

Dear officer James,

I am writing to alert you of a recurring incident which I perceive to become, if ignored, a very dangerous situation to fellow officers and the public in general. I am referring to early-morning-hours illegal towing operations by 'All Star Towing' from "The Superblock" area and their most recent reckless behavior that almost caused a race riot, placing my property, my tenants' business, the public on the scene, and most importantly the lives of the responding police officers, at grave danger.

First, please allow me to prefix the following with the understanding that I am relaying this message based on information that was passed to me by my tenants and patrons that were on the scene. Unlike the first incident with All Star Towing several weeks ago, in which I was present and every moment was recorded on my body cam, I was not present at the time of this particular incident. Nevertheless, I was able to confirm that several people have recorded the incident on their cellular phones and the responding officers surely have the moments following the incident captured on their body cams as well.

With that being said, from what I was able to gather from several witnesses, on Saturday 8.27.2016 (between Friday 8.26.2016 and Saturday 8.27.2016), at 4:00 am, several men allegedly working for 'All Star Towing', a towing company located within the city limits and having a Myrtle Beach business license, have apparently arrived at the parking lot of the area referred by locals and visitors alike as "The Superblock" and began towing multiple cars at a time.

They allegedly began towing vehicles from the parking spaces located outside of the outer northern wall of IBIZA Hookah Lounge (The large wall facing the Mike Kelly law firm). As the owner of IBIZA and several patrons were running outside to move their vehicles and see why their cars were being towed at all, All Star Towing personnel began calling the patrons racial slurs, using the "N" word repeatedly, spewing hatred and aggravating an already volatile situation. Again, although I was not there, several of the witnesses on the scene reported the same account and said "it was a miracle that no one got shot."

As a result, over 20 MBPD officers supposedly had to respond to calm down what many on the scene have described as "almost the starting of a race riot."

As the property owner, this incident worries me awfully and the entire circumstances surrounding it should be of a concern to not only the regulatory division of the Myrtle Beach police department, but the entire force and city government as a whole. Besides being a liability nightmare, this incident could and should have been easily avoided if only All Star Towing followed a few simple rules and acted professionally and ethically. Allow me to share some of the reservations and concerns I have:

First and foremost to me is officers' safety. I am well aware from having my own business within the city limits that around 4 am is usually a time when not many officers are available due to shift changes and release from duty during "slow time." Having only a few officers to back up the responding officers to a highly charged and very intense situation, places all officers involved at risk. Additionally, many times during such incidents, emotions run high, crowds getting larger by the minute, and when one adds alcohol, egos, and tension fueled by racism, to the mix, the recipe for tragedy may be inevitable. Simply put, officers are unnecessarily being placed in harms' way during an illegal towing operation just so, what I consider to be careless and inconsiderate towing, company can make extra money.

Further, I call this "an illegal towing operation" for several factors. *For One*, I cannot imagine that anyone from the adjacent business, Mike Kelly law firm, indeed called the towing company at 4 am to remove those vehicles. I believe All Star Towing took it upon itself to tow those vehicles without an actual complaint. *Second*, according to all eyewitnesses, no one from the law firm was present to sign the towing tickets. As you are well aware, the city of Myrtle Beach requires that the tow tickets for EVERY vehicle being towed be signed by an approved 'on-file' owner/agent AT THE TIME the vehicle is being towed and ON SITE (tow operators cannot be considered an agent; must be an owner or an employee). NO PRE-SIGNED tow-tickets are allowed. *Third*, the city of Myrtle Beach requires specific approved signage warning motorists of private parking to be visibly placed on the property. I was told that no such signs existed when the guests arrived and no verbal/written warnings were given by the law firm to anyone at any time prior/after towing. *Forth*, this part of the parking lot was assumed to belong to the structure located at 810 N Oak, currently IBIZA Hookah Lounge. When I purchased the property several years ago, I was told by the previous owner that those parking spaces belong to my building. Since then, my tenants have been taking care of those spaces in terms of picking up trash, trimming the bushes, etc. Without having an official survey, no one should be able to claim those parking spaces other than those who have had cared for them thus far and believe to be the rightful owner of said spaces. At the very least, if the Mike Kelly law firm believed there was a dispute, they could have notified my tenants or I of such discrepancy and I would have paid for a survey to resolve the issue. Either way, I find it suspect that after so many years, all of the sudden, a law firm that operates during "normal" business hours, Mon-Fri, has a problem with a few patrons from a neighboring business parking across the lot, at 4 am, in those parking spaces. Lastly, when the city of Myrtle Beach had redone their parking markers at this particular parking lot and placed new parking signs a few months ago, it never placed any lines or signs to designate those particular parking spaces as public parking. As such, the owners of IBIZA and me were led to believe, what we still assume to be true, that this is a private parking area belonging to my building.

Moreover, I also found out today that despite the incident and the controversy over the parking spaces that happened early Saturday morning (Sat 8.27.2016), despite the alleged incitement of violence by All Star Towing, despite the fact that the regulatory division is closed on the

weekend, despite the fact that so many people could have gotten hurt in the process, and despite being reprimanded and I believe cited for a prior illegal towing offense, All Star Towing has decided it would be a good idea to come back the very next morning and do the same thing all over again. I was once again contacted and was told by several witnesses on the scene that All Star Towing were back and hard at work towing on Sunday morning, 8.28.2016, and have towed multiple vehicles from same location starting at around 2:00/2:30 am. Yet again, I was not present and am still gathering information and videos regarding this incident.

I always believed that just because something may be legal, doesn't mean we have to do it and/or that it may always even be moral and/or at the best interest of the community. Even if (and that's a big IF), All Star Towing has complied with all city requirements and those tows were permitted, I find it shameful and dishonest that they only tow vehicles at such hours and such days at which time the regulatory division of the MBPD is closed. After all, why wouldn't they tow at all hours and all days if such tows are warranted from said location?!

As a 'city approved/licensed business,' All Star Towing represents our city. If the allegations as I was told are indeed true, I find the conduct of All Star Towing not only unprofessional, but also unlawful. I personally possess a video from a few weeks ago, of All Star Towing tow trucks, picking up vehicle after vehicle at the Superblock parking lot where the tow truck operator never even gets out of the vehicle to "vin" (make sure the vin number and the license plate of the vehicle are correct and recorded properly on tow ticket) the car. This leads me to believe that IF any of the tow tickets are truly signed, they were signed in advance, which again, is illegal. Being that two law firms (the Lovely Law firm and the Mike Kelly law firm) are the alleged "complainants," I certainly expect a higher standard of care from those who make law and order their business and livelihood. I would expect them to not only be good neighbors, role models, and pillars of the community, but also be troubled, like me, with anyone, including their own agents, who may place police officers safety and the public's safety at risk.

Likewise, I mentioned earlier "the interest of the community." Allow me to end this on a personal note. I find it disheartening that the city of Myrtle Beach does not recognize the risk that All Star Towing is placing locals and visitors alike by towing their vehicles at such hour and at such location (many locals consider the superblock a dangerous area of town). I do not want to even imagine what may happen to some of the young ladies leaving the clubs, dressed in club attire, and may even be very tired and unaware of their surroundings, wandering the streets, looking for their vehicle or an ATM. Too, I am sure you are aware that this particular towing company only accepts cash. How many young men/women have access to a few hundred dollars, in cash, at 4 am on a Sunday morning?!

I believe I once heard John Pederson, our city manager, saying at a council workshop meeting that: "nothing good happens after 2 am." Maybe this statement should also be applied to those who believe that leaving someone's child stranded at 4 am in a strange and unfamiliar city is a good idea. Maybe this towing company should have a curfew as well. No one's

child/brother/sister should be getting a death sentence, be kidnapped, raped, assaulted, or mugged, simply because their vehicle was towed illegally. It may be “simply, no big deal, illegal tow” for some, but at those hours, in those areas of the city, it may cost some unfamiliar visitor her life.

For-the-record, I absolutely have nothing personal against All Star Towing and/or its staff, nor do I have a particular issue with any legal towing. On the contrary; when Jay, the owner of All Star Towing approached me during the recording of prior incident, we were polite and cordial to one another and I thought the situation was resolved. I truly wish for him to have a successful business. I simply want every business in our city to obey by and follow, the same set of rules, and to be held to the same standards as other businesses. It is wrong for one business, like a towing company, to place another business, the public or emergency personnel, in a compromising situation and place their business license at risk. It is added wrong for city officials to allow such incidents to continue.

Finally, I will end with this. I find it very circumstantial that those parking problems and other hardships “find their way” to my tenants each time I confront city officials about one issue or another. I want to trust that our city leaders are not behind such petty and reckless retaliations and those are simply coincidences. I would like to mention for the record nonetheless, that I consider repeated coincidences as patterns and thus, to me and my tenants, they stop being ‘simple coincidences.’ Again, I hope I am wrong to assume such postulation.

Politics aside, I ask of you Ms. James to take this complaint with the magnitude it deserves so officers go back safely to their families and our locals and out-of-town guests have a safe and pleasant experience in our city.

I thank you in advance for your help in the matter and will continue sending you more details and footage as I receive it myself.

With Respects,

Shai David