

**IN THE SUPERIOR COURT OF BIBB COUNTY
STATE OF GEORGIA**

ERIC ARNOLD,

Plaintiff,

v.

MACON-BIBB COUNTY, GEORGIA,

Defendant.

Civil Action No.:

2024-CV-081637

**COMPLAINT FOR DECLARATORY, INJUNCTIVE,
AND COMPENSATORY RELIEF**

Plaintiff Eric Arnold files this Complaint for Declaratory, Injunctive, and Compensatory Relief and sues Defendant Macon-Bibb County, Georgia, as follows:

INTRODUCTION

1. Macon-Bibb County demolished Eric's house without notice, without an opportunity to be heard, without judicial process, and absent any need for emergency action. Eric brings this civil-rights lawsuit to (1) vindicate his state and federal constitutional rights and (2) end the County's policy and practice of demolishing buildings via unfettered executive power and a secret process that deprives property owners of notice and a meaningful opportunity to be heard.

2. In February 2022, Eric bought a house in Macon-Bibb County with plans to renovate it. After purchasing the property, Eric drew upon his decades of experience as a craftsman to improve it, tending the yard and repairing the house. While the house still needed more work before Eric could open its doors to family or rent it, he had made slow but steady progress.

3. The County ruined Eric's plans. In November 2023, the County demolished Eric's house based on a secret code enforcement process with no court proceeding. The County never

told Eric that his house was slated for demolition; he only found out about the County's intent to destroy the house when he discovered a demolition crew installing a dumpster on his property in late September 2023. When Eric asked what was going on, a member of the crew told Eric that his house was scheduled for demolition without providing any other information.

4. Surprised and alarmed, Eric immediately drove from County office to County office diligently trying to explain to officials that he was renovating the house. But he did not get clarity on what was happening. In the weeks that followed, he visited the Code Enforcement department, the Mayor's office, the County Attorney's office, and the Planning and Zoning office to learn why the County designated his house for demolition—and to prevent the house's destruction. Although County officials confirmed that a demolition permit had been issued for Eric's house, no one provided any information on why Eric's house was marked for demolition or when the demolition might happen.

5. Instead, Eric was repeatedly met with hostility and given misinformation. In one particularly jarring exchange, Assistant County Attorney Frank Howard threatened to throw Eric in prison for working on his own house without a contractor's license and asked him: "What are you going to do—make Macon Black again?"

6. Despite all Eric's efforts, the County surreptitiously destroyed his house—with the materials he had purchased for renovations inside it—less than two months after he learned of the potential demolition.

7. The County never formally notified Eric that the house was slated for destruction. Nor did it give him any opportunity to challenge the County's decision in court. Indeed, days

before the County bulldozed Eric's house, the County's Code Enforcement director stated that Eric's house would not be demolished.

8. Rather than heeding Eric's pleas not to tear down his house, the County responded by making the destruction of Eric's house a "high priority" and expediting its demolition. The County even tasked the demolition crew with moving its equipment on and off Eric's property the same day as the demolition to prevent Eric from knowing when, exactly, the demolition would occur.

9. Although Eric's house was a work in progress, it certainly wasn't a public menace requiring unilateral, extrajudicial, and expedited demolition through the Mayor's power to abate per se nuisances that threaten neighborhood safety.

10. The destruction of Eric's house was not just a one-off occurrence. Rather, the County has a policy and custom of knocking down buildings through an expedited and secret process that exploits the Mayor's narrow power to abate so-called "per se" nuisances—a statutorily undefined common law term with no ordinary meaning. This power is supposed to be limited; it is supposed to allow the Mayor to address problems that pose imminent and severe threats to public health or safety. To skirt the burdens of respecting property owners' rights, however, the County routinely invokes this power to demolish non-dangerous buildings without providing notice, without judicial scrutiny, and without a meaningful opportunity for property owners to be heard. In doing so, the County's executive branch has usurped judicial power to enjoin the abatement of nuisances. In just over three years, the County has used the Mayor's power to quickly demolish over 800 houses, one of which was Eric's.

11. Eric therefore brings this lawsuit to vindicate his due-process and petitioning rights under the U.S. and Georgia Constitutions and to end the County's unconstitutional policy and custom of demolishing property without providing process.

PARTIES, JURISDICTION, AND VENUE

12. Plaintiff Eric Arnold is a citizen of the United States and a resident of Newton County, Georgia. For decades, Eric has made a living as a skilled home renovator and carpenter. He purchased 1151 Sunnydale Drive—the property that the County demolished—in February 2022.

13. Defendant Macon-Bibb County is a political subdivision organized under the laws of the State of Georgia and is subject to the jurisdiction of this Court under Ga. Const. art. VI, § IV, para. I and O.C.G.A. § 15-6-8(1)–(2).

14. Macon-Bibb County is a consolidated government. In 2014, the City of Macon and Bibb County consolidated.

15. Eric timely files this lawsuit. He sues the County within one year of learning that his property was potentially marked for demolition.

16. Venue lies in Macon-Bibb County, Georgia, because the defendant resides in Macon-Bibb County. Ga. Const. art. VI, § II, paras. III, VI; O.C.G.A. § 9-10-30. Official actions giving rise to this lawsuit, including the adoption of the County's mayoral nuisance per se abatement policy and the destruction of Eric's house, occurred in Macon-Bibb County.

17. Eric's federal constitutional claims arise under the Fourteenth and First Amendments to the U.S. Constitution. Eric seeks to redress the deprivation of his federal constitutional rights done under the color of state law or custom via 42 U.S.C. §§ 1983 and 1988.

For the violation of his federal constitutional rights, Eric seeks declaratory, injunctive, and compensatory relief.

18. Eric's state constitutional claims arise under Article I, Section I, Paragraph I (Due Process), Article I, Section I, Paragraph IX (Petition), and Article VI, Section I, Paragraph I (Judicial Power) of the Georgia Constitution. For Eric's state constitutional claims only, Eric relies on the Georgia Constitution's waiver of sovereign immunity "for actions in the superior court seeking declaratory relief from acts of . . . any county, consolidated government, or municipality in this state or officer or employee thereof outside the scope of lawful authority or in violation of the laws or the Constitution of this state" and seeking to "enjoin such acts[.]" Ga. Const. art. I, § II, para. V(b)(1). Eric, therefore, seeks declaratory and injunctive (but not compensatory) relief for the violation of his state constitutional rights.

STATEMENT OF FACTS

Eric, a skilled carpenter and experienced home renovator, returned to his Georgia roots.

19. Eric is an accomplished carpenter, home renovator, and entrepreneur. He has been honing his carpentry skills since 1984, and he has been renovating and repairing property since at least 1998.

20. Eric studied carpentry in high school at the Thomas A. Edison Career and Technical Academy in Elizabeth, New Jersey. Graduating in 1984 with a specialization in carpentry, Eric started working in the shipping department of a New Jersey company but continued to pursue his passion for carpentry on the side through a variety of renovation projects.

21. Four years later, Eric realized that he could turn his carpentry passion into his full-time job. When Eric was just 22 years old, he purchased a fixer-upper in Elizabeth, New Jersey, as

an investment property. Eric renovated the house by hand, project-by-project, and sold it for a profit.

22. Eric would do one-off projects for homeowners, but Eric also began offering his services to clients in the real estate investment community. Clients hoping to flip homes hired Eric as a contractor, and he improved the properties before they returned to the market.

23. Eric still performs this work, renovating houses himself and helping other real estate investors do the same.

24. In 2013, Eric and his wife, Denise, decided to relocate from New Jersey to Georgia, where Eric's mother grew up. Eric wanted to live closer to his mother's side of the family, take advantage of the lower cost of living in Georgia, and escape New Jersey's harsh winters.

25. That year, Eric purchased a dilapidated home in Covington, Georgia, and moved in immediately after closing. As soon as he arrived, he got to work repairing the home himself, and it now stands as a testament to his thoughtfulness and skill as a craftsman.

26. Since moving to Georgia, Eric has continued to purchase properties with an eye toward renovating them. Aside from his home in Covington, Eric purchased two houses in Dublin, Georgia in 2022 and 2023. As he has with his other properties, Eric is currently improving the Dublin houses, one step at a time.

27. The houses Eric has purchased in Georgia are more than just investment properties. Eric's two children and his four grandchildren still live in New Jersey. To ensure that his family members have access to quality, affordable housing, Eric aims to create a family homestead in Georgia that will last for generations and provide a place for his family to migrate south.

28. Eric’s Georgia properties therefore serve two purposes—they are a nest egg for him and Denise, and they are an opportunity for his entire family to return to their Georgia roots together.

Eric purchased 1151 Sunnydale Drive and began cleaning it up.

29. As part of his ongoing efforts to create a family homestead in Georgia, Eric purchased 1151 Sunnydale Drive, Macon, GA 31217 on February 2, 2022. The property featured a single-family house, and, like Eric’s other investment properties, the house was a fixer upper.

30. The County was on notice of Eric’s purchase of the home and sent him tax bills and solid waste bills in the mail.

31. Below is a photograph of 1151 Sunnydale Drive from around the time that Eric purchased it:



(1151 Sunnydale Drive in February 2022)

32. Eric’s goals for 1151 Sunnydale Drive were the same as those for his other properties in Georgia: after purchasing the property, Eric planned to use his skills as a carpenter and home

renovator to improve the house. After the renovations were complete, Eric planned to retain title and rent the house unless or until one of his family members decided to move in.

33. Immediately after purchasing 1151 Sunnydale Drive, Eric boarded up the house, posted “No Trespassing” signs, and began a major clean up.

34. During the spring of 2022, Eric drove to 1151 Sunnydale Drive approximately twice each month to work on the house and its yard.

35. Eric’s first priority was to clean up the yard surrounding the house. When he purchased 1151 Sunnydale Drive, the yard was overgrown with tall grass and other vegetation. It also contained debris, such as couches and other garbage, that had been dumped on the property. Over the span of several months, Eric removed four dumpsters and multiple trailer loads of debris and yard waste from the property.

36. Over the next few months, Eric steadily improved the property. He trimmed trees, removed bushes, and leveled the yard. He also painted the house and replaced its front door.

37. None of these basic renovations required Eric to obtain a permit from the State of Georgia or from Macon-Bibb County.

38. After Eric’s initial exterior renovations, 1151 Sunnydale Drive exhibited marked signs of improvement.

39. After briefly pausing his renovations to attend his cousin’s funeral in New Jersey, Eric began cleaning the inside of the house in August 2022. By November 2022, Eric had cleared enough debris from inside the house to begin storing building materials for his planned renovations inside the house.

40. Below is a picture of 1151 Sunnydale Drive from the summer of 2023:



(1151 Sunnydale Drive in August 2023)

41. Rather than purchase all building materials at once, Eric spent his money carefully, searching for good deals in both quality and quantity. By the time the County demolished his house, Eric had purchased decking for the front of the house, sheetrock, Durock-brand flooring for the bathroom, electrical supplies, and more.

42. Throughout 2023, Eric methodically repaired the house and cared for the surrounding yard. Eric replaced wood on sections of the house's exterior and repaired a section of the roof that had been damaged by a fallen tree. Similarly, in the fall of 2023, Eric removed the front decking and transported it to the dump.

43. As with Eric's initial cleanup efforts in 2022, Eric did not believe that any of these basic renovations required him to obtain a permit from the State of Georgia or from Macon-Bibb County. After all, he was simply cleaning up and repairing his own property, not expanding the house or building something new.

44. While Eric made substantial repairs to the house at 1151 Sunnydale Drive, he ensured that the property's grass was mowed, that its trees were trimmed, and that all weeds were removed—even when doing so was not convenient. When Eric's truck broke down in July 2023, for example, Eric wrapped his lawnmower in a blanket and hauled the machinery in a four-door sedan to mow the lawn. If Eric was ever unable to travel to 1151 Sunnydale Drive for an extended period, he asked a neighbor to mow the lawn and perform other basic yard maintenance tasks.

45. By September 2023, Eric had made substantial—and obvious—improvements to 1151 Sunnydale Drive as part of his ongoing renovation efforts: clearing away brush, removing debris, garbage, rotted decking, and repairing the roof. Although he still had work to do, the property did not create any nuisances (per se or otherwise) or pose an imminent risk to the public safety or health. Nor were there any unpaid property taxes or utility bills associated with the property.

46. Eric has always timely and fully paid the taxes for the property.

47. The property tax records for 1151 Sunnydale Drive have Eric correctly listed as the owner of the property with his correct mailing address.

A demolition crew suddenly tried to place a dumpster on Eric's property.

48. On September 25, 2023—shortly after Eric purchased recessed lighting and exterior lanterns for 1151 Sunnydale Drive—Eric received a call from one of his neighbors. Eric's neighbor told him that someone was placing a large dumpster in the yard of 1151 Sunnydale Drive.

49. Eric was surprised. He didn't order a dumpster, and he couldn't imagine why someone else would want to place a dumpster on his property. Eric thought that there must have been some sort of mistake.

50. Eric immediately asked his neighbor if he could speak with the driver of the truck transporting the dumpster, and Eric's neighbor passed his cell phone to the driver. Over the phone, the driver introduced himself as an employee of Casteel Trucking, a company that provides demolition and dumpster services to the County. The driver told Eric that he was dropping off the dumpster because the property was scheduled to be demolished.

51. Eric was shocked to learn that his house at 1151 Sunnydale Drive was potentially slated for demolition, and he conveyed his shock to the driver.

52. The driver shared Eric's confusion. After observing the yard and the exterior of the house at 1151 Sunnydale Drive, the driver told Eric: "It's too clean!" to be demolished.

53. The driver called the owner of Casteel Trucking, Mike Casteel. After a few minutes of conversation, the driver removed the dumpster from the property.

54. Before the conversation with the Casteel Trucking driver, Eric had no inkling that 1151 Sunnydale Drive was slated—or even considered—for demolition. At no point did Eric receive a notice that his house was scheduled to be torn down or that his house had any sort of problem. Nor was there anything posted on the property informing Eric of any issues with the house or indicating that the house would be demolished.

After Eric pleaded with County officials to stop the demolition, the County expedited it.

55. After Eric learned from the Casteel Trucking crew that the County planned to tear down his house, he immediately tried to stop the demolition. But he was not sure who at the County he needed to talk to.

56. The same day that Eric learned about the potential demolition—September 25, 2023—Eric went from County office to County office seeking clarity on the situation and informing everyone he spoke with that he was fixing up 1151 Sunnydale Drive.

57. First, he visited the County’s Planning and Zoning office, but the employees in that office did not know anything about demolitions. They instructed Eric to speak with the County’s Building and Fire Safety department, the office in charge of residential permitting.

58. So, Eric went to the Building and Fire Safety department. Eric again explained that he had just learned that his property was potentially scheduled for demolition and that he was fixing it up. An employee in this department looked up 1151 Sunnydale Drive in some sort of database and confirmed that the property was marked for demolition. This conversation marked the first time anyone from the County told Eric that the County intended to demolish 1151 Sunnydale Drive.

59. But the Building and Fire Safety employee could not tell Eric why the County planned to demolish his property, the date of the demolition, who decided Eric’s property should be demolished, or how to challenge that decision. The employee advised Eric to visit the Code Enforcement department.

60. Heeding the employee’s advice, Eric immediately drove to the building that houses both the Mayor’s office and Code Enforcement department—the former Macon City Hall.

61. As Eric entered the office, he noticed the pictures and names of Code Enforcement Director J.T. Ricketson and Assistant Director Rodney Miller on the wall. He asked the receptionist if he could speak to either man. The receptionist said neither was available but wrote down Eric’s name and phone number.

62. Miller called Eric, but he didn't give Eric a lot of clarity into the situation. Eric told Miller that he was fixing up 1151 Sunnydale Drive and asked that the County stop any demolition from moving forward. Miller did not make any promises about whether the County would demolish Eric's property or not.

63. Over the next few weeks, Eric continued calling and visiting various County offices to learn what was going on and ensure that his house was not demolished. He visited the Code Enforcement office, the Mayor's office, the County Attorney's office, and the Planning and Zoning office—and some of these offices multiple times. None of the officials who worked in these offices gave Eric any clarity about the status of 1151 Sunnydale Drive or a firm commitment that his house would not be torn down.

64. On October 26, 2023, Eric returned to the Planning and Zoning office, and a staff member there confirmed that Eric did not need to hire a licensed contractor—or to become a licensed contractor himself—to repair 1151 Sunnydale Drive. The staff member directed Eric to complete some paperwork, and the Planning and Zoning office issued a proposed construction work review for 1151 Sunnydale Drive. A staff member advised Eric to speak with Ricketson and Miller.

65. That same day, Eric met with Ricketson and Miller in person to discuss the proposed work review. Eric gave the two Code Enforcement officers a copy of the proposed work review, informed them that he owned 1151 Sunnydale Drive, explained how he was actively repairing the property, and asked that the property be taken off the County's demolition list. Both men seemed surprised to learn that Eric owned the property, but they refused to remove 1151

Sunnydale Drive from the County's secret demolition list until Eric's repairs were "completely finished."

66. Ricketson and Miller did not explain what "completely finished" meant. When Eric reiterated that he was actively repairing the house at 1151 Sunnydale Drive, Ricketson responded by telling Eric that he had "better hurry up."

67. Ricketson's command that Eric had "better hurry up" implied that the County planned to demolish Eric's house if he did not complete repairs by a certain date. Ricketson and Miller did not tell Eric that he had any particular deadline for completing the repairs. They also provided no information about what repairs Eric needed to complete to avoid demolition. Miller and Ricketson did not provide Eric with any documents showing 1151 Sunnydale Drive had been inspected, making findings about the property, ordering demolition, or providing concrete information about the code enforcement process.

68. At one point, Ricketson or Miller told Eric that 1151 Sunnydale Drive looked good, but that Eric could not make repairs on the house without first becoming a licensed contractor in Georgia.

69. Ricketson and Miller were wrong. Eric did not need to be a licensed contractor to repair his own house. Even if Eric needed a license to do some repair tasks, Ricketson and Miller did not say why Eric would need a license to clean up his property, describe what aspects of the cleanup required a license, or provide any details about the licensure process. Ricketson and Miller did not discuss or identify any dangerous or hazardous condition on Eric's property that would amount to a nuisance.

70. If Ricketson or Miller had told Eric about something dangerous or hazardous, he would have addressed it immediately.

71. After his conversation with Ricketson and Miller, Eric felt more anxious. At this point, Eric knew that the County had marked 1151 Sunnydale Drive for demolition and that if he did not complete certain repairs by a deadline, the County would tear down his house. But he didn't know what repairs he needed to do, what the deadline was, whether he needed a license, or how he might challenge Code Enforcement's demolition process or decision.

72. Immediately after his unproductive discussion with Ricketson and Miller, Eric and his wife, Denise, went to Mayor Miller's office for help, but they were informed that the Mayor was not available.

73. Nevertheless, after Eric explained the situation, members of the Mayor's staff tried to help him. The staff members shared that the County had received numerous complaints about the County's Code Enforcement officers and how they interacted with citizens. One of the staff members escorted Eric and Denise to meet with Frank Howard, an assistant county attorney.

74. In Howard's office, Eric again explained the situation and asked Howard to issue a letter to Code Enforcement that instructed the department to remove 1151 Sunnydale Drive from the secret demolition list. Howard refused, telling Eric that he would not interfere with Code Enforcement's demolition proceedings.

75. Howard then asked Eric if he had a contractor's license, and Eric replied that he did not have such a license in Georgia. Howard told Eric that he could not "touch the house" without a license and that Eric would go to jail if he tried to make repairs without a license. Howard did not

specify what specific kind of license he was referring to, what government entity would issue said license, or what the license requirements were.

76. Eric, believing that the only way to avoid the demolition of his house was to continue working on it, told Howard: “I’ll do what I’ve got to do.”

77. In response, Howard asked Eric: “What are you going to do—make Macon Black again?”

78. Eric and Denise—who are Black—were shocked at the racially charged comment, and Eric immediately teared up. They quickly left Howard’s office.

79. Eric and Denise went back to speak with the Mayor’s staff and let them know what happened. One of those staff members, who is also Black, teared up when Eric shared what Howard had said. The staff said they would talk to Mayor Miller and have him call Eric.

80. Mayor Miller never called Eric. In the weeks that followed, Eric repeatedly called Mayor Miller’s office and left voicemails, but his calls were never returned.

81. While Eric was still at the Mayor’s office, a staff member introduced Eric to Dr. Henry Ficklin, the County’s Director of Community Affairs. Ficklin couldn’t meet with Eric at the time but promised to give Eric a follow-up call.

82. Ficklin called Eric the next day, claiming that he would try to help avoid the demolition of 1151 Sunnydale Drive. During the conversation, Ficklin recommended that Eric hire a County-licensed contractor to pull permits so Eric could continue renovating 1151 Sunnydale Drive himself.

83. Although Eric did not believe that he needed to pay a licensed contractor to pull permits just so Eric could make repairs on his own house, he nevertheless tried to hire one. But

Eric's efforts to hire a licensed contractor were unsuccessful at least in part because the contractors Eric spoke with were unwilling to get permits for a job they weren't going to work on.

84. Eric therefore sought to obtain whatever work permits the County thought necessary for the renovations at 1151 Sunnydale Drive himself.

85. The proposed construction work review that Eric obtained the morning of October 26, 2023, allowed Eric to renovate the house's existing electrical and plumbing infrastructure and to frame the interior of the house. The proposed construction work review only forbade Eric from making any additions.

86. Eric continued to work on the property, but the County's arbitrary and unknowable deadline was inconsistent with how Eric was slowly and methodically repairing the property. Eric was committed to a certain level of quality, and that quality required time.

87. Sometime during the week of November 6, 2023, Eric saw that small yellow flags had been placed along the property's gas lines. Eric called the gas company to find out what was going on. The gas company told Eric that the County had asked that the gas lines be marked in preparation for an upcoming demolition.

88. Upon learning about the County's instruction to the gas company, Eric immediately visited Director of Community Affairs Ficklin, who told Eric that he would find out what was going on.

89. Later that afternoon, Ficklin called Eric. He told Eric that he was going to call Ricketson and merge Eric into the call. Ficklin said that he would not tell Ricketson that Eric was on the call and asked Eric to remain silent and simply listen.

90. Ficklin started the three-way call. When Ficklin asked about the impending demolition at 1151 Sunnydale Drive, Ricketson told him that the County was not going to knock down Eric's house.

91. When Eric heard Ricketson claim 1151 Sunnydale Drive would not be demolished, Eric broke his silence. He confronted Ricketson, saying that it seemed like Ricketson was lying. Upon learning that Eric was on the call, Ricketson immediately hung up.

92. That same day, Eric called Casteel Trucking, the demolition company he had previously interacted with about the potential demolition of his house. Eric spoke with Mike Casteel, the company's owner, who said that Ricketson had put a "rush" on knocking down Eric's house.

93. Eric pleaded with Casteel to refuse the demolition, but Casteel told Eric that, if he refused to demolish 1151 Sunnydale Drive, he would lose his contract with the County.

94. Eric felt extremely anxious after the three-way call and the conversation with Casteel. Despite his efforts to communicate with County officials, Eric feared that the demolition was imminent, but he had no idea when it might happen or how he might stop it.

95. Eric and his family experienced extreme emotional distress and anxiety from this Sword of Damocles hanging over their heads—knowing that the house would likely be demolished, but not when or how. At one point, in a fit of frustration, Eric listed the property for sale. But about two weeks later (and despite receiving an offer) Eric took the property back off the market. He wasn't willing to give up yet.

96. Although the Planning and Zoning staff member had assured Eric that he did not need a permit or contractor's license, Eric decided to apply for both out of an abundance of caution.

97. On November 13, 2023, Eric submitted a residential contractor license application to the Georgia State Licensing Board for Residential and General Contractors.

98. The next day, Eric once again visited the County's Planning and Zoning office and purchased a residential remodel permit for 1151 Sunnydale Drive.

99. Eric did not believe the license or the permit was legally necessary, but he hoped that getting the license and permit would put to rest any question about his commitment to repairing the property and forestall any demolition.

100. The residential remodel permit Eric purchased states "homeowner is contractor" several times and describes the remodeling work Eric was in the process of completing at 1151 Sunnydale Drive.

101. Immediately after obtaining the residential remodel permit on November 14, Eric drove to the Code Enforcement office and handed a copy of the residential remodel permit to Miller. Eric hoped that, once Code Enforcement leadership saw that he had a residential remodel permit, the County would call off the demolition. But when he received the copy of the permit, Miller simply said: "All right."

102. That same day, Eric also dropped a copy of the residential remodel permit off at the office of Casteel Trucking and posted a copy of the residential remodel permit in the window of the house on 1151 Sunnydale Drive.

103. Curiously, the residential remodel permit Eric purchased lists "Monica Flagg" as the owner of 1151 Sunnydale Drive. Monica Flagg owned 1151 Sunnydale Drive from 1998 to 2021 before gifting it to Wallace Adside on December 15, 2021. Wallace Adside sold 1151 Sunnydale

Drive to Eric in February 2022. In his rush to get the permit and share copies, Eric did not immediately notice the error.

104. When Eric visited 1151 Sunnydale Drive on November 14, no notice of a demolition or code enforcement proceeding had been posted on the property. Indeed, the County never placed a notice about demolition or a code enforcement proceeding on Eric's property the entire time Eric owned it.

The County demolished Eric's house.

105. The very next morning—November 15, 2023—one of Eric's Sunnydale Drive neighbors called him in a panic. The neighbor told Eric that police officers with guns and demolition equipment had assembled at 1151 Sunnydale Drive.

106. After speaking with his neighbor, Eric immediately jumped in his car and began driving to 1151 Sunnydale Drive. While driving, Eric called an acquaintance, Mike Pinchem. Eric asked Mike, who lived in Macon, to drive to 1151 Sunnydale Drive and try to halt the demolition. By the time Mike arrived, it was too late to halt the demolition process.

107. When Eric arrived at 1151 Sunnydale Drive the morning of November 15 a few minutes later, half of his house had already been reduced to rubble. Powerless, Eric watched as the demolition crew from Casteel Trucking used a backhoe to claw the rest of his house apart.

108. Below is a picture of the wreckage from November 15 as the Casteel Trucking crew finished tearing down every piece of Eric's house:



(1151 Sunnydale Drive mid-demolition; picture from Code Enforcement records)

109. When the house at 1151 Sunnydale Drive was demolished, many of the building materials Eric had purchased to complete renovations were still inside. Like the house itself, these materials were completely destroyed by the demolition.

110. Most of the officers at 1151 Sunnydale Drive on the morning of the demolition were not actually police officers. Although they had guns and wore bulletproof vests, knee pads, and elbow pads, they were Code Enforcement officers.

111. On information and belief, between eight and ten Code Enforcement officers were staffed on the demolition of Eric's house. When one officer was asked why there were so many officers at the scene, no meaningful answer was provided.

112. The County, which routinely posts videos of home demolitions to its Facebook page, does not normally send armed Code Enforcement officers to the demolition sites and certainly does not send a group of eight to ten officers.

113. As Eric watched the final walls of his house being torn down, he grasped for clarity on why the County demolished his house. Eric recorded two of the conversations he had while he watched the demolition.

114. First, Eric spoke with two Code Enforcement officers, one who did not introduce himself and one whose name is Johnny Crawford.

115. The unidentified Code Enforcement officer said that, once a judge signs off on an order authorizing the demolition, there is nothing the officers can do.

116. On information and belief, there was no court order authorizing the demolition of Eric's house.

117. Crawford told Eric that Ricketson and Miller from Code Enforcement had visited 1151 Sunnydale Drive earlier that morning. Ricketson and Miller therefore approved the demolition.

118. Crawford also told Eric that his property had been classified as a nuisance per se, admitted that he was the Code Enforcement officer assigned to Eric's property, and claimed that another officer (who is no longer employed by the County) previously had Eric's case.

119. Despite being the Code Enforcement officer for Eric's property, Crawford had limited information about why the County demolished Eric's house and told Eric to speak to Ricketson and Miller.

120. Eric said that he was afraid that Ricketson or Miller might shoot him, and Crawford responded that Ricketson or Miller would not shoot him but did not treat Eric's comment as totally ridiculous or without foundation.

121. Mike Pinchem then asked Crawford and the other officer if the County had a financial incentive to tear down 1151 Sunnydale Drive. The officers did not answer Mike's question.

122. Second, Eric spoke to members of the Casteel Trucking demolition crew, asking them if they had seen the residential remodel permit Eric posted in the window of the house. The crew members did not answer the question about the permit.

123. Instead, the crew members directed Eric to Casteel, who was on the scene. Casteel admitted that "they gave it to us, and they wanted it high priority," referring to the County's Code Enforcement department. Casteel continued, "[t]hey gave it to us once before and you probably made them promises that you would fix it." Eric responded that he learned of the potential demolition about a month ago and said he had been taking care of the property. Eric gestured around, indicating how the grass is clearly mowed and looks neat. Casteel told Eric to take it up with the County: "I just work for them, and they tell us which house to do each day or each week."

124. On information and belief, the Code Enforcement office directed Casteel to bring his demolition equipment to the 1151 Sunnydale Drive property the same day as the demolition and to remove the equipment immediately after the demolition finished. This same-day-on-and-off maneuver prevented Eric from having any advance notice of the demolition.

125. After the demolition had been completed, Director of Community Affairs Ficklin visited Eric's property. He told Eric to get a lawyer and that he would help Eric get a settlement,

admitting that there were nine other lawsuits against the County pending. Ficklin advised Eric to make a list of all the supplies he had in the house and come visit the County Attorney when he was ready. Eric refused to visit the County Attorney without a lawyer.

126. Eric experiences mental anguish, emotional distress, and trauma as a result of his property and possessions being demolished.

127. Eric has been acquiring and fixing up properties for his entire adult life—including a property in Dublin, Georgia, that Eric purchased the same day the County tore down 1151 Sunnydale Drive. Eric would have liked to have pursued additional properties in Macon, but Eric’s experience with the County demolishing his property has discouraged him from investing in additional Macon properties.

Eric’s property was not a nuisance when the County demolished it.

128. 1151 Sunnydale Drive was not a nuisance or a nuisance per se when it was demolished.

129. Code Enforcement never informed Eric why 1151 Sunnydale Drive was classified as a nuisance per se and was marked for demolition. The County never provided Eric with any paperwork supporting its decision that Eric’s property needed to be demolished.

130. Upon information and belief, the County obtained a demolition permit for 1151 Sunnydale Drive on August 30, 2023. But the County never sent Eric a notice explaining that it intended to obtain this demolition permit any time before August 30. Nor did the County send Eric a notice explaining that it had acquired a demolition permit for his property after August 30.

131. The only notice that the County ever sent to *any* property owner concerning 1151 Sunnydale Drive was a “nuisance per se letter” sent to Monica Flagg in October 2021. As noted

above, Flagg gifted 1151 Sunnydale Drive to Wallace Adside on December 15, 2021.

132. Thus, the only notice the County ever sent concerning the nuisance per se designation for 1151 Sunnydale Drive was sent in 2021—two owners before Eric, two years before the demolition, and long before Eric made substantial efforts to improve the property.

133. Eric bought the property from Adside in February 2022. In purchasing the property, Eric did not receive any information that would have put him on notice that the County had classified the property as a nuisance per se or identified it for demolition.

134. The County did not afford Eric an opportunity to challenge the classification of 1151 Sunnydale Drive as a nuisance per se—before a court or otherwise.

135. Had Eric been able to challenge the classification of 1151 Sunnydale Drive as a nuisance per se before a court or other tribunal, he would have succeeded in proving that the property was neither a nuisance nor a nuisance per se and that demolition was, therefore, inappropriate.

136. Although Eric repeatedly spoke with Code Enforcement officers from the day that he first learned that his property might be demolished to the day that his house was demolished, the officers never explained why 1151 Sunnydale Drive had been designated as a nuisance per se.

137. Code Enforcement officers also never provided Eric with any concrete information about what he could do to avoid the demolition. Instead, Code Enforcement leadership made vague statements that Eric needed to hurry up in renovating the property without articulating any deadline for Eric's repairs.

The County singled out Eric's property for demolition.

138. 1151 Sunnydale Drive is located on a neighborhood drive that ends in a cul-de-sac.

The property is one of the last before a driver reaches the cul-de-sac.

139. To reach 1151 Sunnydale Drive, Code Enforcement officers and the Casteel Trucking demolition crew had to drive by most of the other houses in Eric’s neighborhood—including many houses that were in far worse shape than the 1151 Sunnydale Drive house. The County ignored these houses in its determination to destroy 1151 Sunnydale Drive.

140. Based on publicly available data collected by Google Street View in March 2022, at least ten homes on Sunnydale Drive showed far more apparent signs of disrepair than did Eric’s house at 1151 Sunnydale Drive. To reach 1151 Sunnydale Drive, Code Enforcement officers and the Casteel Trucking demolition crew had to drive past most of these houses, some of which are pictured below:



(Pictures of houses on Sunnydale Drive taken from Google Street View as of March 2022)

141. Below is a screenshot of 1151 Sunnydale Drive, taken from the same Google Street View March 2022 dataset, showing how Eric's house looked at the time:



(Eric's house at 1151 Sunnydale Drive as of March 2022)

142. As of May 30, 2024, none of the houses depicted in the composite photograph above had been demolished.

143. Eric repeatedly called the Mayor's office to ask the Mayor for help to stop the demolition of his property, leaving multiple voicemails.

144. Eric visited the Mayor's office and spoke with the Mayor's staff about the fact that his property was not a nuisance. He pleaded with the Mayor's staff to stop the demolition, and staff indicated that the Mayor would call Eric.

145. But the Mayor never called Eric.

146. On information and belief, the Mayor never called Eric because the Mayor approved the decision to demolish Eric's house.

The County demolished Eric’s house under a broader policy of weaponized code enforcement in the wake of budget woes.

147. When voters approved the consolidation of the City of Macon and Bibb County in 2012, they also mandated a 20% reduction in general fund expenditures over five years. The County achieved that goal through a combination of staffing cuts and taking money out of its rainy-day fund. But, after continuously drawing from its rainy-day fund without refilling it, the County completely depleted its reserves by the end of Fiscal Year 2018. As a result, its credit rating was downgraded.

148. As part of its effort to remedy the resulting budget shortfall, the County increased its efforts to get money from property owners via nuisance and blight abatement.

149. In 2019, the County passed a “blight tax” that allows blighted property to be assessed at seven times the normal property tax rate. A property owner has a 30-day window to contest the blight designation but otherwise can only escape the sevenfold tax hike by proving the property is no longer blighted to Code Enforcement—which has sole authority over the decision to remove the property from the blight tax roll. The Code Enforcement website references the list and claims that it must be submitted to the Tax Commissioner by August of every year. The County does not, however, make the blight tax roll list available online.

150. The County chose to demolish Eric’s home rather than add it to the blight tax roll, which would have required court proceedings.

151. In 2020, the County also created the Blight Elimination Revolving Loan Fund (Blight Fund). The Blight Fund is essentially the Mayor’s discretionary fund to fight blight and nuisances. Among other things, he can use the fund to purchase, remediate, and demolish property without prior authorization. After an initial investment by the County, the Blight Fund finances

itself through the sale of “blighted” properties that the County acquires, the blight tax, tax sales of property, and fines relating to blight or code enforcement.

152. The County’s audited line item for the Blight Fund does not account for code enforcement procedures and demolitions. Instead, it references external auditors who are not accountable to the public. It is impossible to know the Blight Fund’s full stream of revenue and expenditures based on publicly available information.

153. The Blight Fund is at least partially funded by federal grant money. Across two tranches (one disbursed in 2021 and the other disbursed in 2022), the County has received approximately \$75.8 million in American Rescue Plan Act funding.

154. From 2021 to present, the County has allocated millions of dollars of its ARPA grant money to finance the Blight Fund and demolish houses. In 2023, for instance, the County allocated \$3 million of ARPA funds to the Blight Fund.

155. In conjunction with the creation of the Blight Fund, the County upped the ante on its code enforcement efforts. The County’s Code Enforcement department is not, however, a generic civil service office.

The County is proud of its blight program and uses it to advance the perception that it is helping the public and combatting crime.

156. When Macon and Bibb consolidated, the Bibb County Sheriff’s Office consumed the Macon Police Department. As a result, the Macon Police Department no longer exists. The Mayor therefore has no control over public safety officers; only the sheriff does. That prompted the current Mayor, Lester Miller, to complain—as captured in a TV interview that aired in November 2023—that he is being “held accountable for things that [he] has exactly zero control over” and to call for the Macon Police Department to be reinstated. Mayor Miller has admitted

that bringing back the Macon Police Department has been on his mind since the day he was elected in 2020.

157. Unable to reestablish the Macon Police Department without voter approval, Mayor Miller created the Code Enforcement department in January 2021.

158. The same month the Code Enforcement department was created, Mayor Miller appointed Ricketson to be its director. A seasoned law enforcement officer, Ricketson has limited experience in enforcing municipal codes and inspecting property. Before becoming the County's Code Enforcement Director, Ricketson lost the election for County Sheriff after a thirty-five-year career at the Georgia Bureau of Investigation.

159. Ricketson uses policing tactics to run the Code Enforcement department as a de facto police force. As of June 2022, nearly half of the County's Code Enforcement officers were cross-deputized as sheriff's deputies, affording them broader powers—including the right to carry a gun.

160. In selecting Ricketson as the County's Code Enforcement Director, Mayor Miller endorsed Ricketson as the County's "bulldog" to bust blight, a moniker that is emblematic of how Mayor Miller intended Ricketson to conduct code enforcement efforts: aggressively and with a take-no-prisoners approach.

161. And that is exactly what Ricketson and the Code Enforcement department have done. The County's Code Enforcement department has become a weapon that the County uses to increase revenue and remove unwanted property owners from the community, running roughshod over property owners' rights in the process. It also gave Ricketson a mechanism to exact revenge—vindictively pursuing Eric's property while ignoring other properties in far worse shape.

In just over three years, the County knocked down more than 800 houses through the Mayor’s power to abate per se nuisances.

162. With a brand new, aggressive Code Enforcement department and budget woes, the County launched its blight fight. From April 2021 through August 2024, the County demolished over 800 structures, most of which were houses, under the Mayor’s power to abate per se nuisances.

163. Ordinarily, the County must satisfy a court process to classify a property as nuisance. Following a hearing, if the court finds the property to be a nuisance, the court issues an order directing the owner to abate the nuisance within a reasonable timeframe. The County can only abate a nuisance if a property owner fails to comply with the court order that the owner abate the nuisance. And even then, the County must abate the nuisance within 270 days of the property owner’s deadline. Otherwise, the County’s right to demolish the property expires. There is notice, an opportunity to be heard, and an official method to present abatement measures to the court.

164. By contrast, the Mayor’s power to abate per se nuisances is virtually unfettered. The County’s municipal code grants the Mayor the power to—unilaterally and without notice to property owners—abate nuisances that the Mayor classifies as per se. Macon-Bibb County, Ga. Code of Ordinances (“Code”) § 15-9. The County authorizes the Mayor to circumvent all process and all courts when he declares a property to be a per se nuisance.

165. The County’s code does not define what constitutes a nuisance per se.

166. The County, through Code Enforcement, abuses its unchecked discretion to classify houses that it wants to quickly demolish as per se nuisances. These houses include houses deemed “blighted” several years ago, houses with outstanding utility bills, houses that are the

subject of complaints, and houses that Code Enforcement decides must go based on unspecified criteria.

167. When asked what conditions a property must exhibit to qualify as a nuisance per se, Ricketson claimed that the property must be “unoccupied” and “in very poor condition.”

168. And once Code Enforcement decides a property is a per se nuisance, it can demolish the property in short order. In a public statement, Ricketson has estimated that “[t]he whole process” of a mayoral nuisance per se demolition—from designation to destruction—takes “about three to four months[.]”

169. On information and belief, the County does not publish—or otherwise make publicly available—a list of the properties it has designated as nuisances per se. On information and belief, there is no process to challenge inclusion on the list or seek removal of a property from the list.

170. Although the County’s ordinances do not require any court process or notice before the Mayor abates a per se nuisance, the Code Enforcement website describes steps that the Code Enforcement department can take, at its discretion, in deciding to demolish buildings:

- (i) The Code Enforcement officer locates abandoned structures.
- (ii) Multiple photos are taken.
- (iii) Photos and data from Q-public (an online GIS database) are submitted to Code Enforcement for approval.
- (iv) Photos and Q-public data are provided to county attorneys.
- (v) The county attorney reviews that information and decides if the property will be classified as a nuisance per se or subject to the blight tax.
- (vi) Nuisance per se letters go out to property owners.
- (vii) “Property owners can select option #1 repair or demolish themselves or option #2 [Macon-Bibb County] conducts the demolition.”

- (viii) “If the property owner chooses option #1, they must show good faith effort of trying to improve the property within 60 to 90 days.”
- (ix) “Option #2, a list is provided to the demo company for demolition.”

171. Nothing requires Code Enforcement to follow these steps, and there is no consequence if the Code Enforcement department chooses to take some other course of action.

172. The County does not conduct due diligence before designating a property a nuisance per se.

173. The County does not ensure that property owners actually receive nuisance per se letters from Code Enforcement.

174. On information and belief, the Code Enforcement department uses out-of-date ownership records, does not serve nuisance per se letters, and does not send the letters via certified mail.

175. On information and belief, a nuisance per se letter does not explain to property owners why their property is deemed a nuisance per se. Property owners do not receive any information on how to remove the nuisance designation.

176. Instead, a nuisance per se letter offers property owners a binary choice: (1) “remediate or demolish the structure yourself,” or (2) allow the County to demolish the structure and “place a lien on the title records for your property to cover all costs of demolition.”

177. Upon information and belief, the County marks a property for demolition if the owner does not respond to a nuisance per se letter within two weeks.

178. Upon information and belief, the County does not notify a property owner when it decides a property that it has designated as a per se nuisance will be demolished.

179. Nor does the County tell a property owner when that demolition will happen.

180. Upon information and belief, a property owner has no way to challenge the County's decision to demolish their property.

181. The decision to demolish a property through the Mayor's power to abate nuisances per se remains entirely within the purview of the executive branch. This means that no scrutiny by a judge or other neutral third party of either the nuisance per se designation or the demolition decision occurs. And there is no process to appear before a neutral adjudicator.

182. Upon information and belief, the County treats its nuisance per se designations as evergreen; a designation never expires, and the County can abate a nuisance per se—including through demolition—at any time, even years after the initial designation.

183. Upon information and belief, the County does not record nuisance per se designations or make the designations otherwise part of the property records.

184. Because a nuisance per se designation is not part of property records and there is no publicly available list of properties classified as a nuisance per se or slated for demolition, a bona fide purchaser has no way of learning that the County classified a property as a nuisance per se or marked the property for demolition if the seller does not provide the information.

185. Upon information and belief, since 2021, the County has demolished many homes through the Mayor's nuisance-abatement power that were not nuisances per se.

Revenue from demolitions goes to the Mayor's Blight Fund.

186. After it demolishes a house, Code Enforcement can put a lien on the property for the cost of the demolition.

187. The County's tax commissioner can enforce the lien using all methods for collecting property taxes, including through a tax foreclosure on the property.

188. All revenue from the Mayor’s blight fight—money from the sale of properties the County acquires, revenue from the blight tax, money from tax sales, and all fines for code violations relating to blight—goes to the County’s Blight Fund.

189. As discussed above, the Mayor has complete discretion over the Blight Fund. Among other things, he can use the fund to purchase property, remediate property, and demolish property without prior authorization.

190. Upon information and belief, the Mayor uses the Blight Fund to pay for the expenses of the Code Enforcement department. Despite the County’s budget shortfalls, Code Enforcement grew from nine employees in 2021 to twenty-four employees in May 2022. As of May 2022, the lowest paid Macon-Bibb Code Enforcement officers received a higher salary than the lowest paid sheriff’s deputies.

The County celebrates the Mayor for quickly demolishing houses.

191. The County has repeatedly recognized Mayor Miller for quickly demolishing a large number of houses.

192. When the “blight fight” initiative was announced in April 2021, for instance, Mayor Miller simultaneously launched a “30 in 30 initiative,” under which the County tore down 30 homes designated as nuisances per se in 30 days.

193. On November 8, 2023, for instance, the County held an event celebrating the 600th demolition since the County launched its “blight fight” initiative. The County had demolished those 600 houses in well under three years. Mayor Miller spoke at the 600th demolition event, praising the County for its rapid demolition of such a large number of houses.

194. On May 7, 2024, for instance, the Macon-Bibb Board of Commissioners gave Mayor Miller a gift to commemorate the County’s destruction of the 700th home since the County

launched its “blight fight” initiative. The gift was a brick from 1160 Holt Avenue, a single-family home that the County demolished:



(The brick that the Board of Commissioners presented to Mayor Miller to commemorate the 700th demolished home in Macon-Bibb County)

The County continues its policies after the wrongful demolition of Eric’s house.

195. After the demolition of Eric’s property, an investigative journalist reported on the demolition of Eric’s house.

196. On information and belief, no County employees have been disciplined or even reprimanded for demolishing Eric’s house despite the news report about the wrongful demolition of Eric’s house.

197. Ficklin’s comments just after Eric’s house was demolished—offering to help Eric get a settlement and that there are nine lawsuits pending against the County—confirm that the County is aware of the problems with Code Enforcement’s demolition of houses through the Mayor’s power to abate nuisances per se.

198. On information and belief, the Mayor knew about and ratified Code Enforcement's decision to demolish Eric's house.

199. The Mayor and the County have not changed any of the County's policies or practices surrounding Code Enforcement's demolition of property through the Mayor's power to abate per se nuisances.

INJURIES TO PLAINTIFF

200. Eric had a property interest in the house he owned at 1151 Sunnydale Drive. He still owns the land.

201. When the County demolished Eric's house, it deprived him of that property interest.

202. The demolition of Eric's house caused Eric severe financial and emotional harm.

203. When the County demolished Eric's house, it did so without providing Eric adequate notice or an opportunity to challenge the demolition.

204. Had Eric been provided adequate notice and an opportunity to challenge the nuisance designation and demolition through the judicial process normally required to classify a property as a nuisance and order abatement of that nuisance—as opposed to the Mayor's nuisance per se abatement process—Eric would have succeeded in showing that 1151 Sunnydale Drive was not a nuisance or a nuisance per se.

205. Had Eric been provided adequate notice and an opportunity to challenge the nuisance designation or the demolition, he would have succeeded in showing that he was making active, continuous, and diligent improvements to 1151 Sunnydale Drive.

206. If the County had given Eric adequate notice and an opportunity to challenge the nuisance per se designation, Eric would have challenged the designation and would have prevailed.

207. If the County had given Eric adequate notice and an opportunity to challenge the demolition, Eric would have challenged the demolition and would have prevailed.

208. The demolition of his house at 1151 Sunnydale Drive deprived Eric of most of the value of his investment in the property, a loss that is at least the value of the house.

209. Eric kept most of the materials that he had purchased to renovate the 1151 Sunnydale Drive house in the house's living room. Those materials were destroyed when the County knocked Eric's house down and hauled the resulting rubble away in a dumpster.

210. Because the renovation materials stored inside Eric's house were destroyed when the house was demolished, Eric suffered financial losses equal to the value of those materials.

211. But for the County's policies and practices concerning Code Enforcement's demolition of houses through the Mayor's power to abate nuisances per se, Eric's house would not have been demolished and his renovation materials would not have been destroyed.

212. After Eric repeatedly petitioned County officials to halt the demolition of his house at 1151 Sunnydale Drive, the County retaliated against him by expediting the demolition of his house.

213. Even though the County knew that it had no reason to demolish Eric's house, it demolished Eric's house anyway, expediting the demolition as a high priority. But for the desire to retaliate against Eric for repeatedly asking County officials to stop the demolition and thereby challenging the County's code enforcement process, Eric's house would not have been demolished.

214. The demolition of Eric's house—alongside the retaliatory behavior of County officials—has caused Eric severe emotional and mental injuries.

215. Seeing the house that he had worked so hard to acquire and fix destroyed by the County caused severe emotional and psychological trauma for Eric.

216. Notwithstanding the injuries Eric has suffered, Eric would like to continue purchasing property in Macon-Bibb County. The neighborhood is well located, and if the County changed its policies, 1151 Sunnydale Drive would be a nice place to live.

217. Eric has the financial means to purchase additional property in the County.

218. In fact, before 1151 Sunnydale Drive was destroyed, Eric had several discussions with one of his neighbors about purchasing the property across the street from 1151 Sunnydale Drive. It would have been ideal for Eric's family to have houses across the street from each other.

219. But because of the County's policies and customs governing mayoral nuisance per se abatement, Eric fears that, if he purchases another house in Macon, the County will demolish it without notice or opportunity to challenge the demolition.

220. As a result, because of the County's policies and customs governing mayoral nuisance per se abatement and retaliation, Eric does not feel comfortable purchasing additional property in the County.

221. As a result, after Eric's house was destroyed, his discussions about purchasing the property across the street from 1151 Sunnydale Drive ceased.

222. But for the County's policies and customs governing mayoral nuisance per se abatement and retaliation, Eric would actively seek opportunities to purchase additional properties in the County.

CONSTITUTIONAL VIOLATIONS

CLAIM I

Failing to Provide Notice or a Hearing Before Demolishing Real Property Violates the Due Process Clause of the Fourteenth Amendment and Article I, Section I, Paragraph I of the Georgia Constitution

223. Eric realleges and incorporates by reference the allegations in Paragraphs 1–222.

224. The Due Process Clause of the Fourteenth Amendment to the United States Constitution demands, among other things, that individuals be afforded notice and a meaningful opportunity to be heard before they may be deprived of a property interest.

225. Article I, Section I, Paragraph I of the Georgia Constitution prohibits the government from destroying an individual's property without due process of law. The Georgia Constitution imposes a higher burden on the government than does the United States Constitution to ensure that property owners receive notice and a hearing before destroying property.

226. Eric possessed a vested property interest protected by the Fourteenth Amendment to the U.S. Constitution and Article I, Section I, Paragraph I of the Georgia Constitution, namely his house and personal possessions therein.

227. This interest is one of historical and continuing importance.

228. The County's official policies and practices interfered with this interest; the County never mailed—or otherwise provided—Eric a notice informing him that 1151 Sunnydale Drive was scheduled for mayoral nuisance per se demolition.

229. The County's official policies and practices give the Mayor and members of Code Enforcement unfettered discretion to classify a property as a nuisance per se.

230. The County's official policies and customs provide no mechanism for a property owner to challenge a property's designation as a nuisance per se.

231. After a property is designated a nuisance per se, the County's official policies and customs (as described on its website) give Code Enforcement officers unfettered discretion to determine whether the property owner has made a good-faith effort to improve the property within 60 to 90 days. If the officers find that the owner has not made a good-faith effort to improve the property in this timeframe, the officer is free to designate the property for demolition without a hearing. However, the County's policy and custom gives Code Enforcement the discretion to ignore these steps.

232. Because Code Enforcement is free to ignore the nuisance per se process described on the website, the website is not a reliable source of accurate information for property owners.

233. The County maintains an official policy or custom whereby, if a property owner does not respond to a "nuisance per se letter" (if the County actually sent one) within two weeks, the County automatically designates the property for demolition without a hearing.

234. The County's official policies and customs do not provide property owners with notice (aside from an optional initial nuisance per se letter) that a property is scheduled for demolition.

235. If a property owner learns that his property is scheduled for demolition, the County's official policies and customs provide no mechanism for the property owner to challenge that demolition.

236. At no point between the initial investigation of a property and its eventual demolition as a nuisance per se does the County allow property owners to submit evidence to a neutral third-party decision maker.

237. At no point between the initial investigation of a property and its eventual demolition as a nuisance per se can property owners avail themselves of procedural safeguards commonly found in courts—like the authentication of evidence, the administration of an oath to witnesses, or even the regular maintenance of records.

238. To the extent that Code Enforcement officers issue demolition orders prior to destroying homes under the County’s mayoral nuisance per se abatement scheme, the County does not provide copies of the orders to property owners and does not afford property owners a reasonable timeframe to mount a substantive challenge to the demolition orders.

239. Eric did not learn that his property was scheduled for demolition until September 25, 2023, when the Casteel Trucking demolition crew placed a dumpster on his property.

240. After Eric learned that his property was scheduled for demolition, he tried to explain to County officials—including Ricketson, Miller, and other Code Enforcement employees—that he was the owner of 1151 Sunnydale Drive and that he was actively repairing the property.

241. In November 2023, Ricketson told Ficklin that 1151 Sunnydale Drive was not scheduled for mayoral nuisance per se demolition.

242. Because Eric was listening to the phone call between Ricketson and Ficklin, Eric heard this statement.

243. Just days after Ricketson assured Ficklin that 1151 Sunnydale Drive was not scheduled for demolition, the County demolished the house.

244. The County did not provide Eric with notice of the demolition.

245. The County did not provide Eric with any information telling him how he could challenge the demolition.

246. The County did not provide Eric with any information telling him the deadline to challenge the demolition, to the extent that an official deadline existed.

247. The County never gave Eric any opportunity to meaningfully challenge the destruction of his house at 1151 Sunnydale Drive.

248. To the extent that the County can summarily demolish property, there must be exigent circumstances to justify a lack of advance notice and the lack of a pre-deprivation hearing.

249. No exigent circumstances justified the lack of notice or the lack of a pre-deprivation hearing for Eric.

250. The County's failure to provide Eric notice of the nuisance per se designation, notice of the demolition, and a right to be heard in opposition to the demolition violated Eric's right to procedural due process under the Fourteenth Amendment and the Georgia Constitution.

251. The County's policies, practices, and customs were the moving force behind the violation of Eric's due process rights.

252. As a direct and proximate result of the County's violation of his due process rights, Eric has suffered injuries. Eric's injuries include how the lack of notice deprived him of the ability to contest the demolition.

253. As a direct and proximate result of the County's violation of his due process rights, Eric lost his house and the renovation materials he had stored inside the house.

254. As a direct and proximate result of the County's violation of his due process rights, Eric experiences mental anguish, emotional distress, and trauma from his property and possessions being demolished without due process.

255. Eric seeks a declaration that the County violated his federal and state due process rights and that the County's policies and practices of summarily demolishing property violate both the federal and state due process guarantees.

256. Eric seeks an injunction prohibiting the County from demolishing property without notice or a meaningful opportunity to challenge the demolition.

257. As it relates to the past violation of Eric's federal constitutional rights, Eric seeks damages to compensate him for the destruction of his property and the resulting harm to his physical and mental well-being in an amount to be determined at trial.

CLAIM II

Demolishing Real Property Using Mayoral Nuisance Per Se Abatement Arbitrarily Violates the Due Process Clause of the Fourteenth Amendment and Article I, Section I, Paragraph I of the Georgia Constitution

258. Eric realleges and incorporates by reference the allegations in Paragraphs 1-222.

259. The Due Process Clause of the Fourteenth Amendment to the United States Constitution also protects individuals' substantive due process rights. Among these rights is the right to own and use property free from arbitrary government interference.

260. The due process protections in Article I, Section I, Paragraph I of the Georgia Constitution also contain a substantive component. Among other things, this component protects

the right to be free from arbitrary government action and places limits on local governments' police powers that are greater than the limits imposed by the Federal Constitution.

261. The County's decision to destroy Eric's house through its mayoral nuisance per se abatement scheme—rather than proceed through the courts—was unconstitutionally arbitrary.

262. Eric has a fundamental right to the possession, use, and enjoyment of his property. Under the umbrella of that right, Eric has a fundamental right to repair his house, use his house as a homestead for his family members, and derive rental income from his house.

263. When the County destroyed Eric's house, it violated these fundamental rights.

264. To the extent that the County can summarily demolish property, there must be exigent circumstances such as an actual nuisance that poses an imminent risk to public health or safety.

265. There were no exigent circumstances justifying the demolition of Eric's house. Eric's house was not a nuisance per se or any other type of nuisance when it was destroyed.

266. The County's decision to tear down Eric's house lacked a rational relationship to any purported public interest. Macon-Bibb's code does not define "nuisance per se" nor the standards, if any, for designation of a nuisance per se.

267. Demolishing Eric's house was an extreme action, the harm of which greatly outstripped any benefit to any legitimate public interest.

268. The County's decision to destroy Eric's house bore no relationship to public health or safety.

269. The County did not have a compelling governmental interest in demolishing Eric's house.

270. To the extent the County did have a compelling governmental interest in demolishing Eric's house, the County's actions were not narrowly tailored to achieve that interest.

271. Any legitimate public safety interests could have been served by giving Eric a citation or by prohibiting occupancy in his house.

272. The County violated Eric's substantive due process rights under the Fourteenth Amendment and the Georgia Constitution by arbitrarily destroying his property without justification and without furthering any compelling, substantial, or even legitimate interest.

273. The County's behavior was shocking to the conscience and was so brutal and offensive as to not comport with traditional ideas of fair play and decency.

274. The County's policies, practices, and customs were the moving force behind the violation of Eric's substantive due process rights.

275. As a direct and proximate result of the County's violation of his substantive due process rights, Eric has suffered injuries. Eric's injuries include the loss of his house and the renovation materials he had stored inside the house.

276. As a direct and proximate result of the County's violation of his substantive due process rights, Eric experiences mental anguish and emotional distress.

277. Eric seeks a declaration that the County violated his federal and state substantive due process rights and that the County's policies and practices of arbitrarily demolishing property violate both the federal and state substantive due process guarantees.

278. Eric seeks an injunction prohibiting the County from arbitrarily demolishing property based solely on the discretion of the Mayor and Code Enforcement officers.

279. As it relates to the past violation of Eric’s federal constitutional rights, Eric seeks damages to compensate him for the destruction of his property and the harm to his physical and mental well-being in an amount to be determined at trial.

CLAIM III

Retaliating Against a Property Owner for Petitioning the Government Violates the First Amendment and Article I, Section I, Paragraph IX of the Georgia Constitution

280. Eric realleges and incorporates by reference the allegations in Paragraphs 1–222.

281. Under the First Amendment to the United States Constitution, Eric has the right to petition County officials for the redress of grievances.

282. Article I, Section I, Paragraph IX of the Georgia Constitution protects Eric’s right to petition County officials for redress of grievances and provides greater protection than the Federal Constitution.

283. Under both the First Amendment and the Georgia Constitution, then, the County cannot retaliate against Eric for exercising his right to petition County officials for redress of grievances.

284. Eric petitioned County officials to halt the demolition of his house at 1151 Sunnydale Drive on multiple occasions:

- (i) On September 25, 2023—the day Eric learned his house was slated for demolition—he drove to Code Enforcement and asked to speak with Ricketson and Miller. When he was told they were unavailable, Eric asked the Code Enforcement employees to remove his house from the County’s secret demolition list.

- (ii) After Eric's initial visit, Miller called Eric. Eric asked that his house be taken off the demolition list.
- (iii) In the month after the demolition crew tried to place a dumpster on Eric's property, Eric visited the Code Enforcement office, the Mayor's office, the County Attorney's office, and the Planning and Zoning office—and some of these offices multiple times—to ask that his house be removed from the demolition list.
- (iv) On or around October 26, 2023, Eric met with Ricketson and Miller in person and shared a copy of the proposed construction work review with them. Eric informed the two Code Enforcement officers that he owned 1151 Sunnydale Drive, explained how he was actively repairing the property, and asked that the property be taken off the County's demolition list.
- (v) That same day, Eric went to Mayor Miller's office. There, he asked members of the Mayor's staff how to remove his property from the secret demolition list. He also asked to speak with Mayor Miller. Despite this visit and the multiple phone calls Eric made to the Mayor's office in the following weeks, Mayor Miller never responded.
- (vi) That same day, Eric visited Assistant County Attorney Frank Howard. He pleaded with Howard to write a letter to Code Enforcement instructing the department not to demolish Eric's house.
- (vii) On November 14—the day before the County tore down Eric's house—Eric took a copy of the residential remodel permit to the Code Enforcement

office and gave it to Miller in hopes that, upon seeing the permit, Code Enforcement leadership would call off the demolition.

285. In other words, Eric repeatedly requested that members of Code Enforcement, the Mayor's office, and the County Attorney's office remove his house from the County's secret mayoral nuisance per se demolition list.

286. Through those repeated requests Eric challenged and questioned County officials and the County's code enforcement process. County officials wanted to teach Eric a lesson by punishing him for questioning the power of County officials and the County's code enforcement process.

287. Eric's house was not a nuisance or a nuisance per se when it was demolished.

288. The County knew Eric's house was not a nuisance or a nuisance per se when the County demolished it.

289. There was no need for the County to demolish Eric's house—especially not without telling Eric that the County intended to demolish the property.

290. Nevertheless, after Eric began petitioning County employees to halt the demolition of his house, Code Enforcement officials—specifically, Code Enforcement Director J.T. Ricketson—made demolishing Eric's house a “high priority.”

291. Ricketson and other Code Enforcement employees expedited the demolition of Eric's house in retaliation for his petitioning activity.

292. Mike Casteel, the owner of the demolition company that tore down the house, told Eric on two occasions that Ricketson had personally expedited the demolition of Eric's house.

293. First, during the week of November 6, Casteel told Eric over the phone that Ricketson ordered Casteel to expedite the demolition of Eric's house.

294. Then, shortly after destroying Eric's house on November 15, Casteel told Eric that Ricketson ordered him to make the demolition a "high priority." Eric has footage of this conversation.

295. When Eric's house was demolished, at least ten other houses on Sunnydale Drive showed far more apparent signs of blight than did Eric's house.

296. To reach Eric's house at 1151 Sunnydale Drive, Code Enforcement employees had to drive past most of these houses.

297. As of May 30, 2024, none of these houses had been demolished.

298. After the County demolished Eric's house, he could no longer petition County officials to call off the demolition.

299. The County's actions—expediting the destruction of Eric's non-nuisance property in retaliation for his attempts to prevent the destruction to begin with—would chill people of ordinary firmness from questioning or speaking out against the County.

300. Other Macon-Bibb property owners are afraid to question or speak out against the County and its Code Enforcement officials for fear of retaliation similar to the retaliation Eric suffered.

301. The County violated Eric's rights under the First Amendment and the Georgia Constitution by retaliating against him for petitioning County officials to stop the demolition of his house.

302. Upon information and belief, Mayor Miller knew of and approved the demolition of Eric's house in retaliation for petitioning the County officials not to demolish his house.

303. Upon information and belief, the County has a policy and practice of expediting demolition for property owners who ask for help—rather than staying demolition while their requests are pending.

304. County policy and practice was the moving force behind the violation of Eric's constitutional rights to be free from retaliation for petitioning the government for redress of grievances.

305. As a direct and proximate result of the County's violation of Eric's petitioning rights, Eric has suffered injuries that include the loss of his house and the renovation materials stored inside it.

306. As a direct and proximate result of the County's violation of Eric's petitioning rights, Eric experiences mental anguish and emotional distress.

307. Eric seeks a declaration that the County violated his federal and state petitioning rights and that the County's policies and practices of retaliating against people who ask for help stopping demolitions violate both the federal and state petitioning rights.

308. Eric seeks an injunction prohibiting the County from retaliating against property owners who petition County officials to take their property off the County's demolition list.

309. As it relates to the past violation of Eric's federal constitutional rights, Eric seeks damages to compensate him for the destruction of his property and the harm to his physical and mental well-being in an amount to be determined at trial.

CLAIM IV

The County's Nuisance Per Se Abatement Scheme Usurps Judicial Power in Violation of Article VI, Section I, Paragraph I of the Georgia Constitution

310. Eric realleges and incorporates by reference the allegations in Paragraphs 1–222.

311. The Georgia Constitution creates a government of separated powers. These powers are divided between the three branches of government: the executive, the judiciary, and the legislature.

312. Article VI, Section I, Paragraph I of the Georgia Constitution vests the state's judicial power “exclusively” in “magistrate courts, probate courts, juvenile courts, state courts, superior courts, state-wide business court, Court of Appeals, and Supreme Court.”

313. Thus, other branches of government—such as the executive or the legislature—cannot exercise judicial power.

314. In almost all cases, determining whether property constitutes a nuisance is an exercise of judicial power.

315. To the extent that the County's executive branch can summarily demolish property, there must be exigent circumstances to justify a lack of advance notice and the lack of a pre-deprivation hearing. Such exigent circumstances are rare and must include an imminent risk to public health or safety.

316. Georgia law requires court involvement to determine whether a nuisance exists.

317. Nevertheless, the County's nuisance abatement laws give the County's executive branch an unconstitutional choice: County officials can either pursue judicial nuisance abatement or mayoral nuisance per se abatement.

318. If officials opt to use mayoral nuisance per se abatement, the County’s executive branch, particularly the Mayor and his Code Enforcement officers, have unfettered discretion to investigate, designate, and abate nuisances—all without any court involvement or scrutiny.

319. By contrast, judicial nuisance abatement takes longer, has greater procedural protections for property owners, and requires the executive branch to obtain a court order authorizing demolition.

320. Because mayoral nuisance per se abatement is easier and faster than the court process, the County almost exclusively uses the Mayor’s power to unilaterally abate alleged per se nuisances.

321. The County rarely seeks a court order authorizing nuisance abatement—especially when it comes to demolishing houses.

322. Many of the houses that the County has destroyed under its mayoral nuisance per se abatement scheme were not, in fact, nuisances per se under Georgia law.

323. Indeed, this is what happened to Eric’s house. Rather than trying to abate any alleged nuisance at 1151 Sunnydale Drive through the courts (where the power to declare nuisances lies), the County’s executive branch acted as judge, jury, and executioner by using the Mayor’s power to unilaterally abate per se nuisances to destroy Eric’s house.

324. Eric’s house was not a nuisance or a nuisance per se under Georgia law when it was demolished. Nor did any other exigent circumstances exist meriting the summary, expedited destruction of Eric’s house.

325. The County’s executive branch had no authority to designate Eric’s house as a nuisance without a court order.

326. The County's mayoral nuisance per se abatement scheme claims for itself a power that belongs in the courts—the power to determine the existence of a nuisance and order abatement of that nuisance—thereby violating the Georgia Constitution's separation-of-powers principle and usurping the judiciary's exclusive power.

327. Eric seeks a declaration that the County's mayoral nuisance per se abatement scheme violates the Georgia Constitution's separation-of-powers principle by usurping the judiciary's exclusive power.

328. Eric seeks an injunction prohibiting the County from summarily abating alleged per se nuisances via executive power.

329. To the extent that the County has the power to summarily abate per se nuisances, Eric seeks a declaration that the County can only use that power in exigent circumstances and an injunction so limiting that power.

RELIEF REQUESTED

WHEREFORE, as remedies for the constitutional violations described above, Eric respectfully requests the following relief:

- A. Entry of judgment declaring that the County violated Eric's due process rights under the United States and Georgia Constitutions by destroying Eric's house without providing Eric notice and a meaningful opportunity to challenge the nuisance per se designation or the demolition;
- B. Entry of judgment declaring that the County's mayoral nuisance per se abatement process—through which the County routinely destroys homes without providing owners

proper notice and opportunity to be heard—violates the procedural due process protections of both the United States and Georgia Constitutions;

C. Entry of judgment declaring that the County’s decision to destroy Eric’s house at 1151 Sunnydale Drive was arbitrary and violated Eric’s substantive due process rights under both the United States and Georgia Constitutions;

D. Entry of judgment declaring that the County violated Eric’s right to petition the government for relief under both the United States and Georgia Constitutions by retaliating against him for petitioning County officials not to demolish his house at 1151 Sunnydale Drive;

E. Entry of judgment declaring that the County’s mayoral nuisance per se abatement process—through which the County routinely destroys homes without authorization from any state court—violates Article VI, Section I, Paragraph I of the Georgia Constitution;

F. Entry of a permanent injunction preventing the County from demolishing homes under its mayoral nuisance abatement powers without first: (1) providing notice to property owners informing them that their properties are designated for demolition and outlining the process through which they can challenge that designation; and (2) affording property owners a judicial proceeding in superior court—with concomitant procedural and substantive protections alongside meaningful appellate review—before any demolition takes place;

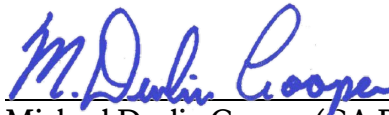
G. To the extent that the County has the power to summarily abate per se nuisances, entry of a judgment declaring that the County cannot demolish homes that do not present an

immediate and irrevocable danger to public health and safety under its mayoral nuisance abatement power;

- H. To the extent that the County has the power to summarily abate per se nuisances, entry of a permanent injunction preventing the County from demolishing homes that do not present an immediate and irrevocable danger to public health and safety under its mayoral nuisance abatement power;
- I. As to the federal claims, an award of compensatory damages for the destruction of Eric's house at 1151 Sunnydale Drive and the renovation materials Eric stored within the house when it was destroyed;
- J. As to the federal claims, an award of compensatory damages for the emotional and mental injuries Eric has suffered as a result of the violations of his constitutional rights;
- K. As to the federal claims, an award of \$1 in nominal damages for the completed violations of Eric's federal constitutional rights;
- L. Entry of an award of attorneys' fees and costs under 42 U.S.C. § 1988 and any other applicable statute or rule, or in equity; and
- M. Any further legal or equitable relief that the Court deems just and proper.

Dated: September 18, 2024

Respectfully submitted,



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*Motion for admission *pro hac vice* forthcoming