OUT OF THE BOX COMPLIANCE, AND PRE-HEARING RESOLUTIONS

Moderator: Rob Jessee

Panelists: Ron Johnson & Keith Melvin
OBJECTIVES

- Share examples of cases you are having in your home state.
- Address cases to resolve prior to administrative hearing
- Discuss obstacles to resolving cases
- Discuss options available to us to resolve cases.
- Discuss examples of ways difficult cases have been resolved.
WHAT’S GOING ON IN YOUR STATE?

- What current cases do you have now that you new need help with?

- List 2 cases from the audience
Always:

- Regulate without passion
- Explore every way possible to resolve the matter as long as it is legal and ethical
- Know your options within the statutes and rules
- Meet with your team to generate possible solutions
- Ask the sign owner as many questions as possible
- Consider sign removal the last resort
ALWAYS & NEVER...

Never:

- Take a sign violation personally or consider a resolution a knock to your authority.
- Think you always have the right answer
- Refuse to explore alternative solutions
- Rely completely on the initial information received.
- Think, speak or regulate with the attitude: “This is the way we’ve always done things.”
OBSTACLES

- Scenic Highway designations
- Spacing conflicts
- Land use conflicts
- Other statutory or rule restrictions from your home state?
AVAILABLE OPTIONS

- Statutory Exemptions
- Voluntary Alterations to the sign
- Relocation of the sign
- Size reduction to the sign
- Grandfathering options to permitting
- Changes to the advertising copy
- Settlement Agreements with specific deadline for removal
- Other options available in your home state?
RESULTS ARE A WIN-WIN FOR ALL

- Case gets resolved and sign owner is able to continue to utilize the sign in some fashion

- The case must move forward to a hearing and going through all available options to resolution prepares your team for a strong winnable case.
The Rock Landing Marina is a small business on the Gulf coast in Wakulla County, Florida. They owned two off premise outbuildings down the road from the actual business. They painted murals on the side of both buildings advertising the marina with directional arrows. Both buildings were noticed as illegal signs. Hearings were requested, and litigation cases were opened. In working with the business, we found they intended to implement the buildings as part of the marina for both storage and retail space. They progressed to make changes to the property and altered the advertising copy. These changes brought both signs into compliance and the cases were closed.
CHANGING THE COPY
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Lauren’s Kids is a non profit group that advocates for rights of survivors of abuse. They took control of a sign on an abandoned roller coaster. They asked for a hearing and when we were ready to set a date they wanted to work with us. The property where the roller coaster and sign was located is in a pending sale, and the roller coaster was slotted to be demolished.

Instead of going through the administrative hearing process, which could take as long as the property sale closing and demolition, the department negotiated a settlement agreement with Lauren’s Kids designating a specific date by which the sign must be removed from the roller coaster.
NEGOTIATE A SETTLEMENT AGREEMENT
GRANDFATHERING OPTION

- The Snappers Restaurant sign is sets along US1 in the Florida Keys. It advertises both a restaurant and waterfront lodging down the road from the sign. The sign is off premise and a permit is required for it to remain. This stretch of the road is part of the scenic highway, which does not allow for new permits.

- By use of documents in the building department and Google Earth archived photos, the department was able to determine that the sign existed the location in its current form prior to the scenic highway designation. No other factor prevented the sign from being permitted under the statute’s grandfathering requirements. With payment of the required fees, the sign will be permitted.
GRANDFATHER OPTION
WRAP UP

- Revisit the 2 cases examples that were presented in the beginning.

- After this discussion what are ways that these cases could be resolved?

- What are 5 ideas that come to mind today that you intend to explore when you get back to your office?
ENDING THOUGHTS

- If lawyers are disbarred and clergymen defrocked, doesn't it follow that electricians can be delighted, musicians denoted, cowboys deranged, models deposed and dry cleaners depressed?

Laundry workers could decrease, eventually becoming depressed and depleted! Even more, bed makers will be debunked, baseball players will be debased, landscapers will be deflowered, bulldozer operators will be degraded, software engineers will be detested, and even musical composers will eventually decompose.
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SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION
OUTDOOR ADVERTISING PROGRAM

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