

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION

MICHELLE FREENOR, STEVEN  
FREENOR, DAN LEGER, JEAN  
SODERLIND, and GHOST TALK,  
GHOST WALK LLC,

*Plaintiffs,*

Civil Action No. 4:14-cv-00247-WTM-GRS

v.

MAYOR AND ALDERMEN OF  
THE CITY OF SAVANNAH,

*Defendant.*

**DECLARATION OF DAN LEGER**

I, DAN LEGER, declare under penalty of perjury that the following is true.

1. I am one of the plaintiffs in the above-captioned case.
2. Since 2009, I have earned my living giving tours of the City of Savannah. Using the trade name "Savannah Dan," I conduct tours of the Savannah historic district while dressed in a distinctive seersucker suit, bowtie, and straw hat.
3. I consider myself a storyteller. When I give a tour, my goal is to entertain my customers by telling good stories. My tours provide an overview of the history of Savannah, from the 1700s up to the present, and also provide information on Hollywood movies, architecture, folklore, ghost stories, and local dining. I try to convey this information in a funny, engaging manner that my customers will enjoy.
4. I am licensed as a tour guide by the City of Savannah, and I am required to renew my license on an annual basis. When I renew my license, I am required to pay a \$10 annual fee to



the City and to pay \$20 to submit to a criminal background check. I am required to go in person to the police station to fill out the required paperwork for the background check, and I am required to go in person to the tourism office to pick up the permit.

5. In order to get my license, I had to take and pass a history test administered by the City. The test consisted of multiple choice questions about details of Savannah history—including names and dates—that I would rarely discuss on a tour. In fact, if I was to give a tour consisting entirely of the kind of information that is tested on the City's exam, I certainly would not have been ranked as the number one tour guide in Savannah by *Savannah Magazine* for three years in a row. When I took the City's exam, I felt that it was irrelevant to the job I wanted to do and a waste of my time.

6. When I most recently renewed my license, I asked the tourism office employee behind the desk when I was due to take my renewal exam. More than three years had passed since I first became licensed, and nobody had said anything about having to take a renewal exam. The employee looked in my file and saw that I had not taken the renewal exam, so I took the exam at that time. If I had not said anything, I am sure that nobody ever would have required that I take the renewal exam.

7. Like the initial tour guide licensing exam, the renewal exam consisted primarily of multiple-choice questions on the history of Savannah. As with the initial exam, the material tested was not material that I would discuss on a tour. Once again, I felt that this exam was irrelevant to the job I wanted to do and a waste of my time.

8. When I took the renewal exam, one of the questions did not have a correct answer. I pointed this out to the tourism office employee, and she told me she was just administering the test and was not responsible for its accuracy.

Handwritten signature or initials in black ink, appearing to be 'DLY'.

**REDACTED INFORMATION FILED SEPARATELY UNDER SEAL**

9. I rarely use the City's *Tour Guide Manual* as a source of information for my tours, as it contains dry facts and dates that would not be of any interest to my audience. On the rare occasions when I do use the *Manual*, I always check it for accuracy against other sources. I compiled information for my tours by doing my own research. I walked the squares and identified points of interest that I thought would be of interest to tourists. Then, I tracked down information about those points of interest from a variety of sources. I read historical papers on file at the Georgia Historical Society, information on the Georgia Historical Society's website, and books about history. One of my favorite sources is the book *Georgia: A Pageant of Years*, which is a history compiled by the Georgia Society of the Colonial Dames of America.

10. I understand that the City solicited input from a small committee of tour guides when it last revised the *Tour Guide Manual*. I was not working as a tour guide at that time and was not asked for my input.

11. I have plans to expand my business to include tours led by other guides, but those plans have been frustrated by the City's licensing law. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

13. When I lead tours in Savannah, I also am required to pay the City's speech tax. The amount of the tax is based on the number of audience members on the tour. The City requires me to pay \$1 for each audience member over the age of twelve, 50 cents for children twelve and under, and no tax for children age three or under.

14. The City requires that I pay the speech tax even if I am not paid by a particular audience member. When I lead tours, I ask the audience members to pay at the end. On numerous occasions, audience members have taken the tour and yet paid me nothing—for instance, because they mistakenly believe their hotel has paid for the tour. When that happens, I am required to pay the City's speech tax even though I had no revenue from that audience member.

15. I have personally observed thousands of tourists in the City's streets and squares who are not on organized tour groups. I also see residents of Savannah walking the streets and squares every day. Those tourists and residents all enjoy the scenic beauty of the squares and all have an impact on the need for maintenance. But the City's speech tax is only collected from tour guides leading organized tour groups.

16. In addition, there are scores of businesses that are located in the historic district and that depend on business that is generated by the scenic beauty of the public squares. However, none of those businesses are required to pay the City's speech tax.

17. As a tour guide, I am familiar with the tours offered by other tour guides in Savannah. I am friends with other tour operators and talk to them about their tours.

18. People go on tours to hear stories and to learn information about the location they are visiting. While there is a great diversity of tours offered of Savannah, on a broad variety of topics, every tour that I am aware of involves tour guides *talking* about the City. It is therefore commonly understood that a "tour" involves visiting locations to hear stories or information

pertaining to those locations and that a "tour guide" is a person who talks about points of interest to audience members on a tour.

19. In my experience, every tour guide approaches the job from a different perspective. The thing that makes a tour fun is the tour guide's unique perspective.

20. The people who take my tours want to be entertained. People do not go on tours to hear a dry list of facts and dates. The vast majority of the people who take my tours are visiting Savannah on vacation, and they take my tours because they want to hear entertaining stories and have a good time. Tourists enjoy my tours because I am funny and engaging, not because I am accurate (although I am accurate as well).

21. A tour guide is nothing like a doctor or lawyer. Nobody is going to suffer a serious financial loss or have their heart stop if I get a date wrong. I do not give professional advice. Instead, I tell stories.

22. When I give a tour, I generally take the group to set locations in the City. I have a reservoir of material that I draw from at each location. I emphasize different material on different tours based on my sense of what people will find interesting, but I am always drawing from my reservoir of stories.

23. I give my tours to groups ranging in size from a single individual traveler to a group of thirty. Regardless of how many people are in my audience, I always give the same performance.

24. The questions that I get from tourists on my tours involve things like the history of Savannah or recommendations about where to eat, shop, or visit. I usually answer those questions the same for anyone. The most "individualized" advice that I would give would be to ask people about their food preferences to make a better restaurant recommendation. For instance, if someone

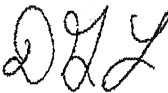
tells me they like shrimp, I would tell them to go to Warehouse on River Street. I would give that same recommendation to anyone who told me they liked shrimp.

25. When I lead tours, I take tourists through the streets and squares of Savannah's historic district. While the historic district is very beautiful and includes many points of historic interest, it is a living, working community and not a theme park. Within the original four square design laid out by Savannah's founder, there is a Jimmy John's, a Starbucks, a Panera Bread, and at least five commercial banks—none of which were in existence over two hundred and eighty years ago.

26. Recommendations and word of mouth are very important to my business. I often have tourists tell me that they are taking my tours because another, earlier audience member recommended my tour. In fact, over half my business today is generated by word of mouth. I would not have the thriving business that I enjoy today if audience members did not recommend me to their friends and family.

27. Online reviews on travel review websites like Yelp and TripAdvisor also are very important to my business. Tourists often leave reviews online if they are happy or upset about a tour, and the content of those reviews is important to other tourists who are deciding what guide to use. I have been consistently top ranked by TripAdvisor and Yelp for the past seven years. My business would not be nearly as successful as it is today if I were not so highly ranked.

28. During depositions in this case, there was a great deal of discussion of the fact that tour guides lead tours of girl scouts. I have led tours of girl scouts in the past, although I do not do so currently. In my experience, when I led tours of girl scouts, there was always at least one adult scout leader present on the tour. I have never given a tour of girl scouts where there was not an

6 

adult scout leader present, and it is my understanding that no girl scout troop would allow their scouts to go on a tour without a scout leader being present.

29. I know many people who work in the hospitality industry in Savannah, including waiters, bartenders, and hotel concierges. Like tour guides, these other hospitality workers come into frequent contact with tourists in Savannah. To my knowledge, however, none of these people are required to undergo criminal background checks.

30. I formerly worked for the City of Savannah as a police officer, and as a police officer I was required to take a background check once at the outset of my employment. Even police officers are not required to take a background check every single year, although the City requires that for tour guides. None of the City employees that I know personally has ever been required to undergo a background check every year, much less at their own expense.

31. The substance of this declaration is my own, and the statements in it are based on my own personal knowledge except where otherwise indicated. I have had the assistance of counsel in preparing this declaration.

32. I declare under penalty of perjury that the foregoing is true and correct.

Executed this \_\_\_ day of July, 2015.

 7/30/15

Dan Leger