

**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,*

v.

MAYOR AND ALDERMEN OF  
THE CITY OF SAVANNAH,

*Defendant.*

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

**DECLARATION OF JEAN SODERLIND**

I, JEAN SODERLIND, declare under penalty of perjury that the following is true.

1. I am one of the plaintiffs in the above-captioned case.
2. I own and operate Ghost Talk, Ghost Walk LLC (“Ghost Talk”), which is a ghost tour business in Savannah, Georgia. Ghost Talk has been in business approximately 25 years. My daughter and I took over the business from a friend about 14 years ago, and I have managed the business ever since.
3. Ghost Talk hires tour guides to conduct ghost tours as independent contractors. We ask our guides to read several books detailing the “spectral” history of Savannah, including *Savannah Spectres* by Margaret Wayt Debolt and *Haunted Savannah* by James Caskey. Our guides then have flexibility to choose the ghost stories that they want to tell and to find their own way of making the stories entertaining and engaging. Each guide has his or her own unique

approach, although they all share a common focus on stories about ghosts that inhabit homes or other buildings in the City.

4. I cannot lead tours for Ghost Talk myself, as I am not licensed. Still, the City allows me to run a tour business without a tour guide license. I advertise the tours, create content for the company's website, schedule tours, make reservations for tourists, arrange for guides to lead tours, and run all the other logistics of the business. I also sometimes walk along with the tours to help escort the tourists and keep an eye on the guides. But I cannot tell the tourists ghost stories without breaking the law.

5. I used to be licensed as a tour guide, but I allowed my license to lapse in 2009. I have been told by employees of the City that, in order to become licensed again, I would be required to apply for a permit, take the tour guide licensing exam, undergo a background check, and pay the licensing fees charged by the City.

6. I let my license lapse because I did not want to deal with all the bureaucratic red tape that is involved in being a licensed tour guide. I found the city employee who was responsible for licensing renewals to be unhelpful, rude, and unreliable. For instance, I was aware of two guides who work for my business who were turned away from the office because the city employee had turned off her computer and was preparing to go home—even though the office was still supposed to be open for at least another ten minutes according to the published hours.

7. When I was licensed as a tour guide, I would occasionally lead tours of Savannah. While I have never worked as a tour guide on a regular basis, I used to lead tours when demand was very high and we were unable to find other guides to lead tours at the last minute or when a scheduled guide was out sick and a tour would otherwise have to be cancelled.

8. If not for the City's licensing requirement, I would continue to lead tours of Savannah. I would lead tours on an occasional basis, either when a guide is out sick or when we are otherwise unable to find sufficient guides to meet demand.

9. I do not want to become licensed. I do not want to deal with all the bureaucratic hassles that are involved in being licensed, including the background check and application process. I do not want to have to renew my license every year, when that kind of annual renewal is not even required for a driver's license. I also do not want to take the City's licensing exam. Particularly because I would only lead tours on an occasional basis, I do not think it is worth my time to jump through the hoops required to become licensed.

10. For me to take the City's licensing exam would be an enormous waste of my time, as there is no information about ghosts on the exam. The City's exam tests dry historical facts, whereas ghost tours are about things that, by definition, are not factual. Even if a ghost story involves historical context, that context is very limited and does not require detailed knowledge of names, dates, and other historical facts. And some tour guides tell stories that focus entirely on the paranormal and do not require any historical context at all. I am confident that I could lead an excellent ghost tour without studying the *Tour Guide Manual*.

11. In my experience running a ghost tour company, nobody takes a ghost tour to learn accurate historical facts. I have never once had a tourist complain about historical inaccuracies on a ghost tour. In fact, I have had tourists complain about ghost tours including *too many* historical facts, and I once had to stop using a guide because he included too many historical facts on his tours and not enough ghost stories.

12. Most people who take Ghost Talk tours are on vacation. They generally do not believe that ghosts are real. They take our tours because they want to be entertained.

13. Because of the City's licensing law, I have been unable to hire guides who I think would lead excellent ghost tours. For instance, I believe that Robert Richardson would be a very entertaining tour guide, as he has a background in the theater and tells a good story. I would hire Robert to lead ghost tours, but I am not able to do so because he is not licensed. Likewise, I believe that Jane Foreman would give a fascinating tour, as she has a lifelong interest in ghost stories and is very knowledgeable about the subject. I would hire Jane to lead ghost tours, but I am not able to do so because she is not licensed. Over the years, I have been unable to hire many other guides who I would have wanted to lead tours for Ghost Talk.

14. On some occasions, I have wanted to hire individuals who tried and failed to pass the City's licensing exam. For instance, I saw one potential guide in a number of plays at area theaters, and I recruited him to give tours for Ghost Talk. He was an excellent actor and storyteller. He tried to take the exam several times, but he was not able to pass and ultimately gave up. Although that individual could not pass the City's tour guide exam, I still believe that he would make an excellent ghost tour guide.

15. The City recently announced that tour guides would have to have a separate tour guide license for each company for which they lead tours, and that new City policy also has affected my ability to find guides to lead tours for Ghost Talk. In particular, it has made it more difficult to recruit guides to lead occasional tours without working for Ghost Talk on a regular basis. On several occasions, I have had a licensed guide decline to lead tours for Ghost Talk because it would involve having to go through the hassle of obtaining an additional license and an additional \$10 fee to obtain the license.

16. The City's licensing law has negatively impacted Ghost Talk's business by limiting our ability to find qualified guides. Because the City limits the number of individuals

who can be in a walking tour group, Ghost Talk cannot respond to greater demand by simply adding more individuals to a tour. Thus, when the company cannot find a guide to lead a group, the company is unable to accommodate demand and is forced to turn away audience members.

17. If not for the City's licensing law, I could lead tours during periods of peak demand. I also could hire people like Robert Richardson and Jane Forman to lead tours on those same occasions. Because I cannot lead tours myself or hire unlicensed individuals, I have had to turn away willing audience members for Ghost Talk tours.

18. Because of the City's licensing law, I have even sometimes been forced to cancel scheduled tours and refund money that tourists have already paid for the tours. When a guide calls in sick, for instance, I may be unable to find another licensed guide to lead a tour on short notice. If not for the City's licensing law, I could lead those tours myself or find an unlicensed guide to lead the tour. I am sure that my customers would prefer to be led by an unlicensed guide, rather than having their tour cancelled altogether.

19. When Ghost Talk turns away potential customers, we are turning away willing listeners for our ghost stories. Those people may be able to book a tour with a different company, but they will have a different experience than they would taking one of our ghost tours.

20. As a tour guide operator, Ghost Talk also is required to pay the City's speech tax whenever its guides lead a tour. Ghost Talk pays a tax of \$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.

21. I understand that the speech tax is intended to fund preservation of the City's historic squares and monuments. However, I am familiar with many businesses that make money because of the historical attractions in Savannah. Restaurants, hotels, gift shops, and many others

all make money from tourists who come to the City to see those attractions. The City, however, has singled out tour businesses to pay its speech tax.

22. I also know many residents who benefit from the City's historic squares and monuments. Many residents use the squares as an extension of their homes. Those residents benefit from the squares and monuments, yet they are not required to pay the City's speech tax.

23. I have been in the tour business for many years, and over the course of those years I have attempted to work within the system to improve the licensing laws to make them less burdensome and irrational. I have been willing to compromise in pursuit of that goal, and at times I have suggested reforms short of eliminating tour guide licensing. As I have seen the City repeatedly fail to do anything to improve its licensing laws, however, I have grown convinced that the only recourse available to those of us in the tour business is to assert our constitutional rights and get the government out of the business of licensing speech.

24. I do believe that tour businesses should be required to have the same business license required for any business, and I have said as much in the past. I also believe that tour businesses should be subject to other generally-applicable business regulations, such as consumer protection laws or a requirement to maintain insurance. However, I do not believe that tour guides should have to get a special license just to talk.

25. As the operator of a tour business, I hire people who I know personally and who I trust to be responsible guides. I am aware of many people who I would not trust to lead tours for my business, even though they are licensed as tour guides and therefore must have passed the City's background check. As a business owner, it would be irresponsible for me to assume that everyone who has passed the City's background check is trustworthy and upright.

26. If the City did not conduct background checks, I would have to decide for myself whether to require them for my company. I probably would not require background checks for most of my guides, as I hire people who I know personally. If I did ask a guide to undergo a background check, it would be because I felt that it was necessary under the particular circumstances. As a business owner, I would have a strong incentive to make a responsible decision about what information I need when making hiring decisions.

27. As the owner of a tour business, I am familiar with the tours offered by other tour businesses in Savannah. I take tours with my family, because my grandchildren enjoy them. I also know many tour business operators and talk with them about their tours. And I also hear from my customers about other tours they have taken.

28. It is commonly understood that a “tour” involves visiting locations to hear stories or information about those locations and that a “tour guide” is a person who talks about points of interest to audience members on the tour. Tour guides may talk about all manner of topics—including ghosts, history, Hollywood movies, food, or shopping. But people generally go on tours because they want to hear stories about the locations they are visiting.

29. In my experience, word of mouth is very important in the tour business. People who have taken our tours in the past recommend us to their friends and family, and those recommendations are an important source of additional business.

30. The importance of recommendations has been magnified by the internet. Today, most tourists go on travel review websites like TripAdvisor or Yelp before booking a tour. If a tourist is unhappy with a tour, they can leave a bad review on one of those websites and that review will be visible to other tourists. Tour companies that have numerous bad reviews on the internet have a hard time finding customers.

31. During the depositions in this case, the City's attorney made much of the fact that tour guides lead tours of girl scouts. When I had a license, I would sometimes lead tours of girl scouts. In my experience, girl scout groups are always accompanied on tours by an adult scout leader. In all my years working in the tour business, I have never once heard of a group of girl scouts taking a tour without being accompanied by at least one adult scout leader.

32. I understand that the City solicited input from a small group of tour guides when it revised the *Tour Guide Manual* in 2006. I was working in the tour business at that time, but I was not asked to provide any input in that process.

33. 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.

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

Executed this <sup>29<sup>th</sup></sup> \_\_\_ day of July, 2015.



Jean Soderlind