



Episode 1,071: Local Tyranny Persecutes Home Studio; Owner Fights Back

Guest: Lij Shaw

WOODS: You've got a very interesting story and I thought I don't do enough what we might call human interest stories here on the show, and I had a friend of mine who found out about what was going on with you in Nashville, and it's an interesting example of maybe just case of local tyranny. But first, let's give a little bit of your background. I told people a little bit about the field that you're in, but tell us about yourself and how you wound up with a home business.

SHAW: Okay, well, I live in East Nashville, Tennessee, and I moved here way back in 1991 to learn how to record music. Went to school, end up sort of settling in. I had come down here from Boston. But I've spent the past 20, 25 years working in the music business just making records, sometimes with major label artists in the past, and for the past decade or so, more often just with independent artists because it's really where my passion is.

And one of the things that I learned to do, I sort of learned from Nashville and from other people who I admired and also with the change in the music business, was there was this ability to create a home recording studio. So I, back in 2000 when I bought my home, moved into my house and started recording and making records out of my house like so many other people here. And then finally I moved my studio down to my garage and got it out of the house because I had a daughter at that time – I have a daughter now, but I moved my family in. And so then I've been making records out of my home studio, converted garage, and so that's what I do for a living. I make records with people, like I say, most often times independent artists, local artists, but also sometimes bands that would come in from other places. And occasionally I do stuff just strictly through the Internet, but mostly it's face-to-face, putting microphones in front of musicians who are playing music together, which is one of the things that we're really known for and great at here in Nashville, and so it's been a real pleasure to do that.

WOODS: So tell me again exactly how long you've been doing this out of your own home.

SHAW: I have been – well, I bought my house in 2000, so for 18 years I've been doing that. And before that, even when I was renting a house, I started creating my home studio environment. I still was working in commercial studios and traveling and doing things like that too, but really, my dream was to be able to have a home recording studio and be able to work with bands and artists that I really loved, like I said, particularly independent artists because that is where my heart is in music. Most of the time, I find that people are doing really creative and inspiring things making music outside of the big commercial scene, and so that's a great fit for the home studio where it's a very affordable way to make music.

WOODS: So tell me what happened to you. What did the local government do?

SHAW: Okay, so like I said, I've been happily making records with people for years. I'm one of many, many, many people who do this here in Nashville and all around the world, actually. And in 2015, I actually received a Grammy award here at the studio for a record with Mike Farris. *Shine for All the People* was mixed here in my studio, so it was sort of a big, proud moment for me. And literally shortly after that, within a few months of receiving the Grammy award, I walked up to my mailbox one day and I had a cease and desist letter from the city of Nashville telling me that I was not allowed to be running a commercial business as a recording studio out of my home. And so they told me to shut down my studio, shut down — they basically just said cease and desist being the Toy Box Studio, a recording studio in your residentially zoned home. And that scared the crap out of me. I couldn't sleep for a week. This was how I support my family. This was how I take care of my daughter and pay my mortgage and survive.

And about a month after that, there was sort of a month to get into compliance, so I started trying to figure out what I could do, and a month after that I got a call from the city codes inspector, and she said, "Are you ready to schedule an inspection?" And I was like, "What do you mean, an inspection? I'm a home studio. I'm trying to be in compliance and do what you need me to do. What do you need an inspection for?" And she said, "Well, we want to come down and do a walk-through inspection and verify that you have removed all recording equipment from the premises." So I was like, "I can't do that. I'm a home studio."

And so then that conversation went on and she told me that I would have to — she basically started beating me up about my website because on my website I said how much it would cost to work with me; I had a short video on the landing page that welcomed artists to come make a record with me. I had been doing a YouTube channel called Stereo Sessions, and I had been doing that for the year leading up to this where I was producing videos for bands, so I would have some local bands come in and we'd all shoot each other with — a band would perform and we'd shoot video of each other with our iPhones, and so it was just this really fun, homespun thing. But I was helping to create all of these videos for local artists so that they could have content to share and work on building their audience base. And she made me shut that down. She told me that I couldn't produce any more videos with these bands in my studio.

And it's a long story. I'm trying to kind of condense it all for you. But shortly after that, she called back and left me a message and said, "Okay, I spoke to my supervisor and you don't have to remove your equipment, but if we get another complaint about you recording anybody other than yourself, and that includes podcasting" — she threw that in there — "then we will immediately take you to court and file a warrant."

WOODS: All right, let's back up just a minute. There are a lot of things to say there. But including podcasting? Because you would have a guest and therefore that means another person is included? What's the logic behind including podcasting?

SHAW: You know what? I was so glad to be off the phone with the codes inspector —

WOODS: Yeah, you probably didn't even ask for an explanation.

SHAW: — to be off their radar —

WOODS: Yeah.

SHAW: I didn't want to call back, you know? When she said, "You don't have to remove your equipment," I did what most people do and I just tucked my tail between my legs and put my head down and hoped that I would be okay. But it was still super scary, you know? It was like, I don't want some, as my friend put it, a jack-booted thug showing up at the door to my house to haul me off in front of my daughter for just trying to make a living from my home and make some music.

WOODS: Yeah, of all the things to get hauled away for, this seems a little bit on the preposterous side. Now, you did say "another complaint." Do you mean to say that you'd been receiving complaints?

SHAW: No, so I've never gotten a complaint from anybody about having my studio here. I have a great relationship with all my neighbors. However, the Nashville Metro Codes Department, they have a website, and on the website is a complaint form. So anybody from anywhere can anonymously file a complaint against somebody, and then that's the point at which the Codes Department will take a look at it. So without telling me who complained, what the complaint was about, somebody apparently filed a complaint, and then the Codes followed through and took a look at it. But I don't even think she came over and took a look at my home or my studio. I think she just literally went to my website, saw that I was acting as a business through my website, and started beating me up about all that stuff.

WOODS: All right, let me try and make sense of all of this. Actually, I don't think you can, is the problem. I don't think you can. Did you realize — now, I guess I can't really ask you this question with a lawsuit pending, but I mean, I wonder if this is a case of a law that people knew was on the books but it was never enforced. It would be like one of these laws from 1837 that you can't have two ducks in your front lawn or whatever, things that no one ever actually enforces and then suddenly they enforced on you. Or was this genuinely out of the blue? I don't want you to incriminate yourself if that was the case, so I don't even know if I want to ask that question.

SHAW: Well, no, I mean, it was certainly out of the blue for me as far as having this happen. When I started doing the home studio thing and working from my home, like I say, it was what I saw everybody else was doing and it was what people did to make records. I understood that there would be limitations on what might be possible in terms of you have to be respectful of your neighbors, you're not going to stick a sign out in front of your house. That's certainly something that's not allowed here. But it wasn't something that — I hadn't heard about people not really being allowed to record from a home studio, because like I say, it's what everybody does. It's how so many great records have been made in Nashville.

Now, if we back up a little bit to 2011 and the past five years, that's when it started coming to the forefront that, actually, there was a restriction in Nashville and people were talking about it a little bit. There was an attempt to pass a home studio bill in Nashville that literally tried to address this because there had been people — I know people who have been shut down by the city for running a home studio in the past. And I know about them now because I've done all this looking into it and talking about it and research. But the bill never was

passed. It didn't get figured out, and it just kind of got swept under the rug in the way that Nashville has mostly dealt with it.

Because I should back up a little. This was a limitation not just on recording studios; it's on home businesses. So in Nashville, the restriction is that if you're zoned residential, you can have a home occupancy permit for working from your home, but you're not allowed to have a customer come to your home.

WOODS: Oh.

SHAW: So you can't have a customer or a client come over. Which obviously doesn't work very well if you want to have a couple of musicians sitting in your place and put a microphone in front of them to record them playing together.

WOODS: I first found out about this via a link to a story by the Institute for Justice, and I'm curious to know if you contacted them or did they find out about your story and contact you?

SHAW: So what happened was, like I say, it was a pretty scary thing when the city dropped the hammer on me, and so I started talking to friends and then I started talking to a local lawyer, and then I got contacted by local press to do an interview about it because this is an issue that affects so many people here. And I went and I did an interview, but I did it anonymously just to be safe and not stick my neck out to get chopped off by a stranger filing anonymous complaints on web forms.

And shortly after that, the Institute for Justice found me. They still were able to contact me through the newspaper. And then another great firm called the Beacon Center here in Nashville contacted me as well. And I started a dialogue with both of these pro-bono, public advocacy law firms that specialize in economic liberty and property rights. And we figured out — basically I just said, if you guys are great at what you do and you guys over here are great at what you do, why don't we just team up and all work on this together?

And so they reached out to me. It was just an amazing opportunity and a gift to be able to have somebody come along and say what you're going through is exactly the kind of problem that we're hoping to help solve for people across the country and specifically and particularly here in Nashville. And so I was able to team up with the Institute for Justice and the Beacon Center to start figuring out what to do about this issue here in Nashville. And I'll pause here for a sec, but I can tell you more about our process.

WOODS: Well, I would like to know as much as I can, because the lawsuit — here's my question about the lawsuit: doesn't it seem that, in a "democracy," they can pass almost any law they want within broad constraints, so why can't they pass a law saying you can't do this and then you wouldn't have a leg to stand on? What are they doing wrong that you could actually sue them for?

SHAW: Well, I'm suing in defense of my constitutional rights to be able to make a living from my home and have a right to survive here. The paperwork is kind of thick so I'm going to leave it to my lawyers to speak the legalese around it.

WOODS: Sure.

SHAW: But I and another co-plaintiff, a woman named Pat, who's a retired hairdresser, she also got shut down by the city for just simply wanting to put a salon chair in her garage so that she can make a living and support herself through her retirement years. And somebody filed a complaint against here, as well. I mean, what I'm trying to do is make the world sound like a better place; what she's trying to do is make the neighborhood look like a better place. So it's a little bit hard to understand why these would be considered bad for the residential neighborhood.

WOODS: Right, and of course they're not. They're not. I can understand in her case where that's coming from: other salons who have the overhead of a full-blown location —

SHAW: Perhaps, perhaps.

WOODS: And I'm not saying necessarily that they were behind it, but I'm saying that they tend to be behind the licensing and all the different regulatory requirements, because it's not that the general public complains, "Wait a minute. I might be getting an unauthorized haircut." No normal person does that. It's the other firms, the established firms want to make it difficult for upstarts to get in. But in your case, I don't think major studios are worried about something in your garage, so this is just like people worried about stuff that is of no possible concern to them. The world is full of these people.

SHAW: That's the thing, is when you start trying to figure out why it's a problem or who thinks of it is a problem, it's all just conjecture because it's an anonymous complaint. In fact, when we went through the process, all this past year, both Pat and I, with the help of the Institute for Justice and the Beacon Center, we went through a long process of trying to apply for rezoning using the existing channels in the metro government here to apply for something called an SP rezoning, a specific plan that allows you to — if you get that, then it allows you to be a mixed-use residence and commercial only for that one purpose. For me it would have been a mixed-use residential and commercial as a home recording studio. And we have all the same limitations that a residence already has, so you can't put a sign out front and you can't pave a giant parking lot and you can't disturb the neighbors or anything like that. You basically have to look and act just like a home as a considerate neighbor, which is what I do anyway.

And we went through this whole process and got — well, in my case, I went around the neighborhood, canvassed the neighborhood, and I had 40 signatures of support on a petition from my immediate neighbors, 7 written letters to the metro government, at least 50 emails sent in to every metro council member, and then when we had a public hearing, I think 15 of my neighbors came out physically at rush hour traffic and did paid parking downtown just to show support and say, "We're absolutely fine with our neighbor running his home recording studio and living across the street or right next door to us, and so therefore, please approve this." And the council still didn't approve it. They said we're not going to do it. I think the vote was 14 said yes and 20 said no. So it wasn't really close, but it was kind of close. So it got turned down.

And the point I wanted to make is that, when we were going through this whole process, Pat, the co-plaintiff, she got resistance, but it wasn't from commercial salon owners. Not a single commercial salon owner to my knowledge ever came out and said anything against it. It was homeowner's associations that showed up as sort of these self-organized, regulating bodies that take it upon themselves to go around fighting things based on terminology. So the fact

that the word "commercial" is used in something that allows somebody to just simply make a living and survive from their home, they take that and they say, "Nope, can't happen." So from the far reaches of the Davidson County — they don't even live in this neighborhood.

WOODS: Yeah, I mean, for you to get all those testimonials from all your neighbors, you would think in a normal society it would be an open-and-shut case. *Well, okay, the people we thought we were protecting against this guy are begging us to let him keep working, so case closed.*

SHAW: Right, yeah. In fact, at one point, I thought about neighbors that had — because there so many musicians in this neighborhood. I think I had made records with 15 of my immediate neighbors over the years.

WOODS: Geez, unbelievable. All right, well, listen, what I want to know is is there anything that people listening right now can do for you? Do you need people to spread the word, or at this point, it going to let the courts sort it out?

SHAW: Yeah, thank you. I think the best way to help out right now is to like, comment, and share on anything that you see coming through social media about this issue. There has been a ton of wonderful press. All the major news networks came out and local press, and so I've got a lot of links that I'm sharing. I am going to be setting up a site, so I'll mention the URL now: just SaveHomeStudios.com. It's a site that I'm putting together that will have shareable links to everything, that tells the story about this. Again, my goal is to defend myself but the real ultimate goal is to be able to change this ridiculous, fearful limitation for everybody that I know that makes up the music community and just people who simply want to make a living doing any kind of home business that's not only okay for the neighborhood, but probably great for the neighborhoods in this metropolitan Nashville.

So if you go to SaveHomeStudios.com, that will be one place where you can find all this information and you can share any of the links to the articles that are being put together. And I'll probably be putting together some compilation music there of — I'm working on a concept right now called "The Greatest Home Studio Compilation Ever," and that will be a collection of the incredible music and records that have been made in home studios here in Nashville.

WOODS: Oh, that is just great. These laws sound like they were written in 1957 back when, to have a studio, you had to have a big, sprawling thing with a huge number of square footage. Or like today, you can do things like film editing out of your home because you just have a Mac and a couple of files and you can do everything you need to do. In other words, these days, the technology is such that you can do all kinds of traditional occupations out of your home, and they're acting like this is still *The Honeymooners* and Ralph goes off to drive the bus every day. It never occurs to them — or maybe it does. Maybe they don't care. But it's now possible for all kinds of people to do all kinds of previously undreamed-of things out of their homes, and now we're going to say, "No, you can't do that because you have to work like it's 1957"? The whole thing is ridiculous.

SHAW: Yeah, and it's not a limitation on technology. It's a limitation on human beings. With the technology, we live in an age where yes, you can use the Internet. You and I are doing this interview using a tool called Skype and being able to record it through computers, and that's pretty amazing. And the ability to — One of the things that I do is I also teach. My studio here is the Toy Box Studio. If you're curious to see it, just go to TheToyBoxStudio.com.

But I also teach recording and it's one of my passions, and I have another site called RecordingStudioRockstars.com, and I actually teach people how to record. And it gives me the ability, using the technology as well, to do things like create a video to show how to do something and share that through the Internet. These are wonderful tools.

However, it's also causing us to become divided as human beings, where everybody kind of insularly — if that's a word — goes into their own little cubby with just them and a computer and a cell phone on social media, and I don't think we want to be in a world where there's less and less face to face. I think that this neighborhood and many neighborhoods would be a whole lot better if people are able to do more face to face, and that's one of the things I want to do here, is actually have people come over and make music face to face in my recording studio and help them make music locally. You make music and you take a lunch break and you walk three blocks to go to the local deli to get a sandwich and then walk back again. These are good things for a neighborhood.

WOODS: Yeah, no kidding. Well, can I ask you what you're doing now given that the city isn't letting you have your home studio and you've got to sit and wait to see what the courts say about it?

SHAW: I'm doing the same thing that all musicians do: anything you can to survive in music.

WOODS: Oh, geez, man.

SHAW: It has been and continues to be hard enough as it is to make a living as a musician or as a producer or a recording engineer. Let's not make it harder. Let's not make it impossible.

WOODS: Yeah, no kidding. No kidding. Well, best of luck. I'm going to put a bunch of — whatever links you want. I've got a few of my own, but whatever links you want up on the show notes page, I'll get them up there and we'll get people aware of what's going on. TomWoods.com/1071 will be the show notes page for today, but just send me a few and we'll make sure that they get posted.

SHAW: Okay, wonderful. Thanks so much, Tom. I really appreciate your help. And to everybody listening, please don't let us be muted in Music City.

WOODS: Yeah, of all possible places. All right, thanks, Lij. Best of luck to you.

SHAW: All right, cheers.