

**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 MICHELLE FREENOR**

I, MICHELLE FREENOR, declare under penalty of perjury that the following is true.

1. I am one of the plaintiffs in the above-captioned case.
2. Together with my husband Steven Freenor, I own and operate "Savannah Belle Walking Tours," which is a tour business in Savannah, Georgia. I have worked as a tour guide in Savannah since 2009.
3. On my tours, I tell stories about the City and its history. I primarily focus on the history of Savannah, but I also touch on other subject areas. For instance, I talk about movie filming locations, provide recommendations about where to eat or shop, tell ghost stories, and quiz tourists on trivia about the City of Savannah. My primary goal is always to make the stories that I tell both lively and entertaining.
4. I have a tour guide license issued by the City of Savannah, and I am required to renew that license on an annual basis. Every year, I have to pay a \$10 fee for the license, go in

person to the police station to apply for a criminal background check, pay a \$20 fee for the background check, return to the police station to pick up the results of the background check, and then go in person to the tourism regulator's office to pick up my tour permit. The requirement to personally visit both the police station and the tourism office—sometimes more than once—means that the renewal process always takes a lot of my time.

5. When we filed this lawsuit, I also was required to go to my doctor every year to get a certificate that I was “qualified” to leads tours. I suffer from lupus and from mixed connective tissue disease, and I was very concerned that the City might refuse to renew my license because of my health difficulties. I understand that the City eliminated the doctor examination requirement, but only because of my lawsuit.

6. When I first became licensed, I had to take and pass the City's tour guide licensing exam. The material on the exam had very little to do with the kinds of tours that I lead. The exam consisted of questions about dry historical details, such as names and dates. When I lead a tour, even if I am focused on historical facts, I attempt to tell an entertaining story. I would never lead a tour consisting of the kinds of facts that are tested on the City's exam.

7. A few of the questions near the back of the exam concerned the City's regulations governing tour guides. However, several of those questions were relevant only to tour guides who drive tour vehicles. I do not drive a tour vehicle, and I was unsure why I was being asked questions about regulations that would not apply to me.

8. After three years, I was required by the City to take a renewal exam. As with the initial exam, the renewal exam consisted of multiple choice questions about Savannah's history. And, as with the initial exam, the questions concerned detailed and uninteresting information that I would never discuss on a tour.

9. I get information for my tours from a variety of sources. I read books about history. I visit sites in and around Savannah, including museums, battlefields, and churches. I also talk to Savannah residents to get their stories to include in my tours. I do not rely on any one particular source for information, as I find that accounts of history often disagree with each other. If I find that different sources say different things, I mention that in my tours.

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. The City's tour guide licensing law also means that my husband, Steven, cannot fill in for me as a tour guide on occasions when my health difficulties make it impossible for me to lead a scheduled tour. For instance, in May 2012, my health problems prevented me from working for a period of two weeks. Steven could have filled in for me if not for the City's licensing requirement. Instead, I was forced to cancel tours.

12. If Steven were able to fill in for me, I would be able to increase the number of tours that I give in a week. I currently limit the number of tours that I give to avoid situations where I become exhausted and unable to lead tours that I have scheduled. If Steven were able to serve as a substitute, I would be less worried about having to cancel tours and would increase the number that I schedule. I currently give seven tours a week, but I estimate that I could double that number to fourteen if Steven were allowed to lead tours.

13. In addition, if Steven were able to lead tours, we could book simultaneous tours during times of peak demand. Steven could lead tours at night, on weekends, or in the summer.

14. I am familiar with the tours offered by other tour guides in Savannah. I know other tour owners, and I talk with them about the contents of their tours. I also sometimes take tours of

Savannah, for instance if a business owner asks me to take a tour to help train or keep an eye on one of their tour guides.

15. Every tour in Savannah that I am aware of involves speech about points of interest in the City. 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 a tour. People go on tours precisely because they want to hear entertaining stories and learn information about Savannah.

16. Tour guides in Savannah offer tours that focus on a broad variety of topics. For instance, there is a “Gates and Gardens” tour that focuses on cast iron gates and flowers; a “Freedom Trail” tour that focuses on African American history; and a “Savannah Movie Tour” that focuses on the filming of Hollywood movies. One tour guide in Savannah only talks about architecture. There are also many tour companies that focus on ghost stories. And some tour guides offer “church rumbles” that focus only on churches.

17. Even when two tours address the same topic area, every tour guide puts their own personal spin on their material and delivers it in a different way. For instance, I distinguish my tours by including fun and interesting factoids that relate to the sites on the tour. I like to include the kinds of factoids that people will then repeat in conversations after the tour.

18. When I turn away potential customers for my tours, I am turning away willing audience members for my stories. Those people may be able to book a tour with another tour guide, but they will not hear the same stories that they would hear on my tour.

19. Tour guides are entertainers, not professionals. Before becoming a tour guide, I worked as a nurse, and I consider a nurse to be a professional. As a nurse, if I did a bad job somebody could die. As a tour guide, if I do a bad job a tourist might get bored.

20. My tours are always delivered to groups of people. At a busy time of year, I might have as many as twenty people on a tour. I have a route that I always follow, and I have set material that I talk about on my tours. I sometimes change up my routine by emphasizing one or another topic area based on my sense of what is engaging the audience, but I am always drawing from the same basic set of stories.

21. When tourists ask me questions, their questions generally relate to things like the history of Savannah or where they should go to eat or shop. The most “individualized” advice that I might give would be a restaurant recommendation. For instance, if someone told me they like southern food, I would tell them to eat at Mrs. Wilkes. I do not give investment advice, medical advice, legal advice, or anything in that category.

22. Almost everyone who takes my tours is visiting Savannah for vacation. Nobody takes my tours to earn their college degree. Their reason for signing up to take my tours is to hear entertaining stories about locations in Savannah.

23. It is my experience that tourists often find guides through word of mouth. On many occasions, I have had tourists tell me that they have decided to take my tours based on the recommendation of a previous audience member.

24. In addition, if tourists are not satisfied with a tour guide’s performance, they will often write a bad review on online travel review websites like Yelp and TripAdvisor. Tourists can then read those reviews online before deciding whether to take a tour. We live in a tech-savvy world, and most tourists look up tour guides’ online reviews before taking a tour. My rating on Yelp and TripAdvisor is very important to my business, as tour guides with bad online reviews have difficulty finding audience members for their tours.

25. If a tour guide does a bad job, they will not survive for very long in Savannah's market for tours. There are many tour guides in this City, and a tour guide who leaves his or her customers unhappy will have a hard time staying in business.

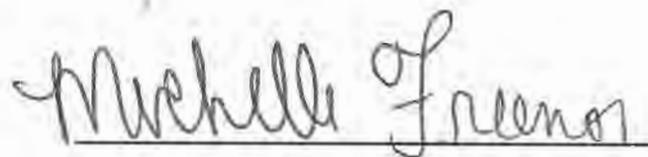
26. As a tour guide, I also am required to pay the City's speech tax whenever I give a tour. The amount of the tax is based on the number of audience members on the tour. The City requires me to pay \$1 for each audience member over the age of twelve, 50 cents for children twelve and under, and no tax for children age three or under.

27. I work for voluntary contributions at the end of my tours, and on occasion I have been required to pay the tax despite receiving no compensation from an audience member. I tell people that they do not have to pay if they are not satisfied with my tour. In addition, I sometimes do not charge for children under the age of twelve, but I am nevertheless required to pay a 50-cent fee for children between the ages of twelve and four.

28. 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.

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

Executed this 28 day of July, 2015.

A handwritten signature in cursive script that reads "Michelle Freenor". The signature is written in black ink and is positioned above a horizontal line.

Michelle Freenor