

# WILLIAMS MULLEN

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October 8, 2013

Mr. Danny Eudy  
Code Administrator  
City of Creedmoor  
Community Development Office  
211 North Main Street  
Creedmoor, NC 27522-106

Re: Notice of Violation: Jean Blaine  
3192 Cannady Mills Road  
Franklinton, NC 27525

Dear Mr. Eudy,

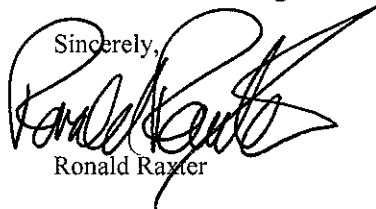
We have been engaged by Jean Blaine with respect to your letter marked "Notice of Violation" issued July 23, 2013 ("Notice") The Notice cites violations observed on July 31, 2013. The Notice is postmarked August 14, 2013. The Notice requires my client to remove certain unidentified "illegal sign or signs posted on the right of ways of the streets or highways within the city limits within seven days or face monetary penalties. Nowhere in the Notice does it state what sign or signs my client is alleged to have posted. My client insists and again reaffirms that she has not posted any sign or signs of any nature anywhere in Creedmoor. My client gave this information to you by letters dated August 21, 2013 and September 4, 2013. She has received no response from you to these letters.

Section 17-15.1(A) of the City of Creedmoor Development Ordinance requires your office to give "notice of the violation" and "30 days after receipt of such notice" to correct any such violation. Even minimal due process requires that a Notice of Violation include some description of the violation beyond a mere statement that a violation exists. If you have evidence that my client has violated the sign ordinance of the City of Creedmoor, please provide our Office with a description of such sign or signs, the location or locations of such sign or signs, any evidence showing that my client is the "responsible party" for such sign or signs, and a period of time to correct such violations that conforms with your own Ordinance. Absent the ability of the Community Development Office to produce such evidence, we request that you provide a written withdrawal of the Notice of Violation issued July 23, 2013, since these are public documents. It would also be appropriate to issue a written apology.

My client is the owner of the website "Something Stinks in Creedmoor" which has been critical of the City of Creedmoor and its Community Development Office. Your failure to correct the public record could be viewed as an attempt to restrict the free speech rights of my client under the US Constitution. Your attempt to assess monetary penalties against my client under the City of Creedmoor Development Ordinance could create a US Code Section 1983 claim against the City of Creedmoor for attempting to penalize my client under color of law for exercising her free speech rights. For that reason, we are providing a copy of this letter to the Mayor and City Commissioners to put them on notice of this potential claim.

Your prompt attention to this matter would be appreciated. We respectfully ask that you respond within twenty business days of receipt of this letter which will be noted upon our return receipt and my client will consider the matter concluded. If there is no response within that period, my client will have no choice but to consider such further actions as may be necessary to protect her constitutional rights.

Sincerely,



Ronald Raxter

 findingyes

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cc: Mayor Darryl Moss  
City of Creedmoor Commissioners