking you, City Council comes back and says, No, we're
22 going to hold your decision in abeyance. We're not going to
23 let you revoke his license as long as he meets these
24 conditions. Well, we met all the conditions. But what the
25 City did is it gave unlimited discretion to the City Manager

1 to decide whether or not we've met those conditions.

2 Well, since the City Manager couldn't go back to 8-44 and
3 say all these cause rise to the level of a nuisance, because
4 that would be a different standard than every other hotel in
5 the city, and because he couldn't say that we violated the
6 conditions with the City Council, because we haven't, and the
7 police submitted a detailed memorandum saying we complied, he
8 makes up a new standard. He says, I am revoking your
9 business license because you have failed to maintain a drug
10 free, crime free environment. Judge, that's unbelievable.
11 Now the City Manager has the power to just require that you
12 have to have a utopia in your specific little property area
13 right there doesn't hold a single other citizen in the city
14 to that type of standard and then says we're going to revoke
15 it. And the City Council, instead of allowing us to be heard
16 on the merits or allowing us to decide whether or not that is
17 an appropriate exercise rather he even remotely referred back
18 to the statute or to the conditions or if he just made it up,
19 sticks his head in the sand. And says, Well we're just not
20 going to hear it.

21 So what happens now is they would like for you to say,
22 Well you can file a complaint and you can challenge the
23 Constitutionality of the statute or you can challenge the
24 Constitutionality of the taking. But the way they set this
25 thing up, Judge, you'll never get an appeal. Because the

1 City Manager makes a decision, the City Council says that's a
2 good idea but we're going to hold it in abeyance. The City
3 Manger, you can change your mind. So they wait 30 days.
4 Then City Council doesn't do anything and the City Manager
5 comes in and says, I'm going to exercise my totally unlimited
6 discretion and decides that I will take your business
7 license. And that's exactly what they did here. Instead of
8 being able to follow the normal administrative process and
9 come immediately to the Court and say, This is an arbitrary
10 and capricious decision, there's no standard, there's no
11 evidence anywhere in the record from any of these incidents
12 that rise to the level of a nuisance, he's creating new
13 standards by making up this drug free, crime free
14 environment. Instead they want us to wait and come back in
15 six months.

16 Well, Judge, by then we're bankrupt. His family is out
17 on the street, the loan is recalled and there's nothing we
18 can do. There's nobody left to fight. And that's what's
19 happened in this case. And, Judge, if you would look at the
20 Peterson case, it is dead on point as to what happened there
21 that the Court refused to allow that type of decision by City
22 Council because it was the a clear depravation of due
23 process. And I---

24 MS. GAMMONS: Your Honor, Mr. Fayssoux is making the same
25 arguments he made in his complaint.

1 MR. FAYSSOUX: Judge, I'm not---

2 MS. GAMMONS: He filed that---

3 THE COURT: Hold on.

4 MS. GAMMONS: He filed that complaint, the City did not
5 tell him to file that complaint. The City Manager's letter
6 was dated March 30th. Travel Inn filed its complaint on
7 April 12th. They could have appealed that. Appeals have
8 come from City Managers decision or City Counsel's decision
9 to this Court. Travel Inn chose not to do that. It filed
10 its complaint and when it did that it is proper to follow
11 that course through the end. It cannot come back and file an
12 appeal after filing a complaint. There is nothing in the
13 rules that allows that. No case law---

14 THE COURT: What would prevent him from filing a 40-J on
15 his complaint and then pursue the appeal?

16 MS. GAMMONS: He can file -- he can do that but he has
17 not. He has come to you on an appeal and the City is arguing
18 that he cannot. You cannot hear that appeal now because
19 there is no final decision or final order from which to
20 appeal a decision.

21 MR. FAYSSOUX: Judge, the fact that I'm going to sue the
22 City for taking our hotel without any due process doesn't
23 deny my right to appeal at the administrative level. In
24 fact---

25 MS. GAMMONS: Your Honor, he's making the same

1 argument---

2 MR. FAYSSOUX: If I---

3 THE COURT: Wait, wait, wait. Just one at a time.
4 Go ahead.

5 MR. FAYSSOUX: Your Honor, if I hadn't appeal, I
6 guarantee you one of the first offenses I would see in my
7 complaint was failure to exhaust administrative remedies.
8 But the Court -- I would be more than happy to 40-J the case
9 right now and have this appeal heard.

10 THE COURT: You're saying that the City Council has not
11 -- has advocated its responsibility by not hearing --

12 MR. FAYSSOUX: Well what they've essentially done, they
13 allowed us to speak. They allowed and they invited
14 Mr. Beasley and they invited my client to put forth evidence
15 as to why the decision of Mr. Bourey to just ignore the
16 conditions and ignore the statute to revoke our license was
17 unreasonable. And then when they looked to Mr. Bourey at the
18 Council meeting and said, What say you, City Manager? What's
19 your comment on this?

20 Correct me if I'm wrong.

21 But the City attorney instructs him not to speak and
22 says, We're not going to talk about because there's a pending
23 lawsuit. So the City Council says, Okay.

24 And then we get a letter from the City attorney later
25 saying we're not going to hear your appeal. How can they do.

1 that, Judge? They undercut our due process rights. Who are
2 we supposed to go to if a City Manager on a whim says---

3 MS. GAMMONS: Judge---

4 MR. FAYSSOUX: --I don't like your restaurant, I don't
5 like your theater. I'm taking it from you. It's just --
6 it's---

7 THE COURT: It's writ of mandamus.

8 MR. FAYSSOUX: Your Honor, excuse me?

9 THE COURT: A writ of mandamus.

10 MR. FAYSSOUX: Well, that's certainly a possibility,
11 Judge. But at the same time I guess we can ask for that same
12 relief too but I think what the appellate process is in this
13 case is they have to consider some sort of guideline.
14 They can't arbitrarily do it. So the Court has to kick it
15 back. And I don't think, Judge, I don't think you have the
16 power to issue us a business license. Well maybe not the
17 power but you may the power---

18 THE COURT: No, no, no, I agree with that.

19 MR. FAYSSOUX: I don't think that's what I'm asking you
20 to do because I don't think that would be proper procedurally
21 either. But I think what you do is you remand it. You send
22 it back.

23 THE COURT: Well you agree that they have not heard --
24 there has not been a final resolution.

25 MS. GAMMONS: Right, Judge.

1 MR. FAYSSOUX: I agree there's been a final resolution in
2 that they allowed us to speak, Judge, but then they just
3 didn't issue a---

4 THE COURT: Well they haven't issued -- it's not been
5 finally resolved, correct?

6 MS. GAMMONS: No, Your Honor.

7 MR. FAYSSOUX: No, sir, it has been finally resolved
8 because we received a letter from the City attorney saying we
9 are not going to basically comment or hear your appeal. That
10 in itself is final. If the City Manager says it's revoked
11 and then the City gives the letter saying---

12 THE COURT: He doesn't have the authority to do that.
13 He's not an elected official. He's not on the City Council.
14 City Council has got to -- has got to make a ruling from
15 which an appeal can follow. I'm not sure that they can -- I
16 mean, I haven't heard -- apparently I'm the only Judge in
17 Greenville that hasn't heard this case before. And I'm not
18 up on it but---

19 MR. FAYSSOUX: Your Honor---

20 THE COURT: --why can you not force them to perform the
21 duty that they're supposed to do?

22 MR. FAYSSOUX: Well what they're saying is they already
23 have. What they're saying is---

24 THE COURT: They haven't. You're telling me, Ms. Gammons
25 is telling me they haven't ruled on it because a pending

1 lawsuit. Whether or not they can do that, I don't know. I
2 haven't researched that. But you're admitting to me that
3 they have not reached a final decision.

4 MR. FAYSSOUX: What they say is---

5 THE COURT: I know you say that the decision that they've
6 reached has a final effect on you but they haven't
7 procedurally crossed all the T's and dotted all I's. That's
8 what I'm hearing.

9 MR. FAYSSOUX: I might have misspoken, Your Honor, but
10 what the letter says---

11 THE COURT: What exhibit is it?

12 MR. FAYSSOUX: I'll tell you right now, Judge. It's,
13 Your Honor, Exhibit F. What the letter if says---

14 THE COURT: F, for? I'm sorry, go ahead.

15 MR. FAYSSOUX: It says quote, City Council has heard the
16 appeal and made its decision. City Council will not hear
17 this matter again. And that's what I'm talking about, Judge.
18 What they're saying is when they made their decision back in
19 2006 that we're going to hold in abeyance the City Manager's
20 revocation---

21 THE COURT: What's their --

22 MR. FAYSSOUX: It's the April 6th letter, Your Honor,
23 from Ms. Gammons.

24 THE COURT: From Mrs. Gammons. What decision did they
25 make, Ms. Gammons?

1 MS. GAMMONS: That was to hold in abeyance the revocation
2 of the business license. And that business license was fully
3 revoked by a letter on March 30th. And that is the -- that
4 is what Mr. Fayssoux is arguing now. The complaint that was
5 made on April 12th that the City Manager's decision was
6 unreasonable and it was arbitrary. And it was capricious.
7 And it was unconstitutional. Same arguments that he made---

8 THE COURT: Well how can -- because he files a lawsuit,
9 how can the City not follow through with their obligations?
10 They have an obligation to -- they can't just go, Well we're
11 not going to hear this until -- we're not going to issue a
12 decision. Why is one dependant upon the other?

13 MS. GAMMONS: The City heard the appeal. The business
14 license revocation procedures allow for an appeal to City
15 Council. That was heard by City Council.

16 THE COURT: Okay. What's their decision?

17 MS. GAMMONS: Yes.

18 THE COURT: What is their decision?

19 MS. GAMMONS: That the business license would be revoked,
20 Your Honor.

21 THE COURT: So there is a final decision. You're telling
22 me that there wasn't one. Now you're telling me that there
23 is.

24 MS. GAMMONS: On this complaint, Your Honor, on the
25 complaint filed by Travel Inn making their arguments that the

1 decision of City Council and the City Manager were
2 unreasonable and arbitrary. That's their -- they're basing
3 that appeal on that. I said there cannot be an appeal until
4 there is a final decision or a final order. They filed the
5 complaint and then a few weeks later they filed an appeal.
6 It's---

7 THE COURT: Wait a minute. Wait a minute. I'm not --
8 they're going through the revocation process.

9 MS. GAMMONS: Yes.

10 THE COURT: They appeal it to City Council.

11 MS. GAMMONS: Yes.

12 THE COURT: If what I've heard is correct, correct me if
13 I'm wrong, Mr. Beasley is allowed to speak on behalf of his
14 client at City Council.

15 MS. GAMMONS: Yes.

16 THE COURT: City Council is prepared to rule. Apparently
17 in the mean time, between the time they invited him to speak
18 and the time he spoke, they filed a lawsuit, is that correct?

19 MS. GAMMONS: No, Your Honor.

20 THE COURT: Well explain this to me then.

21 MS. GAMMONS: They didn't file a lawsuit until April 12th
22 of this year. They went before City Council in November of
23 2006.

24 THE COURT: Okay.

25 MR. FAYSSOUX: Let me try again on the facts, Judge.

1 THE COURT: Well wait a minute. So at the appeal
2 hearing, the City attorney tells who?

3 MS. GAMMONS: The City attorney tells no one anything. I
4 argue on behalf of the City, Mr. Beasley argues on behalf
5 of---

6 THE COURT: Well who told to City Manager to say there's
7 a possible complaint out there, we're not ruling.

8 MR. FAYSSOUX: There were two, Judge.

9 MS. GAMMONS: There were---

10 MR. FAYSSOUX: There were two times we went before City
11 Council, Judge. That's what I was trying to explain, Judge.
12 The first time we went before City Council on the appeal.
13 They held the City Manager's decision in abeyance. They
14 said, No, you're revoking the license as long as he meets
15 these conditions. But the City Manager, you have unlimited
16 discretion to decide whether or not he meets these
17 conditions. That was their -- that was the final decision.

18 THE COURT: Okay.

19 MR. FAYSSOUX: And then, in February of this year, Judge,
20 the City Manager, ignoring all the conditions, ignoring the
21 statute says, I'm revoking it. Because it's not drug free
22 and crime free. And now we say, Wait a minute. Wait a
23 minute. You know, how can you do this? We should at least
24 be allowed to go back to council and say, He's just ignored
25 your order. He's revoking our decision.

1 And they say, No. We heard this appeal back in November
2 of last year, we're not going to hear it again. And as well
3 as the comment about there's a lawsuit pending nobody comment
4 on it. So what's happened, Judge, that's way we're so
5 frustrated by the way the City has set this procedure up.
6 Now, every time if a City Manager or agent or whoever makes
7 the decision and the City Council, instead of saying, I
8 approve or I disprove of this decision, says, I'll hold it in
9 abeyance and the City Manager says you can decide whether or
10 not he meets these conditions. And then just give the City
11 Manager some unbridle discretion to make a decision somewhere
12 down the line that maybe they haven't made the conditions.
13 So that's why we're so frustrated, Judge.

14 THE COURT: So what are you appealing? You're appealing
15 -- what are you wanting? What are you asking? What relief
16 are you seeking from me on your appeal?

17 MR. FAYSSOUX: Overturn the decision of revoking our
18 business license, Your Honor. Which was on March 30th. We
19 got this letter to Mr. Beasley saying that the Travel Inn
20 must close April 30th, 2007, they revoked our business
21 license. They shut us down. We haven't been operating since
22 the second week of May. We want you to overturn that
23 decision for all the reasons I said. Because of the
24 standards set forth in Peterson. The fact that it's
25 arbitrary and capricious. And we're being treated

1 differently than every single other hotel in the city.

2 MS. GAMMONS: That's the basis of the complaint, Your
3 Honor.

4 MR. FAYSSOUX: No, Your Honor, the complaint has nothing
5 to do with it.

6 MS. GAMMONS: We disagree, Your Honor.

7 THE COURT: Well, so what you're asking me to send it
8 back for them to reconsider the action of the City Manager,
9 corrects?

10 MR. FAYSSOUX: If the file -- what's frustrating, Judge,
11 is you get a final order but then it's kind of boot strapped
12 with these abilities and the City Manager and then make a
13 decision later to just kind of modify or change it. So where
14 is our final order? I mean, it's difficult, I agree. So if
15 the City is through the Manager now, I'm assuming, to say I'm
16 revoking it because I've decided you now must maintain a drug
17 free, crime free environment, then we're asking you to
18 overturn that decision, Your Honor. We're asking you to
19 reverse what, which we have a right to do under Rule 72,
20 we're asking you to reverse that decision. And if the City
21 wants to try again and if the City wants to drag us back
22 through this process again and try to find some grounds for
23 how we're not being treated differently than everybody else
24 they I guess they can do that. But right now we need for you
25 to overturn that decision. Let us open our doors back up

1 before our loan is foreclosed on and we're literally out in
2 the street.

3 THE COURT: Yes, ma'am.

4 MS. GAMMONS: Your Honor, the City, again, emphasizes
5 that this Court lacks jurisdiction because this case is not
6 right for review. And there's no final decision or order
7 from that complaint on which to base an appeal.

8 MR. FAYSSOUX: I'm not appealing the complaint, Your
9 Honor.

10 THE COURT: So the reason you think we don't have
11 jurisdiction is because they filed an ancillary action,
12 correct.

13 MS. GAMMONS: Correct. That was -- that complaint was
14 the appeal. Those are the same arguments he's making now.

15 THE COURT: Well he's not seeking -- I haven't seen the
16 complaint, what are you seeking, monetary damages?

17 MR. FAYSSOUX: I think two things. One is that the
18 underlining statute was unconstitutional. But really, Judge,
19 we'll dismiss that right now. If we get that far down the
20 road, it's a taking. We want damages for a regulatory
21 taking. That's all we're going to seek in that complaint.
22 And I'll be willing to stipulate that on the record right
23 now.

24 THE COURT: Okay.

25 MS. GAMMONS: Your Honor, they're seeking or alleging

1 violation due process, quality for protection clause, the
2 City Manager's decision was unreasonable and arbitrary. The
3 same decision, the same arguments that are being made now.
4 And the City finds that that action is improper to come
5 before you on an appeal to try to get this complaint heard.
6 It's improper. There's no legal basis for it. This Travel
7 Inn's trying---

8 THE COURT: When you say the complaint, what do you mean?

9 MS. GAMMONS: When it filed its complaint---

10 THE COURT: You're talking about the lawsuit?

11 MS. GAMMONS: Yes, Your Honor.

12 THE COURT: Okay.

13 MS. GAMMONS: On the City Manager's decision based on
14 this letter of March 30th, 2007.

15 THE COURT: Any other grounds why you think we don't
16 have jurisdiction?

17 MS. GAMMONS: Just lack of rightness and no final order.

18 THE COURT: Do you have any authority to support that?

19 MS. GAMMONS: Your Honor, just the cases I cited in my
20 memorandum. Spivey vs. South Carolina.

21 THE COURT: I don't if we have a memorandum. I don't see
22 it. We have don't have a memorandum.

23 MS. GAMMONS: This was mailed on Friday, Your Honor.

24 THE COURT: I didn't get it.

25 MS. GAMMONS: I'll hand a copy up, Your Honor.

1 MR. FAYSSOUX: However it was originally last year,
2 August of last year. Then we had to -- holding that in
3 abeyance and then in March of this year we had Jim Bourey's
4 letter which said I'm revoking it again.

5 THE COURT: Ms. Gammons, I don't see how the filing of
6 this lawsuit robs the Court of jurisdiction on this appeal.

7 MS. GAMMONS: Your Honor, because that complaint is in
8 effect the appeal of the City Manager's decision made March
9 30th, 2007.

10 THE COURT: No, they're seeking damages for what they
11 allege to be a wrongful act. But they cannot in a lawsuit
12 seek to have the revocation of the business license
13 overturned. There is not---

14 MS. GAMMONS: They're---

15 THE COURT: I'm sorry.

16 MS. GAMMONS: They're stating that the City Manager's
17 decision was unreasonable and arbitrary in its complaint.

18 THE COURT: But all they can seek in that complaint is
19 monetary damages. The appeal is from whether or not the
20 revocation itself is improper. So he's not seeking the same
21 relief. And certainly if, you know, if something in that
22 complaint's improper, I mean, you all can move to have it
23 stricken. But they can't in that complaint, which I
24 haven't seen, they cannot seek to have the business
25 revocation overturned. All they can ask for is monetary

1 damages.

2 Is that what's in the complaint?

3 MR. FAYSSOUX: Yes, sir, Your Honor.

4 MS. GAMMONS: Your Honor---

5 MR. FAYSSOUX: We certainly make statements about the---

6 THE COURT: I'm not -- unless you got something else that
7 shows me that -- unless you've got something else that shows
8 me that this Court does not have jurisdiction, I'm not
9 persuaded by that argument. Is there some other?

10 MS. GAMMONS: No, Your Honor, just as I stated earlier,
11 in that complaint the allegations are the same. The decision
12 of the revocation was that the reason was arbitrary. It was
13 a violation of the protection law, violation of due process.
14 And, therefore, the business license should not be revoked.
15 That's the basis of the complaint.

16 THE COURT: Okay. They're relying on the same facts but
17 they're not seeking the same relief. They cannot in a
18 complaint seek to have this Court just overturn the
19 revocation of the business license. They have to do that
20 through the administrative process which includes an appeal
21 to this Court. If they can provide that vehicle they can
22 have that issue reviewed. All they can do in the complaint
23 in common pleas is go, they can present that as evidence and
24 if a jury believes it's wrong, then they can get awarded
25 damages. But a jury can't come back and go -- overturn the

1 revocation. So I'm not persuaded by your argument.

2 Now, let's talk about the -- you want me to send it back?

3 What are you asking me to do?

4 MR. FAYSSOUX: Overturn it, Your Honor. I'm ask you to
5 overturn that decision which revokes their business license
6 because it is not based on the statute. It is not based on
7 any evidentiary finding of facts, it's completely arbitrary
8 and unreasonable.

9 THE COURT: Why?

10 MR. FAYSSOUX: Because, Your Honor, the revocation we're
11 talking about is this March 30th letter, the quote from this
12 thing is the basis for revocation, this is Jim Bourey's
13 letter, is the management's inability or unwillingness to
14 maintain a safe drug free or crime free environment. It goes
15 on say that City Council has authorized me to review
16 conditions and make decisions concerning the business
17 license. He's acting for City Council and he says, the
18 reason I'm revoking it is because you don't maintain a drug
19 free or crime free environment. Just like the Peterson case,
20 Judge, that is not a standard. That is not in the City
21 Ordinance 8-44. City Ordinance 8-44 talks about if you have
22 an unusually high number of calls that rises to levels of
23 nuisance, then maybe you can have your business license
24 revoked.

25 But the reason, Judge, the City Manager doesn't go under

1 that status to try to revoke it is because we've had less
2 phone calls than all the other hotels in the city in the past
3 six month period. So you can't possibly win that argument.
4 Then you look back into what City Council said when they held
5 his decision in abeyance. They listed these eight conditions
6 saying, Mr. Singh, if you will abide by these eight
7 conditions you'll stay open. Opened. We abided with all of
8 them. And one of those conditions was that the City Police
9 monitor us to make sure we're doing that. They issued a
10 detailed memorandum to Jim Bourey and to the City saying
11 quote, Mr. Singh has lived up to his end of the deal. And
12 yet out of the blue here comes Bourey who says, I'm vested
13 with total discretion, never mind the statute, never mind the
14 conditions, I decide the standard is now drug free and crime
15 free environment. And because they had four incidents over
16 six months, one of them there was suspect in a crime, one of
17 them someone was arrested for drugs, they want to now shut
18 down his business as if he's somehow supposed to know or has
19 some sort of actual, constructive knowledge that someone who
20 stayed in his hotel had drugs.

21 Judge, to say a drug free and crime free environment is a
22 completely unreasonable standard that does not apply to
23 anybody else. Anywhere. In South Carolina. The standard
24 would have to -- he would have to show that somehow four
25 incidents would rise to the level of a public nuisance under

1 8-44. As I said before, based on what every other hotel in
2 the City he has to deal with, he can't do that.

3 THE COURT: Where is this police report you're talking
4 about?

5 MR. FAYSSOUX: Judge, it is K, it's the first report in
6 K. And if you'll look, Your Honor, it's from Cheek Willy
7 Johnson. And if you look at the last sentence, Judge, in
8 that memorandum.

9 THE COURT: Ms. Gammons, what do you want to say about
10 that?

11 MS. GAMMONS: Yes, Your Honor, what City Council heard in
12 November were from 2004 to 2006 there were over 918 calls for
13 services.

14 THE COURT: Okay. That was before the City Council put a
15 stop to that and gave them the conditions.

16 MS. GAMMONS: This was -- right. 2006. And that was
17 part of the conditions and that the agreement to allow the
18 business to continue under this abeyance of the revocation.
19 And City Council made it clear at that argument and at the
20 appeal in November 2006 that this type of behavior could not
21 continue. They made it clear. In January, beginning of
22 January through March 2007, the behavior continued. The
23 nuisance activity continued. Drug arrest for crack cocaine
24 on the property. Manor DeCar, who is Travel Inn's owner's
25 daughter was arrested again. She had been arrested before.

1 She was part of those arrest, disorderly conducts, the drug
2 arrest earlier---

3 THE COURT: She was arrested at Travel Inn?

4 MS. GAMMONS: Yes, she was.

5 THE COURT: Okay.

6 MS. GAMMONS: That was a part of it. And that was one of
7 the charges. Also, the Travel Inn was supposed to keep a log
8 on all of its occupants. It did not. The fourth incident
9 was a homicide investigation and the suspect of the homicide
10 from Regal Inn was at Travel Inn. Not registered. And the
11 person in the room where this homicide suspect was, was again
12 not registered or listed. At the appeals hearing before City
13 Council, Travel Inn made it clear, Oh, my daughter, she's not
14 going to be on the property, she's not going to be there
15 anymore. Because out of those 918 calls for service, she
16 sold crack to a undercover police officer. Not once but
17 twice. And whenever anybody went there she was acting as
18 manager. She was always at the front desk.

19 And City Council's ordinances provide that a manager,
20 anyone in control or operation at that property, it's
21 responsible for the activities at that property. So we
22 cannot just look at these four incidents in 2007 without
23 going back to the 2004 and 2006 incidences. The 918 calls
24 for services. Which are egregious. And they are other
25 businesses that have not been allowed to operate with that

1 high number of calls for services.

2 THE COURT: All right. When was the 918 calls for
3 services, from when to when?

4 MS. GAMMONS: From 2004, April 2004 through June 16th of
5 2006. And they included -- and a call for services is
6 whenever a police officer goes out to the property. And out
7 of that there were 194 incident reports. And 80 to 90 arrest
8 were made during that time period. So City Council -- the
9 purpose of these business license revocations, as you know,
10 is to provide a safe environment for everyone. Not just for
11 the residence of Greenville but also for those who are
12 visiting. And when this environment becomes so entangled
13 with nuisance and criminal activity, the City and its police
14 power can revoke a business license and that's what it has
15 done here.

16 So, Your Honor, if you're hearing this appeal, the City
17 Council's decision, the City Manager's decision was not
18 arbitrary, it was reasonable. If you're looking at it from
19 the standard of review, there was legitimate purpose for the
20 City ordinance tied to a legitimate governmental interest.
21 And that is to keep a crime free, a safe and drug free
22 environment. For the patrons of businesses and also those
23 who are living in the area.

24 The City Council also heard at that appeal hearing in
25 November of 2006 that these patrons of Travel Inn were having

1 a bad influenced on the outside areas. The neighbors. And
2 one comment that was made that I thought was revealing is
3 that Travel Inn put up a fence to keep its patrons away from
4 all the citizens. And that tells you right that there that
5 this is a dangerous area. That you have to put up a fence to
6 keep your patrons from going out into the neighborhood and
7 harassing them. Besides all the other calls for service, the
8 arrests, the drugs, the fights, the prostitution, all of that
9 that's happening on that property.

10 Your Honor, the City argues that---

11 THE COURT: Well, I'm a little concerned, you know,
12 you're talking about approximately 36 calls a month from
13 April '04 to June of '06.

14 MS. GAMMONS: Yes, sir.

15 THE COURT: That's 459 calls per year, basically. Around
16 that number, so. 35, 36 calls per month and you're talking
17 about four calls over what period of time?

18 MS. GAMMONS: From January through March of 2007. And
19 that just shows a continuation of the same type of activity
20 that was occurring before. And City Council made it clear to
21 Travel Inn that it could not continue in that same operating
22 procedure and that's what it was doing.

23 MR. FAYSSOUX: No, Your Honor---

24 THE COURT: Well do you not think that a reduction from
25 36 to 1 and a third calls per month is significant?

1 MS. GAMMONS: It's not, Your Honor. Not based on what
2 was happening before. Because the same type of behavior is
3 happening and you still have the drug users, the drug dealers
4 still there on the property. You still have that happening
5 there.

6 THE COURT: Was she dealing drugs? She was arrested for
7 forgery, wasn't she?

8 MR. FAYSSOUX: She was, Judge.

9 MS. GAMMONS: She was arrested for forgery this time.

10 THE COURT: When did the forgery occur? Was is it a
11 forgery at the location or was it a forgery somewhere else?

12 MS. GAMMONS: These were for credit cards that she had
13 taken at the restaurant, A Taste of Venue, which is on that
14 same property. Beginning -- there was a victim that came in
15 on March 2, 2007, a victim who came in on -- she stated that
16 he left his card there on December 28th, 2006. And there was
17 another transaction on December 29th, 2006.

18 THE COURT: All the conduct that you're talking about
19 occurred before this period of time that you're concerned
20 about.

21 MR. FAYSSOUX: Yes, Your Honor.

22 MS. GAMMONS: Excuse me, Your Honor?

23 THE COURT: The conduct that that girl was arrested for
24 occurred prior to the period of time---

25 MS. GAMMONS: No, her drug deals were in this 2004, 2006

1 period.

2 THE COURT: Yeah.

3 MS. GAMMONS: The forgery was the -- she was arrested in
4 2007.

5 THE COURT: So she got arrested between January and March
6 for something she did before that time.

7 MS. GAMMONS: Yes, Your Honor. It looks like all the
8 victims stated their cards were stolen around December 2006
9 and January 2007.

10 THE COURT: Okay.

11 Okay, Mr. Fayssuox.

12 MR. FAYSSOUX: Your Honor, I just have to briefly speak
13 on two points there. One, to talk about we have this fence
14 around this place or something trying to describe my client
15 as some kind of crime Lord, that meaning, Judge, just doesn't
16 fit. My client drove a taxi. He fought to get his
17 citizenship in 1980. He was guaranteed his Constitutional
18 rights. He drove a taxi for 25 years, saved up every dime he
19 had and brings his family down here and buys this place. His
20 children -- one of his children graduated a salutatorian from
21 Wade Hampton High School. The other two are at the of their
22 class at Wade Hampton High School. This isn't some crime
23 ridden family. He is a very, very hard working citizen of
24 Greenville County that has dumped every dime he had into
25 complying with what the city looked like a good faith

1 compromise was, Judge.

2 We talk about these conditions, Judge, this is very
3 telling. Here's the initial draft on the conditions where
4 they talked about a certain number of incidents would be a
5 violation of conditions. Here's what everybody agreed to.
6 And nowhere in there does it say if you get 1, 2, 10 or 20
7 incidents we're going to revoke you. If just says, if you do
8 these eight things you can stay open. And we did. We did
9 all that was required of us.

10 THE COURT: All right, this November 14th '06 document
11 entitled Travel Inn Conditional Business License Terms says,
12 Calls for service or arrest for crimes related to drugs,
13 assault, weapons or prostitution shall not exceed 10 within a
14 30 day time period.

15 MR. FAYSSOUX: And, Judge, that wasn't even the -- that's
16 what I'm saying. That was the draft. And then that's not
17 even what they finally agreed on. The final order is the
18 letter that I handed to you with the conditions that
19 everybody signed. It doesn't even have that language.

20 MS. GAMMONS: Your Honor, that wasn't put in because the
21 City did not want to limit it. Because as we foresaw, the
22 egregiousness of the crimes do not come to a number. When
23 you have someone arrested for crack cocaine on your property,
24 it doesn't matter if they're arrested one time or 10 times.
25 After they've already been warned about that behavior. And

1 warned about this person who acted as manager. Who is the
2 daughter of the owner. And, Your Honor, simply because he
3 came from a different country and he's over here now has
4 nothing to do with the City's authority under the business
5 license ordinance to revoke this business license. People
6 who were born in the United States of America and lived here
7 had business and had these same issues, their business'
8 license were revoked. That has nothing to do with this.

9 And---

10 THE COURT: Ms. Gammons, I've got real concerns. I mean,
11 this is a letter from you November 22nd, '06, with this final
12 signed draft about what the conditions are to maintain the
13 business license. There's nothing in here about why it's
14 being revoked. I mean, the reasons you're relying on to
15 revoke it, do not appear in this document to be a violation.

16 MS. GAMMONS: Your Honor, because whenever illegal
17 activity occurs on a property, that is a violation. That is
18 violating the city ordinances. And the City, as they stated,
19 decided not to put a number on the number of calls for
20 service because it would depend on what those calls for
21 service were.

22 THE COURT: When did Mr. Singh buy this?

23 MR. FAYSSOUX: 2006, Your Honor. May of 2006. So most
24 of those incidents were before he even owned the building,
25 Judge.

1 MS. GAMMONS: Your Honor, he was the manager. He listed
2 himself as the president of that property on the business
3 licenses since 2004. And that was one of the issues that was
4 bought up to City Council in November 2006. And the
5 ordinance says the owner or manager is responsible for the
6 activities on that property.

7 THE COURT: All right. Well, anything else y'all want to
8 tell me?

9 MR. FAYSSOUX: Nothing from the appellate, Your Honor.

10 MS. GAMMONS: No, sir, Your Honor.

11 THE COURT: All right, I'm going to take it under
12 advisement.

13 You want this back?

14 MR. FAYSSOUX: Yes, please.

15 MR. HILLER: Judge, we gave up our place in line because
16 they told us that would take 15 minutes.

17 MS. GAMMONS: Thank you, Your Honor.

18 THE COURT: I'll fine both of them for that.

19 MS. GAMMONS: Thank you, Your Honor.

20 MR. FAYSSOUX: Thank you, Your Honor.

21

22 (WHEREUPON, the proceedings were concluded.)

23

24

25

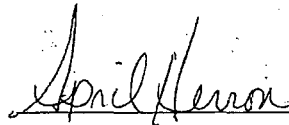
CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

I, April Herron, Official Court Reporter for the 13th
Judicial Circuit of the State of South Carolina, do hereby
certify that the foregoing is a true, accurate and complete
Transcript of Record of the proceedings had and evidence
introduced in the trial of the captioned case, relative to
appeal, in the Court of Common Pleas for Greenville County,
South Carolina, on the 30th day of May, 2007.

I do further certify that I am neither of kin, counsel
nor interest to any party hereto.

December 4, 2007



April Herron, Court Reporter

COPY

CITY OF GREENVILLE V. AMRIK SINGH AND SBPS,
INC., DOING BUSINESS AS TRAVEL INN

Business License Revocation Hearing

August 29, 2006

JUDY COMP & ASSOCIATES, INC.

1	APPEARANCES:	
2	Steve Landrith	Hearing Officer Business
3		License and Building Codes
4		Administrator
5		
6	Debra J. Gammons	Assistant City Attorney
7		
8	David W. Holmes	Attorney for Travel Inn
9		
10	Lieutenant Randle Evett	City of Greenville Police
11		Department
12		
13	Jonathan Simons	City of Greenville Interim
14		Director of Office Management
15		And Budget
16		
17	Jodie Dudash	Business License Administrator
18		
19	Amrik Singh	Owner of Travel Inn
20		
21	Balvir Singh	Owner's son
22		
23	Brenda Parker	Front Desk Clerk of Travel Inn
24		
25	Jason Cannon	Travel Inn Employee

JUDY COMP & ASSOCIATES, INC.

1	INDEX OF EXAMINATION	
2		PAGE
3	TESTIMONY OF LT. RANDLE EVETT	
4	DIRECT EXAMINATION: BY MS. GAMMONS	10
5	CROSS-EXAMINATION: BY MR. HOLMES	18
6	REDIRECT EXAMINATION: BY MS. GAMMONS	37
7	RECROSS-EXAMINATION: BY MR. HOLMES	39
8	EXAMINATION: BY MR. LANDRITH	39
9	TESTIMONY OF JODIE DUDASH	
10	DIRECT EXAMINATION: BY MS. GAMMONS	40
11	CROSS-EXAMINATION: BY MR. HOLMES	42
12	REDIRECT EXAMINATION: BY MS. GAMMONS	45
13	RECROSS-EXAMINATION: BY MR. HOLMES	46
14	RE-REDIRECT EXAMINATION: BY MS. GAMMONS	47
15	RE-RECROSS-EXAMINATION: BY MR. HOLMES	48
16	RE-RE-REDIRECT EXAMINATION: BY MS. GAMMONS	48
17	TESTIMONY OF DAWN CONDREY	
18	DIRECT EXAMINATION: BY MS. GAMMONS	49
19	CROSS-EXAMINATION: BY MR. HOLMES	51
20	TESTIMONY OF AMRIK SINGH	
21	DIRECT EXAMINATION: BY MS. HOLMES	53
22	CROSS-EXAMINATION: BY MR. GAMMONS	74
23	REDIRECT EXAMINATION: BY MS. HOLMES	88
24	EXAMINATION: BY MR. LANDRITH	90
25	- - - - -	

JUDY COMP & ASSOCIATES, INC.

1	INDEX OF EXAMINATION	
2		PAGE
3	TESTIMONY OF BRENDA PARKER	
4	DIRECT EXAMINATION: BY MS. HOLMES	91
5	CROSS-EXAMINATION: BY MR. GAMMONS	96
6	TESTIMONY OF JASON CANNON	
7	DIRECT EXAMINATION: BY MS. HOLMES	102
8	CROSS-EXAMINATION: BY MR. GAMMONS	105
9	TESTIMONY OF BALVIR SINGH	
10	DIRECT EXAMINATION: BY MS. HOLMES	108
11	CROSS-EXAMINATION: BY MR. GAMMONS	111
12	- - - - -	
13	(In the following transcript, a dash [---]	
14	is used to indicate an unintentional or	
15	purposeful interruption in a sentence, or to	
16	indicate halting speech or an unfinished	
17	sentence in dialogue.)	
18	- - - - -	

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1 MR. LANDRITH: (Tape begins in
2 middle of sentence) --- officer for
3 the business license revocation. I
4 want to take the opportunity to
5 explain how today's hearing will
6 work. It is an informal hearing in
7 the fact that rules of evidence do
8 not apply. The format for the
9 presentation information the City
10 will present documentation and
11 evidence that led to the revocation
12 of the business license. They will
13 present evidence, witnesses as they
14 see fit. Mr. Holmes, you will be
15 able to submit any document
16 evidence. We will ask questions of
17 anything that is submitted. At
18 that point in time --- there will
19 be no decisions made today. I'm
20 just gathering the information. At
21 the end of the day's hearing I
22 will review all documentation and
23 testimony given. I will make a
24 recommendation to the City Manager.
25 The City Manager will take final

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1 action whether to uphold the
2 revocation or make some other
3 determination. After he makes his
4 final recommendation, if he decides
5 to uphold the revocation, if that
6 is the case, you will have five
7 days to appeal that decision to
8 City Council. That will have to be
9 submitted to the City Clerk in
10 writing within five days. I am
11 passing around a sign-up sheet, so
12 if everyone would please sign that.
13 As we are under recording today, if
14 you would, when you first start
15 making comments, if you would
16 identify yourself so I can
17 recognize all the voices on the
18 tape when I go over that. Any
19 questions regarding the format of
20 the hearing today? If not, I'll
21 open it up for the City to present
22 their position.

23 MS. GAMMONS: Thank you, Mr.
24 Landrith. Jonathan Simons will
25 give the reasons why this business

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1 license revocation should be
2 upheld.

3 MR. SIMONS: All right. My name
4 is Jonathan Simons. I am the
5 Interim Director of Office
6 Management and Budget. I am also
7 the Business License Administrator.
8 On June 16th Lt. Randy Evett of the
9 City of Greenville Police
10 Department came to me to review
11 information on calls for service he
12 had compiled on April 1st of 2004
13 to June 16th of 2006 at the Travel
14 Inn located at 755 Wade Hampton
15 Boulevard. The police department
16 was seeking revocation of the
17 business license due to the
18 business becoming a nuisance. I
19 will be --- here are the calls for
20 service that were provided to me by
21 Lt. Evett. I'll be giving those to
22 the Hearing Officer to review.
23 From April 1st, 2004 to June 16th,
24 2006 there are approximately 918
25 calls for service with 194 calls

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1 requiring an incident report. The
2 most serious incident reports are
3 as follows: 46 drug-related
4 violations; 34 trespass after
5 notice and notice given; 12
6 assaults; two assaults and battery
7 with intent to kill; two armed
8 robberies; nine stolen vehicles; 15
9 petty larcenies; and four
10 disorderly conducts. There were
11 also two control purchases of crack
12 cocaine from the manager of this
13 location, Manenda Kaur --- I
14 believe, I apologize if I've
15 mispronounced that name --- on
16 March 22nd and 23rd of 2006. The
17 narcotics unit also conducted
18 several reverse prostitution stings
19 on the roadway in front of this
20 location. Lt. Evett met with the
21 owner's daughter to advise that
22 both the criminal activity and the
23 calls for service from this
24 location would have to lessen, or
25 the police department would be

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1 seeking revocation of the business
2 license. After Lt. Evett's visit
3 calls for service that required an
4 incident report actually increased
5 recording 140 incident reports to
6 be completed from May of 2005 to
7 June 16th of 2006. After reviewing
8 the information given to me by the
9 police department I agree that this
10 business is a nuisance detrimental
11 to the health and safety of the
12 welfare of the public. On August
13 2nd, 2006 I sent a letter notifying
14 the owner, Mr. Amrik Singh that the
15 City of Greenville was revoking the
16 business license of the Travel Inn
17 at 755 Wade Hampton Boulevard,
18 Greenville, South Carolina,
19 pursuant to section 8-44 and 8-45
20 in the City of Greenville Code of
21 Ordinances on the following
22 grounds: The numerous offenses and
23 activities that have occurred on or
24 near your business. The continued
25 operation of your business would

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1 constitute a nuisance detrimental
2 to the health, safety, and welfare
3 of the public because of the nature
4 and the frequency of the offenses.
5 The revocation is effective
6 September 16th, 2006. That is the
7 summary.

8 MS. GAMMONS: Thank you. The
9 City calls Lt. Randy Evett.

10 LT. RANDLE EVETT,
11 was examined and testified as follows:

12 DIRECT EXAMINATION

13 BY MS GAMMONS:

14 A. Yeah. I'm Lt. Evett with the
15 Greenville Police Department. I work
16 in the narcotics unit that manages
17 business --- or investigates business
18 license concerns, narcotics, drugs,
19 prostitution, gambling. Anything of
20 that nature, that comes under my
21 purview, so ---

22 Q. When did you begin your investigation
23 of what is now Travel Inn?

24 A. We actually started probably early
25 2004. We had been identified --- or

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1 been notified of several problems,
2 ongoing problems, out there with patrol
3 cars having to go out there constantly
4 on a steady basis to answer calls for
5 service out there, so it was brought to
6 our attention in 2004.

7 Q. And how did you begin your
8 investigation in 2004?

9 A. Initially I pulled the calls for
10 service. That's --- that's typically
11 just the amount of calls that the
12 police department is called there for a
13 problem. If it's --- no matter who
14 calls, if we go there for a problem, we
15 address that as a call for service, and
16 we can track that through our computer
17 aided dispatch system, and I pulled
18 those, and those seemed kind of high to
19 me then.

20 Q. Do you know who was managing that
21 business in 2004?

22 A. Yes. I actually called and talked to
23 Mr. Singh in 2004 and scheduled a
24 meeting with him to go over the
25 problems, discussed the problems, and

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1 took the folder, which was much smaller
2 then, of the calls for service out
3 there. When I got there I was advised
4 by a manager, who was his daughter,
5 that he was gone to a doctor's
6 appointment, and that she would handle
7 it because she was managing the hotel
8 at the time.

9 Q. Is this Manager Kaur, K-a-u-r?

10 A. Yes.

11 Q. And she identified herself as his
12 daughter?

13 A. Yes.

14 Q. And Singh is Amrik Singh?

15 A. That's correct.

16 Q. When you met with Manager Kaur what was
17 that conversation?

18 A. Basically again apprising her of the
19 number of calls for service that was
20 --- had kind of gotten out of hand, and
21 that we were being called there way too
22 often, and that it was concerning, and
23 that we were --- we usually --- we
24 approach the business person and say,
25 "This is a problem. We know it's a

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1 problem. We would like you to make
2 some kind of adjustments to correct the
3 problem" and then allow them to correct
4 the problem. That's --- that's
5 normally the way we do business, so ---

6 Q. How do you determine what's a large
7 amount of calls for service?

8 A. Well, it's not --- there's no definite
9 guideline, but what we tend to do is
10 --- is compare it to maybe surrounding
11 businesses or problems that we had
12 before, and what I did in this instance
13 I compared it to a hotel, which is
14 about two blocks up the street, the
15 Sunset Inn. By the same time frame,
16 918 calls from the Travel Inn, the same
17 location two blocks up only had 116
18 calls. The same time frame two blocks
19 up, so that --- and it's the same kind
20 of business, so that kind of gives you
21 a parallel almost probably not as big
22 as --- as the Travel Inn, but it's
23 comparable to the Travel Inn.

24 Q. And you don't have to go over all of
25 these 918 calls for service, but what

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1 were the types of calls? Why were
2 people calling? Why were police going
3 out to the scene?
4 A. A huge part of it was the prostitution
5 problem. Evidently the prostitutes
6 were staying at the hotel working
7 either out of the hotel, or come out on
8 the street on Wade Hampton walking up
9 and down the street. That kind of led
10 us --- we actually conducted a couple
11 of prostitution stings. There were
12 stings where we actually put a police
13 officer out there acting as a
14 prostitute so we can address on the
15 demand side of the problem. We did
16 that two times and made cases both
17 times as far as people riding by. They
18 knew the activity was somewhere ---
19 usually out front would be a --- so we
20 knew that that was a problem, so we
21 addressed the demand side of it by
22 conducting reverse prostitution stings
23 out there. Those were successful.
24 Another part of it was the --- the drug
25 problem. We --- we --- we --- our

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1 uniform officers were being called out
2 there about drug problems in the rooms.
3 Not just one room. It would be many
4 rooms where people were either
5 participating in illegal drug use, or
6 selling illegal drugs. We've made
7 actually controlled buys from there.
8 There's drug activity, assaults,
9 prostitution. We didn't really run
10 into a lot of gambling, but that's the
11 only vice-related crime that we didn't
12 --- that we didn't notice there.

13 Q. And these are what you encountered on
14 your calls for service?

15 A. Yes.

16 Q. Now, could you please tell us briefly
17 about the incident reports. Mr. Simon
18 has already presented those to Mr.
19 Landrith, but just give us a summary of
20 those incident reports.

21 A. Again, as --- as John said, it's mostly
22 the majority of them were drug-related
23 incidents where we --- we made some
24 arrest of someone that either had drugs
25 on them, or they were selling them, or

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1 we bought drugs from them, one or the
2 other. It was mostly drug related, and
3 what we do, is we do --- we try to do an
4 incident report on anything serious.
5 Of the 918 calls some of them --- some
6 of the calls did not require an
7 incident report. That's because there
8 was not enough activity, but the huge
9 majority of them --- not majority of
10 them, but a good bit of them, 194,
11 required an incident report. That
12 means it was a serious enough call that
13 required the officer to document his
14 presence there and what activity he
15 found.

16 Q. Did you have any cases, or were any
17 charges made against Manager Kaur?

18 A. Yes. Actually my unit actually made
19 two controlled purchases from her of
20 crack cocaine in March of this year on
21 separate dates, and what we do that ---
22 lots of times we may do multiple
23 purchases to show that it's not an
24 isolated event, where that someone may
25 be down on their luck, and we may do

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1 more than one purchase. We also, in
2 addition, in May of this year, May of
3 2006, we were called there --- the
4 police were called there and rushed to
5 an armed robbery that occurred. They
6 were giving descriptions of the
7 suspects. Actually checked the
8 neighborhood and located a couple of
9 suspects. Bringing them in, bringing
10 the suspects in during the
11 investigation, it was found that Ms.
12 Kaur actually initiated this armed
13 robbery as a ruse to get money to get
14 one of her boyfriends out of jail, and
15 she gave a statement to that, that she
16 was actually --- and she was charged
17 with filing a false report because she
18 needed the money to get her boyfriend
19 out of jail, and she --- she came up
20 with this idea of armed robbery that
21 she would use that money for that.

22 Q. After 2004 did you ever speak with Mr.
23 Singh, or his daughter, Ms. Kaur, about
24 curtailing this activity?

25 A. Not directly, no.

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1 Q. Do you have any other information based
2 on your investigation of this
3 particular property at Travel Inn?

4 A. Other than, you know, we got several
5 complaints from the businesses across
6 the street, surrounding business,
7 saying that this is a problem. Not
8 only was it affecting the business of
9 the hotel, but they were --- some of
10 the people would be going over to the
11 --- across the street to the
12 restaurants, or to businesses and
13 disturbing their customers, actually
14 stopping them and asking for money, or
15 whatever, and kind of putting a damper
16 on their business, and their ability to
17 have a business and have a positive
18 business just from the patrons that
19 were coming from the hotel.

20 MS. GAMMONS: I have no further
21 questions at this time, Mr.
22 Landrith.

23 MR. LANDRITH: Mr. Holmes.

24 CROSS-EXAMINATION

25 BY MR. HOLMES:

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- 1 Q. It's Lt. Evett?
- 2 A. Yes, sir.
- 3 Q. I just want to make sure I got that
- 4 right. You are an investigator with
- 5 the Greenville Police Department?
- 6 A. Yes, sir.
- 7 Q. And is it a correct statement that your
- 8 looking at a business license is a
- 9 pretty small part of what you do?
- 10 A. Yes, sir.
- 11 Q. Okay. And drugs, and narcotics vice
- 12 would be the primary thing that you do?
- 13 A. Yes, sir.
- 14 Q. Okay. And you testified that you
- 15 became first aware of this location
- 16 back in early 2004. I'm assuming
- 17 around April, which is when you started
- 18 the ---
- 19 A. Of the problem, yes, sir.
- 20 Q. Why did you begin in April of '04?
- 21 A. No, we started in January of '04. I
- 22 met with her in April '04. What we do
- 23 is we track the calls for service
- 24 because we get complaints from lots of
- 25 places, and some --- some of them are

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1 valid, some of them are not as far as
2 the number of calls for service. What
3 you may think is a large number of
4 calls for service, we may say that's
5 not really, you know, a large volume of
6 calls. So we will look at it and ---
7 and check into it, so ---

8 Q. Okay.

9 MR. SINGH: (inaudible)

10 MR. HOLMES: No, sir. You need
11 to be --- do you want to write
12 something down?

13 MR. SINGH: Okay. (inaudible)

14 MR. HOLMES: No. I understand
15 that, but you've got to let me ask
16 him questions.

17 MR. SINGH: Okay. Thank you.

18 MR. HOLMES: I'm sorry. He's
19 just not familiar with this.

20 MR. SINGH: I'm sorry about that.

21 MR. LANDRITH: This is important.

22 MR. HOLMES: Okay. You'll get
23 your turn, I promise.

24 MR. SINGH: Okay.

25 Q. But you started --- you did the reports

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1 that we've given to Mr. Landrith
2 beginning April of '04. What is the
3 significance of picking April of '04?

4 A. Well, actually the report started
5 sooner than that, but we actually ---
6 if we identify this as a problem,
7 that's when we start tracking, and we
8 start pulling reports, and start
9 putting them together. The calls for
10 service are always there. We can pull
11 --- we retrieve them from the databank,
12 but we don't pull them until we see if
13 there's a large volume. That's why ---
14 that's why it started there because we
15 were noticing after complaints and ---
16 and when you say this is a small part
17 of what we do, it is. Any --- any time
18 there's a business in a city that's a
19 problem, it gets sent to me and say,
20 "Look into this and see if there's a
21 problem," and we handle that. That's
22 --- that's normally what we do.
23 Q. Okay. Out of the 918 calls do you have
24 any idea how many of those calls were
25 made by the management of the hotel?

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- 1 A. I know probably ten percent of them
2 maybe. I don't know exact figures, but
3 I know a good --- they --- they often
4 call for service.
- 5 Q. Okay. And the incident reports, do you
6 know how many times that an incident
7 report was written it was because of a
8 call initiated by management?
- 9 A. No, I don't know percentagewise, no.
- 10 Q. Okay. Do you know what the
11 relationship is with the --- you've
12 mentioned I think it's Manenda Kaur.
13 Sometimes she goes by "Lucky"?
- 14 A. Right. Yeah. That's what we ---
- 15 Q. All right. Okay. So can we just use
16 "Lucky"?
- 17 A. Yeah. That's good.
- 18 Q. All right. And that's the same person?
- 19 A. Right.
- 20 Q. Other than Lucky what is the
21 relationship between Greenville City
22 Police Department and the management of
23 Travel Inn?
- 24 A. We've never had a relationship other
25 than Lucky probably is the only person

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1 we've dealt with over the years. Is
2 that what you're asking?

3 Q. Well, I mean, when your uniform
4 officers go, does the management
5 cooperate with them and any request?

6 A. Oh, yeah. Yeah. And we --- we --- in
7 our investigation we've come to reveal
8 some --- some concerns of why this is
9 happening, and I can tell you those if
10 you --- if you would like, sir. Lucky
11 had been a probably --- you know giving
12 information to call us when she had a
13 problem, especially with the drug
14 problems there she was calling. And
15 during our investigation of early this
16 spring that's why we actually looked at
17 her. Our informants are people who are
18 saying, oh, saying that she was
19 actually using that to snuff out her
20 competition as far as the drug problem
21 there. That she was calling us saying
22 there's a problem here. At the same
23 time she was extorting them saying, "If
24 you don't comply with what I need, then
25 I'm going to turn you into the police."

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1 That was what I --- not what we found,
2 but that's what our informants were
3 telling us. And that that's when we
4 actually looked at her and buying the
5 drugs from her, that's what led us to
6 that, and then we made two controlled
7 purchases from her.

8 Q. Okay. Were you involved personally in
9 those purchases?

10 A. No, sir. My investigators were.

11 Q. Okay. So what you're testifying about
12 today is what officers that worked for
13 you or under you told you about?

14 A. Yeah. And they made arrests for, so
15 ---

16 Q. I understand, but I mean, you don't
17 know anything other than what somebody
18 told you about that?

19 A. Correct.

20 Q. Okay. Now when Lucky would make calls
21 you actually made arrests based on
22 information she provided to you; is
23 that right?

24 A. Sometimes, yes, sir.

25 Q. Okay. And did she also provide the

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- 1 police department with rooms where they
2 could conduct surveillance?
- 3 A. She offered. --- she made that offer.
4 We usually --- if we --- if we had a
5 room, we would actually pay for the
6 room because that way kind of does not
7 put a conflict there if we --- we use a
8 room.
- 9 Q. But I mean, the management did
10 cooperate with you in doing that?
- 11 A. Yeah.
- 12 Q. Okay. Since May of 2006 I don't recall
13 if you were giving the statistics, but
14 there were 140 calls for service; is
15 that correct?
- 16 A. Since 2004 to now, yes, sir. Actually
17 140 calls that were incident reports
18 required. After I met with them the
19 --- the caller load actually increased
20 more than it went down.
- 21 Q. Okay. Then I wrote something down
22 wrong. So, in other words, the calls
23 for service increased after April of
24 2004 when you first met with Lucky and
25 told her there was a problem?

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1 A. That's correct.

2 Q. Okay. I thought I heard Mr. Simons say

3 a minute ago that there were 140 calls

4 for service from May 2006 to June 2006.

5 Did I hear that wrong?

6 MR. SIMONS: May '05, yeah.

7 MR. HOLMES: May '05?

8 MR. SIMONS: Yeah.

9 Q. Do you have any statistics for calls

10 for service from May of '06 to current?

11 A. I can --- I can look at it right here.

12 I can give you --- if you give me a

13 second, I can have a total of it.

14 Q. Sure.

15 A. I've got the area dispatch printout

16 right here. From May of '06 till now?

17 Q. Yes, sir.

18 A. Probably still about 75 calls from May

19 till now. I'm sorry. That's till July

20 16th. That's the last time we pulled

21 the report, so ---

22 Q. July 16th was the last report?

23 A. No, I'm sorry. It's probably a little

24 over 100 then from May of '06 till now.

25 Up till August 7th is the last day we

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- 1 pulled the report.
- 2 Q. Do you have any idea how many of those
- 3 were made by management?
- 4 A. No, sir, I sure don't.
- 5 Q. All right. Do you know out of those
- 6 how many resulted in any arrest?
- 7 A. I can give you an approximate there.
- 8 From --- from May --- and I actually
- 9 started in June when I said that. It
- 10 was probably more like --- well, like
- 11 you said, 140 calls from May of '05 ---
- 12 you want this year though.
- 13 Q. I don't want to put you on the spot.
- 14 If you don't know, I'm perfectly okay
- 15 with you telling me you don't know.
- 16 A. I can go by the codes here. That's
- 17 what I'm just going by. It looks to be
- 18 about 30 arrests in that time frame.
- 19 Q. From May of '06?
- 20 A. Yes, sir. Till August of '06.
- 21 Beginning of August. About August 7th.
- 22 That was the last report pulled.
- 23 Q. All right. Have you ever met with Mr.
- 24 Amrik Singh?
- 25 A. The only time is when I gave him the

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1 official Notice of Revocation from Mr.
2 Simons.
3 Q. Okay. And so from 2004 to when you
4 gave him the Notice on August the 2nd
5 I'm assuming that's when --- the notice
6 I have is dated August the 2nd, 2006.
7 Is that the date you gave?
8 A. Yes, sir.
9 Q. You've never met with him and talked to
10 him?
11 A. I talked to him on the phone but never
12 met him personally.
13 Q. Okay. And what was the reasons you
14 talked to him on the phone?
15 A. Again, I talked to him in April of 2004
16 to put him on notice and tell him I
17 needed to come talk to him and discuss
18 the problems of the calls for service.
19 I talked to him personally then, so ---
20 Q. He doesn't speak English that well; is
21 that right?
22 A. I understand.
23 Q. All right. Well, do you have some
24 trouble understanding him?
25 A. No. I'm fine with it. It's just he's

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1 --- you know, his English is not as
2 good as, you know --- but I understand
3 him. And when I delivered that notice
4 I explained it to him then, as a matter
5 of fact. You know, he understood me,
6 and he talked to me just a minute.
7 Very briefly we talked though.

8 Q. Did you make any commitment that if his
9 daughter cooperated with the police
10 that the business license revocation
11 and the other problems would probably
12 be put in abeyance or held off for
13 awhile?

14 A. Did I?

15 Q. Yes, sir.

16 A. No, sir.

17 Q. Okay. You never discussed that with
18 him at all?

19 A. No, sir.

20 Q. Did his daughter ever come up at all
21 during that conversation when you
22 delivered the notice?

23 A. No, sir. I explained the notice to him
24 basically, and that if he had any
25 concerns or problems that I cannot

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1 explain, that he needed to call the
2 City attorney's office, and that's
3 basically our conversation.

4 Q. Is it customary for a narcotics
5 investigator to deliver notices that a
6 business license is going to be
7 revoked?

8 A. Yes, sir. I've done it before, sir.

9 Q. Is it a fair statement that the real
10 problem that you're having, that is,
11 the Greenville City Police Department,
12 is having, is related to Lucky and her
13 problems with the law?

14 A. I don't --- I don't think that's a fair
15 statement. I think she's part of it,
16 but the patrons and environment, the
17 whole surrounding environment is a
18 problem we're concerned with. If you
19 take her out of the equation, it still
20 is a problem with prostitution and
21 gambling --- excuse me. Prostitution
22 and drugs, the --- the patrons
23 themselves. So she's a part of it, but
24 she's not --- she's only part of it.

25 Q. Okay. Even though you believe that she

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1 was using calls to put other people out
2 of business?

3 A. Yes, sir.

4 Q. Okay. Do you have any reason to
5 believe that Mr. Singh knew anything
6 about his daughter's activities?

7 A. No, sir.

8 Q. Okay. You're not accusing him of
9 participating in any drugs, or
10 prostitution, or robberies, or that
11 type thing, are you?

12 A. Just allowing the problems to go on.
13 That's what ---

14 Q. Okay. You think he knows about the
15 problems, and he's doing nothing about
16 it?

17 A. That's my --- yes, sir. Yes, sir.

18 Q. And that's based on what? Just the
19 fact that it occurs?

20 A. Yes. It's ongoing, and he's been
21 notified and noticed of it, and nothing
22 has changed. If anything, it's gotten
23 worse.

24 Q. Did you know that he didn't even own
25 the place until May of this year?

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1 A. When I checked in 2004 he is listed as
2 the owner. That's why I contacted him.
3 We like to talk directly to the owner,
4 and that's who --- that's who is listed
5 as the owner in 2004.

6 Q. Do you know what the Valogic
7 Enterprises is?

8 A. No, sir.

9 Q. Do you know if Valogic Enterprises
10 owned it?

11 A. No, sir. Not --- not when I checked in
12 2004 they didn't.

13 Q. Do you know who T.R. Redding is?

14 A. No, sir.

15 Q. Did you know that T.R. Redding is the
16 owner of Valogic Enterprises?

17 A. No, sir.

18 Q. Did you know that Greenville City Taxes
19 were paid by Valogic Enterprises on
20 that project?

21 A. No, sir. I didn't know that.

22 Q. Was that important to you?

23 A. No. It's actually, you know, the
24 problem is there, so ---

25 Q. Okay. Well, did you notify Valogic

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1 Enterprises or T.R. Redding about any
2 problems that you have at the Wade
3 Hampton location?

4 A. No, sir.

5 Q. If you had known that Valogic
6 Enterprises owned the hotel and
7 operated it, and he was just an
8 employee, would you have wanted to
9 contact the owners directly?

10 A. Sure.

11 Q. Now you testified that you conducted
12 some reverse prostitution stings. Did
13 you make any prostitution arrests
14 actually from things going on in the
15 hotel?

16 A. Yes. We actually made some there on
17 the premises. Not from the stings, but
18 maybe from the prostitution actually
19 --- the reverse sting is we got a
20 police officer out there, but we've
21 also had problems with the prostitutes
22 working out there, and actually we have
23 a --- the City has a statute lording in
24 engage of prostitution where they begin
25 there. We may not actually catch them

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1 in the act, but we know what they're
2 doing. That's --- that's what we
3 usually charge them with there. We've
4 had those on --- on the premises, so
5 ---

6 Q. The arrests that have been made since
7 May of '06, do you know what those
8 arrests have been for?

9 A. Okay. Narcotics or drugs; disturbance;
10 suspicious person; suspicious person;
11 domestic verbal at the traffic stops;
12 civil dispute; suspicious person;
13 narcotics; serving a Warrant; Warrant
14 service; suspicious person; assaults;
15 trespassing; narcotics; another traffic
16 stop; another verbal dispute. Most of
17 them --- again, the majority of our
18 problems center on narcotics calls for
19 service and arrests.

20 Q. So even--- even a traffic call is put
21 down on his call sheet?

22 A. If the officers come in there and stop
23 a car, yeah, it's --- it's in there. I
24 mean, we don't --- we don't tell them
25 to go in there and stop the cars. If

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1 there is cars going in there, and an
2 officer pulls in behind and stops them,
3 it's --- it's their patrons going in
4 there to go back to the hotel.

5 Q. Oh, do you have that information?

6 A. Well, if they list it as subjects by
7 Wade Hampton, that's what we do. We
8 don't list anything outside of there,
9 so it's driven by the address itself.

10 Q. Okay. Not the address where the person
11 lives, but the address where the stop
12 was actually made?

13 A. Yes, sir.

14 Q. Okay. So if I were pulling in --- if a
15 Greenville City Police Officer pulled
16 me over speeding on Wade Hampton
17 Boulevard, and to have a safe, clear
18 place I pull over in the Travel Lodge's
19 parking lot, the incident location is
20 going to be 755 Wade Hampton Boulevard;
21 is that right?

22 A. If that's where you get stopped at
23 that's the way as far as the incident
24 report. Now if you ran the red light
25 at Wade Hampton and 291, that's the

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- 1 incident location, that's where they
2 refer back to. But if the --- if the
3 traffic stop is directed there, then
4 yes, that's where it would be listed
5 at. They actually --- the crime would
6 be committed at wherever you, you know
7 --- if you committed the crime, it
8 would be wherever you committed the
9 crime at.
- 10 Q. But you agree that those things had
11 nothing to do with the hotel. It's
12 just where people pulled over?
- 13 A. No. That's --- that's not true.
14 That's --- again, those are patrons
15 going in there that they either --- the
16 officer either observed something
17 illegal or suspicious, and they pulled
18 up in there. That's where they stopped
19 them at. So ---
- 20 Q. Okay. Do you know how many of the 918
21 were traffic calls?
- 22 A. No, sir.
- 23 Q. Do you know what times of day the calls
24 are made? Are they primarily at night?
- 25 A. It's just all times of the day, sir.

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1 Q. Okay.

2 MR. HOLMES: I don't have any
3 other questions.

4 MR. LANDRITH: Ms. Gammons, do
5 you have anything further?

6 MS. GAMMONS: Quickly, Mr.
7 Landrith.

8 REDIRECT EXAMINATION

9 BY MS. GAMMONS:

10 Q. Lt. Evett, on the traffic stops, are
11 the majority of these calls for service
12 based on traffic stops?

13 A. No. No. That's a minor --- minor
14 percentage of it. The majority of the
15 calls are from calls from that location
16 about problems there, or that we go
17 there and investigate. Traffic stops
18 are --- I could count them, but they
19 --- they --- they consume probably a
20 minor proportion of the --- the calls
21 for service.

22 MS. GAMMONS: That's all I have.

23 THE WITNESS: Could I add one
24 more thing?

25 MS. GAMMONS: Yes.

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1 A. And just based on what you asked me
2 earlier, I need to go back a little
3 bit as far as Mr. Singh. You said if
4 we had any problems with him. The only
5 thing documented that we had with him
6 we had a hostage situation there
7 probably two years ago where someone
8 was held up, and they were either
9 threatening themselves or someone else.
10 We had the on duty supervisor respond
11 there, several marked cars. Mr. Singh
12 came out and actually interfered with
13 the investigation. He wanted to tell
14 us where to park the cars and kind of
15 direct the police. Well, it actually
16 ended up being a SWAT call where we had
17 to call our SWAT team. That's the only
18 --- you're talking about his
19 involvement in there as far as
20 deterrent or --- or involvement with
21 us. He was kind of a hindrance and
22 came close to being arrested that day.
23 They didn't because we had a more
24 serious problem, but he was trying to
25 direct the supervisor, Sgt. Jones, on

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1 where to put some cars, and where he
2 wanted --- how that he wanted things to
3 go down, and we usually don't handle
4 business that way when we have a SWAT
5 situation. So I just wanted to make
6 sure that's on record.

7 **RECROSS-EXAMINATION**

8 **BY MR. HOLMES:**

9 Q. So does that play any part whosoever in
10 your wanting to shut him down?

11 A. No.

12 Q. Okay.

13 MR. LANDRITH: Do you have any
14 questions?

15 MS. GAMMONS: Not for Lt. Evett.

16 MR. LANDRITH: I do have one
17 question, Mr. Evett.

18 **EXAMINATION**

19 **BY MR. LANDRITH:**

20 Q. You mentioned in some of the police
21 reports that some of the stops that
22 were made there people listed that as
23 their address. So do you know if this
24 has been listed as a place of
25 residence, they are actually living

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1 there and not just an overnight guest?

2 A. Some are overnight guests. Some of
3 them live there for awhile. That's
4 what part of the problem is that some
5 of the --- the patrons, undesirable
6 patrons, I'll put it that way, actually
7 live there more than a day, or two, or
8 three.

9 Q. Okay.

10 MR. LANDRITH: Thank you.

11 MS. GAMMONS: The City calls
12 Jodie Dudash.

13 JODIE DUDASH,

14 was examined and testified as follows:

15 DIRECT EXAMINATION

16 BY MS. GAMMONS:

17 Q. Ms. Dudash, what is your title, and
18 what do you do for the city?

19 A. I'm the business license supervisor.

20 Q. Do you have any information on the
21 business license obtained by Mr. Singh
22 or ownership of Travel Inn?

23 A. Yes, I do. According to our notes Mr.
24 Singh came in. We had a dispute
25 between Valogic --- Valogic Enterprises

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1 and SBPS, Inc. which Secretary of State
2 shows Mr. Singh as the active agent for
3 that particular corporation as to who
4 actually had ownership of it to
5 determine who actually was required to
6 get the business license. And
7 according to our notes SBPS, Inc.
8 Travel Lodge had an option to buy
9 property from Valogic, and they were
10 currently making monthly payments up to
11 4 of '06 when they were supposed to
12 make a lump sum payment for the
13 purchase of the property, and then on
14 real property screen it shows the
15 actual deed changing ownership from
16 Valogic Enterprises to SBPS,
17 Incorporated. The deed is dated 5/3
18 2006 when it actually changed hands.
19 And the 2006 business license is in the
20 --- the responsible party, or the
21 ownership is in Mr. Singh's name.
22 Q. Singh? S-i-n-g-h.
23 A. Singh, yes. Uh-huh.
24 Q. Do you have the information and the
25 business license for 2005 and 2004?

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1 A. Not with me.

2 Q. The registered agent, when was Mr.
3 Singh listed as the registered agent
4 for SBPS, Incorporated?

5 A. Let's see. According to the Secretary
6 of State it was filed on 3/29/04.

7 Q. 2004?

8 A. Yes, ma'am.

9 MS. GAMMONS: Those are all the
10 questions I have for MS. Dudash.

11 CROSS-EXAMINATION

12 BY MR. HOLMES:

13 Q. Please, Ms. Dudash, you've been looking
14 at records that I haven't gotten a copy
15 of. You've looked at a Secretary of
16 State screen shot which shows that a
17 corporation named SBPS was incorporated
18 in '04; is that correct?

19 A. That's correct.

20 Q. According to that record Mr. Amrik
21 Singh is the registered agent for
22 service of process for SBPS, Inc.; is
23 that correct?

24 A. That's correct.

25 Q. And according to the Greenville County

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1 real estate records that are available
2 on the internet the City of Greenville
3 has determined that a corporation or, an
4 LLC by the name of Valogic Enterprises
5 owned that property through May of
6 2006; is that correct?

7 A. Well, he took over the lump sum on
8 4/06, so I would assume Valogic still
9 had ownership until such time as he
10 made the lump --- lump sum payment.

11 Q. Okay. So you have not made any effort
12 to determine the ownership of the
13 property other than what you've
14 testified that you assumed that a lump
15 sum payment was made in April of '06?

16 A. No. Yes, we did. We had to determine
17 to see because Valogic Property said
18 they were no longer responsible for the
19 license because he had an option to
20 buy.

21 Q. Okay.

22 A. And so we had to determine who was
23 responsible in order to get the right
24 person licensed.

25 Q. And when was that?

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- 1 A. That was in 12/8 of '04.
- 2 Q. Okay. So you contacted somebody with
- 3 Valogic Enterprises?
- 4 A. Yes.
- 5 Q. Who did you contact?
- 6 A. It was my auditor who contacted them
- 7 and spoke with them, and she also
- 8 talked with Mr. Singh.
- 9 Q. Okay.
- 10 A. I think he came in several times.
- 11 Q. Okay. Do you know who she talked to
- 12 with Valogic Enterprises?
- 13 A. I do not know who she talked with, no.
- 14 Q. Did you make any effort to look at the
- 15 real property screen in Greenville
- 16 County to see who Greenville City taxes
- 17 were being paid by on that piece of
- 18 property?
- 19 A. No, I didn't. I just looked at the
- 20 real property to see the date of the
- 21 deed and when it actually changed
- 22 hands.
- 23 Q. All right. The date of the deed was
- 24 what?
- 25 A. 5/3 2006.

JUDY COMP & ASSOCIATES, INC.

1 Q. And the deed was from Valogic
2 Enterprises, LLC to SBPS, Inc.; is that
3 right?

4 A. That's correct.

5 Q. And did you go the Secretary of State's
6 website and look up Valogic
7 Enterprises, LLC?

8 A. No. I went to the Secretary of State
9 and looked up SBPS to see who the
10 actual agent was for that particular
11 corporation.

12 Q. So you don't have any information that
13 Mr. Singh has anything to do with
14 Valogic Enterprises?

15 A. No, I do not.

16 MR. HOLMES: I don't have any
17 other questions.

18 MS. GAMMONS: One more.

19 REDIRECT EXAMINATION

20 BY MS. GAMMONS:

21 Q. Ms. Dudash, will you look at your
22 records again, I asked you about,
23 business license information for 2004.

24 A. Okay.

25 Q. Who is the listed owner of Travel Inn?

JUDY COMP & ASSOCIATES, INC.

1 A. Mr. Singh.

2 Q. And how does the city get that
3 information on the owner?

4 A. They put their --- the owner on the
5 application that they turn into us.
6 They're required to put the owner, and
7 the responsible party fills it out on
8 there.

9 MS. GAMMONS: Thank you.

10 **RECROSS-EXAMINATION**

11 **BY MR. HOLMES:**

12 Q. Do you have that information?

13 A. I do not have the application with me,
14 no.

15 Q. Okay. Well, where is it?

16 A. I can look.

17 Q. Okay.

18 MR. HOLMES: I just think that's
19 important. If the City is going to
20 take a position that he was an
21 owner, I would like to see a piece
22 of paper where he claimed he was an
23 owner.

24 MS. GAMMONS: Mr. Landrith, may
25 we take a short recess so Ms.

JUDY COMP & ASSOCIATES, INC.

1 Dudash can get it?

2 MR. LANDRITH: Sure. Fifteen
3 minutes be enough?

4 MS. GAMMONS: Thank you.

5 (A short recess was taken)

6 MR. LANDRITH: This is Steve
7 Landrith again. The hearing is
8 back in session.

9 RE-REDIRECT EXAMINATION

10 BY MS. GAMMONS:

11 Q. Ms. Dudash, I was asking you about the
12 business license applications, and Mr.
13 Holmes asked that you produce those.
14 Do you have business license
15 applications from 2004, 2005, and 2006?

16 A. Yes, I do.

17 Q. And these are for 755 Wade Hampton
18 Boulevard?

19 A. Yes, they are.

20 Q. Who is listed on this as the name of
21 the owner, partner, or officer of the
22 business?

23 A. Mr. Singh.

24 Q. And that's A-m-r-i-k Singh, Amrik?

25 A. Yes, ma'am.

JUDY COMP & ASSOCIATES, INC.

1 Q. For all three years?

2 A. Yes, ma'am.

3 MS. GAMMONS: Thank you. And
4 I'll give these to Mr. Landrith.

5 RE-RECROSS-EXAMINATION

6 BY MR. HOLMES:

7 Q. Ms. Dudash, did you determine whether
8 there was a license filed on behalf of
9 Valogic?

10 A. No, I did not.

11 Q. Did you know that Mr. Singh was a
12 manager and was operating the business
13 as a manager at that hotel?

14 A. That was not my understanding, no, sir.

15 Q. Okay. But you don't know still whether
16 Valogic Enterprises had a business
17 license to operate a hotel at that
18 location?

19 A. Not for this year, no, sir.

20 MS. GAMMONS: Quickly, Mr.
21 Landrith.

22 RE-RE-REDIRECT EXAMINATION

23 BY MS. GAMMONS:

24 Q. Ms. Dudash, the City only issues one
25 business license per business; correct?

JUDY COMP & ASSOCIATES, INC.

1 A. That's correct.

2 Q. And if the business license is issued
3 with Amrik Singh as the president for
4 --- well, it was Travel Lodge and then
5 Travel Inn, would there be a different
6 business license to a different person?

7 A. No, ma'am.

8 MS. GAMMONS: Thank you.

9 MR. LANDRITH: Anything else, Mr.
10 Holmes?

11 MR. HOLMES: No.

12 MR. LANDRITH: Ms. Gammons,
13 anything else you want to ask?

14 MS. GAMMONS: Not for Ms. Dudash.

15 MR. LANDRITH: Who is your next
16 witness.

17 MS. GAMMONS: Dawn Condrey.

18 MR. LANDRITH: Does she mind
19 spelling her last name?

20 THE WITNESS: C-o-n-d-r-e-y.

21 DAWN CONDREY,

22 was examined and testified as follows:

23 DIRECT EXAMINATION

24 BY MS GAMMONS:

25 Q. Ms. Condrey, where do you work?

JUDY COMP & ASSOCIATES, INC.

- 1 A. I own a salon at 738 Wade Hampton, Top
2 Hats.
- 3 Q. And where is that in relation to Travel
4 Inn?
- 5 A. Straight across the street.
- 6 Q. How long have you been there?
- 7 A. Fifteen years.
- 8 Q. Okay. Do you have any information
9 about patrons at Travel Inn and their
10 relating to your business?
- 11 A. I do. First of all, I had a break-in
12 last year, and the two men admitted
13 they were staying there, and they were
14 also on drugs at the time, and they
15 broke through my back door and went
16 through two brick walls over into the
17 ABC store.
- 18 Q. Do you have any other instances of
19 patrons from Travel Inn coming over to
20 your business?
- 21 A. They come over all the time asking for
22 money. They will sit in the lobby
23 until we ask them to leave. We call
24 the police when they been intoxicated.
- 25 Q. How do you know they're coming from

JUDY COMP & ASSOCIATES, INC.

1 Travel Inn?

2 A. Because I watch them walk down the hill
3 straight over to my business.

4 Q. Do you ever see them go back to Travel
5 Inn?

6 A. Yes.

7 Q. What are the hours of your salon?

8 A. Normally 9:00 to 7:00.

9 Q. Do you remember when these disturbances
10 began? About when?

11 A. I would say a couple of years ago.

12 MS. GAMMONS: Those are all the
13 questions I have, Mr. Landrith.

14 MR. LANDRITH: All right. Mr.
15 Holmes.

16 **RECROSS-EXAMINATION**

17 **BY MR. HOLMES:**

18 Q. Ms. Condrey, did you call the police
19 ---

20 A. I did.

21 Q. --- about the Travel Inn and complain
22 to them?

23 A. I have.

24 Q. Okay. And how many times have you
25 called them about the Travel Inn?

JUDY COMP & ASSOCIATES, INC.

1 A. I would say three times.
2 Q. Pardon me?
3 A. Three times.
4 Q. Since 2004?
5 A. Uh-huh. The reason I have not called
6 them because I know they are over there
7 all the time. I see them go through
8 all the time.
9 Q. Have you spoken to Mr. Singh?
10 A. I have not.
11 Q. Do you know him at all?
12 A. No.
13 Q. Ever seen him before today?
14 A. No, sir.
15 Q. Did you ever go over to the hotel and
16 talk to him?
17 A. No. I would not go there. I feel it's
18 unsafe.
19 MR. HOLMES: I don't have any
20 other questions.
21 MR. LANDRITH: Ms. Gammons?
22 MS. GAMMONS: Nothing further.
23 MR. LANDRITH: Anything else from
24 the City?
25 MS. GAMMONS: No. The City

JUDY COMP & ASSOCIATES, INC.

1 rests.

2 MR. LANDRITH: All right. Thank
3 you. Mr. Holmes.

4 MR. HOLMES: Mr. Landrith, Mr.
5 Amrik Singh. I'm going to ask him
6 some questions first.

7 AMRIK SINGH,
8 was examined and testified as follows:

9 DIRECT EXAMINATION

10 BY MR. HOLMES:

11 Q. Mr. Singh, how long have you been in
12 the United States?

13 A. Almost 22 years.

14 Q. Okay. And you are president of what
15 corporation?

16 A. SBPS.

17 Q. And who started SBPS?

18 A. Started the name? It was ---

19 Q. Filed the paperwork with the state.
20 Who did that?

21 A. Just me.

22 Q. Okay. Did you do that in 2004?

23 A. Yes.

24 Q. And what type of business did SBPS do
25 in 2004?

JUDY COMP & ASSOCIATES, INC.

- 1 A. This is the first time that I did a
2 hotel.
- 3 Q. When you say "did a hotel" did you own
4 a hotel?
- 5 A. No. I don't own the hotel.
- 6 Q. Did SBPS own a hotel in 2004?
- 7 A. No.
- 8 Q. Were you managing a hotel?
- 9 A. Yes.
- 10 Q. Who were you managing it for?
- 11 A. Vilogi Enterprises.
- 12 Q. I've been saying Valogic. Am I close?
- 13 A. This is Valogi Enterprises. That is
14 close.
- 15 Q. Okay. And Valogi Enterprises is owned
16 by who?
- 17 A. This is T.R. Redding.
- 18 Q. And where is Mr. Redding?
- 19 A. He is in Augusta, Georgia.
- 20 Q. Okay. And when you signed a business
21 license application as president of
22 SBPS, Inc. what were you applying for?
- 23 A. You know, I applied for the business,
24 but he did not give me the business
25 license, and he say, you know, I --- I

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1 issued two business licenses. One is
2 for owner and one for the management.
3 So he already issued in 2004 two
4 licenses. One is for Valogi
5 Enterprises and one for me. 2005, the
6 same thing, he do two. In 2006, you
7 know, in (inaudible) you know, he ---
8 he get two license. If they have it no
9 in the record, I show you the license
10 with Valogi Enterprises is on it.
11 Q. Okay. You were doing a business for
12 hotel management?
13 A. Yeah. He just give me that, you know,
14 for the management, for the license.
15 Q. When you say "he" who are you talking
16 about?
17 A. The City, the guy who worked for them
18 in the business license.
19 Q. Okay. So you were applying for your
20 management business?
21 A. Yes.
22 Q. Okay.
23 A. It was, you know, I (inaudible) you
24 know, I --- I have a place to auction
25 to buy. So, you know, the lady say,

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1 "You know, you cannot get your own
2 license. So you have a --- need two
3 licenses. One is have it owner, who is
4 the owner of, you know, the property.
5 And another thing, if you want, I give
6 you this for the management, the
7 license. So every year he issued two
8 license. One is for the landlord for
9 the Valogi Enterprises, and one for me
10 and SBPS.

11 Q. Okay. And you did buy the property
12 that we call Travel Lodge Motel; is
13 that right?

14 A. Yeah. Travel Lodge.

15 Q. All right. When did you buy it?

16 A. I bought it on May 23rd is the closing
17 date.

18 Q. Is that the deed where you bought the
19 property from Valogi Enterprises?

20 A. Yeah. Yeah.

21 MR. HOLMES: Mr. Landrith, I'm
22 going to give you a copy of that.
23 I'm sorry. I can't throw that far.

24 MS. GAMMONS: Thank you.

25 MR. HOLMES: Yes, ma'am.

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- 1 Q. And so in May of 2006 was the first
2 time you actually owned the property?
- 3 A. Yes.
- 4 Q. Who were you working for prior to May
5 of 2006?
- 6 A. Who I work for?
- 7 Q. Yes.
- 8 A. I worked for myself, you know.
- 9 Q. I understand that, but was Valogi
10 owning the restaurant --- running the
11 hotel?
- 12 A. Before May or ---
- 13 Q. Yes, sir. Before you owned it did you
14 buy it from Valogi?
- 15 A. Yeah. He (inaudible)
- 16 Q. Okay. And is that a copy of the
17 closing statement that showed when you
18 bought it and what you paid for it?
- 19 A. Yes.
- 20 Q. How much did you pay for that property?
- 21 A. This was almost 1,600 million.
- 22 Q. 1.6 million?
- 23 A. Yeah.
- 24 Q. All right. I think that closing
25 statement shows you paid \$1.6 million

JUDY COMP & ASSOCIATES, INC.

- 1 for the property, and you paid \$300,000
2 down and borrowed 1,300,000; is that
3 right?
- 4 A. From the bank, yeah.
- 5 Q. From the bank. Is that a copy of your
6 mortgage where you borrowed it from the
7 bank?
- 8 A. Yeah.
- 9 Q. All right. And it shows that you
10 borrowed 1.3 million?
- 11 A. Yeah.
- 12 Q. So as we sit here today almost four
13 months ago, not quite four months ago,
14 you paid \$1.6 million for this
15 property, and spent 300,000 of your own
16 money to get it; is that right?
- 17 A. Yes.
- 18 Q. And the mortgage, while it says it's
19 Pinnacle Bank, it actually shows on
20 page eight that you borrowed from the
21 U.S. Small Business Administration; is
22 that right?
- 23 A. Yes.
- 24 Q. Okay. And you had to make a loan
25 application and apply for that loan?

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- 1 A. Yes.
- 2 Q. Are you making mortgage payments?
- 3 A. Yes.
- 4 Q. How much are your mortgage payments?
- 5 A. It's 12,300 something.
- 6 Q. \$12,300 a month?
- 7 A. Yes.
- 8 Q. Are you current in your mortgage
- 9 payments?
- 10 A. Yes.
- 11 Q. Okay. And you've been doing that ever
- 12 since you bought the property?
- 13 A. Yes.
- 14 Q. Would you have paid that much money for
- 15 the property if you thought it was
- 16 going to get shut down? The business
- 17 was going to get shut down?
- 18 A. No.
- 19 Q. Are you going to be able to pay those
- 20 mortgage payments if the City takes
- 21 your business license away, and you
- 22 have to close the hotel?
- 23 A. I can't afford it. I won't be able to
- 24 pay that a month.
- 25 Q. And where do you live, Mr. Singh?

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- 1 A. I live in the hotel.
- 2 Q. Does your family live in the hotel with
3 you?
- 4 A. Yes.
- 5 Q. Do you do drugs or narcotics?
- 6 A. No.
- 7 Q. Are you engaged in prostitution?
- 8 A. No.
- 9 Q. Do you rent your rooms for less than
10 one day?
- 11 A. No.
- 12 Q. What kind of rules do you have about
13 people who engage in criminal activity?
- 14 A. You know --- you know, when somebody
15 check in, you know, you cannot read his
16 face, you know. He is (inaudible)
17 about what --- what he has, you know.
18 Then he go in the room, and, you know,
19 you put on the eyes. If he walk
20 around, or, you know, go room to room,
21 then you know that, you know. But
22 naturally you have to kick him out, you
23 know. You cannot live here, please.
- 24 Q. Okay. So when you say you put eyes on
25 them, you mean you watch them?

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1 A. Watch them, you know, what --- what he
2 does.
3 Q. Okay. When you bought the business, in
4 May of 2006 did you make some changes
5 to try to cut down on ---
6 A. There are a lot of changes, you know.
7 Q. All right. Tell me what changes you've
8 made.
9 A. You know, I do like, you know, before,
10 you know, my owners, they don't want
11 separate what I do now.
12 Q. Mr. Redding?
13 A. Yeah. Yeah. But I do now what I
14 (inaudible) you know. I go like six,
15 seven rooms. If they have any drug
16 problems, so I take them out.
17 Q. All right. If you notice people going
18 in and out of the rooms, what do you
19 do?
20 A. Just say, you know, call the police,
21 and ---
22 Q. How often do you call the police?
23 A. You know, when I saw the Valium, then I
24 call the police, you know. You cannot
25 go yourself, you know, like if you have

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1 four or five guys in the room. If you
2 go yourself, you get into trouble. You
3 know, don't --- you don't know what he
4 had it. So you call the police and
5 call the --- have them help you. He go
6 and check in the rooms.

7 Q. Okay. And have you called the police a
8 number of times to ask for help?

9 A. It's always with ten or 15 times within
10 three months up to May 3rd, you know.

11 Q. What is your relationship, or how do
12 you get along with the uniform patrol
13 officers that come to the hotel?

14 A. They have a really good relationship.

15 Q. All right. If they ask you to see your
16 room register to see who is renting the
17 room, do you let them look at it?

18 A. Yes.

19 Q. Okay. Have you opened rooms and let
20 them ---

21 A. I open rooms. Sometimes I give him the
22 key. He will --- he will go in himself
23 and check it.

24 Q. Okay. Have you installed a fence?

25 A. Yeah. You know, (inaudible) complain

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- 1 about that, the lady, I put in a fence,
2 you know. But they still, you know,
3 the fence is not always through there,
4 so now I try and put it all the way
5 there to up to where gate is, you know,
6 within walking distance so nobody come
7 down that way.
- 8 Q. When did you put the fence up?
- 9 A. It was like two months ago.
- 10 Q. All right. After you bought the place?
- 11 A. Yeah.
- 12 Q. Okay. So how tall is the fence?
- 13 A. This is six feet.
- 14 Q. Okay. You put up a six foot fence
15 around the place to keep people from
16 coming in and out unless they had
17 business there?
- 18 A. Yeah.
- 19 Q. All right. Have you contacted security
20 companies to try to put security?
- 21 A. Yes, please.
- 22 Q. All right.
- 23 A. I already contracted for security guard
24 or security camera.
- 25 Q. Okay. And have you tried to find out

JUDY COMP & ASSOCIATES, INC.

- 1 about putting security cameras in?
- 2 A. Yes, please.
- 3 Q. Okay. When was the first time you knew
- 4 that the Greenville City Police
- 5 Department had a problem and were
- 6 threatening to take your business
- 7 license away?
- 8 A. Just when I got the Notice on the 2nd.
- 9 Q. Okay. Lt. Evett testified that he
- 10 talked to you in 2004 saying that there
- 11 was a problem, and you needed to get it
- 12 under control. Did you have a
- 13 conversation with him in 2004?
- 14 A. No, I don't remember what I done, but
- 15 he tell me in the April of 2004 he met
- 16 Lucky, but 2004 in April she is not
- 17 here. She is in India. She come back
- 18 in June 28th. If you want, I show you
- 19 the passport. It will tell you the
- 20 stamp over there in the passport. They
- 21 --- they show you. They come on 28th
- 22 in June.
- 23 Q. So Lucky's real name is what?
- 24 A. Manenda Kaur.
- 25 Q. Okay. Manenda Kaur, but you call her

JUDY COMP & ASSOCIATES, INC.

- 1 "Lucky"?
- 2 A. Yeah.
- 3 Q. All right. And she didn't come to the
- 4 United States until June 28th of 2004?
- 5 A. No. Before she live in New York with
- 6 me, so she's coming here for like '95.
- 7 So she stayed like up to 2001, and then
- 8 I take her to India. She married
- 9 there. So she stayed there. After,
- 10 you know, six, seven months, you know,
- 11 when she married. After seven months
- 12 she come here. She is pregnant, you
- 13 know. I don't want, you know, that she
- 14 born the baby over there in India, so I
- 15 bring her --- she come here. So they
- 16 have a child, you know, July 28th.
- 17 Q. Okay. How long did you live in New
- 18 York?
- 19 A. I live about almost 20 years in New
- 20 York.
- 21 Q. And when did you come to South
- 22 Carolina?
- 23 A. It's April 4th, 2006.
- 24 Q. 2004?
- 25 A. Yeah. 2004. On April 6th.

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- 1 Q. Okay. So you didn't even get to South
2 Carolina until April of 2004?
- 3 A. Yeah.
- 4 Q. What kind of work did you do in New
5 York?
- 6 A. I just drove a taxi.
- 7 Q. Where did you get \$300,000 to buy this
8 building?
- 9 A. I borrow the money from my friends.
- 10 Q. You're not selling drugs, are you?
- 11 A. No. You can check my record in 25
12 years. I did not arrest one time.
- 13 Q. Do you have any criminal record at all?
- 14 A. No.
- 15 Q. Okay. And I think your wife is here
16 with you; is that right?
- 17 A. Yes.
- 18 Q. Does she speak English?
- 19 A. A little bit.
- 20 Q. All right. Does she understand
21 English?
- 22 A. Yes.
- 23 Q. Are you trying to do everything you can
24 to cooperate with the police?
- 25 A. Yes, please.

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- 1 Q. Do you know anything at all about the
2 charges that were made against your
3 daughter by the Greenville City Police
4 Department?
- 5 A. No, I don't (inaudible)
- 6 Q. All right. She was working at the
7 hotel?
- 8 A. No.
- 9 Q. No, no. Not now. But has she ever
10 worked at the hotel?
- 11 A. Before she helped me, you know, but not
12 now.
- 13 Q. Why did you have her helping you?
- 14 A. Just, you know, sometime if I am not
15 there, you know, she just would help
16 like, you know, (inaudible) just on
17 part time.
- 18 Q. Okay. Is she living there?
- 19 A. Yeah. She's living there.
- 20 Q. Okay. And your son is back here behind
21 me; is that right?
- 22 A. Yeah.
- 23 Q. How old is he?
- 24 A. He's 17.
- 25 Q. Is he in school?

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- 1 A. Yes.
- 2 Q. All right. And does he live there,
- 3 too?
- 4 A. Yes.
- 5 Q. All right. Is Lucky working there? Is
- 6 Lucky working at the hotel?
- 7 A. No.
- 8 Q. All right. When did she quit working
- 9 at the hotel?
- 10 A. It was around (inaudible) before one
- 11 year, you know, they have their own
- 12 businesses in May 2005, so he --- he
- 13 run the restaurant (inaudible)
- 14 Q. Who is the "he" you're talking about?
- 15 A. You know, the Lucky with someone that
- 16 he have a share with someone.
- 17 Q. Okay.
- 18 A. May 2005. So she run the restaurant on
- 19 the separate, she did not work with me
- 20 up to that time.
- 21 Q. All right. Does she still work at the
- 22 restaurant there?
- 23 A. Yeah. She's still working there.
- 24 Q. Is your plan that she's going to keep
- 25 doing that?

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- 1 A. No.
- 2 Q. Okay.
- 3 A. I kicked them out.
- 4 Q. You kicked them out?
- 5 A. I --- I already given them notice, but
- 6 they're looking for another place, you
- 7 know, they have a business. So they're
- 8 looking for the place. (inaudible)
- 9 he's looking (inaudible)
- 10 Q. All right. Is she moving?
- 11 A. Yes.
- 12 Q. All right. When is she moving?
- 13 A. Maybe when she gets a place, you know.
- 14 She already, you know, looking, so ---
- 15 Q. When did she get arrested?
- 16 A. You know, that time I am not here. I
- 17 am out of town, and so when I came back
- 18 in 17th, then I know.
- 19 Q. Okay. You're talking about in May?
- 20 A. May. May, yeah.
- 21 Q. All right. And she has a lawyer
- 22 representing her on those charges; is
- 23 that right?
- 24 A. Yes.
- 25 Q. Are you having anything to do with

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- 1 that?
- 2 A. No.
- 3 Q. Okay. If she's been engaged in illegal
4 drug activity, should she be punished
5 for that?
- 6 A. Yeah. She have to. If she do it, you
7 have to punish her.
- 8 Q. Did you know she was doing anything
9 involved in drugs or ---
- 10 A. Before I did not know about it.
- 11 Q. If you had known about it, what would
12 you have done about it?
- 13 A. Well, if I know that, you know, she
14 cannot stay there, you know. She go
15 far away from me.
- 16 Q. Since all this has happened have you
17 come up with some rules about how your
18 business is being operated? Are those
19 the rules that you've adopted?
- 20 A. Yeah.
- 21 Q. You indicated that you had talked to a
22 security company. Are you willing to
23 hire Greenville City off duty police
24 officers to help you with security?
- 25 A. Yes, I can.

JUDY COMP & ASSOCIATES, INC.

1 Q. Okay. Are you just asking for some
2 time, a few months, to get this thing
3 together?

4 A. Yes.

5 Q. Okay. And if you don't get it
6 resolved, that you understand they
7 could take your business license away
8 from you?

9 A. Yes.

10 Q. Okay. Are you willing to do anything
11 you possibly can to correct the
12 problems that the police say they've
13 had at your facility?

14 A. Yes.

15 Q. Is there anything else you want to tell
16 Mr. Landrith?

17 A. You know, on 17 --- May 17th they
18 arrested Lucky in the restaurant. They
19 have a detective, you know
20 (inaudible). You know he come before
21 right in my motel, you know, he talked
22 very friendly, you know. Then I asked
23 him, you know, "What's going on?" He
24 say, you know, "Your daughter sell
25 drug." He say, you know, "I cannot

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- 1 tell you right now, you know, but you
2 call me, I meet you, and then I told
3 you everything." I called about 17
4 times, but he don't give me call back.
- 5 Q. Do you want to be a good business
6 neighbor in Greenville?
- 7 A. Yes.
- 8 Q. Are you paying your taxes, business
9 license taxes now, or not?
- 10 A. Yes.
- 11 Q. Property taxes?
- 12 A. Everything, yes, I pay.
- 13 Q. And all you're doing is just asking for
14 some time where they can watch to see
15 if you do what you're say you're going
16 to do?
- 17 A. Yes, please.
- 18 Q. Okay. How much time do you think you
19 need to correct these problems?
- 20 A. Just give me six months, you know, I
21 correct the whole problem. If not I
22 correct; they can take it. I don't
23 mind.
- 24 Q. How many rooms do you have?
- 25 A. (inaudible) rooms.

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- 1 Q. And how many of them --- I think you
2 have people that live there more than
3 one day; is that right?
4 A. Yes.
5 Q. How many rooms are family rooms?
6 A. There are more like 30 to 35 rooms.
7 Q. That your family lives in?
8 A. No, no. My family live on four rooms
9 for it, four rooms.
10 Q. Okay. And then how many additional
11 rooms or people that live there more
12 than one day?
13 A. They have more like 25 to 30.
14 Q. Okay. And the rest of the room are for
15 overnight?
16 A. Overnight, yeah.
17 Q. And I noticed you've adopted a policy
18 about a security deposit. Now why are
19 you asking for a \$50 security deposit?
20 A. You know, before if --- if he damage
21 something in the room, so, you know, I
22 just called the police, you know, that
23 guy do bad thing. Now I go \$50 deposit
24 if he damages anything. So I collect
25 the money from them, you know. I don't

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1 need to call to the police, you know.

2 It's on them.

3 Q. You don't want to have to call the
4 police so they'll have another ---

5 A. You know, I call the police. If they
6 have another issue is I call the
7 police, you know.

8 Q. All right.

9 MR. HOLMES: I don't think I have
10 any other questions, Mr. Landrith.

11 MR. LANDRITH: Ms. Gammons, do
12 you have any questions?

13 MS. GAMMONS: Thank you.

14 **CROSS-EXAMINATION**

15 BY MS. GAMMONS:

16 Q. Mr. Singh, what does SBPS stand for?

17 A. This is just only for the name is.

18 Q. What does each letter stand for or
19 represent?

20 A. This is "S" as in Singh, "B" mean my
21 son's name is Balvir, and "P" mean is
22 my, you know, youngest son's name is
23 (inaudible) and "S" mean, you know, the
24 last name is Singh.

25 Q. Do you know T.R., what his initials

JUDY COMP & ASSOCIATES, INC.

- 1 stand for, T.R. Redding? Do you know
2 what the "T" represents and what the
3 "R" represents?
- 4 A. No, I don't. Just -- just so they
5 have a name is, you know, like, you
6 know, the last name is Redding, and the
7 first name is "T", T.R. Redding.
- 8 Q. Right.
- 9 A. I don't know what the initial is.
- 10 Q. Okay. And you state that your family
11 lives with you at Travel Inn.
- 12 A. Yes.
- 13 Q. Who are those family members?
- 14 A. Is?
- 15 Q. Who lives with you at Travel Inn, your
16 family members?
- 17 A. Me, my wife, my two sons, and I have
18 one younger daughter I live together
19 (inaudible) and she lives separate, you
20 know, Lucky and her husband.
- 21 Q. What is your daughter's husband's name?
- 22 A. It's Harjw, H-a-r-j-w-t, Singh,
23 S-i-n-g-h.
- 24 Q. They have one child?
- 25 A. Yeah.

JUDY COMP & ASSOCIATES, INC.

1 Q. How old is that child?
2 A. He turn to three now.
3 Q. Two?
4 A. Three.
5 Q. Three.
6 A. He's a two year old, and he turns, you
7 know, this ---
8 Q. This year he will be three?
9 MR. HOLMES: He turns two this
10 year.
11 MS. GAMMONS: Okay. Thank you.
12 Q. What's your other son's name?
13 A. He is called (inaudible).
14 Q. How old is he?
15 A. He is like near 15.
16 Q. Okay. He is in school, too?
17 A. He is in school, too.
18 Q. Who else lives there besides your wife,
19 your two sons, manager, her husband,
20 and the little boy?
21 A. There's none.
22 MR. HOLMES: You left out the
23 younger daughter.
24 A. I told you my younger daughter. Two
25 sons and my younger daughter.

JUDY COMP & ASSOCIATES, INC.

- 1 Q. Okay.
- 2 A. And she is in high school, too, you
- 3 know, I the eleventh grade.
- 4 Q. Okay. And you said that Manenda came
- 5 to the United States June 28th, came
- 6 back.
- 7 A. Come back, yeah.
- 8 Q. June 28th, 2004?
- 9 A. Yeah.
- 10 Q. When did she leave the States?
- 11 A. They leave go to (inaudible) in June
- 12 2003. I think it was June 29.
- 13 Q. So she was gone from the States about a
- 14 year?
- 15 A. Yeah.
- 16 Q. When did you begin managing Travel Inn
- 17 --- it was Travel Lodge Motel in 2004?
- 18 A. It was April.
- 19 Q. April 2004?
- 20 A. Yeah.
- 21 Q. What were you doing right before April
- 22 2004?
- 23 A. I work in New York, drive taxi.
- 24 Q. So you leave New York, and then you
- 25 just come down to South Carolina?

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1 A. Yes. I --- I --- with a month, you
2 know, I am no working. I come down to
3 here and locate and, you know, work a
4 few weeks, and then go back to New
5 York. So then decide to come here.
6 Q. What made you choose Travel Lodge as a
7 place of employment.
8 A. You know, it was before I have, you
9 know, the friend there, so he put me
10 there, yes.
11 Q. Who was your friend?
12 A. It was Preet. He is at Atlanta,
13 Georgia.
14 Q. Dupree?
15 A. Preet, just Preet, P-r-e-e-t,
16 Q. And what's his last name?
17 A. He last name is Singh, you know.
18 Q. He's related to you?
19 A. No. Just only a friend, you know.
20 Q. What was his relationship to Travel
21 Lodge?
22 A. I don't know really, you know, what
23 relationship with Travel Lodge he had.
24 They tell me he is before they have a
25 lease, you know, they promised he had

JUDY COMP & ASSOCIATES, INC.

1 to get Preet, and then Preet came to
2 me.

3 Q. But Preet just said, "Well, I got this
4 motel. Why don't you come work for me"

5 ---

6 A. Yeah.

7 Q. --- in 2004?

8 A. Yeah.

9 Q. You said you have about 25 to 30 rooms
10 where people stay longer than a night
11 or three or four days. What's the
12 typical length of time a person would
13 stay there in these family rooms?

14 A. Just only up to 30 days. After 30 days
15 they have to change it.

16 Q. They have to do what?

17 A. They change their rooms, or in other
18 words, they have to leave it.

19 Q. So they can go to a different room, or
20 they can just leave the hotel?

21 A. Sometime, you know, mostly people they
22 come and just only, you know, they stay
23 a week. They come another (inaudible)
24 they stay a week and gone. Most people
25 do like that, you know. Not steady.

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- 1 people now live there, you know, like
2 there's some people come two week, or
3 one week and they be gone, and come
4 another group come like that, you know.
5 They circulate.
- 6 Q. Did Manenda or anybody from your family
7 ever come to you and say, "The police
8 have talked to us about what's going on
9 on this property"?
- 10 A. No.
- 11 Q. No? Did you ever see any people who
12 were intoxicated or maybe using or
13 dealing drugs?
- 14 A. No. If I saw someone, I call right
15 away to the police department.
- 16 Q. So you did see some people who may have
17 been out there under the influence?
- 18 A. No, I didn't saw it.
- 19 Q. You didn't. You mentioned that Manenda
20 works at a restaurant. Where is this
21 restaurant?
- 22 A. This is at 767 Wade Hampton Boulevard.
- 23 Q. Is it right next door to your business
24 or across the street?
- 25 A. Yes.

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- 1 Q. Next door to it?
- 2 A. Uh-huh. Next door.
- 3 Q. What's the name of it?
- 4 A. A Taste of India.
- 5 Q. Do you own that?
- 6 A. No. I own the building, but I lease
- 7 the restaurant.
- 8 Q. Who owns the restaurant?
- 9 A. She --- she and her husband.
- 10 Q. When did you first learn about your
- 11 daughter's arrest for the --- the drug
- 12 arrest?
- 13 A. This one I heard when she arrested on
- 14 17, June 17 --- May 17, you know. I
- 15 come back from out of country like 17
- 16 like 3:00, and the police arrest her
- 17 about --- it was about like 9:30 or
- 18 10:00. That's how I know that, you
- 19 know. So I asked him, you know, "Why
- 20 are you arresting? You already take
- 21 one time you arrested. What's ---
- 22 what's going on now?" He said, "I have
- 23 Warrant." So I told them, you know,
- 24 "Detective, why you --- if you have
- 25 Warrant you already arrest on 15, May

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- 1 15th. Why you don't get --- take all
2 the bad ones?" He said, "You know,
3 this is the, you know, the table
4 Warrant." You know, I don't know what
5 you mean there, a table Warrant. So he
6 said, "You know, when I want it, I take
7 it." I said, "If you want to take,
8 take her.
- 9 Q. Have you ---
- 10 A. Then I talked to detective, you know.
11 He say, you know, "I told you our story
12 is tomorrow. You know, just call me,
13 you know, I sit down with you, and I
14 told you everything." But I called
15 like 17 or 20 times, but he don't give
16 me the answer on the phone.
- 17 Q. Have you spoken with your daughter
18 about her arrest?
- 19 A. Yeah. I talked to her, but she say,
20 you know, "I'm not do that."
- 21 Q. She said she didn't do it?
- 22 A. Yeah.
- 23 Q. Who are your employees?
- 24 A. My employee is Brenda.
- 25 Q. Brenda?

JUDY COMP & ASSOCIATES, INC.

1 A. She is here.
2 Q. What is her last name?
3 A. Brenda Parker.
4 Q. Who else works for you?
5 A. One of the housekeepers. This name is
6 Judy Dawkins.
7 Q. Julie?
8 A. Judy.
9 Q. Judy.
10 A. J-u-d-y D-a-w-k-i-n-s.
11 Q. Spell the last name again, please.
12 MR. HOLMES: Dawkins.
13 A. Dawkins.
14 Q. Oh, Dawkins. Who else works for you?
15 A. That's it.
16 Q. So your other family members, they
17 don't do any cleaning or help at the
18 front desk?
19 A. They do, you know, my son, and my other
20 younger daughter, they help clean.
21 Q. Okay.
22 A. And I do myself for ten hours.
23 Q. Could you please tell me the process
24 when someone comes to your hotel and
25 wants a room, could you please go

JUDY COMP & ASSOCIATES, INC.

1 through step by step what's done.
2 A. What is done in the room?
3 Q. No. When say I come to your hotel.
4 A. Yes.
5 Q. And I want to rent a room. Tell me
6 what you go through in that process.
7 A. You know, he come to the front desk,
8 you know. I have a slip I give to him
9 for to fill out. Then I look ID.
10 MR. HOLMES: His I.D.
11 A. I.D., yeah.
12 MR. HOLMES: Okay.
13 A. And then, you know, I take the I.D.
14 number, his date of birth. Ask him,
15 you know, how many people. So then he
16 pay the room, and then I give him a
17 key, and he go in the room.
18 Q. People usually pay cash, or check,
19 credit card?
20 A. Usually is someone is cash or credit
21 card, not check. I do not accept a
22 check, you know. Usually they come
23 with cash or credit card.
24 Q. Do some of your guests pay you up front
25 for 30 days?

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1 A. No.

2 Q. How does that work if they are going to
3 stay longer than two or three days?

4 A. He just --- someone stay with me, you
5 know, like three days. Some people
6 come, you know, before he say, you
7 know, I just only stay three days. He
8 pay only one time three days. And
9 someone, you know, when you call, you
10 know, 11:00 checkout time you call
11 them, he say, "You know, I'm going to
12 stay over, and I pay your bill." So he
13 come in the office, and he pay the
14 bill.

15 Q. What if someone does not have
16 identification?

17 A. I cannot give them the room.

18 Q. Do you recall, Mr. Singh, that ever
19 happened, and then the person went out,
20 got a friend, the friend showed
21 identification, and then you rented
22 that friend a room?

23 A. Mostly sometimes they come the people
24 like two and three, you know. One guy
25 give the I.D. I don't know if he

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1 (inaudible) to his friend, or, you
2 know. This is mostly common couples,
3 you know. I don't allow that, you
4 know, if somebody give you I.D., and
5 another person stay in your room, no.
6 Q. How do you monitor that?
7 A. I monitor everything, you know. I have
8 to, you know. You locate, you know,
9 who is go in the room.
10 Q. At your front desk or in your office do
11 you have a camera where you can see the
12 front doors of all your rooms?
13 A. No. I just not have camera, but I have
14 planned to put on a camera there.
15 Q. But you say you monitor. For example,
16 if I rented a room, then Jonathan
17 couldn't come there. How do you know
18 who is coming in and out now?
19 A. Just, you know, you are watching all
20 sides, you know, and you're looking,
21 you know, who --- who rent the room and
22 who go in the room. So then you have
23 to call them, you know. You do not
24 belong to the room. You have to leave
25 it. Now you know who rent the room is

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1 the person telling me he called me.

2 Q. Do you agree, Mr. Singh, that these
3 incident --- did you get a chance to
4 look through the incident reports with
5 your attorney? The reports from the
6 police?

7 A. Yeah. I --- I have, but I did not read
8 all of them (inaudible)

9 Q. Okay. But you understand most of them
10 relate to drugs, or assault and
11 batteries, and there's some
12 prostitution charges that were made.
13 You agree that those activities are
14 dangerous activities?

15 A. Yeah. That's a dangerous activity.

16 Q. And you even have a grandson on the
17 property; right?

18 A. Yeah.

19 Q. And you don't want your grandson to be
20 around this type of activity; right?

21 A. Yes.

22 MS. GAMMONS: I have no further
23 questions right now.

24 MR. HOLMES: If I can just ask
25 him a couple.

JUDY COMP & ASSOCIATES, INC.

REDIRECT EXAMINATION

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BY MR. HOLMES:

Q. Mr. Singh, just so we're clear,, I think
Lt. Evett said that there were two drug
buys that took place supposedly with
your daughter in March of '05 --- '06,
but she wasn't arrested until May of
'06; is that right?

A. Yeah. Yeah.

Q. Okay. So your question to the police
is why they arrested her over separate
days for separate charges since they
had some age on them; is that right?

A. Yes.

Q. Okay. So you weren't questioning the
police authority to arrest her, were
you?

A. Yes.

Q. Okay. Did you understand my question?

A. No.

Q. All right. Maybe I didn't put that
correctly. Do you understand
Greenville City Police has the
authority to arrest your daughter if
they have a Warrant for her arrest?

JUDY COMP & ASSOCIATES, INC.

- 1 A. Yes.
- 2 Q. Were you trying to stop them from
3 arresting your daughter?
- 4 A. No.
- 5 Q. Okay. Why were you asking them
6 questions?
- 7 A. Just to ask them for, you know, "Why
8 you arresting? What's the reason?
9 Just tell me the reason. You tell me
10 the reason they have a Warrant." They
11 did not tell one word. He talked to
12 me, you know. I told you it was
13 tomorrow and the detective talk to me,
14 you know. I did not ask nothing. And
15 he arrested her. He put her in his
16 car. So (inaudible) my daughter. So
17 he took her away, you know.
- 18 Q. Prior to today have you ever met Lt.
19 Evett?
- 20 A. Just when he brought that letter
21 (inaudible) saw, and I working on the
22 room, and he come to that room, and he
23 told me that he is (inaudible)
- 24 Q. Did you ask him about the Notice?
- 25 A. I asked him what he saying. I cannot

JUDY COMP & ASSOCIATES, INC.

1 tell you.

2 Q. Okay. Have you ever gotten a warning
3 from the City?

4 A. No. No.

5 Q. As far as you know this is the first
6 time you've been in trouble like this?

7 A. First time.

8 MR. HOLMES: I don't have any
9 more questions.

10 EXAMINATION

11 BY MR. LANDRITH:

12 Q. I have a couple of questions, Mr.
13 Singh. You mentioned that you have
14 talked to a security company. Have you
15 actually contracted and hired a
16 security company yet?

17 A. I just talked to, you know, either this
18 Saturday or Sunday, you know, that is
19 all. So the Monday --- the Monday he
20 is telling me that he'll call me
21 tomorrow, so it's early here like 8:30
22 9:00 I'm here, I have no time to call
23 them. So I called and I hired. And
24 (inaudible) if the police department
25 want me to use off duty police, I can

JUDY COMP & ASSOCIATES, INC.

1 hire that one, too.

2 Q. The rules that you have implemented,
3 when did you write these rules?

4 A. They're almost --- they have a month
5 (inaudible)

6 Q. Okay. And so they went into effect
7 when you wrote them about a month ago?

8 A. Yeah.

9 Q. Okay. All right.

10 MR. LANDRITH: Anything else?

11 MS. GAMMONS: Not from the City.

12 MR. LANDRITH: All right. Mr.

13 Holmes, do you have a witness?

14 MR. HOLMES: Yes. Brenda Parker.

15 I tell you what. If I can get you
16 to go sit in that chair, so she can
17 sit at this microphone. You go
18 back. You want to get away from
19 it. Okay. Can you sit right
20 there?

21 BRENDA PARKER,

22 was examined and testified as follows:

23 DIRECT EXAMINATION

24 BY MR. HOLMES:

25 Q. Tell these folks what your full name

JUDY COMP & ASSOCIATES, INC.

- 1 is.
- 2 A. Brenda Paris Parker.
- 3 Q. And where do you work, Ms. Parker?
- 4 A. Travel Inn.
- 5 Q. How long have you worked at the Travel
- 6 Inn?
- 7 A. Three years.
- 8 Q. And what do you do at the Travel Inn?
- 9 A. Work the front desk.
- 10 Q. All right. And do you know that Mr.
- 11 Singh just bought the Travel Inn in May
- 12 of this year?
- 13 A. Yes, sir.
- 14 Q. Okay. Has he done things since he
- 15 became the owner of the property to
- 16 change it from the way it was before?
- 17 A. Well, there's people that he's throwing
- 18 out. He's going to the rooms. He
- 19 repainting them. He's cleaning up the
- 20 air conditioners. He has towed cars
- 21 off with no tags. And he tries to keep
- 22 the trash picked up around the
- 23 dumpsters and stuff where people just
- 24 throw it.
- 25 Q. Okay. He was managing this place since

JUDY COMP & ASSOCIATES, INC.

- 1 2004; is that right?
- 2 A. Yes.
- 3 Q. Okay. And so these are changes since
- 4 he has owned it?
- 5 A. Oh, yes.
- 6 Q. Okay. Do you believe that the number
- 7 of times the police have had to be
- 8 there have been less since he's owned
- 9 it and made these changes?
- 10 A. I believe so because I haven't called
- 11 for the cops. I stay at the front
- 12 desk.
- 13 Q. Okay. Do you have a good relationship
- 14 with the uniform police officers when
- 15 they come?
- 16 A. Yes, sir. They come in. They ask
- 17 questions, and I show them the papers,
- 18 and if I don't know who they're looking
- 19 for, I'll tell them to go find him
- 20 because I don't live there. So I --- I
- 21 don't know a lot of people.
- 22 Q. Okay. Do you have any criminal record?
- 23 A. I just have a DUI about eight, nine
- 24 years ago.
- 25 Q. Okay. Other than your DUI do you have

JUDY COMP & ASSOCIATES, INC.

1 any criminal record at all?

2 A. No.

3 Q. You don't sell drugs, do you?

4 A. No.

5 Q. Do you know anything about drug

6 activity there?

7 A. Not now.

8 Q. Okay. Has there been drug activity in

9 the past?

10 A. I --- I've suspected, you know, but I

11 don't know.

12 Q. Okay. Does Mr. Singh participate in

13 any drug activity?

14 A. No.

15 Q. Does he put up with that kind of stuff?

16 A. No.

17 Q. Have you seen him put people out that

18 didn't ---

19 A. Yes, sir.

20 Q. --- didn't do what they were supposed

21 to?

22 A. Yes, sir.

23 Q. Do you know whether he's called the

24 police and asked them for help putting

25 people out?

JUDY COMP & ASSOCIATES, INC.

1 A. I don't know for a fact, but I'm sure
2 he has. You know, there's a lot of
3 people that's been put out.

4 Q. Okay. So is it better now than it was
5 before May of 2006?

6 A. Yes, sir.

7 Q. But it still has a ways to go?

8 A. Yes. There are still some people that
9 I'm sure he's still working on.

10 Q. Okay. Meaning people that stay there
11 longer term?

12 A. Yes.

13 Q. All right. And the people that need to
14 go, why do they need to go?

15 A. Going from room to room, knocking on
16 doors, doing risky things. I asked
17 them not to be out like on Friday night
18 and Saturday night after 11:00, and
19 they don't go in the room. When their
20 rent is up, I'm sure that they're going
21 to be gone.

22 Q. Okay. If he asked the City of
23 Greenville to give him some time to
24 clean some more stuff up and to bring
25 his business into compliance, do you

JUDY COMP & ASSOCIATES, INC.

- 1 think he's a man of his word?
- 2 A. Yes.
- 3 Q. Okay. Do you think he has the ability
- 4 to do that?
- 5 A. Yes.
- 6 Q. Now you're his employee, aren't you?
- 7 A. Yes.
- 8 Q. So he pays your salary?
- 9 A. Yes.
- 10 Q. Are you in here because he made you
- 11 come in here?
- 12 A. No. He asked me, and I said okay.
- 13 Q. All right. Are you worried about
- 14 losing your job if you said something
- 15 wrong about him?
- 16 A. No.
- 17 Q. Okay. Are you telling the truth?
- 18 A. Yes, sir.
- 19 MR. HOLMES: Answer any questions
- 20 Ms. Gammons might have.
- 21 MS. GAMMONS: Thank you.
- 22 CROSS-EXAMINATION
- 23 BY MS. GAMMONS:
- 24 Q. Ms. Parker, what hours do you normally
- 25 work?

JUDY COMP & ASSOCIATES, INC.

- 1 A. 8:00 a.m. to 4:00 p.m. Monday through
2 Friday.
- 3 Q. When you're there who else is there
4 working with you?
- 5 A. I'm in the office. They're on the
6 property doing stuff like doing
7 maintenance work and stuff like that.
- 8 Q. Who?
- 9 A. Mr. Singh. And if I need him, I call
10 him on his cell phone.
- 11 Q. Do you have a mobile telephone also, or
12 do you just use the ---
- 13 A. I use the office phone ---
- 14 Q. --- office telephone.
- 15 A. --- or my cell.
- 16 Q. Okay. Do the two of you have radios?
- 17 A. No.
- 18 Q. Like you call his daughter "Lucky"
19 also. Before Lucky's arrest in May
20 when would you see her there on the
21 property?
- 22 A. She would come in and out of the office
23 during the day.
- 24 Q. Is this all day long while you were
25 there from 8:00 until 4:00?

JUDY COMP & ASSOCIATES, INC.

- 1 A. Well, they have their little kitchen
2 they serve food, you know, so yeah,
3 she's in and out.
- 4 Q. Would she ever work with you at the
5 front desk while you were there?
- 6 A. No.
- 7 Q. Do you know when she would be on duty?
- 8 A. No, I don't know the times, but I would
9 see the paperwork, so I would just see
10 her probably with her name written
11 down, and she had been in the room.
- 12 Q. What paperwork did you do?
- 13 A. I put back from once a family goes
14 after I leave, and go back and put it
15 on the notebook, and keep up with the
16 --- with the monthly reports because I
17 do those also.
- 18 Q. What are these monthly reports?
- 19 A. Just to keep up with how much money we
20 make per year for the --- for the taxes
21 and stuff.
- 22 Q. So you're doing front desk work, and
23 you're also like an auditor or ---
- 24 A. Yes.
- 25 Q. --- the secretary also?

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- 1 A. Right. And people come in, and I'll
2 make notes of what's going on and what
3 they need, and stuff.
- 4 Q. If like if something is not right in
5 the room ---
- 6 A. Right.
- 7 Q. --- and they need something, you'll
8 make a note of that. Do you then call
9 Mr. Singh, and then he gets it for
10 them?
- 11 A. Yes.
- 12 Q. What knowledge do you have --- you said
13 you suspected people of drug activity.
14 Tell us about that. What have you seen
15 that makes you think they were involved
16 in drugs?
- 17 A. Just walking around going to different
18 people's rooms, and just the way they
19 act, you know. You walk around the
20 building and go find Mr. Singh, or
21 something. And sometimes I do that.
22 And you just see them walking around.
23 They're hanging around together, and
24 buddy buddying, and they come to the
25 office, and they just talk to each

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1 other.

2 Q. Would you be afraid of that, of those

3 people?

4 A. No. Because most of those people, you

5 know, I'm just --- I'm working.

6 Q. So you aren't afraid if someone may be

7 on drugs on that property?

8 A. And come into the office, no.

9 Q. No. What about the use of alcohol?

10 Have you seen that?

11 A. There have been people walking around,

12 and I'll have --- I ask them to go back

13 to their room. And then they leave the

14 office, and whether they go to their

15 rooms, I --- I don't know.

16 Q. Did you mention these occurrence to Mr.

17 Singh?

18 A. Yes.

19 Q. Do you remember what his response was?

20 A. He also talked to them.

21 Q. Would any of these guests have children

22 with them?

23 A. No.

24 Q. In the three years? None of the guests

25 have brought in children?

JUDY COMP & ASSOCIATES, INC.

- 1 A. Not the ones that I suspected of doing
2 anything, no.
- 3 Q. But just other guests, have children
4 been on the property?
- 5 A. Yeah. There's other children on the
6 property.
- 7 Q. Did you ever speak with Lucky about
8 these drug activities?
- 9 A. No.
- 10 Q. Did she ever say anything to you about
11 them?
- 12 A. All she said to me was she was paying
13 her lawyer. I don't ask questions.
- 14 Q. But before that in 2004, 2005, would
15 she ever talk to you about any drug
16 activity on the property?
- 17 A. No, ma'am.
- 18 Q. Do you live on the property also?
- 19 A. (inaudible)
- 20 MS. GAMMONS: I have no further
21 questions, Ms. Landrith.
- 22 MR. LANDRITH: Mr. Holmes.
- 23 MR. HOLMES: Yes, sir.
- 24 MR. LANDRITH: Any other
25 witnesses?

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1 MR. HOLMES: Yes, sir. I've got
2 some, but they'll be short. Jason
3 Cannon. Mr. Cannon, if you would
4 just come and sit up here.

5 JASON CANNON,
6 was examined and testified as follows:

7 DIRECT EXAMINATION

8 BY MR. HOLMES:

9 Q. Mr. Cannon, is it C-a-n-n-o-n?

10 A. Yes.

11 Q. Okay. Mr. Cannon, where do you live?

12 A. Travel Inn.

13 Q. So you live at Mr. Singh's hotel?

14 A. Right.

15 Q. Okay. How long have you been there?

16 A. Two years.

17 Q. Okay. What kind of work do you do?

18 A. I'm retired.

19 Q. Okay. What kind of work did you do
20 before you retired?

21 A. I was in the automobile business.

22 Q. You were in the automobile business?

23 A. Yes.

24 Q. Do you live by yourself?

25 A. No.

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- 1 Q. All right. Who lives with you?
- 2 A. My wife.
- 3 Q. Okay. And anybody else other than your
- 4 wife?
- 5 A. No.
- 6 Q. How old are you, Mr. Cannon?
- 7 A. Seventy-two.
- 8 Q. All right. Do you know that Mr. Singh
- 9 bought the hotel in May of '06?
- 10 A. I just learned about it, yes.
- 11 Q. Okay. Have you been able to notice ---
- 12 you've been there two years. Have you
- 13 noticed any changes in the hotel?
- 14 A. Yes, I have.
- 15 Q. What kind of changes?
- 16 A. Well, with Mr. Singh --- the changes
- 17 are the people are coming in, and
- 18 they've been renting the rooms like
- 19 they're going and rent a room. You
- 20 should have a certain amount of people,
- 21 and then when they get in the room,
- 22 they've got five or six. And he's, you
- 23 know, clearing all that up. He's
- 24 making a lot of changes, which I'm
- 25 happy about.

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- 1 Q. Are things better now?
- 2 A. I think so, especially since he put up
3 a fence.
- 4 Q. Okay. And so that was a good thing?
- 5 A. I think it was.
- 6 Q. All right. Now you're hearing about
7 security companies and security
8 cameras. Does that make you feel
9 better?
- 10 A. It sure does.
- 11 Q. All right. Do you think that's needed?
- 12 A. I think it would be good, yes, sir, I
13 do.
- 14 Q. Okay. Is Mr. Singh somebody you've
15 come to be able to depend on?
- 16 A. Any time I ask him for anything, or
17 have a problem, or anything, yeah, he's
18 real easy to, you know, communicate
19 with.
- 20 Q. Okay. He's been responsive to your
21 requests?
- 22 A. Yes.
- 23 Q. Okay. So he says he's going to do
24 these things. Do you believe he is?
- 25 A. Yes, I do.

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1 Q. Okay. Are you afraid to live there?

2 A. No.

3 Q. I'm going to ask you this, and don't
4 get mad at me, but do you have a
5 criminal record?

6 A. No.

7 Q. Okay. Have you ever been in trouble
8 with the law at all?

9 A. No.

10 MR. HOLMES: Answer any questions
11 Ms. Gammons might have.

12 CROSS-EXAMINATION

13 BY MS. GAMMONS:

14 Q. Mr. Cannon, you said you had been
15 living there for two years; is that
16 correct?

17 A. Correct.

18 Q. Could you please tell us how you got
19 from 2004 to 2006? When you first went
20 there what was your intent in staying
21 at Travel Inn --- or in Travel Lodge?

22 A. Before it was Travel Inn?

23 Q. Yes, sir.

24 A. Well, I had a tragedy, which I don't
25 want to get into, financial tragedy,

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1 which has nothing to do --- I just had
2 a low point in my life, and I was going
3 to be leaving there earlier this year.
4 My wife is a lot younger than me. She
5 had a stroke, and that's why I'm still
6 there.

7 Q. So when you went in 2004 did you pay
8 for one day, two days, one week? Do
9 you remember?

10 A. It was by the week.

11 Q. By the week?

12 A. Right.

13 Q. So at the end of the week, say, if you
14 moved in on a Monday, then on that
15 Sunday you would go back and say, Mr.
16 Singh, I want to stay another week?

17 A. Right.

18 Q. And then you just keep ---

19 A. Right.

20 Q. --- doing that now?

21 A. Right.

22 Q. Is there any agreement with your making
23 those weekly payments?

24 A. Making of what?

25 Q. Is there any agreement between you and

JUDY COMP & ASSOCIATES, INC.

1 Mr. Singh on making those weekly
2 payments?

3 A. No.

4 Q. No? Did you fill out a form showing
5 that you would be paying weekly?

6 A. Yes.

7 Q. How much do you pay per week?

8 A. It totals out 640. It's all total of
9 640.

10 Q. Does your room have --- is it a suite?
11 Do you have a kitchen?

12 A. It's a large room. It's the --- the
13 newer part in the back, the brick.
14 They are extra --- extra large rooms.

15 Q. So you have --- it's just a regular
16 hotel room where you have ---

17 A. Yeah.

18 Q. --- just the ---

19 A. It has a Frigidaire, microwave.

20 Q. Okay.

21 MS. GAMMONS: I have no further
22 questions.

23 MR. LANDRITH: Any other
24 witnesses?

25 MR. HOLMES: Just one more. You

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1 can go sit down. Balvir
2 (pronouncing ball veer), did I
3 pronounce your name correctly?

4 MR. SINGH: It's Balvir
5 (pronouncing bell veer).

6 MR. HOLMES: Balvir. I'm sorry.

7 MR. SINGH: That's all right.

8 BALVIR SINGH,

9 was examined and testified as follows:

10 DIRECT EXAMINATION

11 BY MR. HOLMES:

12 Q. Do you want to spell your first name?

13 A. B-a-l-v-i-r.

14 Q. Okay. And your English is excellent.

15 Where did you learn to speak English?

16 A. School.

17 Q. All right. And where did you go to
18 school?

19 A. I went to PS 31 for elementary,
20 (inaudible) High School 126 for middle
21 school, and currently at Wade Hampton
22 for high school.

23 Q. So you moved down from New York. So PS
24 is public school?

25 A. Yes.

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1 Q. They've got numbers up there; right?

2 A. Yes.

3 Q. Okay. Now do you help your father
4 sometimes with English and that type of
5 thing? I noticed you were sitting in
6 the room correcting about dates or when
7 your --- I guess it's your niece and
8 nephew was born?

9 A. Uh-huh. Yes.

10 Q. Is that right?

11 A. But not --- not a lot of times since
12 I'm --- I --- I do a lot of community
13 work. I'm --- I'm in school from like
14 7:30 to like 5:00ish, and then I finish
15 doing homework and college like,
16 college preparation stuff, so I really
17 don't get a lot of time to help him.
18 But whenever he needs help with
19 translation or anything, he'll ask me,
20 and I'll do it for him. And most of
21 the times when I'm free I'll work at
22 the front desk.

23 Q. Okay. And you live there, too; is that
24 right?

25 A. Yes.

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- 1 Q. Okay. Has he made changes in the hotel
2 since he's owned it?
- 3 A. Yes. I guess, as Brenda mentioned,
4 he's put up a fence. He's removed all
5 the cars that don't have tags on them.
6 I mean, he's more, I guess, vigilant of
7 criminal activity, stuff like that.
- 8 Q. Is this business important to him and
9 your family?
- 10 A. Very important.
- 11 Q. If this business gets closed down,
12 would it ruin you financially?
- 13 A. Yeah.
- 14 Q. Your dad says he just wants some time
15 to try to get this fixed. Do you think
16 he can do that?
- 17 A. Yes. Definitely.
- 18 Q. Okay. Do you know anything about your
19 sister's criminal charge?
- 20 A. Apart from the fact that she got
21 arrested, no, I don't.
- 22 Q. She lives in a separate room with her
23 husband and her child?
- 24 A. She does.
- 25 Q. All right. And where does she work?

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1 A. She works --- she's got her own
2 restaurant by the name of A Taste of
3 India. That's where she is currently
4 employed, where she manages the
5 restaurant.

6 Q. Okay. Do you have a record at all?
7 Have you ever been in trouble?

8 A. No.

9 Q. How well are you doing in school?

10 A. I'm currently looking forward to going
11 to Stanford and (inaudible) like top
12 ten colleges because I've got the SAT
13 score already worked out. So basically
14 it's just the money that I'm looking
15 forward to going to college, paying
16 tuition and stuff.

17 MR. HOLMES: Answer any questions
18 Ms. Gammons might have.

19 CROSS-EXAMINATION

20 BY MS. GAMMONS:

21 Q. Balvir, do you call your sister "Lucky"
22 also?

23 A. Yes, I do.

24 Q. Has Lucky ever said anything to you
25 about drug activity at Travel Inn?

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- 1 A. No, she has not.
- 2 Q. Have you guys talked about any of the
- 3 criminal activity at Travel Inn, you
- 4 and she?
- 5 A. No, we have not.
- 6 Q. What about you and your daddy?
- 7 A. No. I've never talked to anyone about
- 8 drug activities actually.
- 9 Q. Not just drug activities, just the
- 10 criminal activities.
- 11 A. No. No.
- 12 Q. Do you ever --- and I know you're
- 13 young, but do you ever sit down with
- 14 your daddy to try to talk about ways to
- 15 improve the business?
- 16 A. Yes, I do. I mean, but this especially
- 17 now. That's the only reason I'm here.
- 18 Q. Okay. What about last year or in 2004?
- 19 A. No. I wasn't aware that our business
- 20 was actually doing bad, that all the
- 21 police coming in was actually bad. I
- 22 thought we were cooperating with the
- 23 police, and that it was actually we
- 24 were helping the police catch the bad
- 25 guys, or the villains, or all the

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1 criminals, and I didn't think it was a
2 problem that came over --- over and
3 over to our place. But I'm told two or
4 three days ago I saw the notice, and
5 that's --- and now I'm helping my dad.

6 Q. So like last year when you would see
7 the police come in quite a bit, that
8 didn't alarm you?

9 A. I didn't actually see the police come
10 quite a bit, but when I did see them,
11 it didn't really bother me because
12 they're supposed to be courteous and
13 protective of us. And yeah, I --- I
14 never paid much attention to it because
15 I always knew that they're doing what
16 they're supposed to do, and that we are
17 cooperating. I mean, if --- if I had
18 known that we weren't cooperating, then
19 I would go help them, but I knew that
20 my dad was cooperating with them, and
21 that the police was doing what they
22 were supposed to do, and everything was
23 fine.

24 Q. Did you ever think about the number of
25 people on your daddy's property that

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1 may be involved in criminal activity?

2 Did you ever think about that?

3 A. No.

4 MS. GAMMONS: I have no further
5 questions.

6 MR. LANDRITH: Mr. Holmes, any
7 other witnesses?

8 MR. HOLMES: No other witnesses.
9 Since I don't know the protocol, at
10 some point I hope we can make a
11 closing little statement.

12 MR. LANDRITH: Absolutely.. It's
13 very informal.

14 MR. HOLMES: No problem. Thank
15 you. You can go sit down. If it's
16 appropriate, Mr. Singh, as you can
17 see from the documents I actually
18 helped him do the closing of this
19 business, and I know how important
20 it is to him. When you get a Small
21 Business Administration Loan that's
22 not because you have sufficient
23 income and wherewithal to go to a
24 local bank. It means that the
25 United States Government agrees to

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1 guarantee a portion of the loan to
2 convince the local bank to make a
3 loan to help small people do
4 businesses. He has only owned this
5 a very long time and --- a very
6 short period of time, and about
7 everything he has in the world is
8 invested in it. To close his
9 business down he still has the real
10 estate, but frankly, the value of
11 the real estate is being able to
12 conduct business there. He tells
13 --- he's indicated today that he
14 didn't know that he was getting in
15 trouble by what was going on. I
16 think the City of Greenville has
17 gotten his attention rather
18 remarkably, and the steps he's
19 taken to try to correct things,
20 sure they happened recently, but
21 that's because he just got a notice
22 recently, and he wants an
23 opportunity to work it out. He is
24 asking sincerely that the City
25 reconsider the revocation of his

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1 license, and at least give him a
2 brief period of time to try to
3 resolve these issues.. He is in a
4 pretty interesting dilemma in that
5 his daughter has gotten arrested
6 and charged criminally with some
7 pretty serious crimes. He doesn't
8 want, as best he can, to get tarred
9 with the same brush on one hand and
10 on the other hand, she is his
11 daughter, and he is trying to get
12 her to do whatever she needs to do
13 with the police, or whatever. He
14 frankly wishes that her criminal
15 charges had been handled before
16 now, so he would know what the
17 bottom line of that is. The point
18 is I think he's taken steps to get
19 rid of that issue by not having her
20 work there, asking her to move out,
21 and instituting these other things,
22 and he really would ask for a
23 little bit of a chance. The man
24 has worked as a taxi cab driver,
25 and he's come to South Carolina.

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1 It's amazing he was able to borrow
2 \$1.6 million and open a business,
3 but in four months if he gets shut
4 down, everything he has worked for
5 he has lost. So he's really asking
6 for some consideration. I think he
7 said truthfully if he doesn't do
8 what he says, he understands that
9 the City would lock him down, and
10 he's just asking for a little bit
11 of time, and we would appreciate it
12 if that could be done, that he
13 would be given a little bit of
14 time. Frankly, it's August. The
15 business license would have to be
16 renewed in January. In January,
17 and I think there's a February
18 deadline, or something like that,
19 so frankly, it would be just to
20 withdraw this revocation, and they
21 could not issue him a license if he
22 doesn't --- I mean, we would be in
23 the same pickle, in a sense, but I
24 mean, there's some timing issues
25 that may work out with this. So we

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1 really ask that that consideration
2 be given in this particular case.

3 MR. LANDRITH: Ms. Gammons?

4 MS. GAMMONS: Mr. Simons will
5 give the summary.

6 MR. SIMONS: Again, to summarize
7 the number of offenses from April
8 of '04 to '06 presented by the
9 Police Department. Recommendations
10 to go forward with the revocation.
11 The 46 drug-related violations, 34
12 trespasses, 12 assaults, two
13 assaults with battery, two armed
14 robberies, 9 stolen vehicles, 15
15 petty larcenies, and four
16 disorderly conducts. Based on all
17 that, and given what's in the code
18 of the City of Greenville, we
19 recommend move forward with the
20 revocation effective September
21 16th, 2006.

22 MR. LANDRITH: Okay. Any other
23 final statements from anybody?
24 (inaudible) What will happen now
25 is, first of all, I appreciate

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1 everybody's honesty and candor in
2 the hearing. It's a lot of
3 information that I need to go
4 through and review. I will do that
5 as quickly as possible and schedule
6 an appointment to meet with the
7 City Manager and make my
8 recommendation to him. His final
9 action will be in writing to you in
10 regards to the revocation, and as
11 quick as we can get that out, we
12 certainly will.

13 MR. HOLMES: Do you have any
14 idea?

15 MR. LANDRITH: I really do not.
16 I will get my information to him in
17 the next day or so.

18 MR. HOLMES: All right. To the
19 extent that it's necessary I would
20 ask that the date for revocation be
21 extended. The reason I'm making
22 that request is because September
23 16th is the date under the appeal,
24 and I have confidence that the City
25 will give us a little bit of time

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1 to work on this, but let's say that
2 that doesn't occur. The next step
3 is to go before City Council, and I
4 know they don't meet that often,
5 and I don't even remember when
6 Greenville City Council meets. I
7 can't keep up with when everybody
8 meets.

9 MR. SIMONS: Second and fourth
10 Mondays of the month.

11 MR. HOLMES: Same as Simpsonville
12 does. So the second Tuesday of
13 September assuming ---

14 MR. SIMONS: Actually in September
15 they're meeting on the 5th and then
16 the 25th.

17 MR. HOLMES: Okay. So we're
18 moving around. Then I don't know
19 what their policy is about getting
20 something on their agenda, and I
21 notice from the ordinances that
22 they might consider this on the
23 record. But I'm still assuming
24 they have to do it in the course of
25 a council meeting since they still

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1 have the Freedom of Information Act
2 to comply with and so forth. So
3 because you need some time.
4 Frankly, this was not Mr. Singh's
5 desire to wait this long. I had a
6 conflict, and I couldn't be here
7 earlier, and I appreciate the
8 City's cooperation in making a time
9 when I could be here to help him
10 with this, so I would just ask that
11 that be extended. That would give
12 him a meaningful chance in the
13 event there needs to be an appeal
14 to ask the City Council to
15 reconsider it.

16 MR. LANDRITH: The ordinance is
17 very clear that the appeal does not
18 stay the revocation.

19 MR. HOLMES: I understand that,
20 but it says that we can ask for an
21 extension. That's what I'm asking
22 for. To the extent that's
23 necessary, I'm asking for an
24 extension about that.

25 MR. LANDRITH: I'll make that

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1 part of the record.

2 MR. HOLMES: Thank you very much.

3 MR. LANDRITH: Okay. Anything
4 else? All right. That's it.

5 Thank you.

6 MS. GAMMONS: Thank you.

7 (HEARING CONCLUDED)

JUDY COMP & ASSOCIATES, INC.

1 STATE OF SOUTH CAROLINA)
2) CERTIFICATE
3 COUNTY OF GREENVILLE)

4 I, JUDITH T. COMP-STERNIK, a Notary Public,
5 duly commissioned and qualified in and for
6 the State of South Carolina, do hereby
7 certify that the Business License Revocation
8 Hearing was transcribed under my direction,
9 and that this transcript is a true record of
10 said Hearing. I further certify that I am
11 not of kin or counsel to the parties in this
12 Hearing nor am I in the regular employ of
13 any of said parties.

14 IN WITNESS WHEREOF, I have hereunto set my
15 hand and affixed my official seal this
16 _____ day of _____, 2006.

17 _____
18 Notary Public for South Carolina
19 My Commission Expires: 02/25/13

JUDY COMP & ASSOCIATES, INC.

Interoffice Memo

Date: 8/30/2006
To: James M. Bourey, City Manager
From: Steve Landrith 
RE: Business License Revocation - Travel Inn

On August 2, 2006, Mr. Jonathan Simons, Business License Administrator, notified Mr. Amrik Singh, that the business license for Travel Inn located at 755 Wade Hampton Boulevard would be revoked September 16, 2006. The revocation was pursuant to Section 8-43 and 8-44 of the City of Greenville Code of Ordinances. The specific grounds included numerous criminal offenses and activities that occurred at or near the business. Mr. Simons also described the continued operation of the business as a nuisance detrimental to the health, safety and welfare of the public due to the nature and frequency of the offenses.

Mr. Singh was informed of his right to a hearing to contest the grounds of the revocation. Mr. Singh obtained the services of Mr. David Holmes of the Holmes Law Firm to represent his interests regarding this revocation. The original hearing date of August 10, 2006 was rescheduled to August 29, 2006 at the request of Mr. Holmes. All parties were notified of the hearing date and time.

All documents and an audio tape of the hearing are available should you need to review them. The hearing was attended by Mr. Singh and his attorney, David Holmes, members of Mr. Singh's family; Ms. Brenda Parker, front desk clerk of the hotel; Mr. Jason Parker, a resident of the hotel; Ms. Debra Gammons, City Attorney; Jon Simons, Business License Administrator; Jodie Dudash, Business License Supervisor; Lieutenant Randy Evett, City Police; Captain David Henderson, City Police; Ms. Dawn Condrey, an adjacent business owner; and myself. A copy of the sign-in sheet is attached.

I began the hearing with introductions and explained the format of the hearing. Ms. Gammons introduced Mr. Simons who described the actions taken by the police and the notifications to Mr. Singh. The hearing continued with Lieutenant Evett's description of the arrests made at the business location and the numerous complaints and police reports related to the business. Documentation indicated approximately 918 calls for service from April 1, 2004 to June 16, 2006 which included 46 drug related violations, 12 assaults, 2 assault and battery with intent to kill, 2 armed robberies, 9 stolen vehicles, and 15 petty

8/30/2006

Interoffice Memo: Business License Revocation - Travel Inn

larcenies. Lieutenant Evett also provided testimony that undercover drug buys have been made from Mr. Singh's daughter, Ms. Kaur. Ms. Kaur had been identified as the hotel manager by the police and was subsequently arrested. Mr. Evett's testimony was supported by extensive documentation of the complaints and arrests. Ms. Jodie Dudash provided testimony regarding the business license applications for the years 2004, 2005 and 2006 and provided copies which contained the signature of Mr. Singh. Ms. Dawn Condrey, owner of Top Hats Hair Salon at 738 Wade Hampton Boulevard, testified to the problems associated with the tenants of the hotel that directly effect her business including break-ins and hotel tenants coming to her business who were intoxicated and asking for money.

Mr. Singh stated he did not own the property until 2006. Mr. Singh also provided testimony that closing his business would cause a financial hardship. Further testimony by Mr. Singh indicated he had "kicked" out tenants that he knew were dealing with drugs or other illegal activity. Mr. Singh has inquired about hiring a security company but has not obtained those services as of the hearing date. Mr. Singh also stated he was considering installing cameras and hiring off duty police as security. Mr. Singh requests a six months extension of time to allow him to address the problems and clean up his business.

Further testimony provided by Balvir Singh, son; Ms. Brenda Parker, front desk clerk; and Mr. Jason Cannon, resident of hotel, identified efforts made by Mr. Singh to "kick out" people he knew were participating in illegal activity.

Having heard the testimony and reviewed the supporting documentation, I find the information supports the grounds for revocation. That information was not refuted at the hearing. Based on these findings, I recommend that you ratify Mr. Simon's revocation of Mr. Singh's business license. I have prepared a letter for that purpose which is attached with documentation supporting the findings. The letter contains notification of Mr. Singh's right to appeal this decision to City Council.

Cc: Debra Gammons, Assistant City Attorney
Jon Simons, Business License Administrator
Lieutenant Randal Evett, Greenville City Police
File

Attachments



city of
greenville

City Manager's Office

September 6, 2006

Mr. Amrik Singh
Travel Inn
755 Wade Hampton Boulevard
Greenville, South Carolina 29605

Re: Business License Revocation – Travel Inn

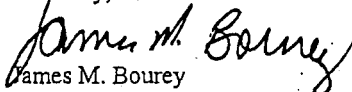
Dear Mr. Singh:

A business license hearing was held on August 29, 2006 in accordance with Section 8-44 of the City of Greenville Code of Ordinances. You were notified of the hearing and you were present. Information was presented by City officials as well as yourself regarding the revocation of your business license. A hearing officer was appointed to review the documentation, hear the testimony, and make a recommendation to me.

The Hearing Officer pursuant to Section 8-44 of the City of Greenville Code of Ordinances has recommended that the revocation of the business license for Travel Inn located at 755 Wade Hampton Boulevard be sustained. His recommendation is based on: (1) numerous arrests made in or near your premises for drug violations, verbal disputes, assaults and other criminal violations; and (2) continuing complaints of illegal activity at your premises. This pattern is indicative of an ongoing problem. These conditions constitute a nuisance detrimental to the health, safety, and welfare of the public because of the nature and frequency of the offenses. In addition, the continuing nature of the offenses indicates an unwillingness, or inability on your part to maintain a safe, crime-free, and drug-free business environment.

I have reviewed the Hearing Officer's report and I am accepting his recommendation that your business license be revoked effective September 16, 2006. If you wish to do so, you may appeal this decision by filing a written notice with the City Clerk, Post Office Box 2207, Greenville, South Carolina 29602 no later than five business days from the date of this letter. The City Council may, in its discretion, hear oral arguments on the appeal.

Sincerely,


James M. Bourey
City Manager

CC: Debra Gammons, Assistant City Attorney
Jon Simons, Business License Administrator
Steve Landrith, Hearing Officer
Lieutenant Randle Evett
David Holmes, Attorney at Law

P.O. Box 2207 • 206 South Main Street • Greenville, SC 29602 • P 864-467-5700 • F 864-467-5725
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MINUTES

FORMAL MEETING OF CITY COUNCIL

COUNCIL CHAMBERS - CITY HALL
NOVEMBER 13, 2006
5:30 P.M.

1. Call to Order
Mayor Pro Tem Flemming called the meeting to order.
2. Invocation
Councilman David Sudduth
3. Pledge of Allegiance
All
4. Roll Call
The following members of Council were in attendance:
Mayor Pro Tem Flemming,
Diane Smock, Michelle Shain,
Chandra Dillard, Deb Sofield
and David Sudduth. Mayor
White was out of town.
5. Approval of the Minutes – October 23, 2006, October 30, 2006 and November 6, 2006 –
Approved as submitted.
6. Communications/Announcements from the Mayor and Council
7. Citizens Wishing to Address Council

Audrey Stenger, 16 West McBee Avenue, owner of Cazbah, spoke on behalf of restaurant, bar and retail owners and residents to express concern regarding the status of a proposed ordinance regulating the distance between bars and restaurants. Ms. Stenger gave a brief overview of meetings that took place regarding this issue and stated that in July 2006, City staff distributed proposed conditional use recommendations, which concerned the public. Ms. Stenger added that at a work session on August 7, 2006 the referenced recommendations were presented to Council, at which time Mayor White expressed concern regarding the possibility of the Board of Zoning Appeals' decision making process being transferred to City staff. Ms. Stenger requested clarification of the downtown action plan time line of October 23, 2006, which stated that the proposed recommendations would go to the Planning Commission on November 28, 2006 and to Council thereafter. Ms. Stenger also stated that meetings were being held by the group in attendance tonight and that they opposed the proposed recommendations and requested Council to stop the process to allow the group time to develop a proposal for a balanced downtown.

Nancy Whitworth, Economic Development Director, stated that there was not a proposal going to the Planning Commission regarding bars, but there were discussions relating to restaurants which were unrelated to the recommendations. Bryan Wood, Planning Department, confirmed this information.

Mayor Pro Tem Flemming suggested a work session and that the group be contacted.

City Manager James Bourey stated that he was unaware that a group was meeting and agreed that a discussion needed to take place and that contact information would be obtained. Ms. Whitworth stated that Mary Douglas Neal, Economic Development Department, would set up a meeting with the group.

Councilman Sofield expressed concern that restaurant owners and others were not informed and questioned whether the group was aware of how to contact staff. Ms. Stenger stated that the group's intention was to address the issue in order to ensure that the process was not moving forward until the group had the opportunity to participate. Councilman Flemming ascertained that Ms. Stenger was agreeable to be contacted on behalf of the group.

Carl Sobocinski, 207 S. Main Street, spoke in support of the valet parking ordinance on tonight's agenda. Mr. Sobocinski stated that his business had been providing valet parking for the past two years and stressed that this service was offered for the benefit of everyone's customers. Mr. Sobocinski pointed out that hospitality was part of his business and the business of others as well as the City. Mr. Sobocinski requested consideration of the following: 1) City offer valet parking as a public-private partnership, and 2) Do not charge for the spaces used for valet parking in order to avoid territorialism between businesses.

Omar Nagi, 1 College Street, spoke on behalf of downtown businesses, bars and restaurants and expressed concern regarding the recently passed smoking ordinance and the lack of clarification on some issues and how it would impact their businesses. Mr. Nagi questioned who would regulate this ordinance and stated that he would not police it. Mr. Nagi stated that a meeting needed to occur and clarifications made.

Jeff Zaglin, 660 South Main Street, owner of the Greenville Army Navy Store, stated that his business was located in the Westend for over 50 years and pointed out that a parking problem always existed there. Mr. Zaglin stated that he experienced problems with enforcement and regulations of valet parking and that his customers were shooed out of valet parking and treated rudely by attendants. Mr. Zaglin stated that his customers deserved to be treated with respect and that businesses should be treated fairly, not just new businesses, and that his customers pay taxes also.

8. Presentation: Greenville Hospital System

Mr. Michael Riordan, President and CEO of Greenville Hospital System, reported on four overall organizational goals that included: Measure Quality, Institute Financial Goals, Measure Patient Satisfaction and Measure Staff Satisfaction. Mr. Riordan listed five personal goals that included: Review Strategic Plan, Integrate Physicians into Leadership, Decision Making and Planning, Implement Satisfaction Measures, Develop a Community Plan for the Organization and Increase Diversity.

Mayor Pro Tem Flemming thanked Mr. Riordan for the presentation. Councilman Smock welcomed Mr. Riordan and expressed appreciation for the Hospital's continued partnership. Councilman Sudduth welcomed Mr. Riordan to Greenville on behalf of Bon Secours St. Francis Health System, Greenville.

9. Travel Inn Business License Revocation Appeal

Mayor Pro Tem Flemming read opening remarks that included History, Appeal, Format, and City Council Action and outlined the following sequence of events in the appeal process: Appellant's Arguments, City's Arguments, Recognition of Public's support for either side, Appellant's Rebuttal, City's Rebuttal, Council's Questions, Council's Deliberations, Motion and Discussion, and Vote. A copy of the opening remarks was obtained for the record.

Appellant's Arguments

Ryan L. Beasley, Attorney for Travel Inn, made the following arguments on behalf of his client Mr. Amrik Singh: Mr. Beasley stated that implicit in the findings, "a continuing nature of offenses that indicated an unwillingness of Mr. Singh to maintain a safe, crime free, drug free business environment," was that Mr. Singh had the authority and the responsibility for all incidents prior to his ownership of the property. Mr. Beasley pointed out that Mr. Singh purchased the property in May 2006. Mr. Beasley stated that Mr. Singh made numerous improvements to the property that included the installation of cameras at the cost of \$6,500, installation of a fence at the cost of \$6,000, contracted with a security company at the cost of \$600 a week that would include guards to monitor the cameras and instituted new rules that included a \$50 deposit.

Mr. Beasley argued that the revocation placed great weight on the fact that Mr. Singh's daughter was criminally charged for selling drugs, but that she had not been convicted and that there was no evidence that Mr. Singh had any knowledge of his daughter's activities. Mr. Beasley pointed out that Mr. Singh's daughter owned the restaurant next door and that she moved it to Clemson in that she was kicked out of the hotel.

Mr. Beasley stated that Mr. Singh purchased the property for \$1.6 million dollars with a monthly payment of over \$12,000 a month and a property tax of almost \$40,000; costs that Mr. Singh did not incur when managing the property beginning in April 2004.

Mr. Beasley questioned why Mr. Singh required two business licenses; one to Balaji Enterprises as the owner; and one to Mr. Singh as manager of the Travel Inn, if Mr. Singh was the owner as asserted. Mr. Beasley reiterated that Mr. Singh had no authority until May 2006 and stated that there was not any evidence of a notice from the City or the Police Department that there were problems until August 2, 2006 which was in the form of a business license revocation notice.

Mr. Beasley pointed out that Greenville City Police Lieutenant Evett testified that he did not meet Mr. Singh until August 2, 2006, and testified that he had no reason to believe that Mr. Singh had knowledge of his daughter's activities, and that Mr. Singh stated that he did not have knowledge of his daughter's activities. Mr. Beasley stated that in addition, Mr. Singh had fully cooperated with the police and that Balaji Enterprises, as the owner,

should have been notified. Mr. Beasley also stated that testimony was given that Mr. Singh's daughter was notified in April 2004, but that she was in India at that time until June 28, 2004. In conclusion, Mr. Beasley stated that the evidence showed that Mr. Singh had no knowledge and was cooperative in the process. Mr. Beasley related some of Mr. Singh's personal and family history and their current living conditions stating that this business meant everything to Mr. Singh and his family.

Mr. Beasley stated that the case against Mr. Singh was based on conduct that he had no control over and individuals that he had no authority over. Mr. Beasley begged Council to give Mr. Singh time to make the situation right and to rescind the revocation.

City of Greenville's Arguments

Debra Gammons, Assistant City Attorney, stated that City Ordinance provided for revocation of Travel Inn's business license by providing that if any licensee had actual or constructive knowledge of activities then that person was responsible for the activities that occurred on that property. Ms. Gammons stated that violence, prostitution, drug arrest and disorderly conduct were examples of activities that would allow for the revocation of a business license as well as an unusual number of police calls. Ms. Gammons stated that from April 1, 2004 to June 16, 2006 there were 918 calls for service to this location, from which 194 incident reports were written, from which 80 to 90 arrests were made. Ms. Gammons stated that these constituted 46 drug related offenses, 12 assaults, 2 assaults and battery with intent to kill, petty larceny, disorderly conduct, armed robberies and prostitution. Ms. Gammons stated that prostitutes stayed at the hotel and would go out to Wade Hampton and conduct their business inside the hotel.

Ms. Gammons stated that Mr. Singh was the licensee of Travel Inn and was listed on the business license as the President of the business in 2004, 2005 and 2006 and that he listed himself as the licensee and preparer of the application. Ms. Gammons stated that preparing two business licenses was the procedure that the City followed when there was a building as well as a business in that building. Ms. Gammons explained that the business and the owner of the building where the business was located both require a license, so that Balaji Enterprises and Travel Inn both required a license.

Ms. Gammons stated that the activities that Lieutenant Evett and other officers observed were detrimental to the health, safety and welfare of the citizens of Greenville. Ms. Gammons stated that Lieutenant Evett testified that he called Mr. Singh in April 2004 and told him about the illegal activities and made an appointment with him and when he arrived on the property, Mr. Singh was not there, but his daughter stated that Mr. Singh had a doctor's appointment. Ms. Gammons stated that Lieutenant Evett spoke directly with Mr. Singh's daughter, who stated that she was the manager of the property. Ms. Gammons stated that whenever Lieutenant Evett or any other officer went to the property, Mr. Singh's daughter, Manninder Kaur, was acting as the manager.

Ms. Gammons reported that Mr. Singh's daughter was charged on two separate occasions in March 2006 with controlled substance buys of crack cocaine and that in May 2006 she confessed to filing a false police report stating that there was an armed robbery so that she could get money to get her boyfriend out of jail. Ms. Gammons concluded that Ms. Kaur was involved in this business because she was acting manager and was in

fact the daughter of manager and owner, Mr. Singh and that Mr. Singh had responsibility for his employees, including his daughter.

Ms. Gammons stated that this property abutted a residential district and that Dawn Condrey, owner of Top Hats Hair Salon, testified that patrons of Travel Inn had disturbed her business, and upon inquiry of how she knew where the people came from, Ms. Condrey stated that she had seen them return to the hotel. Ms. Gammons further stated that it was significant when a hotel owner needed to put up a fence to protect the outside from its patrons. Ms. Gammons stated that all procedures were followed and requested Council to uphold the City Manager's decision to revoke this business license.

Recognition of public support for the Appellant
Approximately 25 citizens stood in support.

Recognition of public support for the City
There were no citizens who stood in support.

Appellant's Rebuttal

Mr. Beasley stated that Mr. Singh put up the fence for protection and to try to alleviate any problems other business owners might have in the area and stated that Mr. Singh could not help someone who lived in a bad neighborhood behind his house and building a fence was the only thing Mr. Singh could do. Mr. Beasley stated that jail was needed to keep the bad people out and reiterated that Mr. Singh spent \$6,500 on cameras, kicked his daughter out, did not know what was going on, and that Ms. Kaur's restaurant which was next door, moved to Clemson. Mr. Beasley requested an exception to allow the family to speak.

Mayor Pro Tem Flemming stated that this was not a new revocation hearing to hear additional evidence and therefore ruled there would be no additional comments from either side.

Mr. Beasley stated that there were probably only 10 police calls since Mr. Singh took ownership and had authority. Mr. Beasley pointed out that calls made to the police were out of Mr. Singh's control.

City of Greenville's Rebuttal

Ms. Gammons stated that from May 2005 to June 16, 2006 there were 140 incident reports written. Ms. Gammons stated that Mr. Beasley's argument that Mr. Singh did not have authority was without merit as Mr. Singh knew what was going on, saw the police coming to his property and had constructive knowledge if not actual knowledge. Ms. Gammons continued that as the manager and applicant for the business license, Mr. Singh had authority and the responsibility for a safe business relative to all the citizens of Greenville. Ms. Gammons stated that to allow this hive of illegal activity to continue would spread out to the whole City of Greenville. Ms. Gammons requested that Council uphold the City Manager's decision to revoke the business license.

Council's Questions

- ▶ Councilman Smock: What measures would Mr. Singh need to take to end the illegal activities on the property?

Response: Mr. Beasley stated that it was difficult to control someone else's conduct, but Mr. Singh already took the following measures: spent \$6,500 on cameras, contracted with a security company to have guards and tv monitors in the main office, \$6,000 on the fence around the property to control traffic flow, and instituted a detailed set of rules that included a \$50 deposit. Mr. Beasley pointed out that Mr. Singh made calls to the police himself to keep people off his property or from coming back. Mr. Beasley stated that Mr. Singh would add more lights to the parking area and that Mr. Singh would do whatever Council deemed necessary.

- ▶ Councilman Smock: Why were those steps not taken when Mr. Singh was the Manager?

Response: Mr. Beasley stated that Mr. Singh was not authorized to spend any money to make those changes and Mr. Singh was not personally notified and instructed by the police to take those measures.

- ▶ Councilman Smock: How many and of what type were the incidents that occurred since Mr. Singh was the owner of the property?

Response: Ms. Gammons stated that she would need to look up the figure, but that incidents reported from April 2006 included larceny, suspicious person, domestic assault, verbal dispute, burglary, intoxicated persons, loud music, narcotics, drugs and prostitution.

- ▶ Councilman Sofield: How many of the calls were made by Mr. Singh to the Police Department?

Response: Ms. Gammons stated that from April 2004 to August 2006, 42 of the 918 calls were made by Mr. Singh or his daughter.

Response: Mr. Beasley stated that some calls were frivolous and that no report or follow up was made.

- ▶ Councilman Sofield: Would a report be made on a frivolous call?

Response: Mr. Beasley stated that his understanding was that a call with no formal complaint would generate a report only.

Response: Ms. Gammons stated that if a police officer came out to the scene and there was a disturbance, the officer would make an incidence report; but for example, if the police officer found two drunk people and they were willing to go back to their rooms, no incident report would be written in that instance, but it would still be counted as a call for service.

- ▶ Councilman Smock: Ascertained that there was approximately 194 incident reports made from the 918 calls. Ms. Gammons assented.

Response: Ms. Gammons requested permission to address the question of ownership Councilman Smock asked of Mr. Beasley. Ms. Gammons stated that Travel Inn used to be called Travel Lodge and that the 2004 business license application included SBPS, Inc. as owner. Ms. Gammons stated that she asked Mr. Singh at the Business License Revocation Hearing how long he had been in the United States, and he responded 22 years, and that he stated that he was the President of SBPS, as noted in the transcript on page 52 - 54. Ms. Gammons stated that as President, Mr. Singh had authority to make changes.

- ▶ Councilman Sudduth: Acknowledged the changes that Mr. Singh made and asked Mr. Beasley what additional measures Mr. Singh took to change the clientele, such as raising his rates.

Response: Mr. Beasley stated that Mr. Singh asked for identification and driver's license, but had no knowledge if raising the rates was possible or considered. Mr. Beasley pointed out the strict rules Mr. Singh had added and offered to distribute a list of them.

- ▶ Councilman Sofield: Neighbors behind the business called her repeatedly as the Councilmember representing that District, realizing that there might be changes and stated that although Mr. Beasley stated that the neighborhood was not so great behind there, she begged to differ that the neighborhood was a great starter neighborhood and there were quite a few young families there and that they were concerned about what was going on at that fence, before and since the fence went up, and pointed out that activities were still occurring there. Councilman Sofield stated that the neighborhood would be looking to see what Council was doing to protect them and pointed out that continual prostitution was occurring there and was based there. Councilman Sofield stated that she struggled with understanding how to allow Mr. Singh's to continue his business while Mr. Singh was not doing much to change the clientele, and in spite of the measures taken, nothing had changed.

Response: Mr. Beasley stated that Mr. Singh has cooperated with the Police on prostitution stings to prevent prostitution from occurring.

- ▶ Councilman Sofield: Mr. Singh still rents to that clientele?

Response: Mr. Beasley stated that he would not know what a prostitute looked like and would be amazed if Mr. Singh knew.

- ▶ Councilman Sofield: It would be obvious if there was quite a bit of activity in one room.

Response: Mr. Beasley stated that all he was aware of was that Mr. Singh had cooperated with the Police on these prostitution stings and that the Police stated that for the record.

- ▶ Councilman Sofield: Was the prostitution in the area cleaned up?

Response: Lieutenant Evett stated that a prostitution sting was conducted last week and that a female police officer posed as a prostitute, which resulted in two cases in 30 minutes. Lieutenant Evett stated that the problem moved down the street, but that it originated from the hotel.

- ▶ Councilman Shain: Requested more information regarding the security guard.

Response: Mr. Beasley stated that Mr. Singh contracted with a security company before the original hearing, but did not use it because he was shut down. In response to further questioning, Mr. Beasley stated that the hearing was August 29, 2006, and that everything happened in a matter of a few months and that Mr. Singh was shut down pretty quick and that he had already contracted with the security guard and spoke to a police officer regarding off duty work.

- ▶ Councilman Dillard: At any point in time did Mr. Singh confer with the City on how to alleviate the issues at the establishment?

Response: Ms. Gammons stated that he did not confer with the Police Department, and that whenever Lieutenant Evett went to the property, he would speak directly with Ms. Kaur, because she was always there.

- ▶ Councilman Sofield: What would Mr. Singh be willing to do today, if he was given a reprieve? Councilman Sofield stated that there could not be any more calls, and that 918 calls was not a good use of the City police officers' time.

Response: Mr. Beasley stated that Mr. Singh might have a few calls in the normal course of business, but that Mr. Singh would do everything he could and pointed out the investment to security. Mr. Beasley pointed out that some circumstances were out of Mr. Singh's control, but that Mr. Singh would do anything he could in his power to keep his business open.

- ▶ Mayor Pro Tem Flemming: In reference to the \$50 deposit, was it a cash only business or cash and credit?

Response: Mr. Beasley stated that it was both cash and credit.

- ▶ Councilman Sudduth: Coming to a hearing and not having a solution to the problem was not a good answer. Councilman Sudduth expressed concern that at this point a solution to change the clientele or to reduce the call volume was not offered.

- ▶ Response: Mr. Beasley stated that the money spent on cameras, security and fencing was not proposed, but had already occurred. Mr. Beasley stated that it was impossible to come up with a plan to monitor someone coming in to rent a room and doing so would invite lawsuits.

- ▶ Councilman Sudduth: How many cameras were in place, and were they always monitored?

Formal Minutes
November 13, 2006
Page 9

Response: Mr. Beasley stated that there were 16 cameras, and they were always monitored in the main office.

- ▶ Councilman Sudduth: What happened when illegal activities were observed?

Response: Mr. Beasley stated that a security guard would go make contact and find out what was going on.

- ▶ Councilman Sudduth: There actually was a security guard in place?

Response: Mr. Beasley stated that there would be a security guard monitoring cameras as well as security guards walking the grounds. Mr. Beasley stated that Mr. Singh had a contract with Atlas Security and had already implemented the placement of cameras all over the hotel and had built the 6' fence all around the property. Mr. Beasley stated that it was \$600 a week for security guards and \$6,000 was spent on the fence, and \$6,500 was spent for the cameras.

- ▶ Councilman Sudduth: How long has the security firm been in place?

Response: Mr. Beasley stated that the service was contracted a few weeks before the hearing in August, and that Mr. Singh received notice in May and there was not a lot time in between.

- ▶ Councilman Shain: Requested Ms. Gammons to give a review of previous difficult business license revocation situations.

Response: Ms. Gammons stated that typically the type of incidences in other business license revocations were similar to those at Travel Inn; prostitution, assault and disorderly conduct. Ms. Gammons stated that Mr. Beasley stated that he did not know how Mr. Singh could regulate his clients, but other hotels were able to do that without 918 calls over two years. Ms. Gammons stated that the highest number of calls previously was 100 per year at Relax Inn and that Travel Inn was far beyond that. Ms. Gammons pointed out that Mr. Singh could have monitored his clientele and that other hotels were able to do that.

Response: Mr. Beasley stated that Mr. Singh purchased the property in May and received notice 60 days thereafter. Mr. Beasley stated that after being noticed, Mr. Singh began the process of hiring the security company, and it was true that the cameras were not installed until after the hearing.

- ▶ Councilman Sofield: Mr. Singh was on the property for two years before that.

Response: Mr. Beasley stated Mr. Singh was on the property as manager and did not have the authority to make those decisions.

- ▶ Councilman Sudduth: Did Mr. Singh keep a log or keep track of the people who were arrested in the past, so that he did not offer them a room again?

Response: Mr. Beasley stated that he was not aware of a log, but that Mr. Singh would definitely consider doing so.

Council's Deliberations

Mayor Pro Tem Flemming stated that Council could choose to: 1) affirm the City Manager's revocation action, 2) reverse the City Manager's revocation action or, 3) modify the City Manager's revocation action.

Councilman Smock moved, seconded by Councilman Sofield, to modify the City Manager's decision for business license revocation by granting an extension of six months for a conditional permit, and that those conditions be worked out with the Police Department and the City Manager.

Councilman Smock stated that she would be willing to give Mr. Singh an opportunity to show that he was making a genuine effort, but that it could not be too long as the Police Department had been strained. Councilman Smock stated that in many ways Mr. Singh embodied the American Dream and that she would like to see Mr. Singh succeed in the business. Councilman Smock stated that the conditions should include items that have been discussed this evening such as keeping a log. Councilman Smock questioned whether Mr. Singh had previous experience in managing and owning a motel and suggested a partnership with another hotel in the City that was successful and could advise Mr. Singh. Councilman Smock concluded that after six months, if the conditions were not met, then Mr. Singh's business license would be automatically revoked.

Councilman Shain recalled another revocation hearing where calls were in response to violent situations and expressed concern regarding the safety of the police. Councilman Shain stated that 100 calls were unacceptable and expressed that there should be a limited number of calls that trigger revocation. Councilman Shain expressed concern that the rest of the City and its neighborhoods and citizens suffer when one business takes up so much of the Police Department's time. Councilman Shain stated that a limit be set to the number of police calls and that the Chief of Police be consulted to make that determination.

Councilman Sudduth agreed that this was a resource issue among other things and expressed concern that in spite of Mr. Singh taking ownership in May of 2006, he had been aware of these problems for a number of years and that this fact needed to be taken into account.

Councilman Dillard stated that two business licenses had been revoked in her District with very similar backgrounds and added that people get busy when they think they will lose something. Councilman Dillard pointed out that protecting a \$1.6 million investment early on rather than later in the process spoke volumes. Based on the testimony, Councilman Dillard stated that she had a difficult time believing that Mr. Singh was unaware of illegal activities on the property, and that she was reluctant about giving him a second chance, but would yield to Councilman Sofield as the neighborhood in jeopardy was in her District.

Councilman Sofield agreed and stated that six months was too long and that it was unclear how to put a limit on calls and police service, and expressed concern regarding the

neighborhood's safety, which was a large and growing community. Councilman Sofield questioned whether there was only one official notice.

In response, Ms. Gammons stated that the Ordinance did not provide any set of notice requirements, but that the City as a courtesy would go to businesses as Lieutenant Evett did and would tell them what was happening on the property and that the behavior had to be cleaned up.

Councilman Sofield questioned whether Lieutenant Evett spoke with Mr. Singh. In response, Ms. Gammons stated that he spoke with him on the telephone and made an appointment with him, but that when Lieutenant Evett went there, Mr. Singh's daughter stated that Mr. Singh had to go to a doctor's appointment. Ms. Gammons confirmed that Lieutenant Evett did not speak directly with Mr. Singh, but that he did speak with Mr. Singh's daughter who stated that she was the manager, and was acting manager and was always on the property. Ms. Gammons added per Lieutenant Evett that when he called Mr. Singh to make the appointment, Lieutenant Evett did speak directly with Mr. Singh about the problem. In response to Councilman Sofield's further inquiry, Lieutenant Evett stated that he identified himself and asked to speak to the owner and Mr. Singh identified himself as the owner, and Lieutenant Evett explained the problems and stated that he needed to come to the place of business and meet with Mr. Singh in person to discuss it. Lieutenant Evett added that he took the file with him and stated that the calls increased rather than decreased after that call was made.

Councilman Sofield questioned what response was made by Mr. Singh's daughter at that point, who was acting as manager. Lieutenant Evett stated that the daughter indicated that they called the police regarding the problem before, to which Lieutenant Evett stated that the number of calls for service needed to stop, and added that calling for service was fine, but that the problem should not continue, and Lieutenant Evett reiterated that the number of calls increased.

Councilman Sofield questioned whether the number of calls increased because Mr. Singh thought he was doing the right thing to address the problem. In response, Mr. Beasley stated that Lieutenant Evett testified that in April 2004 he visited Mr. Singh's daughter, but that Mr. Singh's daughter was out of the country at that time and did not return until June 28, 2004 as evidenced by her passport.

Councilman Sofield questioned how many daughters Mr. Singh had. Mr. Beasley stated that he had two daughters, one of whom was 12 years old. Lieutenant Evett stated that he spoke with his daughter personally in the lobby of the hotel.

Mr. Beasley assured Council that Mr. Singh would have the property clean in 10 days or even in a few days.

At this time, Councilman Smock moved, seconded by Councilman Shain, to amend the above motion to modify the City Manager's decision for business license revocation by granting an extension of four months for a conditional permit, and that those conditions be worked out with the Police Department and the City Manager.

Councilman Sofield stated that if in four months it was totally cleaned up and nothing ever happened, then that was fine, however if in one month there was no progress, then she would not be willing to give Mr. Singh three additional months, as it would not be fair to the neighborhood.

Councilman Sudduth questioned the number of calls made from May 2006 to the present. In response, Ms. Gammons stated that from May 2006 to August 29, 2006 that there were 100 calls for service. Councilman Sudduth pointed out that it that was almost a call a day. Mr. Beasley stated that some calls were 911 disconnect.

After discussion, Mayor Pro Tem Flemming called for the vote on the amendment for four months. The motion failed for lack of majority, with Council members Sudduth, Dillard and Sofield dissenting.

At this time, Mayor Pro Tem Flemming called Council's attention back to the original motion stated as follows:

Councilman Smock moved, seconded by Councilman Sofield, to modify the City Manager's decision for business license revocation by granting an extension of six months for a conditional permit, and that those conditions be worked out with the Police Department and the City Manager.

Councilman Shain addressed Councilman Sofield to ask her what length of time would be acceptable to her, and in response, Councilman Sofield stated that she would consider as an extension, but was unsure if Mr. Singh could do what needed to be done within three months and expressed concern for the neighborhood behind the business.

Councilman Sofield pointed out that Council did not want to put anyone out of business, but that Mr. Singh had been on the property for years and that the property should have been cleaned up when he was the manager. Councilman Sofield also stated that she understood Mr. Singh wanted to take care of his family, and that she favored second chances, and that she felt that an extension for 60 days would be acceptable.

Councilman Sudduth agreed that he was in favor of second chances, but pointed out that between May of 2006 and August 2006 Mr. Singh owned the property, made some changes including a camera and fence, but that there were still 100 calls. Councilman Sudduth added that what continued to trouble him was that even at this point, Mr. Singh did not have a plan. Councilman Sudduth stated that he did not want to take away a business license, but that this was a resource issue and would send a message to reputable businesses.

Councilman Smock stated that what she heard was that as soon as Mr. Singh took ownership and invested the money, it was soon after that the business was shut down, therefore Councilman Smock felt that Mr. Singh should have the opportunity to implement the security guard and camera changes, run the business for awhile and give it a chance to work. Councilman Smock stated that she did not hear that Mr. Singh had been given that chance.

Councilman Sudduth appreciated that point, however, expressed concern that there was nothing in place to weed out the element causing problems such as an attempt to keep track of the people causing the problems so as not to have them return. Councilman Sudduth stated that he suspected there were many repeat offenders and that this issue should have been addressed.

Mayor Pro Tem Flemming expressed concern that Mr. Singh might not have experience in hotel management training and that there was no warning process in place.

Councilman Dillard commented that 900+ calls was a warning, but stated that she was willing to extend the business license for 60 days, after which time Council would look for changes to have been made.

At this time, Councilman Dillard moved, seconded by Councilman Sofield, to amend the original motion to modify the City Manager's decision for business license revocation by granting an extension of 60 days for a conditional permit, and that those conditions be worked out with the Police Department and the City Manager. The motion carried 5-1, with Councilman Sudduth dissenting.

Mayor Pro Tem Flemming stated that the above motion, which passed, superceded the original motion, and that the vote taken by Council tonight was final, and that a date needed to be set for the 60 days.

City Manager James Bourey questioned whether Council would reconsider if conditions were not met and whether the business license would be automatically revoked. Mayor Pro Tem Flemming stated that this was not made clear and that perhaps another motion was needed.

Councilman Smock stated that since conditions were not yet spelled out, for the benefit of the appellant, it would be fair to give the appellant, the Police Department and City Manager a chance to work out the conditions before the 60 days began counting down.

City Attorney Ron McKinney suggested that Mr. Singh open and operate one week from tonight and be in operation for a period of 60 days, and at the end of that 60 days, the City Manager and the Police Department would make a full and complete report on all aspects of business operations to the best of their knowledge, and that in the interim one week period, the City Manager and Police Department would be authorized to deliver to Mr. Singh reasonable and realistic conditions that Mr. Singh would have to meet in terms of noise, litter, prostitution, serious calls and the like, and that he would be evaluated at the end of that 60-day period, and absent a dramatic improvement in conditions, the business license would be revoked as originally brought to Council and without further recourse to Council.

Mr. McKinney added that if there were a dramatic improvement that Mr. Singh be on a six month probation, with a subsequent report to Council. Mr. McKinney stated that the conditions should be in writing, not mutually agreed upon, and developed by the City Manager and the Police Department drawing upon their experience in other locations and situations, but that the staff be directed to make them realistic and achievable and would include the security devices already in place and in their full and usual operation. Finally,

Mr. McKinney suggested that if there were a particularly egregious set of circumstances that occurred before the 60 days, Council be notified and reserve the option to terminate the license prior to the completion of the 60-day time period based on that set of circumstances.

Mayor Pro Tem requested that Ms. Gammons and Police Officers be involved as they have been involved in other revocations and know what works best. Mayor Pro Tem Flemming stated that the terms would be non negotiable.

There was some discussion that perhaps the motion was not clear and did not include all conditions intended. For clarity, the motion was restated.

Councilman Smock moved, seconded by Councilman Sofield, to modify the City Manager's decision for business license revocation by granting an extension of 60 days for a conditional permit, and that those conditions be worked out with the Police Department and the City Manager and would include the conditions outlined by Mr. McKinney as stated above. The motion carried 5-1, with Councilman Sudduth dissenting.

At this time, Councilman Smock left the meeting for another engagement related to City business.

CONSENT AGENDA

There will be no discussion of these items unless a Council member so requests in which event the item in question will be considered separately.

10. UNFINISHED BUSINESS – (Ordinances - Second and Final Reading)

Councilman Shain moved, seconded by Councilman Sofield, to approve agenda item 10a for second and final reading, 11a, 11b and 11c for first reading and 12a, 12b and 12c for first and final reading. The motion carried unanimously.

- a. Ordinance to appropriate \$76,400 from the CBD Tax Increment Fund to the Downtown Streetscapes Project.

11. NEW BUSINESS – (Ordinances – First Reading)

Councilman Shain moved, seconded by Councilman Sofield, to approve agenda item 10a for second and final reading, 11a, 11b and 11c for first reading and 12a, 12b and 12c for first and final reading. The motion carried unanimously.

- a. Ordinance to provide for valet parking operations in public rights of way.
- b. Ordinance to amend Section 50-312, "Definitions," and Section 50-318, "Maintenance," of Article VI, "Signs," of the Zoning Ordinance. (Z-29-2006)

- c. Ordinance to appropriate \$67,180 from the Parking Fund to the River Street Garage Project for a Change Order and final payment to close out the Project.

12. NEW BUSINESS – (Resolutions - First and Final Reading)

Councilman Shain moved, seconded by Councilman Sofield, to approve agenda item 10a for second and final reading, 11a, 11b and 11c for first reading and **12a, 12b and 12c** for first and final reading. The motion carried unanimously.

- a. Resolution to support the National League of Cities' partnership for working toward inclusive communities.
- b. Resolution to adopt the City of Greenville's 2007 Agenda for State and Federal legislative priorities and its accompanying action plan to address local issues.
- c. Resolution to approve a Mediation Agreement with Matthew Tindall and Wild Wing Café allowing Wild Wing Café to expand its restaurant to the adjacent location at 13 West Washington Street.

REGULAR AGENDA

13. UNFINISHED BUSINESS – (Ordinances - Second and Final Reading)

None

14. NEW BUSINESS – (Ordinances – First Reading)

- a. Ordinance to abandon a portion of McLeod Street. **(AB-2-2006)**

Councilman Sofield moved, seconded by Councilman Dillard, to approve first reading. The motion carried unanimously.

- b. Ordinance to abandon David Francis Court and a portion of Oakland Avenue. **(AB-3-2006)**

Councilman Shain moved, seconded by Councilman Dillard, to approve first reading. The motion carried unanimously.

- c. Ordinance to annex approximately 0.94 acre of real property located off of Woodruff Road and to provide the zoning designation of S-1, Service, District. **(AX-9-2006)** (Hollingsworth)

Councilman Dillard moved, seconded by Councilman Shain, to approve first reading. The motion carried unanimously.

- d. Ordinance to annex approximately 20.40 acres of real property located on Old Sulphur Springs Road, including the adjacent right-of-way, and to provide the

zoning designation of S-1, Service, District. **(AX-10-2006)** (Verdae)

Councilman Sofield moved, seconded by Councilman Shain, to approve first reading. The motion carried unanimously.

- e. Ordinance to annex approximately 0.62 acre of real property located on Birdfield Drive and to provide the zoning designation of S-1, Service, District. **(AX-11-2006)**

Councilman Dillard moved, seconded by Councilman Shain, to approve first reading. The motion carried unanimously.

- f. Ordinance to appropriate \$50,000 from the Fund Balance of the General Fund for the purchase of a Life Safety House for the Fire Department.

Councilman Sofield moved, seconded by Councilman Dillard, to approve first reading.

Councilman Shain questioned whether the City collaborated with the Hospital System's Safe Kids Program. In response, Fire Chief Tommy McDowell stated that the City had been working with them for over ten years.

Councilman Sudduth questioned how much of the \$219,000 additional available fund balance had been spent. In response, Mr. Bourey stated that this was the first request of the \$219,000.

After discussion, the motion carried unanimously.

- g. Ordinance to appropriate \$104,000 from the Viola Street Tax Increment Fund to the Viola Street Improvements - Phase II Project.

Councilman Shain moved, seconded by Councilman Dillard, to approve first reading.

Councilman Sudduth questioned the balance of the TIF Fund before this appropriation. Phillip Robey, Office of Management and Budget Director, stated that this request would use up all of the available fund balance of that Fund.

After discussion, the motion carried unanimously.

- h. Ordinance to appropriate \$188,000 from the Hospitality Tax Fund to the General Fund for four additional police officers to cover the Downtown Area and Neighborhood Policing.

Councilman Sofield moved, seconded by Councilman Shain, to approve first reading. The motion carried unanimously.

- i. Resolution to approve a Mediation Agreement for an appeal to the Circuit Court from the Board of Zoning Appeal's decision and to define the scope of business operations for a commercial establishment at 221 North Main Street.

Councilman Dillard moved, seconded by Councilman Shain, to approve first and final reading.

Councilman Shain requested more information regarding the Noise Control Plan submitted this evening. In response, Ms. Gammons stated that the Noise and Litter/Trash Disposal Plans were submitted today by 221 North Main and that the Noise Plan was made in response to issues arising with the upstairs neighbors, which would now be leased by 221 North Main. Ms. Gammons stated that this plan was required by the mediation and would solve the problem.

After discussion, the motion carried unanimously.

15. **NEW BUSINESS -- (Resolutions - First and Final Reading)**

- a. Resolution to support the submission of grant applications from the City of Greenville, Homes of Hope and the Upstate Homeless Coalition for funding under the SC State Housing Finance and Development Authority's Community Redevelopment and Revitalization Program.

Councilman Sofield moved, seconded by Councilman Sudduth, to approve first reading.

Councilman Dillard questioned whether the Neighborhood Association or Ms. Cleveland was aware of this and consented. In response, Imma Nwobodu, Community Development Department, stated that the Neighborhood President was contacted as part of the application process and that a meeting was planned for this week for all the Neighborhood Presidents to review the application in more detail.

After discussion, the motion carried unanimously.

16. **CITY MANAGER'S REPORT**

Mr. Bourey made the following report:

- ▶ **Government Finance Officers Award** - Received by City and OMB staff again this year. Congratulations to OMB staff, Mr. Robey and Jon Simons, formerly with the City's OMB Department.
- ▶ **Bicycle Advisory Committee** - Met last week to further plans for a bicycle friendly community.

Councilman Dillard announced that last Friday at the NAACP Freedom Fund Banquet, Mr. Bourey was given the Coretta Scott King Humanitarian Award for his efforts with Hurricane Katrina relief.

Councilman Shain stated that there were businesses downtown, some retail, that over the years requested ways to be permitted to provide valet parking and expressed concern that all businesses were informed regarding this opportunity. In response, Mr. Bourey stated that the City

Formal Minutes
November 13, 2006
Page 18

would work with anyone and that the proposed ordinance considered tonight provided a structure for the City in which to do that. Mr. Bourey added that there were two restaurant entities providing that service now and that no other formal requests were made, but assured Council that staff would work with those interested parties and all others.

Mayor Pro Tem suggested looking at the possibility of designating spaces for business that were experiencing problems with Valet Parking. Mr. Bourey stated that a concern had been that valet parking spaces were adequately designated and that times for that use be clearly marked and to limit those spaces to those that were necessary.

Councilman Sofield expressed concern that the Downtown Neighborhood Association was not adequately informed as they came to tonight's meeting thinking something was happening that was not. Councilman Sofield pointed out that residents were still concerned regarding the Piazza Bergamo and wanted to participate, and requested that staff assure that neighborhoods, including the downtown neighborhoods, have a voice. Mayor Pro Tem Flemming stated that the primary concern of the downtown group seemed to be the smoking ordinance and pointed out that if there were questions the public could always contact the Clerk's Office or City Hall for clarity. Mr. Bourey stated that the Downtown Report was e-mailed to hundreds of people, which requested residents to call if there were any questions. Mr. Bourey assured Council that the City had done its part in relating information.

17. Adjourn – There being no further business, the meeting adjourned at 7:21 p.m.

Lillian Brock Flemming, Mayor Pro Tem

Cheryle R. Ratliff, City Clerk

MEETING NOTICE POSTED AND MEDIA NOTIFIED: November 10, 2006.



city of greenville

November 15, 2006

Mr. Ryan L. Beasley
Attorney at Law
644 East Washington Street
Greenville, South Carolina 29601

Re: Amrik Singh and SBPS, Inc., d/b/a Travel Inn
755 Wade Hampton Boulevard

Dear Mr. Beasley:

City Council voted November 13, 2006 to modify the City Manager's decision that revoked the Business License of Travel Inn, 755 Wade Hampton Boulevard, Greenville, South Carolina. City Council voted to grant a Conditional Business License to Travel Inn.

The terms of the Conditional Business License are (1) Travel Inn may re-open its business November 20, 2006 and remain open for sixty days thereafter provided that (2) Travel Inn complies with all conditions to be established by the City Manager; (3) at the end of the sixty-day period, the Police Department will submit a written evaluation to the City Manager measuring Travel Inn's compliance with the conditions and compliance with reducing the illegal and nuisance activities on the premises; (4) if after the sixty-day period, the City Manager finds that Travel Inn is in compliance with the conditions and illegal and nuisance activities have significantly decreased, Travel Inn will be placed on a six-month Probation Period; (5) the Police Department shall continue to monitor Travel Inn and report to the City Manager; (6) any deviation from the conditions reported to the City Manager will result in automatic revocation of the Conditional Business License of

Travel Inn on the date the City Manager determines that the Travel Inn is not in compliance.

Sincerely,

Lillian Brock Flemming

Lillian Brock Flemming
Mayor Pro Tem

/dpb

TRAVEL INN
CONDITIONAL BUSINESS LICENSE TERMS
755 Wade Hampton Boulevard

1. Maintain a log of persons placed on Trespass Notice and refuse to rent rooms to any person on this list. Police will be able to inspect this list at any time without prior notice
2. Require presentation of a personal identification card or Driver's License and motor vehicle tag number from all patrons upon registering for lodging
3. Require a \$100.00 Security Deposit for those patrons that reside at this location more than one week continuously
4. Prohibit hourly room rates
5. Maintain security cameras and record all activity for retrieval
 - a. Monitor cameras twenty-four hours per day
 - b. Police will be able to monitor cameras at any time without prior notice
6. Provide written documentation that the security company used by Travel Inn is licensed and bonded by the State of South Carolina
 - a. Security personnel must be on duty 24 hours a day/7 days a week
 - b. Security personnel must monitor all parking lots and the sidewalk in front of Travel Inn to reduce prostitution
7. Names and addresses of security personnel and Travel Inn employees must be submitted to Police. Security personnel must not have criminal convictions
8. Police will be able to inspect all rooms before reopening November 20, 2006
9. The property owner and manager are responsible for maintaining the grounds and complying with the property maintenance code
10. Enforce all conditions in the Travel Inn Policy submitted to the City of Greenville

Amrit Singh 11-17-06

Balvir Singh 11-17-06

H. D. O. I. G. 11-17-06



City of Greenville

MEMORANDUM

VIA E-MAIL

To: James Bourey, City Manager
From: Chief Willie L. Johnson
Date: January 17, 2007
Subj: Travel Lodge (755 Wade Hampton Boulevard) - Update
07-06

Immediately following council's action to allow the Travel Lodge and Motel at 755 Wade Hampton Boulevard to operate on a 60 day probationary period I assigned our vice and narcotics bureau to keep a daily check on the premises. Any violations were to be enforced and a report forwarded to my office.

On November 17, 2006 Debra Gammons and one of our department representatives met with Mr. Singh, the owner, and outlined the conditions he must follow during the probationary period. He agreed with everything.

On November 18, 2006 Detectives spoke with Mr. Singh at the motel location. Detective's video taped the rooms which appeared to be much cleaner than normal. The building and parking lot was being pressure washed during their visit. Mr. Singh was given a contact number to the police department if he had any questions. During the remainder of November the detectives frequently checked the motel finding that a security guard was on duty and that vehicle traffic had been minimal. Patrons had been few.

Daily checks continued in December and no violations were noted. The uniformed security guard was on duty and visible. The patron traffic was slow. The vehicles on the premises matched the number of patrons registered.

On January 12, 2007 detectives conducted an unannounced inspection of the property. The log book showed 20 rooms occupied. The vehicles on the premises were consistent with the number of patrons. The unarmed security guard was uniformed and visible. The security company had changed from "American Security" to "Employers Security Company." A check of the camera system, which consists of at least six cameras covering the premises, was working properly.

January 19, 2007
Page #2

One police incident report (GPD07-5482 copy attached) has been written as a result of a problem at the location on January 3, 2007. In this incident a verbal dispute occurred and a person was placed on trespass notice by the owner. It appears that Mr. Singh was present when the dispute unfolded along with the security guard; however, the report reveals that Mr. Singh attempted to conceal the incident from responding officers.

Based on our inspections, Mr. Singh has lived up to the conditions outlined in the November 17, 2006 meeting listed above. We will continue to keep a vigilant watch on the property to ensure the guidelines set by Council are followed.

WLJ/sf
Attachment

c: John Castile, Deputy City Manager
Ron McKinney, City Attorney
Debra Gammons, Assistant City Attorney
Captain Ed Blackburn



Office of the City Attorney

February 20, 2007

Mr. Ryan L. Beasley
Attorney at Law
644 East Washington Street
Greenville, South Carolina 29601

Re: Business License
Amrik Singh and SBPS, Inc., d/b/a Travel Inn
755 Wade Hampton Boulevard

Dear Ryan:

James M. Bourey, City Manager, has extended the probationary period for Travel Inn to one year beginning January 23, 2007; all the Conditions previously established by City Manager must continue during this period.

The terms of the Business License during this probationary period are:

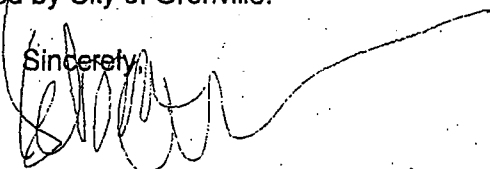
1. Maintain a log of persons placed on Trespass Notice and refuse to rent rooms to any person on this list; Police will be able to inspect this list at any time without prior notice;
2. Require presentation of a personal identification card or Driver's License and motor vehicle tag number from all patrons upon registering for lodging;
3. Require a \$100.00 Security Deposit for those patrons that reside at this location more than one week continuously;
4. Prohibit hourly room rates;
5. Maintain security cameras and record all activity for retrieval; Monitor cameras twenty-four hours per day; Police will be able to monitor cameras at any time without prior notice;
6. Provide written documentation that the security company used by Travel Inn is licensed and bonded by the State of South Carolina;

Security personnel must be on duty 24 hours a day, 7 days a week;
Security personnel must monitor all parking lots and sidewalk in front
of Travel Inn to reduce prostitution;

7. Names and addresses of security personnel and Travel Inn
employees must be submitted to Police; Security personnel must not
have criminal convictions; and

8. The property owner and manager are responsible for
maintaining the grounds and complying with the International
Property Maintenance Code, adopted by City of Greenville.

Sincerely,



Debra J. Gammons
Assistant City Attorney

DJG/dpb

c: James M. Bourey, City Manager
John Castile, Deputy City Manager
Chief Willie Johnson
Lieutenant Randy Evett
Phillip Robey, Office of Management and Budget Director



City Manager's Office

March 30, 2007

Mr. Ryan L. Beasley
Attorney at Law
644 East Washington Street
Greenville, South Carolina 29601

Re: Business License Revocation
Amrik Singh and SBPS, Inc., d/b/a Travel Inn
755 Wade Hampton Boulevard

Dear Mr. Beasley:

This is the Notice that City of Greenville will proceed with the revocation of Travel Inn's Business License effective 30 days from the date of this letter. This time is afforded as a means to bring an orderly cessation of all activity. Travel Inn must close **April 30, 2007**.

The basis for Revocation is the management's inability or unwillingness to maintain a safe, drug-free, and crime-free environment.

The Business License was originally revoked by Notice dated August 2, 2006. Upon Hearing the Appeal, City Council expressed concern in the Hearing about the circumstances at Travel Inn over a long period of time but City Council held the Business License Revocation in abeyance. City Council also authorized me to review conditions on an ongoing basis and make decisions concerning the Business License.

From January 2007 through March 2007, four incidences have occurred that reflect the continuation of the prior nuisance pattern.

The first incident occurred on or about January 3, 2007. Police responded to a disconnect call from Travel Inn. Later, Police found that one of the patrons of Travel Inn called 911 because of a dispute he was having with another subject who was very intoxicated and creating a disturbance at

Travel Inn. The subject was placed on Trespass Notice from Travel Inn. Mr. Singh stated to Police that there was no problem when Police questioned him about the incident.

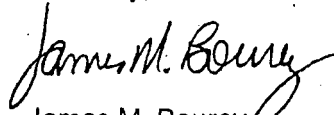
The second incident occurred on or about February 11, 2007 when a homicide investigation revealed that a suspect was staying at Travel Inn. The homicide occurred at Regal Inn, 536 Wade Hampton Boulevard. This suspect was in a room at Travel Inn but had not been registered as required. Lieutenant Randle Evett informed Mr. Singh on February 19, 2007 of this non-compliance and a second non-compliance dealing with registration (only a patron's first name was listed).

The third incident occurred on or about March 7, 2007. Chief Willie Johnson was notified by Greenville County Sheriff's Office that Maninder Kaur, daughter of Mr. Singh, was living at Travel Inn. Ms. Kaur was charged with two counts of Forgery on March 7, 2007. She was arrested at Travel Inn. Mr. Singh stated through you at the Business License Revocation Hearing that Ms. Kaur would not be allowed to resume her residence at Travel Inn because of her criminal activity at Travel Inn.

The fourth incident occurred on or about March 14, 2007. Police arrested three suspects for Possession of Crack Cocaine; the Drug Analysis revealed Cocaine (Crack). These suspects were arrested in the parking lot of Travel Inn as they were returning to the room of Leroy Johnson and Donald Parker Salmon, patrons of Travel Inn.

This resumed pattern of nuisance conditions is unacceptable.

Sincerely,



James M. Bourey
City Manager

JMB/dpb

c: John Castile, Deputy City Manager
Ronald W. McKinney, City Attorney
Chief Terri Wilfong
Lieutenant Randle Evett

Debra J. Gammons, Assistant City Attorney
Phillip Robey, Office of Management and Budget Director
Jodie Dudash, Business License Supervisor
Amrik Singh

Hand-delivery



Office of the City Attorney

April 6, 2007

Mr. Ryan L. Beasley
Attorney at Law
644 East Washington Street
Greenville, South Carolina 29601

Re: Business License Revocation
Amrik Singh and SBPS, Inc., d/b/a Travel Inn
755 Wade Hampton Boulevard

Dear Ryan:

I am in receipt of your April 4, 2007 letter to James M. Bourey, City Manager, concerning Travel Inn.

City Council instructed Mr. Bourey to oversee the Business License Revocation of Travel Inn and to proceed with full revocation, if necessary. The revocation of the Business License for Travel Inn was held in abeyance. Amrik Singh's Due Process rights have not been violated. City Council placed Mr. Singh on notice at the Appeals Hearing November 13, 2006 that continued nuisance activity at or on the premises of Travel Inn would not be tolerated.

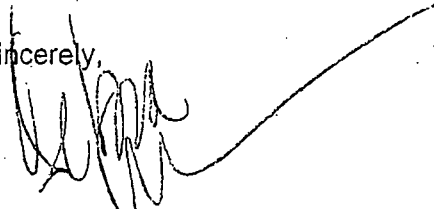
Since City Council has heard the Appeal and made its decision, City Council will not hear this matter again.

If you or Mr. Singh dispute the occurrences cited in Mr. Bourey's letter, I invite you to submit evidence to the contrary.

I look forward to hearing from you.

P.O. Box 2207 • 206 South Main Street • Greenville, SC 29602 • P 864-467-4420 • F 864-467-4424
www.greengrville.com

Sincerely,



Debra J. Gammons
Assistant City Attorney

DJG/dpb

c: James M. Bourey, City Manager
Ronald W. McKinney, City Attorney
Chief Terri Wilfong
John Castile, Deputy City Manager
Lieutenant Randle Evett
Phillip Robey, Office of Management and Budget Director
Jodie Dudash, Business License Supervisor

ANDERSON FAYSSOUX AND CHASTEEN
ATTORNEYS AT LAW, P.A.

STUART G. ANDERSON, JR.
JAMES W. FAYSSOUX
TERRY G. CHASTEEN
JAMES W. FAYSSOUX, JR.
SIDNEY P. MITCHELL, JR.
R. MILLS ARLAIL, JR.

217 E. PARK AVE. (29601)
P. O. Box 1749
GREENVILLE, SOUTH CAROLINA 29602
TELEPHONE: (864) 233-0445
(864) 233-4566
FAX: (864) 233-4567
(864) 233-4781
www.AFClaw.net

June 22, 2007

James Bourey
P.O. Box 2207
206 S. Main Street
Greenville, SC 29602

Re: Amrik Singh and SBPS, Inc., d/b/a Travel Inn v. City of Greenville

Dear Mr. Bourey,

We have received the Order, No. 2007-CP-23-02755, from the Honorable Edward W. Miller remanding a decision on the business license revocation before an administrative hearing. Please be advised that pursuant to Greenville City Code of Ordinances § 8-44(b), the Travel Inn requests a hearing on this matter before an officer designated in accordance with the Code.

Please let me know when this matter is scheduled to be heard by the appropriate hearing officer.

With kindest regards,

Your truly,

JAMES W. FAYSSOUX, JR.
For Anderson, Fayssoux & Chasteen
Attorneys at Law, PA

JWF/thr

Cc: Debra J. Gammons
Ronald W. McKinney
Ryan L. Beasley
Amrik Singh

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Edward W. Miller, Circuit Court Judge

Case No. 2007-CP-23-027550

Amrik Singh and SBPS, Inc.
d/b/a/ Travel Inn,

Respondents,

v.

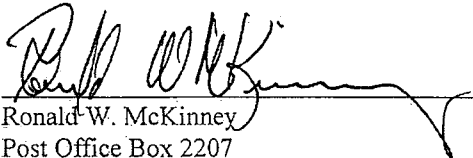
City of Greenville,

Appellant.

CERTIFICATE OF COUNSEL

The undersigned hereby certifies that the Record on Appeal contains all material
proposed to be included by any of the parties and not any other material.

March 3, 2011.


Ronald W. McKinney
Post Office Box 2207
Greenville, SC 29602
(864) 467-4420
Attorney for Appellant