

2010 Georgia Code That Have Been Violated, TITLE 51 – TORTS, CHAPTER 9 - INJURIES TO REAL ESTATE

O.C.G.A § 51-9-1 - Cause of action for interference with enjoyment of property: The right of enjoyment of private property being an absolute right of every citizen, every act of another which unlawfully interferes with such enjoyment is a tort for which an action shall lie.

O.C.G.A § 51-9-6 - Damages for continuing trespass: Damages for a continuing trespass are limited to those which have occurred before an action is commenced. Subsequent damages flowing from a continuation of the trespass give a new cause of action.

O.C.G.A § 51-9-7 - Diversion, obstruction, or pollution of stream as trespass: The owner of land through which nonnavigable watercourses flow is entitled to have the water in such streams come to his land in its natural and usual flow, subject only to such detention or diminution as may be caused by a reasonable use of it by other riparian proprietors. The diverting of the stream in whole or in part from its natural and usual flow, or the obstructing thereof so as to impede its course or cause it to overflow or injure the land through which it flows or any right appurtenant thereto, or the polluting thereof so as to lessen its value to the owner of such land shall constitute a trespass upon the property.

O.C.G.A § 51-9-9 - Interference with rights of owner above and below surface of property: The owner of realty has title downwards and upwards indefinitely; and an unlawful interference with his rights, either below or above the surface, gives him a right of action.

O.C.G.A § 51-9-10 - Interference with right of way or right of common: The unlawful interference with a right of way or a right of common constitutes a trespass to the party entitled thereto.

The City of Port Wentworth, Chatham County, Ga, and the State of Georgia has been egregiously ignoring our complaints, systematically creating nuisances, and willfully allowing AT&T and other developers to deteriorate our African American neighborhood and our property values with the goal of TAKING OUR PROPERTIES BY ANY MEANS NECESSARY!! As such we will CONTINUE to exhaust ALL FEDERAL RESOURCES in order to protect our Civil Personal and Property Rights under both Georgia and Federal law.

Sincerely,

(b)(6) Privacy, (b)(7)(C) Ent. Privacy
LJB Enterprises, LLC.

"What shall we then say to these things? If God be for us, who can be against us?"

- ROMANS 8:31

On Thu, Apr 27, 2023 at 3:15 PM (b)(6) Privacy, (b)(7)(C) Ent. Privacy wrote:

Mrs. Price and Georgia Department of Natural Resources,

This was NOT a Georgia Open Records Request... This is an actual **ENVIRONMENTAL COMPLAINT** for the **VIOLATION OF THE CLEAN WATER ACT** for the Georgia Department of Natural Resources to INVESTIGATE!!! But this is ALWAYS this issue down here in Georgia when African American members of the Public raise issues to our State agencies about issues that YOU are supposed to address and INVESTIGATE... it simply gets CAST ASIDE with a vague and unsubstantiated response just like you're doing now.... BUT WE ARE TIRED AND WE WILL HOLD THE GEORGIA DEPARTMENT OF NATURAL RESOURCES FULLY INDIVIDUALLY AND JOINTLY LIABLE FOR ALL DAMAGES TO OUR PROPERTIES IN WHICH YOU KNOWINGLY CONTINUE TO TURN A BLIND EYE AND NEGLIGENTLY "AID & ABET" THE CITY OF PORT WENTWORTH AND THESE DEVELOPERS TO TRESPASS AND DAMAGE OUR PROPERTIES AND VIOLATE OUR CIVIL RIGHTS!

For this reason is why I've cc'd the various Federal Government regulators on this email from the FCC, FEMA, EPA, DOJ and the Army Corps of Engineers here because our Civil Rights are NOT being protected by the State of Georgia on neither the State, County, nor Local levels. As such, getting the Federal government agencies involved is our ONLY hope.

DOCUMENTATION OF ISSUES ALONG SAUSSY ROAD

Discrimination and violation of the Clean Water Act, Videos showing how roadside ditches along Saussy Road have been filled in BLOCKING stormwater from draining off of GA Highway 21 and flowing down into Saussy Canal:

- Video #1 - https://youtu.be/aG_ThQxUZKU
- Video #2 - https://youtu.be/_USPB8eWRf8
- Video of the Intentional Blockage of the Saussy Canal and Roadside Ditches by AT&T and the DEL/SHA Fiber optics Utility Company installing fiber optic cables within the electrical utility easement without a permit on the North end adjacent to the (b)(6) Privacy Property located at (b)(6) Saussy Road, Port Wentworth, GA 31407 - <https://youtu.be/nbPU4zY4iVk>
- Video of the Intentional Blockage of the Saussy Canal and Roadside Ditches by AT&T and the DEL/SHA Fiber optics Utility Company installing fiber optic cables within the electrical utility easement without a permit on the North end adjacent to the property of (b)(6) Privacy located (b)(6) Privacy Grant Road, Port Wentworth, GA 31407 - <https://youtu.be/N7stL11xg4E>

PORT WENTWORTH, GA – CODE OF ORDINANCES (PW CODE), CHAPTER 7 THAT HAVE BEEN VIOLATED – DRAINAGE AND FLOOD CONTROL, ARTICLE I – GENERAL

PW Code, Section 7-1. - Placement of foreign matter in drainage ditches. It shall be unlawful for any person to place, put, or cause to be

placed, any grass, weeds, leaves, tree parts, debris, garbage, chemicals, petroleum products, trash, or other materials of any kind or description, in any drainage ditch. (Ord. No. 75-1, § 1, 4-10-75)

PW Code, Section 7-2. - Blocking ditches, altering drainage facilities. It shall be unlawful for any person to fill or block or obstruct, by dirt or conduit or otherwise, any ditch or drainage way or area or to make any alteration whatever in the storm drainage facilities without a written permit issued by the city. In the event of the denial of a permit, the person requesting the permit may forward his request to the streets/roads committee of city council for further review. (Ord. No. 65-1, § 1, 2-11-65; Ord. No. 96-12, 8-22-96)

PW Code, Section 7-14. - Statutory authorization. Article IX, Section II of the Constitution of the State of Georgia and O.C.G.A. § 36-1-20(a) have delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the mayor and council of the City of Port Wentworth, Georgia does ordain that the following provisions will constitute its regulations for flood hazard protection. (Ord. No. 13-17, § 1, 8-22-13)

PW Code, Section 7-15. - Findings of fact. (a) The flood hazard areas of the City of Port Wentworth are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood relief and protection, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare; (b) These flood losses are caused by the occupancy in flood hazard areas of uses vulnerable to floods, which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages, and by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities. (Ord. No. 13-17, § 1, 8-22-13)

PW Code, Section 7-16. - Statement of purpose. (1) It is the purpose of this article to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to: (2) Require that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction; (3) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion; (4) Control filling, grading, dredging and other development which may increase flood damage or erosion; (5) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands; and (6) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters. (Ord. No. 13-17, § 1, 8-22-13)

PW Code, Section 7-22. - Compliance. No structure or land shall hereafter be located, extended, converted or altered without full compliance with the terms of this article and other applicable regulations. (Ord. No. 13-17, § 1, 8-22-13)

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Sincerely,

(b)(6) Privacy, (b)(7)(C) Ent. Privacy

LJB Enterprises, LLC.

(b)(6) Privacy, (b)(7)(C) Ent. Privacy

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- ROMANS 8:31

On Wed, Apr 26, 2023 at 2:03 PM District, GORArequest <GORArequest.District@dnr.ga.gov> wrote:

The **District Offices** have **no** potentially responsive records to your request.

Thank you,

Mandy E. Price

District Offices GORA Coordinator

Administrative Assistant III

Environmental Protection Division

West Central District Office

2640 Shurling Drive

Macon, Georgia 31211

P 478.751.6612 / F 478.751.6660

mandy.elliott@dnr.ga.gov



From: LaRay Benton <laraybenton@gmail.com>

Sent: Monday, April 24, 2023 9:53 AM

To: paloma.perez@fcc.gov; anne.veigle@fcc.gov; mediarelations@fcc.gov; james.brown@fcc.gov; darryl.cooper@fcc.gov; aliza.katz@fcc.gov; traci.randolph@fcc.gov; joanna.fister@fcc.gov; malena.barzilai@fcc.gov; PRA@fcc.gov; alejandro.roark@fcc.gov; loyaan.egal@fcc.gov; Stuart.baker@fema.dhs.gov; kthomas@cityofportwentworth.com; lmoore@cityofportwentworth.com; (b)(6) Privacy, (b)(7)(C) Enf. Privacy

Cc: Zahnay Smoak <zsmoak@cityofportwentworth.com>; City Attorney <cityattorney@cityofportwentworth.com>; districtattorney <DistrictAttorney@chathamcounty.org>; Gary Norton <gnorton@cityofportwentworth.onmicrosoft.com>; Thomas Barbee <tbarbee@cityofportwentworth.com>; Gabrielle Nelson <gnelson@cityofportwentworth.com>; Rufus Bright <rbright@cityofportwentworth.com>; Mark Stephens <mstephens@cityofportwentworth.com>; Glenn Jones <gjones@cityofportwentworth.com>; soscontact@sos.ga.gov; Shannon Bazemore <shbazemore@chathamcounty.org>; District, GORArequest <GORArequest.District@dnr.ga.gov>; region8@dca.ga.gov; region7@dca.ga.gov; region10@dca.ga.gov; region11@dca.ga.gov; region12@dca.ga.gov; region1@dca.ga.gov; region2@dca.ga.gov; region3@dca.ga.gov; region4@dca.ga.gov; region5@dca.ga.gov; region6@dca.ga.gov; region9@dca.ga.gov; Rutlin, William M CIV USARMY CESAS (USA) <William.M.Rutlin@usace.army.mil>; Lilienthal, Melissa L CIV USARMY CESAS (USA) <Melissa.Lilienthal1@usace.army.mil>; sberson@crc.ga.gov; Nick Batey <nbatey@chathamcounty.org>; Sherri Oliver <sloliver@chathamcounty.org>; Amy Davis <ajdavis@chathamcounty.org>; wwwilliamson@chathamcounty.org; coengineer <coengineer@chathamcounty.org>; [chathamtaxpmt@chathamcounty.org](mailto:chathamtaxpmt@chathamtaxpmt@chathamcounty.org); BOA <boa@chathamcounty.org>; Nathan Benson <njbenson@chathamcounty.org>; Brock, Tyler J CIV USARMY (USA) <Tyler.J.Brock@usace.army.mil>; Helen Stone <district1@chathamcounty.org>; James Jones <district6@chathamcounty.org>; Janice Bocoock <jbocoock@chathamcounty.org>; Patrick Farrell <district4@chathamcounty.org>; Steve Davis <stevedavis@cityofportwentworth.com>; Tanya Milton <district5@chathamcounty.org>; Teresa Townsend <ttownsend@crc.ga.gov>; Bobby Lockett <district3@chathamcounty.org>; bharvey <bharvey@cityofportwentworth.com>; Chester Ellis <chairman@chathamcounty.org>; Cole Mullis <cmullis@crc.ga.gov>; district2 <district2@chathamcounty.org>; Chester Ellis <district8@chathamcounty.org>; (b)(6) Privacy, (b)(7)(C) Enf. Privacy Alyssa Jackson <Alyssa.Jackson@wtoc.com>; Jessica Savage <Jessica.Savage@wtoc.com>; Nicholson, Zoe <ZNicholson@gannett.com>; osenatimartinez <osenatimartinez@cityofportwentworth.com>; Glenn Harvey - WPRA <glenn.harvey@gsa.gov>

Subject: FCC COMPLAINT OF TV, PHONE, AND BROADBAND DISCRIMINATION & INTERFERENCE FILED AGAINST CITY OF PORT WENTWORTH, GA; AT&T; DEL/SHA Fiber optics Utility Company; GARY WIGGINS; LMS DEVELOPMENT; AND BLUE, INC.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Federal Communication Commission,

NOW COMES (b)(6) Privacy, (b)(7)(C) Enf. Privacy

and/or "Plaintiffs" and/or "Petitioners" and/or "Appellants"), citizens of the State of Georgia and/or persons having specific ownership and/or interest in real property located at or about (b)(6) Privacy Saussy Road, Port Wentworth, GA, 31407, approximately 5.220 total acres of real property, as formally recorded by the Chatham County Clerk of Superior Court within Book 53,

Page 86, of the Real Property Land Records for Chatham County, GA (individually and collectively the [REDACTED] Property” and/or “Saussy Road [REDACTED] Property”).

Since April 12, 2023, and continuing to date (12 days and counting), a total of 15 rural African American households, totaling over 35 consumers / persons, and of which EVERY homeowner of the subject properties along Saussy Road in the City of Port Wentworth, GA are either Retired, on fixed incomes, Elderly/ Senior Citizens, over the age of 55+ and/or Disabled Veterans, Spouses, and Dependents of the U.S. Armed Forces. At least five of the African American households, to include the [REDACTED] Saussy Road, Port Wentworth, GA, have school age children under the age of 17 years of age that routinely REQUIRE ACCESS TO BROADBAND AND/OR INTERNET SERVICES IN ORDER TO COMPLETE THEIR HOMEWORK ASSIGNMENTS AND SCHOOL PROJECTS! However, our constitutionally protected Civil Rights and Consumer Rights have been purposefully, willfully, systematically, egregiously, wantonly, and negligently Denied, Restricted, Violated and just out right IGNORED by THE CITY OF PORT WENTWORTH & STAFF (the local municipal government); AT&T (Telecommunications provider expanding broadband and fiber optics into the area); DEL/SHA Fiber optics Utility Company (directional drilling Contractor hired by AT&T); [REDACTED] (the landowner of the LMS Apartments Development Site); LMS PORT WENTWORTH LLC (holding company LLC for the Allier Port Wentworth Apartments development site); [REDACTED] & LMS INVESTMENT MANAGEMENT, INC. (the Developer of the site); 1744 OAKS LLC (the Prime General Contractor for the site); ALLIER PORT WENTWORTH APARTMENTS (the asset DBA and Property Manager for the site); BLUE, INC. (the local General Contractor for the site); and by [REDACTED] AND PLATINUM PAVING & CONCRETE (individually and collectively the “Defendants” and/or “Respondents”). As such, Plaintiffs / Consumer have been and continue to be irreparably harmed by the Defendants in clear violation of the 5th and 14th Amendment to the U.S. Constitution; Article I of the Georgia Constitution; the Communications Act; the Federal Advisory Committee Act; the Fair Housing Act; the Civil Rights Acts of 1964 and 1965, as amended; the Cares Act; the Georgia Fair Housing Act; and the Infrastructure Investment and Jobs Act to name a few.

THE CITY OF PORT WENTWORTH CONTINUES TO DISCRIMINATE AGAINST AFRICAN AMERICAN RESIDENTS THAT LIVE ALONG SAUSSY ROAD AND WE HAVE BEEN WITHOUT LANDLINE PHONE, BROADBAND, INTERNET, TV, & EMERGENCY SERVICE FOR GOING ON 3 WEEKS NOW.... & THE CITY OF PORT WENTWORTH IS DOING NOTHING ABOUT IT!!!

If there was a FIRE or another emergency situation where either the POLICE or EMS is needed, many of the ELDERLY residents that don't have cell phones WILL NOT BE ABLE TO DIAL 911!!! THIS IS A SAFETY CONCERN THAT THE CITY OF PORT WENTWORTH, ALL COUNCIL MEMBERS, CITY MANAGER, CITY ATTORNEY, & STAFF REFUSE TO ADDRESS!!!

We have elderly residents, whose families cannot call and check up on them because they have no telephone service due to [REDACTED] LMS Development, and the Blue, Inc. developers and contractors out of Hinesville WILLFULLY cutting the AT&T telephone lines, filling them with dirt and then paving over it with asphalt!!! The contractor then told my sister that “I don't give a FU(K...” and shot her a bird. See the pictures attached!!

Without the telephone lines for internet services, my two nieces and at least five other African American households have school age children under the age of 17 years of age that routinely REQUIRE ACCESS TO BROADBAND AND/OR INTERNET SERVICES IN ORDER TO COMPLETE THEIR HOMEWORK ASSIGNMENTS AND SCHOOL PROJECTS! However, our constitutionally protected Civil Rights and Consumer Rights have been purposefully, willfully, systematically, egregiously, wantonly, and negligently Denied, Restricted, Violated and just out right IGNORED by THE CITY OF PORT WENTWORTH & STAFF (the local municipal government); AT&T (Telecommunications provider expanding broadband and fiber optics into the area); DEL/SHA Fiber optics Utility Company (directional drilling Contractor hired by AT&T); GARY WIGGINS (the landowner of the LMS Apartments Development Site); LMS PORT WENTWORTH LLC (holding company LLC for the Allier Port Wentworth Apartments development site); [REDACTED] & LMS INVESTMENT MANAGEMENT, INC. (the Developer of the site); 1744 OAKS LLC (the Prime General Contractor for the site); ALLIER PORT WENTWORTH APARTMENTS (the asset DBA and Property Manager for the site); BLUE, INC. (the local General Contractor for the site); and by [REDACTED] AND PLATINUM PAVING & CONCRETE (individually and collectively the “Defendants” and/or “Respondents”).

We've called AT&T, and the service man came out and told us that HE CANNOT REPAIR THE LINE BECAUSE THE LMS DEVELOPMENT & BLUE, INC DEVELOPERS HAVE CUT THE LINES & BURIED THEM IN ASPHALT!!!

I emailed them about this on April 12, 2023, and NO ONE HAS REPLIED OR ADDRESSED THE ISSUES!!! See Exhibit H.

Councilwoman Gabriel Gabrielle D Nelson who's over our area has NOT called, texted, emailed, nor came to the community to check on us nor has she taken ANY STEPS to address nor elevate our concerns for ANY of the residents concerning this matter!!

Councilman Thomas Barbee who's over our area has NOT called, texted, emailed, nor came to the community to check on us nor has he taken ANY STEPS to address nor elevate our concerns for ANY of the residents concerning this matter!! He also repeatedly tells me NOT to contact him about issues like these and others that we try to raise up to the leadership of our City government. See email attached!!!

Newly appointed Police Chief Kerry Thomas and Fire Chief Lance Moore, who's JOB is to protect the SAFETY of LIFE and PROPERTY of all residents has NOT called, texted, emailed, nor came to the community to check on us nor have they taken ANY STEPS to address nor elevate our concerns for ANY of the residents concerning this matter!!

My sister called yesterday and reported the issue to the Police, the Police came out and filed a police report but only informed us that it was NOTHING that they can do!!!

We've called down to City Hall and spoke with staff who again informed us that it was NOTHING that they can do!!!

City Manager Steve Davis and City Attorney Scott Robichaux, who's JOB is to enforce the Local, State, & Federa laws within the city and protect the SAFETY of LIFE and PROPERTY of all residents has NOT called, texted, emailed, nor came to the community to check on us nor have they taken ANY STEPS to address nor elevate our concerns for ANY of the residents concerning this matter!!

My mother is a CPA, Accountant, and the CEO of my family's firm, (b)(6) Privacy, (b)(7)(C) Enf. Privacy Income Tax and Accounting, and she makes here livelihood primary during the income tax season which is now. However, she has been irreparably harmed and has lost wages and income due to the fact that her clients cannot reach her when they call the house or when client calls are forwarded from her cell phone or business line to her home phone located at (b)(6) Privacy, (b)(7)(C) Enf. Privacy Saussy Road, Port Wentworth, GA. As such, since April 12, 2023, she has accrued damages estimated at about \$2000 per day for the last 13 days, which totals \$26,000.00 in losses and damages that the Defendants owe her for the unlawful denial and interference with her phone lines.

My sister is a Respiratory Therapist and At-Home Healthcare Consultant who also lives at (b)(6) Privacy, (b)(7)(C) Enf. Privacy Saussy Road, Port Wentworth, GA. Since April 12, 2023, she has also accrued damages estimated at about \$ 3,000 daily for lost wages, kids unavailable to do homework at home, interrupted family time, gas for travel daily to and from for internet service because she can't work from home nor can her kids do homework, and for the compromised safety conditions because our 5 person household can't dial 911 if an emergency was to happen. See Exhibit I.

On Sunday April 23, 2023, I posted this story on my Facebook page and tagged some of the City Councilmembers as away of increasing awareness and documenting our issues with pictures of the developers paving over our phone lines and smiling about it. Please go to my personal page to view my post:

(b)(6) Privacy, (b)(7)(C) Enf. Privacy

CONCLUSION & PRAYER

We simply want to NOT be further discriminated against, we want our civil rights protected, and we simply want our access to Phone, TV, Broadband, Internet, and Emergency Services RESTORED IMMEDIATELY!!! PLEASE HELP RESTORE OUR CIVIL RIGHTS AND PERSONAL SAFETY & SECURITY!! Our AT&T Account Number is #912-964-8571 055 3161 for documentation and tracking purposes.

See Attached FULL Complaint and supporting documents.

Sincerely,

(b)(6) Privacy, (b)(7)(C) Enf. Privacy

LJB Enterprises, LLC.

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- ROMANS 8:31

[EXHIBIT B - Discrimination and Violation of Fai...](#)

