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April 7, 2021

Boyle County Fiscal Court
Hon. Howard P. Hunt III
Boyle County Judge Executive
321 West Main Street, Room 111
Danville, Kentucky 40422

Re: Parker's Place, LLC – Proposed Noise Ordinance Or Amendment

Dear Judge Hunt:

This firm and the undersigned have been retained by Parker's Place, LLC ("Parker's Place") and its owners Wendy Howard Lanigan and Rodney Lanigan (the "Lanigans") with respect to a new noise ordinance or an amendment to the existing ordinance being contemplated by the Boyle County Fiscal Court (the "Fiscal Court"). We understand that the Fiscal Court is considering measures which would effectively target Parker's Place while offering noise level exemptions to a number of other similarly situated persons or entities. It also appears that the Fiscal Court's considerations are being based primarily, if not solely, on allegations by a handful of historically problematic and chronically unhappy neighbors.

Although the Lanigans have gratefully participated in a handful of discussions with Magistrates Tom Ellis and Jason Cullen, who have been very helpful and supportive, no other county official other than Messrs. Ellis and Cullen have taken any steps to formally investigate the veracity of the complaints made by neighbors such as Sue Pease or James and Danielle Hinkle. Instead, the Fiscal Court appears to be willing to consider actions that infringe on the rights of individuals residing outside the Danville city limits without so much as an attempt to properly inquire as to the level of alleged noise coming from Parker's Place or even have a conversation with its proprietors regarding the allegations and/or potential solutions. Nor has the Fiscal Court engaged any competent independent engineering firm to conduct noise decibel tests, something our clients have commissioned recently. If any such testing is done on behalf of the County, we expect all results to be provided to us for consideration and analysis by our engineering experts.

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Boyle County taxpayers expect the Fiscal Court to act with appropriate restraint and consider the least restrictive measures to resolve any potential conflict before resorting to such a blunt instrument as county-wide ordinances or business licenses. The options presently before the Fiscal Court appear to be lacking critical thought, fairness and independent professional analysis skills.

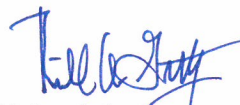
It should also be noted that Parker's Place has always complied with all applicable county regulations and Planning and Zoning requirements to date. Parker's Place sought consideration by and obtained prior approval from all applicable local authorities before opening its doors for business. The Planning and Zoning approval was challenged by the same neighbors now complaining once again and those objections were overruled entirely by the Boyle Circuit Court.

Parker's Place has always invited its neighbors to participate in discussions with them concerning any perceived disturbances and has sought input from those nearby to avoid any problems. In short, Parker's Place is a courteous and law-abiding establishment that provides a valuable service to the community and is one of the few businesses that has managed to thrive amidst the current and ongoing COVID-19 Pandemic. It should not be punished because a few histrionic neighbors with axes to grind have incessantly beset the Fiscal Court with their exaggerated and unverified complaints, despite requests by the Lanigans to engage in productive conversations aimed at finding an equitable resolution to any perceived problem.

With the foregoing in mind, please allow this letter to serve as notice that our firm stands ready to vigorously challenge the legality of any inappropriate overreactions by the Fiscal Court that infringe on the constitutional rights of Parker's Place and the Lanigans, a prospect we hope can be avoided. Rather than risk wasting additional time and taxpayer resources that would be dedicated to protracted litigation, we hope that the appropriate representatives of the Fiscal Court are willing to engage in a process of thoughtful discussion that sees this matter removed from the editorial page of the Advocate Messenger and resolved peaceably without resorting to the Courts once again.

I look forward to your prompt response.

Sincerely yours,



Richard A. Getty

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RAG/emr

cc: Magistrate Tom V. Ellis
Magistrate Jason M. Cullen
Magistrate John Caywood
Christopher K. Herron, Esq.
Ms. Wendy Howard Lanigan
Mr. Rodney Lanigan

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