

1 STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
) SEVENTH JUDICIAL CIRCUIT
 2 COUNTY OF SPARTANBURG) C.A. NO.: 2017-CP-42-(?)

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COLE TOWING AND RECOVERY, LLC,)
)
 PLAINTIFF,)
)
 VS.)
)
 CITY OF SPARTANBURG AND SPARTANBURG)
 CITY COUNCIL,)
)
 DEFENDANTS.)
 _____)

In re:
 City Council Meeting (Excerpt)
 City Council Chambers
 145 West Broad Street
 Spartanburg, South Carolina
 Date: April 10, 2017
 Time: 5:30 p.m.

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1 (Excerpt of City Council Meeting)

2 MAYOR WHITE: Item V, Public Comment. Tonight
3 we've got quite a few. The way this public comment works,
4 you can only speak, for any group on one subject, you can't
5 speak over twenty minutes. To lead, one person will speak
6 over five minutes. So the amount of people who want to
7 speak tonight, I would certainly want everybody to speak,
8 you'd better hold it down to about a minute because if we
9 run out of time, that's all she wrote.

10 All right. The public, Latreace Jones. Tell us
11 what's your name, where you live and what you want to speak
12 about.

13 MS. JONES: My name is Latreace Jones. I live
14 at the Reserve at Hillcrest and I'm speaking about the
15 towing (inaudible). Okay. I thank y'all for hearing me
16 speak today. Pretty much, my -- where I stay at, at the
17 Reserve at Hillcrest, they have made it that we have to pay
18 Cole's Towing a recovery when they tow our cars.

19 Now, those fees are like \$285 when we get towed,
20 plus. And when we go get our car, he has such a nasty
21 attitude. Like he can refuse to give us our car so our cars
22 are going to be there for forever and he ain't -- I mean,
23 ain't nobody doing anything about it. I was out at Cole's a
24 couple weeks ago to get my car, so -- he really doesn't care
25 pretty much at all. Like you have to call the police to go

1 get your car, he don't give receipts.

2 I don't understand. If you have a vehicle, why
3 don't you have a copy of a receipt? It's against the law
4 not to give nobody a copy of their receipt. He only takes
5 IRS has been contacted. So at this point, I really want his
6 license removed in Spartanburg. I'll let everybody else
7 speak. Thank you.

8 MAYOR WHITE: Thank you. Theresa M. Moore?
9 Ms. Moore, is she here? All right. Angela Dawkins?

10 MS. DAWKINS: When I speak, can I bring my
11 mother?

12 MAYOR WHITE: Pardon?

13 MS. DAWKINS: This is my mother.

14 MAYOR WHITE: Okay.

15 MS. DAWKINS: My mother, she lives at 989 Pine
16 (inaudible) Drive in Spartanburg and she -- I'm speaking for
17 her on the behalf of Cole's Towing to have their license
18 revoked over the previous activities during the time that
19 they picked up (inaudible) and how they treat you as a
20 citizen. And I feel like they should have their license
21 revoked, that they don't need to do business in this town.

22 Because of what my mother has went through, it's
23 unreal. It's inhuman of the way that they treat people.
24 And I'm speaking on behalf of my mother because I've been
25 with her since it happened. She had to go out in the cold

1 as she was alerted by one of her neighbors that her car was
2 being towed.

3 So she went out before six o'clock that morning
4 with nothing but her T-shirt and nightgown on, no shoes,
5 because she was in shock, asking him why was she -- why was
6 he towing her car. And he responded to her that she was
7 double parked. He had moved her car. Because her car, a
8 handicapped parking space, moved it over to the mailbox and
9 said that she was double parked. He was saying she was --
10 saying that he had pictures that he had never shown.

11 I'm the only sibling that's in this location. I
12 have a brother, Marlin Dawkins, that's in Charlotte, North
13 Carolina. He's been helping me with trying to transact
14 business for her. She had to pay a thousand and nine --
15 ninety dollars to get her car just on Friday. And he
16 transacted that that man had took that much cash and
17 didn't -- didn't just produce no receipt, saying that she
18 couldn't get a receipt -- she couldn't get her car unless
19 they sign a paper.

20 MOM DAWKINS: My title.

21 MS. DAWKINS: Her title. And it's unfair and
22 inhuman the way he is doing people. He don't deserve to be
23 doing business in this town or no other town because this
24 has not only caused her suffering, this has caused me
25 suffering. This is unnecessary. People have health

1 problems and they're trying to live in these low income
2 places where they are living and paying the rent and the
3 management is providing such business as he's doing with
4 them in order to hurt people like my mother.

5 We have really suffered. I have health problems
6 that I need to be taking care of. She has health problems
7 that needs -- she needs to be taking care of. And this is
8 not fair. I mean, we have suffered and we have family in
9 other towns and things that's real concerned about us.

10 MOM DAWKINS: I've been --

11 MS. DAWKINS: And this shouldn't happen to
12 nobody.

13 MOM DAWKINS: I've been to where I can't sleep
14 at night.

15 MS. DAWKINS: She can't sleep, she can't eat,
16 she calls me, I call her checking on her. We don't -- we
17 haven't had any rest and he don't deserve to have any rest
18 and he don't deserve to have no business license. That's
19 not the way you conduct business with citizens.

20 My mother has taken care of Caucasian kids. She
21 have been in the homes of the riches and to the middle
22 class. She have taken care of kids like him. So she don't
23 deserve that treatment. That is inhuman. And so I ask that
24 y'all please listen to me and please listen to whoever is
25 talking who comes up. (Inaudible). I didn't know such was

1 going on in this town. I did not know it. I did not know
2 it. Anything else you want to say?

3 MOM DAWKINS: I just -- I just -- I didn't know
4 what was going. I didn't know nothing like this was going
5 on in Spartanburg and I've here all my life. I didn't know
6 (inaudible). But, anyhow, it's very hurting. It seems like
7 a very terrible insult to (audible).

8 MS. DAWKINS: Because you -- because she'd be
9 asking, why is this happening to her. What has she done?
10 She lives there as a resident. She minds her business and
11 in public, a simple thing as they said that she was double
12 parked which is not true.

13 MOM DAWKINS: I've lived there --

14 MS. DAWKINS: She was not double parked.

15 MOM DAWKINS: I've lived there 22 years, going
16 on 23 and I hadn't had no problems there in my life. Listen
17 to me and try to work it out. Not only to help me but to
18 help somebody else that they won't have to go through this.

19 MAYOR WHITE: Thank you for coming, ma'am.
20 Margaret Dawkins? Were you the same --

21 MOM DAWKINS: I am.

22 MAYOR WHITE: Angela Dawkins?

23 MS. DAWKINS: Yes.

24 MAYOR WHITE: That's you? Okay. Ms. Ellis,
25 Sonya Ellis?

1 MS. ELLIS: Good afternoon. Thank you for
2 allowing me to address this.

3 MR. LEWIS: I'm Denny Lewis.

4 MS. ELLIS: And I live at the Reserves at
5 Hillcrest.

6 MR. LEWIS: Hey, I was going to talk about
7 having his license revoked because they have been using
8 selective towing and --

9 MS. ELLIS: I'm hoping my family is -- they will
10 move the vehicles. They're parked correctly but they will
11 move the vehicles and they'll take a picture of it and say
12 that it's not correctly parked and then tow it off.

13 MR. LEWIS: And we've witnessed that, your
14 Honor. And another thing is, one night I was alerted to the
15 assistant manager's husband or (inaudible) husband, in late
16 February was running on a December 16 tag and nobody was
17 towing his car and I've seen them out there with flashlights
18 checking them. And they also issued -- or were at one time
19 issuing temporary parking passes on RX payment.

20 MS. ELLIS: For narcotics.

21 MR. LEWIS: And you can only print on one at a
22 time or go (inaudible).

23 MS. ELLIS: And I asked him where they got them
24 from and they said they got them from Cole's. Where Cole's
25 got them, I have no idea. The only way that you can get

1 these is if you have a DEA license.

2 MR. LEWIS: And then I got arrested.

3 MS. ELLIS: This is specifically to prescribe
4 narcotics. And I made a copy of it and I can -- you can
5 have it as evidence that when you make a copy of it, it's
6 going to say void so you may not make a copy of it.

7 MR. LEWIS: It's been reported. Since, they've
8 stopped using it.

9 MS. ELLIS: You have a courtesy officer that
10 works for the City. She's out there early in the mornings
11 when she's not on duty. As soon as Cole's truck comes
12 driving through, she's out there with flashlights directing
13 him to the vehicles to be removed. Also the assistant
14 manager.

15 MR. LEWIS: Yes.

16 MAYOR WHITE: Where's these apartments at?

17 MS. ELLIS: Reserve at Hillcrest.

18 MR. LEWIS: Reserve at Hillcrest. And --

19 MS. ELLIS: If you complain -- if you don't put
20 up and shut up or complain, you are threatened with eviction
21 or you are arrested.

22 MR. LEWIS: I was arrested.

23 MS. ELLIS: He was arrested by the courtesy
24 officer. If you try to contact the courtesy officer, if you
25 have an incident at the residence saying, you know, there's

1 some kind of problem or whatever you want to report, you
2 never get an answer. But if management calls and says for
3 this officer to come to that office, she will be there. And
4 she will be there when Cole'S is there, too. She's
5 protecting and serving her own interest, not the sake of
6 residents of Reserves at Hillcrest and not nowhere else.

7 MR. LEWIS: And they say they tow vehicles that
8 are inoperable and we got information that the maintenance
9 man's vehicle has been inoperable for several weeks and it
10 still sits in the same place. They're using selective
11 methods. If they see a car they want -- I've never seen a
12 junk car towed out of there.

13 MAYOR WHITE: Thank you, sir, for coming and --

14 MS. ELLIS: Thank you.

15 MAYOR WHITE: -- speaking to this. Patricia
16 Lipscomb. Is she in the audience? Hi, Ms. Lipscomb.

17 MS. LIPSCOMB: Hello. I'm sorry. I'm a little
18 nervous, so -- I live at the Reserve at Hillcrest, Apartment
19 7-F. My boyfriend was not present with me. He had to work.
20 His car was towed in front of my door. He came by March the
21 7th at seven o'clock that morning, seven o'clock. He came
22 in. He did not have the -- darn it. The pass, the guest
23 pass. He had it but it was in his car, it wasn't filled
24 out. And I told him, I said, Charles, you've got to fill it
25 out. Oh, they (inaudible). Fine.

1 Come to find out, I was upstairs putting on my
2 shoes getting ready to take our daughter to school and I'm
3 hearing, hey, hey. Though, not that way but, you know -- I
4 kind of run downstairs and out the door I seen a tow truck
5 has the Camry hooked up. My daughter is standing beside the
6 car, my boyfriend is in the car. He jumped in the car. So
7 they charged him \$285 for the towing. He got it back that
8 same day at twelve o'clock.

9 But he came over to take my daughter to school
10 as he does every day. And the management has seen me get in
11 and out of that car every single day. They have seen me
12 come down to the office to pay my rent, they have seen me
13 get in and out of that car. Even the maintenance guy has
14 seen me get in and out of the car. And I think it's wrong
15 for anyone to have to have their car towed and they need it
16 for -- to get to -- from point A to point B.

17 I think it's unfair. I think they need -- they
18 need to have their license taken away permanently because
19 it's ridiculous. And every time he comes over, I'm looking
20 out the window making sure that Cole's -- Cole's won't come
21 in and try and take me.

22 MAYOR WHITE: Is that all?

23 MS. LIPSCOMB. That's it.

24 MAYOR WHITE: That's it? Thank you, ma'am.

25 MS. LIPSCOMB: All right.

1 MAYOR WHITE: I'm sorry it had to happen to you.
2 April Worthy? Is she here? Ms. Briggs, Norvell Briggs --
3 oh, Mr. Briggs.

4 MR. BRIGGS: Thank you. I just called -- I just
5 want to speak about the character of the towing and about
6 how management had (inaudible) them for the vehicle on the
7 23rd. And my grandmama went down there and got a pass for
8 it, that way she wouldn't miss out at the Reserve
9 apartments. When she went and got the pass for it, they
10 filled it out at the top themselves. Management filled it
11 out at the top that the car would be okay until the 27th,
12 even though it says at the top of that same form only for 72
13 hours.

14 But the 72 hours ran out on a Sunday which would
15 have been the 26th. But management put on there this car
16 would be good until the 27th. On the 26th, the gentleman
17 towed the vehicle from the (inaudible) on the 27th. I said,
18 hey, why did you tow the vehicle? It was good until the
19 27th. He said, uh, uh, uh, uh, well, uh, uh, well, normally
20 it's only good for 72 hours.

21 I said, well, sir, if you'll look at it very
22 closely, management said that -- we had a death in the
23 family. We have people coming in from New York City
24 bringing the body in from New York City so we're going to
25 have a bunch of people in and out. So he said, okay. So

1 then he said, well -- then he held (inaudible). He said,
2 well, it's only good for 72 hours, that's why my driver
3 picked it up and brought it here.

4 I said, well, sir, you are a contractor from the
5 Reserve. That's her handwriting from the Reserve saying
6 this is good till the 27th. I said, look what's on there.
7 The vehicle's information on that same piece of paper is in
8 my handwriting. There's two different handwritings, one
9 that look like a doctors which is mine and the other one
10 look like a woman's handwriting which is the secretary or
11 management, okay?

12 Tell them I gets to -- I'll get to the shop, I'm
13 going to (inaudible) to retrieve the vehicle, okay? So then
14 while I'm up there, he's giving another vehicle that was
15 towed was a Chevy, a blue Chevy Caprice, and as my car was
16 blocking his car and he didn't have a key for mine. So I'm
17 just speaking to him about my vehicle.

18 He takes the truck, his tow truck to get the
19 vehicle out -- my vehicle out the way to give it to the guy
20 because he didn't want to talk to me. Because prior to this
21 he threatened to shoot him, which I have on a video camera
22 because my vehicle was stolen and the dispatch said to make
23 sure it wasn't towed. We've got a lot of tows coming.

24 So I was just asking him nicely about was my
25 vehicle towed. He threatened to shoot me. So when he said

1 that, I went straight to the house and got my phone and I
2 started recording. He was at the bottom of his car hooking
3 up a car so he didn't see that I was recording. So when I
4 walked up I said, sir, did you say you were going to shoot
5 me? Yes, sir. And so then when he said, yes, sir, he
6 looked up like that and he seen the camera on him. He said,
7 oh, no, I ain't said that. You was threatening me.

8 Then you see everything changed. And then he
9 told me, you're threatening me so get away from my truck.
10 You could see him in the video, I'm backing up away from
11 him.

12 So I forwarded that information over to
13 (inaudible). Okay. So then (inaudible) get my vehicle from
14 you because you're even threatening to shoot me. So I
15 called the police right then and there. I said, listen, I
16 have a problem with this guy. He won't give me my vehicle.
17 And so as I'm calling them over there, he just forgot about
18 me so he took the tow truck to hook it up to my van to get
19 it out of the way so he can get the person who's coming to
20 get the Chevy Caprice. And when he did that, he backed it
21 up into my vehicle and crashed it (inaudible).

22 I said, oh, no, look what you're doing. He just
23 act like he was in no -- there was another truck driver and
24 another tow truck. He said, may I take a picture of that?
25 So I went and took pictures of him but I didn't have no more

1 data or no more storage on my phone and to the fact I have
2 recorded like a 40-minute video when he threatened to shoot
3 me then and that same video showed them improperly towing a
4 vehicle. You can hear it. It sounded like a -- when a car
5 slams on brakes, urrrr, you can hear it. He's grabbing it
6 from the back, it's a front-wheel drive and you hear the
7 tires actually dragging on it.

8 So, anyway, so the police told me, he said,
9 look, he said, I see you properly trying to get your
10 vehicle. He said, but, look, just come tomorrow and we're
11 going to serve papers on him and then try to set up another
12 appointment at two o'clock so he'll be open from two to
13 three. Meet me at the (inaudible) Police Department.

14 So I met him at the (inaudible) Police
15 Department. And so I went there and we get up there, but
16 then when I called the tow truck -- because I'm paying him.
17 I got the money out and the police told me to stand up under
18 his video dash camera. So I'm right there with the money
19 out showing I'm paying to get my car.

20 At the same time, I'm calling another tow truck
21 to come get it to take my car to Emmett's Collision so they
22 can report the damage that's on it. I don't even want to
23 drive it because I want to show it. Because I just
24 purchased this car, not even been a week now. I had
25 purchased it on the 23rd and all of this happened on the

1 27th, which I was there on the 28th trying to get my
2 vehicle.

3 So he would not let me get my vehicle. Then he
4 told them, get him off my property. So the police say,
5 well, he's not on your property, he's on the road. He said,
6 look, write this up. Then he started mouthing off to the
7 policeman. But the police said, no, don't worry about it.
8 Just go down to City Hall and file a claim (inaudible). So,
9 you know, basically, I just wanted to speak about
10 (inaudible).

11 MAYOR WHITE: Thank you, sir. Your time is up.

12 MR. BRIGGS: All right. Kendrick Anderson?

13 UNIDENTIFIED FEMALE: You have five minutes
14 left.

15 MAYOR WHITE: And you've only got five minutes
16 left so if you want other people, you'd better hold it by a
17 minute, okay?

18 MR. ANDERSON: I live in Candle Point -- 327
19 Candle Point Apartments. On February 21st, I (inaudible).
20 I went outside, of course, the tow truck man was looking at
21 the front end of my car. Actually, the parking brake was
22 down. He actually drug it. He said it was illegal there.
23 It was a paper trail and I know as me being a dealer, our
24 customers sign privacy notices when we can't give any
25 information about a vehicle (inaudible).

1 He said he called the dealership and said that
2 the dealership said they don't remember selling me the car.
3 So I went to get my car. When I went up -- not to get my
4 car, but get my wallet out of the car, he actually told me
5 if I was to bring the police to get my wallet then I would
6 be trespassing on his property. My car has still been there
7 since February 21st. I'm not going to (inaudible).

8 MAYOR WHITE: Thank you, sir. Roushell
9 Swindler. Swindler? Turley? Khasmir Turley?

10 MR. TURLEY: You pronounce the name Khasmir.

11 MAYOR WHITE: Khasmir.

12 MR. TURLEY: Now, I agree with everybody.
13 Everybody pretty much covered it. The only difference is
14 with me is I have footage of me trying to make an attempt to
15 receive a receipt from them and I have video of them saying
16 that I was double parked.

17 I work for Spartanburg Regional. I have a class
18 C -- a class D. At work I get my class D license, so I know
19 better than to double park. I know better than to block a
20 area where the handicap need to be, you know, escorted up a
21 ramp. So I agree with everybody else. Those licenses need
22 to be revoked because people are vulnerable to this company
23 the second that they fall asleep.

24 MAYOR WHITE: Thank you, sir. Chase Labron?

25 MR. LABRON: Chance.

1 MAYOR WHITE: Chance?

2 MR. LABRON: Good afternoon. I'd like to speak
3 on -- because Matthews lost his life on August the 19th,
4 2016 on Eastwood Street. The incident occurred with
5 (inaudible), one of y'all's mechanics. I don't know the
6 name. And I was just like, hey, the man was never doing a
7 test with a breathalyzer. I'm asking the deputy if the City
8 (inaudible).

9 MAYOR WHITE: That's a request. Yeah. I'm sure
10 we drug test everyone but if we don't, then Spartanburg
11 would have to begin to.

12 MR. LEBRON: I don't think they have..

13 MAYOR WHITE: All right. Well, I thank
14 everybody for coming tonight. It's very disturbing that
15 we've got a situation like this in the City. I didn't
16 realize it was going on. I would think, along with the
17 towing people, probably the apartment complex has got a lot
18 of doing with it, so --

19 UNIDENTIFIED MALE: Yes, sir.

20 UNIDENTIFIED FEMALE: (Inaudible).

21 MAYOR WHITE: What are you telling me? Don't
22 say any more?

23 UNIDENTIFIED FEMALE: That's right.

24 MAYOR WHITE: We'll look into this and take
25 appropriate action.

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(End of excerpt of hearing)