

Legal Action Suggested in Booting Controversy

Written by Steve Frank
Friday, 23 May 2014 05:32

After hearing two more reports of threats to people booted on the lot of the Marketplace lot on King Street in downtown Boone, town attorney Sam Furgiuele suggested victims take legal action. The suggestion came after Boone attorney Charlie Brady and a woman who identified herself only as “Ann” reported their encounters with staff who booted their vehicles on the parking lot, “Ann” telling the Boone Town Council last night that she felt threatened by the man she encountered after finding her car booted on April 25th, that as she was picking up a pizza at a restaurant that does not have permission for patrons to park there. She said the attendant, who she said was hidden in an unmarked vehicle, threatened her with arrest as she warned others pulling into the lot not to park there, “The guy was in a dark car with dark windows.” She said that the Mellow Mushroom had a sign on their door warning patrons not to use the lot, and that she immediately returned to her car, only to find it already booted. “He threatened to call police ‘cause I was warning other people,” and she said, “It was the most expensive pizza I’ve ever bought in my life—\$60 for the fine and \$14 for the pizza.” She went on to tell the council, “He was mean, he was nasty,” and she said, “I felt threatened—as a woman, I felt threatened by this man.” Attorney Brady told of his encounter from November of 2012 when he parked on the nearly empty lot, then found his vehicle booted when emerging from a restaurant not served by the lot. He admitted being in the wrong, but the next day, started investigating the signage and the secretive nature of the surveillance of the lot, and was accosted by the attendant, then the owner, “I finished taking pictures and I walked back to my office, and it was a few minutes later that Mr. Tate came over to my office. And he told me, he said, ‘listen, if you come back over there again, I’m going to have you arrested for trespassing. And I don’t know whether I might just go to the magistrate’s office right now and have you arrested for trespassing.’” Brady told the council he asked Tate whether the secretive nature of the lot surveillance had been tested, and that Tate told him it had and they were allowed to work that way, and Brady said “Well I found out later that wasn’t true.” Furgiuele’s suggestion came after Mayor Ball expressed his frustration over the litany of complaints, Furgiuele saying, “Most of the things (threats) that you’ve described would be misdemeanors under the current ordinance, but you have to go to the magistrate’s office in order to actually file criminal charges,” and he suggested, “That may be a good deterrent if people actually start to actually follow through with criminal charges against the individuals who are violating the law.” Ball said that the council will again look at the issue next month.