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April 16, 2021

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

Christopher Herron, Esq.
Boyle County Attorney
Boyle County Courthouse
321 West Main Street, Room 120
Danville, Kentucky 40422

Re: Amendment To Existing Boyle County Noise Ordinance

Gentlemen:

As you know, this firm and the undersigned have been retained by Rodney Lanigan and Wendy Howard Lanigan (the "Lanigans"), who are the owners of Parker's Place Kennel, LLC ("Parker's Place"). By letter dated April 7, 2021 you were advised of our firm's retention and that we had reviewed the current Noise Ordinance (the "Ordinance"). The April 7th letter addressed certain flaws in the Ordinance and pointed out that it is not based on any objective or articulated standards and is vague on its face. We concluded that the Ordinance is unenforceable.

Because of the flaws in the Ordinance, we have urged the Boyle County Fiscal Court (the "Fiscal Court") to give careful consideration to the need for objective (as opposed to subjective) standards and urged the County to engage competent engineers, in particular engineers with expertise in sound engineering. In fact, in a conversation earlier this week with Mr. Herron, he acknowledged that the Ordinance is likely not enforceable, in particular because it lacks standards and is vague.

During the conversation with Mr. Herron, I indicated that I would be appearing at the Fiscal Court meeting on April 15th and looked forward to seeing him at the meeting. I indicated

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that I would be making a brief statement about the need for objective standards and raise some important suggestions my clients believe should be considered by the Fiscal Court. The Lanigans are Boyle County residents and they are entitled to be heard at a Fiscal Court meeting that may affect their property or constitutional rights. I therefore came to Boyle County yesterday morning for the purpose of having an open and intelligent discussion with the Fiscal Court and the County Attorney regarding what factors should be considered if an Amendment to the Ordinance was considered.

What I encountered was in no way what I expected. Nor was the treatment I received when I attempted to enter the Fiscal Court Hearing Room what I would have ever expected. My wife is a Danville native and I have spent a considerable amount of time in Danville and have always found Danvillians to be very cordial and polite.

I arrived at the Courthouse and found the location of the Fiscal Court Hearing Room. I took a seat in a chair outside and engaged in a cordial conversation with your jailer, Brian Wofford, who was very friendly. During that conversation, a woman appeared who I conversed with and who identified herself as Angie Muncy, Boyle County Solid Waste Administrator. We had a nice conversation up until the point that I noted I was there to make a presentation to the Fiscal Court. At that point she rudely told me “you’re not going in the room. It’s a closed meeting.” I responded that I had discussed the matter by telephone with the County Attorney and I understood I would be allowed in the room to make a short statement. At that point, I had been waiting for well over an hour and left my seat to go to the restroom.

When I came back, Ms. Muncy again told me the Fiscal Court meeting was a closed meeting and I was not going to get in the door. Around that point in time, a young man in a light green sport coat appeared up the hall, exiting through a door down the hallway to my right. He reiterated in a belligerent and threatening manner that it was a closed meeting and that I needed to leave. I told him of my earlier discussion with the County Attorney and I was there to make a presentation, to which he essentially told me the same thing – “you’re not going to get into the room.”

When Mr. Wofford, who had been in discussions with the Fiscal Court, exited the room, I stood up and reached for the door knob to enter the room, at which point Ms. Muncy thrust herself in front of the door knob, physically preventing me from getting into the room. At that point, I knocked on the door heavily several times to try to get someone’s attention. Several County Sheriff’s Deputies exited from the room down the hall to the left, physically confronted me and told me that I needed to leave the Courthouse. I gave them the same explanation and suggested they talk to the County Attorney about the matter. The response of the spokesman, who I assume was the County Sheriff, was that he had talked to both Mr. Hunt and to the County

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Attorney and that the meeting was a closed meeting and that I needed to leave the Courthouse. At that point, to say that I was stunned would be an understatement. The people of Boyle County who were always friendly and accommodating were not the type of individuals that I met Thursday morning.

After I met with my client at Parker's Place and observed some of the meeting on Mrs. Lanigan's cell phone, I recognized the fellow in the corner of the room in the green jacket. She then identified him as Mr. Hinkle's son, Keegan Hinkle, who is Boyle County's Treasurer. It then made perfect sense that his exit from the room and his confronting me no doubt occurred after some communication from Ms. Muncy who physically blocked my entrance to the room. At that point, it all seemed to have been "cooked up" quite nicely with the goal of keeping me out of the room and from articulating my clients' position and their willingness to cooperate with the County as to any Amendment. The entire fiasco could have been avoided if someone had simply come out of the room and had a civil and professional discussion with me.

What was already disturbing became even more disturbing when I viewed the video of the Fiscal Court meeting in my office after the Lanigans sent it to me. At the time I was prevented from entering the room, both the County Attorney and other members of the Fiscal Court said "let him in."¹ In fact, the County Attorney noted that he knew I was coming to speak briefly about my clients' position and discuss any proposed Amendment. First, I did not know an Amendment would be offered, much less adopted. Second, I understood I would be permitted to speak. Third, I thought my clients' input would be considered before any Amendment was considered. In viewing the tape, I learned that an Amendment was offered and adopted and that it unconstitutionally targets Parker's Place Kennel.²

I am sure you know that the two primary people who have repeatedly interfered with Parker's Place are your Treasurer's father and mother, James and Danielle Hinkle, and another resident of the Argyll Subdivision, Ms. Sue Pease. Both the Hinkles and Ms. Pease seem to want to constantly criticize the operation of Parker's Place, even though they raised the same arguments nearly two years ago when permits and licenses for the kennel were considered and approved by the Boyle County Planning and Zoning Commission. The Hinkles and Ms. Pease persisted in their efforts of interference, filing objections before the Circuit Court, all of which

¹ Apparently, the Fiscal Court had no problem hearing from at least one other individual who, for whatever reason, was not named in the meeting's agenda, but was allowed in the room to speak.

² It is interesting that the Fiscal Court has discussed the matter of a possible Amendment for approximately four months with no progress, but conveniently managed to vote on moving an Amendment resolution forward for a first reading on the same day that counsel for Parker's Place was denied access to a public forum.

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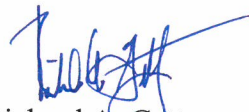
were summarily overruled by the Circuit Court. They obviously intend to continue to harass and interfere with the business operations of Parker's Place, not on the basis of credible evidence, but instead based on personal animus.

I had hoped to come to Boyle County to have an intelligent discussion on how any Amendment might be crafted so it would be fair to everyone and not target my clients as the Hinkles and Ms. Pease are attempting to do. One Fiscal Court member asked on numerous occasions how many people have complained but, for obvious reasons, could not get an answer. That Magistrate also said the Fiscal Court risked setting the precedent of adopting county-wide rules based on complaints from only a couple of individuals. In truth, it is no more than Ms. Pease, the Hinkles and perhaps on or two more with no complaints coming from the 30 or 40 residences in the Argyll Subdivision.³ The episode that took place tells me otherwise and that my clients' protagonists wish to protract this matter further, including in public. I also wonder who is running Boyle County. Is it the Judge Executive and the Fiscal Court or is it the Hinkle Family with the able assistance of their son, your County Treasurer? Yesterday makes me wonder if the latter scenario is the case

Given the manner in which this has been handled, a copy of this letter is being sent to the Editor of the Danville Advocate-Messenger so that the rest of the citizens in Boyle County can get a taste for how their government has been hijacked by a few people with vindictive motives and be aware of the deplorable episode that took place yesterday in your beautiful Courthouse.

Both my clients and I had hoped that their input would be considered regarding any proposed Amendment of the Ordinance. That appears never to have been the intention of the Fiscal Court and what happened does not bode well for any kind of mutually beneficial relationship keeping this matter out of the Courts. That, in my opinion, is tragic, will likely lead to an unnecessary waste of County funds and an Amendment which will be struck down because of the unconstitutional subjective nature of its standards.

Sincerely yours,



Richard A. Getty

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I would note that I was at the kennel yesterday for some time and could not hear any barking dogs from outside the premises. The facility is insulated beyond normal code requirements with spray foam insulation – a business in which both Rodney Lanigan and James Hinkle are in competition.

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cc: Magistrate Tom V. Ellis
Magistrate Ronald Short
Magistrate Phillip R. Sammons
Magistrate Jason M. Cullen
Magistrate Jamey Gay
Magistrate John Caywood
Ms. Wendy Howard Lanigan
Mr. Rodney Lanigan
Mr. Jeff Moreland, Editor, Advocate-Messenger
Ms. Robin Hart, Advocate-Messenger

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