

Pending law Suit against City Of Buffalo

FRANK GIST <fgist@me.com>

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To: Councilmember Pridgen - Ellicott <dpridgen@ch.ci.buffalo.ny.us>;

Dear Council President Pridgen,

I am writing this letter with the hopes of resolving a very important issue pertaining to my family business, *Gist Bail Bonds* which has been in existence the past 52 years and is the oldest black owned business in downtown Buffalo.

Please excuse the length of this letter but I think its important that you understand the totality of my complaint for which I am in the process of filing suit against the City of Buffalo to force them to enforce its own laws.

This claim arises from the City Of Buffalo's willful and deliberate disregard of its City ordinance (subsections): *Peddling and Soliciting, §316-1, §316-9 and §316-6* (<http://ecode360.com/13624102>). The City of Buffalo's willful negligence, has caused financial harm over the course of several years to ***Gist Bail Bonds, 69 Delaware Ave. Buffalo N.Y.*** thus are asking for relief and restitution from the courts.

The City of Buffalo's failure to enforce the law has created an unfair and illegal business advantage that facilitated "tortious interference" by the complainant's business competitors and has created substantial financial harm to the **Gist Bailbonds** .

The ordinance states:

Peddling and Soliciting §316-1, §316-9 and §316-6 clearly states

*'No person shall **sell**, peddle, hawk or vend any goods, wares or merchandise upon **the streets or public places of the City**.....*

Without first obtaining a license to do so from the Commissioner of Permit and Inspection Services...

***nor shall a vehicle be used in connection with such peddling** without obtaining a license for the vehicle'...*

*No licensee shall be permitted to **sell**, peddle, hawk or cry out his wares within the territory bounded on the west by Franklin Street, Upper Terrace, Pearl Street ect*

The offending interest are Bail Bond agents that persistently and routinely park large bill boarded vehicles and trucks on the egress of the office building located at **69 Delaware Ave.** (directly across from Buffalo City Court) where **Gist Bail Bonds** leases office space, at considerable cost.

These Bail Bond agents are allowed to solicit and peddle their business from billboarded trucks, via an apparent scofflaw arrangement with the cities Parking Enforcement bureau. Parking Enforcement appears to sanction and almost accommodate daily reserved parking in front of **69 Delaware Ave.** across from the City Court building. By allowing this scofflaw arrangement City Parking Enforcement are promoting and facilitating free and direct advertising space to targeted clients exiting Buffalos City Court . This greatly impedes potential business prospect from Bond agents with brick and mortar establishments that rely on advertisement and word of mouth . This has created an unfair business environment that has caused significant financial harm to the **Gist Bail Bonds** and other compliant bail agents in the area.

The offending agents are parking there commercial vehicles in and around Buffalo City and County Court as well as the Erie County Holding Center, 24 hours a day, 7 days a week.

We believe the City of Buffalo has facilitated a scofflaw arrangement that allows them perpetual primetime parking and public advertising, despite several violations of parking ordnances, on a daily basis. At the extreme detriment to brick and mortal businesses who following the law and don't believe street side panhandling is a proper way to conduct business.

For some inexplicable reason the City of Buffalo believes those bail bond agents are not conducting business. Please understand that thousands of dollars of commerce is conducted in front of 69 Delaware Ave. everyday of the week. Bond agents are licensed by the N.Y.S. Insurance Dept. and are essentially selling "insurance" policies to the courts, guaranteeing a defendants return. Bail is one Americas oldest profession, and rooted in the Constitutional principle that all citizens are innocent until proven guilty.

As a professional bondsmen whose family has been in business over 50 years with business connections across the nation, I know this situation simply does not exist anyplace else in the state or country. Many states have ordnances specifically addressing the bail

bond conduct, that strictly prohibits solicitation within within 500 yards of a courthouse or jail facility.

Beyond the detrimental financial effect on our business, is the effect it has on the Bail industry as a whole. This allowance of an open-air bazaar for bail agents has cheapened the profession to new lows.

Imagine a traveling evangelist in a billboard van that parks in front of your church, preaching to and soliciting your parishioners as they walked into your church? Then be told there's nothing anyone can do about it as long as they feed the parking meter. Perhaps you would appreciate our situation better.

I hope you will consider this complaint and revisit the situation before this has to be litigated. Our primary goal of bringing suit is to force the City enforce its own laws and remove this unfair business advantage the city is facilitating illegally.

Again, our collective family has been in business for 52 years in the Bail Bond business and another 95 years with *The Buffalo Criterion News*. Our families have collectively over 140 years of service to this community, with a tradition of conducting business honesty and with integrity. We hope to be around for a lot longer but if the City fails to uphold the laws we may not be around next year.

Thank you very much for your time and attention. If you have any questions or request please feel free to contact me.

Sincerely,

Frank Gist , Greater Buffalo Bail

Bonds, (fgist@aol.com)

Laura Gist , A-1 Bail Bonds,

