Good Morning. My name is Brad Sisneros and I am here to read the following statement for John Jureidini, Collections Manager for Magens Point Resort, here on St Thomas.

I would like to thank this honorable body for taking the time to listen to me, and carefully consider what I have to say.

I stood before this honorable body nearly three years ago and presented my case to you as to why this island needed to legalize and regulate the industry known as Off Property Canvasing in order to attract timeshare and travel businesses to our island. It was at that time that Bill 29-0114 was resoundinglyapproved. This bill has already attracted timeshares and travel club businesses to consider our island as their new home. Part of that approved bill provided for a commission to be formed in order to create regulations in order to uniformly license and enforce the licensing for this industry. To date,there has been no effort to form such a commission and there remains no license available from the DLCA for law abiding businesses trying to adhere to the law by obtain the proper licensing.

At the time that the OPC bill was approved it was brought up that such measures should also be taken in regards to the so called practice of "barking".

Both sides of this much debated issue agree that regulation and licensing needs to take place but banning the practice of soliciting business altogether is without a doubt unconstitutional under the "Equal Protection" clauses of the 14th Amendment, of the U.S. Constitution which guarantees that one group must receive the same treatment as others. It is illegal to single out one group for punishment or enforcement of a law, and not enforce the same law upon others doing similar actions. In the past, promoters have been unfairly singled out for soliciting tourists. **However, soliciting tourist is exactly what the following groups of persons are allowed to do in the SAME downtown commercial district of St Thomas;**

A) **Taxi Drivers**: Taxis are allowed to solicit tourists as much as they like. If walk down Main Street, on any busy cruise day, you'll hear them yelling "Back to the ship?" repeatedly.

B) **Cultural Vendors**: These are folks who sell locally made products to the tourists.

C) **Port Lecturers**: These people are "de facto" barkers. They are not licensed, but they do take passengers off the cruise ships, and bring them to predetermined stores, who pay the Port Lecturers to do this. In essence,

they are doing precisely the same job as a barker. “Port Lecturers” are Marketing Companies that are employed by the Cruise Lines, to direct its passengers to these Main Street stores. The fee for their service is very expensive, so smaller stores can't afford this.The smaller stores require a "promoter". Further, these same Port Lecturers have been sanctioned by the Attorney General of Alaska for their unsavory business practices about one year ago. They were telling tourists not to go to certain stores, because they will "rip you off", amongst other things. These port lecturers do the same thing here in St Thomas, but there is no talk of banning them in St Thomas. In fact they are welcomed.

D) **Tour Operators**: These people operate in and around Vendors Plaza. As the tourists are dropped off there, these tour operators approach them and try to sell them an island tour. There are 7-10 of them, which are out there on any day that a cruise ship is in port.

E) **Charity Booths**: These are folks who raise money for schools, sports teams and other good causes. Typically, they set up booths outside of the US Post Office that is next to Vendors Plaza.

If you add up all of these above groups, you are looking at hundreds of people that are allowed to solicit tourists with impunity, in the downtown Historic District of St Thomas without any regulation.

Going a step further.....The "Freedom of Speech" clauses in the 1rst Amendment of the U.S. Constitution guarantees that persons can say whatever they want on public property, as long as that speech does not endanger the community around it. In hundreds of townships and cities throughout the country, the licensing of the "peddlers" would put anunreasonable restriction upon these persons, who are simply trying to use their guaranteed right of "free speech" to promote their business.

I thank you all for your time and welcome any questions you may have at any time.