

STATE OF SOUTH CAROLINA, )  
 )  
COUNTY OF CHARLESTON )  
 )  
King Grant-Davis )

THE SOUTH CAROLINA COURT OF APPEALS  
Appellate Case No. 2015-001085

vs. )  
 )  
City of Charleston )  
Special Events Committee )

Plaintiff(s) )  
Appellant )  
**RECEIVED**  
JUL 31 2015  
SC Court of Appeals

AFFIDAVIT OF SERVICE

Respondent Defendant(s) )  
 )  
2014-CP-10-7740; R. Markley Dennis, J)

PERSONALLY APPEARED BEFORE ME, the undersigned deponent, who being duly sworn

says that (s)he served the Petition For Rehearing in this action  
(Describe document(s) served)  
on Respondent's counsel, City of Charleston Legal Department by delivery to  
(Name of party served)

50 Broad Street, Charleston, S. C. 29401 personally;  
(843) 724-3730  
(Name of party served)

Frances I. Cantwell, Esquire the \_\_\_\_\_ of the party served,  
Assistant Corporation Counsel the \_\_\_\_\_ of the party served,  
(Name of person served) (Note relationship to party)

\_\_\_\_\_ the \_\_\_\_\_ of \_\_\_\_\_  
(Name of person served) (Title) (Name of corporate party served)

and leaving with  (him)  (her) a copy at 50 Broad Street  
(Street address)

in Charleston Charleston County, South Carolina,  
(City or Town) Within Seven Days County

on \_\_\_\_\_ at \_\_\_\_\_ o'clock, delivered by  
AS SOON AS POSSIBLE  
Charleston County Sheriff's Office, Civil Process Service

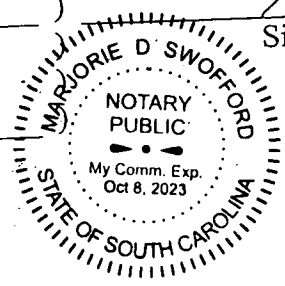
\_\_\_\_\_ Unable to locate and serve the above process on the  
defendant after diligent efforts to do so.

The process is returned unexecuted.

Sworn to and Subscribed before me  
this 28 day of July, 2015 )  
Marjorie D. Swofford )  
Notary Public for South Carolina )

King Grant-Davis  
Signature of Deponent

My Commission expires 10/8/23



Entered in the Sheriff's Book on \_\_\_\_\_

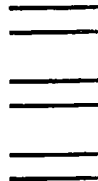
Book \_\_\_\_\_ Page \_\_\_\_\_ Number \_\_\_\_\_

JULIE S. ARMSTRONG  
CLERK OF COURT, C.P. & G.S.  
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6



KING GRANT DAVIS  
95 NASSAU ST  
CHARLESTON SC 29403-4822

EXHIBIT #  
CS Sheets

**NOTICE OF ENTRY OF JUDGMENT/ORDER PURSUANT TO RULE 77 SCRPC**

**Order/Order Dismissing Appeal**

**CASE NO: 2014CP1007740**

**King Grant Davis VS Charleston Special Events Committee City of**

This judgment was entered on the 27th day of April, 2015, and notice mailed first class on Friday, May 01, 2015, to all counsel of record and/or all parties entitled to receive notice.

You may view and download this document at <http://clerkofcourt.charlestoncounty.org> or obtain a copy in person at the Clerk of Court's Office during regular Charleston County business hours.

20 P.M.  
06.2015  
Common Pleas  
Civil Window Two

STATE OF SOUTH CAROLINA )  
COUNTY OF CHARLESTON )  
KING GRANT - DAVIS, )  
 )  
PETITIONER - )  
APPELLANT, )  
 )  
V. )  
 )  
CITY OF CHARLESTON )  
SPECIAL EVENTS COMMITTEE, )  
 )  
RESPONDENT. )  
\_\_\_\_\_ )

IN THE COURT OF COMMON PLEAS  
NINTH JUDICIAL CIRCUIT  
CASE NO. 2014 - CP - 10 - 7740

ORDER DISMISSING APPEAL

FILED  
2015 APR 21 PM 12:07  
JULIE J. ARMSTRONG  
CLERK OF COURT

This matter is before the Court on Petitioner's petition for a Writ of Certiorari from a decision of the City of Charleston's Special Events Committee, which denied his application to conduct a 10K/5K run in downtown Charleston. A hearing was held on April 8, 2015. The Petitioner appeared *pro se*. Frances I. Cantwell, Assistant Corporation Counsel, appeared on behalf of the City of Charleston Special Events Committee.

The facts giving rise to this matter are as follows:  
The City of Charleston, by ordinance, has established a committee known as the Special Events Committee. The role of the Committee is to review applications for the use of public spaces for events, including streets and parks of the City. The Committee is comprised of seven city employees from certain City departments that have direct involvement with public parks, streets and facilities, all appointed by the mayor. The Committee reviews applications of those seeking to sponsor and conduct events on public properties to assure the events are manageable and in furtherance of the public health and safety.

In September 2014, the Petitioner filed an application with the Committee to conduct a 10K/5K race in the downtown area of the City on September 8, 2015, the Labor Day holiday. The races were to start and end at Marion Square, the prominent park at Meeting and Calhoun Streets in the heart of the retail district of the City. The race routes required the use of a number of streets, to include portions of Meeting and King Streets, primary north-south thoroughfares on the Peninsula. Up to five hundred people were expected to participate. The estimated time for the event was from 8 am - 12 noon.

RMOT/l

Petitioner was advised by the chairman of the Committee that it was not likely that his application would be approved, as the Committee had not been approving new large scale events such as those he proposed in the downtown area because of the burden posed on City resources and the City having reached a maximum "event" status.

Petitioner's application came before the Committee on October 22, 2014. A number of concerns were expressed to the Petitioner by Committee members regarding his proposed event, to include: the event covering a large area of streets; the traffic issues that would be posed; the number of police officers that would be needed to staff the event; the large route would impact neighborhoods and merchants; the impact of an event of this size on Marion Square; the race course requiring a rerouting of horse carriage and tour bus routes; and the concern of road closures on a holiday. The Committee determined to further discuss the application at its November meeting.

On November 12, 2014, the application was again considered by the Committee. Additional information submitted by the Petitioner was given to the Committee. The Committee unanimously voted to deny the application. By letter dated November 24, 2014, the Petitioner was advised of the Committee's decision and its reasoning. Petitioner was invited to submit a different proposal that was smaller and in a different location so as to lessen the impact on City personnel and resources, City streets and parks and residents who live in the vicinity.

In December 2014, Petitioner filed a Petition for a Writ of Certiorari/Appellate Review. By document filed on March 31, 2015, Petitioner set forth eleven issues for consideration by this Court.

After having considered the pleadings, the file and the argument of the parties, I find the Committee followed the procedure of the ordinance and that its decision is based on and supported by reasonable, relevant considerations and should be affirmed.

The appropriation of public space for private uses, even for benevolent purposes, is not a matter of right. The authority to impose reasonable rules and regulations on the use of public spaces is a fundamental exercise of the police power. See S.C. Code § 5-7-30 (Supp. 2013); McQuillin, Municipal Corporations, 3<sup>rd</sup> Ed. Revised, § 28.54. The City of Charleston has enacted a procedure whereby events that will require the use of public spaces and City resources are studied and processed to assure the well-being of the public is protected. The Petitioner was accorded all the process due him under this ordinance. He met with the Committee, made his presentation, answered questions raised and was privy to the concerns of the Committee with his proposed races. He was allowed to submit additional information. The Committee reviewed the application and articulated sound reasons for denying it, both at the Committee meetings and in its letter of denial. The decision of the Committee being discretionary, and its reasoning being

R-1107/2

based on relevant considerations that a footrace in downtown Charleston on a major holiday would pose to residents, merchants and the general public, there is no basis for finding or holding that its decision should be anything but affirmed.

As to the specific issues raised by Petitioner in his filing of March 31, 2015:

Issue 1 questions whether the Committee acted in excess of its authority or was unfair, arbitrary or otherwise acted illegally. For reasons already stated, the Court holds it did not.

Issue 2 questions the appropriateness of a supposed moratorium on new events. The record reveals the Petitioner having been advised that new events of the size and expense of his application were not being approved due to the demand on City resources and the City having reached a saturation point with respect to such events. The record also reveals that Petitioner's application was processed in accordance with the ordinance and reviewed as required by the ordinance. Absent a showing of bias or prejudice, who, what, where and how public property is to be used for specific, private purposes is a matter of discretion. There is no evidence before the Court of any bias or prejudice or intentional discrimination being directed to Petitioner by the Committee. The concerns the Committee raised with respect to the application were all relevant to the impact that the races he proposed would have on the public infrastructure, City resources, traffic circulation and the mercantile and residential communities, and in keeping with its charge to evaluate the impact of special events on public property so as to promote the welfare and safety of the public.

Issue 3 questions the composition of the Committee and the validity of its vote. The Committee is composed of seven members. Seven members voted on Petitioner's application. That others attended the meetings of the Committee is of no consequence.

Issues 4, 5 and 6 question whether members of the Committee, appointed from the departments required by the ordinance, should have either recused themselves or appointed a designee to take their place because of their bias against new events or their protectionist attitudes over facilities they oversee, such as Marion Square. The purpose of the Ordinance is to have special events applications reviewed by the very departments of City government who have supervisory responsibility over public spaces. These employees, more than others, have a better understanding of the impacts of events to the physical facility that will host the event and the spinoff effects, such as traffic congestion. The bias of which Petitioner complains is his disagreement with there being any limit on the use of public streets and parks for events. The City has the authority to enact regulations it deems necessary and proper to promote the public good. The Special Events Committee ordinance is such a regulation. When in the opinion of the Committee an event is too much, it is its responsibility to say so.

*RMJ/3*

Issue 7 questions whether a vote of a member of the Committee should have been taken by phone a day after the meeting of the Committee. The Court does not need to address this issue because even if it was error to count this member's vote, the error was harmless, as the remaining six members of the Committee attended the November meeting and voted unanimously not to approve the event. The seventh vote was not the deciding factor.

Issues 8 and 11 question whether the procedure and criteria for reviewing special events should be changed. Such are policy considerations, not legal ones.

Issue 9 questions whether the Chair should have allowed the applicant to file for reconsideration of less impactful race routes. There is nothing before the Court to support that such a request was made and denied.

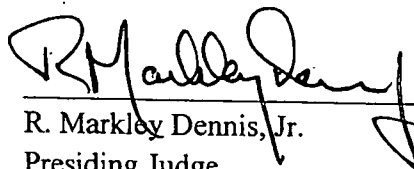
Issue 10 questions whether the Committee exhibits bias in approving some events and not others, particularly for the affluent. The evidence before the Court is that the Committee has let it be known that races in downtown Charleston are problematic. The evidence before the Court reveals that the majority of applications processed with that of the Petitioner that were approved by the Committee did not involve extensive street closures or extensive police presence and were limited to a specific location. The evidence before the Court reveals the Committee advised annual race and walk applicants, such as the March of Dimes, that there was no guarantee of continuing approval in the future. Nothing in the record suggests any inconsistency on the part of the Committee or that more affluent applicants have any advantage over others.

Base on the foregoing, I find and conclude that the decision of the Special Events Committee should be affirmed and this appeal dismissed.

AND IT IS SO ORDERED.

Charleston, South Carolina

April 23, 2015

  
R. Markley Dennis, Jr.  
Presiding Judge

2ND/4

# The South Carolina Court of Appeals

EXHIBIT III  
5 Sheets

King Grant-Davis, Appellant,

v.

City of Charleston Special Events Committee,  
Respondent.

Appellate Case No. 2015-001085

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## ORDER

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Appellant's motion to proceed *in forma pauperis* is denied pursuant to *Ex parte Martin*, 321 S.C. 533, 471 S.E.2d 134 (1995). The filing fee must be paid within fifteen days of the date of this order.

Appellant has also requested that that this court: (1) waive any payment to the court reporter for the transcript; (2) allow Appellant to file "one inclusive brief" without requiring an initial brief; (3) not tax costs against Appellant; and (4) allow Appellant to file a reduced number copies of his final brief. Appellant's request that this court waive payment for the transcript is denied. Appellant's request to file "one inclusive brief" is also denied. We decline to consider Appellant's request regarding costs because it is premature.<sup>1</sup> Finally, Appellant's request to relax the filing requirements for his final brief is granted to the extent that Appellant is permitted to file only one copy of the record on appeal and one copy of his final brief with this court. Appellant, however, is still required to serve Respondent with the copies of all filings, including the record on appeal and final brief.

  
FOR THE COURT

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<sup>1</sup> Rule 222, SCACR, provides that any party desiring costs shall file a motion within fifteen days of the issuance of the remittitur.

FILED

7/16/15

Columbia, South Carolina

cc:

King Grant-Davis

Frances Isaac Cantwell, Esquire

**JULIE J. ARMSTRONG**

CLERK OF COURT, C.P. & G.S.  
100 BROAD STREET, SUITE 106  
CHARLESTON, SC 29401-2258

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KING GRANT DAVIS  
95 NASSAU ST  
CHARLESTON SC 29403-4822

**NOTICE OF ENTRY OF JUDGMENT/ORDER PURSUANT TO RULE 77 SCRPC**

**Order Granting Motion For Order to Proceed In Forma Pauperis**

**CASE NO: 2014CP1007740**

**King Grant Davis VS Charleston Special Events Committee City of**

This judgment was entered on the 16th day of January, 2015, and a copy mailed first class on Thursday, January 29, 2015, to all counsel of record and/or all parties entitled to receive notice.

You may view and download this document at [www3.charlestoncounty.org](http://www3.charlestoncounty.org).



STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF CHARLESTON )  
 )  
 King Grant-Davis )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 City of Charleston )  
 )  
 Defendant. )

IN THE COURT OF COMMON PLEAS  
 FOR THE NINTH JUDICIAL CIRCUIT

CASE NO.: 2014-CP-10-7740

FILED  
 2015 JAN 16 PM 3:11  
 JULIE J. ARMSTRONG  
 CLERK OF COURT

**ORDER REGARDING PLAINTIFF'S  
 MOTION FOR AN ORDER TO  
 PROCEED *IN FORMA PAUPERIS***

THIS MATTER CAME before the Court on the *Pro Se* Plaintiff's Motion for an Order to Proceed *In Forma Pauperis* in order to have the required filing fee waived because of indigence.


The request is GRANTED. Plaintiff may proceed *in forma pauperis* without payment of  the filing fee and/or  the service cost (check one or both).

The request is DENIED because the Plaintiff has not shown proof of indigence.


The request is DENIED because the Plaintiff's complaint is against a political subdivision or agency of the State of South Carolina and alleges a cause of action that occurred in a county other than Berkeley County/Charleston County (circle one). The South Carolina Tort Claims Act, S.C. Code § 15-78-100(b) provides that jurisdiction is in the county in which the act or omission occurred. Therefore, the Clerk of Court is directed to return the pleadings to the Plaintiff, and the Plaintiff may re-file in the proper county.

The request is DENIED pursuant to the reasons outlined in the attached order.

**AND IT IS SO ORDERED.**

  
 \_\_\_\_\_  
 The Honorable R. Markley Dennis, Jr.  
 Chief Administrative Judge, Ninth Judicial Circuit

January 15, 2015  
 Charleston, South Carolina

ATTEST A TRUE COPY  
 JULIE J. ARMSTRONG (SEAL)  
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