HB

367

HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: February 4, 2004 **FURTHER REFERRALS: Finance**

Date of Committee Action: February 27, 2004

The JUDICIARY Committee considered: **HB 367**

HOUSE BILL NO. 367 **LICENSING SEX ORIENTED BUSINESSES**

"An Act relating to the licensing and regulation of sex-oriented businesses and sex- oriented business entertainers; relating to protection of the safety and health of and to education of young persons who perform in adult entertainment establishments; and providing for an effective date."

Recommends it be replaced with [ ] HCS *or* [X] CS *for* HB 367 (JUD)
For Senate Bills with new title: [ ] Technical Title [ ] New Title: HCR_____ [ ] Same Title [X] New Title

[ ] attach amendments
[ ] add new referral to _____Committee
[ ] Letter of Intent_____Committee

List of Abbrev for Depts.:
ADM
CED
COR
CRT
EED
DEC
DFG
GOV
HSS
LEG
LAW
LWF
MVA
DNR
DPS
REV
DOT
UA

NEW **FISCAL NOTES** *Assigned by Chief Clerk's Office				
List by Dept(s):	*FN#	Fiscal	Indet.	Zero
LWF				✓

PREVIOUS **FISCAL NOTES**				
List by Dept(s):	FN#	Fiscal	Indet.	Zero
CED	1	✓		

Signing with recommendations	Printed Last Name	DP	DNP	NR	AM
	SAMUELS			✓	
Tom Anderson	ANDERSON	X			
	Brunkhorst			✓	
	Ogg			X	
	Gara	✓			
Chair:	McGuire	X			
Chair:					

P

OUSE COMMITTEE REPOR

2.5.04

(7)

Date Referred to Committee: January 12, 2004

FURTHER REFERRALS: Judiciary, Finance

Date of Committee Action: February 2, 2004

The LABOR AND COMMERCE Committee considered: **HB 367**

HOUSE BILL NO. 367 **LICENSING SEX ORIENTED BUSINESSES**

"An Act relating to the licensing and regulation of sex-oriented businesses and sex- oriented business entertainers; relating to protection of the safety and health of and to education of young persons who perform in adult entertainment establishments; and providing for an effective date."

Recommends it be replaced with [ ] HCS *or* [X] CS *for* HB 367 (L&C)
For Senate Bills with new title: [ ] Technical Title [ ] New Title: HCR_____ [ ] Same Title [X] New Title

[ ] attach amendments
[ ] add new referral to _____Committee
[ ] Letter of Intent_____Committee

List of Abbrev for Depts.:
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UA

NEW FISCAL NOTES *Assigned by Chief Clerk's Office

List by Dept(s):	*FN#	Fiscal	Indet.	Zero
CED	1	X		

PREVIOUS FISCAL NOTES

List by Dept(s):	FN#	Fiscal	Indet.	Zero

Signing with recommendations	Printed Last Name	DP (2)	DNP	NR (3)	AM (2)
	CRAWFORD				
	LYNN			X	
	GATTO			X	
	ROKEBERG				X
	DAHLSTROM	X			
	GUTTENBERG				X
Chair:	ANDERSON	X			
Chair:					

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: HB367CS-DOLWD-WH-02-20-04
() Publish Date:

Revision Date/Time (Note if correction):
Title: Licensing Sex Oriented Businesses
Sponsor: Representatives McGuire and Gara
Requester: House Judiciary

Department: Labor and Workforce Development
RDU: Labor Standards & Safety
Component: Wage & Hour
Component Number: 345

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES						
CHANGE IN REVENUES ( )						

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2004) cost: None
Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: *(Attach a separate page if necessary)*

There is no anticipated fiscal impact to the department as a result of this legislation.

Prepared by: Grey Mitchell, Director — Phone 465-4855
Division: Division of Labor Standards & Safety — Date/Time 2/20/04 11:03 AM
Approved by: Greg O'Claray, Commissioner — Date 2/20/2004
Agency: Department of Labor and Workforce Development

(Revised 12/2003 OMB)

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: CSHB 367 (L&C)
() Publish Date:

Revision Date/Time (Note if correction):
Dept. Affected: DCED
Title: Licensing Sex Oriented Businesses
RDU: Occupational Licensing (117)
Component: Occupational Licensing
Sponsor: Representatives McGuire, Gara, et al
Requester: House Judiciary
Component No.: 2360

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services	48.9	48.9	48.9	48.9	48.9	48.9
Travel	4.2	4.2	1.8	1.8	1.8	1.8
Contractual	13.0	13.0	3.0	3.0	3.0	3.0
Supplies	5.0	5.0	5.0	5.0	5.0	5.0
Equipment	6.0					
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	**77.1**	**71.1**	**58.7**	**58.7**	**58.7**	**58.7**
CAPITAL EXPENDITURES						
CHANGE IN REVENUES ( )	**77.1**	**71.1**	**58.7**	**58.7**	**58.7**	**58.7**

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
1156 Receipt Supported Services	77.1	71.1	58.7	58.7	58.7	58.7
TOTAL	**77.1**	**71.1**	**58.7**	**58.7**	**58.7**	**58.7**

Estimate of any current year (FY2004) cost: 0.0
Check this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time	1	1	1	1	1	1
Part-time						
Temporary						

ANALYSIS: *(Attach a separate page if necessary)*

CSHB 367 (L&C) creates new licensing and regulation for sex-oriented businesses and sex-oriented business entertainers. The bill also requires the department to establish by regulations licensure procedures, standards of conduct and physical characteristics of licensed premises, and other requirements on applying for and renewing licenses.

A detailed explanation of the above costs follows.

Prepared by: Jennifer Strickler, Administrative Manager
Phone (907) 465-2144
Division: Occupational Licensing
Date/Time 2/13/04 12:12 PM
Approved by: Edgar Blatchford, Commissioner
Date 2/13/2004
Agency: Department of Community and Economic Development

ANALYSIS CONTINUATION

PERSONAL SERVICES: $48.9

1 - Occupational Licensing Examiner I, PFT, Range 13B

This position will support the licensing program for sex-oriented businesses and entertainers. This position will prepare and process application forms, ensure applicants meet specific criteria for licensure, ensure public hearings are implemented as required by statute, and issue licenses upon approval. It is a possibility that a full-time position will not be necessary to support this program, however, since we are not aware of the number of individuals that will be impacted by this bill, this fiscal note is based on a full-time position.

Preliminary numbers of applicants from supporters of the bill indicate approximately 20 business owners and 100+ entertainers may be subject to licensure.

TRAVEL: $4.2

Travel funding is anticipated for the following -
- Regulation Hearings (travel for the Regulations Specialist), at least 4 trips @ $600/per trip = $2.4
- Travel for Enforcement to areas outside of Anchorage, 3 trips @ $600/per trip = $1.8

2nd Year: Regulations and Enforcement costs are also anticipated to repeat in the second year = $4.2

3rd Year: By the third year of operation, the regulation hearings should be completed and only Enforcement travel is expected = $1.8

CONTRACTUAL: $13.0

- Regulation costs (notices, hearings, etc.), $10.0
- Communications expenses (phones, postage, etc.) = $3.0

2nd Year: Regulations and communication costs are anticipated to repeat in the second year = $13.0

3rd Year: By the third year of operation, only communication costs are anticipated - $3.0

SUPPLIES: $5.0
This funding provides basic operating supplies for the program (paper, etc.)

EQUIPMENT: $6.0 (one-time expense)
This one-time funding will provide workstation and equipment set-up for the new position.

TOTAL: $77.1

FISCAL NOTE

STATE OF ALASKA **BILL NO.** CSHB 367 (L&C)
2004 LEGISLATIVE SESSION

ANALYSIS CONTINUATION

Funding Source: Receipt Supported Services

This program is anticipated to be funded by licensing fees. Under AS 08.01.065(c) licensure programs are expected to pay their actual costs through licensing fees.

Section 14 or the bill provides for a CONTINGENT EFFECT. If the requirements of Sections 3 - 12 are applied in accordance with Section 14, this fiscal note will increase Contractual Services costs by $50.0 to provide the Educational Program Development and Counseling Services required in Sec. 7, AS 08.90.055. We are not aware of programs or services that are currently in existence, or if they do exist, the costs involved in participating in those programs. The $50.0 increase applies only if Section 14 of CSHB 367 (L&C) is implemented to enact Sections 3 - 12 of the bill.

ALASKA STATE LEGISLATURE

Rep. Lesil McGuire, Chair
Rep. Tom Anderson, Vice-Chair
Rep. Jim Holm
Rep. Dan Ogg
Rep. Ralph Samuels
Rep. Les Gara
Rep. Max Gruenberg



State Capitol, Room 120
Juneau, AK 99801-1182
(907) 465-4990
Fax (907) 465-6592

House Judiciary Committee

Memorandum

To: Barbara Craver, Leg. Legal

From: Vanessa Tondini, Committee Aide
House Judiciary Committee

Date: March 1, 2004

Re: CS Request

Please create a final draft House Judiciary Committee Substitute for work order # 23-LS1394\W, HB 367, incorporating the attached amendment. The bill was passed out of committee on Friday.

If you have any questions, please call me at 4990. Thank you!

The information attached to this memo is **CONFIDENTIAL** an/or privileged. It is intended to be reviewed initially by only the individual named above. If the reader of this Memorandum is not the intended recipient or a representative of the intended recipient, you are hereby notified that any review, dissemination, or copying of the information contained herein is prohibited. If you have received this in error, please immediately notify the sender by telephone and return this to the sender at the above address.

CSHB 367 ( ) A#1 - PASSED
23-LS1394\W

Page 10, Line 10: INSERT – Sec. 08.90.350. Municipal regulation. A municipality may adopt and enforce an ordinance that places prohibitions or restrictions on adult-oriented entertainment that are additional to or stricter than those required under this chapter.

GARA

Amendment #2 to HB 367 - FAILED

Delete all material. Insert:

A BILL

FOR AN ACT ENTITLED

"An Act relating to the licensing and regulation of adult-oriented businesses; and providing for an effective date."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

*** Section 1.** The uncodified law of the State of Alaska is amended by adding a new section to read:

LEGISLATIVE PURPOSE AND FINDINGS REGARDING ADULT-ORIENTED BUSINESSES. The legislature finds that

(1) the legislature intends to regulate adult-oriented entertainment businesses in order to reduce the incidence of and opportunities for illegal activity such as lewd acts, solicitation of prostitution, and prostitution and to mitigate the demonstrated negative secondary effects of adult-oriented entertainment businesses on the neighboring communities;

(2) the legislature does not intend by these amendments to deny adults access to adult-oriented activities protected by the First Amendment to the Constitution of the United States or to deny access by the distributors and exhibitors of adult-oriented entertainment to

their intended market; the legislature finds that adult-oriented entertainment businesses, because of their operational characteristics, create significant secondary effects on the neighborhoods and communities in which they are located;

(3) special regulation of adult-oriented entertainment businesses is necessary to ensure that the recognized negative secondary effects, including accosting and harassment of law-abiding residents and the proliferation of litter, particularly litter of an adult nature associated with these businesses, will not have a deleterious effect on adjacent neighborhoods and communities;

(4) it is the purpose and intent of these amendments to provide for the orderly regulation of adult-oriented entertainment businesses in the state by establishing certain minimum standards for the conduct of this type of business to protect the public order and the health, safety, and general welfare of the residents of the state by preventing prostitution, lewd acts, the spread of disease, and the deterioration and blighting of neighborhoods, reducing crime in and around adult-oriented entertainment businesses, and preserving the quality of urban life in the state; and

(5) the legislature does not intend by these amendments to authorize, legalize, or permit the establishment or operation of any business, building, or use that violates any other state or federal statute.

* **Sec. 2.** AS 08.01.010 is amended by adding a new paragraph to read:

(38) regulation of adult-oriented businesses under AS 08.90.

* **Sec. 3.** AS 08 is amended by adding a new chapter to read:

Chapter 90. Adult-Oriented Businesses.

Article 1. Licensing.

Sec. 08.90.010. License required. A person may not

(1) operate an adult-oriented business without a license to operate an adult-oriented business issued under this chapter;

(2) obtain or attempt to obtain a license under this chapter by fraudulent means.

Sec. 08.90.020. Adult-oriented business license. An applicant for a license to operate an adult-oriented business shall submit to the department, in the manner and on forms prescribed by the department, written evidence, verified by oath, that the

applicant meets the qualifications to operate an adult-oriented entertainment business, and that the owner of the premises consents to the operation of the adult-oriented business on the premises.

Sec. 08.90.030. Regulations for adult-oriented business licenses. The department shall by regulation establish requirements for licensing businesses providing adult-oriented entertainment at the premises specified in the application, licensure and renewal procedures, inspection procedures, standards, fees, and requirements for operation. In adopting regulations under this section, the department shall require the following:

(1) unless the adult-oriented business owner resides on the business premises and the adult-oriented business owner is a legal guardian of minors residing in the residential unit, a licensed adult-oriented business premises may not share with any residential unit inhabited by minors a

(A) public entrance;

(B) restroom or entrance to a restroom; or

(C) hallway;

(2) the interior layout of the premises of an adult-oriented business must physically separate adult-oriented business entertainers from patrons during performances and ensure that any booth, stall, room, or partitioned portion of a room is open to view from a public room of the premises, except for private offices or other rooms that are not open to any person other than employees, or individual restrooms on the premises;

(3) an applicant shall provide satisfactory evidence that the owner of the real property in which the adult-oriented business is conducted consents to the operation of the adult-oriented business;

(4) an individual whose name and address is required to be provided with an application for a license under AS 08.90.040 may not have been convicted of any of the following offenses:

(A) prostitution or promotion of prostitution; unlawful exploitation of a minor; possession or distribution of child pornography; indecent exposure; sexual assault; sexual abuse of a minor; or any similar sex-

related offenses to those described above under the criminal or penal code of this state, other states, or other countries; tax evasion; underage employment; alcohol violations; illegal drugs; allowing a minor to enter and remain within premises where adult entertainment is offered; or any offense causing revocation of an adult-oriented business license; or

(B) an offense for which less than 10 years have elapsed since the date of conviction or the date of release from confinement imposed for a conviction, whichever date is later, if the conviction is of a felony offense.

Sec. 08.90.040. Application for license. (a) An applicant for a license shall file with the department a written application on a form designated by the department, signed and sworn to by the applicant, giving the applicant's name and address. If the applicant is a corporation, the application shall be executed by the authorized officers of the corporation. If the applicant is a partnership, including a limited partnership, the application shall be executed by an authorized general partner. The application must include

(1) the license fee; and

(2) any other information required by the department.

(b) A corporation applying for a license to operate an adult-oriented business shall provide the names and addresses of the president, vice-president, secretary, managing officer, and all stockholders who own 10 percent or more of the stock in the corporation, together with any other information required by the department.

(c) A partnership, including a limited partnership, that applies for a license shall provide information required by the department including the names and addresses of all general partners and all partners with an interest of 10 percent or more.

(d) A limited liability organization that applies for a license shall provide information required by the department, including the names and addresses of all members with an ownership interest of 10 percent or more and the names and addresses of all managers.

Sec. 08.90.050. Notice of application for adult-oriented business license. (a) Before a new license is issued, the applicant shall post a copy of the application

for 10 days at the location of the proposed licensed premises and at any additional locations designated by the department. The department may require the applicant to provide

(1) a copy of the application to newspapers and radio and television stations for public service announcement; or

(2) paid notice of the application once each week for three successive weeks in a newspaper or by radio.

(b) Upon receipt of an application for the issuance or renewal of a license for premises or proposed premises that are located within one-half mile of the boundary of a community council established by municipal charter or ordinance, the department shall

(1) immediately provide written notice of the application to

(A) the community council; and

(B) any nonprofit community organization that has requested notification in writing; and

(2) at least 10 days before the date set for departmental action on the application, provide written notice of the proposed action to

(A) the community council; and

(B) any nonprofit community organization that has requested notification in writing.

Sec. 08.90.060. Fees. The department shall set fees under AS 08.01.065 for the application for or renewal of a license to operate an adult-oriented business.

Sec. 08.90.070. Grounds for denial, suspension, or revocation of license. The department may deny, suspend, or revoke the license of a person who

(1) has obtained or attempted to obtain a license under this chapter by fraud or deceit;

(2) has been convicted of a felony or other crime if the felony or other crime is substantially related to the qualifications, functions, or duties of the licensee; or

(3) has wilfully or repeatedly violated a provision of this chapter or regulations adopted under it.

Sec. 08.90.080. Person and location for adult-oriented business license. (a) Each license to operate an adult-oriented business shall be issued to a specific individual or individuals, to a partnership, including a limited partnership, to a limited liability organization, or to a corporation. If the license is issued to a corporation or a limited liability organization, the registered agent of the corporation or limited liability organization is required to be an individual resident of the state.

(b) A specific location shall be indicated on the license as the licensed premises, the principal address of which shall be indicated on the license. The mailing address of a licensee or, if the licensee is a corporation, the address of the registered office of the corporation must be kept current and on file in the main office of the department.

(c) A license issued by the department is not transferable or assignable.

(d) A licensee shall report to the department

(1) permanent closing of a licensed premises; and

(2) other matters and occurrences the department may require by regulation.

Article 2. Business Operations.

Sec. 08.90.200. Entertainers employed by business. (a) A licensee of an adult-oriented business may not with criminal negligence allow a person under 21 years of age to be employed as an adult-oriented business entertainer in the licensee's premises. In this section, "criminal negligence" has the meaning given in AS 11.81.900.

(b) The department shall develop and provide adult-oriented businesses with written material to be made available to all employees who are adult-oriented business entertainers and to be prominently displayed in two locations within the premises approved by the department. This written material shall explain the wage and hour issues relevant to adult-oriented business entertainers, including information about independent contractors and employees, the minimum wage, and allowable deductions from wages by an employer.

(c) A licensee may not employ an adult-oriented entertainer who has been convicted of any of the following offenses:

(1) prostitution or promotion of prostitution;

(2) unlawful exploitation of a minor;

(3) possession or distribution of child pornography;

(4) indecent exposure;

(5) sexual assault;

(6) sexual abuse of a minor;

(7) any sex-related offense that is similar to those described in (1) - (6) of this subsection under the criminal or penal code of this state, other states, or other countries; or

(8) distribution or sale of illegal drugs.

(d) The licensee shall maintain on the premises a written application form signed by each person employed at the licensed premises as an adult-oriented business entertainer evidencing that the adult-oriented business entertainer states that the person has never been convicted of any of the offenses listed in (c) of this section.

Sec. 08.90.210. Business hours. A person who is licensed to operate an adult-oriented business may not allow patrons to be present on the licensed premises between the hours of 5:00 a.m. and 8:00 a.m. each day. In addition, for adult-oriented businesses located within a municipality, the restriction against allowing patrons on the premises must include any additional hours set by a municipality for the closure of licensed premises providing entertainment under AS 04.

Sec. 08.90.220. Access of persons under 18 years of age to licensed premises. A licensee or an agent or employee of a licensee of an adult-oriented business may not with criminal negligence allow a person under 18 years of age to enter and remain within licensed premises. In this section, "criminal negligence" has the meaning given in AS 11.81.900.

Sec. 08.90.230. Proof of age. (a) If an adult-oriented business licensee or an agent or employee of the adult-oriented business licensee questions or has reason to question whether a person entering licensed premises has attained the age of 18 years, the licensee, agent, or employee shall require the person to furnish proof of age acceptable under (b) of this section in a form determined by the department. If the person questioned does not furnish proof of age acceptable under (b) of this section, or

if a licensee, agent, or employee questions or has reason to question the validity of the proof of age furnished, the licensee, employee, or agent shall require the person to sign a statement that the person is 18 years of age or older. This statement shall be made on a form prepared by and furnished to the licensee by the department.

(b) A valid driver's license or a valid identification card is acceptable as proof of age when used for identification in securing entry to and remaining on the premises of an adult-oriented business if the license or identification card is made of or encased in plastic and contains a photograph of the licensee or card holder and a statement of age or date of birth.

(c) A licensee or an agent or employee of the licensee may not be charged for a violation of AS 08.90.220 if a signed statement as provided in (a) of this section is secured in good faith, or if a valid driver's license or identification card is presented indicating that the owner and possessor of the presented driver's license or identification card is 18 years of age or older.

Sec. 08.90.240. Responsibility of licensees, agents, and employees. An adult-oriented business licensee has a duty to exercise that degree of care that a reasonable person would observe to ensure that a business under the person's control is lawfully conducted. This duty of the licensee includes ensuring the compliance

(1) by agents or employees with this chapter and regulations adopted under this chapter, including acting with reasonable diligence to determine that agents or employees are advised of the provisions of this chapter and the regulations adopted under this chapter, either by securing the agent's or employee's written acknowledgment of posted instructions or otherwise; and

(2) of the premises with public health, fire, and safety codes and ordinances of the state or municipality having jurisdiction.

Article 3. Miscellaneous Provisions.

Sec. 08.90.300. Disciplinary sanctions. (a) If, after a hearing, the department finds that a licensee has committed an act set out in AS 08.90.070, the department may

(1) permanently revoke a license issued under this chapter or suspend a license for a determinate period of time; and

(2) impose a civil fine of not more than $10,000.

(b) The department may summarily suspend a license before final hearing or during the appeals process if the department finds that the licensee poses a clear and immediate danger to the public health and safety if the licensee continues to operate under a license issued under this chapter. A person whose license is suspended under this subsection is entitled to a hearing by the department not later than seven days after the effective date of the order.

(c) A person who receives a disciplinary sanction under this section may appeal the sanction to a court of competent jurisdiction.

(d) The department shall be consistent in the application of disciplinary sanctions. A significant departure from earlier decisions of the department involving similar situations must be explained in findings of fact or orders made by the department.

Sec. 08.90.310. Violations. (a) A person who violates this chapter is guilty of a misdemeanor and, upon conviction, is punishable by a fine of not more than $5,000, or by imprisonment for not more than one year, or by both. Each day of illegal practice is a separate offense.

(b) A person who knowingly provides false information in an application for a license to operate an adult-oriented business is guilty of a misdemeanor and, upon conviction, is punishable by a fine of not more than $5,000, or by imprisonment for not more than one year, or by both, except that a person who knowingly provides false information about the applicant's specified criminal activity is guilty of a class C felony.

Sec. 08.90.320. Limitation of liability. An action may not be brought against a person for damages resulting from a report made in good faith to a public agency by the person or participation by the person in an investigation by a public agency or an administrative or judicial proceeding relating to the report if the report relates to activity requiring a license under this chapter.

Sec. 08.90.330. Accessibility of license and licensed premises to inspection. (a) A licensee who operates an adult-oriented business shall, upon request, make the licensed premises available for inspection by officers charged with the enforcement of

this chapter, including employees of the department, during all regular business hours.

(b) A license for an adult-oriented business issued under this chapter shall be conspicuously posted within the licensed premises so as to be easily viewed by the public and available for inspection upon request by a peace officer or other person during regular business hours.

Sec. 08.90.340. License a privilege. (a) A license issued under this chapter is a personal privilege, not a property right.

(b) The privilege conferred upon the licensee is personal in nature and affords protection to the licensee only.

Sec. 08.90.350. Municipal regulation. A municipality may adopt and enforce an ordinance that places prohibitions or restrictions on adult-oriented entertainment that are additional to or stricter than those required under this chapter.

Article 4. General Provisions.

Sec. 08.90.500. Definitions. In this chapter,

(1) "adult-oriented business" means a person who regularly offers adult-oriented entertainment at a premises for compensation;

(2) "adult-oriented business entertainer" means an employee of an adult-oriented business who performs adult-oriented entertainment;

(3) "adult-oriented business licensee" or "licensee" means a person licensed under AS 08.90.020 to operate an adult-oriented business;

(4) "adult-oriented entertainment" means entertainment by nude or semi-nude individuals who personally appear before an audience, and the primary purpose of the entertainment is for the sexual interests or titillation of the audience;

(5) "department" means the Department of Community and Economic Development;

(6) "employee" means a person who performs any service on the premises of an adult-oriented business on a full-time, part-time, contract, or independent basis, whether or not the person is an employee, independent contractor, agent, or otherwise and whether or not the said person is paid a salary, wage, or other compensation by the operator of the adult-oriented business; "employee" does not include a person exclusively on the premises for repair or maintenance of the premises

or equipment on the premises, or for the delivery of goods to the premises, nor does "employee" include a person exclusively on the premises as a patron or customer;

(7) "license" means a license to operate an adult-oriented business issued under AS 08.90.020;

(8) "nude" or "semi-nude" means the appearance of an anus, anal area, pubic area, male genitals, female genitals, or vulva, either bare or with less than a fully opaque covering; or a female breast with less than a fully opaque covering of any part of the areola;

~~(7)~~ (8) "premises" means the real property on which the adult-oriented business is located, including the adult-oriented business, the grounds, private walkways, parking lots, and parking garages of the adult-oriented business under the ownership, control, or supervision of the licensee, as described in the application for a license to operate an adult-oriented business under this chapter.

*** Sec. 4.** AS 08.90.200 is amended by adding a new subsection to read:

(e) An adult-oriented business shall require each adult-oriented business entertainer who is under 21 years of age to demonstrate, within the first 80 hours of the entertainer's employment, that the entertainer has been informed of certain information specified by the department. The information must cover the following topics: educational opportunities within the state, financial assistance programs for education, and vocational education. Attendance at a department-approved counseling session of not more than one hour fulfills this information requirement. The department may allow a certificate of counseling signed by a school official to be substituted for the counseling session. If the adult-oriented business entertainer is charged for the cost of the required counseling session, the licensee shall promptly reimburse the entertainer.

*** Sec. 5.** AS 08.90.200(a) is repealed.

*** Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to read:

SEVERABILITY. Under AS 01.10.030, the provisions of this Act are severable.

*** Sec. 7.** The uncodified law of the State of Alaska is amended by adding a new section to read:

CONTINGENT EFFECT. (a) Sections 4 and 5 of this Act take effect only if a court of competent jurisdiction whose decisions are binding in this state enters a final judgment on the merits that AS 08.90.200(a), added by sec. 3 of this Act, violates the Constitution of the United States or the Constitution of the State of Alaska.

(b) The attorney general shall promptly notify the lieutenant governor and the revisor of statutes of the occurrence of the contingency described in (a) of this section.

* **Sec. 8.** Sections 4 and 5 of this Act take effect on the date of the attorney general's notification to the lieutenant governor and to the revisor of statutes under sec. 7(b) of this Act that a court has entered final judgment that AS 08.90.200(a), added by sec. 3 of this Act, violates the Constitution of the United States or the Constitution of the State of Alaska and that the time for an appeal of that judgment has expired or, if an appeal was taken, a final order on the appeal has been entered that AS 08.90.200(a) violates the Constitution of the United States or the Constitution of the State of Alaska.

* **Sec. 9.** Sections 1 - 3, 6, and 7 of this Act take effect July 1, 2005.

23-LS1394\W
Craver
2/25/04

CS FOR HOUSE BILL NO. 367( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES MCGUIRE AND GARA, Dahlstrom, Anderson

A BILL

FOR AN ACT ENTITLED

"An Act relating to the licensing and regulation of adult-oriented businesses; and providing for an effective date."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

*** Section 1.** The uncodified law of the State of Alaska is amended by adding a new section to read:

LEGISLATIVE PURPOSE AND FINDINGS REGARDING ADULT-ORIENTED BUSINESSES. The legislature finds that

(1) the legislature intends to regulate adult-oriented entertainment businesses in order to reduce the incidence of and opportunities for illegal activity such as lewd acts, solicitation of prostitution, and prostitution and to mitigate the demonstrated negative secondary effects of adult-oriented entertainment businesses on the neighboring communities;

(2) the legislature does not intend by these amendments to deny adults access to adult-oriented activities protected by the First Amendment to the Constitution of the United States or to deny access by the distributors and exhibitors of adult-oriented entertainment to

their intended market; the legislature finds that adult-oriented entertainment businesses, because of their operational characteristics, create significant secondary effects on the neighborhoods and communities in which they are located;

(3) special regulation of adult-oriented entertainment businesses is necessary to ensure that the recognized negative secondary effects, including accosting and harassment of law-abiding residents and the proliferation of litter, particularly litter of an adult nature associated with these businesses, will not have a deleterious effect on adjacent neighborhoods and communities;

(4) it is the purpose and intent of these amendments to provide for the orderly regulation of adult-oriented entertainment businesses in the state by establishing certain minimum standards for the conduct of this type of business to protect the public order and the health, safety, and general welfare of the residents of the state by preventing prostitution, lewd acts, the spread of disease, and the deterioration and blighting of neighborhoods, reducing crime in and around adult-oriented entertainment businesses, and preserving the quality of urban life in the state; and

(5) the legislature does not intend by these amendments to authorize, legalize, or permit the establishment or operation of any business, building, or use that violates any other state or federal statute.

*** Sec. 2.** AS 08.01.010 is amended by adding a new paragraph to read:

(38) regulation of adult-oriented businesses under AS 08.90.

*** Sec. 3.** AS 08 is amended by adding a new chapter to read:

Chapter 90. Adult-Oriented Businesses.

Article 1. Licensing.

Sec. 08.90.010. License required. A person may not

(1) operate an adult-oriented business without a license to operate an adult-oriented business issued under this chapter;

(2) obtain or attempt to obtain a license under this chapter by fraudulent means.

Sec. 08.90.020. Adult-oriented business license. An applicant for a license to operate an adult-oriented business shall submit to the department, in the manner and on forms prescribed by the department, written evidence, verified by oath, that the

applicant meets the qualifications to operate an adult-oriented entertainment business, and that the owner of the premises consents to the operation of the adult-oriented business on the premises.

Sec. 08.90.030. Regulations for adult-oriented business licenses. The department shall by regulation establish requirements for licensing businesses providing adult-oriented entertainment at the premises specified in the application, licensure and renewal procedures, inspection procedures, standards, fees, and requirements for operation. In adopting regulations under this section, the department shall require the following:

(1) unless the adult-oriented business owner resides on the business premises and the adult-oriented business owner is a legal guardian of minors residing in the residential unit, a licensed adult-oriented business premises may not share with any residential unit inhabited by minors a

(A) public entrance;

(B) restroom or entrance to a restroom; or

(C) hallway;

(2) the interior layout of the premises of an adult-oriented business must physically separate adult-oriented business entertainers from patrons during performances and ensure that any booth, stall, room, or partitioned portion of a room is open to view from a public room of the premises, except for private offices or other rooms that are not open to any person other than employees, or individual restrooms on the premises;

(3) an applicant shall provide satisfactory evidence that the owner of the real property in which the adult-oriented business is conducted consents to the operation of the adult-oriented business;

(4) an individual whose name and address is required to be provided with an application for a license under AS 08.90.040 may not have been convicted of any of the following offenses:

(A) prostitution or promotion of prostitution; unlawful exploitation of a minor; possession or distribution of child pornography; indecent exposure; sexual assault; sexual abuse of a minor; or any similar sex-

related offenses to those described above under the criminal or penal code of this state, other states, or other countries; tax evasion; underage employment; alcohol violations; illegal drugs; allowing a minor to enter and remain within premises where adult entertainment is offered; or any offense causing revocation of an adult-oriented business license; or

(B) an offense for which less than 10 years have elapsed since the date of conviction or the date of release from confinement imposed for a conviction, whichever date is later, if the conviction is of a felony offense.

Sec. 08.90.040. Application for license. (a) An applicant for a license shall file with the department a written application on a form designated by the department, signed and sworn to by the applicant, giving the applicant's name and address. If the applicant is a corporation, the application shall be executed by the authorized officers of the corporation. If the applicant is a partnership, including a limited partnership, the application shall be executed by an authorized general partner. The application must include

(1) the license fee; and

(2) any other information required by the department.

(b) A corporation applying for a license to operate an adult-oriented business shall provide the names and addresses of the president, vice-president, secretary, managing officer, and all stockholders who own 10 percent or more of the stock in the corporation, together with any other information required by the department.

(c) A partnership, including a limited partnership, that applies for a license shall provide information required by the department including the names and addresses of all general partners and all partners with an interest of 10 percent or more.

(d) A limited liability organization that applies for a license shall provide information required by the department, including the names and addresses of all members with an ownership interest of 10 percent or more and the names and addresses of all managers.

Sec. 08.90.050. Notice of application for adult-oriented business license. (a) Before a new license is issued, the applicant shall post a copy of the application

for 10 days at the location of the proposed licensed premises and at any additional locations designated by the department. The department may require the applicant to provide

(1) a copy of the application to newspapers and radio and television stations for public service announcement; or

(2) paid notice of the application once each week for three successive weeks in a newspaper or by radio.

(b) Upon receipt of an application for the issuance or renewal of a license for premises or proposed premises that are located within one-half mile of the boundary of a community council established by municipal charter or ordinance, the department shall

(1) immediately provide written notice of the application to

(A) the community council; and

(B) any nonprofit community organization that has requested notification in writing; and

(2) at least 10 days before the date set for departmental action on the application, provide written notice of the proposed action to

(A) the community council; and

(B) any nonprofit community organization that has requested notification in writing.

Sec. 08.90.060. Fees. The department shall set fees under AS 08.01.065 for the application for or renewal of a license to operate an adult-oriented business.

Sec. 08.90.070. Grounds for denial, suspension, or revocation of license. The department may deny, suspend, or revoke the license of a person who

(1) has obtained or attempted to obtain a license under this chapter by fraud or deceit;

(2) has been convicted of a felony or other crime if the felony or other crime is substantially related to the qualifications, functions, or duties of the licensee; or

(3) has wilfully or repeatedly violated a provision of this chapter or regulations adopted under it.

Sec. 08.90.080. Person and location for adult-oriented business license. (a) Each license to operate an adult-oriented business shall be issued to a specific individual or individuals, to a partnership, including a limited partnership, to a limited liability organization, or to a corporation. If the license is issued to a corporation or a limited liability organization, the registered agent of the corporation or limited liability organization is required to be an individual resident of the state.

(b) A specific location shall be indicated on the license as the licensed premises, the principal address of which shall be indicated on the license. The mailing address of a licensee or, if the licensee is a corporation, the address of the registered office of the corporation must be kept current and on file in the main office of the department.

(c) A license issued by the department is not transferable or assignable.

(d) A licensee shall report to the department

(1) permanent closing of a licensed premises; and

(2) other matters and occurrences the department may require by regulation.

Article 2. Business Operations.

Sec. 08.90.200. Entertainers employed by business. (a) A licensee of an adult-oriented business may not with criminal negligence allow a person under 21 years of age to be employed as an adult-oriented business entertainer in the licensee's premises. In this section, "criminal negligence" has the meaning given in AS 11.81.900.

(b) The department shall develop and provide adult-oriented businesses with written material to be made available to all employees who are adult-oriented business entertainers and to be prominently displayed in two locations within the premises approved by the department. This written material must explain the wage and hour issues relevant to adult-oriented business entertainers, including information about independent contractors and employees, the minimum wage, and allowable deductions from wages by an employer.

(c) A licensee may not employ an adult-oriented entertainer who has been convicted of any of the following offenses:

(1) prostitution or promotion of prostitution;

(2) unlawful exploitation of a minor;

(3) possession or distribution of child pornography;

(4) indecent exposure;

(5) sexual assault;

(6) sexual abuse of a minor;

(7) any sex-related offense that is similar to those described in (1) - (6) of this subsection under the criminal or penal code of this state, other states, or other countries; or

(8) possession, distribution, or sale of illegal drugs.

(d) The licensee shall maintain on the premises a written application form signed by each person employed at the licensed premises as an adult-oriented business entertainer evidencing that the adult-oriented business entertainer states that the person has never been convicted of any of the offenses listed in (c) of this section.

Sec. 08.90.210. Business hours. A person who is licensed to operate an adult-oriented business may not allow patrons to be present on the licensed premises between the hours of 5:00 a.m. and 8:00 a.m. each day. In addition, for adult-oriented businesses located within a municipality, the restriction against allowing patrons on the premises must include any additional hours set by a municipality for the closure of licensed premises providing entertainment under AS 04.

Sec. 08.90.220. Access of persons under 21 years of age to licensed premises. A licensee or an agent or employee of a licensee of an adult-oriented business may not with criminal negligence allow a person under 21 years of age to enter and remain within licensed premises. In this section, "criminal negligence" has the meaning given in AS 11.81.900.

Sec. 08.90.230. Proof of age. (a) If an adult-oriented business licensee or an agent or employee of the adult-oriented business licensee questions or has reason to question whether a person entering licensed premises has attained the age of 21 years, the licensee, agent, or employee shall require the person to furnish proof of age acceptable under (b) of this section in a form determined by the department. If the person questioned does not furnish proof of age acceptable under (b) of this section, or

if a licensee, agent, or employee questions or has reason to question the validity of the proof of age furnished, the licensee, employee, or agent shall require the person to sign a statement that the person is 21 years of age or older. This statement shall be made on a form prepared by and furnished to the licensee by the department.

(b) A valid driver's license or a valid identification card is acceptable as proof of age when used for identification in securing entry to and remaining on the premises of an adult-oriented business if the license or identification card is made of or encased in plastic and contains a photograph of the licensee or card holder and a statement of age or date of birth.

(c) A licensee or an agent or employee of the licensee may not be charged for a violation of AS 08.90.220 if a signed statement as provided in (a) of this section is secured in good faith, or if a valid driver's license or identification card is presented indicating that the owner and possessor of the presented driver's license or identification card is 21 years of age or older.

Sec. 08.90.240. Responsibility of licensees, agents, and employees. An adult-oriented business licensee has a duty to exercise that degree of care that a reasonable person would observe to ensure that a business under the person's control is lawfully conducted. This duty of the licensee includes ensuring the compliance

(1) by agents or employees with this chapter and regulations adopted under this chapter, including acting with reasonable diligence to determine that agents or employees are advised of the provisions of this chapter and the regulations adopted under this chapter, either by securing the agent's or employee's written acknowledgment of posted instructions or otherwise; and

(2) of the premises with public health, fire, and safety codes and ordinances of the state or municipality having jurisdiction.

Article 3. Miscellaneous Provisions.

Sec. 08.90.300. Disciplinary sanctions. (a) If, after a hearing, the department finds that a licensee has committed an act set out in AS 08.90.070, the department may

(1) permanently revoke a license issued under this chapter or suspend a license for a determinate period of time; and

(2) impose a civil fine of not more than $10,000.

(b) The department may summarily suspend a license before final hearing or during the appeals process if the department finds that the licensee poses a clear and immediate danger to the public health and safety if the licensee continues to operate under a license issued under this chapter. A person whose license is suspended under this subsection is entitled to a hearing by the department not later than seven days after the effective date of the order.

(c) A person who receives a disciplinary sanction under this section may appeal the sanction to a court of competent jurisdiction.

(d) The department shall be consistent in the application of disciplinary sanctions. A significant departure from earlier decisions of the department involving similar situations must be explained in findings of fact or orders made by the department.

Sec. 08.90.310. Violations. (a) A person who violates this chapter is guilty of a misdemeanor and, upon conviction, is punishable by a fine of not more than $5,000, or by imprisonment for not more than one year, or by both. Each day of illegal practice is a separate offense.

(b) A person who knowingly provides false information in an application for a license to operate an adult-oriented business is guilty of a misdemeanor and, upon conviction, is punishable by a fine of not more than $5,000, or by imprisonment for not more than one year, or by both, except that a person who knowingly provides false information about the applicant's specified criminal activity is guilty of a class C felony.

Sec. 08.90.320. Limitation of liability. An action may not be brought against a person for damages resulting from a report made in good faith to a public agency by the person or participation by the person in an investigation by a public agency or an administrative or judicial proceeding relating to the report if the report relates to activity requiring a license under this chapter.

Sec. 08.90.330. Accessibility of license and licensed premises to inspection. (a) A licensee who operates an adult-oriented business shall, upon request, make the licensed premises available for inspection by officers charged with the enforcement of

this chapter, including employees of the department, during all regular business hours.

(b) A license for an adult-oriented business issued under this chapter shall be conspicuously posted within the licensed premises so as to be easily viewed by the public and available for inspection upon request by a peace officer or other person during regular business hours.

Sec. 08.90.340. License a privilege. (a) A license issued under this chapter is a personal privilege, not a property right.

(b) The privilege conferred upon the licensee is personal in nature and affords protection to the licensee only.

Article 4. General Provisions.

Sec. 08.90.500. Definitions. In this chapter,

(1) "adult-oriented business" means a person who regularly offers adult-oriented entertainment at a premises for compensation;

(2) "adult-oriented business entertainer" means an employee of an adult-oriented business who performs adult-oriented entertainment;

(3) "adult-oriented business licensee" or "licensee" means a person licensed under AS 08.90.020 to operate an adult-oriented business;

(4) "adult-oriented entertainment" means entertainment by nude or semi-nude individuals who personally appear before an audience, and the primary purpose of the entertainment is for the sexual interests or titillation of the audience;

(5) "department" means the Department of Community and Economic Development;

(6) "employee" means a person who performs any service on the premises of an adult-oriented business on a full-time, part-time, contract, or independent basis, whether or not the person is an employee, independent contractor, agent, or otherwise and whether or not the said person is paid a salary, wage, or other compensation by the operator of the adult-oriented business; "employee" does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises, nor does "employee" include a person exclusively on the premises as a patron or customer;

(7) "license" means a license to operate an adult-oriented business

issued under AS 08.90.020;

(8) "nude" or "semi-nude" means the appearance of an anus, anal area, public area, male genitals, female genitals, or vulva, either bare or with less than a fully opaque covering; or a female breast with less than a fully opaque covering of any part of the areola;

(8) "premises" means the real property on which the adult-oriented business is located, including the adult-oriented business, the grounds, private walkways, parking lots, and parking garages of the adult-oriented business under the ownership, control, or supervision of the licensee, as described in the application for a license to operate an adult-oriented business under this chapter.

*** Sec. 4.** AS 08.90.200 is amended by adding a new subsection to read:

(e) An adult-oriented business shall require each adult-oriented business entertainer who is under 21 years of age to demonstrate, within the first 80 hours of the entertainer's employment, that the entertainer has been informed of certain information specified by the department. The information must cover the following topics: educational opportunities within the state, financial assistance programs for education, and vocational education. Attendance at a department-approved counseling session of not more than one hour fulfills this information requirement. The department may allow a certificate of counseling signed by a school official to be substituted for the counseling session. If the adult-oriented business entertainer is charged for the cost of the required counseling session, the licensee shall promptly reimburse the entertainer.

*** Sec. 5.** AS 08.90.220 is amended to read:

Sec. 08.90.220. Access of persons under <u>18</u> [21] years of age to licensed premises. A licensee or an agent or employee of a licensee of an adult-oriented business may not with criminal negligence allow a person under <u>18</u> [21] years of age to enter and remain within licensed premises. In this section, "criminal negligence" has the meaning given in AS 11.81.900.

*** Sec. 6.** AS 08.90.230(a) is amended to read:

(a) If an adult-oriented business licensee or an agent or employee of the adult-oriented business licensee questions or has reason to question whether a person

entering licensed premises has attained the age of **18** [21] years, the licensee, agent, or employee shall require the person to furnish proof of age acceptable under (b) of this section in a form determined by the department. If the person questioned does not furnish proof of age acceptable under (b) of this section, or if a licensee, agent, or employee questions or has reason to question the validity of the proof of age furnished, the licensee, employee, or agent shall require the person to sign a statement that the person is **18** [21] years of age or older. This statement shall be made on a form prepared by and furnished to the licensee by the department.

*** Sec. 7.** AS 08.90.230(c) is amended to read:

(c) A licensee or an agent or employee of the licensee may not be charged for a violation of AS 08.90.220 if a signed statement as provided in (a) of this section is secured in good faith, or if a valid driver's license or identification card is presented indicating that the owner and possessor of the presented driver's license or identification card is **18** [21] years of age or older.

*** Sec. 8.** AS 08.90.200(a) is repealed.

*** Sec. 9.** The uncodified law of the State of Alaska is amended by adding a new section to read:

SEVERABILITY. Under AS 01.10.030, the provisions of this Act are severable.

*** Sec. 10.** The uncodified law of the State of Alaska is amended by adding a new section to read:

CONTINGENT EFFECT. (a) Sections 4 and 8 of this Act take effect only if a court of competent jurisdiction whose decisions are binding in this state enters a final judgment on the merits that AS 08.90.200(a), added by sec. 3 of this Act, violates the Constitution of the United States or the Constitution of the State of Alaska.

(b) The attorney general shall promptly notify the lieutenant governor and the revisor of statutes of the occurrence of the contingency described in (a) of this section.

*** Sec. 11.** The uncodified law of the State of Alaska is amended by adding a new section to read:

CONTINGENT EFFECT. (a) Sections 5 - 7 of this Act take effect only if a court of competent jurisdiction whose decisions are binding in this state enters a final judgment on the merits that AS 08.90.220, added by sec. 3 of this Act, violates the Constitution of the United

States or the Constitution of the State of Alaska.

(b) The attorney general shall promptly notify the lieutenant governor and the revisor of statutes of the occurrence of the contingency described in (a) of this section.

*** Sec. 12.** Sections 4 and 8 of this Act take effect on the date of the attorney general's notification to the lieutenant governor and to the revisor of statutes under sec. 10(b) of this Act that a court has entered final judgment that AS 08.90.200, added by sec. 3 of this Act, violates the Constitution of the United States or the Constitution of the State of Alaska and that the time for an appeal of that judgment has expired or, if an appeal was taken, a final order on the appeal has been entered that AS 08.90.200(a) violates the Constitution of the United States or the Constitution of the State of Alaska.

*** Sec. 13.** Sections 5 - 7 of this Act take effect on the date of the attorney general's notification to the lieutenant governor and to the revisor of statutes under sec. 11(b) of this Act that a court has entered final judgment that AS 08.90.220, added by sec. 3 of this Act, violates the Constitution of the United States or the Constitution of the State of Alaska and that the time for an appeal of that judgment has expired or, if an appeal was taken, a final order on the appeal has been entered that AS 08.90.220 violates the Constitution of the United States or the Constitution of the State of Alaska.

*** Sec. 14.** Sections 1 - 3, and 9 - 11 of this Act take effect July 1, 2005.

23-LS1394\V
Craver
2/23/04

CS FOR HOUSE BILL NO. 367( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES MCGUIRE AND GARA, Dahlstrom, Anderson

A BILL

FOR AN ACT ENTITLED

"An Act relating to the licensing and regulation of adult-oriented businesses; and providing for an effective date."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

*** Section 1.** The uncodified law of the State of Alaska is amended by adding a new section to read:

LEGISLATIVE PURPOSE AND FINDINGS REGARDING ADULT-ORIENTED BUSINESSES. The legislature finds that

(1) the legislature intends to regulate adult-oriented entertainment businesses in order to reduce the incidence of and opportunities for illegal activity such as lewd acts, solicitation of prostitution, and prostitution and to mitigate the demonstrated negative secondary effects of adult-oriented entertainment businesses on the neighboring communities;

(2) the legislature does not intend by these amendments to deny adults access to adult-oriented activities protected by the First Amendment to the Constitution of the United States or to deny access by the distributors and exhibitors of adult-oriented entertainment to

their intended market; the legislature finds that adult-oriented entertainment businesses, because of their operational characteristics, create significant secondary effects on the neighborhoods and communities in which they are located;

(3) special regulation of adult-oriented entertainment businesses is necessary to ensure that the recognized negative secondary effects, including accosting and harassment of law-abiding residents and the proliferation of litter, particularly litter of an adult nature associated with these businesses, will not have a deleterious effect on adjacent neighborhoods and communities;

(4) it is the purpose and intent of these amendments to provide for the orderly regulation of adult-oriented entertainment businesses in the state by establishing certain minimum standards for the conduct of this type of business to protect the public order and the health, safety, and general welfare of the residents of the state by preventing prostitution, lewd acts, the spread of disease, and the deterioration and blighting of neighborhoods, reducing crime in and around adult-oriented entertainment businesses, and preserving the quality of urban life in the state; and

(5) the legislature does not intend by these amendments to authorize, legalize, or permit the establishment or operation of any business, building, or use that violates any other state or federal statute.

* **Sec. 2.** AS 08.01.010 is amended by adding a new paragraph to read:

(38) regulation of adult-oriented businesses under AS 08.90.

* **Sec. 3.** AS 08 is amended by adding a new chapter to read:

Chapter 90. Adult-Oriented Businesses.

Article 1. Licensing.

Sec. 08.90.010. License required. A person may not

(1) operate an adult-oriented business without a license to operate an adult-oriented business issued under this chapter;

(2) obtain or attempt to obtain a license under this chapter by fraudulent means.

Sec. 08.90.020. Adult-oriented business license. An applicant for a license to operate an adult-oriented business shall submit to the department, in the manner and on forms prescribed by the department, written evidence, verified by oath, that the

applicant meets the qualifications to operate an adult-oriented entertainment business, and that the owner of the premises consents to the operation of the adult-oriented business on the premises.

Sec. 08.90.030. Regulations for adult-oriented business licenses. The department shall by regulation establish requirements for licensing businesses providing adult-oriented entertainment at the premises specified in the application, licensure and renewal procedures, inspection procedures, standards, fees, and requirements for operation. In adopting regulations under this section, the department shall require the following:

(1) unless the adult-oriented business owner resides on the business premises and the adult-oriented business owner is a legal guardian of minors residing in the residential unit, a licensed adult-oriented business premises may not share with any residential unit inhabited by minors a

(A) public entrance;

(B) restroom or entrance to a restroom; or

(C) hallway;

(2) the interior layout of the premises of an adult-oriented business must physically separate adult-oriented business entertainers from patrons during performances and ensure that any booth, stall, room, or partitioned portion of a room is open to view from a public room of the premises, except for private offices or other rooms that are not open to any person other than employees, or individual restrooms on the premises;

(3) an applicant shall provide satisfactory evidence that the owner of the real property in which the adult-oriented business is conducted consents to the operation of the adult-oriented business;

(4) an individual whose name and address is required to be provided with an application for a license under AS 08.90.040 may not have been convicted of any of the following offenses:

(A) prostitution or promotion of prostitution; unlawful exploitation of a minor; possession or distribution of child pornography; indecent exposure; sexual assault; sexual abuse of a minor; or any similar sex-

related offenses to those described above under the criminal or penal code of this state, other states, or other countries; tax evasion; underage employment; alcohol violations; illegal drugs; allowing a minor to enter and remain within premises where adult entertainment is offered; or any offense causing revocation of an adult-oriented business license; or

(B) an offense for which less than 10 years have elapsed since the date of conviction or the date of release from confinement imposed for a conviction, whichever date is later, if the conviction is of a felony offense.

Sec. 08.90.040. Application for license. (a) An applicant for a license shall file with the department a written application on a form designated by the department, signed and sworn to by the applicant, giving the applicant's name and address. If the applicant is a corporation, the application shall be executed by the authorized officers of the corporation. If the applicant is a partnership, including a limited partnership, the application shall be executed by an authorized general partner. The application must include

(1) the license fee; and

(2) any other information required by the department.

(b) A corporation applying for a license to operate an adult-oriented business shall provide the names and addresses of the president, vice-president, secretary, managing officer, and all stockholders who own 10 percent or more of the stock in the corporation, together with any other information required by the department.

(c) A partnership, including a limited partnership, that applies for a license shall provide information required by the department including the names and addresses of all general partners and all partners with an interest of 10 percent or more.

(d) A limited liability organization that applies for a license shall provide information required by the department, including the names and addresses of all members with an ownership interest of 10 percent or more and the names and addresses of all managers.

Sec. 08.90.050. Notice of application for adult-oriented business license. (a) Before a new license is issued, the applicant shall post a copy of the application

for 10 days at the location of the proposed licensed premises and at any additional locations designated by the department. The department may require the applicant to provide

(1) a copy of the application to newspapers and radio and television stations for public service announcement; or

(2) paid notice of the application once each week for three successive weeks in a newspaper or by radio.

(b) Upon receipt of an application for the issuance or renewal of a license for premises or proposed premises that are located within one-half mile of the boundary of a community council established by municipal charter or ordinance, the department shall

(1) immediately provide written notice of the application to

(A) the community council; and

(B) any nonprofit community organization that has requested notification in writing; and

(2) at least 10 days before the date set for departmental action on the application, provide written notice of the proposed action to

(A) the community council; and

(B) any nonprofit community organization that has requested notification in writing.

Sec. 08.90.060. Fees. The department shall set fees under AS 08.01.065 for the application for or renewal of a license to operate an adult-oriented business.

Sec. 08.90.070. Grounds for denial, suspension, or revocation of license. The department may deny, suspend, or revoke the license of a person who

(1) has obtained or attempted to obtain a license under this chapter by fraud or deceit;

(2) has been convicted of a felony or other crime if the felony or other crime is substantially related to the qualifications, functions, or duties of the licensee; or

(3) has wilfully or repeatedly violated a provision of this chapter or regulations adopted under it.

Sec. 08.90.080. Person and location for adult-oriented business license. (a) Each license to operate an adult-oriented business shall be issued to a specific individual or individuals, to a partnership, including a limited partnership, to a limited liability organization, or to a corporation. If the license is issued to a corporation or a limited liability organization, the registered agent of the corporation or limited liability organization is required to be an individual resident of the state.

(b) A specific location shall be indicated on the license as the licensed premises, the principal address of which shall be indicated on the license. The mailing address of a licensee or, if the licensee is a corporation, the address of the registered office of the corporation must be kept current and on file in the main office of the department.

(c) A license issued by the department is not transferable or assignable.

(d) A licensee shall report to the department

(1) permanent closing of a licensed premises; and

(2) other matters and occurrences the department may require by regulation.

Article 2. Business Operations.

Sec. 08.90.200. Entertainers employed by business. (a) A licensee of an adult-oriented business may not with criminal negligence allow a person under 21 years of age to be employed as an adult-oriented business entertainer in the licensee's premises. In this section, "criminal negligence" has the meaning given in AS 11.81.900.

(b) The department shall develop and provide adult-oriented businesses with written material to be made available to all employees who are adult-oriented business entertainers and to be prominently displayed in two locations within the premises approved by the department. This written material shall explain the wage and hour issues relevant to adult-oriented business entertainers, including information about independent contractors and employees, the minimum wage, and allowable deductions from wages by an employer.

(c) A licensee may not employ an adult-oriented entertainer who has been convicted of any of the following offenses:

(1) prostitution or promotion of prostitution;

(2) unlawful exploitation of a minor;

(3) possession or distribution of child pornography;

(4) indecent exposure;

(5) sexual assault;

(6) sexual abuse of a minor;

(7) any sex-related offense that is similar to those described in (1) - (6) of this subsection under the criminal or penal code of this state, other states, or other countries; or

(8) distribution or sale of illegal drugs.

(d) The licensee shall maintain on the premises a written application form signed by each person employed at the licensed premises as an adult-oriented business entertainer evidencing that the adult-oriented business entertainer states that the person has never been convicted of any of the offenses listed in (c) of this section.

Sec. 08.90.210. Business hours. A person who is licensed to operate an adult-oriented business may not allow patrons to be present on the licensed premises between the hours of 5:00 a.m. and 8:00 a.m. each day. In addition, for adult-oriented businesses located within a municipality, the restriction against allowing patrons on the premises must include any additional hours set by a municipality for the closure of licensed premises providing entertainment under AS 04.

Sec. 08.90.220. Access of persons under 18 years of age to licensed premises. A licensee or an agent or employee of a licensee of an adult-oriented business may not with criminal negligence allow a person under 18 years of age to enter and remain within licensed premises. In this section, "criminal negligence" has the meaning given in AS 11.81.900.

Sec. 08.90.230. Proof of age. (a) If an adult-oriented business licensee or an agent or employee of the adult-oriented business licensee questions or has reason to question whether a person entering licensed premises has attained the age of 18 years, the licensee, agent, or employee shall require the person to furnish proof of age acceptable under (b) of this section in a form determined by the department. If the person questioned does not furnish proof of age acceptable under (b) of this section, or

if a licensee, agent, or employee questions or has reason to question the validity of the proof of age furnished, the licensee, employee, or agent shall require the person to sign a statement that the person is 18 years of age or older. This statement shall be made on a form prepared by and furnished to the licensee by the department.

(b) A valid driver's license or a valid identification card is acceptable as proof of age when used for identification in securing entry to and remaining on the premises of an adult-oriented business if the license or identification card is made of or encased in plastic and contains a photograph of the licensee or card holder and a statement of age or date of birth.

(c) A licensee or an agent or employee of the licensee may not be charged for a violation of AS 08.90.220 if a signed statement as provided in (a) of this section is secured in good faith, or if a valid driver's license or identification card is presented indicating that the owner and possessor of the presented driver's license or identification card is 18 years of age or older.

Sec. 08.90.240. Responsibility of licensees, agents, and employees. An adult-oriented business licensee has a duty to exercise that degree of care that a reasonable person would observe to ensure that a business under the person's control is lawfully conducted. This duty of the licensee includes ensuring the compliance

(1) by agents or employees with this chapter and regulations adopted under this chapter, including acting with reasonable diligence to determine that agents or employees are advised of the provisions of this chapter and the regulations adopted under this chapter, either by securing the agent's or employee's written acknowledgment of posted instructions or otherwise; and

(2) of the premises with public health, fire, and safety codes and ordinances of the state or municipality having jurisdiction.

Article 3. Miscellaneous Provisions.

Sec. 08.90.300. Disciplinary sanctions. (a) If, after a hearing, the department finds that a licensee has committed an act set out in AS 08.90.070, the department may

(1) permanently revoke a license issued under this chapter or suspend a license for a determinate period of time; and

(2) impose a civil fine of not more than $10,000.

(b) The department may summarily suspend a license before final hearing or during the appeals process if the department finds that the licensee poses a clear and immediate danger to the public health and safety if the licensee continues to operate under a license issued under this chapter. A person whose license is suspended under this subsection is entitled to a hearing by the department not later than seven days after the effective date of the order.

(c) A person who receives a disciplinary sanction under this section may appeal the sanction to a court of competent jurisdiction.

(d) The department shall be consistent in the application of disciplinary sanctions. A significant departure from earlier decisions of the department involving similar situations must be explained in findings of fact or orders made by the department.

Sec. 08.90.310. Violations. (a) A person who violates this chapter is guilty of a misdemeanor and, upon conviction, is punishable by a fine of not more than $5,000, or by imprisonment for not more than one year, or by both. Each day of illegal practice is a separate offense.

(b) A person who knowingly provides false information in an application for a license to operate an adult-oriented business is guilty of a misdemeanor and, upon conviction, is punishable by a fine of not more than $5,000, or by imprisonment for not more than one year, or by both, except that a person who knowingly provides false information about the applicant's specified criminal activity is guilty of a class C felony.

Sec. 08.90.320. Limitation of liability. An action may not be brought against a person for damages resulting from a report made in good faith to a public agency by the person or participation by the person in an investigation by a public agency or an administrative or judicial proceeding relating to the report if the report relates to activity requiring a license under this chapter.

Sec. 08.90.330. Accessibility of license and licensed premises to inspection. (a) A licensee who operates an adult-oriented business shall, upon request, make the licensed premises available for inspection by officers charged with the enforcement of

this chapter, including employees of the department, during all regular business hours.

(b) A license for an adult-oriented business issued under this chapter shall be conspicuously posted within the licensed premises so as to be easily viewed by the public and available for inspection upon request by a peace officer or other person during regular business hours.

Sec. 08.90.340. License a privilege. (a) A license issued under this chapter is a personal privilege, not a property right.

(b) The privilege conferred upon the licensee is personal in nature and affords protection to the licensee only.

Sec. 08.90.350. Municipal regulation. A municipality may adopt and enforce an ordinance that places prohibitions or restrictions on adult-oriented entertainment that are additional to or stricter than those required under this chapter.

Article 4. General Provisions.

Sec. 08.90.500. Definitions. In this chapter,

(1) "adult-oriented business" means a person who regularly offers adult-oriented entertainment at a premises for compensation;

(2) "adult-oriented business entertainer" means an employee of an adult-oriented business who performs adult-oriented entertainment;

(3) "adult-oriented business licensee" or "licensee" means a person licensed under AS 08.90.020 to operate an adult-oriented business;

(4) "adult-oriented entertainment" means entertainment by nude or semi-nude individuals who personally appear before an audience, and the primary purpose of the entertainment is for the sexual interests or titillation of the audience;

(5) "department" means the Department of Community and Economic Development;

(6) "employee" means a person who performs any service on the premises of an adult-oriented business on a full-time, part-time, contract, or independent basis, whether or not the person is an employee, independent contractor, agent, or otherwise and whether or not the said person is paid a salary, wage, or other compensation by the operator of the adult-oriented business; "employee" does not include a person exclusively on the premises for repair or maintenance of the premises

or equipment on the premises, or for the delivery of goods to the premises, nor does "employee" include a person exclusively on the premises as a patron or customer;

(7) "license" means a license to operate an adult-oriented business issued under AS 08.90.020;

(8) "nude" or "semi-nude" means the appearance of an anus, anal area, pubic area, male genitals, female genitals, or vulva, either bare or with less than a fully opaque covering; or a female breast with less than a fully opaque covering of any part of the areola;

(8) "premises" means the real property on which the adult-oriented business is located, including the adult-oriented business, the grounds, private walkways, parking lots, and parking garages of the adult-oriented business under the ownership, control, or supervision of the licensee, as described in the application for a license to operate an adult-oriented business under this chapter.

*** Sec. 4.** AS 08.90.200 is amended by adding a new subsection to read:

(e) An adult-oriented business shall require each adult-oriented business entertainer who is under 21 years of age to demonstrate, within the first 80 hours of the entertainer's employment, that the entertainer has been informed of certain information specified by the department. The information must cover the following topics: educational opportunities within the state, financial assistance programs for education, and vocational education. Attendance at a department-approved counseling session of not more than one hour fulfills this information requirement. The department may allow a certificate of counseling signed by a school official to be substituted for the counseling session. If the adult-oriented business entertainer is charged for the cost of the required counseling session, the licensee shall promptly reimburse the entertainer.

*** Sec. 5.** AS 08.90.200(a) is repealed.

*** Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to read:

SEVERABILITY. Under AS 01.10.030, the provisions of this Act are severable.

*** Sec. 7.** The uncodified law of the State of Alaska is amended by adding a new section to read:

CONTINGENT EFFECT. (a) Sections 4 and 5 of this Act take effect only if a court of competent jurisdiction whose decisions are binding in this state enters a final judgment on the merits that AS 08.90.200(a), added by sec. 3 of this Act, violates the Constitution of the United States or the Constitution of the State of Alaska.

(b) The attorney general shall promptly notify the lieutenant governor and the revisor of statutes of the occurrence of the contingency described in (a) of this section.

* **Sec. 8.** Sections 4 and 5 of this Act take effect on the date of the attorney general's notification to the lieutenant governor and to the revisor of statutes under sec. 7(b) of this Act that a court has entered final judgment that AS 08.90.200(a), added by sec. 3 of this Act, violates the Constitution of the United States or the Constitution of the State of Alaska and that the time for an appeal of that judgment has expired or, if an appeal was taken, a final order on the appeal has been entered that AS 08.90.200(a) violates the Constitution of the United States or the Constitution of the State of Alaska.

* **Sec. 9.** Sections 1 - 3, 6, and 7 of this Act take effect July 1, 2005.

23-LS1394\Q
Craver
2/16/04

CS FOR HOUSE BILL NO. 367( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES MCGUIRE AND GARA, Dahlstrom, Anderson

A BILL

FOR AN ACT ENTITLED

"An Act relating to the licensing and regulation of adult-oriented businesses; and providing for an effective date."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

*** Section 1.** The uncodified law of the State of Alaska is amended by adding a new section to read:

LEGISLATIVE PURPOSE AND FINDINGS REGARDING ADULT-ORIENTED BUSINESSES. The legislature finds that

(1) the legislature intends to regulate adult-oriented entertainment businesses in order to reduce the incidence of and opportunities for illegal activity such as lewd acts, solicitation of prostitution, and prostitution and to mitigate the demonstrated negative secondary effects of adult-oriented entertainment businesses on the neighboring communities;

(2) the legislature does not intend by these amendments to deny adults access to adult-oriented activities protected by the First Amendment to the Constitution of the United States or to deny access by the distributors and exhibitors of adult-oriented entertainment to

their intended market; the legislature finds that adult-oriented entertainment businesses, because of their operational characteristics, create significant secondary effects on the neighborhoods and communities in which they are located;

(3) special regulation of adult-oriented entertainment businesses is necessary to ensure that the recognized negative secondary effects, including accosting and harassment of law-abiding residents and the proliferation of litter, particularly litter of an adult nature associated with these businesses, will not have a deleterious effect on adjacent neighborhoods and communities;

(4) it is the purpose and intent of these amendments to provide for the orderly regulation of adult-oriented entertainment businesses in the state by establishing certain minimum standards for the conduct of this type of business to protect the public order and the health, safety, and general welfare of the residents of the state by preventing prostitution, lewd acts, the spread of disease, and the deterioration and blighting of neighborhoods, reducing crime in and around adult-oriented entertainment businesses, and preserving the quality of urban life in the state; and

(5) the legislature does not intend by these amendments to authorize, legalize, or permit the establishment or operation of any business, building, or use that violates any other state or federal statute.

*** Sec. 2.** AS 08.01.010 is amended by adding a new paragraph to read:

(38) regulation of adult-oriented businesses under AS 08.90.

*** Sec. 3.** AS 08 is amended by adding a new chapter to read:

Chapter 90. Adult-Oriented Businesses.

Article 1. Licensing.

Sec. 08.90.010. License required. A person may not

(1) operate an adult-oriented business without a license to operate an adult-oriented business issued under this chapter;

(2) obtain or attempt to obtain a license under this chapter by fraudulent means.

Sec. 08.90.020. Adult-oriented business license. An applicant for a license to operate an adult-oriented business shall submit to the department, in the manner and on forms prescribed by the department, written evidence, verified by oath, that the

applicant meets the qualifications to operate an adult-oriented entertainment business, and that the owner of the premises consents to the operation of the adult-oriented business on the premises.

Sec. 08.90.030. Regulations for adult-oriented business licenses. The department shall by regulation establish requirements for licensing businesses providing adult-oriented entertainment at the premises specified in the application, licensure and renewal procedures, inspection procedures, standards, fees, and requirements for operation. In adopting regulations under this section, the department shall require the following:

(1) unless the adult-oriented business owner resides on the business premises and the adult-oriented business owner is a legal guardian of minors residing in the residential unit, a licensed adult-oriented business premises may not share with any residential unit inhabited by minors a

(A) public entrance;

(B) restroom or entrance to a restroom; or

(C) hallway;

(2) the interior layout of the premises of an adult-oriented business must physically separate adult-oriented business entertainers from patrons during performances and ensure that any booth, stall, room, or partitioned portion of a room is open to view from a public room of the premises, except for private offices or other rooms that are not open to any person other than employees, or individual restrooms on the premises;

(3) an applicant shall provide satisfactory evidence that the owner of the real property in which the adult-oriented business is conducted consents to the operation of the adult-oriented business;

(4) an individual whose name and address is required to be provided with an application for a license under AS 08.90.040 may not have been convicted of any of the following offenses:

(A) prostitution or promotion of prostitution; unlawful exploitation of a minor; possession or distribution of child pornography; indecent exposure; sexual assault; sexual abuse of a minor; or any similar sex-

related offenses to those described above under the criminal or penal code of this state, other states, or other countries; tax evasion; underage employment; alcohol violations; illegal drugs; allowing a minor to enter and remain within premises where adult entertainment is offered; or any offense causing revocation of an adult-oriented business license; or

(B) an offense for which less than 10 years have elapsed since the date of conviction or the date of release from confinement imposed for a conviction, whichever date is later, if the conviction is of a felony offense.

Sec. 08.90.040. Application for license. (a) An applicant for a license shall file with the department a written application, signed and sworn to by the applicant, giving the applicant's name and address. If the applicant is a corporation, the application shall be executed by the authorized officers of the corporation. If the applicant is a partnership, including a limited partnership, the application shall be executed by an authorized general partner. The application must include

(1) the type of license desired;

(2) the license fee;

(3) any other information required by the department.

(b) A corporation applying for a license to operate an adult-oriented business shall provide the names and addresses of the president, vice-president, secretary, managing officer, and all stockholders who own 10 percent or more of the stock in the corporation, together with any other information required by the department.

(c) A partnership, including a limited partnership, that applies for a license shall provide information required by the department including the names and addresses of all general partners and all partners with an interest of 10 percent or more.

(d) A limited liability organization that applies for a license shall provide information required by the department, including the names and addresses of all members with an ownership interest of 10 percent or more and the names and addresses of all managers.

Sec. 08.90.050. Notice of application for adult-oriented business license. (a) Before a new license is issued, the applicant shall post a copy of the application

for 10 days at the location of the proposed licensed premises and at any additional locations designated by the department. The department may require the applicant to provide

(1) a copy of the application to newspapers and radio and television stations for public service announcement; or

(2) paid notice of the application once each week for three successive weeks in a newspaper or by radio.

(b) Upon receipt of an application for the issuance or renewal of a license for premises or proposed premises that are located within one-half mile of the boundary of a community council established by municipal charter or ordinance, the department shall

(1) immediately provide written notice of the application to

(A) the community council; and

(B) any nonprofit community organization that has requested notification in writing; and

(2) at least 10 days before the date set for departmental action on the application, provide written notice of the proposed action to

(A) the community council; and

(B) any nonprofit community organization that has requested notification in writing.

Sec. 08.90.060. Fees. The department shall set fees under AS 08.01.065 for the application for or renewal of a license to operate an adult-oriented business.

Sec. 08.90.070. Grounds for denial, suspension, or revocation of license. The department may deny, suspend, or revoke the license of a person who

(1) has obtained or attempted to obtain a license under this chapter by fraud or deceit;

(2) has been convicted of a felony or other crime if the felony or other crime is substantially related to the qualifications, functions, or duties of the licensee; or

(3) has wilfully or repeatedly violated a provision of this chapter or regulations adopted under it.

Sec. 08.90.080. Person and location for adult-oriented business license. (a) Each license to operate an adult-oriented business shall be issued to a specific individual or individuals, to a partnership, including a limited partnership, to a limited liability organization, or to a corporation. If the license is issued to a corporation or a limited liability organization, the registered agent of the corporation or limited liability organization is required to be an individual resident of the state.

(b) A specific location shall be indicated on the license as the licensed premises, the principal address of which shall be indicated on the license. The mailing address of a licensee or, if the licensee is a corporation, the address of the registered office of the corporation must be kept current and on file in the main office of the department.

(c) A license issued by the department is not transferable or assignable.

(d) A licensee shall report to the department

(1) permanent closing of a license facility; and

(2) other matters and occurrences the department may require by regulation.

Article 2. Business Operations.

Sec. 08.90.200. Entertainment employed by business. (a) Adult-oriented business entertainers must be at least 21 years of age to be employed by an adult-oriented business licensee as an adult-oriented business entertainer.

(b) The department shall develop and provide adult-oriented businesses with written material to be made available to all employees and to be prominently displayed in two locations within the premises approved by the department. This written material shall explain the wage and hour issues relevant to adult-oriented business entertainers, including information about independent contractors and employees, the minimum wage, and allowable deductions from wages by an employer.

Sec. 08.90.210. Business Hours. A person who is licensed to operate an adult-oriented business may not allow patrons to be present on the licensed premises between the hours of 5:00 a.m. and 8:00 a.m. each day. In addition, for adult-oriented businesses located within a municipality, the restriction against allowing patrons on the premises shall include any additional hours set by a municipality for the closure of

licensed premises providing entertainment under AS 04.

Sec. 08.90.220. Access of persons under 18 years of age to licensed premises. A licensee or an agent or employee of a licensee of an adult-oriented business may not with criminal negligence allow a person under 18 years of age to enter and remain within licensed premises. In this section, "criminal negligence" has the meaning given in AS 11.81.900.

Sec. 08.90.230. Proof of age. (a) If an adult-oriented business licensee or an agent or employee of the adult-oriented business licensee questions or has reason to question whether a person entering licensed premises has attained the age of 18 years, the licensee, agent, or employee shall require the person to furnish proof of age acceptable under (b) of this section in a form determined by the department. If the person questioned does not furnish proof of age acceptable under (b) of this section, or if a licensee, agent, or employee questions or has reason to question the validity of the proof of age furnished, the licensee, employee, or agent shall require the person to sign a statement that the person is 18 years of age or older. This statement shall be made on a form prepared by and furnished to the licensee by the department.

(b) A valid driver's license or a valid identification card is acceptable as proof of age when used for identification in securing entry to and remaining on the premises of an adult-oriented business if the license or identification card is made of or encased in plastic and contains a photograph of the licensee or card holder and a statement of age or date of birth.

(c) A licensee or an agent or employee of the licensee may not be charged for a violation of AS 08.90.220 if a signed statement as provided in (a) of this section is secured in good faith, or if a valid driver's license or identification card is presented indicating that the owner and possessor of the presented driver's license or identification card is 18 years of age or older.

Sec. 08.90.240. Responsibility of licensees, agents, and employees. An adult-oriented business licensee has a duty to exercise that degree of care that a reasonable person would observe to ensure that a business under the person's control is lawfully conducted. This duty of the licensee includes ensuring the compliance

(1) by agents or employees with this chapter and regulations adopted

under this chapter, including acting with reasonable diligence to determine that agents or employees are advised of the provisions of this chapter and the regulations adopted under this chapter, either by securing the agent's or employee's written acknowledgment of posted instructions or otherwise; and

(2) of the premises with public health, fire, and safety codes and ordinances of the state or municipality having jurisdiction.

Article 3. Miscellaneous Provisions.

Sec. 08.90.300. Disciplinary sanctions. (a) If, after a hearing, the department finds that a licensee has committed an act set out in AS 08.90.070, the department may

(1) permanently revoke a license issued under this chapter or suspend a license for a determinate period of time; and

(2) impose a civil fine of not more than $10,000.

(b) The department may summarily suspend a license before final hearing or during the appeals process if the department finds that the licensee poses a clear and immediate danger to the public health and safety if the licensee continues to operate under a license issued under this chapter. A person whose license is suspended under this subsection is entitled to a hearing by the department not later than seven days after the effective date of the order.

(c) A person who receives a disciplinary sanction under this section may appeal the sanction to a court of competent jurisdiction.

(d) The department shall be consistent in the application of disciplinary sanctions. A significant departure from earlier decisions of the department involving similar situations must be explained in findings of fact or orders made by the department.

Sec. 08.90.310. Violations. (a) A person who violates this chapter is guilty of a misdemeanor and, upon conviction, is punishable by a fine of not more than $5,000, or by imprisonment for not more than one year, or by both. Each day of illegal practice is a separate offense.

(b) A person who knowingly provides false information in an application for a license to operate an adult-oriented business is guilty of a misdemeanor and, upon

conviction, is punishable by a fine of not more than $5,000, or by imprisonment for not more than one year, or by both, except that a person who knowingly provides false information about the applicant's specified criminal activity is guilty of a class C felony.

Sec. 08.90.320. Limitation of liability. An action may not be brought against a person for damages resulting from a report made in good faith to a public agency by the person or participation by the person in an investigation by a public agency or an administrative or judicial proceeding relating to the report if the report relates to activity requiring a license under this chapter.

Sec. 08.90.330. Accessibility of license and licensed premises to inspection. (a) A licensee who operates an adult-oriented business shall, upon request, make the licensed premises available for inspection by officers charged with the enforcement of this chapter, including employees of the department, during all regular business hours.

(b) A license for an adult-oriented business issued under this chapter shall be conspicuously posted within the licensed premises so as to be easily viewed by the public and available for inspection upon request by a peace officer or other person during regular business hours.

Sec. 08.90.340. License a privilege. (a) A license issued under this chapter is a personal privilege, not a property right.

(b) The privilege conferred upon the licensee is personal in nature and affords protection to the licensee only.

Article 4. General Provisions.

Sec. 08.90.500. Definitions. In this chapter,

(1) "adult-oriented business" means a person who offers entertainment at a premises for compensation for the sexual interests or titillation of an audience by an individual who personally appears before the audience in a state of nudity or semi-nudity;

(2) "adult-oriented business entertainer" means an employee of an adult-oriented business who performs services described in (1) of this section for the sexual interests or titillation of an audience;

(3) "adult-oriented business licensee" or "licensee" means a person

licensed under AS 08.90.020 to operate an adult-oriented business;

(4) "department" means the Department of Community and Economic Development;

(5) "employee" means a person who performs any service on the premises of an adult-oriented business on a full-time, part-time, contract, or independent basis, whether or not the person is an employee, independent contractor, agent, or otherwise and whether or not the said person is paid a salary, wage, or other compensation by the operator of the adult-oriented business; "employee" does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises, nor does "employee" include a person exclusively on the premises as a patron or customer;

(6) "license" means a license to operate an adult-oriented business issued under AS 08.90.020;

(7) "nudity" means the appearance of an anus, anal area, pubic area, male genitals, female genitals, or vulva, either bare or with less than a fully opaque covering; or a female breast with less than a fully opaque covering of any part of the areola;

(8) "premises" means the real property on which the adult-oriented business is located, including the adult-oriented business, the grounds, private walkways, parking lots, and parking garages of the adult-oriented business under the ownership, control, or supervision of the licensee, as described in the application for a license to operate an adult-oriented business under this chapter;

(9) "semi-nude" or "semi-nudity" means the appearance of the female breast below a horizontal line across the top of the areola at its highest point; this term includes the entire lower portion of the human female breast, but does not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel if the areola is not exposed in whole or in part.

*** Sec. 4.** AS 08.90.200 is amended by adding a new subsection to read:

(c) Adult-oriented businesses shall provide all adult-oriented business entertainers under 21 years of age with certain information specified by the

department. The information to be provided by the businesses shall be a presentation or written materials approved by the department to cover the following topics: educational opportunities within the state, financial assistance programs for education and vocational education; the department shall verify that businesses are providing the required information to all adult-oriented entertainers under 21 years of age.

*** Sec. 5.** AS 08.90.200(a) is repealed.

*** Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to read:

SEVERABILITY. Under AS 01.10.030, the provisions of this Act are severable.

*** Sec. 7.** The uncodified law of the State of Alaska is amended by adding a new section to read:

CONTINGENT EFFECT. (a) Sections 4 and 5 of this Act take effect only if a court of competent jurisdiction whose decisions are binding in this state enters a final judgment on the merits that AS 08.90.200(a), added by sec. 3 of this Act, violates the Constitution of the United States or the Constitution of the State of Alaska.

(b) The attorney general shall promptly notify the lieutenant governor and the revisor of statutes of the occurrence of the contingency described in (a) of this section.

*** Sec. 8.** Sections 4 and 5 of this Act take effect on the date of the attorney general's notification to the lieutenant governor and to the revisor of statutes under sec. 7(b) of this Act that a court has entered final judgment that AS 08.90.200(a), added by sec. 3 of this Act, violates the Constitution of the United States or the Constitution of the State of Alaska and that the time for an appeal of that judgment has expired or, if an appeal was taken, a final order on the appeal has been entered that AS 08.90.200(a) violates the Constitution of the United States or the Constitution of the State of Alaska.

*** Sec. 9.** Sections 1 - 3, 6, and 7 of this Act take effect July 1, 2005.

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February 16, 2004

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Juneau, AK 99801-1182

Sent by FAX to: 907-465-3518

RE: House Bill 367 Regulating Sexually Oriented Businesses

Dear Representative Gara:

You asked me for an opinion as to whether HB 367 would necessarily be deemed unconstitutional pursuant to Mickens v. City of Kodiak, 640 P.2d 818 (Alaska 1982). The short answer is clearly no.

First, it is important to remember that the U.S. Supreme Court has held that nude dancing is at the outer limitation of First Amendment speech. I think our Supreme Court would agree.

In Mickens, the City of Kodiak had prohibited nude entertainment at places where alcohol was sold. The only factual support for this ban was public testimony from citizens who feared increased crime, and an increase in the number of police calls to the location where this entertainment occurred. Mickens, 640 P.2d at 822. The court noted that there was no evidence that the increase in police calls was caused by the nude entertainment, as opposed to an increase in business that would result from any type of live entertainment.

Id. The court made very clear that any limits on expression must be justified:

> Here the City has offered no justification for distinguishing between entertainment involving nudity from other forms of entertainment as a means to prevent crowds from congregating in establishments where intoxicating liquor is sold. Without such a justification, the ordinance can't stand.

Id. The court also noted that it was important to keep in mind that Kodiak's ordinance was not an effort to protect children from non-obscene sexually oriented displays. Mickens, 640 P.2d at 823.

There are several ways in which the proposed legislation differs from the ordinance in Mickens. First, the Legislature has heard far more scientific testimony about the ill effects of this type of entertainment. Unlike the situation in Kodiak, you have heard testimony on the difficulty in enforcing health and safety laws, wage and hour laws, and other regulations designed to protect the public. You have heard evidence that it is particularly difficult to enforce those laws in sexually oriented business establishments aimed at the under-21 age group.

Second, you have heard scientific testimony of the ill effects this type of entertainment has both on young dancers and young viewers. This scientific evidence is a very significant difference between the proposed legislation and the Kodiak ordinance.

A third difference is the Kodiak was simply banning dancing. Twenty years later, the live nude entertainment we are talking about includes physically rubbing nude body parts against the clothed body parts of the patrons in exchange for money.

Finally, the proposed legislation is an effort to protect children. In Alaska, the Legislature has determined that citizens under 21 are not adults for all purposes. It has found that they are children for purposes of buying alcoholic beverages until age 21 and that they

are children for purposes of buying tobacco until age 19.[1] There is nothing wrong in recognizing the medical research, and finding that people are still children until age 21 for purposes of viewing or participating in live nude entertainment.[2]

In conclusion, the Supreme Court could certainly rely on the Mickens decision as precedent in holding that the proposed legislation is unconstitutional. It could just as easily, and in my view more likely, distinguish this legislation and hold that it is constitutional because of the differences discussed above.

Please let me know if you have any further questions.

Sincerely,

Jeffrey Friedman

JAF:ms

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[1] Restrictions on use of alcohol and tobacco are just as much Free Speech issues as restrictions on nude dancing. Current advertising demonstrates that smoking cigarettes and drinking beer are considered expressions of one's personality and lifestyle choices at least to the same extent as dancing naked on a stage.

[2] I believe the state also restricts under 21 year olds in practicing the profession of Acupuncturist and Fish and Game guide.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

Enclosed is the amendment to HB 367 you requested. These changes to the bill would require sex-oriented business licensees to prevent adults under 19 years of age from entering the sex-oriented business premises. The restriction on the first amendment rights of adults under 19 years to watch this form of expression raises serious constitutional issues.

The Alaska Supreme Court has stated that nude dancing is protected by the state constitution as well as by the First Amendment of the United States Constitution. Mickens v. Kodiak, 640 P.2d 818, 823 (Alaska 1982). (City ordinance prohibiting nudity of waiters, waitresses and entertainers in bars found to unconstitutionally suppress protected forms of expression under Alaska State Constitution.) "Dancing, including nude dancing, is a constitutionally protected form of expression under the first amendment to the United States Constitution." Id. In Alaska nude dancing is protected by the state constitution as well. "We hold, therefore, that nude dancing is also protected under Article I, Section 5[1] of our state constitution." Id.

There is an additional issue which you may wish to consider. Raising the age to 19 for an adult to be allowed into a sex-oriented business is inconsistent with AS 11.66.300 which makes it a crime to allow minors to be present at an adult entertainment business.

> Sec. 11.66.300. Prohibiting minors from being present at an adult entertainment business.

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[1] Alaska Constitution, Article 1, Section 5: "Freedom of Speech. Every person may freely speak, write, and publish on all subjects, being responsible for the abuse of that right."

person under the age of 18 years to enter and remain within premises ertainment is offered.

section, "business that offers adult entertainment" has in AS 23.10.350(f).

who violates this section is guilty of a class A iolation is a separate offense.

, please advise.

LEGISLATIVE RESEARCH REPORT

MARCH 1, 2004

REPORT NUMBER 04.135

STATEWIDE AGE RESTRICTIONS ON NUDE OR SEMI-NUDE DANCERS

PREPARED FOR REPRESENTATIVE LESIL MCGUIRE

BY PATRICIA YOUNG, MANAGER

You wished to know if lawmakers in any states have enacted specific statewide age restrictions on nude or semi-nude dancers, also known as *exotic* dancers. If so, you wished to know whether the laws have been challenged.

Local governments, rather than state governments, generally regulate nude and semi-nude dancing as part of sexually oriented businesses. While we have not conducted an exhaustive search, we identified only two states having enacted statewide age restrictions for such dancing.[1] Those states are Missouri and West Virginia, and courts have enjoined enforcement of the laws in both, although the age restriction in West Virginia was not among the provisions specifically challenged. We also found an opinion issued by the Office of the Attorney General of Nevada concluding that Nevada law, while not specifically restricting the age of exotic dancers, prohibits the employment of persons 18 through 20 as dancers in adult entertainment establishments where alcohol is served for on-site consumption.

In 2003, the **Missouri** Legislature passed a law prohibiting persons under the age of 19 from dancing in *adult cabarets*—establishments in which persons appear nude in the performance of their duties.[2] Before the law could take effect, a Kansas City juice bar (featuring nude dancing but no alcohol) and two 18-year old dancers brought a suit in federal court claiming that the law was arbitrary and violated dancers' First Amendment rights. According to news reports at the time, plaintiffs argued that restricting 18-year olds from such employment serves no compelling state interest. They noted that a *minor* in Missouri is defined as anyone under the age of 18; and

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[1] We also identified one state (North Carolina) that gives local government explicit authority to regulate such businesses through various measures including limits on the age of patrons and employees (North Carolina General Statutes § 160A – 181.1.

[2] Assistant Attorney General John Mollenkamp was reported to have argued that the law allowed for alternatives—although it prohibited 18-year olds from dancing nude in adult clubs, it did not prevent them from dancing partly-clothed in clubs that serve liquor, dancing nude in the privacy of their homes or even appearing on videotapes. Dan Margolies, "Judge Bars Age Change for Nude Dancers—18-Year Olds Can Still Work In Clubs," *Kansas City Star*, August 28, 2003. We include a copy of Missouri Statute § 573-509 and this news article as Attachment A.

907-465-3991
907-465-3908 (fax)

Alaska Legislature
Legislative Research Services
w3.legis.state.ak.us/Research/research_home.htm

State Capitol
Juneau, AK 99801

that 18-year olds in Missouri are allowed to vote, enter into contracts, consent to surgical or medical treatment, and become notaries. The judge granted a temporary restraining order noting that the plaintiffs would likely prevail on the merits and stating as follows:

> I am not persuaded that [the law] furthers a substantial government interest, nor am I persuaded that the government interest in this case is unrelated to suppression of free speech.[3]

According to the Office of the Missouri Attorney General, the case is still pending in U.S. District Court, with a hearing set for September. The district attorney for Jackson County has replaced the Attorney General as a party to the action. The most recent order continues to enjoin enforcement of the law.[4]

In 2000, the **West Virginia** Legislature enacted a law requiring that operators of commercial exotic entertainment facilities obtain licenses and providing a very limited window for securing such licenses.[5] Among other things, the law prohibited licensees from allowing individuals under the age of 18 to perform as exotic entertainers and from allowing individuals under the age of 21 (other than performing exotic entertainers) to be on the premises on any day that any such entertainment was offered.

Within a short amount of time, the law was challenged, particularly in regard to the limited time for licensing. Although the State argued that the licensing scheme was designed to regulate *juice bars*—unlicensed establishments with nude dancing where alcohol is served—the court determined that the unlicensed sale of alcohol in juice bars was already illegal, and the statute's purpose was clearly to regulate, restrict, and eventually to prohibit nude dancing. The court found that the statute imposed a prior restraint on expressive conduct protected by the First Amendment, and that it conferred unlimited discretion on government agents to grant or withhold licensing of such facilities. On that basis, the court enjoined implementation or enforcement of the law.

Although not specifically a statewide age restriction on nude or semi-nude dancing, laws in **Nevada**—NRS § 202.030 and 202.060—prohibit saloonkeepers from allowing persons under the age of 21 years either to "loiter" or to "remain" in establishments where alcohol is sold. In 2002, the Office of the Attorney General of Nevada issued an opinion concluding that these laws prohibit the employment of young adults aged 18 through 20 as dancers in adult entertainment establishments where alcohol is served for on-site consumption. As the author of the opinion noted,

> We do not believe the Nevada Legislature intended to permit persons under 21 to engage in such employment activities in establishments where alcohol is served for on-site consumption. Certainly neither NRS 202.030 nor 202.060 expressly provide an exception that would permit such activity, and we are unwilling to read one into the statutes. Moreover, the Nevada Supreme Court has held that statutes regulating the sale of alcohol are legally analogous to

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[3] Margolles, August 28, 2003.

[4] Mark Long, assistant attorney general, Missouri Office of the Attorney General, 573-751-3321.

[5] We include a copy of West Virginia Code §60-4-23 and *R.W.B. of Riverview, Inc. v. Stemple*, 222 F. Supp. 2d 748 (2000 U.S. Dist.) as Attachment B.

statutes regulating gaming and, given the special class of industry and the privileges that are at issue, such statutes should be strictly construed against the licensee.[6]

I hope you find this information to be useful. Please do not hesitate to contact us if you have questions or need additional information.

[6] Attachment C is a copy of Nevada Revised Statutes § 202.030 and 202.060 and Opinion No. 2002-45, Office of the Attorney General, November 13, 2002.

Attachment A

Missouri Revised Statute § 573-509
and
Dan Margolies, "Judge Bars Age Change for Nude Dancers—18-Year Olds Can Still Work in Clubs," *Kansas City Star*, August 28, 2003

Missouri

§ 573.509 R.S.Mo. (2004)

§ 573.509. Adult cabaret, persons less than nineteen years of age prohibited from dancing, penalty

1. No person less than nineteen years of age shall dance in an adult cabaret as defined in section 573.500, nor shall any proprietor of such establishment permit any person less than nineteen years of age to dance in an adult cabaret.

2. Any person who violates the provisions of subsection 1 of this section is guilty of a class A misdemeanor.

HISTORY: L. 2003 S.B. 298

§ 573.500. Definitions

As used in sections 573.500 to 573.507, the following terms mean:

(1) "Adult cabaret", a nightclub, bar, restaurant, or similar establishment in which persons appear in a state of nudity in the performance of their duties;

(2) "Nudity", the showing of either:

(a) The human male or female genitals or pubic area with less than a fully opaque covering; or

(b) The female breast with less than a fully opaque covering on any part of the nipple.

HISTORY: L. 1993 S.B. 180 § 11



Kansas City Star, The (MO)
August 28, 2003
Section: NATIONAL
Edition: METROPOLITAN
Page: A1

Judge bars age change for nude dancers 18-year-olds can still work in clubs

DAN MARGOLIES
The Kansas City Star

A **judge** Wednesday barred enforcement of a Missouri law raising the minimum age of **nude dancers** from **18** to 19, a measure initially promoted to prevent exploitation of young women.

"I'm not persuaded that (the law) furthers a substantial government interest, nor am I persuaded that the government interest in this case is unrelated to suppression of free speech," U.S. District **Judge** Ortrie Smith ruled. The law had been set to take effect today.

Smith granted a temporary restraining order sought by Bazooka's, a Kansas City cabaret featuring **nude** dancing, and two of its **18**-year-old **dancers**.

Smith said the **18**-year-old **dancers** were likely to suffer irreparable harm if the statute were enforced. Both **dancers** testified Wednesday, describing themselves as "live adult entertainers" whose work at Bazooka's was the primary means of support for themselves and their 2-year-old children.

After the hearing, the general manager of Bazooka's, Richard T. Snow, said he was pleased with Smith's ruling.

"I didn't think the government's case had any merit," Snow said.

Bazooka's and the two **dancers** - Ashlea Nichol Williamson and Christine Dunkin - sued on Monday to prevent enforcement of the statute. Jay Nixon, as the state's attorney general charged with enforcing Missouri's laws, was named as the only defendant.

The law was passed by the General Assembly in May and signed by Gov. Bob Holden last month. Tucked into an otherwise unrelated liquor-control bill, the provision was sponsored by Sen. Sarah Steelman, a Rolla Republican.

Steelman originally had sought to raise the minimum age to 21, but that bill did not make it out of the House. At the time, Steelman was quoted as saying that women could earn hundreds of dollars a day dancing **nude** but were at risk of being exploited. She also expressed concern that young women who performed in adult clubs might get involved in pornography.

Steelman could not be reached for comment Wednesday.

Bazooka's, which is at 17th and Main streets, is a so-called juice bar and serves no alcohol. As such, it is not regulated by state and local laws requiring **dancers** in clubs that serve alcohol to be partly covered.

In arguing that the minimum-age law was arbitrary and violated the First Amendment, Bazooka's attorney Richard Bryant acknowledged that the government could regulate **nude** dancing but said the statute impinged too much on the right of free speech.

The bill, he said, bans **18**-year-olds "from engaging in the exact same activity as a 19-year-old," even though **18**-year-olds are not considered minors under Missouri law.

Assistant Attorney General John Mollenkamp, representing Nixon's office, argued that while the law prohibited **18**-year-olds from dancing **nude** in adult clubs, it did not prevent them from dancing partly clothed in clubs that serve liquor, dancing **nude** in the privacy of their homes or even appearing **nude** in videotapes.

"In another words," he said, "there are alternatives."

But a skeptical Smith asked Mollenkamp: "What is the government interest here?"

Mollenkamp responded: "The protection of young people."

Mollenkamp also said that legislators were concerned about the secondary effects associated with some adult entertainment establishments, such as crime.

Smith questioned why there would be any greater secondary effects from **18**-year-olds dancing **nude** than from 19-year-olds.

In issuing the restraining order, Smith said he was satisfied that the plaintiffs would probably prevail on the merits of the case. Although he said he was not convinced that Bazcoka's would suffer irreparable harm - Snow testified Wednesday that no more than half a dozen of the club's 70-plus **dancers** were **18** - Smith said he expected Williamson and Dunkin would "suffer a threat of irreparable harm" if enforcement of the statute were not prevented.

Both women said they made about $200 a day. They said the money enabled them to pay for their housing, automobiles, day-care expenses and other bills.

The restraining order expires in 10 days unless the parties agree to extend it. Smith will then consider whether to issue a preliminary injunction, pending a full trial on the merits, barring enforcement of the statute.

- To reach Dan Margolies, call (816) 234-7740 or send e-mail to dmargolies@kcstar.com.

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Attachment B

West Virginia Code §60-4-23
and
R.W.B. of Riverview, Inc. v. Stemple, 222 F. Supp. 2d 748 (2000 U.S. Dist.)

1 of 1 DOCUMENT

WEST VIRGINIA CODE ANNOTATED
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*** (STATUTES CURRENT THROUGH 2003 SECOND EXTRAORDINARY SESSION OF THE LEGISLATURE) ***
*** ANNOTATIONS CURRENT THROUGH JULY 15, 2003 ***

CHAPTER 60. STATE CONTROL OF ALCOHOLIC LIQUORS
ARTICLE 4. LICENSES

GO TO CODE ARCHIVE DIRECTORY FOR THIS JURISDICTION

W. Va. Code § 60-4-23 (2003)

§ 60-4-23. License to operate a facility where exotic entertainment is offered; definitions; restrictions, regulations and prohibitions; prohibitions against minors; application, renewal, license fee, restrictions on transfer; effective date; legislative rules; unlawful acts and penalties imposed

(a) For purposes of this section:

(1) "Exotic entertainment" means live nude dancing, nude service personnel or live nude entertainment, and "nude" means any state of undress in which male or female genitalia or female breasts are exposed.

(2) "Places set apart for traditional family-oriented naturism" means family nudist parks, clubs and resorts chartered by the American association for nude recreation or the naturist society, including all of their appurtenant business components, and also including places temporarily in use for traditional family-oriented naturist activities.

(b) No person may operate any commercial facility where exotic entertainment is permitted or offered unless such person is granted a license by the commissioner to operate a facility where exotic entertainment may be offered. The provisions of this subsection apply whether or not alcoholic liquor, wine or nonalcoholic beer is legally kept, served, sold or dispensed in a facility, or purchased for use in a facility, or permitted to be brought by others into a facility and whether or not such person holds any other license or permit issued pursuant to chapter sixty [§§ 60-1-1 et seq.] of this code.

(c) A licensee is subject to all the regulatory provisions of article seven [§§ 60-7-1 et seq.] of this chapter, whether or not the licensee is otherwise a private club. The commissioner shall have all the powers and authorization granted under article seven of this chapter to regulate, restrict and sanction a licensee under this section. No licensee may purchase, keep, sell, serve, dispense or purchase for use in a licensed facility, or permit others to bring into the facility, any alcoholic liquor, wine or nonintoxicating beer without having the appropriate license therefor. No licensee may operate a private club without being licensed therefor.

(d) No person or licensee may allow a person under the age of eighteen years to perform as an exotic entertainer. No person under the age of twenty-one years, other than a performing exotic entertainer, may be allowed to be in a commercial facility on any day on which any exotic entertainment is offered therein. No licensee may hold special nonalcoholic entertainment events for persons under age twenty-one pursuant to the provisions of section eight [§ 60-7-8], article seven of this chapter in the licensed facility.

(e) Any person operating a commercial facility where exotic entertainment is offered on the effective date of this section may apply to the commissioner for a license to operate a facility where exotic entertainment may be offered. Applications must be filed with the commissioner on or before the first day of July, two thousand; thereafter no application for license may be received by the commissioner. The commissioner may issue a license to a person complying with the provisions of this chapter. Upon application for renewal, the commissioner shall annually, on the first day of July of each succeeding year, renew the license of any licensee then in compliance with the provisions of this chapter. The commissioner shall specify the form of application and information required of applicants and licensees. No license which

has lapsed, been revoked or expired without renewal may be reissued.

(f) A person to whom a license is issued or renewed under the provisions of this section shall pay annually to the commissioner a license fee of three thousand dollars. A municipal corporation wherein any such licensee is located shall issue a municipal license to any person to whom the commissioner has issued a license and may impose a license fee not in excess of the state license fee.

(g) A person shall not sell, assign or otherwise transfer a license without the prior written approval of the commissioner. For purposes of this section, the merger of a licensee or the sale of more than fifty percent of the outstanding stock of or partnership interests in the licensee shall be deemed to be a sale, assignment or transfer of a license under this section. A license shall not be transferred to another location, except within the county of original licensure. A transferee of a licensed facility may apply for reissuance of the transferor's license if the transferee applicant otherwise qualifies for a license. The commissioner is authorized to propose the promulgation of a legislative rule in accordance with the provisions of chapter twenty-nine-a [§§ 29A-1-1 et seq.] of this code, to implement the provisions of this subsection.

(h) This section shall be effective upon passage by the Legislature in the year two thousand. On or before the first day of May, two thousand, the commissioner shall promulgate an emergency legislative rule pursuant to the provisions of chapter twenty-nine-a [§§ 29A-1-1 et seq.] of this code to effectuate the provisions of this section, and shall propose a legislative rule therefor, for consideration by the Legislature, prior to the last day of December, two thousand.

(i) Any person who violates any provision of this section, or principal of a firm or corporation which violates any provision of this section, or licensee, agent, employee or member of any licensee who violates any provision of this section, or who violates any of the provisions of section twelve [§ 60-7-12], article seven of this chapter, on the premises of a licensed facility, is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than one thousand dollars nor more than three thousand dollars, or imprisoned for a period not to exceed one year, or both so fined and imprisoned.

(j) The provisions of this section do not apply to places set apart for traditional family-oriented naturist activities.

HISTORY: 2000, c. 120.

NOTES:

EDITOR'S NOTES.—Concerning the reference in (e) to "the effective date of this section," Acts 2000, c. 120, which enacted this section, provided that the act take effect March 11, 2000.

EFFECTIVE DATES.—Acts 2000, c. 120, provided that the act take effect March 11, 2000.

FEDERAL COURT HAS ENJOINED W. VA. FROM IMPLEMENTING OR ENFORCING THIS ACT.—Nude dancing and entertainment remain expressive activity protected by the First Amendment of the Constitution. In the First Amendment, free expression context, permitting government officials unbridled discretion in determining whether to allow protected speech presents an unacceptable risk of both indefinitely suppressing and chilling protected speech. This act contains abundant examples of such unbridled discretion. The Court's Preliminary Injunction Order, enjoining Defendant Commissioner and his officers, agents, servants and employees and all persons in active concert or participation with them from implementing or enforcing West Virginia Code § 60-4-23 and West Virginia Legislative Rules, Title 175, Series 7, pending final judgment on the merits, shall continue in full force and effect. *R.W.B. of Riverview, Inc. v. Stemple, 111 F. Supp. 2d 748 (S.D.W. Va. 2000).*

This exotic entertainment statute confers unlimited discretion on the Commissioner in contravention of constitutional requirements. Court has issued preliminary injunction enjoining implementation or enforcement of this section. *R.W.B. of Riverview, Inc. v. Stemple, 111 F. Supp. 2d 748 (S.D.W. Va. 2000).*

USER NOTE: For more generally applicable notes, see notes under the first section of this part, subpart, article, or chapter.

LEXSEE 111 F. SUPP. 2D 748

R.W.B. of RIVERVIEW, INC., et al., Plaintiffs, v. DONALD STEMPLE, Commissioner, Alcohol Beverage Control Commission, Defendant.

CIVIL ACTION NO. 2:00-0552

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA, CHARLESTON DIVISION

111 F. Supp. 2d 748; 2000 U.S. Dist. LEXIS 12165

August 18, 2000, Decided
August 18, 2000, Entered

DISPOSITION: [**1] Case dismissed with prejudice.

LexisNexis (TM) HEADNOTES- Core Concepts:

COUNSEL: For R.W.B. OF RIVERVIEW, INC., R.W.B. OF MORGANTOWN, INC., R.W.B. OF CLARKSBURG, INC., R.W.B. OF BECKLEY, INC., R.W.B. OF SMITHVILLE, INC., R.W.B. OF WHEELING, INC., FORT KNOCKS, INC., ACADEMY, INC., CAL'S LOUNGE, INC., plaintiffs: Kyle G. Lusk, Beckley, WV.

For R.W.B. OF RIVERVIEW, INC., R.W.B. OF MORGANTOWN, INC., R.W.B. OF CLARKSBURG, INC., R.W.B. OF BECKLEY, INC., R.W.B. OF SMITHVILLE, INC., R.W.B. OF WHEELING, INC., FORT KNOCKS, INC., ACADEMY, INC., CAL'S LOUNGE, INC., plaintiffs: J. Michael Murray, Jeremy A. Rosenbaum, Steven D. Shafron, BERKMAN, GORDON, MURRAY & DeVAN, Cleveland, OH.

For DONALD STEMPLE, defendant: Darrell V. McGraw, Jr., Esquire, Jeffrey G. Blaydes, Scott E. Johnson, OFFICE OF THE ATTORNEY GENERAL, Charleston, WV.

JUDGES: Charles H. Haden II, Chief Judge.

OPINIONBY: Charles H. Haden II

OPINION: [*752]

MEMORANDUM OPINION AND SHOW CAUSE ORDER

On July 25, 2000, following a preliminary injunction hearing, the Court issued its Memorandum Opinion and Order Granting Preliminary Injunction. This Opinion elaborates and enlarges the initial ruling.

I. FACTUAL AND PROCEDURAL BACKGROUND

On March 11, 2000 the West Virginia Legislature [**2] enacted a law creating a new section of the *West Virginia Code, section 60-4-23*, "regulating, restricting and placing a prohibition on additional exotic entertainment facilities." Under the statute, licenses are required for facilities offering "exotic entertainment," that is, "live nude dancing, nude service personnel or live nude entertainment." *W. Va. Code § 60-4-32(a)(1)*. "Nude" means "any state of undress in which male or female genitalia or female breasts are exposed." Id.

Effective from passage, the statute provides a brief and very limited opportunity for exotic entertainment facility licensing, and imposes criminal penalties on those who engage in unlicensed exotic entertainment. n1 Any person who was operating a commercial facility offering exotic entertainment on March 11, 2000 could apply to the Defendant Alcohol Beverage Control Commissioner (Commissioner) for a license from March 11 until July 1, 2000. n2 See *W. Va. Code § 60-4-23(e)*. "Thereafter no application for license may be received by the commissioner." Id. Licenses which lapse, are revoked or expire may not be reissued. See id.

n1 Fines from one to three thousand dollars or imprisonment up to one year, or both, are penalties imposable for violation of the section.
[**3]

n2 The statute ordered the Commissioner to issue an emergency legislative rule to effectuate the law by May 1, 2000. Thereafter, the Commissioner issued regulations, Title 175, Series 7, "Licensing of Exotic Entertainment Facilities."

On June 30, the day before the exotic entertainment licensing period was to end forever, in response to Plaintiffs' application and with notice to Defendant, the Court issued a temporary restraining order (TRO) enjoining Defendant and his agents from enforcing the new statute and regulations promulgated thereunder. By a second Order of July 10, 2000, the Court *sua sponte* continued the TRO until July 25, 2000 and scheduled a preliminary injunction hearing for that date, after which the initial, brief Memorandum Opinion and Order Granting Preliminary Injunction issued.

The Court found and concluded the statute 1) imposed a prior restraint on exotic entertainment, expressive conduct, protected by the First Amendment, and 2) conferred unlimited discretion on the Commissioner to grant or withhold licensing of exotic entertainment facilities. On that basis the preliminary [**4] injunction was granted, enjoining the Commissioner or his agents from implementing or enforcing *West Virginia Code § 60-4-23* and West Virginia Legislative Rules, Title 175, Series 7, pending final judgment on the merits. This more expansive Memorandum Opinion and Order was promised.

II. DISCUSSION

A. Preliminary Injunction Standard

The Court applies a balancing test to determine whether a preliminary injunction is properly granted. See *Blackwelder Furniture Co. v. Seilig Mfg. Co., 550 F.2d 189 (4th Cir. 1977)*. The sequential application of the Blackwelder factors was discussed most recently in Steakhouse, Inc. v. City of Raleigh, North Carolina:

> In deciding whether to grant a preliminary injunction, the district court is to consider three factors. First, it must balance the likelihood of irreparable harm to the plaintiff if the injunction is refused against the likelihood of irreparable harm to the defendant if it is granted. Second, the court should consider [*753] the likelihood that the plaintiff will succeed on the merits. The more the balance of harms leans away from the plaintiff, the stronger his showing on the merits must be. [**5] Finally, the court must consider the public interest.

166 F.3d 634, 637 (4th Cir. 1999) (citing Blackwelder). The plaintiff bears the burden of proving the factors favor the grant of an injunction. See *Manning v. Hunt, 119 F.3d 254, 263 (4th Cir. 1997)*.

In applying the balancing test, the most important factors are the two factors regarding the balancing of harms. See id. A plaintiff must demonstrate harm that is "'neither remote nor speculative, but actual and imminent.'" Id. (quoting *Tucker Anthony Realty Corp. v. Schlesinger, 888 F.2d 969, 975 (2nd Cir. 1989)*). If, after balancing the harm to the plaintiffs if the injunction were not granted against the harm to the defendants if the injunction were granted,

> the balance 'tips decidedly' in favor of the plaintiff, a preliminary injunction will be granted if 'the plaintiff has raised questions going to the merits so serious, substantial, difficult and doubtful, as to make them fair ground for litigation and thus for more deliberate investigation.' As the balance tips away from the plaintiff, a stronger showing on the merits is required.

Id. (citations [**6] omitted).

Finally, the Court notes that "'The grant of interim relief [is] an extraordinary remedy involving the exercise of a very far-reaching power, which is to be applied only in [the] limited circumstances which clearly demand it.'" *Steakhouse, 166 F.3d 634 at 637* (quoting *Direx Israel, Ltd. v. Breakthrough Med. Corp., 952 F.2d 802, 811 (4th Cir. 1991)*).

B. The Purpose of the West Virginia Exotic Entertainment Statute

Defendant proposes West Virginia's exotic entertainment licensing scheme is designed to regulate "juice bars" and the pernicious secondary effects of such entertainment. (Def.'s Supplemental Br. in Opp'n to Pls.' Mot. for T.R.O. and Prelim. Inj. (Def.'s Supp. Br.) at 16-17.) Juice bars are unlicensed entities said to be offering nude dancing, and dispensing alcoholic beverages. According to Defendant, the illegal sale of beer and liquor at these establishments has become commonplace, (see Def.'s Supp. Br. at 6-7; Def.'s Mem. in Opp'n to Mot. for T.R.O. and for Prelim. Inj. at 1-2), often as an "all you can drink proposition." The new statute was enacted in an attempt to regulate juice bars and limit their secondary [**7] effects, such as drunken driving, larcenies, assaults, and narcotics use.

Defendant's characterization of the statutory purpose poses two significant problems. First, the unlicensed sale of alcohol in juice bars is already illegal. n3 But second, and more important for the Court's analysis, the exotic entertainment statute is bold and clear on its face: its purpose is to regulate, restrict, and prohibit additional exotic entertainment, i.e., nude dancing and entertainment, facilities. No word in this law refers to juice bars or their

secondary effects. In fact, the statute applies "whether or not alcoholic liquor, wine or [*754] nonalcoholic beer is legally kept, served, sold or dispensed in a facility, or permitted to be brought by others into a facility and whether or not such person holds any other license or permit issued pursuant to chapter sixty of this code." *W. Va. Code § 60-4-23(b).* In other words, this law has nothing to do with the sale or service of alcohol, juice bars, or their pernicious secondary effects, and everything to do with live nude dancing and entertainment.

> n3 Under West Virginia law, alcoholic liquors may not be sold for consumption on the premises where sold, without licenses and regulation under West Virginia Code Chapter 60, Article 7. Even Defendant notes in his brief that what juice bars are doing is illegal. Thus, statutes were already in place under which the unlicensed sale of alcohol may be regulated and sanctioned.
>
> Defendant also argues the only method to sanction juice bars before passage of this law was through criminal prosecution, (Def.'s Mem. in Opp'n to Mot. for T.R.O. at 2.) However, criminal prosecution is still the only method to sanction juice bars in the exotic entertainment statute except, of course, denying them a license, which is a sanction only if they are prosecuted for lacking one. Recognizing this, the Commissioner argued that county prosecutors were necessary parties to this action because they are the ones who impose criminal penalties. (Def.'s Supp. Br. at 12.)

[**8]

The Court agrees West Virginia may regulate the sale and service of alcoholic beverages. That it has done — and may elaborate upon. See *W. Va. Code § 60-1-1 et seq.* The State may regulate the secondary effects of facilities providing alcohol or exotic entertainment. See e.g., *City of Renton v. Playtime Theatres, Inc., 475 U.S. 41, 89 L. Ed. 2d 29, 106 S. Ct. 925 (1986).* The Court even agrees that, under *City of Erie v. Pap's A.M., 529 U.S. 277, 146 L. Ed. 2d 265, 120 S. Ct. 1382 (2000),* the State may require certain covering to prevent total public nudity. n4 The West Virginia exotic entertainment statute, however, by its clear and unequivocal language, does none of these things. In the short term, the statute requires a license before the operator of commercial facilities may offer nude dancing or nude entertainment. In the long term, the statute is designed to reduce the number of nude dancing and entertainment facilities, if not eliminate them entirely.

> n4 In City of Erie, the Supreme Court held a public nudity statute requiring G-strings and pasties on people otherwise nude in public constitutionally permissible. Defendant argues West Virginia's exotic entertainment statute is therefore also constitutional. Were this a public nudity statute requiring pasties and G-strings, the argument probably would prevail. See *City of Erie, 120 S. Ct. at 1388* (offering a the precise formulation of a constitutional statute so regulating public nudity). This is not that statute.

[**9]

Under its provisions, only facilities offering exotic entertainment on March 11, 2000 could apply for a license. Applications could be tendered only between March 11 and July 1, 2000. No further applications will ever be accepted, and licenses which lapse, are revoked, or expire may never be renewed. This scheme belies Defendant's argument that no ban or elimination of expression is intended. As Justice Powell observed in concurrence in *Young v. American Mini Theatres, 427 U.S. 50, 82 n.4, 49 L. Ed. 2d 310, 96 S. Ct. 2440 (1976),* "Had [Detroit] been concerned with restricting the message purveyed by adult theaters, it would have tried to close them or restrict their number rather than circumscribe their choice as to location." West Virginia has undertaken to restrict severely and ultimately phase out nude dancing and entertainment venues. That is why the statute places a "prohibition on additional exotic entertainment facilities." Suffice it to say, there will be no more, and eventually there will be many fewer.

The purpose of the exotic entertainment statute is simple and straightforward: to license, regulate, and reduce the number of facilities offering nude dancing, nude entertainment, and nude [**10] service personnel. This statute does not regulate nudity as conduct alone. It targets nudity that has an erotic message, nude dancing, as well as nude entertainment, which could express any message art is capable of conveying. The Court FINDS and CONCLUDES exotic ("nude") entertainment statute is, on its face and by its explicit terms, a scheme for licensing, regulating, and ultimately making unavailable venues for any live art that employs nudity to convey its message.

C. Nude Expressive Activity is Protected by the First Amendment

Defendant justifies the statutory licensing scheme at issue here by minimizing the importance of nude dancing: an expressive mode of severely limited societal good that has received only lukewarm recognition from the Supreme Court. "It disserves the memories of America's civil rights heroes who fought for the equality and dignity of humanity to equate their courageous [*755] acts with

that of nude exotic dancing." (Def.'s Supp. Br. at 5.) Nude dancing and entertainment, precisely because of the erotic message they convey, are anathema to some, distasteful to many, but intriguing to others.

Nevertheless, in its most recent pronouncement [**11] on the subject the Supreme Court stated, "Nude dancing . . . is expressive conduct, although we think that it falls only within the outer ambit of the First Amendment's protection." *City of Erie, 120 S. Ct. at 1391* (citing *Barnes v. Glen Theatre, Inc., 501 U.S. 560, 115 L. Ed. 2d 504, 111 S. Ct. 2456 (1991)).* The Court held the particular ordinance Erie passed was a "content neutral" public nudity statute, *120 S. Ct. at 1388,* which could, therefore, require a fully opaque covering over the genitals, pubic hair, buttocks, and female breast. "Government restrictions on public nudity such as the ordinance at issue here should be evaluated under the framework set forth in O'Brien n5 for content-neutral restrictions on symbolic speech." Id. at 1391.

n5 *United States v. O'Brien, 391 U.S. 367, 20 L. Ed. 2d 672, 88 S. Ct. 1673 (1968).*

Defendant proposes City of Erie controls, and because West Virginia's exotic entertainment scheme is designed to regulate "juice bars" and the pernicious secondary effects of such entertainment, [**12] the Court should apply the O'Brien test n6 and uphold the statute.

n6 Under O'Brien, where a statute sets forth content-neutral restrictions on symbolic speech, a court analyzes constitutionality by a four-part test:

(a) is the government regulation within the constitutional power of the government,

(b) does the regulation further an important government interest,

(c) is the government interest unrelated to the suppression of free expression, and

(d) is the restriction no greater than is essential to further the government interest?

As the discussion thus far and below demonstrates, the exotic entertainment statute fails prongs (c) and likely (d) of the O'Brien test, thus making untenable prongs (a) and (b).

The West Virginia statute, however, is not directed at conduct. It does not outlaw public nudity, juice bars, or associated drunken driving, larceny, assault, or narcotics use. The statute requires licenses for facilities offering nude dancing and nude entertainment. Whatever the Supreme [**13] Court intends by ambit-analysis and its location of nude dancing in the outer ambit, this Court understands nude dancing remains expressive conduct within the First Amendment's protection.

Interestingly, Defendant concentrated his argument exclusively on the dangers and bad effects of nude dancing. Plaintiffs, in turn, also focused on nude dancing, that being a main commercial offering of their businesses. n7 The statute, however, also covers nude entertainment, a far broader category, which presumably includes the well accepted artistic performances of "Equus," "Hair," "Oh, Calcutta," and any other play, opera, musical, or "entertainment" in which nudity is a component. n8 To the extent the statute requires licensing for nude entertainment, it extends broadly over many recognized types of free expression. The Court further **FINDS** and **CONCLUDES** that nude dancing and entertainment remain expressive [*756] activity protected by the First Amendment of the United States Constitution.

n7 Plaintiffs' briefs and argument also focused on prior restraint problems with the statute, although they have reserved a number of broad areas of First Amendment jurisprudence for future challenge, including overbreadth and vagueness. (See Br. in Supp. of Pls' Mot. at 8 n.1.) The Court does not address the potential overbreadth and/or vagueness problems created with regard to "nude entertainment" at this time because, except for Plaintiffs' single reference at oral argument, the parties have not mentioned them.

[**14]

n8 Perhaps the Commissioner never considered the range of performances nude entertainment might encompass, for regulations requiring, e.g., suitable kitchens capable of preparing a freshly cooked meal, seem inappropos when applied to theater performances of "Equus," and the like." See 175 W. Va. C.S.R. § 7.4.11.2.

D. Licensing Statute as Prior Restraint of Free Expression

There is a special presumption under the First Amendment against the use of prior restraints. See *Nebraska Press Ass'n v. Stuart, 427 U.S. 539, 49 L. Ed. 2d 683, 96 S. Ct. 2791 (1976)* (Prior restraints "are the most serious and the least tolerable infringement on First Amendment rights."). It is well settled "that in the area of free expression a licensing statute placing unbridled discretion in the hands of a government official

or agency constitutes a prior restraint and may result in censorship." 11126 *Baltimore Boulevard, Inc. v. Prince George's County, Md., 58 F.3d 988, 994 (4th Cir. 1995)* (quoting *City of Lakewood v. Plain Dealer Publishing Co., 486 U.S. 750, 757, 100 L. Ed. 2d 771, 108 S. Ct. 2138 (1988)).* "Nor can it **[**15]** be doubted that a scheme establishing a prior restraint on protected speech that places unbridled discretion in the decisionmaker by failing to impose either objective standards for decision or adequate procedural safeguards creates an impermissible risk of suppression with every application." Id. (citing *FW/PBS, Inc. v. City of Dallas, 493 U.S. 215, 107 L. Ed. 2d 603, 110 S. Ct. 596 (1990)).*

Although the exotic entertainment statute is a scheme licensing expressive activity, Defendant proposes initially that prior restraint analysis is inapplicable because cases such as Baltimore Boulevard dealt with time-sensitive written and spoken messages. In contrast, however, as our Court of Appeals famously phrased it, "Topless dancing does not go similarly stale — it tends not to be keyed to external events, and the strength of whatever message it conveys remains more or less constant over time." *Steakhouse, Incorporated v. City of Raleigh, NC, 166 F.3d 634, 641 (4th Cir. 1999).* This distinction may — or may not — alter analysis of how timely license application must be handled, but it does not affect whether a statute imposes a prior restraint. Regarding special use permits for **[**16]** topless dancing bars, the court instructed in Steakhouse, "an ordinance acts as [a prior] restraint when 'it prohibits [adult establishments] from operating anywhere within the [City] until permission in the form of a special exception has been granted." *Id. at 638* (quoting *Baltimore Boulevard, 58 F.3d at 995).* Under the exotic entertainment statute at issue, facilities offering nude dancing or entertainment cannot operate anywhere in the State until permission in the form of a license has been granted. That is definitive of a prior restraint and cannot stand under First Amendment scrutiny.

Defendant also ignores the total ban on exotic entertainment licenses for anyone who was not providing such entertainment on March 11, 2000 and for anyone who did not apply for a license by July 1, 2000. That this effect is deliberate is evidenced by the statement of purpose: "to prohibit additional exotic entertainment facilities." *W. Va. Code § 60-4-23* (emphasis added). There can never be more than were extant on the day in March when the legislation became effective. All others, including future generations yet unborn, suffer not just a prior **[**17]** restraint, but a permanent denial of their right to offer or enjoy this expressive activity in commercial establishments. In effect, the State has erected a permanent procedural barrier to the acquisition of exotic entertainment licenses: not only will there be no review and no appeal, but for many there will not even be a right to apply.

1. Commissioner's discretion unbridled

Any licensing scheme to engage in constitutionally protected expression must satisfy procedural and substantive safeguards required by *Freedman v. Maryland, 380 U.S. 51, 13 L. Ed. 2d 649, 85 S. Ct. 734 (1965).* "Two evils" not tolerated in prior restraints are 1) unbridled discretion in the hands of a government official or **[*757]** agency and 2) failure to place limits on the time in which decisionmaker must act to issue the license. n9 See *FW/PBS, Inc. v. City of Dallas, 493 U.S. 215, 225-26, 107 L. Ed. 2d 603, 110 S. Ct. 596 (1990).*

> n9 Defendant argues that the statute incorporates the licensure and regulation provisions for private clubs found in *W. Va. Code § 60-7*, providing for timely decision and review. Even if the review process for the severely limited number of applications the statute allows were constitutionally adequate, it is no more than a pretense because it applies only to license applications tendered in the brief period of March 11 to July 1, 2000, and never again. Accordingly, the Court declines to analyze time limits and review processes whose application is hypothetical, at best, for any but the favored few.

[18]**

The Court previously examined the statute and regulations promulgated by the Commissioner thereunder and noticed abundant examples of unbridled discretion. See *R.W.B. of Riverview, Inc. v. Stemple, 111 F. Supp. 2d 748 (S.D.W. Va. 2000).* For example, the statute provides, "The commissioner may issue a license to a person complying with the provisions of this chapter." *W. Va. Code § 60-4-23(e)* (emphasis added). "May" grants the Commissioner discretion to issue or not issue licenses, even though an applicant complies with every requirement of the law.

Under the regulations, a licensee must be a "bona fide club of good reputation in the community in which it operates." 175 W. Va. C.S.R. § 7.3.6.1.3 (emphasis added). Ownership and management must involve "suitable persons" at a "suitable place." Id. Owners must be "of good moral character or repute," id. § 3.6.2.j, and may not have "the general reputation of drinking alcoholic beverages or nonintoxicating beer to excess." Id. § 3.6.2.m (emphasis added). Issuance of a license may not be "detrimental to the interest, morals, safety or welfare of the public." Id. § 3.6.4.

These are **[**19]** just the sort of "boundless terms" and manipulable "malleable concepts" our Court of Appeals held constitutionally unacceptable because

they clothe a decisionmaker with unfettered discretion. *Steakhouse, 166 F.3d at 639.* To meet constitutional muster, a licensing [illegible] must, *inter alia*, "sufficiently cabin the decision-[illegible] discretion." *Id. at 638.*

The numerous cases Defendant cites in which the West Virginia Supreme Court of Appeals has "cabined" the Commissioner's discretion in issuing private club, i.e., liquor, licenses are inapposite. See e.g., *W. Va. Nonintoxicating Beer Comm'r. v. A & H Tavern, 181 W. Va. 364, 382 S.E.2d 558 (1989).* As syllabus point 2 of A & H instructs, "There is no inherent right in any individual . . . to engage in a business which the state, in the exercise of the police power, has placed under surveillance and permits only as a privilege or franchise." Id. In contradistinction, persons offering nude dancers and nude entertainment have an inherent, constitutional right to engage in the activity. In the First Amendment, free expression context, "permitting government officials unbridled discretion **[**20]** in determining whether to allow protected speech presents an unacceptable risk of both indefinitely suppressing and chilling protected speech." *Baltimore Boulevard, 58 F.3d at 994* (citations omitted).

2. Standardless licenses appropriate for facial challenge

The evils of standardless licensing "can be effectively alleviated only through a facial challenge." *City of Lakewood, 486 U.S. at 757.* As the Court explained,

> First, the mere existence of the licensor's unfettered discretion [intimidates] parties into censoring their own speech, even if the discretion and power are never actually abused. . . . Second, the absence of express standards makes it difficult to distinguish, "as applied," between a licensor's legitimate denial of a permit and its illegitimate abuse of censorial power.

[*758]

Id. "When these risks are threatened to a significant degree by state regulation, courts must permit those subject to the laws to bring an immediate facial challenge." *Baltimore Boulevard, 58 F.3d at 994.* For these reasons, the Court permitted Plaintiffs' facial challenge to the West Virginia exotic entertainment statute. **[**21]**

III. FINDINGS AND CONCLUSIONS

The Supreme Court held in *Elrod v. Burns, "The loss of First Amendment rights, for even minimal periods of time, unquestionably constitutes irreparable injury." 427 U.S. 347, 353, 49 L. Ed. 2d 547, 96 S. Ct. 2673 (1976)*(citing *New York Times v. United States, 403 U.S. 713, 29 L. Ed. 2d 822, 91 S. Ct. 2140 (1976)).* The Defendant Commissioner, on the other hand, will not be harmed by the Court's injunction of his ability to issue licenses under a scheme that impedes the constitutional rights of West Virginia citizens and threatens them with criminal prosecution. West Virginia's exotic entertainment limited licensing scheme obstructs the free exercise of citizens' First Amendment rights and thus, the balance of harms tips decidedly in favor of Plaintiffs. Were this statutory scheme to be implemented, the constitutional harms would be actual and immediate.

As this Court previously held, the public interest is best served by unrelenting protection of the First Amendment rights of all its citizens, even those whose expressive conduct may be distasteful and offensive to many.

After careful consideration of the merits of this action, it appears the Court has resolved all issues raised **[**22]** and supported by briefing in favor of Plaintiffs. Accordingly, Defendant is **ORDERED** to show cause why a permanent injunction should not issue and the case be dismissed with prejudice. The Court schedules a show cause hearing for **Friday, September 22, 2000 at 9:30 a.m.**

The Court's Preliminary Injunction Order, enjoining Defendant Commissioner and his officers, agents, servants and employees and all persons in active concert or participation with them from implementing or enforcing *West Virginia Code § 60-4-23* and West Virginia Legislative Rules, Title 175, Series 7, pending final judgment on the merits, shall continue in full force and effect.

The Clerk is directed to send a copy of this Memorandum Opinion and Show Cause Order to counsel of record and post this published opinion at http://www.wvsd.uscourts.gov.

ENTER: August 18, 2000

Charles H. Haden II, Chief Judge

Attachment C

Nevada Revised Statutes § 202.030 and 202.060
and
Office of the Attorney General, Opinion No. 2002-45, November 13, 2002.

Nevada Revised Statutes--NRS § 202.030 and 202.060 (2003)

§ 202.030. Minor loitering in place where alcoholic beverages sold

Any person under 21 years of age who shall loiter or remain on the premises of any saloon where spirituous, malt or fermented liquors or wines are sold shall be punished by a fine of not more than $ 500. Nothing in this section shall apply to:

1. Establishments wherein spirituous, malt or fermented liquors or wines are served only in conjunction with regular meals and where dining tables or booths are provided separate from the bar; or

2. Any grocery store or drugstore where spirituous, malt or fermented liquors or wines are not sold by the drink for consumption on the premises.

HISTORY: 1949, p. 126; 1955, p. 144; 1967, p. 482.

§ 202.060. Saloonkeeper allowing minor to remain in establishment

Any proprietor, keeper or manager of a saloon or resort where spirituous, malt or fermented liquors or wines are sold, who shall, knowingly, allow or permit any person under the age of 21 years to remain therein shall be punished by a fine of not more than $ 500. Nothing in this section shall apply to:

1. Establishments wherein spirituous, malt or fermented liquors or wines are served only in conjunction with regular meals and where dining tables or booths are provided separate from the bar; or

2. Any grocery store or drugstore where spirituous, malt or fermented liquors or wines are not sold by the drink for consumption on the premises.

HISTORY: 1911, p. 314; 1955, p. 85; 1967, p. 483.

OPINIONS OF ATTORNEY GENERAL

PURPOSE. --The purpose of statutes prohibiting minors from loitering in premises where alcoholic beverages are sold is to protect the morals and health of minors by keeping them away from premises where they might come into contact with undesirable persons and be subjected to the urge to purchase intoxicating liquors at an age when such beverages would be detrimental to their health. AGO 337 (12-19-1957).

THIS SECTION DOES NOT APPLY TO HOTEL THEATER-RESTAURANTS. --The provisions of this section, which provide that it is unlawful to permit any person under the age of 21 years to remain in a saloon or resort where spirituous, malt or fermented liquors or wines are sold, do not apply to hotel theater-restaurants. AGO 50 (7-11-1963).

MINOR MAY BE PRESENT FOR REPAIRING MECHANICAL DEVICES. --On premises where alcoholic beverages are sold, when a minor is present for the purpose of repairing mechanical devices, there is no violation of NRS 202.030 or this section, provided the minor leaves the premises immediately after his job is completed. AGO 337 (12-19-1957).

AND MAY BE EMPLOYED AS AN ENTERTAINER. --Under NRS 202.030 and this section, which respectively provide penalties for a minor who loiters and a proprietor who permits a minor to remain in a place where alcoholic beverages are sold, entertainers who are minors may be employed in establishments selling alcoholic beverages if such minors do not remain after their work is performed. AGO 260 (9-8-1965).

BUT MAY NOT BE EMPLOYED AS A WAITER. --It is unlawful to employ a minor as a waiter in a dining room in an establishment where gambling is conducted and alcoholic beverages are served in other rooms. AGO 368 (3-28-1958).

EMPLOYMENT OF YOUNG ADULTS IN ADULT ENTERTAINMENT ESTABLISHMENTS PROHIBITED. --County may not adopt an ordinance allowing young adults aged 18 through 20 to be employed as dancers in adult entertainment establishments where alcohol is served for on-site consumption. AGO 02-45 (11-13-2002).

STATE OF NEVADA

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November 13, 2002

OPINION NO. 2002-45

EMPLOYMENT; MINORS; ENTERTAINMENT; LIQUOR: NRS 202.030 and 202.060 prohibits Clark County from adopting an ordinance allowing young adults aged 18 through 20 to be employed as dancers in adult entertainment establishments where alcohol is served for on-site consumption.

Stewart L. Bell, District Attorney
Office of the Clark County District Attorney
Post Office Box 552215
Las Vegas, Nevada 89155-2215

Dear Mr. Bell:

You have requested an opinion from this office regarding the employment of young adults under the age of 21 by adult entertainment establishments where alcohol is served. The question as presented to this office is set forth below, and our analysis follows.

QUESTION

May Clark County adopt an ordinance that allows underage dancers to provide services to customers and solicit additional business in adult entertainment establishments where alcohol is served?

ANALYSIS

After telephone inquiry with your office, the term "underage" in the question was clarified as referring only to young adults aged 18 through 20 (young adults). Your office also clarified that such young adults would be employed by "adult entertainment establishments" where alcoholic beverages are both served and consumed on the premises. The employment activities of the young adults would include soliciting business and providing "lap dances" to patrons of the establishments. As referred to in this analysis, "lap dancing" involves a partially nude young adult dancing for patrons of the establishment, either at a table or in a private room, wherein some physical touching may occur. In "soliciting business," the young adults circulate throughout the establishment seeking out patrons to purchase lap dances. The young adults may also dance on a stage or platform at a distance from the patrons.

It should be noted that the adult establishments are partial nudity establishments, which require young adults to have some clothing over their pubic region. The question presented does not encompass, and this opinion does not address, the employment of young adults in full nudity establishments where alcohol is not sold or consumed.

Chapter 202 of the Nevada Revised Statutes addresses the presence of persons under the age of 21 in places where alcohol is sold and consumed. Specifically, NRS 202.030 prohibits persons under 21 years of age from "loitering" or "remaining" in a saloon,[1] and provides in full as follows:

> Any person under 21 years of age who shall loiter or remain on the premises of any saloon where spirituous, malt or fermented liquors or wines are sold shall be punished by a fine of not more than $500. Nothing in this section shall apply to:
>
> 1. Establishments wherein spirituous, malt or fermented liquors or wines are served only in conjunction with regular meals and where dining tables or booths are provided separate from the bar; or
>
> 2. Any grocery store or drugstore where spirituous, malt or fermented liquors or wines are not sold by the drink for consumption on the premises.

---

[1] We note here that BLACK'S LAW DICTIONARY defines the term "saloon" as: "In common parlance, a place where intoxicating liquors are sold and consumed." BLACK'S LAW DICTIONARY, 1340 (6th ed. 1990). Your office clarified that the adult entertainment establishments referred to in your question are issued a liquor license and are places where intoxicating liquors are sold and consumed. Therefore, these adult entertainment establishments are considered saloons for purposes of the analysis of NRS 202.030 and NRS 202.060.

In addition, NRS 202.060 prohibits any saloonkeeper from allowing any person under the age of 21 from "remaining" in a place where alcohol is served and consumed. NRS 202.060 provides in full as follows:

> Any proprietor, keeper or manager of a saloon or resort where spirituous, malt or fermented liquors or wines are sold, who shall, knowingly, allow or permit any person under the age of 21 years to remain therein shall be punished by a fine of not more than $500. Nothing in this section shall apply to:
>
> 1. Establishments wherein spirituous, malt or fermented liquors or wines are served only in conjunction with regular meals and where dining tables or booths are provided separate from the bar; or
>
> 2. Any grocery store or drugstore where spirituous, malt or fermented liquors or wines are not sold by the drink for consumption on the premises.

This office has issued three opinions regarding the application of one or both of these statutes to persons under the age of 21. In Op. Nev. Att'y Gen. No. 57-337 (December 19, 1957), this office concluded that it is permissible for a minor employed as a repair person to enter the premises of an establishment where alcohol is sold and consumed, in order to repair a machine in the establishment, provided that the minor leaves upon completion of the task. The opinion reasoned that if a minor is performing a business task in an establishment where alcohol is sold and consumed, the minor is neither "loitering" nor "remaining" in the establishment since he is there to perform a specific business task and departs once the task is accomplished. Therefore, the minor's activities violated neither the letter nor spirit of NRS 202.030 and NRS 202.060.

In Op. Nev. Att'y Gen. No. 58-368 (March 28, 1958), this office addressed whether it was lawful for a minor between the ages of 18 and 20 to be employed as a waiter and serve both food and alcohol in an establishment with a bar and gaming room if the employee's services would be confined to the restaurant portion of the establishment or the employee's exposure to the public bar and gaming areas of the establishment were otherwise minimized. This office reviewed the provisions of NRS 202.020 (prohibiting the purchase or consumption of alcohol by persons under 21), NRS 202.060 (as set forth above), and NRS 463.350 (prohibiting persons under age 21 from loitering in a room or establishment where licensed gaming activity is conducted) and opined that such employment was not permitted by the above statutes.

Finally, in Op. Nev. Att'y Gen. No. 65-260 (September 8, 1965), this office concluded that an establishment where alcohol is sold and consumed may employ a minor as an entertainer, performing in a lounge show or theater restaurant, without violating NRS 202.030 or NRS 202.060, provided that the young adult departs upon completion of his or her act.

In each of these prior attorney general opinions (AGOs), this office noted that the intent of the Legislature was to protect the health and morals of persons under the age of 21 by prohibiting them from frequenting establishments where alcoholic beverages are sold and consumed. The Legislature has specified two exceptions in the above statutes, permitting persons under 21 to be present in the restaurant portion of an establishment where alcohol is sold and consumed and permitting persons under 21 to be present in a retail store where alcohol is not sold for consumption on site.

As noted, focusing on either or both of the terms "loiter" or "remain," this office has previously concluded that NRS 202.030 and 202.060 do not prohibit the temporary presence of a minor, working as an equipment repair person in an establishment that serves alcohol for on-site consumption, provided that the minor leaves the premises when the business task is completed. This office has also concluded that these statutes do not prohibit the employment of minors, as entertainers who perform in lounge shows or theater restaurants where alcohol is sold and consumed, provided that they depart the premises upon the conclusion of their act. In our opinion, however, the presence of young adults employed as dancers engaged in the activities described above in establishments that serve alcoholic beverages for on-site consumption violates both the letter and intent of NRS 202.030 and 202.060. A comparison of the circumstances at issue in AGOs 57-337 and 65-260 reveals significant differences in the employment activities at issue and leads us to conclude that NRS 202.030 and 202.060 do not permit such employment activities as are encompassed in the current question.

AGO 57-337 addressed a minor working for a local business as an equipment repair person who might enter another business establishment where alcohol was sold and consumed. Under such circumstances, the minor's presence in the establishment is temporary and limited only to that amount of time needed to perform a specific business task. Further, the minor's task is confined to repairing a mechanical device, and interaction with patrons of the establishment is either non-existent or at least minimized, as such interaction would serve no apparent business purpose. Similarly, a minor performing in a lounge act or restaurant theater show, as contemplated in AGO 65-260, is presumably provided some measure of physical separation from the patrons of the establishment, is present temporarily solely in order to perform an act, and such performance does not rely primarily upon direct personal and physical interaction with the patrons of the establishment.

Unlike the above-described circumstances, a dancer's employment in an establishment where alcohol is served and consumed requires the dancer's ongoing, rather than temporary, presence in the establishment. Moreover, the dancer's employment activities reportedly require continuous and direct personal and physical interaction with the establishment's patrons. Indeed, such continuous and direct personal and physical interaction is described as the specific business purpose to be accomplished through the dancer's presence in the establishment.

We do not believe the Nevada Legislature intended to permit persons under 21 to engage in such employment activities in establishments where alcohol is served for on-site consumption. Certainly neither NRS 202.030 nor 202.060 expressly provide an exception that would permit such activity, and we are unwilling to read one into the statutes. Moreover, the Nevada Supreme Court has held that statutes regulating the sale of alcohol are legally analogous to statutes regulating gaming and, given the special class of industry and the privileges that are at issue, such statutes should be strictly construed against the licensee. *Carson City v. Lepire,* 112 Nev. 363, 365-366, 914 P.2d 631 (1996) (quoting *West Indies v. First National Bank,* 67 Nev. 13, 34, 214 P.2d 144, 154 (1950)). Accordingly, it is this office's conclusion that Clark County may not legally adopt an ordinance that allows young adults to be employed as dancers in establishments where alcohol is serve for on-site consumption.

CONCLUSION

Through the adoption of NRS 202.030 and 202.060, the Nevada Legislature has evidenced its intent to prohibit persons under 21 from frequenting establishments where alcohol is served for on-site consumption. The described activities to be performed by a person employed as a dancer require the dancer's continuous and direct physical and personal interaction with the patrons of the establishment. A young adult's presence for purposes of engaging in such employment activities in an establishment that serves alcohol for on-site consumption is not permitted under NRS 202.030 and 202.060. Accordingly, Clark County may not adopt an ordinance allowing young adults aged 18 through 20 to be employed as dancers in adult entertainment establishments where alcohol is served for on-site consumption.

Sincerely,

FRANKIE SUE DEL PAPA
Attorney General

By: _____
GEORGE G. CAMPBELL
Deputy Attorney General
Commerce Section
(775) 684-1214

cc: Mary-Anne Miller, County Counsel
Keith Kizer, Chief Deputy Attorney General
Clark County Commissioners
John T. Moran, Jr., Esq.

To: Municipality Clerks Office
Anchorage Municipal Assembly
PO Box 196650
Anchorage, Alaska 99519-6650

May 5, 2003

Legislators

Dear Anchorage Assembly Members,

The Spenard Community Council is opposed to having Teen Strip Clubs in Anchorage, especially here in Spenard where we have worked so hard to 'clean up' our community. We passed a resolution unanimously April 2nd, 2003 to request our points below be reviewed and action to be taken upon them by the Anchorage Assembly for the betterment of our town, and most especially for the well being and future of our youth.

We feel this type of establishment, if allowed to exist ought to be enforced under law as Adult Entertainment, using the same Standards and Operating Procedures upheld by the ABC Board of such similar establishments with liquor licenses, making an age requirement of 21 and dealing with 'no touching' type rules.

There is much concern, not just here in Spenard but all over town regarding our High School Students being able to attend and actually work in these Teen Strip Clubs and many health as well as crime related problems tend to spread from this type of business. There is an article detailing exactly this topic in the Anchorage Chronicle dated May 1st, 2003. The Anchorage Police Department too is against such type establishments and has historic problems dealing with the existing ShowBoat management- as a main example.

We request of the Anchorage Assembly to look into the many depths of this problem and we look forward to resolve on the subject. There is talk of opening up even more of these Clubs across town and we do not see their being able to do so as a viable option.

Thank you for your time and response,

Feb 2004

Brenda Smart
Now: Vice-Chair, Spenard Community Council
~~3411 Williwaw Place Pond~~ PO Box 91313
Spenard, Alaska ~~99517-2067~~ 99509
222-3988
brendasmart@gci.net

Keep up the good work as this Bill evolves. The refusal to testify ON income speaks more than what they "say". Keep public safety in mind.

I witnessed Sat Feb 7th's 5 hours of testimony at town meeting and part of todays. Thank you for a thorough review. Brenda

2/16/04 Submitted for HB367 Judiciary Committee Testimony
Jacqueline S. Pickens

PINETTES, INC.

5221 Old Seward Highway, ANCHORAGE, AK 99518
PHONE (907)562-4406 **STAGE NAME:** _____

APPLICATION FOR EMPLOYMENT

NAME:
(LAST) _____ **(FIRST)** _____ **(MI)** **PHONE #** _____

SOC. SEC. NO. _____ **ADL#** _____ **EXP. DATE:** _____ **CELL PHONE:** _____

DATE OF BIRTH: _____ **BIRTHPLACE:** _____

PRESENT ADDRESS: _____

PERMANENT ADDRESS: _____

HEIGHT **WEIGHT** **REFFERED BY:** _____ **WHEN CAN YOU START:** _____

ARE YOU PRESENTLY ATTENDING HIGH SCHOOL ? **YES** **NO** **WHICH SCHOOL ?** _____

********** WE DO NOT HIRE ADULTS THAT ARE STILL ATTENDING HIGH SCHOOL**********

BRIFLY STATE WHY YOU WOULD LIKE TO DANCE FOR US: _____

HAVE YOU EVER DANCED PROFESSIONALLY BEFORE? **WHEN:** **WHERE:** _____

PERSONAL REFERENCES: (LIST TWO): _____

NAME: **ADDRESS:** **PHONE:** _____

NAME: **ADDRESS:** **PHONE:** _____

IN CASE OF EMERGENCY, PLEASE NOTIFY: _____

NAME: **ADDRESS:** **PHONE:** _____

I certify that all statements made within are accurate. I understand that my employment may be terminated without previous notice if any of these facts are found to be misrepresented. I agree to comply with the rules of my workplace, and understand that my employment may be terminated if I break said rules. I understand that my employment will be terminated immediately if I engage in prostitution or if I am in possession of alcohol, non-prescription substances (drugs), or weapons of any kind at my workplace.

SIGNATURE: _____ **DATE:** _____

FOR INTERVIEWERS USE ONLY:

I have reviewed this application and recommend that the applicant be hired. I have been presented with sufficient proof that the applicant is eighteen years of age or older and therefore eligible to work as a dancer in the Municipality of Anchorage.

NAME: _____ **TITLE:** _____

SIGNATURE: _____ **DATE:** _____

Revised 2/07/04

Subject: Re: important considerations before voting on HB 367
Date: Wed, 25 Feb 2004 00:30:11 -0900
From: "Sharon Parker" <mysticwisdom@acsalaska.net>
Organization: Essential Harmony
To: "Nancy Tankersley Fair" <fairwinds@gci.net>,
"Tom Anderson" <Representative_Tom_Anderson@legis.state.ak.us>,
"\"Lesil McGuire\"" <Representative_Lesil_McGuire@legis.state.ak.us>,
"\"Les Gara\"" <Representative_Les_Gara@legis.state.ak.us>,
<Representative_Jim_Holm@legis.state.ak.us>,
<Representative_Dan_Ogg@legis.state.ak.us>,
"\"Ralph Samuels\"" <Representative_Ralph_Samuels@legis.state.ak.us>,
<Representative_Max_Gruenberg@legis.state.ak.us>
CC: "Nancy Dahlstrom" <Representative_Nancy_Dahlstrom@legis.state.ak.us>,
"\"representative_kevin_meyer\"" <representative_kevin_meyer@legis.state.ak.us>

Dear House Judiciary Committee:

Please consider tougher employment criteria for these strip clubs who are perpetrating our sons and daughters, our grandaughters, nieces, nephews, grandsons, parents and grandparents, elders. Most employers offer health benefits (or unemployment), pre-employment physical, TB test, mandatory drug/alcohol testing, a background investigation prior to hire. Does the health department give periodically/random inspections? Do the employees wash their hands after dancing, table dancing before working the bar or serving the patrons non-alcoholic beverages. Are there any sanitation guidelines and who monitors/sanctions any violations, such as clean working attire, sharing their work attire, is a wash machine/dryer provided on the premises? Are the owners really concerned about what is best for their employees and patrons and why?

Is there an application for employment application, screening, interview required?

I am concerned with the amount of crime, domestic violence and child abuse already plaguing our country....I hope you vote in favor of HB367.

Sharon Parker, M.S.
Victim Advocate

Sharon Parker, M.S., CDC-1, CASA
President & Founder
Essential Harmony
Creative Immersed Counseling
Anchorage Alaska 99517 USA
907.242.3339
907.242.3339
mysticwisdom@acsalaska.net www.webspawner.com/users/essnse

Add this card to your address book

Sometimes you just have to take the leap and build your wings on the way down!

Essential Harmony
Culturally Diverse Counseling and Intuitive Guidance
907.242.3339

----- Original Message -----
From: Nancy Tankersley Fair
To: Tom Anderson ; "Lesil McGuire" ; "Les Gara" ; Representative_Jim_Holm@legis.state.ak.us ; Representative_Dan_Ogg@legis.state.ak.us ; "Ralph Samuels" ;

Subject: **[Fwd: House Judiciary Committee, HB 367, public testimony February 16, 04, 1:00 PM]**
Date: Mon, 16 Feb 2004 08:16:32 -0900
From: Lesil Mcguire <Representative_Lesil_Mcguire@Legis.state.ak.us>
Organization: Alaska State Legislature
To: Heath Hilyard <Heath_Hilyard@legis.state.ak.us>,
Vanessa Tondini <Vanessa_Tondini@legis.state.ak.us>

-------- Original Message --------
Subject: House Judiciary Committee, HB 367, public testimony February 16, 04, 1:00 PM
Date: Mon, 16 Feb 2004 13:34:34 +0000
From: "Becky Roberts" <bee_happy55@hotmail.com>
To: Representative_Lesil_McGuire@legis.state.ak.us, Representative_Tom_Anderson@legis.state.ak.us, Representative_Jim_Holm@legis.state.ak.us, Representative_Dan_ogg@legis.state.ak.us, Representative_Ralph_Samuels@legis.state.ak.us, Representative_Les_gara@legis.state.ak.us, Representative_Max_Gruenberg@legis.state.ak.us

Dear Representative McGuire and other Judiciary committee members:

Please see the attached testimony on HB 367 - Licensing for sex-oriented businesses (strip clubs) and dancers.

This bill is a reasonable licensing procedure and an appropriate mechanism
to place the burden of regulation on the owners, operators, and employees of
sexually oriented businesses.

I welcome this legislation and encourage you to pass it.

Sincerely,

Rebecca Roberts, Anchorage

Keep up with high-tech trends here at "Hook'd on Technology."
http://special.msn.com/msnbc/hookedontech.armx

Judiciary Committee HB 367 doc. Testimony Feb 16, 04.doc	**Name:** Judiciary Committee HB 367 doc. Testimony Feb 16, 04.doc **Type:** WINWORD File (application/msword) **Encoding:** base64

HOUSE BILL NO.367

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURES – SECOND SESSION

BY REPRESENTATIVE(S) MCGUIRE, GARA

Introduced: 1/09/94
Referred: Labor and Commerce
Referred: Judiciary

A BILL
FOR AN ACT ENTITLED

" An Act relating to the licensing and regulation of sex-oriented businesses and sex-oriented business entertainers; relating to protection of the safety and health of and to education of young persons who perform in adult entertainment establishments; and providing for an effective date."

Public Testimony by:
Rebecca Roberts, Anchorage, AK

Legislative Hearing Dates:
January 30, 2004, 3:15 PM
Resubmitted to the Judiciary Committee: February 16, 2004, 1:00PM

February 16, 2004

Dear Representative McGuire and other committee members:

I urge your support of HB 367 which will provide stricter licensing requirements and regulation for sexually oriented businesses and employees in order to protect school children and other youth under the age of 21.

This legislation is desperately needed to start addressing a very serious state-wide issue: The adverse effects of sexually oriented businesses such as increased crime especially sex related crimes, sexually transmitted diseases, endangerment of youth, urban blight, declining property values, and diminished quality of life.

According to the National Law Center for Children and Families numerous case studies across America show that prostitution, crime and drug use correspond with sexually oriented businesses. In particular, live nude dance clubs encourage prostitution, increase sexual assaults, and attract other criminal activity. I believe it is appropriate to regulate sexually oriented businesses differently from other commercial businesses, based on the significant negative impact caused by this industry.

I appreciate the fact that this bill will strengthen the public notification process regarding sexually oriented businesses by notifying community councils and other non-profit groups when license applications or renewals for sexually oriented businesses are submitted.

This bill is a reasonable licensing procedure and an appropriate mechanism to place the burden of regulation on the owners, operators and employees of sexually oriented businesses. There shouldn't be a fiscal note tied to this bill as DCED is under mandate to make their licensing program self-supporting thru license fees. These establishments should be paying their own way instead of the community picking up the tab. Such a licensing procedure will place an incentive on the operators to see that the sexually oriented business is run in a manner consistent with the health, safety, and welfare of youth and other patrons and employees, as well as the citizens of the communities where they locate.

I welcome this legislation and encourage you to pass it.

Thank you for your time.

Rebecca Roberts

If we are going to put in an under 21 ban, we have to have a backup bill in case it gets struck down. Please insert this suggestion at line 10 of the bill:

10 **Chapter 90. Sex-Oriented Businesses and Entertainers.**

(a) It is the intent of this legislation to protect young persons who perform in adult entertainment establishments through enactment of safety and health, educational requirements.
(b) The Department of Community and Economic Development will be the lead agency to coordinate with other State entities as necessary to implement these provisions, and shall work in consultation with knowledgeable groups and organizations that focus on the protection of women and youth.

This suggestion is based on legislation from 1997 "An Act Relating to Civil Actions...."
SCS CSSHB 58 (RLS) am S

This legislation specifically stated the intent of the legislation as well as directing the Alaska Judicial Council to consult with the Alaska Dispute Settlement Association.

Subject: Official record for House Judiciary Committee HB 367
Date: Mon, 16 Feb 2004 21:56:25 +0000
From: "Becky Roberts" <bee_happy55@hotmail.com>
To: vanessa_tondini@legis.state.ak.us
CC: fairwinds@gci.net, garag@alaska.net

Dear Vanessa,

Please include this attachment in the official record for HB 367, Judiciary Committee Meeting, 2/16/04, 1:00PM.

The attached research paper ("Drug Abuse as Primary Contributing Factor in Prostitution, Abnormal Psychology,January 28, 2004") has been submitted by Gary Apperson. This observation is from the researcher's 25 years of police duty in the Municipality of Anchorage, Alaska. He is a valuable resource regarding sex-oriented businesses (strip clubs) and their negative impact on youth. Mr. Apperson is willing to share his research and further testimony with the House Judiciary Committee in support of HB 367. He would like the committee to know that this paper is not yet published. Mr. Apperson's phone number is (907)348-0699.

Please forward to all Judiciary committee members.

Thank you,

Rebecca Roberts
(907)229-6137

From: Gary Apperson <garag@alaska.net>
To: Becky Roberts <bee_happy55@hotmail.com>
Subject: Street Level Research
Date: Sun, 15 Feb 2004 20:47:24 -0900

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Becky Roberts wrote:

> Thanks!
>
> Becky
>
> From: Gary Apperson <garag@alaska.net>
> To: bee_happy55@hotmail.com
> Subject: Test message from Gary
> Date: Sun, 15 Feb 2004 20:33:40 -0900

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DRUG ABUSE AS PRIMARY CONTRIBUTING FACTOR IN PROSTITUTION

Drug Abuse as Primary Contributing Factor in Prostitution

Gary Apperson

Abnormal Psychology

January 28, 2004

Professor Longval

Much of the public refers to prostitution as the world's oldest profession, based on its reading of the Bible. Many are uncomfortable discussing prostitution on moral principles and the degradation of those involved. And some see prostitution as repulsive because of its nature as a hired sex act, which has a purpose far apart from procreation.

The cause of prostitution has been the subject of many studies, interviews, and research projects. Some studies have reported trends and others have identified several causes (Potterat, J.J., Rothenberg, R.B., et. al., 1998, p.333)

The primary suggested causes include:

-Addiction to drugs;

-Prior physical and sexual abuse;

-Need for money;

-Mental health issues;

Suggested secondary reasons blur the focused picture of prostitution because they also are present in people who have not turned to prostitution. But they nonetheless play a cause and effect role in prostitution as aggravators.

They include:

-Poor life choices;

-Lack of education;

-Engaging in criminal activities;

-Poor health maintenance;

Prostitution involves street prostitution, houses of prostitution, and out-call service. This research focuses on street-level prostitution. Studies on the other regimes of

prostitution involve a different dynamic and feature unreliable statistics. The reason for this is the other regimes of prostitution remain invisible by design. Precautions are taken to avoid attracting attention by authorities by discrete tactics. These include references required of clients, assignations are by appointment only, and customers are not subjected to "visible" crimes such as assaults, robberies, and rollings that initiate calls to police and thus redirect attention to prostitution. Absent visible indications of prostitution, prostitution houses and out-call services tend to attract little attention from authorities.

Another important reason there is little attention given to these regimes can be found in the lexicon of the statutes that govern prostitution and the requirements of local District Attorneys as translated into the "essential elements" of the case. Most police departments will not allow officers to take part in any prostitution case beyond the initial verbal stage. Nudity and sex act(s) are almost universally not permitted by the majority of law enforcement agencies for reasons of morality, appearance of impropriety, and of course, the danger of the spread of deadly disease. For these reasons, most prostitution houses and out-call services will not discuss sex for money with customers until both the prostitute and customer are naked and some touching has occurred. Since such scenarios are prohibited by most law enforcement agencies, very little enforcement can be accomplished in these areas of prostitution.

And finally, enforcement of vice crimes is usually subject to staffing and budget concerns, which contribute to sporadic enforcement efforts at best. Therefore, street-level prostitution is the one regime of the three that is both visible and attracts enforcement efforts. In fact, some studies estimate that street level prostitution comprises

only 15% of all prostitution (Dalla, 2002, p.2). The problem usually is reduced proportionally to the amount of resources directed, with many of the same prostitutes getting arrested over and over. At face value, this recurrence seems odd since most other offenders try not to get arrested again. In answering why prostitutes are repeatedly arrested more than any other crime class, one common root cause has shown consistency and predominates. Almost exclusively, street-level prostitutes are drug abusers and addicts. A recent study at an STD clinic revealed that 94% of prostitutes used drugs prior to entering prostitution (Potterat,Rothenberg, et al, 1998, para 1). This observation is born out as well by the researcher's 25 years of police duty in the Municipality of Anchorage, Alaska. During that time, the researcher made or assisted in over a thousand prostitution arrests, supervised numerous sting operations, and personally interviewed or supervised the interview of prostitutes. Early on, the researcher's curiosity was compelling: what cause or causes could explain becoming a prostitute if that were ever possible?

The Hollywood movie *Pretty Woman* might lead some to believe that prostitutes make lots of money and lead glamorous lives. For the vast majority of prostitutes, however, nothing could be further from reality. Besides physical evidence, police vice units retrieve much anecdotal information from prostitutes, especially after arrest. Statistical information tends to be based on manpower and the available budget, so it does not address cause(s). Real-world experiences show that at the arrest stage, prostitutes nearly always confirm drug usage. Research in some recent studies confirms that drug addiction is the main reason for entering into prostitution (Young, Boyd, et al, 2000, p.1). They either have drugs or paraphernalia with them, or offer to take officers to locations where

drugs could be obtained. The offer to obtain drugs for officers is a common practice among prostitutes for two main reasons. First, when they cooperate, they are more likely to receive a misdemeanor citation (a ticket with a court appearance date) and then be released; thus they avoid incarceration for the moment. Secondly, initial cooperation may lead police to a more important drug case(s). This cooperation works in the prostitutes' favor as it usually leads to leniency at the prosecutor level. Again, the prostitutes avoid incarceration; furthermore, prostitutes understand that any false information will cancel any positive consideration in the case. This last observation and truism is significant, because while not scientific, the information is usually reliable.

By cooperating, prostitutes tend to remain incarcerated less and remain on the street more, sustaining their ability to remain addicted. As a result, they will inform on anyone, including those closest to them. The almost singular exception to their informing seems to be their pimp, if they have one. But even pimps have been informed on, especially if the prostitute is at a low and expects to be able to leave the area, or is about to enter a drug program.

Crack cocaine (also called rock cocaine) is the drug of choice for street prostitutes followed closely by marijuana and heroin. The percentages of usage vary by geographical region. A new designer drug called crystal methamphetamine also rapidly is gaining favor among prostitutes. Prostitutes smoke marijuana by traditional means either rolled in paper or placing it in a pipe of some type. The Graham/Wish study indicates marijuana tended to predate crack cocaine or heroin, which in turn tended to predate entering into prostitution (Graham, Wish, 1994, p. 6). Crack cocaine is usually smoked in a glass tube ('stem') about 4 inches in length with a small piece of metal scrub

pad in the outer end which serves as a blocking device to keep from inhaling the rock. A cigarette lighter is typically used as the heat source, held at the end of the tube under the rock. As the heat starts to melt the rock, the vapors are inhaled to achieve a nearly instantaneous high. The high usually lasts from a few minutes up to an hour. Heroin is traditionally injected. Crystal methamphetamine, usually taken by mouth, but can be smoked or melted and injected; it produces a high that lasts as much as ten times that of cocaine. All of these methods are simple and quick, and thus allow prostitutes to remain high even while in public view on city streets, or stepping behind a fence or into a doorway. A ten-dollar rock of cocaine can be smoked in just a few minutes.

In the highly addictive cases, prostitutes will trade sex for drugs; they realize no money and only maintain their drug addiction. While they may enter prostitution to support drug use, prostitutes are more likely to increase their drug use due to stress in coping with their occupation (Young, Boyd, 2000, p. 1). This highly addictive sex-for-drugs scenario has been confirmed in police sting operations, and has been noted by researchers who refer to the practice as a newly emerging form of prostitution (Sterk, Elifson, 2000, p. 1). An undercover officer posing as a "john" (customer) needs to fill a two-pronged legal requirement to make a prostitution arrest. This requirement is for the prostitute to originate a sex act for a price. Once this requirement is met, the officer attempts an "act of furtherance" to bolster the case. Acts of furtherance are non-verbal and include the showing of drugs, condoms, motel room keys, etc. These "acts of furtherance" are undertaken to show a jury that the prostitute was sincere in the crime; they also show tendencies to commit other crimes. A small plastic bag containing imitation crack cocaine nearly always elicits a "sex for drugs" assignation from

prostitutes. Imitation crack cocaine can consist of many non-drug substances including baby laxative, sheet rock pieces, milk sugar and many other substances are commonly used.

A search incident to arrest (as previously reported) typically reveals drug paraphernalia and a small amount of drugs or no drugs. If a prostitute obtains any significant amount of drugs, they routinely retreat to a "smoking den" and consume their drugs until they are gone and then go out to ply their trade to earn more drugs. Officers usually question prostitutes post arrest to confirm the drug link and to offer drug program treatment options. While a small percentage of prostitutes opt for treatment, the vast majority does not, stating that they have tried drug treatment and it did not work. Although nearly 100% of arrested prostitutes had a confirmed drug use connection, most prefer to keep using drugs, and indicate they don't have a problem.

A popular reference to prostitution refers to it as a "victimless crime." This view is not only shortsighted, but also deceptively inaccurate. HIV and STD issues aside, drug-using prostitutes are involved in a broad spectrum of crimes. Burglaries, Thefts, Frauds, and Strong-arm Robberies are Part 1 crimes that are predominately drug driven crimes; they frequently are committed by prostitutes (Gagney III, Chase, 1994, p. 1). Prostitutes are involved directly or indirectly in many crimes. Because of the drug connection, a broad spectrum of criminals associate with prostitutes.

While prostitutes frequently give post arrest information in order to gain favor in their case, they are often reluctant to discuss the reasons they became prostitutes. Aside from clinical studies of this issue, anecdotal observations indicate fairly predictable answers. In descending order from the highest occurrence, these were their observations:

- Drugs were the greatest commonality in all prostitution arrests, nearing 100%;
- Leaving structured family environment at an earlier than normal age was prevalent, and often was due to sexual or physical abuse;
- Money earning was essential to support the family, primarily due to lack of salable education skills;
- Poor lifestyle choices;
- Mental health issues including low self esteem disorders;
- Poor health maintenance to include disease processes such as HIV and syphilis.

Thus, while prostitution has many facets in terms of causes, drug abuse is the primary factor present in nearly 100% of the cases. So most prostitutes must work to support drug addiction. Prostitution supports many other crime classes that are drug driven. Prostitutes routinely supply police with information on other crimes gaining case favor to avoid or minimize incarceration so that they may continue to abuse drugs. Although many in our society see prostitution as a victimless crime, or mistakenly believe is it glamorous because of Hollywood myth making, the truth is that prostitution is about people in crisis. These people in crisis are spreading deadly diseases such as the HIV virus that develops into AIDS, and other sexually transmitted diseases. Many are abuse victims, or through poor life choices, are not employable and are trying to support their children; or they are mentally ill or physically diseased. While drug use is not the sole cause for many who become prostitutes, it is at very least a major aggravator for all the other reasons (Graham, Wish, 1994, p. 6). Drug use and prostitution are so interconnected that engagement in one leads to an increase in the other (Young, Boyd, 2000, p. 1).

Alaska State Legislature

Please enter into the record my testimony to the House Judiciary
committee name

committee on HB 367, dated 2-16-04.
bill/subject

5 - Pages

Signed: Diana L Straub

Testifier

Self and Wasilla Middle School PTA.

Representing (Optional)

1452 Bertha Lane Wasilla AK 99654

Mailing Address

373-7230 Cell 242-1353

Phone Number

Diana L. Straub
Chair- Board of Barbers and Hairdressers
PTA President - Wasilla Middle School
Council Member – City of Wasilla

1452 Bertha Lane
Wasilla, AK 99654
(907) 373-7230
(907) 242-1353

February 16, 2004

House Labor and Commerce Committee

Dear Legislators:

I appreciated listening to the valuable testimony given on Friday January to, 2004 regarding HB369. Due to time constraints for testimony, I offered to forward my comments to you in written form. I will gladly participate via teleconference as often as possible and I appreciate the opportunity to interact with you.

As you will recall, my greatest concern was our ability to follow through with the enforcement of this bill. I fully value and agree with the intent of which created this bill, however I do not believe that **HB 367 will not be enforceable** for a number of reasons.

I have arrived at this conclusion from my experience serving the Board of Barbers and Hairdressers. This board oversees tattooing and body piercing. In the state of Alaska a practitioner may not tattoo or pierce any person under the age of 18 years. We are finding this extremely difficult to enforce due to lack of financial resources in multiple departments.

The solution I bring to the table is, **halt the employment of all persons under the age of 21 in a Sex Oriented Business.**

If you are not old enough to drink a cocktail, you are not old enough to take your clothes off on the cocktail table.

As I look at this bill, I see the following departments involved (keeping in mind there are other department choices available).

1. ***Occupational Licensing*** to process the licensing applications
2. ***Alcohol Beverage Control*** to work with the establishments that **do** hold a liquor license
3. _____ to work with the S.O. B. that **do not** hold a liquor license.
4. **DEC** to provide health inspections in a timely manner to protect the entertainers against the spread of diseases i.e., hepatitis. Let me remind you, this department has been cut back so much that our restaurants are now self-inspecting. As a board member of the Board of Barbers and Hairdressers, I have **waited 5 weeks for a salon to be inspected by DEC** after requesting the inspection. The inspection requested was **due to animal urine** in the salon in multiple areas. **To date this salon has not been inspected**, however DEC did issue a letter of non-objection to this salon becoming a school.
5. **Public Safety**
6. **Division of Occupational Licensing investigators** to investigate and build cases against unethical employers and unlicensed employees. Hope they stay in the same place long enough to build a case. We already know that the businesses move frequently and change names as they do so. **Remember that Occupational investigators are 8:00 AM to 5:00 PM employees. Will we hire more investigators or just pay overtime?**
7. **Police / Troopers** responding to immediate safety needs and the needs of nearby residents or businesses. **Will we take our officers off the streets to provide these occupational investigations?**

I do not believe that ***all costs in each of these departments will not be recovered in the occupational licensing fees***. What would you believe to be the total number of man-hours for investigations alone in the first year? Where will that money come from?

The way I understand the process necessary to begin employment will look like this.

1. **Decide to be a stripper** (you must need fast cash and feel desperate)
2. **Call DCED to scheduled classes** in STD, Sexual Assault, Wage and Hour, Career-counseling. When will classes be available? How often will classes be available? Weekly, monthly yearly? Will classes be offered together in one day or will this take several days?
3. **Attend and pay for the classes.** How much will this cost? HB 367 says the employer will cover these costs, however at this point you are not licensed to look for a job, there is no employer to pay the fee.
4. Complete the **Occupational Licensing application** and **mail the fee of about $175.00** (the average fee for Barbers and Hairdressers) to Juneau.
5. **Wait about two weeks for the licensing process to be completed** and in your license in mailbox. You do have a mailbox, don't you?
6. Now **you are ready to seek employment.**

Great! You got a job at the first place you asked. When you asked your new employer to reimburse you for the cost of the classes (remember HB 367 says the employer will pick up the costs) he laughed at you and let you know that he does not pay for *those* classes. You could quit and go to work down the street the next night and then he is out the money.

Your new employer laughed again when you gave him your **occupational license to post in the establishment**. You just provided him with the information that you are new to the business, naive and now you are a target. Let me remind you that the license has **your full legal name and address** in a place that anyone could make a note of your name and find you later, when you least expect it.

It's your first night at work and you notice that the stage props are not cleaned and sanitized between performers. You **call DEC and wait** for an inspection.

Unless we put money and manpower in each department that will work with this legislation, we are providing nothing more than lip service. On the surface, it appears that *we tried*, but in reality, we knew that it would not protect the safety of these young adults and it may even put them further in harms way because they'll believe they are protected. They will believe that because we taught them that in the *mandatory* classes they took.

It seems to me the way HB 367 is currently laid out, **we have several carts before our single horse and no money to push with.** I encourage each committee to consider the full trickle down effect of HB367.

In conclusion, please keep in mind that **I truly support the protection of our youth.**

Sincerely,

Diana L. Straub

Diana L. Straub

February 21, 2004

Alaska State Legislature
House of Representatives
Judiciary Committee
Finance Committee
Rules Committee

When we flew to Juneau to testify in front of the Judiciary Committee, it was our understanding that we were invited to continue being a part of the process of re-writing HB 367. We had not heard from any of the Legislators, so we placed some phone calls, and found out there was another work draft being prepared. We received a copy of CS FOR HOUSE BILL NO. 367, Work Draft 23-LS1394/Q (Craver) 2/16/04.

Our businesses would be regulated by the State of Alaska through licensing requirements, even though we are currently licensed by the Municipality of Anchorage. Seeing as how the Municipal Ordinance is even more stringent than HB 367, it appears the State is trying to circumvent local authority.

We believe that if you were to do away with the creation of Chapter 90 and the licensing requirements, (since we are already licensed), and the age limit of 21 for entertainers, which will be challenged as unconstitutional, there is little left of HB 367 to proceed on.

We also believe adult oriented entertainment businesses should be separated from other types of adult-oriented businesses. We are here to entertain while other adult oriented businesses perform services. We have recently been grouped in with the rest of the adult-oriented businesses, yet HB 367 refers only to dancers and entertainment. Why are we being singled out? If you really want to protect young adults, you should be investigating massage parlors and escort services where 18 year olds are allowed to work in a profession where certainly there are illegal activities going on. There is a much larger number of these establishments in the Municipality and around the state, while there are only 6 adult cabarets statewide. There are young adult working in those places that are being sent out as "escorts" with men that are possibly twice their age. They

will more than likely be drinking alcohol, the men may already be drunk, may furnish alcohol to these underage persons, and the "escorts" are alone and unprotected with this person, or people. Anything could happen to them. I really think your concerns are misplaced and should be directed to where they are really needed. I don't know the answers to these problems, or how to solve them, but these are the women that need protection, not dancers that work in a controlled and safe environment.

Section 1 addresses the issues of secondary effects, and states that the purpose of this legislation is to regulate adult oriented **entertainment** businesses in order to reduce the incidence of and opportunities for illegal activity such as lewd acts, solicitation of prostitution, and prostitution. You state that regulation is necessary to ensure that the **recognized negative secondary effects**, including accosting and harassment of law-abiding residents and the proliferation of litter, particularly litter of an adult nature associated with these businesses, will not have a deleterious effect on adjacent neighborhoods and communities. The regulations are also to protect the public order and the health, safety, and general welfare of the residents of the state by preventing prostitution, lewd acts, the spread of disease, and the deterioration and blighting of neighborhoods, reducing crime in and around adult oriented entertainment businesses, and preserving the quality of urban life in the state.

I would ask you again if the State of Alaska has conducted any studies pertaining to the secondary effects that are alleged? Do you have any crime statistics that point to adult oriented entertainment businesses causing any rise in the crime rate simply because they exist? Are there any statistics regarding STD's that show dancers have a higher rate of STD's verses the general public? What is the percentage of prostitutes that began as exotic dancers? Does anyone have a complete list of all the prostitutes in the state so a fair survey can be completed and an accurate number derived from the survey? Has anyone conducted a study on assessed property values in the areas surrounding the adult oriented entertainment businesses?

Attached, you will find a cover letter from Anchorage Police Department and a copy of the Calls For Services Requested Report that they prepared at our request. If you break it down by categories, you get the following results from a 5 year period from 1998 - 2003:

5 Nightclubs/Bars w/ alcohol, but no adult entertainment	854 calls - avg. 170.8 each - or 34.2 per year
4 Adult Entertainment Clubs w/alcohol	150 calls - avg. 37.5 each - or 9.375 per year

3 Adult Entertainment Clubs w/no alcohol, 18 & over	90 calls - avg.	30 each - or 6 per year
1 Teenage Club w/ no alcohol & no adult entertainment	22 calls - avg.	22 each - or 4.4 per year

We believe this report, along with the numerous assessed property values for a three year period, that were previously submitted to you, prove that there are no secondary effects caused by adult oriented entertainment businesses. We are also attempting to get statistics from the Department of Health and Human Services that will also discount the STD theory. We have already submitted a letter from one of our neighbors, The Safe Harbor Inn, stating that we have been good neighbors, have never caused them any problems, and we keep our property clean. We are getting more letters that will show similar feelings toward our business, and we will submit those to you as they arrive.

We have listed some of the more serious concerns we have with the language in HB 367. They are:

Section 3 The adding of an entire new chapter to AS 08 for the purpose of licensing adult oriented businesses seems unnecessary and redundant since the Municipality of Anchorage already requires our business to be licensed. If there are adult businesses in other cities, they can also be regulated locally.

Chapter 90, Article 1, Sec. 08.90.030. Regulations for adult-oriented business licenses. (2) needs further information as to what is meant by: the interior layout of the premises of an adult oriented business must physically separate adult oriented business entertainers from patrons during performances. (4) (A) is So broad and so strict that it would make it almost impossible for lots of people to ever obtain a license. By including a liquor violation, does that infer that a person convicted of DWI, or something similar would not be eligible to get a license, and therefore could not own and operate a business in this state? (B) is way too restrictive also.

Chapter 90, Article 1, Sec. 08.90.040. Application for license. (a) (3) any other information required by the department is too broad, needs specific requirements outlined.

Chapter 90, Article 1, Sec. 08.90.050. Notice of application for adult-oriented business license. (b) if the licensed premises is located within ½ mile of a community council **(1)** The department shall immediately provide written notice of the application to (A) the community council; and (B) any nonprofit community

organization that has requested notification in writing, and do the same in (2) (A) and (B). We believe that the required posting in (a) (1) and (2) should be sufficient notification to the entire community.

Chapter 90, Article 1, Sec. 08.90.060. Fees. The amount of licensing fees needs to be established.

Chapter 90, Article 1, Sec. 08.90.070 Grounds for denial, suspension, or revocation of license. (2) language too broad; or other crime if the felony or other crime is substantially related to the qualifications, functions, or duties of the license. Who makes that call and where do they draw the line? (3) has willfully or repeatedly violated a provision of this chapter or regulations adopted under it. Once again, too broad. Who determines willfulness, and how many times does "violated repeatedly" refer to before denial?

Chapter 90, Article 1, Sec. 08.90.080. Person and location for adult-oriented business license. (d) (2) (other matters and occurrences the department may require by regulation) is overly-broad, and need specified..

Chapter 90, Article 2, Sec. 08.90.200. Entertainment employed by business. (a) The age restriction of 21 years old to be employed as an adult oriented entertainer should be removed. Entertainers in an adult oriented business should only be required to be 18, since they are adults at that point, and have rights. **(b)** language needs to specify what certain information specified by the department consists of. Also, presented or written materials should be changed to written materials, thereby eliminating more costs to comply.

Chapter 90, Article 2, Sec. 08.90.210. Business Hours. We would ask that the hours when adult oriented business may not allow patrons to be present on licensed premises be changed to between the hours of 7:00 a.m. and 11:00 a.m.

Chapter 90, Article 3, Sec. 08.90.300. Disciplinary sanction. (a) (1) time period for suspension of license needs defined.

(a) (2) civil fine should be lower to $5000.00

(b) department may not suspend license until hearing date.

Article 3, Sec. 08.90.320. Limitations of liability. Should be struck in its entirety. An action may not be brought against a person for damages resulting from a report made in good faith to a public agency by the person or participation by the person, if the report relates to activity requiring a license under this chapter. This would mean all the lies and innuendos could continue, and even put a person out of business, but if they are reporting in "good faith" then it's okay.

Article 3, Sec. 08.90.330. Accessibility of license and licensed premises to inspection. **(a)** the language needs narrowed to specify exactly who has the right to enter the licensed premises for inspection and enforcement during all regular business hours. Who are officers charged with the enforcement of this chapter including employees of the department, and how many different persons does this include?

Section 4 AS 08.90.200 is amended by adding a new subsection (c) which would re-address (b) to apply to entertainers under 21 years of age, and will only take effect if the severability clause is put into effect due to the unconstitutionality of this law.

Section 5 AS 08.90.200 is repealed, if the severability clause takes effect due to the unconstitutionality of the law.

We believe the severability clause would not be necessary if the Legislature did not have serious doubts as to the constitutionality of this law. The fiscal note attached to this bill will be huge since this bill, if passed, will result in a challenge in court to the highest level.

Attached is a letter from one of our longtime employees. She said it was very difficult for her to write this letter, but felt you should all be aware of the realities in our business, and realize that all the misconceptions of the public and the Legislature are wrong. Maybe you should conduct your own survey of every dancer that is currently working in all the adult-oriented entertainment establishments. Then you would have **facts, and honest opinions** to base your beliefs on, not just a few isolated cases, and lots of **false statements and innuendos.** Maybe then you would take a second look at what you are trying to do here and address issues of real concern in areas other that adult oriented entertainment.

If the age were raised to 21, how many young adults would become unemployed and on the welfare list, or

out in the streets. Hundreds! Do you really think this is the way to protect these young adults?

They have the right to freedom of expression, the right to freedom of speech, and the right to employment of choice, and for many of them, this is a good choice. It may not be the choice you would like them to make, but it is their choice. They are, after all, adults.

Thank you for your time on this matter,

Kathy Hartman, owner
(907) 227-0770 cell
(907) 563-0042 office
(907) 563-0043 fax

Carol Hartman, owner
(907) 229-4839 cell
(907) 563-0042 office
(907) 563-0043 fax

Feb 23 04 08:52a Carol Hartman

ANCHORAGE POLICE DEPARTMENT

4501 Bragaw Street • Anchorage, Alaska 99507-1599
Telephone (907) 786-8500
http://www.muni.org

Mark Begich
Mayor

February 20, 2004

Carol Hartman
Fantasies on Fifth Avenue
1911 E. Fifth Avenue
Anchorage, AK 99501

Dear Ms. Hartman:

Pursuant to your information request of February 4, 2004 we have prepared a Calls For Service (CFS) Report (See Enclosure).

Your request was received by the Anchorage Police Department on February 6th and required internal staff review as well as legal review. We apologize for any perceived delay.

Please feel free to direct your questions to me via phone (786-2477) or E-Mail (dhsieh@muni.org).

Sr. Patrol Officer Derek Hsieh
Administrative Officer

dh
enclosure

Feb 23 04 08:52a Carol Hartman 907-563-0043 p.7

ANCHORAGE POLICE DEPARTMENT

OFFICER
DEREK HSIEH

4501 SOUTH BRADAW ST.
ANCHORAGE, ALASKA 99507-1599
E-MAIL: DHSIEH@CI.ANCHORAGE.AK.US

DISPATCH: (907) 786-8500
VOICEMAIL: (907) 786-2477

Calls For Service at Requested Locations
1998 - 2003

CALL TYPE FINAL TRANSLATION	516 CLUB	ALS ALASKAN INN	AVENUE BAR	BUSH COMPANY	CHILKOOTS	CRAZY HORSE GAMBELL	CRAZY HORSE MULDOON	FANTASIES ON 5TH	MILLENIUM CLUB	PJS	RUMRUNNERS	SHOWBOAT	TEASERS| CRAZY HORSE MULDOO	Grand Total
ADMINISTRATIVE					2					1				3
ALARM		45		10	4									59
ALL BOMB CALLS				1										1
ASSAULT	6	3	11	5	16	1		2	2	3	10	5		64
ASSAULT WITH A WEAPON			1	1	4					1	1			8
BURGLARY		2												2
CHILD ABUSE/NEGLECT/CUST											1	1		2
CIVIL PROBLEM/STANDBY		1			2	1					1			5
DEAD BODY		1												1
DISORDERLY CONDUCT	1		3		1				1		2		1	9
DIST WITH WEAPON					1					1				2
DISTURBANCE	13	13	27	5	21	2		1	6	5	20	13	5	131
DRIVING WHILE INTOXICATED	2	1		2	3			1	1		2			12
DRIVING WITH LIC S/R/C					1	1								2
DRUGS/FORGED PERSCRIPTION	1	1	9	1	3			1			2			18
DRUNK PROBLEM	6	6	6		5			1			10			34
DRUNK TRANSPORT	3	1	6		1						5			16
DV WRIT SERVICE					1		1							2
ELUDING/EVADING OFFICER					1									1
FALSE RPT/FALSE INFO			2		4						2			8
FIRE DEPT ASSIST				1	1									2
FOLLOW UP	2	8	14	6	14	3	2	3		4	9	2		67
FOUND PROPERTY					2				1					3
FRAUD		1		1	2						1	1	1	7
GAMBLING/PROSTITUTION										2				2
GENERAL LOCATE	1	6	1	2	12	1		1	2	2	7	1	1	31
HARASSMENT										1				1
HIT AND RUN		1	1	3	15					2	1	2		25
HIT AND RUN W/INJURY					1									1
INDECENT EXPOSURE											2			2
JUVENILE PROBLEM									1					1
LIQUOR LAW VIOLATION	2		6	1	26						2	1		38
LOST PROPERTY		1		2	8						1			12
MEDIC ASSIST		7	1	4	4	1					4	1		22
MENTAL PERSON			1							1	2		1	5
MISCONDUCT INV/WEAPON				3	4			1						8
MISSING PERSON (NOT RUNAWAY)		1			2						3			6
NOISE VIOLATION		1			3						3			7
OFFICER HAILED			3		3									6
OUTSIDE AGENCY ASSIST	1	3	1	1	2					1				9
PARKING PROBLEM/OVER 24	4	1	5	2	3				2		15			32
PUBLIC ASSIST		1									2			3
ROBBERY					1	1						1		3
SECURITY CHECK	1		10		7		2		1		2			23
SEXUAL ASSAULT	1		1			1					1	1		5
STOLEN VEHICLE		1			11		1			2	2	2		19
STRONGARM ROBBERY						1					1			2
SUBJECT STOP	1	4	11		6			1	1	5	6			35
SUICIDE ATTMP/THREAT			1											1
SUSPICIOUS PER/VEH/CIRC	2				8			1	1	2	2	3	1	20
THEFT	1	16	3	2	45	4		2	1	4	11	9	1	99
THREATS					3					2				5
TRESPASS		1	12	2	3	2		1		1	5	2		29
VANDALISM		2	2	5	8				1	4	2	3		27
VIOL CITY/STATE REGS		2	5	1	2		1		1			1		13
WARRANT SERVICE	5	4	9		6			6		3	2	1		36
WELFARECHK/911 HANG UP	12	13	21	4	39	7		3		5	21	4		129
Grand Total	65	148	173	65	311	26	7	25	22	52	157	54	11	1116

To whom it may concern:

My name is Dawn Jewell, and I am 34 years old and have been an adult entertainer for over eleven years now. My stage name is Sheena and I have been employed by Carol and Ken Hartman for my entire dancing career.

When I got into dancing I was going through a divorce, fighting for custody of my three children, but I was also a cocaine addict and on probation. I also had my first cost, and only D.W.I. Needless to say life was not looking good for me, suicide was another option for many days.

I needed money, and a life in which I was happy and I saw an ad in the paper for the Sands Motel - so I made the phone call and went down to talk to Carol. I liked the atmosphere and Carol was very nice to me & she explained that if I decided to do this - that did not ever need to take my clothes off, drugs and alcohol were not tolerated, and prostitution absolutely not tolerated - both of which grounds for immediate termination. So I went to work the next night and I liked it - I made money - and didn't take my bottoms off - and I was happy; for the first time in a long time.

My probation officer (Linda Gerber) was not as happy w/ my decision - but something was happening - over a short period my UA's were coming up clean - I was doing my community work service and I was going to my outpatient appointments religously and I was living a clean, healthy

& gives marijuana an even deeper [illegible]. I passed my class with a 97%. Then Carol + Kathy gave me an opportunity to use my new skills by letting me tend her for them and I've been doing that for them for a year and a half now.

So today I have 50% custody of my three children, been clean for eleven years, and have not been in trouble with the law for eleven years, learned a new skill, and have not gone hungry for eleven years. If I had not got into dancing and met clean, sober women who knows how my life would've turned out?, but I bet it would not have been as good.

lifestyle continuously w/ my AA + NA meetings. Carol would let me come in later so I could do my meetings and outpatient care - she was very supportive of me getting my life together.

As my probation officer started to see the changes in me she decided dancing was not such a bad option for me, and she even let me have a roommate, who was another dancer, and my roommate never had done a drug in her entire life.

At that point my probation officer decided that I had enough clean time to drop the U.A.'s. Also before I was dancing I had enough dirty U.A.'s that Ms. Gerber was filing charges for me to go back to jail to finish my original sentence. By the time the court date rolled around I had almost nine months of clean time under my belt and she waived her original recommendation of jail time - the judge explained to me I was "walking a tight rope" and he never wanted to see me in his court room again. Let me just say neither he nor any other judge has seen me again.

I got really screwed up in my chosen profession (I was a hairdresser) and cleaned up and did 180° turn for the better in a profession ~~everybody~~ alot of people seems to stereotype as a "druggie, prostitute lifestyle. That stereotype could not be further off base - I work with a lot of ~~girls~~ women who are going to school, single moms, kids, or women who are trying to open up their own businesses (coffee shops, boutiques etc.).

About two years ago I went to barber school and once again - I could go into work, late - or rearrange my schedule to work the nights I won't

the women I work with, they would realize just how far off base they are.

Laura Delgado.

lifestyle continuously w/ my AA + NA meetings. Carol would let me come in later so I could do my meetings and outpatient care - she was very supportive of me getting my life together.

As my probation officer started to see the changes in me she decided dancing was not such a bad option for me, and she even let me have a roommate, who was another dancer, and my roommate next had done a drug in her entire life.

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I got really screwed up in my chosen profession (I was a hairdresser) and cleaned up and did 180° turn for the better in a profession almost always seems to stereotype as a "druggie, prostitute lifestyle. That stereotype could not be further off base - I work with a lot of women who are going to school, single moms, bikini, or women who are trying to open up their own businesses (coffee shops, boutiques etc.).

About two years ago I went to barber school and once again - I could go into work late - or rearrange my schedule to work the nights I won't

Charity Christensen
2836 North Circle
Anchorage, AK 99507
February 21, 2004

To Whom It May Concern:

I understand that a new law has been presented for the state of Alaska concerning 18, 19, and 20 year old adults and their entitlement to make a living as exotic dancers or to observe exotic dancing as a form of appropriate entertainment. I feel deeply affected by this due to that fact that I, and many people I care about fall into the middle of this age category. I realize the good intentions behind the proposed law, unfortunately, I, along with many others also believe it truly offends. It puts that profession down dramatically when there is nothing wrong with it. The approach to change the law has offended and degraded everyone involved in the business of dancing. It portrays the dancers as prostitutes, and/or dirty, diseased women (and men in some cases) that just use the money they make to obtain drugs, which is absolutely a false conviction. If, at the age of 18, young adults have the right to join the armed forces and die for a our wonderful country, then why can't they see the beauty of an undressed woman dancing on stage? If, at the age of 18, young adults have the right to vote for the President of the United States, which should be considered the single most important task of our adult lives, then why can't they dance in clubs and make it their form of substantial income? If, at the age of 18, young adults can be convicted and served adult sentences (and have it remain on their permanent records), then once again, why can't they observe or participate in adult type settings such as strip clubs?

Currently I am a student at the University of Alaska, Anchorage. I had previously left the state to attend another college, but abruptly returned to Alaska to finish the school year. I was born and raised in this magnificent state, and will remain here for the remainder of my years. My absolute focus right now is to attend college and eventually earn a doctorate in psychology. Unfortunately, it is a known fact that school costs an enormous amount of money. Some student's parents pay for their schooling, mine are unable to assist me. I am 19 years old and support myself in everything I do or need. I pay for my car payment, car insurance, fuel, apartment, groceries, and education. I formerly worked a steady job as a Barista, but unfortunately I did not earn enough money to sustain my financial needs. I now dance at a very prestigious club; I feel extremely safe and considerably clean. My employers care deeply for me and my colleagues. I see them, not only as my bosses, but particularly as friends. They watch over us like parents and are

Feb 23 04 08:55a Carol Hartman 907-563-0043 P.12

there for us when we need them. Numerous girls at the club attend some form of school, and use dancing to pay their bills. It is unacceptable to take away the right we currently hold to earn money in this manner. We are all abiding citizens of the United States, and are considerably good people with high morals.

If you take away our right to earn a living this way, you are not only negatively affecting future dentists, doctors, and perhaps lawyers or biologists, but current business people as well. It's horrendous that 18, 19 and 20 year adults are being considered children still, when in fact many are completely responsible for themselves without assistance from the state or their parents. Please rethink your decision to follow through with this bill, and maybe consider who you're really affecting, and please ask yourselves the question of why exactly a bill like this is needed. Thank you for allowing me to voice my concerns, and I pray that it will some how reveal the good side of exotic dancing.

Sincerely,

Charity Christensen
Student/Dancer

ISSUED BY THE STOCK INSURANCE COMPANY HEREIN CALLED THE COMPANY

:OMMERCE AND INDUSTRY INSURANCE COMPANY
5172

AGENT NUMBER
51161-0000

POLICY NUMBER
WC 155-35-04
013-52-0603-00

INCORPORATED UNDER THE LAWS OF NEW YORK

ITEM 1. NAMED INSURED: MAILING ADDRESS IDENTIFICATION NO.:

:ANDS NORTH, INC. DBA FANTASIES ON 5TH; DEBCO, INC.
120 E 5TH AVENUE #2
:NCHORAGE, AK 99501-0000

:EE NAME AND ADDRESS SCHEDULE - WC990610

D# 540219753 AK UI#:

Member Companies of
American International Group

EXECUTIVE OFFICES:
70 PINE STREET, NEW YORK, N.Y. 10270

PRODUCERS NAME AND ADDRESS

C H I OF ALASKA INC
507 W NORTHERN LIGHTS BLVD
ANCHORAGE, AK 99503-0000

WORKERS COMPENSATION AND EMPLOYERS LIABILITY POLICY INFORMATION PAGE

NSURED IS
:ORPORATION

PREVIOUS POLICY NUMBER
RENEWAL 005681016

OTHER WORKPLACES NOT SHOWN ABOVE: SEE NAME AND ADDRESS SCHEDULE - WC990610

ITEM 2 POLICY PERIOD 12:01 A.M. standard time at the insured's mailing address FROM 06/24/03 TO 06/24/04

ITEM 3

A. Workers Compensation Insurance: Part One of the policy applies to the Workers Compensation Law of the states listed here:

AK

B. Employers Liability Insurance: Part Two of the policy applies to the work in each state listed in item 3.A. The limits of our liability under Part Two are:

Bodily Injury by Accident $ 500,000 each accident
Bodily Injury by Disease $ 500,000 policy limit
Bodily Injury by Disease $ 500,000 each employee

C. Other States Insurance: Part Three of the policy applies to the states, if any, listed here:

AL AR AZ CO CT DC DE FL GA HI IA ID IL IN KS KY LA MA MD MI MN MO MS MT NC NE NH NJ NM NV NY OK OR PA RI SC SD TN TX UT VA VT WI

ITEM 4 The premium for this policy will be determined by our Manuals of Rules, Classifications, Rates and Rating Plans. All information required below is subject to verification and change by audit.

Classifications	Code Number	Estimated Total Remuneration [X] Annual [ ] 3 Year	Rate Per $100 OF Remuneration	Estimated Premium [X] Annual [ ] 3 Year
SEE EXTENSION OF INFORMATION PAGE - WC7754				
TAXES/ASSESSMENTS/SURCHARGES				$236
XPENSE CONSTANT (EXCEPT WHERE APPLICABLE BY STATE)				
INIMUM PREMIUM $500 AK		TOTAL ESTIMATED PREMIUM		$12,851

' Indicated below, interim adjustments of premium shall be made:

[ ] Semi-Annually [ ] Quarterly [ ] Monthly DEPOSIT PREMIUM

ENDORSEMENTS (FORM NUMBER) SEE ATTACHED FORM SCHEDULE - WC990612

)9/23/03 PHOENIX 52

Issue Date Issuing Office Authorized Representative

WC 00 00 01

9967

EMPLOYERS' NOTICE OF INSURANCE

TO THE EMPLOYEES OF THE UNDERSIGNED:
Your employer is insured by:

AMERICAN HOME ASSURANCE COMPANY, AN AIG COMPANY
Insurer (or Insurance Company)

P.O. BOX 409 300 INTERPACE PARKWAY BUILDING C 1ST FLOOR
Street and Number

PARSIPPANY NEW JERSEY 07054
City State Zip Code

For the period from June 24, 2003 through June 24, 2004

WILTON ADJUSTMENT
Alaska Adjusting Company

P.O. BOX 92670
Street and Number

ANCHORAGE ALASKA 99509-2670
City State Zip Code

This insurance pays benefits for job-connected injuries, illnesses or death as provided by the Alaska Workers' Compensation Act.

Employer
Sands North, Inc. dba Fantasies on 5th; Debco, Inc.

Title

Witness

Witness

Immediately (not later than 30 days from injury or death date) give your employer and the Alaska Workers' Compensation Board written notice of a job-related injury, illness or death. Get the "Report of Occupational Injury or Illness" form from your employer for this purpose.

If you have questions about your rights or benefits under the Alaska Workers' Compensation Act, contact the insurer at the above address and the Alaska Workers' Compensation Board at the nearest office listed below:

ANCHORAGE	FAIRBANKS	JUNEAU
3301 Eagle Street	674 Seventh Avenue	1111 West 8th Street
Box 107019	Station H2	Box 25512
Anchorage, AK 99510-7019	Fairbanks, AK 99701-4593	Juneau, AK 99802-5512

NOTICE TO EMPLOYER: AS 23.30.060 requires that you post this notice in three conspicuous places on the employer's premises.

Subject: Offnet participants for HB 367
Date: Mon, 16 Feb 2004 12:57:43 -0900
From: Heath Hilyard <Heath_Hilyard@Legis.state.ak.us>
Organization: Office of Rep. Lesil McGuire
To: Vanessa Tondini <Vanessa_Tondini@legis.state.ak.us>

At this time, I know of the following individuals who will be offnet to participate in today's committee hearing:

Paul Harris, Director of Police for the Fairbanks Police Department
Gary Apperson, retired APD officer and abnormal pshychology researcher
Jim Gord & Tracie Hester - Showboat club in Fairbanks
Doug Griffin, ABC Board

Heath Hilyard <Heath_Hilyard@legis.state.ak.us>
Chief Of Staff
Alaska State Legislature
Office of Rep. Lesil McGuire

Alaska State Legislature

Representative Lesil McGuire

Representative Les Gara

Official Business, State Capitol, Juneau, Alaska, 99801

Sponsor Statement For HB 367:

Protection Of Young Adults and Minors, and Requirements For Protective Licensing at Strip Clubs, Massage Parlors and Other Nude Entertainment Establishments

Introduction

The Statewide Parent Teacher Association (PTA) has passed a resolution asking the Legislature to pass a law to protect under 21-year-old employees and minors from some of the ill effects caused by strip clubs, massage parlors and other nude entertainment businesses. Accordingly, it has worked to help craft HB 367. Among the findings in the statewide PTA resolution, from a review of studies and court findings, is a showing that the operation of sexually oriented businesses leads to higher rates of crime, including sexual assaults, prostitution, drug sales and drug use.

The primary goals of HB 367 are: to permit the legal operation of these businesses while protecting young Alaskans who work at them; to protect minors; and to protect the public from operations by those adult establishments that to not follow the law.

Summary of Bill Provisions

HB 367 protects the public and young adults in the following ways.

- It prohibits nude entertainment from sharing a common entrance, restroom or hallway with businesses or residences used by minors.
- It prohibits the use of closed private booths where illegal sexual activities may occur.
- It prohibits the operation of sexually oriented businesses by those with felony records, or records involving sexually-related, drug-related, or violence-related crimes.
- It prohibits the employment of nude or semi nude entertainers under the age of 19.
- It requires entertainers to obtain a license, and prove they have attended a state approved course teaching the entertainer how to

protect her/himself from sexual assault; and a course teaching entertainers of wage and working condition violations that occur in this area of business.

- It requires entertainers under 21 years old to show they have attended a state-approved counseling session that is aimed at letting young adults know of career and educational alternatives, and financial aid and vocational training, available to them as viable options to entering or remaining in a career in adult entertainment. While it is likely unconstitutional to ban all 21 year olds from these jobs, it is important that young adults at least know about other life options. Many young adults who enter into these careers come from backgrounds where those options are not fairly discussed.
- Entertainers under age 21 shall also be required to show they have taken a state-approved course on sexually transmitted diseases.
- Businesses and entertainers are required to obtain licenses to show these requirements have been followed. The state, as it does in other areas, will set the license fees at a level to cover the state's costs of administration and enforcement in this area.
- Communities shall be apprised of adult business license applications through reasonable public notice rules.
- It allows suspension of an adult entertainment business license if provisions of this law are knowingly violated.

Please feel free to contact either Rep. McGuire's or Rep. Gara's offices with any questions you may have.

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MEMORANDUM January 21, 2004

SUBJECT: Sectional Summary of HB 367 (Work Order No. 23-LS1394\D)

TO: Representative Les Gara
Attn: Ryan Peterson

FROM: Barbara R. Craver BRC
Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

The bill adds a new chapter, "Chapter 90. Sex-oriented Businesses and Entertainers," to Title 8, Business and Professions. The chapter is divided into three articles for sake of organization: Licensing, Miscellaneous, and General.

Section 1. Adds this chapter to the list of types of licenses in Title 8.

Section 2. Adds a new chapter to Title 8.

Article 1. Licenses

Sec. 08.90.010 License required. Prohibits a person from

- working in a sex-oriented business as an entertainer without an entertainer license, or working as an entertainer in an unlicensed business;
- operating a sex-oriented business without a business license issued under this chapter, or permitting an unlicensed entertainer to work in the licensed business;
- allowing another person to use the licensee's license;
- obtaining or attempting to obtain a license by fraud;
- permitting entertainers to be in contact with customers;
- allowing tipping of entertainers by customers.

Sec. 08.90.020. Sex-oriented business license. Requires an application submitted to the department to obtain a business license.

Sec. 08.90.030. Sex-oriented business entertainer license. Requires an application submitted to the department to obtain an entertainer license.

Sec. 08.90.040. Regulations for sex-oriented business licenses. Directs the department to create licensing regulations to specifically address and implement the following policies:

- no sharing with a residential unit inhabited by a minor of any:
  - (A) public entrance;
  - (B) restroom or entrance to a restroom; or
  - (C) hallway;
- physical separation of entertainers from patrons during performances;
- open booths;
- consent of property owner to operation of the sex-oriented business;
- applicants must not have been convicted of specified criminal acts within ten years of the date of the application.

Sec. 08.90.050. Regulations for sex-oriented business entertainer licenses. Directs the department to enact licensing regulations to specifically address and implement the following policies for entertainer licensees: entertainers must

- be at least 19 years of age;
- receive education about assertiveness training and wage and hour laws; and
- have other qualifications and training deemed to be required by the department.

Sec. 08.90.060. Additional provisions for sex-oriented business entertainer licenses for adults who are 19 or 20 years of age. Directs the department to require through its regulations that applicants for entertainer licenses take a course on career and educational opportunities outside the sex-oriented entertainment business. The cost of the additional cost of this training is to be passed on to businesses that employ entertainers who are 19 or 20.

Sec. 08.90.070. Application for a new license or permit. Sets out requirements for an application.

Sec. 08.90.075. Notice of application for sex-oriented business license. Provides for notice to the public, community councils, and nonprofit community organizations.

Sec. 08.90.080. Fees. Directs the department to collect fees to cover the costs of administering the program under AS 08.01.065.

Sec. 08.90.090. Grounds for denial, suspension, or revocation.

Sec. 08.90.100. Criminal justice information and records. Requires applicants to submit fingerprints and appropriate fees so that the department can conduct a criminal background investigation.

Sec. 08.90.110. Person and location for sex-oriented business license. Requires that licenses are issued only to specific individuals and for specific locations.

Article 2. Miscellaneous

Sec. 08.90.300. Disciplinary sanctions. Provides the department with remedies and procedures for violations by licensees and permittees.

Sec. 08.90.310. Violations. Establishes criminal offenses for violations of the licensing statutes.

Sec. 08.90.320. Limitation of liability. This provides immunity from suit to a person who reports, investigates or participates in a proceeding in good faith regarding a person having a license or permit under this chapter.

Sec. 08.90.330. Accessibility of license and licensed premises to inspection.

Sec. 08.90.340. License a privilege. Making it clear that a license or permit is not a property right.

Sec. 08.90.345. Access of persons under the age of 18 to licensed premises. Establishes standard of care for licensees in allowing persons under 18 into the licensed premises. This can be used to impose disciplinary sanctions on licenses or violations. AS 11.66.300 already makes it a crime to allow minors into an adult entertainment establishment.[1]

Sec. 08.90.350. Proof of age. This language comes from the regulation of alcoholic beverages, AS 04.21.050. It establishes the standard of care to be used by licensees in keeping minors out of licensed premises.

Sec. 08.90.360. Responsibility of licensees, agents, and employees. This language comes from the regulation of alcoholic beverages, AS. 04.21.030. It establishes the standard of care of those listed for complying with this chapter.

Article 3. General Provisions

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[1] Sec. 11.66.300. Prohibiting minors from being present at an adult entertainment business.

(a) The owner or an agent or employee of the owner of a business that offers adult entertainment may not with criminal negligence allow a person under the age of 18 years to enter and remain within premises where adult entertainment is offered.

(b) In this section, "business that offers adult entertainment" has the meaning given in AS 23.10.350(f).

(c) A person who violates this section is guilty of a class A misdemeanor. Each violation is a separate offense.

AS 08.90.500. Definitions. This section defines the special terms used in this chapter.

Sections 3, 4 and 5. These sections will take effect in the event that a court finds that AS 08.90.050(1) violates the constitution. That subsection restricts entertainer licenses to persons 19 years of age. The effect of these sections will be to make the statutes refer to entertainers who are 18 years of age as well as those under 21 years.

Section 6. Provides that the provisions of the act are severable.

Section 7. This section describes the contingency under which sections 3, 4 and 5 will become effective.

Section 8. This section establishes what date the contingency will be considered to have occurred, thus establishing the effective date for those sections.

Section 9. Establishes the effective date for the rest of the bill, sections 1, 2 , 6 and 7.

If I may be of further assistance, please advise.

BRC:med
04-062.med

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MEMORANDUM February 3, 2004

SUBJECT: Sex-oriented businesses, CSHB 367(L&C)
(Work Order No. 23-LS1394\I)

TO: Representative Tom Anderson
Chair of House Labor and Commerce Committee
Attn: Josh Applebee

FROM: Barbara R. Craver BRC
Legislative Counsel

Enclosed is the Labor and Commerce committee substitute for HB 367. The committee decided to amend version H with amendment #1 (23-LS1394\D.3) drafted to amend version D. Because version H has new concepts not found in version D, the new bill version contains some new sections which I will explain below. I also want to draw your attention to a couple of issues that you may want to resolve in the committee process.

Version I explanation

In this I version, all references to the minimum age of entertainers were changed from age 19 to age 21. Version H had created two types of sex-oriented business licenses, one for businesses using entertainers at least 21 years of age, and one for businesses using entertainers at least 19 years of age. Because, under Version I, all entertainers are required to be at least 21 years of age those two sections were changed so that there is only one kind of business license under AS 08.90.020. This was not in amendment #1, but was needed to accomplish the intent of the amendment.

Version H contained a section, AS 08.90.060, which provides additional training for entertainers who are 19 or 20 years old. This is removed from version I as unnecessary because all entertainers must be at least 21 years old. This follows amendment #1 because version D and version H both had this section.

The fee section in version H, AS 08.90.080, provided two different fees for the two types of sex-oriented business licenses; this has been eliminated in version I. This was not in amendment #1, but was needed to accomplish the intent of the amendment. Subsection (b) was removed as it pertained to the extra cost of training for entertainers 19 and 20 years of age, as directed by amendment #1.

The age of persons allowed in a licensed premises in AS 08.90.350, (as numbered in this I version) is raised to 21, and the proof of age section, AS 08.90.350 is also raised to reflect the 21 year old minimum age.

A change was made to version H in regard to the definition of sex-oriented business licensee in AS 08.90.500(9) to eliminate a reference to the second type of business license for businesses employing entertainers 19 years old and over.

Several changes occur in sections 3 - 12 which provide bill sections to take effect in the event that the age restrictions were found to be unconstitutional. These changes in version I enact those provisions of version H which contained age related issues. The reenacted sections include the two business license system introduced in version H for 18 and over and 21 and over business licenses. All references to entertainers who are 19 and 20 are changed to reflect an 18 - 20 year old entertainer category, and the 21 and older entertainer category.

New contingency clause may be prudent

Sections 3 - 12 of this bill are drafted to "save" the regulation of sex-oriented businesses in the event that the 21 year old age restriction on entertainers in the bill make portions of the bill unconstitutional. The change to AS 08.90.350 (as numbered in this I version) in section 2 of the bill, which limits the access of persons under 21 to enter a sex-oriented business, raises an independent constitutional issue. In any subsequent version of this bill, it would be prudent to treat this as an independent contingency, with its own set of reenacted sections if that section were to be found unconstitutional.

Age of business licensee

Under this and all previous versions of the bill, the age of the person applying for a sex-oriented business license has not been restricted. An 18-year old otherwise qualified might obtain a license to operate a business. Now that access to a licensed premises is raised to age 21 in AS 08.90.350, there may be a problem with the presence of a licensee in the licensed premises if that licensee is under 21 years of age. Apparently this same sort of ambiguity exists in regard to alcohol licenses where a person may be eligible to be licensed to own and operate a business that requires an alcoholic beverage license and yet not be able to enter the premises or portions of the premises where the business is operated because of age restrictions on the consumption of alcohol. Endorsements of business licenses to sell tobacco products are also not restricted by age, although the sale of tobacco to persons under 19 years of age is prohibited.

If I may be of further assistance, please advise.

BRC:med
04-133.med

Enclosure

cc with enclosure: Representative Lesil McGuire, Co-prime sponsor
Representative Les Gara, Co-prime sponsor

23-LS1394\H
Craver
1/30/04

CS FOR HOUSE BILL NO. 367( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES MCGUIRE AND GARA

A BILL

FOR AN ACT ENTITLED

"An Act relating to the licensing and regulation of sex-oriented businesses and sex-oriented business entertainers; relating to protection of the safety and health of and to education of young persons who perform in adult entertainment establishments; and providing for an effective date."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

*** Section 1.** AS 08.01.010 is amended by adding a new paragraph to read:

(38) regulation of sex-oriented businesses and sex-oriented business entertainers under AS 08.90.

*** Sec. 2.** AS 08 is amended by adding a new chapter to read:

Chapter 90. Sex-Oriented Businesses and Entertainers.

Article 1. Licensing.

Sec. 08.90.010. License required. A person may not

(1) work as a sex-oriented business entertainer without a sex-oriented business entertainer license;

(2) operate a sex-oriented business without a 21 and over sex-oriented business license or a 19 and over sex-oriented business license;

(3) permit a sex-oriented business entertainer to work in a sex-oriented business without a sex-oriented business entertainer license;

(4) permit the use of the person's sex-oriented business entertainer license by another person;

(5) obtain or attempt to obtain a license under this chapter by fraudulent means.

Sec. 08.90.020. Sex-oriented business license for premises employing entertainers at least 21 years old. An applicant for a license to operate a sex-oriented business employing sex-oriented business entertainers 21 years of age and older at a licensed premises shall submit to the department, in the manner and on forms prescribed by the department, written evidence, verified by oath, that the applicant meets the qualifications to operate a sex-oriented entertainment business, and that the owner of the premises consents to the operation of the sex-oriented business on the premises. A licensee under this section may not employ a sex-oriented business entertainer who is less than 21 years of age.

Sec. 08.90.025. Sex-oriented business license for premises employing entertainers at least 19 years old. An applicant for a license to operate a sex-oriented business employing sex-oriented business entertainers 19 years of age and older at a licensed premises shall submit to the department, in the manner and on forms prescribed by the department, written evidence, verified by oath, that the applicant meets the qualifications to operate a sex-oriented entertainment business, and that the owner of the premises consents to the operation of the sex-oriented business on the premises. A licensee under this section may not employ a sex-oriented business entertainer who is less than 19 years of age.

Sec. 08.90.030. Sex-oriented business entertainer license. (a) An applicant for a license to work as a sex-oriented business entertainer shall submit to the department, in the manner and on forms prescribed by the department, written evidence, verified by oath, that the applicant meets the qualifications to work as a sex-oriented business entertainer.

(b) A sex-oriented business entertainer license may only be issued to a natural person.

Sec. 08.90.040. Regulations for sex-oriented business licenses. The department shall by regulation establish requirements for licensing businesses providing sex-oriented entertainment at the premises specified in the application, licensure and renewal procedures, inspection procedures, standards, fees, and requirements for operation. In adopting regulations under this section, the department shall regulate the following standards of conduct and physical characteristics of licensed premises:

(1) unless the sex-oriented business owner resides on the business premises and the sex-oriented business owner is a legal guardian of minors residing in the residential unit, a licensed sex-oriented business premises may not share with any residential unit inhabited by minors a

(A) public entrance;

(B) restroom or entrance to a restroom; or

(C) hallway;

(2) the interior layout of the premises of a sex-oriented business must physically separate sex-oriented business entertainers from patrons during performances and ensure that any booth, stall, room, or partitioned portion of a room is open to view from a public room of the premises, except for private offices or other rooms that are not open to any person other than employees, or individual restrooms on the premises;

(3) an applicant shall provide satisfactory evidence that the owner of the real property in which the sex-oriented business is conducted consents to the operation of the sex-oriented business;

(4) an individual whose name and address is required to be provided with an application for a license under AS 08.90.070 may not have been convicted of any of the following offenses:

(A) prostitution or promotion of prostitution; unlawful exploitation of a minor; possession or distribution of child pornography; indecent exposure; sexual assault; sexual abuse of a minor; or any similar sex-

related offenses to those described above under the criminal or penal code of this state, other states, or other countries; tax evasion; underage employment; alcohol violations; illegal drugs; allowing a minor to enter and remain within premises where adult entertainment is offered; or any offense causing revocation of a sex-oriented business license or sex-oriented business entertainer license; or

(B) an offense for which less than 10 years have elapsed since the date of conviction or the date of release from confinement imposed for a conviction, whichever date is later, if the conviction is of a felony offense.

Sec. 08.90.050. Regulations for sex-oriented business entertainer licenses. The department shall by regulation establish requirements for licensing sex-oriented business entertainers, including licensure and renewal procedures. In adopting regulations under this section, the department shall require sex-oriented business entertainers to

(1) be at least 19 years of age;

(2) receive education about

(A) assertiveness training to protect sex-oriented business entertainers against sexual and or physical assaults;

(B) wage and hour laws to protect sex-oriented business entertainers against improper pay deduction claims and working hour or condition requirements; and

(C) any other area the department considers necessary for protection of the health or safety of sex-oriented business entertainers; and

(3) have the other qualifications and training that the department considers necessary.

Sec. 08.90.060. Additional provisions for sex-oriented business entertainer licenses for persons who are 19 or 20 years of age. In addition to educational information required under AS 08.90.050, the department shall by regulation establish educational requirements for entertainer license applicants who are 19 or 20 years of age. An entertainer license applicant shall attend a course developed by the department to inform applicants of career and educational opportunities that are not

part of the sex-oriented entertainment business and shall be given counseling on the prevention of sexually transmitted diseases.

Sec. 08.90.070. Application for license. (a) An applicant for a license shall file with the department a written application, signed and sworn to by the applicant, giving the applicant's name and address. If the applicant is a corporation, the application shall be executed by the authorized officers of the corporation. If the applicant is a partnership, including a limited partnership, the application shall be executed by an authorized general partner. The application must include

(1) the type of license desired;

(2) the license fee;

(3) any other information required by the department.

(b) A corporation applying for a sex-oriented business license shall provide the names and addresses of the president, vice-president, secretary, managing officer, and all stockholders who own 10 percent or more of the stock in the corporation, together with any other information required by the department.

(c) A partnership, including a limited partnership, that applies for a license shall provide information required by the department including the names and addresses of all general partners and all partners with an interest of 10 percent or more.

(d) A limited liability organization that applies for a license shall provide information required by the department, including the names and addresses of all members with an ownership interest of 10 percent or more and the names and addresses of all managers.

Sec. 08.90.075. Notice of application for sex-oriented business license. (a) Before a new license is issued, the applicant shall post a copy of the application for 10 days at the location of the proposed licensed premises and at any additional locations designated by the department. The department may require the applicant to provide

(1) a copy of the application to newspapers and radio and television stations for public service announcement; or

(2) paid notice of the application once each week for three successive weeks in a newspaper or by radio.

(b) Upon receipt of an application for the issuance or renewal of a license for premises or proposed premises that are located within one-half mile of the boundary of a community council established by municipal charter or ordinance, the department shall

(1) immediately provide written notice of the application to

(A) the community council; and

(B) any nonprofit community organization that has requested notification in writing; and

(2) at least 10 days before the date set for departmental action on the application, provide written notice of the proposed action to

(A) the community council; and

(B) any nonprofit community organization that has requested notification in writing.

Sec. 08.90.080. Fees. (a) The department shall set fees under AS 08.01.065 for each of the following:

(1) a 21 and over sex-oriented business license application or renewal;

(2) a 19 and over sex-oriented business license application or renewal; and

(3) a sex-oriented business entertainer license application or renewal.

(b) A sex-oriented business licensee who is entitled to employ sex-oriented business entertainers who are 19 or 20 years of age shall be assessed fees to fully defray the cost of providing the educational and counseling requirement described in AS 08.90.060.

Sec. 08.90.090. Grounds for denial, suspension, or revocation of license. The department may deny, suspend, or revoke the license of a person who

(1) has obtained or attempted to obtain a license under this chapter by fraud or deceit;

(2) has been convicted of a felony or other crime if the felony or other crime is substantially related to the qualifications, functions, or duties of the licensee; or

(3) has wilfully or repeatedly violated a provision of this chapter or

regulations adopted under it.

Sec. 08.90.100. Person and location for sex-oriented business license. (a) Each sex-oriented business license shall be issued to a specific individual or individuals, to a partnership, including a limited partnership, to a limited liability organization, or to a corporation. If the license is issued to a corporation or a limited liability organization, the registered agent of the corporation or limited liability organization is required to be an individual resident of the state.

(b) A specific location shall be indicated on the license as the licensed premises, the principal address of which shall be indicated on the license. The mailing address of a licensee or, if the licensee is a corporation, the address of the registered office of the corporation must be kept current and on file in the main office of the department.

(c) A license issued by the department is not transferable or assignable.

(d) A licensed facility shall report to the department

(1) permanent closing; and

(2) other matters and occurrences the department may require by regulation.

Article 2. Miscellaneous Provisions.

Sec. 08.90.300. Disciplinary sanctions. (a) If, after a hearing, the department finds that a licensee has committed an act set out in AS 08.90.090, the department may

(1) permanently revoke a license issued under this chapter or suspend a license for a determinate period of time; and

(2) impose a civil fine of not more than $10,000.

(b) The department may summarily suspend a license before final hearing or during the appeals process if the department finds that the licensee poses a clear and immediate danger to the public health and safety if the licensee continues to work or operate under a license issued under this chapter. A person whose license is suspended under this subsection is entitled to a hearing by the department not later than seven days after the effective date of the order.

(c) A person who receives a disciplinary sanction under this section may

appeal the sanction to a court of competent jurisdiction.

(d) The department shall be consistent in the application of disciplinary sanctions. A significant departure from earlier decisions of the department involving similar situations must be explained in findings of fact or orders made by the department.

Sec. 08.90.310. Violations. (a) A person who violates this chapter is guilty of a misdemeanor and, upon conviction, is punishable by a fine of not more than $5,000, or by imprisonment for not more than one year, or by both. Each day of illegal practice is a separate offense.

(b) A person who knowingly provides false information in an application for a sex-oriented business license or a sex-oriented business entertainer license is guilty of a misdemeanor and, upon conviction, is punishable by a fine of not more than $5,000, or by imprisonment for not more than one year, or by both, except that a person who knowingly provides false information about the applicant's specified criminal activity is guilty of a class C felony.

Sec. 08.90.320. Limitation of liability. An action may not be brought against a person for damages resulting from a report made in good faith to a public agency by the person or participation by the person in an investigation by a public agency or an administrative or judicial proceeding relating to the report if the report relates to a person who has a license under this chapter.

Sec. 08.90.330. Accessibility of license and licensed premises to inspection. (a) A sex-oriented business licensee shall, upon request, make the licensed premises available for inspection by officers charged with the enforcement of this chapter, including employees of the department, during all regular business hours.

(b) A license for a sex-oriented business issued under this chapter shall be conspicuously posted within the licensed premises so as to be easily viewed by the public and available for inspection upon request by a peace officer or other person during regular business hours.

Sec. 08.90.340. License a privilege. (a) A license issued under this chapter is a personal privilege, not a property right.

(b) The privilege conferred upon the licensee is personal in nature and affords

protection to the licensee only.

Sec. 08.90.345. Access of persons under 18 years of age to licensed premises. A licensee or an agent or employee of a sex-oriented business licensee may not with criminal negligence allow a person under 18 years of age to enter and remain within licensed premises. In this section, "criminal negligence" has the meaning given in AS 11.81.900.

Sec. 08.90.350. Proof of age. (a) If a sex-oriented business licensee or an agent or employee of the sex-oriented business licensee questions or has reason to question whether a person entering licensed premises has attained the age of 18 years, the licensee, agent, or employee shall require the person to furnish proof of age acceptable under (b) of this section in a form determined by the department. If the person questioned does not furnish proof of age acceptable under (b) of this section, or if a licensee, agent, or employee questions or has reason to question the validity of the proof of age furnished, the licensee, employee, or agent shall require the person to sign a statement that the person is over 18 years of age. This statement shall be made on a form prepared by and furnished to the licensee by the department.

(b) A valid driver's license or a valid identification card is acceptable as proof of age when used for identification in securing entry to and remaining on the premises of a sex-oriented business if the license or identification card is made of or encased in plastic and contains a photograph of the licensee or card holder and a statement of age or date of birth.

(c) A licensee or an agent or employee of the licensee may not be charged for a violation of AS 08.90.345 if a signed statement as provided in (a) of this section is secured in good faith, or if a valid driver's license or identification card is presented indicating that the owner and possessor of the presented driver's license or identification card is 18 years of age or older.

Sec. 08.90.360. Responsibility of licensees, agents, and employees. A sex-oriented business licensee has a duty to exercise that degree of care that a reasonable person would observe to ensure that a business under the person's control is lawfully conducted. This duty of the licensee includes ensuring the compliance

(1) by agents or employees with this chapter and regulations adopted

under this chapter, including acting with reasonable diligence to determine that agents or employees are advised of the provisions of this chapter and the regulations adopted under this chapter, either by securing the agent's or employee's written acknowledgment of posted instructions or otherwise; and

(2) of the premises with public health, fire, and safety codes and ordinances of the state or municipality having jurisdiction.

Article 3. General Provisions.

Sec. 08.90.500. Definitions. In this chapter,

(1) "department" means the Department of Community and Economic Development;

(2) "employee" means a person who performs any service on the premises of a sex-oriented business on a full-time, part-time, contract, or independent basis, whether or not the person is an employee, independent contractor, agent, or otherwise and whether or not the said person is paid a salary, wage, or other compensation by the operator of the sex-oriented business; "employee" does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises, nor does "employee" include a person exclusively on the premises as a patron or customer;

(3) "nudity" means the appearance of an anus, anal area, pubic area, male genitals, female genitals, or vulva, either bare or with less than a fully opaque covering; or a female breast with less than a fully opaque covering of any part of the areola;

(4) "premises" means the real property on which the sex-oriented business is located, including the sex-oriented business, the grounds, private walkways, parking lots, and parking garages of the sex-oriented business under the ownership, control, or supervision of the licensee, as described in the application for a sex-oriented business license under this chapter;

(5) "semi-nude" or "semi-nudity" means the appearance of the female breast below a horizontal line across the top of the areola at its highest point; this term includes the entire lower portion of the human female breast, but does not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, skirt,

leotard, bathing suit, or other wearing apparel if the areola is not exposed in whole or in part;

(6) "sex-oriented business" means a person who offers entertainment at a premises for compensation for the sexual interests or titillation of an audience or customers' entertainment involving a person who personally appears before the audience or customers in a state of nudity or semi-nudity;

(7) "sex-oriented business entertainer" means an employee of a sex-oriented business who performs one or more services described in (6) of this section for the sexual interests or titillation of an audience or customers;

(8) "sex-oriented business license" means a license issued under AS 08.90.020 and 08.90.025;

(9) "sex-oriented business licensee" means a person licensed under AS 08.90.020 or 08.90.025.

* **Sec. 3.** AS 08.90.010 is repealed and reenacted to read:

Sec. 08.90.010. License required. A person may not

(1) work as a sex-oriented business entertainer without a sex-oriented business entertainer license;

(2) operate a sex-oriented business without a 21 and over sex-oriented business license or an 18 and over sex-oriented business license;

(3) permit a sex-oriented business entertainer to work in a sex-oriented business without a sex-oriented business entertainer license;

(4) permit the use of the person's sex-oriented business entertainer license by another person;

(5) obtain or attempt to obtain a license under this chapter by fraudulent means.

* **Sec. 4.** AS 08.90.025 is repealed and reenacted to read:

Sec. 08.90.025. Sex-oriented business license for premises employing entertainers at least 18 years old. An applicant for a license to operate a sex-oriented business employing sex-oriented business entertainers 18 years of age and older at a licensed premises shall submit to the department, in the manner and on forms prescribed by the department, written evidence, verified by oath, that the

applicant meets the qualifications to operate a sex-oriented entertainment business, and that the owner of the premises consents to the operation of the sex-oriented business on the premises. A licensee under this section may not employ a sex-oriented business entertainer who is less than 18 years of age.

* **Sec. 5.** AS 08.90.050(1) is repealed and reenacted to read:

(1) be at least 18 years of age;

* **Sec. 6.** AS 08.90.060 is repealed and reenacted to read:

Sec. 08.90.060. Additional provisions for sex-oriented business entertainer licenses for persons who are under 21 years of age. In addition to educational information required under AS 08.90.050, the department shall by regulation establish educational requirements for entertainer license applicants who are under 21 years of age. An entertainer license applicant shall attend a course developed by the department to inform applicants of career and educational opportunities that are not part of the sex-oriented entertainment business and shall be given counseling on the prevention of sexually transmitted diseases.

* **Sec. 7.** AS 08.90.080 is repealed and reenacted to read:

Sec. 08.90.080. Fees. (a) The department shall set fees under AS 08.01.065 for each of the following:

(1) a 21 and over sex-oriented business license application or renewal;

(2) an 18 and over sex-oriented business license application or renewal; and

(3) a sex-oriented business entertainer license application or renewal.

(b) A sex-oriented business licensee who is entitled to employ sex-oriented business entertainers who are under 21 years of age shall be assessed fees to fully defray the cost of providing the educational and counseling requirements described in AS 08.90.060.

* **Sec. 8.** The uncodified law of the State of Alaska is amended by adding a new section to read:

SEVERABILITY. Under AS 01.10.030, the provisions of this Act are severable.

* **Sec. 9.** The uncodified law of the State of Alaska is amended by adding a new section to read:

CONTINGENT EFFECT. (a) Sections 3 - 7 of this Act take effect only if a court of competent jurisdiction whose decisions are binding in this state enters a final judgment on the merits that AS 08.90.050(1), added by sec. 2 of this Act, violates the Constitution of the United States or the Constitution of the State of Alaska.

(b) The attorney general shall promptly notify the lieutenant governor and the revisor of statutes of the occurrence of the contingency described in (a) of this section.

* **Sec. 10.** Sections 3 - 7 of this Act take effect on the date of the attorney general's notification to the lieutenant governor and to the revisor of statutes under sec. 9(b) of this Act that a court has entered final judgment that AS 08.90.050(1), added by sec. 2 of this Act, violates the Constitution of the United States or the Constitution of the State of Alaska and that the time for an appeal of that judgment has expired or, if an appeal was taken, a final order on the appeal has been entered that AS 08.90.050(1) violates the Constitution of the United States or the Constitution of the State of Alaska.

* **Sec. 11.** Sections 1, 2, 8, and 9 of this Act take effect July 1, 2005.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM January 30, 2004

SUBJECT: Sectional Summary (Work Order No. 23-LS1394\H)

TO: Representative Lesil McGuire
Attn: Heath Hilyard

FROM: Barbara R. Craver BRC
Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

The bill adds a new chapter, "Chapter 90. Sex-oriented Businesses and Entertainers," to Title 8, Business and Professions. The chapter is divided into three articles for sake of organization: Licensing, Miscellaneous, and General.

Section 1. Adds this chapter to the list of types of licenses in Title 8.

Section 2. Adds a new chapter to Title 8.

Article 1. Licenses
Sec. 08.90.010 License required. Prohibits a person from

- working in a sex-oriented business as an entertainer without an entertainer license;
- operating a sex-oriented business without a business license issued under this chapter, or permitting an unlicensed entertainer to work in the licensed business;
- allowing another person to use the licensee's license;
- obtaining or attempting to obtain a license by fraud.

Sec. 08.90.020. Twenty-one and over sex-oriented business license. Requires an application submitted to the department to obtain a business license which is restricted in that the licensee cannot employ any sex-oriented business entertainers under 21 years of age. (This license is more restricted than AS 08.90.025)

Sec. 08.90.025. Nineteen and over sex-oriented business license. Requires an application submitted to the department to obtain a business license which is restricted in that the licensee cannot employ any sex-oriented business entertainers under 19 years of age. (This license allows the licensee to hire any licensed entertainer.)

Sec. 08.90.030. Sex-oriented business entertainer license. Requires an application submitted to the department to obtain an entertainer license.

Sec. 08.90.040. Regulations for sex-oriented business licenses. The same standards apply to applicants for a license under AS 08.90.020 or AS 08.90.025. The difference between the two licenses would be in the fee as determined by AS 08.90.090.

Directs the department to create licensing regulations to specifically address and implement the following policies:

- no sharing with a residential unit inhabited by a minor of any:
  - (A) public entrance;
  - (B) restroom or entrance to a restroom; or
  - (C) hallway;
- physical separation of entertainers from patrons during performances;
- open booths;
- consent of property owner to operation of the sex-oriented business;
- applicants must not have been convicted of specified criminal acts within ten years of the date of the application.

Sec. 08.90.050. Regulations for sex-oriented business entertainer licenses. Directs the department to enact licensing regulations to specifically address and implement the following policies for entertainer licensees: entertainers must

- be at least 19 years of age;
- receive education about assertiveness training and wage and hour laws; and
- have other qualifications and training deemed to be required by the department.

Sec. 08.90.060. Additional provisions for sex-oriented business entertainer licenses for adults who are 19 or 20 years of age. Directs the department to require through its regulations that applicants for entertainer licenses take a course on career and educational opportunities outside the sex-oriented entertainment business.

Sec. 08.90.070. Application for a new license. Sets out requirements for an application.

Sec. 08.90.075. Notice of application for sex-oriented business license. Provides for notice to the public, community councils, and nonprofit community organizations.

Sec. 08.90.080. Fees. Directs the department to collect fees to cover the costs of administering the program under AS 08.01.065. Provides that businesses that employ 19 or 20 year old entertainers shall pay fees to cover the costs of the extra training required by AS 08.90.060.

Sec. 08.90.090. Grounds for denial, suspension, or revocation of license.

Sec. 08.90.100. Person and location for sex-oriented business license. Requires that licenses are issued only to specific individuals and for specific locations.

Article 2. Miscellaneous
Sec. 08.90.300. Disciplinary sanctions. Provides the department with remedies and procedures for violations by licensees.

Sec. 08.90.310. Violations. Establishes criminal offenses for violations of the licensing statutes.

Sec. 08.90.320. Limitation of liability. This provides immunity from suit to a person who reports, investigates or participates in a proceeding in good faith regarding a person having a license or permit under this chapter.

Sec. 08.90.330. Accessibility of license and licensed premises to inspection.

Sec. 08.90.340. License a privilege. Making it clear that a license is not a property right.

Sec. 08.90.345. Access of persons under the age of 18 to licensed premises. Prohibits licensees from allowing persons under 18 into the licensed premises. This can be used to impose disciplinary sanctions on licenses or violations. AS 11.66.300 already makes it a crime to allow minors into an adult entertainment establishment.[1]

Sec. 08.90.350. Proof of age. This language comes from the regulation of alcoholic beverages, AS 04.21.050. It establishes the standard of care to be used by licensees in keeping minors out of licensed premises.

Sec. 08.90.360. Responsibility of licensees, agents, and employees. This language comes from the regulation of alcoholic beverages, AS. 04.21.030. It establishes the standard of care to be used by those listed for complying with this chapter.

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[1] Sec. 11.66.300. Prohibiting minors from being present at an adult entertainment business.

(a) The owner or an agent or employee of the owner of a business that offers adult entertainment may not with criminal negligence allow a person under the age of 18 years to enter and remain within premises where adult entertainment is offered.

(b) In this section, "business that offers adult entertainment" has the meaning given in AS 23.10.350(f).

(c) A person who violates this section is guilty of a class A misdemeanor. Each violation is a separate offense.

Article 3. General Provisions
AS 08.90.500. Definitions. This section defines the special terms used in this chapter.

Sections 3 - 7. These sections will take effect in the event that a court finds that AS 08.90.050(1) violates the constitution. That subsection restricts entertainer licenses to persons 19 years of age. The effect of these sections will be to make the statutes refer to entertainers who are 18 years of age as well as those under 21 years and remove the distinction between above 19 and above 21 business licenses.

Section 8. Provides that the provisions of the act are severable.

Section 9. This section describes the contingency under which sections 3 - 6 will become effective.

Section 10. This section establishes what date the contingency will be considered to have occurred, thus establishing the effective date for sections 3 - 7.

Section 11. Establishes the effective date at July 1, 2005 for the rest of the bill.

If I may be of further assistance, please advise.

BRC:med
04-116.med

Enclosure

ALASKA STATE LEGISLATURE

REPRESENTATIVE LES GARA

Attn: Barbara Craver

To: Rep. Lesil McGuire
Fr: Rep. Les Gara
Date: January 19, 2004

Technical Amendments To HB 367

We've identified the following technical amendments that should be addressed by a substitute version of HB 367. Barbara Craver will be asked to draft a substitute with the following changes. Nancy Fair, in addition to these amendments, suggested we add one governing prohibited physical contact at these clubs. I still don't want to regulate that area but you might contact her if you disagree. See attached note, Nancy Fair suggested amendment # 3.

1. Section 2: Delete AS 08.90.010 (2)
2. Page 5 line 31 delete everything after "Action", because DCED doesn't hold hearings on license applications.
3. Add separate license for employment of under 21 year-olds as follows: Page 6 line 7 after "renewal" add"for businesses employing sex-oriented business entertainers or age 19 and older; and (2) a sex oriented business license application or renewal for businesses employing sex-oriented business entertainers of age 21 and older." Renumber current AS 08.90.080(a)(2) as "(a)(3)."

4. Page 6 line 22 etc. Delete AS 08.90.100 allowing DCED the option to require fingerprinting and a background check. DCED says it causes them an administrative problem. If they are given the option to require fingerprinting of adult business applicants, and decide to exercise the option, they might have to add that requirement to non-sexually oriented business applicants too.
5. Page 11 line 12 add "live" after "appears".
6. Page 11 line 10 add "or organization" after "business", and delete "to the public".
7. Page 11 line 11, after "entertainment" add "for compensation".

January-May: State Capitol • Juneau, AK 99801-1182 • (907) 465-2647 • Fax (907) 465-3518
June-December: 716 W. 4th Avenue • Anchorage, AK 99501• (907) 269-0106• Fax (907) 269-0109
Representative_Les_Gara@legis.state.ak.us

8. Page 11 lines 14 – 15. delete "to the public." Add "for compensation" after "customers."

ALASKA STATE LEGISLATURE

REPRESENTATIVE LES GARA

To: Rep. Lesil McGuire
Fr: Rep. Les Gara
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Changes/suggestions for HB 367:

Nancy Fair amendments:

1. There appears to be a loophole where private clubs would be exempt from this licensing, as they don't serve "the public" (e.g. Wolffies). See suggested changes.
2. Jenny Strickler of DCED made some suggestions and clarifications regarding licensing (not to be construed as their endorsement).
3. Genital contact with stage props, money, any object transferred to another, and other people should be banned for health reasons.
4. Question: Are you allowing 18 year old owners to only hire older people? What about protecting them from this type of business?

Amd. AS 08 90 500 sub sec 6

- Regulate only people who appear nude in person

Amd.

- 1 year away effective date

10.40.050 Adult-oriented establishment license; physical layout of premises; conduct of business.

A. *Definitions.* For the purpose of this section, the following words and phrases shall have the meanings indicated in this subsection:

Adult-oriented establishment, or *adult business,* shall include, but is not limited to, adult bookstores, adult motion picture theaters, adult mini-motion picture establishments, physical culture studios, massage parlors, escort services, or similar type businesses where, by the nature of the business, minors under the age of 18 are denied entry, or businesses which are prohibited by law from having minors or unaccompanied minors on the premises for reasons other than the sale of liquor. Provided however, that adult-oriented establishment, or adult business shall not include a business for which minors are permitted on the premises, or an adult cabaret. If a premises, whose primary business is overnight lodging, offers adult movies via a cable, closed circuit or pay per view system, in the absence of any other adult entertainment activities, the availability of such movies, does not render the business an adult-oriented establishment for the purposes of this section.

Adult bookstore means an establishment having as its stock in trade, for sale, rent, lease, inspection or viewing, books, films, videocassettes, magazines or other periodicals which are distinguished or characterized by their emphasis on matters depicting, describing or relating to specified sexual activities, or specified anatomical areas, as defined in this section, and in conjunction therewith have facilities for the presentation of adult-oriented films, movies or live performances, for observation.

Adult cabaret means a cabaret which features topless dancers, strippers, male or female impersonators, or similar entertainers.

Adult entertainment means any exhibition of any motion pictures, live performance, display or dance of any type, which has as its dominant theme, or is distinguished or characterized by an emphasis on, any actual or simulated specified sexual activities, or specified anatomical areas, as defined in this section.

Adult mini-motion picture theater means an enclosed building with a capacity of less than 50 persons used for presenting material having as its dominant theme, or distinguished or characterized by an emphasis on, matters depicting, describing or relating to specified sexual activities, or specified anatomical areas, as defined in this section, for observation by patrons therein.

Adult motion picture theater means an enclosed building with a capacity of 50 or more persons used for presenting material having as its dominant theme, or distinguished or characterized by an emphasis on, matters depicting, describing or relating to specified sexual activities, or specified anatomical areas, as defined in this section, for observation by patrons therein.

Escort service means a person or business that furnishes, offers to furnish or advertises to furnish escorts for a fee, tip or other consideration or prohibits service to or entry onto their premises of minors under the age of 18. Escort service shall not include computerized or telephonic services which do not allow access to the premises by customers.

Operators means any person, partnership or corporation operating, conducting, maintaining or owning any adult-oriented establishment.

Physical culture studio or *massage parlor* means an establishment where minors are not allowed which:

a. Provides any of the following services for hire or compensation:

   1. Baths or bathing facilities;

   2. Steamrooms, saunas or related facilities;

   3. Modeling or modeling facilities;

   4. Services involving the use of conditioning or exercise equipment;

   5. Massage or related services; and

b. Does not have a license for the practice of a profession or vocation licensed or regulated under AS Title 8 or which provides services through persons acting as employees, independent contractors or otherwise who do not have a current license to provide such services pursuant to AS Title 8.

Specified anatomical areas means:

a. Less than completely and opaquely covered human genitals, pubic region, buttocks, and female breast below a point immediately above the top of the areola.

b. Human male genitals in a discernible turgid state, even if opaquely covered.

Specified sexual activities means simulated or actual:

a. Showing of human genitals in a state of sexual stimulation or arousal.

b. Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sado-masochistic abuse, fellatio or cunnilingus.

c. Fondling or erotic touching of human genitals, pubic region, buttock or female breasts.

B. *License required; transfer of license.*

1. Except as provided in subsection B.4 of this section, from and after May 1, 1994, no adult-**oriented** establishment shall be operated or maintained in the municipality without first obtaining a license to operate issued by the municipal clerk.

2. A license may be issued only for one adult-**oriented** establishment located at a fixed and certain place. Any person, partnership or corporation which desires to operate more than one adult-**oriented** establishment must have a license for each. The requirements of Section 21.45.240 will apply to each location.

3. No license or interest in a license may be transferred to any person, partnership or corporation.

4. All adult-**oriented** establishments existing on February 16, 1994, must submit an application for a license within 60 days of such date. If an application is not received within such date, then such existing adult-**oriented** establishments shall cease operations.

5. No person shall advertise or offer services regulated by this chapter unless they are licensed to provide such services pursuant to this chapter.

C. *Application for license.*

1. Any person, partnership or corporation desiring to secure an adult-**oriented** establishment license shall make application to the municipal clerk. The application shall be filed in triplicate with, and dated by, the municipal clerk. A copy of the application shall be distributed promptly by the municipal clerk to the municipal police department and to the applicant.

2. The application for a license shall be upon a form provided by the municipal clerk. An applicant for a license shall furnish the following information under oath:

a. Name and address.

b. Written proof that the individual is at least 18 years of age.

c. The address of the adult-**oriented** establishment and the name of the **business** to be operated by the applicant.

d. If the applicant is a corporation, the name of the corporation, the date and state of incorporation, the name and address of the registered agent and the name and address of all shareholders owning more than five percent of the stock in the corporation and all officers and directors of the corporation.

3. Within 21 days of receiving an application for a license the municipal clerk shall notify the applicant whether the application is granted or denied.

4. Whenever an application is denied, the municipal clerk shall advise the applicant in writing of the reasons for such action. If the applicant requests a hearing within ten days of receipt of notification of denial, a public hearing shall be held within ten days thereafter before the municipal clerk, as provided in this section.

5. Failure or refusal of the applicant to give any information relevant to the investigation for the application or his refusal or failure to appear at any reasonable time and place for examination under oath regarding the application or his refusal to submit to or cooperate with any investigation required by this section shall constitute an admission by the applicant that he is ineligible for such license and shall be grounds for denial thereof by the municipal clerk.

D. *Standards for issuance of license.*

1. To receive a license to operate an adult-oriented establishment, an applicant must meet the following standards:

a. If the applicant is an individual:

(1) The applicant shall be at least 18 years of age.

(2) The applicant must have not been convicted of a violation of this section or any of the offenses listed in subsection I.1.f(1) of this section within the two years immediately preceding the date of application.

b. If the applicant is a corporation:

(1) All officers, directors and stockholders required to be named under subsection C.2.d of this section shall be at least 18 years of age.

(2) The applicant must have not been convicted of a violation of this section or any of the offenses listed in subsection I.1.f(1) of this section within the two years immediately preceding the date of application.

c. If the applicant is a partnership, joint venture or any other type of organization where two or more persons have a financial interest:

(1) All persons having a financial interest in the partnership, joint venture or other type of organization shall be at least 18 years of age.

(2) The applicant must have not been convicted of a violation of this section or any of the offenses listed in subsection I.1.f(1) of this section within the two years immediately preceding the date of application.

2. The location for which the license is sought must meet the requirements of Section 21.45.240 or comply with that section as an existing nonconforming use. Provided however, that any structural changes required to comply with the physical layout requirements of subsection J of this section shall not terminate an existing nonconforming use right.

E. *License fee.* A license fee of $300.00 shall be submitted with the application for a license. If the application is denied, the fee shall be returned.

F. *Display of license.* The license shall be displayed in a conspicuous public place in the adult-oriented establishment. Any premises licensed under this section shall also post a notice at all entrances that such premises are premises where minors are not allowed.

G. *Reserved.*

H. *Renewal of license.*

1. Every license issued pursuant to this section will terminate at the expiration of one year from the

date of issuance, unless sooner revoked, and must be renewed before operation is allowed in the following year. Any operator desiring to renew a license shall make application to the municipal clerk. The application for renewal must be filed not later than 60 days before the license expires. The application for renewal shall be filed in triplicate with and dated by the municipal clerk. A copy of the application for renewal shall be distributed promptly by the municipal clerk to the municipal police department and to the operator. The application for renewal shall be upon a form provided by the municipal clerk and shall contain such information and data, given under oath or affirmation, as is required for an application for a new license.

2. A license renewal fee of $300.00 shall be submitted with the application for renewal. In addition to the renewal fee, a late penalty of $100.00 shall be assessed against the applicant who files for a renewal less than 60 days before the license expires. If the application is denied, the renewal fee only shall be returned.

3. If the municipal police department is aware of any information bearing on the operator's qualifications, or that of the applicant's employees, that information shall be filed in writing with the municipal clerk. Approval or clearance by the municipal police department is not a prerequisite to the issuance of a license under this chapter.

I. *Revocation of license.*

1. The municipal clerk may revoke or suspend a license or permit for any of the following reasons:

a. Discovery that false or misleading information or data was given on any application or material facts were omitted from any application.

b. The operator violates any provision of subsection J.1.b.2 or K of this section or any rule or regulation adopted pursuant to this section.

c. The operator becomes ineligible to obtain a license or permit.

d. Any cost or fee required to be paid by this section is not paid.

e. Any intoxicating liquor or other alcoholic beverage is served on the premises of the adult-oriented establishment.

f. The licensee, manager or designated representative, is convicted of the following offenses at the location to which an adult business license has been issued:

(1) Involving any of the following offenses as described in Chapter 8 of the Anchorage Municipal Code:

(a) Assignation for prostitution;

(b) Prostitution;

(c) Offering to secure another for prostitution;

(d) Maintaining a place of prostitution;

(e) Owning or leasing a place of prostitution;

(f) Coercing another to become a prostitute;

(g) Violation of Section 8.50.010, relating to prohibited performances and exhibitions to minors;

(h) Violation of Section 8.50.020, relating to disseminating indecent material to minors; or

(i) Violation of Section 8.50.040, relating to sexual exploitation of minors.

(2) The fact that a conviction is being appealed shall have no effect on the revocation

of the license.

g. Any of the reasons set forth in Section 10.10.035.

2. The transfer of a license or any interest in a license shall automatically and immediately revoke the license.

3. The municipal clerk, before revoking or suspending any license or permit, shall give the operator at least ten days' written notice of the charges against him, and the opportunity for a hearing before the municipal clerk, as provided in this section. In deciding whether to revoke or suspend a license or permit the municipal clerk may consider remedial measures taken by the licensee or permittee.

4. Any person whose license has been revoked under this section may apply for a new license when they have met the qualifications required for new license applicants.

J. *Physical condition of premises; sanitation requirements.*

1. *Booths, rooms or cubicles for private viewing.* Any adult-oriented establishment having available for customers, patrons or members any booth, room or cubicle for the private viewing of any adult entertainment must comply with the following requirements:

a. *Access.* Each booth, room or cubicle shall be totally accessible to and from aisles and public areas of the adult-oriented establishment, and shall be unobstructed by any curtain, door, lock or other control-type devices except in compliance with subsection J.1.b.(2) of this section.

b. *Construction.* Every booth, room or cubicle shall meet the following construction requirements:

(1) Each booth, room or cubicle shall be separated from adjacent booths, rooms and cubicles and any non-public areas by a wall.

(2) Each booth, room or cubicle which is fitted with a curtain or door shall be configured so that when the door is closed or curtain drawn the entire room may be observed with an unobstructed view from outside of the room. No such door may be locked. If the door or curtain, when closed, obstructs the view of any portion of the room such condition constitutes a violation of this subsection.

(3) All walls shall be solid and without any openings, shall be extended from the floor to a height of not less than six feet, and shall be light colored, nonabsorbent, smooth textured and easily cleanable.

(4) The floor must be light colored, nonabsorbent, smooth textured and easily cleanable.

(5) The lighting level of each booth, room or cubicle, when not in use shall be a minimum of ten footcandles at all times, as measured from the floor.

c. *Occupants.* Only one individual shall occupy a booth, room or cubicle at any time. For the purposes of live performance or other live adult entertainment only, the one person per booth limit shall not apply. No occupant of any booth, room or cubicle shall engage in any type of sexual activity, or cause any bodily discharge or litter while in the booth. No individual shall damage or deface any portion of the booth.

2. *Physical culture studios and massage parlors.* The licensee of any adult-oriented establishment which is a physical culture studio or massage parlor shall keep licensed premises clean and sanitary. Clean towels, sheets and linens shall be provided for each patron receiving massage services. Disinfecting agents and sterilizing equipment sufficient to ensure the cleanliness and safe condition of all equipment shall be provided and used.

3. *Exterior.*

a. Shall be maintained in a neutral tone to conform with surrounding building appearance.

b. Building will be repaired and maintained in a timely manner.

c. Fences to be maintained in conforming appearance and maintained in good condition.

4. *Parking lots and grounds.*

a. To be maintained in safe and clean condition.

b. Grounds to be kept clean and not used for outdoor storage.

c. All refuse removed weekly.

5. *Signage, in addition to the requirements of Title 21.*

a. Each business shall be limited to one sign per entrance.

b. Each sign shall be no larger than 20 square feet.

c. No neon, reader or mobile signs.

d. All signs shall conform to exterior decor requirements.

6. *Ingress or egress.* An operator may not have his/her business premises connected by any means of ingress or egress with premises occupied by an establishment selling or dispensing alcoholic beverages.

7. *Interior.*

a. Appropriate window coverings to maintain conforming appearance (no foil, sheets, boards, et cetera).

b. Premises to be maintained in a clean and sanitary manner.

c. The operator shall maintain at least ten footcandles of light in the public portions of the establishment, including aisles, at all times. However, if a lesser level of illumination in the aisles shall be necessary to enable a patron to view the adult entertainment in a booth, room or cubicle adjoining aisles, a lesser amount of illumination may be maintained in such aisles, provided, however, at no time shall there be less than one footcandle of illumination in such aisles, as measured from the floor.

d. Each business shall comply with annual inspections for the following:

i. Health.

ii. Fire.

iii. Building.

iv. Other Code compliance.

K. *Responsibilities of operator.*

1. Every act or omission by an employee constituting a violation of the provision of this section shall be deemed the act or omission of the operator if such act or omission occurs either with the authorization, knowledge or approval of the operator, or as a result of the operator's negligent failure to supervise the employee's conduct, and the operator shall be punishable for such act or omission in the same manner as if the operator committed the act or caused the omission. Such acts or omissions can be considered in determining whether to revoke, suspend or renew a license.

2. No employee of an adult-oriented establishment shall allow any minor to enter, to loiter around or to frequent an adult-oriented establishment or to allow any minor to view adult entertainment as defined in this section.

3. No licensee shall have any other license or permits for games of chance to be played or sold on that

premises licensed as an adult **business**.

4. Licensees who operate physical culture studios or massage parlors must keep records of treatments given and the names of masseurs or masseuses giving such treatments. Such records, as well as the premises of the **business** establishment, shall be subject to administrative inspection by municipal officers as permitted under this title.

L. *Review of actions on license.* Review of the grant, denial, renewal, nonrenewal, suspension or revocation of a license shall be in accordance with Section 10.10.035 and Chapter 3.60.

M. *Penalties and prosecution.* Any person who is found to have violated this section shall be fined a definite sum not exceeding $300.00 and such conviction shall result in the revocation of any license. The municipal clerk shall notify the administrative official, as identified in Section 21.25.030, of any convictions for violations of this section. Whenever a particular establishment is the location of two or more violations of subsection I of this section for which the licensee is responsible under subsection K.1 of this section occurring within a 24-month period, the administrative official shall proceed against the use entitlement under Section 21.25.030.

N. *Enforcement.* The municipal police department shall have the authority to enter any adult-**oriented** establishment at all reasonable times to inspect the premises and enforce this section.

(AO No. 93-157(S-6), § 1, 5-1-94; AO No. 94-145(S), § 1, 8-23-94)

Cross references: Restrictions regarding location of places where minors are prohibited from entering, § 21.45.240.

10.40.015 Prohibited acts by holders of adult-oriented establishment license or massage license.

A person holding an adult-oriented establishment license or a masseur/masseuse license may not:

A. Operate the business or engage in the licensed activity between the hours of 2:00 a.m. and 6:00 a.m.

B. Lock patrons inside any part of the premises during business hours.

C. Solicit for another person, engage in or offer to engage in an act of prostitution, cunnilingus or fellatio with a business invitee.

D. Intentionally expose their genitals to a business invitee or intentionally touch the genitals of a business invitee.

(CAC 6.28.050; AO No. AO No. 93-157(S-6), § 2, 5-1-94)

Alaska PTA

*every*child.*one*voice.

"Alaska PTA supports the enactment of legislation to regulate sexually oriented businesses and employees in order to protect school children and other youth under 21 years old."

Passed Nov. 15, 2003
Alaska PTA Issues Conference

Anchorage Council of PTA's Legislative Priorities 2003-2004

1. Stable, reliable, adequate and inflation proofed funding so every child can meet the standards of the "No Child Left Behind" Act.
   RATIONALE: In order to provide a quality education to each child in Alaska, stable, reliable, adequate, and inflation proofed funding is necessary. The amount of time, money, and creative energy spent on securing annual funding for education would be better spent in the classroom.

2. Advocate graduated driver's licenses for 16 to 18 year old drivers.
   RATIONALE: Because inexperienced drivers are involved in a high number of accidents causing injury and death, we support graduated licensing aimed at reducing the number of accidents of young drivers.

3. Reduce teen involvement in sexually oriented businesses.

   RATIONALE: Sexually oriented businesses in Alaska are largely unregulated. In an effort to protect high schools and students from being affected by the negative influences of such businesses we support regulations that would discourage teen involvement. Anchorage Council also supports raising the minimum age of dancers and patrons to at least 19 years old.

4. Support funding for security for schools during non-school hours.
   RATIONALE: Vandalism is a real problem for our public buildings, especially schools. While this needs to be addressed in a multi-faceted way, one thing that would serve as a deterrent is to provide for security at schools during non-school hours—the time when most vandalism occurs.

These legislative priorities were determined by the Anchorage Council of PTAs General Membership, Monday, October 6, 2003.

Alaska State PTA and Anchorage Council PTA

draft resolution

RESOLUTION ENCOURAGING MORE

REGULATIONS FOR SEXUALLY ORIENTED BUSINESSES

WHEREAS, a mission of the Parent-Teacher Association is to support and speak on behalf of children and youth in the schools, in the community and before governmental bodies and other organizations that make decisions affecting children,

WHEREAS, the purpose of the Parent-Teacher Association is to promote the welfare of the children and youth in home, school, community, and place of worship, and to secure adequate laws for the care and protection of children and youth,

WHEREAS, schools in Alaska serve many thousands school children of ages 18 to 20 years annually (with over 3,400 in Anchorage alone) who interact daily with younger students,

WHEREAS, Alaska has over 45 sexually oriented businesses that are available for employment or patronage of school children 18 years or older;

WHEREAS, sexually oriented businesses require special supervision in order to protect and preserve the health, safety, and welfare of the patrons of such businesses, as well as the citizens of the communities where they locate; and

WHEREAS, it has been found that sexually oriented businesses are associated with unlawful activities, including prostitution and illegal drug and alcohol use; and

WHEREAS, the concern over sexually transmitted diseases, unwanted pregnancies and sexual assaults are legitimate health concerns of the city that demand reasonable regulation of sexually oriented businesses in order to protect the health and well-being of the citizens; and

WHEREAS, Alaska has no laws regulating obscenity and some of the weakest laws in the country to protect the health and safety of patrons and employees of, and neighborhoods around sexually oriented businesses; and

WHEREAS, licensing is a legitimate means of accountability to ensure that operators and employees of sexually oriented businesses comply with reasonable regulations, and to ensure that operators do not allow their establishments to be used as places of illegal activity or solicitation; and

WHEREAS, there is convincing documented evidence that sexually oriented businesses, because of their very nature, have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, causing increased crime and the downgrading of property values; and

WHEREAS, it is recognized that sexually oriented businesses, due to their nature, have serious objectionable operational characteristics, particularly when they are located in proximity to each other, thereby contributing to urban blight and downgrading the safety and quality of life in the adjacent area; and

WHEREAS, communities want to prevent these adverse effects and thereby protect the health, safety and welfare of the citizenry; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods and deter the spread of urban blight; and

WHEREAS, it is not the intent to suppress any speech activities protected by the First Amendment, but to enact ordinances that address the secondary effects of sexually oriented businesses as well as the health and safety problems associated with such businesses; and

WHEREAS, based on evidence concerning the adverse secondary effects of sexually oriented businesses on the community presented in hearings and in reports available to the public, and on findings incorporated in the various court cases (*City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *Young v. American Mini Theatres*, 426 U.S. 50 (1976); and *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *Arcara v. Cloud Books, Inc.*, 478 U.S. 697, (1986); *California v. LaRue*, 409 U.S. 109 (1972); *Iacobucci v. City of Newport, Ky*, 479 U.S. 92 (1986); *United States v. O'Brien*, 391 U.S. 367 (1968); *DLS, Inc. v. City of Chattanooga*, 107 F.3d 403 (6th Cir.1997); *Kev, Inc. v. Kitsap County*, 793 F.2d 1053 (9th Cir.1986); *Hang On, Inc. v. City of Arlington,*, 65 F.3d 1248 (5th Cir.1995); and *South Florida Free Beaches, Inc. v. City of Miami*, 734 F.2d 608 (11th Cir.1984); as well as studies conducted in other cities including, but not limited to, Phoenix, Arizona; Minneapolis, Minnesota; Houston, Texas; Indianapolis, Indiana; Amarillo, Texas; Garden Grove, California; Los Angeles, California; Whittier, California; Austin, Texas; Seattle, Washington; Oklahoma City, Oklahoma; Cleveland, Ohio; and Beaumont, Texas) and findings reported in the Final Report of the Attorney General's Commission on Pornography (1986), the Report of the Attorney General's Working Group On the Regulation Of Sexually Oriented Businesses (June 6, 1989, State of Minnesota), and statistics obtained from the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention,

it is known that,

(1) Sexually oriented businesses lend themselves to ancillary unlawful and unhealthy activities. Further, there is presently no mechanism to make owners or employees of these establishments responsible for illegal, unsafe or unhealthy activities that occur on their premises.

(2) Crime statistics show that all types of crimes, especially sex-related crimes, occur with more frequency in neighborhoods where sexually oriented businesses are located. *See, e.g.*, Studies of the cities of Phoenix, Arizona; Indianapolis, Indiana; and Austin, Texas.

(3) Sexual acts, including masturbation, and oral and anal sex, occur at sexually oriented businesses, especially those which provide private or semi-private booths or cubicles for viewing films, videos, or live sex shows. *See, e.g., California v. LaRue,* 409 U.S. 109, 111 (1972); *See also* Final Report of the Attorney General's Commission on Pornography (1986) at 377.

(4) Offering and providing services involving bodily contact and/or such booths and/or cubicles encourages such activities, which creates unhealthy conditions. *See, e.g.*, Final Report of the Attorney General's Commission on Pornography (1986) at 376-77.

(5) Persons frequent certain adult theaters, adult arcades, and other sexually oriented businesses, for the purpose of engaging in sex within the premises of such sexually oriented businesses. *See, e.g., Arcara v. Cloud Books, Inc.*, 478 U.S. 697, 698 (1986); *see also* Final Report of the Attorney General's Commission on Pornography (1986) at 376-77.

(6) At least 50 communicable diseases may be spread by activities occurring in sexually oriented businesses including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (HIV-AIDS), genital herpes, hepatitis B, Non A, Non B amebiasis, salmonella infections, and shigella infections. *See, e.g.*, Study of Fort Meyers, Florida.

(7) For the period 1985 through 2001, the total number of reported cases of AIDS in the United States caused by the immunodeficiency virus (HIV) was 816,149. *See, e.g.*, Statistics of the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention.

(8) The number of reported cases of gonorrhea in the United States reported annually remains at a high level, with a total of 361,705 cases reported in 2001. *See, e.g.* Statistics of the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention.

9) The number of reported cases of chlamydia skyrocketed to 783,242 in 2001 (a six-fold increase since 1987). *See, e.g.* Statistics of the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention.

(10) The surgeon general of the United States in his report of October 22, 1986, advised the American public that AIDS and HIV infection may be transmitted through sexual contact, intravenous drug use, and exposure to infected blood and blood components.

(11) According to the best scientific evidence available, AIDS and HIV infection, as well as syphilis, gonorrhea, and chlamydia are principally transmitted by sexual acts, and syphilis facilitates transmission of HIV. *See, e.g.* Findings of the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention.

(12) Sanitary conditions in some sexually oriented businesses are unhealthy, in part, because the activities conducted there are unhealthy, and, in part, because of the unregulated nature of the activities and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities. *See, e.g.*, Final Report of the Attorney General's Commission on Pornography (1986) at 377.

(13) Numerous studies and reports have determined that bodily fluids, including semen and urine, are found in the areas of sexually oriented businesses where persons view "adult" oriented films. *See,e.g.*, Final Report of the Attorney General's Commission on Pornography (1986) at 377.

(14) Nude dancing in adult establishments encourages prostitution, increases sexual assaults, and attracts other criminal activity. *See, e.g., Barnes v. Glen Theatre*, 501 U.S. 560, 583 (1991).

(15) Nude dancing in adult establishments increases the likelihood of drug-dealing and drug use. See, e.g., *Kev, Inc. v. Kitsap County*, 793 F.2d 1053, 1056 (9th Cir.1986), and contact between dancers and patrons can transmit up to 50 communicable diseases. *See, e.g.*, Study of Fort Meyers, Florida.

(16) The findings noted in paragraphs numbered (1) through (15) raise substantial governmental concerns.

(17) Sexually oriented businesses have operational characteristics that should be reasonably regulated in order to protect those substantial governmental concerns.

(18) A reasonable licensing procedure is an appropriate mechanism to place the burden of that reasonable regulation on the owners, operators and employees of the sexually oriented businesses. Further, such a licensing procedure will place a heretofore non-existent incentive on the operators to see that the sexually oriented business is run in a manner consistent with the health, safety, and welfare of youth and other patrons and employees, as well as the citizens of this community. It is appropriate to require reasonable assurances that the licensee is the actual operator of the sexually oriented business, fully in possession and control of the premises and activities occurring therein, and that all employees are fully informed about how to reduce health and safety risks to themselves and others.

(19) Regulating time, place and manner of sexually-oriented business operations advances a substantial governmental interest in curbing the illegal and unsanitary sexual activity occurring in adult establishments.

(20) The disclosure of certain information by those persons ultimately responsible for the day-to-day operation and maintenance of the sexually oriented business, where such information is substantially related to the significant governmental interest in the operation of such uses, will aid in preventing the spread of sexually transmitted diseases and criminal activity.

(21) It is desirable in the prevention of the spread of communicable diseases to obtain a limited amount of information regarding certain employees who may engage in the conduct this ordinance is designed to prevent or who are likely to be witnesses to such activity.

(22) The fact that an applicant for a sexually oriented business license has been convicted of a sex-related crime leads to the rational assumption that the applicant may engage in that conduct in contravention to this ordinance.

(23) The barring of such individuals from operation or employment in sexually oriented businesses for a period of ten (10) years for a previous felony conviction serves as a deterrent to and prevents conduct which leads to the transmission of sexually transmitted diseases.

(24) Stricter licensing requirements for sexually oriented businesses and employees (especially those under 21 years old) could help protect school children and other young people.

(25) The general welfare, health, and safety of the school children and citizens of this community will be promoted by the enactment of such type of laws.

THEREFORE BE IT RESOLVED, to request that the Alaska State Legislature enact laws incorporating items 1 through 25 to regulate existing or future sexually oriented businesses and employees, and to take all possible actions to protect Alaska school children and other youth from the harmful effects of these businesses.

Signed:

_____

President, Alaska State Parent Teacher Association

_____

Date

Service HS PTA Resolution

RESOLUTION ENCOURAGING MORE

REGULATIONS FOR SEXUALLY ORIENTED BUSINESSES

WHEREAS, a mission of the Parent-Teacher Association is to support and speak on behalf of children and youth in the schools, in the community and before governmental bodies and other organizations that make decisions affecting children; and

WHEREAS, the purpose of the Parent-Teacher Association is to promote the welfare of the children and youth in home, school, community, and place of worship, and to secure adequate laws for the care and protection of children and youth; and

WHEREAS, schools in Anchorage annually serve over 3,400 students of ages 18 to 20 years who interact daily with younger students; and

WHEREAS, Anchorage has over 35 sexually oriented businesses that are available for employment or patronage of students and other young people 18 years old or older; and

WHEREAS, Anchorage Municipal Code already acknowledges some of the deleterious effects of sexually oriented businesses:

> "These enterprises have been determined, by court-accepted independent studies, to produce secondary impacts on surrounding land uses. The impacts include a decline in property values, and increase in the level of criminal activity, including prostitution, rape and assaults in the vicinity of these types of enterprises, and the degradation of the community standard of morality by inducing a loss of sensitivity to the adverse effect of pornography upon children, upon established family relations, and upon respect for marital relationships." (AO 21.45.240)

WHEREAS, crime statistics show that all types of crimes, especially sex-related crimes, occur with more frequency in neighborhoods where sexually oriented businesses are located. *See, e.g.*, Studies of the cities of Oklahoma City, Phoenix, Arizona; Indianapolis, Indiana; Austin, Texas and others:
http://www.afa.net/pornography/SOB%20Land%20Use%20Studies-NLC-SOB%20pkt.doc).

WHEREAS, Anchorage has one of the highest sexual assault rate in the country; and

WHEREAS, Nude dancing in adult establishments encourages prostitution, increases sexual assaults, and attracts other criminal activity. *See, e.g., Barnes v. Glen Theatre*, 501 U.S. 560, 583 (1991).

WHEREAS, the preponderance of evidence indicates that repeated exposure to pornography is detrimental to healthy social behavior and an influence on many sexual perpetrators (*See* Just Harmless Fun? By Bruce Watson and Sheila Rae Welch, c. Enough is Enough 2000); and

WHEREAS, skin and genital contact among employees, patrons and objects at sexually oriented businesses may spread at least 50 communicable diseases including, but not limited to, syphilis, gonorrhea, chlamydia, human immunodeficiency virus infection (HIV-AIDS), genital herpes, hepatitis B, Non A, Non B amebiasis, salmonella infections, and shigella infections. *See, e.g.*, Study of Fort Meyers, Florida.

WHEREAS, Alaska has the highest rate of chlamydia in the nation, and a skyrocketing gonorrhea rate among 15-24 year olds. *See State of Alaska Epidemiology Bulletins 18 and 19.*

WHEREAS, Nude dancing in adult establishments increases the likelihood of drug-dealing and drug use. See, e.g., *Kev, Inc. v. Kitsap County,* 793 F.2d 1053, 1056 (9th Cir.1986); and

WHEREAS, Courts have ruled that studies from other locations can be legitimately used to support regulations outside the study area; and

WHEREAS, Alaska has some of the weakest laws in the country regulating sexually-oriented businesses related to protection of the health and safety of minors, patrons and employees of, and neighborhoods around sexually oriented businesses; and

WHEREAS, it is not the intent to suppress any speech activities protected by the First Amendment, but to enact ordinances that address the effects of sexually oriented businesses as well as the health and safety problems associated with such businesses; and

WHEREAS, several courts have overturned raising the minimum age above 18 years old for attendance or employment at sexually oriented businesses unless the government can show harm to that particular age group; and

WHEREAS, evidence from research on brain development and social service agencies indicate that young people are not fully mature at age 18, nor do federal and state laws grant them full rights and privileges until 21 years old (*See* A. White, Ph.D, Substance use and adolescent brain development at *http://www.duke.edu/~amwhite/adolescence.html*, and interviews with Covenant House, Transitional Learning Center, etc.),

it is known that,

(1) Many cities and states have reduced crimes by implementing court-upheld regulations of sexually oriented businesses (*See* Gerard, Jules B. *Local Regulation of Adult Businesses: 2003 Edition.* St. Paul, Minn.: Thomson/West, 2002).

(2) Regulating time, place and manner of sexually oriented business operations advances a substantial governmental interest in curbing the illegal and unhealthy activity occurring in adult establishments.

(3) Offering and providing sexually oriented services involving bodily contact and/or such booths and/or cubicles encourages activities which create unhealthy conditions. *See, e.g.*, Final Report of the Attorney General's Commission on Pornography (1986) at 376-77.

(4) Annual licensing is a legitimate means of accountability to ensure that operators and employees of sexually oriented businesses operate with reasonable health and safety provisions and an understanding of current laws and impacts of their businesses, protect youth, face stiffer consequences for underage employment or patronage, and do not allow their establishments to be used as places of illegal activity or solicitation.

(5) The general welfare, health, and safety of affected neighborhoods and school children who interact with sexually-oriented business patrons and employees will be promoted by the enactment of such type of laws.

THEREFORE BE IT RESOLVED, to request that the Alaska State Legislature and local governments enact laws incorporating items 1 through 5 to regulate existing future sexually oriented businesses and employees, and to take all possible actions to protect Alaska school students and other youth under 21 years old from the harmful effects of these businesses.

Signed:

_____

President, Robert Service High School Parent-Teacher-Student Association

_____

Date

RESOLUTION ENCOURAGING MORE

REGULATIONS FOR SEXUALLY ORIENTED BUSINESSES

WHEREAS, a mission of the Parent-Teacher Association is to support and speak on behalf of children and youth in the schools, in the community and before governmental bodies and other organizations that make decisions affecting children; and

WHEREAS, the purpose of the Parent-Teacher Association is to promote the welfare of the children and youth in home, school, community, and place of worship, and to secure adequate laws for the care and protection of children and youth; and

WHEREAS, schools in Anchorage annually serve over 3,400 students of ages 18 to 20 years who interact daily with younger students; and

WHEREAS, Anchorage has over 35 sexually oriented businesses that are available for employment or patronage of students and other young people 18 years old or older; and

WHEREAS, Anchorage Municipal Code already acknowledges some of the deleterious effects of sexually oriented businesses:

> "These enterprises have been determined, by court-accepted independent studies, to produce secondary impacts on surrounding land uses. The impacts include a decline in property values, and increase in the level of criminal activity, including prostitution, rape and assaults in the vicinity of these types of enterprises, and the degradation of the community standard of morality by inducing a loss of sensitivity to the adverse effect of pornography upon children, upon established family relations, and upon respect for marital relationships." (AO 21.45.240)

WHEREAS, crime statistics show that all types of crimes, especially sex-related crimes, occur with more frequency in neighborhoods where sexually oriented businesses are located. *See, e.g.*, Studies of the cities of Oklahoma City, Phoenix, Arizona; Indianapolis, Indiana; Austin, Texas and others: http://www.ala.net/pornography/SOB%20Land%20Use%20Studies-NLC-SOB%20pkt.doc).

WHEREAS, Anchorage has one of the highest sexual assault rate in the country; and

WHEREAS, Nude dancing in adult establishments encourages prostitution, increases sexual assaults, and attracts other criminal activity. *See, e.g., Barnes v. Glen Theatre*, 501 U.S. 560, 583 (1991).

WHEREAS, the preponderance of evidence indicates that repeated exposure to pornography is detrimental to healthy social behavior and an influence on many sexual perpetrators (*See* Just Harmless Fun? By Bruce Watson and Sheila Rae Welch, c. Enough is Enough 2000); and

(3) Offering and providing sexually oriented services involving bodily contact and/or such booths and/or cubicles encourages activities which create unhealthy conditions. *See, e.g.*, Final Report of the Attorney General's Commission on Pornography (1986) at 376-77.

(4) Annual licensing is a legitimate means of accountability to ensure that operators and employees of sexually oriented businesses operate with reasonable health and safety provisions and an understanding of current laws and impacts of their businesses, protect youth, face stiffer consequences for underage employment or patronage, and do not allow their establishments to be used as places of illegal activity or solicitation.

(5) The general welfare, health, and safety of affected neighborhoods and school children who interact with sexually-oriented business patrons and employees will be promoted by the enactment of such type of laws.

THEREFORE BE IT RESOLVED, to request that the Alaska State Legislature and local governments enact laws incorporating items 1 through 5 to regulate existing or future sexually oriented businesses and employees, and to take all possible actions to protect Alaska school students and other youth under 21 years old from the harmful effects of these businesses.

Signed: Pamela O. Massey

President, Robert Service High School Parent-Teacher-Student Association

12/11/03

Date

Dear Representative Anderson and other committee members:

Mary Magdalene Home Alaska (MMHA) serves women in Anchorage who have been involved in the act or practice of trading or selling sexual services for money, drugs or safety and now seek a way to redefine themselves and build a positive and healthy life style. Since 1998 MMHA has served over 130 women.

Because we work closely with former nude dancers, we are familiar with many of the problems that occur at Alaska strip clubs. These include but are not limited to: exchanging sexual acts for money and drugs; entry into drug and alcohol abuse; entry in criminal behavior, usually tied to using substances or obtaining substances, prostitution as a way of life, underage dancers, under age drinking, and sometimes communicable diseases.

HB 367 would be an effective tool to combat these problems and relieve the greater community of the burden of their consequences. In addition, the educational and career counseling would inform the young dancers of the hazards of the job and ensure them that they have options, other than prostitution, when they want to quit dancing.

We urge your support for HB 367.

Sincerely,

Alice Meyers
Andrea Rowland
Teri Inch
Flo Pearson
Maria Bouleris

Mary Magdalene Home Alaska, Inc. Organization
555 W. Northern Lights Blvd. suite 261
Anchorage, AK 99503. Phone: 277-6642, fax: 277-6643

January 30, 2004

Dear Representative Anderson and other committee members:

The Service High School Parent-Teacher-Student Association, the Anchorage Council of PTAs and the Alaska State PTA all support enactment of legislation to regulate sex-oriented businesses (also known as SOBs) in order to protect high school students and other youth under 21 years old.

In Anchorage alone we have over 3,400 students annually that are ages 18-20, and we are concerned for their health and safety as well as other vulnerable teens in the state. We are aware of SOBs involving teens in Anchorage, Fairbanks and Soldotna, including at least 5 non-liquor licensed strip clubs open to 18 year old patrons and dancers. More are planned. Yet Alaska has some of the weakest laws in the country regulating SOBs even though they are associated with many illegal activities and negative community impacts.

Business and employee licensing, as proposed in HB 367, would be an important first step to protecting teens and our communities. Over 250 other cities and states have similar licensing laws. Business and employee licensing would help insure that underage teens are not involved. We have had numerous reports about this problem in Anchorage (see QUOTES).

Business licensing would also be a powerful incentive to insure that SOBs follow existing laws related to illegal drugs, alcohol, prostitution, wage and hour, worker safety, sexual harassment and tax evasion. Violations of these laws have been documented in other states, and we have reports of the same problems here. Many cities have documented a higher rate of sex crimes in the vicinity of SOBs. Oklahoma City was able to significantly reduce that effect by strong laws and enforcement at SOBs (see NLC studies).

Employee licensing requirements would insure that dancers are aware of laws and practices to protect their own health, safety and welfare.

Specifically, educating dancers about the state wage and hour laws would help curb violations. I understand that violations of state labor laws have occurred, and the state labor department has a file on wage and hour cases from nude dancers. Without adequate wages, employees may be tempted to engage in illegal activities.

Education about assaults and self-defense would help dancers who are often victims of assault. An extremely high rate of verbal, physical and sexual abuse of dancers by patrons was documented in a study from the University of Minnesota. Up to 85% suffered regular verbal abuse, such as being called "whore" or "bitch." 91% had their buttocks grabbed, and 73% had their breasts grabbed. 42% had been sexually assaulted. Others were bitten, slapped, punched, pinched and spit upon (see Stripping Away the Lies). One former Anchorage teen dancer reported being grabbed by patrons and smacked by one when she wouldn't go home with him (see Quotes). With Alaska leading the nation in sexual assaults, this educational provision is important.

Licensing requirements for young dancers would also provide education about prevention of sexually transmitted diseases. A court-accepted study from Ft. Myers Florida documented up to 50 communicable diseases that could be transmitted at strip clubs, including many STDs. According to a Municipality of Anchorage health worker, there have been outbreaks of STDs among strip club dancers. With Alaska's young people leading the nation in STD rates, this would be an important health precaution (see PTSA Resolution and State health data).

Employee licensing of young dancers would also require knowledge of other educational and career options. This would also benefit young dancers as this industry is fraught with danger, and is frequently a pathway to drug and alcohol addiction and prostitution. The study from Minnesota found that 78% of nude dancers were

solicited daily for prostitution by the strip club patrons. Court accepted independent studies have shown that nude dancing in SOBs encourages prostitution. According to the Anchorage Westside Community Patrol, most of the prostitutes in Spenard started as strip club dancers (see Quotes).

The PTAs would prefer some additional provisions be considered as well. We support raising the minimum age for both patrons and dancers to at least 19, if not 21 years old, as we are aware of the vulnerability of even older teens to the negative impacts of SOBs. This would be consistent with state laws regarding tobacco, alcohol and gambling. Recent research from Duke University indicates that adolescent brains are not fully mature until age 20 or older, and raising the age would be appropriate for sex-oriented business pornography as well.

Another health protection to consider, common in other states, would be to add a requirement to keep genitals covered and outlaw genital contact with stage props, customers or other employees. This could help reduce the spread of sexually-transmitted diseases.

Statistics and other background data to support our comments can be found in your packets. Thank you for your consideration of this important legislation for our children's welfare.

Sincerely,

Nancy Fair
Service High School
Parent-Teacher-Student Association
4741 E. 112th Avenue
Anchorage, AK 99516
fairwinds@gci.net

Diana L. Straub
Chair- Board of Barbers and Hairdressers
PTA President - Wasilla Middle School
Council Member – City of Wasilla

1452 Bertha Lane
Wasilla, AK 99654
(907) 373-7230
(907) 242-1353

February 2, 2004

House Labor and Commerce Committee

Dear Legislators:

I appreciated listening to the valuable testimony given on Friday January to, 2004 regarding HB369. Due to time constraints for testimony, I offered to forward my comments to you in written form. I will gladly participate via teleconference as often as possible and I appreciate the opportunity to interact with you.

As you will recall, my greatest concern was our ability to follow through with the enforcement of this bill. I fully value and agree with the intent of which created this bill, however I do not believe that **HB 367 will not be enforceable** for a number of reasons.

I have arrived at this conclusion from my experience serving the Board of Barbers and Hairdressers. This board oversees tattooing and body piercing. In the state of Alaska a practitioner may not tattoo or pierce any person under the age of 18 years. We are finding this extremely difficult to enforce due to lack of financial resources in multiple departments.

The solution I bring to the table is, **halt the employment of all persons under the age of 21 in a Sex Oriented Business.**

If you are not old enough to drink a cocktail, you are not old enough to take your clothes off on the cocktail table.

FEB-02-04 MON 03:21 PM MATSU LIO FAX NO. 9073766180 P. 01

As I look at this bill, I see the following departments involved (keeping in mind there are other department choices available).

1. ***Occupational Licensing*** to process the licensing applications
2. ***Alcohol Beverage Control*** to work with the establishments that **do** hold a liquor license
3. _____ to work with the S.O. B. that **do not** hold a liquor license.
4. **DEC** to provide health inspections in a timely manner to protect the entertainers against the spread of diseases i.e., hepatitis. Let me remind you, this department has been cut back so much that our restaurants are now self-inspecting. As a board member of the Board of Barbers and Hairdressers, I have **waited 5 weeks for a salon to be inspected by DEC** after requesting the inspection. The inspection requested was **due to animal urine** in the salon in multiple areas. **To date this salon has not been inspected**, however DEC did issue a letter of non-objection to this salon becoming a school.
5. **Public Safety**
6. **Division of Occupational Licensing investigators** to investigate and build cases against unethical employers and unlicensed employees. Hope they stay in the same place long enough to build a case. We already know that the businesses move frequently and change names as they do so. **Remember that Occupational investigators are 8:00 AM to 5:00 PM employees. Will we hire more investigators or just pay overtime?**
7. **Police / Troopers** responding to immediate safety needs and the needs of nearby residents or businesses. **Will we take our officers off the streets to provide these occupational investigations?**

I do not believe that ***all costs in each of these departments will not be recovered in the occupational licensing fees.*** What would you believe to be the total number of man-hours for investigations alone in the first year? Where will that money come from?

The way I understand the process necessary to begin employment will look like this.

1. **Decide to be a stripper** (you must need fast cash and feel desperate)
2. **Call DCED to scheduled classes** in STD, Sexual Assault, Wage and Hour, Career-counseling. When will classes be available? How often will classes be available? Weekly, monthly yearly? Will classes be offered together in one day or will this take several days?
3. **Attend and pay for the classes.** How much will this cost? HB 367 says the employer will cover these costs, however at this point you are not licensed to look for a job, there is no employer to pay the fee.
4. Complete the **Occupational Licensing application** and **mail the fee of about $175.00** (the average fee for Barbers and Hairdressers) to Juneau.
5. **Wait about two weeks for the licensing process to be completed** and in your license in mailbox. You do have a mailbox, don't you?
6. Now **you are ready to seek employment.**

Great! You got a job at the first place you asked. When you asked your new employer to reimburse you for the cost of the classes (remember HB 367 says the employer will pick up the costs) he laughed at you and let you know that he does not pay for *those* classes. You could quit and go to work down the street the next night and then he is out the money.

Your new employer laughed again when you gave him your **occupational license to post in the establishment**. You just provided him with the information that you are new to the business, naive and now you are a target. Let me remind you that the license has **your full legal name and address** in a place that anyone could make a note of your name and find you later, when you least expect it.

It's your first night at work and you notice that the stage props are not cleaned and sanitized between performers. You **call DEC and wait** for **an** inspection.

Unless we put money and manpower in each department that will work with this legislation, we are providing nothing more than lip service. On the surface, it appears that *we tried*, but in reality, we knew that it would not protect the safety of these young adults and it may even put them further in harms way because they'll believe they are protected. They will believe that because we taught them that in the *mandatory* classes they took.

It seems to me the way HB 367 is currently laid out, **we have several carts before our single horse and no money to push with.** I encourage each committee to consider the full trickle down effect of HB367.

In conclusion, please keep in mind that I **truly support the protection of our youth.**

Sincerely,

Diana L. Straub

COVENANT HOUSE ALASKA

Testimony Notes of Kara Nyquist, Esq., Director of Advocacy on HB 367, January 30, 2004 before House Labor & Commerce Committee.

Support HB 367
INTRODUCTION – CHA Director of Advocacy; CHA provides a continuum of services for homeless, runaway and at-risk youth including shelter, transitional living, health services, a drop-in center and job development center. Last year CHA served 3,600 youth and this year is CHA's 15th year of service to Alaska. The staff at CHA has worked with over 15,000 youth in Alaska.

I also represent the Alaska Association of Homes for Children "AAHC," an association of 20 social service providers providing 46.5 million dollars in programs to serve Alaska's children and youth each year. The association has passed a resolution in support of HB 367.

I am also a licensed attorney in the State of Alaska and have been working with Representatives McGuire and Gara and their staff for months on this bill and have spent time researching the constitutionally of the bill and talking with youth and with staff that have had contact with youth working in strip clubs.

LAW - Currently under Alaska law if you are eighteen you can become a nude dancer or patronize clubs that employ nude dancers.

The Alaska Supreme Court and the United States Supreme Court have recognized that dancing, including nude dancing is a constitutionally protected form of expression under the first amendment to the United States Constitution. Mickens v. City of Kodiak, 640 P.2d 818, 820 (Alaska 1982).

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However, both courts have recognized that rights protected by the First Amendment are not immune from governmental regulation; and that content neutral restrictions, which are reasonable restrictions aimed at addressing the secondary effects of the speech and the not the speech itself are permissible. These restrictions are referred in the courts as time, place, and manner restrictions. Seward Chapel, Inc. v. City of Seward, 655 P.2d 1293, 1300 (Alaska 1982).

The United States Supreme Court has specifically recognized that local governments have a right and duty under their police powers to regulate Sexually Oriented Businesses "SOBs" to control where, when, and how they will locate and operate in order to minimize their adverse secondary effects. Young v. American Mini Theatres, Inc., 427 U.S. 50 (1976), City of Renton v. Playtime Theatres, Inc., 475 U.S. 41 (1986).

Harmful secondary effects occurring in Alaska, which have also been recognized by the US Supreme Court in other juris. include,

Increased crime (prostitution, drug use, sexual assault)
Decreased property values
Increased potential for the Spreading of sexually transmitted diseases
Sexual harassment
Pills in parking lot
Sexual exploitation of minors
Wage and hour law violations

The United States Supreme Court has held that curbing these secondary effects constitutes a substantial government interest. The US Supreme Court has stated that the legislative record should include the evidence available on these effects. Record should include any reports or studies prepared by and for government agencies. Additional local, regional, or national information and

experiences can be added through hearings and testimony. Importantly, the Supreme Court has held that local governments may rely on the past experiences of other communities and consider the studies and reports of harmful effects without generating their own new studies in their localities. City of Renton v. Playtime Theatres Inc., 475 U.S. 41 (1986).

The legal staff at the National Law Center for Children and Families that has expressed that they are unaware of any jurisdiction that has held age restrictions unconstitutional when the government feels there is a substantial interest in regulating Sexually Oriented Businesses; the only case law I am aware of is a case where the court found that the legislature had not created a record to change the age to 21. (Tenth Circuit decision Essence Inc., v. City of Federal Heights).

The agencies I represent support HB 367 because no enforcement of these businesses is currently taking place and children are being exploited. Former dancers have expressed to me that they worked in strip clubs in Anchorage where they were not paid an hourly wage but rather were required to pay $50 a night to work at the clubs, were encouraged to perform lap dances with no clothing on, engage in prostitution, unsanitary health conditions existed, drugs were freely available, tobacco use occurs although you must be 19 in Alaska to use tobacco, sixteen year olds are employed, they did not feel they had other employment options, and they did not feel safe saying no to the owners because of body guards and pimps in the clubs. The health community tells us that youth are at high risks of STD's and Aids. These acts are a health and safety concerns. As lawmakers I encourage you to support this bill to prevent others from preying on our children.

Our laws regulate various industries; we must regulate this industry that has fallen through the cracks of our legal system.

Jurisdictions across the county regulate Sexually Oriented Businesses.

Today you will or have heard testimony from former dancers, from the PTA, former assembly member, social service providers.....Scott Swartzwelder, Neuro-pychologist on Adolescent Brain Development

I encourage this committee to require employees and patrons of strip-clubs to be at least 19 if not older.

The agencies I represent are not here to make a moral argument or here to ask that any constitutional rights of youth be stepped on; as an attorney I strongly support the protection of everyone's constitutional rights but I like many attorneys before me have recognized that state has a duty to create regulations to protect the health and safety of its citizens, especially children.

The activities described today may not take place in all strip clubs in Alaska but the reality is that these illegal activities are taking place and need to be regulated.

Thank you for your time. I am happy to answer any questions you may have.

HOUSE BILL NO.367

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURES – SECOND SESSION

BY REPRESENTATIVE(S) MCGUIRE, GARA

Introduced: 1/09/94
Referred: Labor and Commerce

A BILL
FOR AN ACT ENTITLED

" An Act relating to the licensing and regulation of sex-oriented businesses and sex-oriented business entertainers; relating to protection of the safety and health of and to education of young persons who perform in adult entertainment establishments; and providing for an effective date."

Legislative Hearing Date: January 30, 2004, 3:15 PM
Public Testimony by: Rebecca Roberts
Address: 8032 Queen Victoria Drive
Anchorage, Alaska 99518
Bee_happy55@hotmail.com
Phone: (907)229-6137

January 30, 2004

Dear Representative Anderson and other committee members:

I urge your support of HB 367 which will provide stricter licensing requirements and regulation for sexually oriented businesses and employees in order to protect school children and other youth under the age of 21.

This legislation is desperately needed to start addressing a very serious state-wide issue: The adverse effects of sexually oriented businesses such as increased crime especially sex related crimes, sexually transmitted diseases, endangerment of youth, urban blight, declining property values, and diminished quality of life.

According to the National Law Center for Children and Families numerous case studies across America show that prostitution, crime and drug use correspond with sexually oriented businesses. In particular, live nude dance clubs encourage prostitution, increase sexual assaults, and attract other criminal activity. I believe it is appropriate to regulate sexually oriented businesses differently from other commercial businesses, based on the significant negative impact caused by this industry.

I appreciate the fact that this bill will strengthen the public notification process regarding sexually oriented businesses by notifying community councils and other non-profit groups when license applications or renewals for sexually oriented businesses are submitted.

This bill is a reasonable licensing procedure and an appropriate mechanism to place the burden of regulation on the owners, operators and employees of sexually oriented businesses. There shouldn't be a fiscal note tied to this bill as DCED is under mandate to make their licensing program self-supporting thru license fees. Such a licensing procedure will place an incentive on the operators to see that the sexually oriented business is run in a manner consistent with the health, safety, and welfare of youth and other patrons and employees, as well as the citizens of the communities where they locate.

I welcome this legislation and encourage you to pass it.

Thank you for your time.

Rebecca Roberts

Suggestion at line 10 of the bill:

10 **Chapter 90. Sex-Oriented Businesses and Entertainers.**

(a) It is the intent of this legislation to protect young persons who perform in adult entertainment establishments through enactment of safety and health, educational requirements.
(b) The Department of Community and Economic Development will be the lead agency to coordinate with other State entities as necessary to implement these provisions, and shall work in consultation with knowledgeable groups and organizations that focus on the protection of women and youth.

This suggestion is based on legislation from 1997 "An Act Relating to Civil Actions...."
SCS CSSHB 58 (RLS) am S

This legislation specifically stated the intent of the legislation as well as directing the Alaska Judicial Council to consult with the Alaska Dispute Settlement Association.

Subject: For friday 3:15 House Labor and Comerce Comitee hearing. Thank You
Date: Wed, 28 Jan 2004 23:37:19 -0900
From: Regina Manteufel <regina@anch.net>
To: Tom Anderson <Representative_Tom_Anderson@legis.state.ak.us>,
Les Gara <Representative_Les_Gara@legis.state.ak.us>,
Lesil MCGuire <Representative_Lesil_McGuire@legis.state.ak.us>

1/27/2004

Dear Representative Anderson and other committee members,

My name is Regina Manteufel and I am a former stripper known as Amazon. I came up to Alaska in 1984 and worked at H and J Corporation also known as PJ'S. At that time I was paid $300. Per week for a 6 night 40hr wk. When I left Hallie Mc Ginnies I filled for unemployment. He had not been paying into unemployment or social security for any of the girls. But he did house them for free and protect them better than any place in town. Since I kept every paycheck stub and w2 I got PJs girls social security and unemployment. He didn't put up a big fight with the labor department. To this day he will fly a girl out and save her if needed.

But beauty and greed struck me. So I left for the Bush Co. They didn't pay any one except me when I filled in as house mother and for show girls. The Bush Co was run by a madam at the time when Edna Cox was not around. Rosemary's famous line was no madder what they said,'" say that sounds wonderful''. She viewed the men like tricks in the Trap Line Massage polar. Get their money and who cares if they are drunk. If they didn't have cash run the credit card up as high as possible and always get Champaign when ever you can. In there I saw, learned things, and grew to not trust any man I met in those places.

You probably wonder how women as intelligent as me could get me in a situation like that. You think how is woman who ran for office 4 times and got things on her platform being so stupid to be in a place like that. Well we all get started somewhere. You see I had a dream and that was to graduate from College. But even though I was pro-material for basketball there were few scholarships for women even with title 9. I applied for state grants and federal ones that always came in late. I received one at the end of the semester. After being raped by a previous landlord because I didn't have the rent I had had enough .I had

already been though one rape trial at 16 putting a mass brutal rapist away. I was #75 and the one to lock him up. I started hearing about stripping. I was tired of being sexually harassed by the manager of Dominoes Pizza and said why not. The rapist was getting out and I was too politically strong running Proposition A crew. I came home and my house was gone threw and I was hated for being the team to expose a corrupt planning commission. So I took a plane in the middle of winter to get away from it all to Alaska. My mom and dad drove me to the airport. It was one of 4 times I have ever seen him cry. But I wouldn't listen to him try to talk me out of it. I realized on the plane that I was flying with a prostitute on the same contract I had. But I made up my mind I was going to make my school money. At that time all I wanted was to go to school and play sports. But my parents didn't have the money to give me. My father's priority was never me or he would have saved his money instead of spending it on women. My father taught me about womanizing.

Some people say it is political suicide for what I am telling you next. But I don't care. There is a saying, "The Truth Shall Set You Free". What I will tell you next may save over 350 women that make it through Alaskan strip joints per year of what I have seen and endured. I am in favor of HB 367. I don't think un-graduated 18 year olds should be working in massage polar, strip joints, peep shows and adult book stores. Especially on school nights after 10pm. First off there are parasites called pimps and they look for young girls with no guidance at home. Luckily I am big and strong and lifted a pimp by his nut sack when one of them tried to recruit me. But there are women working after hrs that have been taken into a room and told to pick her pimp. These men carry guns and beat women into submission or get the girls strung out on drugs. There are club owners who knowingly let the parasites in. Yes they can make lots of money but if they get strung out or get pimped not a dime will go in the bank. Alaska has OSHA that looks after the fish processors on labor violations weekly. But strip club enforcement of wage and hour has never been a priority with the department of labor. Due to supervisors above office workers. Yet there are many Alaskan rulings specific to strippers that support them receiving wages with no loop holes and ethics of behavior.

1. Alaskan Bush Co (Edna Cox) was busted for making girls pay $20. Per night to work and had house mother clock them in and out. Mabel Logan and other women /AK Wage and Hour won the case guaranteed strippers get paid minimum wage. No shift paid out to club. A.S. 23.10.065, 8AAC 15.907

2. Anchorage Prostitution ordinance: Dancers must table dance 3 feet from a customer. Always enforced by Officer Tip Casper.

3. Crazy House (Genet) vs. Attorney Generals office/ AK wage and hr. You can't fine a girl for being late or dancing too close. Also plaintiffs got wages. 8AAC

15.160

4. Herbert Adams of ABC Board made court ruling vs. Great Alaskan Bush Company that no women in the state of Alaska can profit or receive commissions off drinking Alcohol. I'm a good news paper reader. You can't require girls to sell a certain amount of drinks per night either.

5. Regina Manteufel / AK Attorney Generals Office vs. The Great Alaskan Bush Co (Vicky and Billy Cox) Tips Law. You cannot take stage tips or parade tips to suffice minimum wage. 8 AAC 15.907, A.S. 23.10.065

6. There is a federal law that you can't make a person work at a set time and say they are contract labor or independent contractor.

There are clubs in Alaska that boldly violate these laws with no regard for recourse of AK wage and Hr enforcement or Federal. The clubs cover themselves though political payouts, photos and film of whoever doing whatever. There are cameras in wood, lights, and lord knows what else. I don't know what clubs keep what where and can bet you they use it for their best interest. This is a good old boys state when it comes to strippers. The more innocent the girls are the more they can get from them and exploit them. Once they start getting smarter they are fired. Crazy Horse (Teasers) charges $10. per hr to work, (Fantasy's) $50. Per night plus 15% of all your tips and table dance money. Club owners call it contract labor, renting the stage, shift pay and tips commission. They force them to sign contracts to make it look legal. Regularity I heard house mothers tell the girls pay the money when you get back tomorrow. **That is illegal**. A few girls are so desperate on a slow night that they will sell themselves doing hand jobs in the club below his coat. So they can do there shift pay. There are managers that have told the girls, "You obviously don't have what it takes to be a stripper so either pay me tonight or quit.''. Terry Stallman of Showboat is the most mentally unsound (drug addict) of all the club owners and I don't want him operating in any part of this state. Club owners hate it when you expose exactly what they are doing illegal and you have to constantly watch you back once you tell. They use mental intimidation to control you as a employer.

Lucky I found a way out even though it was suing the B. & V. INC., after getting fired for registering girls to vote and signing petitions. But at least I am not exposed to drunks after bar closing time. I have seen men in a black out rage. They never rember what they did and usually wake up in jail for what they have done. I don't understand why the Alcohol Control Board doesn't patrol these clubs parking lots. I drove a truck with a special race engine and was followed several times. To this day this really freaky guy I met in the club bothers me while grocery shopping. He still solicits me for prostitution even though I was

never pimped by any one, worked at a massage polar or solicited him. That's the sickness of American society. If you worked in any of the strip clubs you must be a prostitute. Men who go to these clubs are regarded as studs. But a lot of companies will not heir former strippers. I have a permanent mark on my record for suing, "The Great Alaskan Bush Company". I would have gotten out sooner. But no one reached out to me until I went to a welfare meeting at the Fairview Community Center. I was recovering from a car accident and needed help. There were 2 ladies there called Libby Roderick and Jean Craciun running it. They saw I was no dummy and made me speak to the group. After that they worked like a tag team. They convinced me to go to Wage and Hour. Jean also got me in the women's political caucus by talking me in to it. There WPC regularly arranged for me to get grants for workshops to advance myself. I am living proof that other career and educational options is this bills most important area. But it takes money. We need 3 hours of Labor Law, STD, Career, and other educational options training to receive annual dancer license. Girls also need to hear about filing for back wadges for 2 years and penalties the clubs can get for not paying by a certain time. My tips law is violated in almost every strip club in Alaska. We also need money in the bank to get started. But it is the investment that counts. Today I have an AA degree in education, online domestic violence training, certified in construction management, certified in Community Development Principles Practices and Strategies. In 2002 I received a legislative citation for Paint Fairview Program and 1995 a mayor's award from Rick Mystrom. Regina's Rooming house is well known for it's,'' Back to Work Closet'' and tough love approach that gets people on their feet. I usto dress up strippers to be strippers know I dress up strippers to join the straight work force for over 10 years. Look at how nice Fairview is and remember it was a stripper who was vice president and Beautification Director for many years.

('Wage & Hour factors to consider for independent contractor status)

Based on the Sam Jeffcoat dba/Lonely Lady v. State Department of Labor

Alaska Supreme Court in Jeffcoat v. State, Dept. of Labor, Sup. Ct. Op. No. 3162 (File No. S-1444), 732 P.2d 1073 (1987). These criteria include

(A) the degree of the alleged employer's right to control the manner in which the work is to be performed;

(B) the alleged employee's opportunity for profit or loss depending upon

their managerial skill;

(C) the alleged employee's investment in equipment or materials required for their task, or their employment of helpers;

(D) whether the service rendered requires a special skill;

(E) the degree of permanence of the working relationship; and

(F) whether the service rendered is an integral part of the alleged employer's business.

3 of 9 DOCUMENTS

Phylene JEFFCOAT, Sam Jeffcoat and Lawn, Inc., d/b/a the Lonely Lady, Appellants, v. STATE of Alaska, DEPARTMENT OF LABOR, Appellee

No. 3162, File No. S-1444

Supreme Court of Alaska

732 P.2d 1073; 1987 Alas. LEXIS 237; 27 Wage & Hour Cas. (BNA) 1709; 106 Lab. Cas. (CCH) P55,745

February 20, 1987

PRIOR HISTORY: [**1]

Appeal from the Superior Court of the State of Alaska, Fourth Judicial District, Fairbanks, Mary E. Greene, Judge.

LexisNexis (TM) HEADNOTES - Core Concepts:

COUNSEL:

Dennis E. McKelvie, Downes and McKelvie, for Appellant.

Randy O. Olsen, Assistant Attorney General; Harold M. Brown, Attorney General, for Appellee.

JUDGES:

Rabinowitz, Chief Justice, Burke, Matthews, Compton and Moore, Justices.

OPINIONBY:

PER CURIAM

OPINION:

[*1074] We have considered each of appellant's arguments and points on appeal. The record fully supports the Memorandum Decision and Order entered by Judge Mary E. Greene, which we adopt as the opinion of this court. It is set forth in full below.

MEMORANDUM DECISION AND ORDER

This matter comes before the court upon both plaintiff's and defendant's motions for summary judgment. Plaintiff, the Alaska Department of Labor, on behalf of Cathy Adler, brought suit alleging defendant violated provisions of Alaska's wage and subsistence statutes. n1 For the Department of Labor to maintain the action, defendant must have been in an employee/employer relationship with Adler. Each party requests the court to determine whether or not an employee/employer relationship exists for purposes of Alaska's labor laws.

n1 *AS 23.10.065*, *AS 23.10.110(a)*, *AS 23.05.140(d)* and *AS 23.10.380*.

[**2]

The basic facts are undisputed. Cathy Adler, a dancer, was in Las Vegas. There [*1075] she was recruited by a booking agency to dance for the defendant, the Lonely Lady (hereinafter the "Club"), in Alaska. The Club is owned by the Jeffcoats, who are also defendants. Adler was presented with the terms and conditions of the contract. Under the terms of the contract Adler agreed to work six days a week for a six-week period and to receive a flat weekly rate. Adler was told by management to obtain a business license.

Adler was required to clock in and to work eight hour shifts. The Club required three dances from her a night. She danced the first two dances largely clothed; the third dance was done while topless. Each dance lasted from nine to fifteen minutes, for a total of less than an hour of stage dancing. Adler spent the remaining hours soliciting table dances and drinks. Payment for the

table dances was made by the individual customer, and Adler and the other women were allowed to keep such monies for themselves. The table dances and tips composed the primary source of income for the women.

The women were encouraged to have customers buy them drinks. Solicitation of drinks [**3] was made on a "pennies" basis. For each $5.00 billed to the customers, a woman received a penny. The pennies turned in at the end of each shift were considered gauges of a woman's popularity. The more popular dancers were assigned to better shifts, and the Club considered the pennies evidence that a woman was not in breach of her contract.

Plaintiff contends Adler was an employee of the Club. Defendants maintain Adler was an independent contractor.

Alaska's labor laws are based on the federal Fair Labor Standards Act (FLSA) of 1938. *McGinnis v. Stevens, 543 P.2d 1221, 1238 (Alaska 1975); Webster v. Bechtel, 621 P.2d 890* [, 895] (Alaska 1980). Alaska has looked to federal case law for aid in interpreting Alaska's labor laws. *See, McGinnis v. Stevens, [543 P.2d at 1238].*

The distinction between employees and independent contractors has been viewed from various perspectives. In essence, the distinction varies depending upon the context of the dispute. Tort concepts of the distinction between employees and independent contractors have proven somewhat inappropriate in labor cases, as those concepts arose in an effort to limit employer liability under the doctrine of respondeat [**4] superior. [Wolfe, Determination of Employer-Employee Relationships in Social Legislation,] 41 Col. Rev. 1015 [, 1025-26] (1941). For the remedial purposes of the FLSA to be effectuated, there should be a broad interpretation of the term "employer," the term should be used "in the broadest sense ever . . . . in any act." *Robicheaux v. Radcliff Material, Inc., 697 F.2d 662, 665 (5th Cir. 1983).*

Alaska has devised a "nature of the work" test to determine whether a worker should be designated an employee or an independent contractor under the worker's compensation statutes. *Grothe v. Olafson, 659 P.2d 602* [, 605] (Alaska 1983). Alaska has not, however, directly addressed the distinction between employee and independent contractor for purposes of Alaska's counterpart to the FLSA. We must turn to federal authorities for appropriate case law.

The focal inquiry is whether the worker whose status is in question is within the class of persons meant to be protected by the Act. The court must determine whether the worker is dependent upon finding employment in the business of others. If the facts show such a dependency, the worker is an employee. *Castillo v. Givens, 704 F.2d* [**5] *181, 190 (5th Cir. 1983).* Two factors are critically significant: (1) how specialized is the nature of the work; and (2) whether the worker is in business for herself. *Id.* To aid analysis the courts have broken these factors into a six-part inquiry:

> 1) the degree of the alleged employer's right to control the manner in which the work is to be performed; 2) the alleged employee's opportunity for profit or loss depending upon his managerial skill; 3) [*1076] the alleged employee's investment in equipment or materials required for his task, or his employment of helpers; 4) whether the service rendered requires a special skill; 5) the degree of permanence of the working relationship; 6) whether the service rendered is an integral part of the alleged employer's business.

Donovan v. Dialamerica Marketing, Inc., 757 F.2d 1376, 1382 (3d Cir. 1985). No single factor is controlling. *Id.* These factors will be considered in turn, without losing sight of the fact that the Act is to protect those who, as a matter of economic reality, are dependent upon the business in which they render service. *Castillo v. Givens,* [704 F.2d] at 189; *Robicheaux v. Radcliff,* [**6] [697 F.2d] at 665.

1. *The degree of the alleged employer's right to control the manner in which the work was to be performed.*

Defendant argues that the Club exerted little control and presents the following facts for consideration. The women designed or purchased their own costumes, they created their own dancing routines and could request specific music from the disc jockey. Dancers were allowed to drink alcoholic beverages on the job, but they were not required to tend bar nor to act as cocktail waitresses. Table dances and tips were independently solicited by the women and constituted a major part of their income.

The factors indicating control are quite persuasive. Some control was exercised over costumes. The dancers were required to wear dresses on weekends, and country and western gear on Wednesdays. The music was at the Club's discretion. The Club rules provided that the disc jockey was free to play whatever he wanted, and dancers were not to complain. The dances were also controlled to an extent. While specific dance steps were at the dancers' discretion, dancers were required to do three dances onstage each shift: the first dance was to be performed fully clothed, [**7] the second dance

involved removal of some item(s) of clothing, and the third dance was to be done while topless. Additionally, and significantly, the Club controlled the working hours of the dancers.

The "pennies" practice is extremely persuasive evidence of control. As was described earlier, the dancers, when not dancing, encouraged the customers to drink and to buy the dancers drinks. Each $5.00 billed a customer on the woman's behalf was marked by a penny. The more pennies a woman accrued the more "popular" she was assumed to be, and the Club rewarded her with better shifts. The evidence before the court indicates that the dancers' stage performances did not last more than an hour each shift. Each shift was eight hours. The remaining seven hours were spent either table dancing or soliciting pennies. The time spent soliciting pennies is indicative of control; in essence the women were selling liquor for the Club. Even the table dances were controlled; dancers were to strip to their waists, and only to their waists, and could not wear bikinis.

There are many other Club rules which indicate control. Should a dancer's friend have visited during a period when the dancer was offstage, [**8] the friend had to buy the dancer a drink. The dancers could only drink house drinks during working hours, and no complaints could be made about the drinks unless, for example, the glass was chipped. The women were also required to finish the drinks. In short, defendants exercised considerable control.

2. *The alleged employee's opportunity for profit or loss depending upon her managerial skill.*

The contract was for a fixed sum. It did not matter how good the dancer was, or how many pennies the dancer collected, the sum and the hours would not vary. Dancers could, of course, receive tips for their stage performances and table dances. However, waitresses and bellhops also received tips for their services, and the existence of tips alone does not mandate independent contractor status.

[*1077] 3. *The alleged employee's investment in equipment or materials required for his task, or his employment of helpers.*

The dancer provided her own costumes. As defendant stated during her deposition, the dancer's trousseau could have been completed with purchases from Penneys. There is no indication the costumes varied significantly from street clothes. This factor does not weigh in [**9] favor of a finding of independent contractor status. Courts have found employee status even where welding equipment worth several thousand dollars was purchased by the worker, where the major part of the worker's time was spent in a manner not requiring use of the investment. *Robicheaux v. Radcliff Material, Inc., [697 F.2d at 665-66].* In the instant case, time spent soliciting drinks (pennies) did not require the use of the accoutrements of stripping.

Defendant also points to airfare and agent fees as evidence favorable to its position. However, airfare to Alaska is a given for any outsider and cannot be considered an investment in materials. The costs associated with the booking agency also do not represent an investment in equipment or materials. Though it is often the case that performers are booked into positions which result in independent contractor status, use of the booking agency is not determinative of the worker's status once the worker is on the job.

4. *Whether the service rendered required a special skill.*

Defendant states that dancing is an art, and that not everyone can perform it. The Club, however, hired dancers without knowing whether or not they had [**10] danced previously. Apparently the skill required for topless dancing was slight. Since neither long training nor highly developed skills were required, this factor must also weigh against independent contractor status. *See Donovan v. Sureway Cleaners, 656 F.2d 1368, 1372 (9th Cir. 1981).*

5. *The degree of permanence of the working relationship.*

Adler signed a contract to work for a six week period, with an option to extend to eight weeks. Generally employees are hired for indefinite periods, whereas independent contractors work for periods established by contract. However, as plaintiff has argued, the period at issue is longer than some union calls. The court in *Castillo v. Givens,* [704 F.2d] at 191, held that cotton pickers hired from mid-June to mid-August qualified as employees for purposes of the act. At best this factor weighs only slightly in favor of independent contractor status.

6. *Whether the service rendered is an integral part of the alleged employer's business.*

Defendant believes that the dancer's services were largely cosmetic to the real function of the Club, which was to sell liquor. The facts do not support defendant's view. The facts clearly establish [**11] the integral nature of the womens' role to the sale of liquor, as evidenced by the pennies practice, and by the fact that patrons must pay double the normal drink price to purchase drinks for the dancers.

Turning to other arguments made by defendant, the parties' intent to contract is not a determinative factor. An employee is not permitted to waive employee status.

Robicheaux v. Radcliff Material, Inc., [697 F.2d] at 667. The fact that the parties "may not have had the intention to create an employment relationship is irrelevant . . . ." *Donovan v. New Floridian Hotel, Inc., [676 F.2d 468, 470-471 (11th Cir. 1982)].*

The fact that management made the dancers purchase business licenses does not require the court to find independent contractor status. If the court found that business licenses resulted in independent contractor status ". . . this interpretation would permit wholesale evasion of the requirements of the F.L.S.A." *Castillo v. Givens*, [704 F.2d] at 192.

[*1078] On balance and in consideration of these factors, the court determines that Cathy Adler was an employee of the Club for purposes of Alaska's labor laws. Workers ". . . . are often found to [**12] be 'employees' although they possess attributes common to independent contractors." *Robicheaux v. Radcliff Material, Inc., [697 F.2d at 665 n.4].*

In this matter, there is no genuine issue of material fact with respect to the issue of employee/contractor status. For reasons set forth above the court concludes that plaintiff prevails on this issue as a matter of law. However, there are legitimate factual disputes as illustrated by defendants' statement of genuine issues which preclude the award of total summary judgment. n[2] Therefore,

n2 [These "genuine issues" have since been resolved by stipulation of the parties.]

IT IS HEREBY ORDERED that plaintiff is granted partial summary judgment on the issue of employment status. Defendants' motion for summary judgment is denied.

DATED at Fairbanks, Alaska, this 25th day of October, 1985.

Mary E. Greene, Superior Court Judge

AFFIRMED.

While his peers at Stellar

JAN-28-04 WED 04:01 PM FROM:

TO:representative l. gara PAGE 1

Thursday, May 1, 2003

The Anchorage CHRONICLE

Vol. 1 No. 41
25 cents
Anchorage, Alaska

Published Weekly



HITTING HOME
Theaters saw drop in wartime movie attendance.
1B

BATTLE BREWING
Legislator, oil industry dispute bill regulating intrastate pipeline tariffs.
1B

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Culture kaleidoscope

Growth in Asian population presents challenges, opportunities in Mountain View

BY ROB STAPLETON
STAFF WRITER

Bob Breager knew that Mountain View residents' tastes were changing, so he recently added two new aisles of exotic foods to his Red Apple Market.

"We have aisles of Asian and tropical food I have never seen before in my life," said Breager, owner of the Mountain View grocer.

The change in the store's food items aims to better serve its

See MOUNTAIN VIEW, page 3A

Naked truth reviewed

Community voices concerns about high school students working as under-21 dancers

BY HEATHER A. REEZ
STAFF WRITER

A hearing has been scheduled to review community concerns about high school students working and patronizing under-21 strip clubs.

The Anchorage Public Safety Advisory Commission is scheduled to take up the item at its May 14 meeting at the

See NUDE, page 11A

Banking on our land

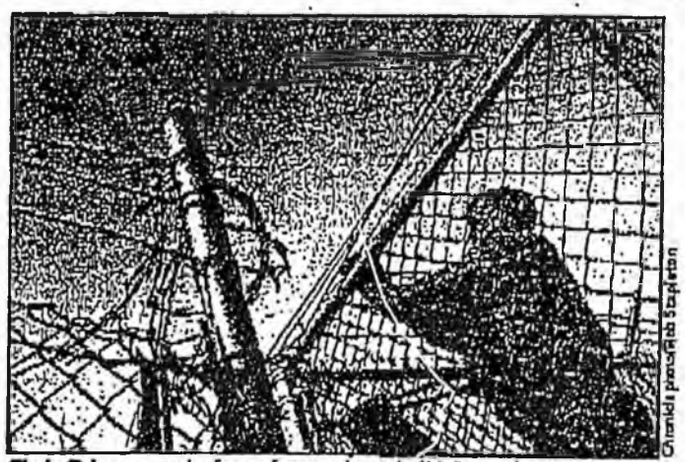
Is the Heritage Land Bank running itself out of business?

BY NAOMI KLOUDA
CONTRIBUTING WRITER

At the end of Hollywood Drive on Government Hill, a barbed-wire fence stretches around an empty plot of land, a maximum-security enclosure that protects nothing but a smattering of trees and some lonely weeds.

Beyond the fence is the Anchorage skyline and the Chugach Mountains – a sight that would delight the eye if not for the imposing fence residents across the street have viewed for

See LAND BANK, page 6A



Chronicle photo/Rob Stapleton

Clyde Odom cuts wire from a fence at the end of Hollywood Drive where the Heritage Land Bank owns property that will be used for low-cost housing.

Jan-28-04 05:04pm From- T-119 P.001/002 F-378

Nude: *Police will investigate if club owners are recruiting teens*

FROM PAGE 1

emergency operations center downtown, said commission chairman Scott Heyworth.

"This is the start of the conversation," he said. "We haven't decided whether or not to do a full review yet."

Kevin Bruce, a spokesman for the mayor's office, said staff members and city attorneys looked at the issue and forwarded it to public safety for a more in-depth review.

"We got involved after concerned parents and several community councils requested a public dialog on the city's three under-21 strip clubs," he said.

Service High parent Nancy Fair began raising the issue with local governmental bodies after hearing stories from her two teenage sons about high school students who work as strippers, and high school students who pay to watch.

After a little research, Fair found that the district has about 2,200 students 18 years old or older who are eligible to work at and patronize adult entertainment venues.

"Basically we're raising the question, 'Is this what our community wants to offer high school students and older teens?'" Fair said.

Heyworth said the advisory commission will likely vote to do an in-depth review. A report on their findings would then be forwarded to the mayor for possible further action, he said.

Anchorage Police Department deputy chief Bill Miller said most people have no idea what really goes on in strip clubs. "There's really a very small part of the community that patronizes these places," he said.

Many young women lured into stripping end up as prostitutes with sexually transmitted diseases, unwanted pregnancies, $500-a-day drug habits and felony and misdemeanor convictions, he said.

"This whole thing is about money," Miller said. "None of those girls are up there dancing because it is an art. We're talking about a place where women and men strip, and dance butt naked in front of people for money."

His department has been asked to investigate whether club owners are recruiting and employing high school students, he said.

Strip clubs tend to attract a certain element of the community, said longtime Anchorage officer Capt. Dave Cooper, who heads the department's detective division.



Chronicle photo/Robert DeSarry

Anchorage Police Department deputy chief Bill Miller said his department has been asked to investigate whether club owners are recruiting and employing high school students.

"These kinds of activities attract criminals," he said. "That's not the type of people we want the city's teens hanging around."

Both officers said there is room under the law for legitimate businesses to operate. Their concern is about the possibility that vulnerable high school students are being lured into Anchorage's sex industry.

"High school kids need to be worried about getting themselves on in life, not stripping in front of strangers and the criminal element," Miller said.

Licensed as adult entertainment establishments, he said the nude dancing clubs are more appropriate entertainment venue for adults than high school students.

"A lot of kids are trying to make up their mind what they want to do," Miller said. "They see the glamorous part of it. Not what goes on behind the scenes."

In his time on the force, he said he has arrested several women for prostitution who turned out to be underage high school dropouts working in strip clubs to support themselves.

"Management will tell you what the girls do on their own time is their own business," he said. "But if you want to find a prostitute, that's a reasonable place to go."

Strip clubs are not the only businesses that serve as links between those selling sex and those looking to buy, Cooper said. People selling sex also work out of massage parlors, escort services or from local residences, he said.

"We arrest prostitutes in every part of the city," Cooper said. "Prostitutes come from all walks of life."

> *"Finally someone is waking up to the possibility that these girls could be high school students."*
>
> — **Bill Miller, Anchorage Police Department deputy chief**

Miller said since the first under-21 club opened, the department has had concerns that high school students could be involved.

"We are absolutely interested in whether there are high school kids working in these clubs," he said. "Finally someone is waking up to the possibility that these girls could be high school students."

Compared to other states, Alaska's regulations for nude dancing are very permissive, Miller said. While Alaska law permits fully nude dancing with contact between dancer and patron, many other states have more restrictive laws, he said.

"In some other states you have to wear at least pasties and a G-string," Miller said.

But police investigations take time and resources, he said. The largest resource guzzler is traffic complaints, Miller said.

"We have more crimes in this city than we can investigate," he said. "People are worried about racial profiling, but we have more than enough work to keep us busy without going around looking for ways to steal people's civil rights."

Heather A. Renz can be reached at hrenz@anchoragechronicle.com or 348-2432.

QUOTES ABOUT TEENS AND ALASKA STRIP CLUBS:

"A few years ago, I attended a bachelor party at one of these under-21 strip clubs. We were offered anything [sexual] by the young girls there. We left in disgust."

Anchorage Westside Community Patrol worker

"...yes, I don't think high school girls should be working as [nude] dancers. I think that is highly distracting in the high school setting."

Terry Stahlman, Owner of Showboat Show Clubs, Anchorage and Fairbanks
(Alaska Star, February 13, 2003)

"Some of our residents know girls under 18 who are dancing at Showboat and Fantasies [strip clubs]."

Anchorage social service worker

"I hear a lot of stories from the high school teens about recruitment of girls, even under 18 years old, to work in these clubs. Often a male teen will invite the girls to attend with him. After he gets them there, the club recruits the girls to work there. Asian and Native girls seem to be particular targets, and the money is very attractive to them.... I know that high school boys attend these places. We even found a Fantasies (strip club) card in one West High School boy's lost wallet."

Staff member, Mountain View Boys and Girls Club

"I talked with [one client, a former prostitute for 25 years in Anchorage]. I got the distinct impression that there is a strong relationship between teen strip dancing and drug use and prostitution. She expressed the following: It is very common to start down the road to drugs and prostitution in a strip club. The older prostitutes and the drug dealers go to the teen strip clubs to 'recruit.' The older men there are definitely predators looking for fresh young women."

Staff, Mary Magdalene Home
(a program for recovering prostitutes)

"Almost all of the prostitutes I have talked to in the Spenard area started out in strip clubs."

Anchorage Westside Community Patrol worker

"I've been told by former teen nude dancers that illegal drugs were available for "free" at the strip clubs." *Anchorage social service worker*

"My son and his friend were recruited to be male dancers at one under-21 club. My son declined, but his friend tried it. The money was great, but he quit because he didn't like what they were asking him to do."

Anchorage mother and social service worker

While treating a teen stripper who had had four unwanted pregnancies and numerous sexually-transmitted diseases, the physician asked her if her lifestyle was worth enduring all this. She replied, "Are you kidding? Of course it is. I made $265,000 last year, tax-free!"

17-year old Anchorage stripper **[note underage]**

"I spoke with a former bouncer from the Showboat, and he told me he was paid under the table in cash every night."

Community Council President, Anchorage

"Young adult guys who are going there [under-21 strip clubs] have no respect for women. The whole thing does not make for a healthy community."

D. Cowan, former stripper in Anchorage [starting at age 14]
(Anchorage Chronicle, March 20, 2002)

"It certainly didn't turn out to be the glitzy, glamorous world I had imagined it would be. Instead, I soon realized how dark and dirty and degrading it really was. And I desperately wanted out." *Kimberly Drake, former stripper*
Founder of Spokane's Citizens for Community Values

"Teens who used to work as nude dancers have told me about the unsanitary conditions, including repeated genital contact by various dancers with the uncleaned floor, digital penetration by customers, and shared costumes which were not cleaned."

Anchorage social service worker

"These [sexually-oriented] enterprises have been determined, by court-accepted independent studies, to produce secondary impacts on surrounding land uses. The impacts include a decline in property values, an increase in the level of criminal activity, including prostitution, rape and assaults in the vicinity of these types of enterprises, and the degradation of the community standard of morality by inducing a loss of sensitivity to the adverse effect of pornography upon children, upon established family relations, and upon respect for marital relationships."

Anchorage Municipal Code 21.45.240

"If you say no to bad business, better business will come."

E. McMahon, Community Planner and Author

"Strip Clubs According to Strippers: Exposing Workplace Sexual Violence"

Kelly Holsopple
Program Director
Freedom and Justice Center for Prostitution Resources
Minneapolis, Minnesota

INTRODUCTION

The purpose of this paper is to investigate women's experiences in stripclubs and to describe the activities in stripclubs from the women's point of view. The format approach is collective story narrative with the author as part of the collective voice. The research was inspired by the author's experiences in stripping over the course of thirteen years. The author's intention is to examine the conditions of stripclubs by describing the fundamental way stripclubs are organized. The description features bar activities focused on stripper-customer interactions; survey data on sexual violence in stripclubs; and women's thoughts on stripping.

THEORETICAL FOUNDATION

Stripclubs are popularly promoted as providing harmless entertainment and as places where respectful men go to watch and talk to women (Reed 1997). Stripclub customers are described as normal men who use stripclubs to avoid adultery and therefor find a safe outlet for their sexual desires in balance with their marital commitments (Reed 1997). In contrast, stripclubs are criticized for being environments where men exercise their social, sexual, and economic authority over women who are dependent on them and as places where women are treated as things to perform sex acts and take commands from men (Ciriello 1993).

Stripclubs are organized according to gender and reflect gender power dynamics in greater society. "Gendered spaces are social arenas in which a person's gender shapes the roles, statuses, and interpersonal dynamics and generates differential political and economic outcomes and interaction expectations and practices" (Ronai, Zsembik, and Feagin 1997:6). Stripclubs are more specifically organized according to gender inequality, which is perpetuated by gendered spaces and consequently sexualized (Ronai, et al 1997). The typical stripclub scenario displays young, nude or partially nude women for fully clothed male customers (Thompson and Harred 1992).

The entire analysis of stripclubs is located within the context of men's domination over women. When organizations are produced in the context of the structural relations of domination, control, and violence, they reproduce those relations (Hearn 1994). These organizations may also make explicit use of gendered forms of authority with unaccountable and unjustifiable authority belonging to men (Hearn 1994). The stripclub elicits and requires direct expressions of male domination and control over women (Prewitt 1989).

In order to dominate or control and secure men's domestic, emotional and sexual service interests, male dominated institutions and individual men utilize violence (Hanmer 1989). Violence against women is identified as physical, sexual, emotional, verbal, and representational, but all violence from men against women should be understood as sexual violence (Hearn 1994).

The concept of a continuum is useful when discussing sexual violence, especially in stripclubs. Continuum is defined as a basic characteristic underlying many different events and as a series of elements or events that pass into one another (Kelly 1987). The common underlying element in stripclubs is that male customers, managers, staff, and owners use diverse methods of harassment, manipulation, exploitation, and abuse to control female strippers.

LITERATURE REVIEW

Despite a substantial amount of research on the topic of strippers, stripping, and stripclubs, none focuses on sexual violence in stripclubs perpetrated against strippers. Instead the studies focus on sociological and psychological profiles of the women (Forsyth and Deshotels 1997; Peretti and O' Connor 1989; Reid, Epstein, and Benson 1994; McCaghy and Skipper 1970; Thompson and Harred 1992) and their strategies for interaction with customers (Boles and Garbin 1974; Enck and Preston 1988; Ronai 1989). Although most studies mention male sexual violence and exploitation, the research regarding stripping fails to investigate and account for the problem of sexual violence in establishments that feature female strippers. The gap is the rationale for my study.

METHOD

Data for this research was obtained through interviews, a survey, and the researcher's participant observation while involved in stripping (Hamel 1993). Women in this study stripped in the local stripclubs in the Midwest metropolitan area where the researcher lives, in local nightclubs in the same area, in metropolitan and rural stripclubs and nightclubs across the United States, at private parties, in peep shows, and in saunas. The stripclubs featured a variety of attractions including topless dancing, nude dancing, table dancing, couch dancing, lap dancing, wall dancing, shower dancing, and bed dancing. In addition, some clubs had peepshows, female boxing and wrestling with customers, offered photographs of the dancers, or hired pornography models and actresses as headliners.

The study was conducted in two phases. In 1994, I conducted free-flowing qualitative interviews for one to four hours each with forty-one women while I was still involved in stripping and compiled participant observer notes about the activities in stripclubs. The women ranged in age from nineteen to forty years old and were involved in stripping from three months to eighteen years. All of the women identified themselves as Caucasian.

In 1996, I proceeded to design a twenty-six question survey according to themes derived from the interviews to investigate sexual violence in stripclubs. My long-time involvement in the strip industry allowed an association with strippers that was invaluable for administering in-depth surveys regarding sensitive issues. The surveys were administered face-to-face to insure the information was indeed from the women in stripping. Again, the surveys and consequent discussions lasted from one to four hours. Many women explained that they had never talked about their experiences so extensively because no one had ever asked them the right questions. Participants were asked to say whether they had experienced different abusive and violent actions in the stripclub, to estimate how often each action happened, and then to identify which men associated with the stripclub perpetrated the action. The categories of men were defined as customer, owner, staff, and manager. Since I exited stripping, snowball sampling was employed to recruit the eighteen participants for the survey. Participants in the survey were asked to pass on postcards to other women. The range of ages was eighteen to thirty-five years old. The age of entry into stripping ranged from fifteen to twenty-three years old, with a mean age of eighteen

years and ten months. The length of time the women in this study were involved in stripping ranged from three months to eighteen years with an average length of six years and seven months. Women predominantly identified themselves as Caucasian. Only one woman identified herself as Hispanic. Twelve of the women described their sexual orientation as heterosexual, two as lesbian, and four as bisexual. The survey data was analyzed on the Statistical Program for Social Sciences.

After the data was compiled, a focus group of 4 women currently in stripping and with no prior association with the study positively evaluated the relevancy of the study and approved the collective story.

Statements in quotations throughout this paper are derived from the 41 interviews and discussions that often followed the administration of the 18 surveys.

PART 1: TYPICAL STRIPCLUB ACTIVITIES

A. Recruitment

Women find out about stripping from a variety of sources. Upscale stripclub franchises recruit in new cities by having managers and imported dancers scout in nightclubs. Most women find out about stripping from girlfriends already in stripping, male associates, the media, and some from prior involvement in prostitution. One woman told how she loitered in and around urban stripclubs to pick up customers when she was fifteen and how her pimp eventually drove her to small town strip bars because those bars admitted her and hired her. Someone else got involved in stripping through an escort service for bachelor parties. Another young woman who went to a gentlemen's club to pick up her friend recounted her recruitment as an eighteen-year-old. She waited at the bar, was served alcohol, and the owner asked to check her I.D. Instead of censuring her for drinking, he told her she would make $1000 per week and pressured her to enter the amateur contest that night. She won the contest, $300, and worked there three weeks before being recruited into an escort service by a patron pimp.

In a typical hiring scenario women respond in person to a newspaper ad promising big money, flexible hours, no experience necessary. As an audition the club manager asks the applicants to perform on amateur night or bikini night, both of which are particularly popular with customers who hope to see girl-next-door types rather than seasoned strippers. The manager will make a job offer based on physical attributes and number of women already on the schedule. Clubs portray the job requirements as very flexible. Women are told that they will not be forced to do anything they do not want to do, but clubs overbook women so they are forced to compete with each other, often gradually engaging in more explicit activities in order to earn tips (Cooke 1987).

B. Working Conditions

Women in stripping are denied legal protection relating to the terms and conditions under which they earn their livings (Fischer 523). Most strippers are hired to work as independent contractors rather than employees. Most strippers are not paid a wage (Mattson 1995), therefor their income is totally dependent on their compliance with customer demands in order to earn tips. More often than not, the strippers have to pay for the privilege of working at a club (Cooke 1987; Forsyth and Deshotels 1997; Prewitt 1989). The majority of clubs demand that women turn over 40 to 50 percent of their income for stage or couch rental and enforce a mandatory tip

out to bouncers and disc jockeys (Enck and Preston 1988; Forsyth and Deshotels 1997). Usually a minimum shift quota is set and the women must turn over at least that quota amount. If a woman does not earn the quota and wants to continue working at the establishment, she owes the club and must pay off that shift's quota by adding it to the quota for the next shift she will work. The stripclubs may also derive income from promotional novelty items, kickbacks, door cover charges, beverage sales, prostitution, and capricious fines imposed on the women. As independent contractors, strippers are not entitled to file discrimination claims, receive workers' compensation, or unemployment benefits (Fischer 1996; Mattson 1995). Club owners are free from tax obligations and tort liability. Owners pay no Social Security, no health insurance, and no sick pay. Some club owners require strippers to sign agreements indicating that they are working as independent contractors and many clubs require women to sign a waiver of their right to sue the club for any reason.

Although strippers are classified as independent contractors, the reality of their relationship to their supervisors is an employee-employer relationship. Regardless of the agreements claiming independent contractor status, clubs maintain enormous control over the women. The club controls the schedule and hours, requires strippers to pay rental fees, tip support staff large amounts, and even sets the price of table dances and private dances. Clubs have specific rules about costuming and even dictate the sequence of stripping and nudity. For example, by the middle of the first song the woman must remove her top, she must be entirely nude by the end of the second song, and must perform a nude floorshow. All this regardless of whether customers are tipping her or not. A club may further influence dancers' appearances by pressuring them to shave off all their pubic hair, maintain a year-long tan, or undergo surgery for breast augmentation. At nude clubs, it is common for the performers to be shaved clean, giving them an adolescent and even childlike appearance.

Clubs also exert significant control over the strippers' behavior during their shifts by regulating when women may use the bathroom and how many of them can be in the dressing room at one time. Some clubs do not provide seating in the dressing room and forbid smoking in that room, thus preventing strippers from taking a break. When a woman wants to sit down or smoke a cigarette, she must do so on the main floor with a customer. Clubs enforce these rules through fines (Cooke 1987; Enck and Preston 1988; Ronai 1992). Women are fined heavily by club management: $1 per minute for being late, as much as $100 for calling in sick, and other arbitrary amounts for "talking back" to customers or staff, using the telephone without permission, and touching stage mirrors. Women are fined for flashing, prostitution (Enck and Preston 1988), taking off their shoes, fighting with a customer, being late on stage, leaving the main floor before the DJ calls her off, not cashing in one dollar bills, profanity in music, being sick, not cleaning the dressing room, using baby oil on stage, dancing with her back to a customer (Enck and Preston 1988) and being touched by a customer.

Despite the stripclub's representation of a dancing job as flexible, strippers attest that their relationship with the club becomes all consuming and everything associated with being a stripper interferes with living a normal life. And despite the common perception that a woman can dance her way through school, many strippers report that their jobs take over their lives. Long and late hours, fatigue, drug and alcohol problems, and out of town bookings make it difficult to switch gears. Not only do the women spend a significant amount of their time in stripclubs, the activities and influences from the club environment permeate their personal lives and detrimentally effect their well-being. Although stripclubs are considered legal forms of entertainment, people unassociated with the industry are unaware of the emotional (Peretti and O'Connor 1989; Ronai 1992), verbal (Mattson 1995; Ronai 1992), physical (Boles and Garbin

1974), and sexual abuse (Ciriello 1993; Ronai 1992) inherent in the industry. Despite claims from management that customers are prohibited from touching the women, this rule is consistently violated (Enck and Preston 1988; Forsyth and Deshotels 1997; Ronai and Ellis 1989; Thompson and Harred 1992). Furthermore, stripping usually involves prostitution (Boles and Garbin 1974; Forsyth and Deshotels 1997; Prewitt 1989; Ronai and Ellis 1989; Thompson and Harrod 1992).

C. Stripper-Customer Interactions

Main Floor

Stripclub activities are offered in public spaces or private rooms or other isolated parts of clubs (Forsyth and Deshotels 1997). The typical stripclub scenario presents young, nude or partially nude women mingling with fully clothed male customers. They circulate through the crowd, encouraging men to buy liquor, drinking and talking with men, and soliciting and performing a variety of private dances (Prewitt 1989; Ronai and Ellis 1989). Women describe their role in the stripclub as hostess, object, prostitute, therapist, and temporary girlfriend and say they are there to entertain and attract men and business for the owners.

Women who work at small strip joints say they can hang out, order in food, and play pool during their shifts. On the other hand, women who work at gentlemen's clubs have to hustle photographs and drinks and are required to sell promotional T-shirts, calendars, and videos. They can be mandated to sell the items with private dances. For example, the dancers buy T-shirts from the house mom for $8 and sell them for $15. So for $15, the customer receives a T-shirt and 2 $10 table dances. Strippers at gentlemen's clubs are further informed by management that they are not allowed to buy their own drinks, that they have to be sitting with customers, and can never turn down a drink, even when their drinks are full.

Stage

Women report dancing on stages as cheaply constructed by laying plywood on the benches of restaurant booths to stages covered with kitchen linoleum to wood parquet or marble stages in a few upscale clubs. Some stages are elevated runways so narrow that strippers say that cannot get away from customers on each side touching them, especially when they are kneeling down to accept a tip in the side of their g-strings/t-bars or when they have their backs turned. Stages can also be sunken pits with a rail around it and a bar for the customers' beverages. During a set, a stripper may do striptease, acrobatics, dance, walk, or squat to display her genitals. Generally the progression for striptease begins during the first song with the woman wearing a dress or costume covering her breasts and buttocks. Over the course of a set of 2 or 3 songs she will remove her bra and in nude clubs, her g-string/t-bar. Some clubs feature floorshows in which women crawl or move around on the floor posing in sexual positions and spread their legs at the customers' eye level. During a floorshow, a dancer changes her movements from upright to positions on her knees and squatting in a crabwalk in order to 'flash' tipping customers. "Flashing" is pulling the g-string/t-bar aside, revealing the pubic area and/or the genitals. Dancers describe this as "doing a show" for paying customers. Ordinarily, a dancer only positions herself in front of tipping patrons (Prewitt 145). Customers who fail to tip are ignored. Audience response can be expressed by clapping, hooting, barking, whistling, amount of money tipped, or complete silence depending upon time of day, state of inebriation, excitement over the musical selection, or the appearance and abilities of the stripper.

On stage, some women's thoughts wander, while others' focus on angry desperation. *"I daydream about nothing in particular to pass the time of 12 minutes." "I'm thinking about how good I look in the mirrors and how good I feel in dance movements." "I tell myself to smile." "I think about getting high and that I am making money to get high." "I am giving these guys every chance to be decent, so that I don't have to be afraid of them." "I am filled with disdain for the customers who do not tip, but sit and watch and direct you to do things for no money." "I think of how cheap these fuckers are, what bills I need to pay."*

Private Dance Activities

Private dances are usually performed in areas shielded from the larger club view (Forsyth and Deshotels 1997, Prewitt 1989). As a rule, the private dance involves one female dancer and one male customer. Private dances are situations where women are often forced into acts of prostitution in order to earn tips (Forsyth and Deshotels 1997; Prewitt 1989; Ronai and Ellis 1989). Men masturbate openly (Peretti and O'Connor 1989), get hand jobs (Forsyth and Deshotels 1997), and stick their fingers inside women (Ronai and Ellis 1989). Men with foot fetishes have been known to suck on dancers' toes.

A variety of private dances are promoted in strip clubs. **Table dancing** is performed on a low coffee table or on a small portable platform near the customer's seat. The woman's breasts and genitals are eye level to the customer. **Couch dancing** for a customer entails the dancer standing over him on the couch, dangling her breasts or bopping him in the face with her pubic area. **Lap dancing** requires the woman to straddle the man's lap and grind against him until he ejaculates in his pants. A variation involves the woman dancing between his legs while he slides down in his chair so that the dancer's thighs are rubbing his crotch as she moves. **Bed dancing** is offered in a private room and requires a woman to lay on top of a fully clothed man and simulate sexual intercourse until he ejaculates. **Shower dancing** is offered in upscale clubs and allows a

clothed patron to get into a shower stall with one or more women and massage their bodies with soap. **Wall dancing** requires a stripper to carry alcohol swabs to wash the customer's fingers before he inserts them into her vagina. His back is stationary against the wall and she is pressed against him with one leg lifted. **Peep shows** feature simulated or actual acts directed by openly masturbating customers. Customers sit in a private booth and view the women through a glass window. **Live sex shows** involve 2 or more individuals engaging in simulated or sexual activity performed behind glass or on a stage. Customers openly masturbate while watching the show from the audience or through an opening in a private booth.

During private dances women are conscientious about their boundaries and safety. *"I don't want him to touch me, but I am afraid he will say something violent if I tell him 'no'."* *"I was thinking about doing prostitution because that's when customers would proposition me."* *"I could only think about how bad these guys smell and try to hold my breath."* *"I spent the dance hyper vigilant to avoiding their hands, mouths, and crotches."* *"We were allowed to place towels on the guys' laps, so it wasn't so bad."* *"I don't remember because it was so embarrassing."*

D. Dressing Room

Women describe a range of types and qualities of dressing rooms. Strippers are expected to change clothing in beer coolers, broom closets, and public restrooms. Some stripclub dressing rooms are nice with lights, mirrors, vanities, and chairs, and are equipped with lockers, and tanning beds. Other clubs have make-up mirrors but no chairs or ashtrays to prevent dancers from lingering. Women complain that too many dressing rooms are down isolated halls or in the basements of establishments and that they have to scream for help when customers intrude. Some are so damp or filthy that the women cannot take their shoes off. Other dressing rooms are so frigid that dancers carry small space heaters to and from work. The dressing rooms are used to change costumes, drink, do drugs, do hair and make-up, iron costumes, do homework, bitch about customers, avoid customers, talk about problems, hang out. In strip joints and rural bars, women lay on blankets or inside sleeping bags between sets and nap and read.

The greatest response to questions regarding preparation for work was "drink". Women drink while getting ready to go to work and they drink while doing their hair and make-up once in the dressing room. Women who work at nude juice bars that do not serve alcohol or at bars that do not allow women to buy their own drinks report that they stop at another bar on their way in and "get loaded". Between stage sets and private dances, women drink some more, clean themselves with washcloths or babywipes after performing on a dirty stage or being touched by a lot of men, apply deodorant, and perfume their breasts and genitals.

PART 2: SURVEY DATA

One hundred percent of the eighteen women in the survey report being physically abused in the stripclub. The physical abuse ranged from three to fifteen times with a mean of 7.7 occurrences over the course of their involvement in stripping. One hundred percent of the eighteen women in this study report sexual abuse in the stripclub. The sexual abuse ranged from two to nine occurrences with a mean of 4.4 occurrences over the course of their involvement in stripping. One hundred percent of the women report verbal harassment in the stripclub. The verbal abuse ranged from one to seven occurrences with a mean of 4.8 occurrences over the course of their involvement in stripping. One hundred percent of the women report being propositioned for prostitution. Seventy eight percent of the women were stalked by someone associated with the stripclub with a range of one to seven incidents. Sixty one percent of the

women report that someone associated with the stripclub has attempted to sexually assault her with a range of one to eleven attempts. Not only do women suffer the abuse they experience, all of women in the survey witnessed these things happen to other strippers in the clubs. The overwhelming trend for violence against women in stripclubs was committed by customers of the establishments. Stripclub owners, managers, assistant managers, and the staff of bartenders, music programmers or disc jockeys, bouncers, security guards, floorwalkers, doormen, and valet were significantly less involved in violence against the women. According to the women in this study, almost all of the perpetrators suffered no consequence whatsoever for their actions.

Physical Abuse

Customers spit on women, spray beer, and flick cigarettes at them. Strippers are pelted with ice, coins, trash, condoms, room keys, pornography, and golf balls. Men pitched a live guinea pig and a dead squirrel at two women in the survey. Some women have been hit with cans and bottles thrown from the audience. Customers pull women's hair, yank them by the arm or ankle, rip their costumes, and try to pull their costumes off. Women are commonly bitten, licked, slapped, punched, and pinched.

Table 1 - Physical Abuse

Abusive Action	Ever (by men in stripclub) (%)	At Least Once Every Day (%)	At Least Once Every Week (%)	At Least Once Every Month (%)	At Least Once Every Year (%)
Grabbed by arm	78	44 C 6 M 11 S	17 C 6 O 6 M 11 S	11 C 6 O 6 M	6 M
Grabbed by ankle	56	28 C		6 C 6 M	11 C
Grabbed by waist	94	50 C 6 M 11 S	33 C 11 M 11 S	6 M	11 C
Bitten	56	6 C	11 C		11 C
Licked	78	28 C	17 C	11 C 6 O 6 M 11 S	22 C
Slapped	39	6 C	11 C		17 C
Hair pulled	39	6 C	6 C	11 C	
Punched	72	6 C			
Pinched	72	17 C	17 C	6 C 6 M 6 S	22 C 6 S
Kicked	11	6 C			
Spit on	61	6 C			28 C
Pulled costume off	83	22 C		6 C 6 O 6 M	22 C 6 S
Ripped costume	44	6 C		6 C	17 C
Flicked cigarette	33	6 C	6 C		11 C
Sprayed beer	39	6 C	6 C	6 C	6 C

Threw ice	61	6 C	11 C	6 C	6 C
Threw coins	83	17 C	11 C	11 C 6 S	28 C
Threw cans/glasses	22	6 C			
Threw garbage	39	17 C	11 C		
Threw other	28	11 C			

N = 18 **Key: C = customers, O = owners, M = managers, S = staff**

Sexual Abuse

Stripclub customers frequently grab women's breasts, buttocks, and genitals. Customers often attempt and succeed at penetrating strippers vaginally and anally with their fingers, dollar bills, and bottles. Customers expose their penises, rub their penises on women, and masturbate in front of the women. Women in this study consistently connected lap dances to the sexual abuse they suffered in the club. "*That's the first thing men try to do when they get close to you and always in a lap dance.*" Stripclub owners, managers, and staff also expect women to masturbate them and some have forced intercourse on strippers.

Table 2 - Sexual Abuse

Abusive Action	Ever (by men in stripclub) (%)	At Least Once Every Day (%)	At Least Once Every Week (%)	At Least Once Every Month (%)	At Least Once Every Year (%)
Grabbed breasts	94	28 C 6 M	17 C	17 C 6 M	17 C 6 O
Grabbed buttocks	89	39 C	11 C	39 C 6 M 6 S	6 O 6 S
Grabbed genitals	67	17 C		11 C 6 M	17 C
Exposed penis to her	67	11 C	6 C	6 C 6 O 6 M	33 C
Rubbed penis on her	78	39 C 6 M	22 C 6 O 6 M 6 S	6 C	22 C 6 O
Masturbated in front of her	78	33 C 6 M	11 C	28 C	6 C

N = 18 **Key: C = customers, O = owners, M = managers, S = staff**

Table 3 - Sexual Abuse

Abusive Action	Experienced Attempted Abuse (%)	Experienced Successfully Completed Abuse (%)
Penetrate her vaginally with fingers	61 C 6 M	39
Penetrate her anally with fingers	33 C	17
Penetrate her with object	33 C 6 O	11
Force her to masturbate him	28 C 6 O 6 M	17
Force intercourse on her	17 C 6 O 6 M	11

N = 18 Key: C = customers, O = owners, M = managers, S = staff

Verbal Abuse

Customers, owners, managers, and staff alike engage in harassing namecalling. Women are continually called "cunt, "whore", "pussy", "slut", and "bitch". Women in this study charge that men in the stripclub called them other demeaning or degrading names like ugly, looser, fat, pregnant, boy, stupid, crack, slash, snatch, beaver, dog, dyke, lezzie, brown eye, hooters, junkie, crackhead, and shit.

Forty four percent of the women report that men associated with the stripclub have threatened to hurt them physically. These women report from three to 150 threats during their involvement in stripping. Threats range from verbal threats of slaps, ass whippings, and rapes to physical postures of punching and back hand slapping. *"When I wouldn't let a customer grab on me, he would call me a bitch and threaten to kick my ass or rape me." "When a customer grabs and the woman and the girl takes action, they threaten".*

Table 4 Verbal Abuse – Namecalling

Abusive Action	Ever (by men in stripclub) (%)	At Least Once Every Day (%)	At Least Once Every Week (%)	At Least Once Every Month (%)	At Least Once Every Year (%)
Called "cunt"	61	28 C 6 M	6 C	17 C	11 C 6 M
Called "slut"	61	28 C 6 S	6 C	17 C 6 O 6 M 6 S	11 C
Called "whore"	78	28 C 6 S	6 C	17 C 6 O 6 M 6 S	22 C
Called "pussy"	72	39 C 6 S	11 C	11 C	11 C
Called "bitch"	89	39 C 6 S	11 C 6 O 6 M 6 S	6 C	22 C 6 M
Called other	56	17 C	6 C	17 C 6 M	6 C

N = 18 Key: C = customers, O = owners, M = managers, S = staff

Stalking

Men associated with stripclubs repeatedly attempt to contact the women against their wishes. Strippers are followed home and stalked by stripclub customers. Customers telephone, write letters, send gifts, and follow the women around against their wishes. Women recount stories of catching customers following them to fitness clubs, parks and lakes, day care centers, and even lesbian bars. They describe times when customers have broken into their homes and taken underwear, hairbrushes, and family photographs. Women say that other customers have used their jobs at the telephone company or within the criminal justice system to target the women. The women complain that customers also have followed them home masturbating while

driving in the next lane. Women who travel the strip circuit to rural areas report that customers and stripclub owners, managers, and staff alike follow women from city to city and state to state. Furthermore, local men in small towns harass the visiting women by calling and knocking on the doors of the motel rooms and have been caught peeping in the windows of strippers' motel rooms.

Twelve percent of the women who reported being followed to their cars further reported that they were robbed (5.6 %), beaten (11.1%), threatened with a weapon (5.6%), verbally sexually harassed (66.7%), and sexually assaulted (16.7%) by customers. A customer who claimed he was in love with the woman followed her to her car, called her a "fucking cunt" and strangled her hard enough to cause blood to squirt from her neck.

Table 5 - Stalking

Abusive Action	Ever (by men in stripclub) (%)	Range of occurrences
Sent her letters against her wishes	28	3-100 times
Sent her gifts against her wishes	22	2-100 times
Called her home against her wishes	39	2-360 times
Followed her home against her wishes	56	2-500 times
Followed her to her car against her wishes	67	12-500 times
Followed her around on her private time	28	1-150 times
Followed her from club to club, city, and state	28	6-360 times
Other	28	1-360 times

N = 18

Sexual Exploitation

Only a minority of women report that they were asked to perform sexual acts on men associated with the stripclub in order to return to work (11% by owners); as a condition of being hired (11% by managers, 11% by owners); in order to continue working there (17% by owners); in order to get a better schedule (6% by owners); or for drugs (17% by customers, 11% by managers, 22% by owners, 11% by staff).

A majority of the women, however, report they were asked to perform sexual acts on men associated with the stripclub for money (100% by customers, 6% by managers, 17% by owners, 11% by staff). Customers and pimps constantly proposition women (Boles and Garbin 1974; Forsyth and Deshotels 1997; Ronai 1992; Ronai and Ellis 1989). Fourteen (78%) women from the survey report they are propositioned for prostitution every day by customers, three (17%) every week, one (6 %) every year. Women comment that customers ask them "Do you date?" all night long. "*Infinite...too many too count.*" Women say that prostitution is influenced and suggested by management. One woman new to stripping was dumbfounded at how little money she was making taking her clothes off, so she asked the manager for his advice on increasing tips. He suggested turning tricks and said he could help her set up dates. Management sets up tricks, says it is good for business, and obligates women to turn over money from prostitution to the club. Women say prostitution is promoted even though owners tell women

they would be punished if they turn tricks. Some stripclubs are notorious for promoting prostitution. "*You have to be a 'ho to work there*".

Women disclosed that they were recruited into prostitution through stripping. Although the strip industry markets stripping as something other than prostitution, some women consider prostitution an extension of stripping and stripping a form of prostitution. Pimps season women first with stripping and then turn them out into brothels or escort services for more money. Tricks, sugar daddies, pimps, and drug dealers in the stripclub seek to engage women in prostitution. Another young woman said that soon after she became involved in stripping, a pimp who posed as a customer in the stripclub manipulated her into an escort service by promising that she could make more money in less time simply by accompanying businessmen to dinner. She agreed in order to feed her crack addiction and as her addiction increased she slid down from gentlemen's clubs to escort service to brothel to street and crack house prostitution.

Not only are women in stripping pressured by customers to perform sexual acts on them, owners, managers, and staff pressure the women to perform sexual acts on them, their relatives and associates, on vice officers and police officers. Women explain the pressure could range from being coerced into dancing for the intended with an expectation to put on a real good show with special treatment, extra time, and sexual contact, to engaging in prostitution. Strippers, like other subordinates in worker-management relationships, respond with obedience to directives from management and others with authority (McMahon 1989).

Table 6 - Sexual Exploitation

Recipient	Pressured by customer (%)	Pressured by owner (%)	Pressured by manager (%)	Pressured by staff (%)	Pressured by vice officer (%)	Pressured by police officer (%)
Owner's friend		39				
Owner's relative		11				
Owner's business associate		33				
Manager's friend			17			
Manager's relative			6			
Manager's business associate			11			
Customer	72	22	17	6		
Vice officer		17	11	6	11	
Police officer		17	11	6		22

N = 18

PART 3: WOMEN'S THOUGHTS ON STRIPPING

Women in stripping are overwhelmingly motivated by the promise of wealth or a will to survive (McCaghy and Skipper 1970; Ronai 1992; Thompson and Harred 1992). Stripclub owners, managers, pimps and the media portray stripping as a glamorous way to earn big money fast and use this strategy to lure young women into stripping. Women in this study report the

best part of stripping to be the money. *'The only part that keeps me there is the money'*. At the same time, women are trapped and disappointed by the money. *"I hated it...but glad I had it at the time for the income."* *"Women are reduced to exposing genitals for $1 bills."* *"It pays the bills... if we could pay bills another way we would."* *'The bar owners and management are exploitative, they steal money."* *"It's hard to get out because of the money."* With respect to the money strippers seek to earn, they in turn must pay out fines, kickbacks, 100% of their social security insurance and taxes, travel and hotel expenses, and the costs for costumes, tanning, and plastic surgery. Women report that they have to have the right attitude to make money (Ronai 1992). This ordinarily was described as being drunk, high or numb (Forsyth and Deshotels 1997). Others feel it required tolerance. *'The ability to ignore customers for just being there."* Most women say it is easier when the men are tipping regularly and when they do not have to interact with men intimately. Women acknowledge that strippers measure their worth according to the amount of tips they earn and that they want attention, acceptance, and approval from the customers because it brings money (Futterman 1992).

Women in stripping feel it doesn't take much skill to be a stripper (Forsyth and Deshotels 1997; McCaghy and Skipper 1970). *"It would be nice to say women need dance talent but it's not true."* *'Tits, pussy, and blonde hair is all it takes."* Instead they referred to dissociation to abuse. *'It takes a willingness to do it...anybody can do it."* *'It takes somebody who can shut themselves off and be really fake."* *"...the ability to take a lot of abuse."* They state a stripper needs a good head on her shoulders, an open mind, guts, strength, and survival skills. They believe they need abuse counseling, a lifeline from the "outside world", and education about what's really going on. *'Need to know they have options, that they aren't always going to be a 'ho'."* Women in stripping want a union to protect strippers, decent working conditions, fair treatment, and an end to cruelty by management. Lastly, strippers think that women and girls don't know what they are getting into when they first start dancing. *'It's really harmful because it is so benign, so accepted."* *"Girls think they will have fun dancing and get paid, they have no idea they have to fight men's hands, and dicks, and tongues, and then fight for every fucking dollar bill you earn."* *"It was a lot different than I originally thought."*

The women in this study condemn the men associated with stripping and the impact stripping has on them as the worst parts of stripping. Women do not like the way customers treat them (Thompson and Harred 1992). Furthermore they say they do not like talking to customers, asking men for money, and resent having to have to deal with them at all. They find customers irritating because they are drunk and have negative attitudes towards women. Women characterize customers as scum, psycho mama's boys, rapists and child molesters, old perverted men, idiots, assholes, and pigs. Strippers are largely disgusted by customers and describe them as pitiful and pathetic, stupid and ignorant, sick, controlling and abusive. *'They smell so sour, they breathe very heavy and kind of wheeze when women are near."* *'They are weak abusers who have to subordinate women and girls to feel like a man."* *"I see my dad. They're old enough to be my father."* *"Yuck. I am repulsed by the sight, sound, smell, and touch of them."* *"I'm embarrassed for them."* The women offer insightful evaluations of stripclub customers. They say that these men do not know how to communicate. Moreover, they perceive that customers are out of control, have power and abuse problems, and will do anything to degrade women because they hate women. Strippers also state that customers want a free show and think women are cheap. In contrast, a few women positively perceived some customers as nice and added they are thankful to those who tip well.

Women in this study undoubtedly denounce stripclub owners as pimps and "glorified pimps" and maintain that owners misuse power and are sick. The women also label managers as

pimps citing that they mistreat women, that they make every attempt to take money from the women, and that they are sick because they are affiliated with the industry and know the harm they do. Strippers accuse managers of being threatened and jealous of the money women make and that women are just a dollar to management. Finally, women refer to staff music programmers, doormen, bartenders, bouncers, floorwalkers, and valet as wanna-be pimps because they always want to be tipped. The women see staff as derelicts who can't get a job anywhere else and who think they are cool for working in a stripclub. Strippers perceive staff as creepy and disrespectful and as "looky-lous" who just want to look at naked women for free. Women criticize staff by pointing out that at least owners are making big money. Few women had positive responses, but those that did felt they got along well with staff and had no real hard feelings.

Clearly strippers' attitudes about men are impacted by the activities in stripclubs. Women say they don't like men and men are worthless. Likewise women believe stripping inhibits their ability to be involved in a normal relationship. *'It affects your lovelife and feelings about men.*" *"Nice boyfriends can't handle it.*" *'Too large a percentage of men fit into category of customer and I do not want to hate men.*"

Women in this study expressed mostly negativism regarding their experiences in stripping with themes of abuse, deception, drugs, and low self-esteem. *'I would never do it again. It was degrading.*" *"No doubt that it led me to prostitution and my pimp.*" *"Taught me how to control men and gave me a false illusion of control. Takes a long time to regain self-control.*" *"Don't do it. Once you do it, it is hard to get out.*" *"If there is any way you can avoid it...it is hard to get out once you start.*" *'I wouldn't recommend it. It is too stressful and I am always comparing myself to other women on the outside.*" *"I wish I had put more money away and had more education by the time I quit. I just didn't know it wasn't about success for us, it was about using us."* *"I spent my entire young adulthood being abused. It is hard to undo all this.*" *"Drugs destroyed beautiful, healthy women.*" *"I blame the men...it is all bad. I didn't think highly of myself while I was in stripping, but I am glad I got out of it by standing up for myself.*" *"It is hard to view myself for who I am and my accomplishments rather than how I look and attention from men. I got this from stripping.*"

Some women expressed fascination with stripping. *'It has been an experience of a lifetime. I've seen everything...some crazy shit.*" *"I have never seen things like I have seen in stripping. It is weird.*" Still others felt positively about their experience. *"If it wasn't for the money I made at it, I would have nothing right now. "It has its ups and downs, but I always enjoy the music and dancing and the attention.*" *"I have been extremely fortunate as far as what happened in stripping. It provides a good life, but I look at it as a job, work day shifts and work a straight job at the same time.*" A few women also determined positive outcomes for themselves from their involvement in stripping. *'It served its purpose as a group for a sense of belonging.*" *'Helped me recognize what is right and wrong, and what is right and wrong for me."* *"After surviving it I felt strong.*" *"Stripping distracted me from my personal problems that led me into stripping...no way could I have held normal job with the problems I had.*"

Above all, women in stripping reject the popular image of stripping and clarify the common misperceptions about stripclubs. *'That no one touches you, women enjoy it, and it's okay for men to go there.*" *'That women actually get to wear a costume and actually get to dance.*" *'That we get sexually aroused doing this.*" *'That men are there to have harmless fun, when they are really there to abuse women.*" *"That it is a big party and that the women want to be there for some reason other than money, like sex or to meet men or because they are nudists*

or exhibitionists." "That you are doing things you want to be doing." "That they are not degrading us because girls always are justifying it with college." "That it is not prostitution." "That it is glamorous, fast money, easy work, way to get ahead."

DISCUSSIONS AND CONCLUSIONS

Men associated with stripclubs use force and coercion to establish sexual contact with women in stripping, proposition women for prostitution, intentionally inflict bodily harm upon the women, and expose themselves to the women. These actions are prohibited by law, yet when these crimes are committed against women in stripclubs, the general attitude that strippers deserve what they get prevails. Women's complaints of abuse are met with contempt and are dismissed by owners, managers, and staff. Women are customarily told to ignore abuse and have been rebuffed with "Go bend over and do your job" and "You have to expect a certain amount of that." In the case of women in stripping, enduring sexual violence is part of her job description. Women in stripping are expected to endure these abuses, degradations, and humiliations with a smile and a "Thank You".

The degree of sexual violence perpetrated against strippers explodes the myths about stripping as harmless entertainment. The verbal harassment, physical and sexual abuse, and financial exploitation women suffer in stripclubs is unparalleled in any other legitimate workplace. Women in stripping are subject to actions that would be perceived as assaultive or a least unwanted in any other context or were directed against other women. Stripclubs allow men to use and abuse women in a manner that is not tolerated in any other business.

The organization and conditions of stripclubs not only produce and reproduce gender inequality, but facilitate and normalize men's violence against women. Sexual violence has been normalized, institutionalized, and legalized in the stripclub industry as socially sanctioned male behavior. Stripclubs and the men associated with stripclubs have turned acts of violence into entertainment and tied male sexual pleasure to victimizing and exploiting. Stripclubs are structured according to male domination and control, and are inherently violent. It is impossible to set up stripclubs without sexual violence and that is reason to challenge the legitimacy of stripclubs.

Future research should address men associated with stripclubs and their views on women in stripping and stripclub activities. An exploration of why stripclubs exist, an explanation of why men go to stripclubs, and a description of how stripclub owners and government policy establish the tone and culture of stripclubs are also in order. Future research should explore gender role socialization and female strippers' perceptions of sexual harassment and violence. The definition of sexual harassment should be tested with strippers to learn if they perceive actions differently than women in other workplaces. In turn, strippers' rights in the workplace must be considered. Studies focused on women's emotional and psychological response, including drug and alcohol abuse, to violence in stripclubs should be conducted.

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12. Ellicottville, New York
13. Islip, New York
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15. Times Square, New York
16. New Hanover Co., North Carolina
17. Cleveland, Ohio
18. Oklahoma City, Oklahoma
19. Oklahoma City, Oklahoma II
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EXCERPTS FROM :
http://www.nationallawcenter.org/SOB%20Summaries.htm

Phoenix, Arizona

Land Use Study

Dated May 25, 1979

The study examines crime statistics for 1978 comparing areas which have sexually oriented businesses with those that do not. The results showed a marked increase in sex offenses in neighborhoods with sexually oriented businesses, and also proved increases in property and violent crimes as well. This study is not unique but is unusually significant, in covering the issue of property crimes more extensively.

Three study areas (near locations of sexually oriented businesses) and three control areas (with no sexually oriented businesses) were selected. The study and control areas were paired according to the number of residents, median family income, percentage of non-white population, median age of population, percentage of dwelling units built since 1950, and percentage of acreage used for residential and non-residential purposes.

Three categories of criminal activity were included in the study: property crimes (burglary, larceny, auto theft), violent crimes (rape, murder, robbery, assault), and sex crimes (rape, indecent exposure, lewd and lascivious behavior, child molestation).

On average, the number of sex offenses was 506% greater in neighborhoods where sexually oriented businesses were located. In one of the neighborhoo[d] [t]he number was 1,000% above the corresponding control area. Of the sex offenses, in[de]cent exposure was the most common offense and the largest contributor to the increase of crimes in areas where sexually oriented businesses were located. Even without considering the crime of indecent exposure, the number of other sex crimes, such as rape, lewd and lascivious behavior, and child molestation, was 132% greater than in control areas without sexually oriented businesses.

On average the number of property crimes was 43% greater in neighborhoods where sexually oriented businesses were located, and the number of violent crimes was 4% higher in those areas.

The Phoenix ordinance requires sexually oriented businesses to locate at least 1,000 feet from another sexually oriented business and 500 feet from a school or residential zone. Approval by the City Council and area residents can waive the 500 foot requirement. A petition signed by 51% of the residents in the 500 foot radius who do not object must be filed and be verified by the Planning Director.

Indianapolis, Indiana

Land Use Study

Dated February, 1984

OVERVIEW: After a 10 year growth in the number of sexually oriented businesses (to a total of 68 on 43 sites) and numerous citizen complaints of decreasing property values and rising crime, the city compared 6 sexually oriented business "study" areas and 6 "control" locations with each other and with the city as a whole. The study and control areas had high population, low income and older residences. In order to develop a "best professional opinion," the city collaborated with Indiana University on a national survey of real estate appraisers to determine valuation effects of sexually oriented businesses on adjacent properties.

CRIME: From 1978-82, crime increases in the study areas were 23% higher than the control areas (46% higher than the city as a whole). Sex related crimes in the study areas increased more than 20% over the control areas. Residential locations in the study areas had a 56% greater crime increase than commercial study areas. Sex related crimes were 4 times more common in residential study areas than commercial study areas with sexually oriented businesses.

REAL ESTATE: Homes in the study areas appreciated at only 1/2 the rate of homes in the control areas, and 1/3 the rate of the city. "Pressures within the study areas" caused a slight increase in real estate listings, while the city as a whole had a 50% decrease, denoting high occupancy turnover. Appraisers responding to the survey said one sexually oriented business within 1 block of residences and businesses decreased their value and half of the respondents said the immediate depreciation exceeded 10%. Appraisers also noted that value depreciation on residential areas near sexually oriented businesses is greater than on commercial locations. The report concludes: "The best professional judgment available indicates overwhelmingly that adult entertainment businesses -- even a relatively passive use such as an adult bookstore -- have a serious negative effect on their immediate environs."

RECOMMENDATIONS: Sexually oriented businesses locate at least 500 feet from residential areas, schools, churches or established historic areas.

Oklahoma City, Oklahoma II

Land Use Study

Dated June 1992

This study, written by Jon Stephen Gustin, a retired sergeant for the Oklahoma City Police Department, examines a history of the successful abatement of sexually oriented businesses (SOBs) in Oklahoma City between 1984 - 1989, which ultimately reduced an alarmingly high crime rate in the city, which is one of many harmful secondary effects related to the operation of SOBs in the community.

This study indicates that in the early 1980's there was a large growth of SOBs in Oklahoma City in conjunction with a boom in the oil industry resulting in a large influx of oil field workers in the area. Houses of prostitution, nude bars and adult theaters spread throughout the city. SOB promoters and entrepreneurs from around the country came to the area to compete for their share in the market. By 1984, over 150 SOBs and an estimated 200 prostitutes operated in the city. SOB owners competed by using more and more blatant signs and advertising. As a result, the city experienced epidemic proportions of crime problems associated with the SOBs. Citizens began to voice concerns over the decay of community moral standards, the increased crime rate, and decreased property values.

Although Oklahoma City had a history of unsuccessful prosecution of cases related to pornography, prostitution, and related SOBs, public pressure from citizens and elected officials ultimately resulted in support by the Chief of Police, the City Council and the city's District Attorney to prosecute SOBs that were in violation of the law. Abating prostitution and related businesses was the first priority. The media aided this effort by publishing names of arrested customers and prostitutes, and airing live coverage of arrests and raids. This bolstered citizen support of police and prosecutors.

At adult bookstores and peep booths arrests were made for customers propositioning undercover officers to engage in sex acts, for the sale and possession of pornography, the display of pornography and for health department violations (including seminal fluids on the walls and floors of peep show booths). [Note that the author uses the term "pornography" referring to illegal pornography, also known as "obscenity."]

The city next focused on prosecution for violations at nude and semi-nude dance bars, where customers engaged in sexual favors with nude employees in exchange for the purchase of expensive cocktails. Repeated arrests in these bars forced them into compliance, causing a lack of customer support. Simple arrests at escort services, which were organized fronts for prostitution, did little to abate the illegal activity. Therefore, police worked undercover, arresting solicitors of the service. Also an attempt was made to prohibit businesses that had been convicted on prostitution charges from having access to phone service.

As a result of the aggressive arrest and prosecution efforts, only a handful of the original 150 SOBs remained by early 1990. All remaining SOBs operated within statutory guidelines. It has been documented that incidents of reported rape in Oklahoma City decreased 27% during that period, while it increased 16% in the rest of the state. In 1983 nearly one-half of the rapes in Oklahoma occurred in Oklahoma City, decreasing to

one-third by 1989. This is an example of the benefits of stringent enforcement and prosecution of the so called "victimless crimes" associated with SOBs.

Austin, Texas

Land Use Study

Dated May 19, 1986

OVERVIEW: The report was the basis for developing an amendment to existing sexually oriented business ordinances. At the time, 49 such businesses operated in Austin, mostly bookstores, theaters, massage parlors and topless bars. The study examined crime rates, property values, and trade area characteristics.

The report focused on sexually related crimes in four study areas (with sexually oriented businesses) and four control areas (close to study areas and similar). Two study areas had one sexually oriented business and the others had two such businesses. To determine the effects of these businesses on property values, the city sent surveys to 120 real estate appraising or landing firms (nearly half responded). For trade area characteristics, three businesses (a bookstore, theater and topless bar) were observed on a weekend night to determine customer addresses.

CRIME: Sexually related crime ranged from 177-482% higher in the four study areas than the city average. In the two study areas containing two sexually oriented businesses, the rate was 66% higher than in the study areas with one such business. All control areas had crime rates near the city average.

REAL ESTATE: 88% said that a sexually oriented business within one block of a residential area decreases the value of the homes (33% said depreciation would be at least 20%). Respondents also said such a business is a sign of neighborhood decline, making underwriters hesitant to approve the 90-95% financing most home buyers require. They said commercial property is also negatively affected by such businesses.

TRADE AREA CHARACTERISTICS: Of 81 license plates traced for owner address, only 3 lived within one mile of the sexually oriented business. 44% were from outside Austin.

RECOMMENDATIONS: 1) Sexually oriented businesses should be limited to highway or regionally-oriented zone districts. 2) Businesses should be dispersed to avoid concentration. 3) Conditional use permits should be required for these businesses.

REGULATION OF SEXUALLY ORIENTED BUSINESSES

It is undisputed that state and municipal legislatures have the power to enact content-neutral laws regulating the time/place/manner in which a Sexually Oriented Business (hereinafter "SOB") operates. *See Young v. American Mini Theatres, Inc.*, 427 U.S. 50 (1976); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215 (1990); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *City of National City v. Wiener*, 3 Cal.4th 832, 838 P.2d 223 (1992); *Topanga Press, Inc. v. City of Los Angeles*, 989 F.2d 1524 (1993); *DiMa Corp. v. Town of Hallie*, 185 F.3d 823 (7th Cir. 1999), *cert. den.* April 17, 2000; and *City of Erie v. Pap's A.M.*, ___ U.S. ___, 120 S.Ct. 1382 (March 29, 2000), 2000 WL 313381.

The experiences of other states and cities demonstrate that reasonable SOB restrictions are a beneficial and necessary means of reducing and curtailing deleterious "secondary effects" of adult-oriented establishments, including increases in:

1. crime,
2. noise,
3. traffic congestion,
4. police response time and efforts,
5. parking problems,
6. sexual disease,
7. illegal sexual activity,
8. littering of discarded sexually explicit material and paraphernalia on neighboring properties,
9. problems of harassment of neighborhood adults and children,
10. loitering, and
11. problems of visual blight from bright colors and explicit signage associated with adult businesses.

Courts have held that SOBs can be a source of urban decay, and that the location of such business enterprises in fact can lead to the secondary effects that SOB ordinances seek to curtail. *See Young, Renton,* and *National City, supra.* SOB regulations are designed to prevent crime, protect the city's retail trade, maintain property values, and generally protect and preserve the quality of the city's neighborhoods, commercial districts, and the quality of urban life.

In *Renton*, the U.S. Supreme Court held that states and cities may rely on the experiences of other communities to prevent or reduce the attendant harmful secondary effects of adult-oriented establishments and sexually oriented businesses, rather than await the impact of such effects. 475 U.S., at 50-52. *See, also, Genusa v. City of Peoria*, 619 F.2d 1203 (7th Cir. 1980) (there is no need to demonstrate a past history of adult uses causing neighborhood deterioration; a city may rely on the experience and findings of other legislative bodies as a basis for action). Because of their unique nature, SOBs have produced consistently similar negative secondary effects in a number of cities and counties studied, regardless of size. *See* copies of Official Studies of Land Use & Crime Impact from Several American Cities and Counties, referred to in the *NLC Legal Manual on How to Enact Sexually Oriented Business Ordinances.*[1] *See, also, DiMa, FW/PBS, Barnes, Wiener,* and *Topanga Press, supra.*

[1] This publication can be obtained by contacting NLC headquarters in Fairfax, VA. at 703-691-4626..

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FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: HB 367
() Publish Date:

Revision Date/Time (Note if correction):
Dept. Affected: DCED
Title: Licensing Sex Oriented Businesses
RDU: Occupational Licensing (117)
Component: Occupational Licensing
Sponsor: Representatives McGuire and Gara
Requester: House Labor and Commerce
Component No. 2360

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services	48.9	48.9	48.9	48.9	48.9	48.9
Travel	13.2	7.2	3.0	3.0	3.0	3.0
Contractual	78.2	66.6	3.6	3.6	3.6	3.6
Supplies	5.0	5.0	5.0	5.0	5.0	5.0
Equipment	6.0					
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	**151.3**	**127.7**	**60.5**	**60.5**	**60.5**	**60.5**
CAPITAL EXPENDITURES						
CHANGE IN REVENUES (1156)	**279.0**	**0.0**	**121.0**	**0.0**	**121.0**	**0.0**

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
1156 Receipt Supported Services	151.3	127.7	60.5	60.5	60.5	60.5
TOTAL	**151.3**	**127.7**	**60.5**	**60.5**	**60.5**	**60.5**

Estimate of any current year (FY2004) cost: 0.0
Check this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time	1	1	1	1	1	1
Part-time						
Temporary						

ANALYSIS: *(Attach a separate page if necessary)*

HB 367 creates new licensing and regulation for sex-oriented businesses and sex-oriented business entertainers. The bill also requires the department to establish by regulations, standards of conduct and physical characteristics of licensed premises; educational requirements for entertainers 19 or 20 years of age; and other requirements on applying for and renewing licenses.

A detailed explanation of the above costs are attached.

Prepared by: Jennifer Strickler, Administrative Manager
Phone (907) 465-2144
Division: Occupational Licensing
Date/Time 1/30/04 9:10 AM
Approved by: Edgar Blatchford, Commissioner
Date 1/30/2004
Agency: Department of Community and Economic Development

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

BILL NO. HB 367

ANALYSIS CONTINUATION

PERSONAL SERVICES: $48.9

1 - Occupational Licensing Examiner I, PFT, Range 13B

This position will support the licensing program for sex-oriented businesses and entertainers. This position will prepare and process application forms, ensure applicants meet specific criteria for licensure, ensure public hearings are implemented as required by statute, and issue licenses upon approval. It is a possibility that a full-time position will not be necessary to support this program, however, since we are not aware of the number of individuals that will be impacted by this bill, this fiscal note is based on a full-time position.

Preliminary numbers of applicants from supporters of the bill indicate approximately 20 business owners and 100+ entertainers may be subject to licensure.

TRAVEL: $13.2

In the first year of operation, travel funding is anticipated for the following -
- Regulation Hearings (travel for the Regulations Specialist), at least 4 trips @ $600/per trip = $2.4
- Travel for Business Owner application hearings under AS 08.90.075, 15 applicants @ $600/per trip = $9.0
- Travel for Enforcement to areas outside of Anchorage, 3 trips @ $600/per trip = $1.8

In the second year of operation, the number of Business Owner application hearings is anticipated to reduce from 15 to 5 ($600 x 5 = $3.0). Regulations and Enforcement costs are also anticipated to repeat in the second year. Total: $7.2

By the third year of operation, the regulation hearings should be completed. Only Business Owner application hearings (at least 2 @ $600= $1.2) and Enforcement ($1.8) are expected. Total: $3.0

CONTRACTUAL: $78.2

- Educational Program Development and Counseling Services required by AS 08.90.060, $50.0.
We are not aware of programs or services that are currently in existence, of if they do exist, the costs involved in participating in those programs. This funding is needed if the department must contract to develop a program; however, if programs and services already exist, amount may be reduced when more information is obtained.
- Regulation costs (notices, hearings, etc.), $10.0
- Business Owner application hearings under AS 08.990.075, public notices for 15 applicants @ $200 = $3.0
- Room Rentals for the Business Owner application hearings, 15 applicants @ $400 = $6.0
- Fingerprint Processing for 105 applicants in the first year x $59ea. = $6.2
- Communications expenses (phones, postage, etc.) = $3.0

ANALYSIS CONTINUATION

In the second year of operation, the number of Business Owner application hearings, public notices is anticipated to reduce from 15 to 5, $200 x 5 = $1.0; Room Rentals for Business Owner application hearings, 5 applicants @ $400 = $2.0; and Fingerprint Processing for 10 applicants @ $59 = $0.6. Total: $66.6

By the third year of operation, the Regulation Hearings and Educational Program Development should be completed. It is anticipated that only Fingerprint Processing will continue, approx. 10 applicants @ $59 = $0.6; and Communication expenses (phones, postage, etc.) $3.0. Total: $3.6

SUPPLIES: $5.0
This funding provides basic operating supplies for the program (paper, etc.)

EQUIPMENT: $6.0 (one-time expense)
This one-time funding will provide workstation and equipment set-up for the new position.

Funding Source: Receipt Supported Services

This program is anticipated to be funded by licensing fees. Under AS 08.90.080 of the bill, the Business is expected to pay costs associated with the educational and counseling requirements for $50.0. Fees are estimated as follows:

120 licensees divided by operating costs of $101.3 = $844 biennial fee

Sex-Oriented Businesses are required to also cover the $50.0 Educational and Counseling costs; therefore, 20 sex-oriented businesses will pay an additional $2,000 each. In summary the fees are estimated to be -

Sex-Oriented Entertainers: $844.00 biennial fees
Sex-Oriented Businesses: $2,844.00 biennial fees

Licensure will be based on a biennial cycle like other regulatory programs.

Cover Letter

February 13, 2004

To Legislators of Alaska's Twenty Third Legislative Session:

Enclosed is a packet of information that we believe is pertinent to the issues involved in HB 367. All information enclosed is based on facts, not here-say.

The packet we received from Rep. Anderson had many, many articles, resolutions, statements and quotes in it that appear to be based on here-say, not fact.

Thank you for your prompt attention to this matter. We are looking forward to seeing you in Juneau on Monday to discuss this issue further.

Kathy Hartman

Carol Hartman

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5. Fantasies on 5th job application
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7. Health inspections, Health permits (including original permit from 1989)
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26. Definition of Assault and Definition of Sex
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36. Signed petitions (in support of constitutional rights of young adult, 18 and over, and opposing HB 367)
37. UAA statistical Analysis on Sexual Assaults in Anchorage, Alaska
38. Letter to Anchorage Chief of Police requesting crime statistics specifically relevant to certain businesses
39. Packet of assessed property values from 2001 - 2003 from areas surrounding adult cabarets.

February 8, 2004

To all Representatives of The Twenty Third Alaska State Legislature:

First of all, I would like to state that I am very offended by the title of Bill 367, "Licensing Sex Oriented Businesses", or SOB's as you like to refer to us. Our business is an "Adult Oriented Establishment"; it is ***not*** "sex-oriented", and has nothing to do with the performance of "sex". There is no reason to try and force our adult cabarets to provide training on STD's when there is no sex taking place.

The age for consensual sex in the State of Alaska is 16, except with "figures of authority" such as teachers and police officers, yet the Legislative body is going to try to pass a bill restricting 18, 19, and 20 year olds from working at, or even entering an ***adult*** Gentlemen's Club. That is ludicrous.

There are children, probably as young as 12 years old or younger that are reading and looking at Playboy, Penthouse, Hustler, and probably many magazines that are much worse, and more graphic than those. They can turn on their televisions and see very graphic movies on pornographic style channels that show live and real actual sex acts being performed. This is very graphic, and unless their parents have those channels blocked, the kids are free to watch them at their leisure. Why not attempt for further regulate the areas where these materials are so easily accessible to minors and children. At adult entertainment establishments, there are permits, licenses, and stick age rules that keep minors and children from attending.

There is absolutely no reason, or need to further regulate our businesses, as we are currently being regulated locally by the municipal ordinance that was just amended in December, 2003. The amended ordinance now includes "Adult Cabarets" as adult-oriented establishments or adult businesses, and we are thereby forced to get a license to operate through the Municipality and follow the regulations set out in that ordinance (10.40.050).

It has been said that the "21 and over adult entertainment establishments that sell alcohol are regulated by the Alcohol Beverage Control Board, so they don't need any other regulation. When, do you suppose, was the last time the ABC Board went out and did any kind of inspecting, regulating, or anything else in these clubs? The city's resources are just not available, and therefore, we in the industry try to self-regulate our own businesses.

We believe that HB 367 is proposed primarily to put our establishments out of business, at least those that allow 18, 19, and 20 year olds to enter, and don't sell alcohol.

Accusations of illegal actions taking place in these clubs have risen along with accusations that we lure young girls to work for us, including high school students. We can only speak for our own establishment,

Fantasies on 5th Avenue, when we say to you that we **do not** hire young adults that are still in high school. We have even posed the question on our application; (Are you currently attending High School?) If a person that applies for employment with us is still attending high school, we tell them they need to complete school and graduate before returning to apply for a job in the future.

If there are illegal problems that are taking place in or around these establishments, there are already laws in place that would allow the police to arrest the people involved. If there is an issue with employee verses independent contractor, the Department of Labor and Workforce development is there to handle those problems. We talked briefly to Les Gara Saturday, February 7th, in Anchorage and informed him that our dancers, as well as other staff, are treated as **employees** and are on the payroll. I offered to give him a copy of our W-3 transmittal form, but he assured me that was not necessary, as he knows we do payroll and our dancers are employees. However, the offer still stands.

Fantasies on 5th Avenue (formerly known as Sands North Showclub) has been in business in Anchorage for over 15 years. In that time we have had very little contact with the Anchorage Police Department involving crime. The few times we have had any sort of problems and the police have gotten involved, it was usually because we called them and asked them to assist us with a customer that was causing a problem. There has never been a serious crime committed at our place of business.

In the letter to House Labor and Commerce Committee from Diana L. Straub, I noticed that she addresses the issue of health inspections, and suggests you should get the DEC to provide them in a timely manner to "protect entertainers against the spread of diseases i.e., hepatitis." Please be informed that our adult oriented establishment has been in compliance with Health Department inspections, Fire Marshall inspections, and all other Municipal permits, codes and inspections for over 15 years. As a matter of fact, we just had a recent health inspection last month and we received 100 points. (See attached copy)

Ms. Straub also suggests that the Division of Occupational Licensing Investigators should investigate our establishments and build cases against unethical employers and unlicensed employees, if they stay in place long enough to build a case. She goes on to say "We already know that the businesses move frequently and change names as they do". As I stated earlier, we have been in business here in Anchorage for over 15 years. We were located at 401 W. International Airport Road for 10 years in a building that we leased for 10 years. After our lease ran out, and after spending over 2 ½ years searching for a place that complied with the strict zoning laws, we finally purchased the building at 1911 E. 5th Avenue, and have been there for over 5 years. We have no intentions of moving from that address, as we own it and there is no lease to consider.

As far as the question she poses "Will we take our officers off the streets to provide these occupational

investigations?", no, that would not be necessary. We are not the threat to society that everyone is being lead to believe because of the false accusations being throw around. We have had very little involvement with the police, but the few times we have, is usually because we called and asked for their assistance in removing a disorderly person, or a similar situation. The police are welcome in our place of business, and often come in to look around, search for someone, or just to walk around and check the place out.

After reading page three of Diana Straub's letter, I am shocked, to say the least. This is an insult to everyone who has ever been a dancer and to us as employers of those dancers and owners of the business. (See attached letter) And, by the way, we have a janitor; in fact he is my 25 year old son, who cleans the club, including the stage, stage pole, mirrors, dressing rooms, bathrooms, and the entire area **every single day, seven days a week!** What kind of people do you think we are?

You obviously think we are filthy, dirty, second class citizens that are running some weird and horrible business. You are treating us like lepers, and trying to convince the entire public that we are very bad people that are treating these dancers very poorly i.e. exploiting them, luring them to work for us, not maintaining a healthy work environment, etc. The public is being led to believe that we are the scourge of the community, and our businesses and the people involved with them must be done away with! How would any of you know? Try coming to our business and checking it out sometime. Talk to the employees, inspect the establishment for yourselves. We have nothing to hide, and we have a bunch of very nice, respectable, and intelligent young women that are employed by us. Has Diana Straub ever been to our business? If not, how can she be allowed to make such inaccurate and insulting remarks about us and our employees?

We have recently read, **in print,** many slanderous and defaming remarks made toward us, our employees, our customers, and our businesses. We take very serious offense to these statements, accusations, and remarks! WE truly believe that if you are allowed to make slanderous remarks, you must be able to back them up with proof, and the proof must pertain specifically to those it intended to harm. You are attempting to turn an entire community, and the entire state, against us and our adult oriented businesses and black-ball us entirely with your constituents. How can we defend ourselves against the lies and innuendos that are being made publicly and privately? Even if we present all the proof necessary to defend ourselves and prove the lies are wrong; **the damage has already been done!**

Fantasies on 5th Avenue, and The Setter Lounge (located adjacent, and also owned by Kathy Hartman, are both members of Alaska CHARR, Anchorage CHARR, as well as HERE Union Local 878. We are board members of the CHARR Educational Scholarship Fund. We are members of the national Association of Club Executives, and we have already contacted the First Amendment Lawyers Association to aprise us of our legal

rights, as well as our constitutional rights. We have longstanding records of donating to Alaska Peace Officer's Association, Crime Stoppers, Anchorage Firefighters, A.P.D.E/A., Alaska Shrine Temple, Special Olympics of Alaska, Muscular Dystrophy, Multiple Sclerosis, American Diabetes Assn., Independent Order of the Blind, Mothers Against Drunk Drivers, Holy Rosary Academy, Leukemia Society, R.S.V.P., Easter Seals, Wish Upon a North Star, Victims for Justice, Anchorage Neighborhood Watch, Mountain View and Fairview Community Councils; along with radio ads for missing children, prevention of drunk driving, and more.

My sister Kathy and I are in our mid-fifties. Neither of us have a criminal history of any kind. None whatsoever! Neither one of would have any problem passing the most stringent background check, however, we feel that is just one more insult, and a violation of our constitutional rights. How many other business owners in the Municipality of Anchorage, or in the State of Alaska for that matter, are required to have a background check to ensure they have never been convicted of any felonies or sexual assault charges? If you want to require these types of checks, then you should start with teachers, day care workers, social service worker, priests, coaches, Boy Scout leaders, and any other people that work with, or around children in any way.

We hire a variety of women of all ages. Many of the dancers come and go, however, we have several dancers that have been employed by us for several years, and they stay with us because we run a good, clean business. They feel safe in their environment. We have always offered encouragement, and assistance for any employee that would like to further their education. We allow them to choose a schedule that lets them concentrate on their studies and attend college, or a trade school. Many have taken a week or two off at a time so they can study for their finals, and then take their tests. We have single moms that are supporting themselves and their children; while some dancers are married and help support their family.

There is a perception about our business that is very wrong. People are being made to believe through all the publicity from HB 367 that we have a raunchy place of business where we have a bunch of 18 and 19 year old girls dancing, and lots of them are still in high school. **This is totally untrue!** A very small percentage of our dancers are under 21, but the few that are, have every right to work for us. We currently have 4 dancers employed at Fantasies on 5th that are college students. One of them is only 20 years old, and is about to get her second degree at UAA. Last year we lost one of our dancers that had worked for us for approximately four years. She graduated from UAA and moved to Arizona to get her Masters Degree. We have had quite a few dancers that have brought themselves a long way in this society, and are very decent and upstanding citizens. Some are married, they have good jobs, and some are raising families. Most of them still stay in touch with us, even years after they have left their jobs as dancers. They bring their children in to visit us, and we have watched them grow. These are real people, just like you people are, and the rest of society is. Actually, the dancers we

have had, and currently have, are much better people that a lot of people I have met. They are being treated very unfairly, and you legislators, PTA members, and all the rest have no idea what you are talking about.

The majority of our dancers are over 21 and some are in their 30's. And, yes, true to contrary belief, and false information being given out by those trying to push HB 367, every person that is employed by Fantasies MUST fill out an application, an I-9, and a W-4 . We also take photocopies of their drivers' license and Social Security card to keep on file. Several times the police have come to our establishment when they are looking for someone, and we have shared information with them, as we also take a photograph of the dancer and attach it to the front of the application.

I believe this entire matter is a local matter, and should never have been addressed at the state level. This seems like double jeopardy to force us to get city licensing and be regulated through the Municipality, then turn around in less that a month and try to force us to do the same things, including getting another license through the state. It is very obvious to anyone that reads HB 367, and has knowledge of last month's ordinance amendment, that you are trying to force our businesses totally out of existence.

There is a statement included in the 'Sponsor Statement for HB 367' that I am unclear on. It is the part stating that one of the primary goals of this bill is "to protect minors". There are no minors allowed in any of these establishments, so which minors does this bill intend to protect, and how will it protect them? Representative Gara commented that "some of the massage parlors actually share an entrance with a residential unit where minors live". There is a zoning ordinance that states adult oriented establishments must be 1000 feet from a residence, church, school, and numerous other places, so if there are massage parlors connected to residential units, why have they not been forced to comply with the rules set out in the ordinance. It took us 2 ½ years to locate a business that would comply with the zoning ordinance!

A few minutes ago I took a break from typing and turned on the television. The channel 11 News was just coming on after the Grammy's. I saw the story they did on the State Legislature and HB 367. It was the "top story" I was a little amazed that the story that immediately followed wasn't the top story. It was about the schools in Anchorage. They were interviewing a boy from one of the schools that was telling them about his friend that got caught with a gun at school, and was sent to McLaughlin Youth Center. He said his friend brought the gun to school because he feared for his life and was afraid some other kids were going to shoot him. The boy they were interviewing had a black eye, and the reporter said he got it during a fight at school. The story was about the fear of students in schools, the weapons in the schools, and the violence in the schools. The reporter said the threat of violence involves mainly the 12 - 18 year old students. Why aren't the PTA members more concerned with these issues? We don't have violence going on at our business. You all make our business

sound like a dangerous and unsafe place to be, but the schools seem to be the dangerous places you should be worried about. Where are the parents? Probably at meetings that are concentrating on putting us out of business!

Lesil McGuire admitted that she may be "on thin ice" with the issue of this bill being unconstitutional, so there was an amendment to HB 367. As business owners, we were unable to speak at the teleconferencing that took place last Friday, January 30th. Kathy was out of town, and I had prior commitments. We were informed that there was to be another teleconference held at the Legislative Information Office here in Anchorage on Monday, February 2nd. There were seven people from our industry there to give public comment, however we were told that we would only be given three minutes apiece to speak. Three minutes is not enough time to address the issues that need to be addressed in this matter. I understand, from reading the minutes of the Friday , January 30th teleconference, that the people at that teleconference, (which were all persons in favor of HB 367), were given as much time to speak as they needed. We were told earlier on Monday, February 2nd, that there had been some changes to the bill since Friday's teleconference. However, they were not posted to the internet website, and we only received a copy of the changed. or revised Bill, as we were sitting around the table waiting to speak. We were not even given time to read the new bill so that we could address our concerns properly.

Then, we were informed at the very end of the teleconference, that there was a 1st amendment to HB 367 which would now change the age of workers, employees, and patrons to the age of 21. This would virtually shut down the non-alcoholic clubs and put them all out of business. It was mentioned that this would fly constitutionally because of secondary effects caused by the businesses. Tom Anderson assured us that he would fax us a copy as soon as the meeting adjourned. We finally got the packet in the mail on Friday, February 6th.

We were informed that we would have another opportunity to speak to some of the Legislators on Saturday morning between 9:00 a.m. and 12:00 p.m. in the Assembly Chambers at the library. My sister and I, along with many of our employees showed up to speak on behalf of our rights that we feel are being violated, and other concerns that surrounding HB 367. We felt that we were not treated fairly, and many of the people that were there to give public comment and testimony on this issue were forced to leave without ever having a chance to speak. Tom Anderson, being the chairperson for this session, allowed ex-governor Jay Hammond to come up to the podium and speak at length on the PFD issue (over half an hour), and called several other people up to speak out of turn. All the people he called to the podium were allowed to go way past the 3 minute limit (some as much as 15 and 20 minutes). It seemed if they were speaking on a subject other than HB 367, they had no time limit to stick to. He stated at the beginning of the session that each person would be called up to speak in the order that they had signed up on the sign-up sheets, and each person would be given only three minutes to

speak. Out of deference to Tom, I have to admit that they did stay past their stipulated time that they had allotted, however, many of the people that were there to speak were from the adult entertainment industry, and they work very late at night. Most of them had stayed up after they got off work, knowing that if they went to bed they would not be able to get up in a couple hours and make it to the session. They got off work, went home and prepared their speech, then came to the Assembly Chambers to speak. Not only did they not get any sleep, but most of them had to be back to work that same evening. They stayed until 1:30 - 2:00 p.m., but felt they were never going to get a chance to speak, and had to leave in order to get some sleep. This whole situation was handled poorly, and it was very unfair to those in attendance.

I have yet to see, or even hear about any studies done by the Municipality of Anchorage, or the State of Alaska that deal with the issue of adverse secondary effects. I am in the process of conducting my own study on behalf of the adult oriented businesses in our area, and I can tell you that at this point, there appears to be absolutely no adverse secondary effects that can be attributed to our businesses.

HB 367 appears to be the mother-lode of all content-based regulatory laws!!! I believe you need to bring yourselves up to date on the Supreme Court rulings in recent adult entertainment cases, or maybe contact a good First Amendment attorney before you proceed with this Bill. You need to also give the owners of these businesses copies of any studies you may have conducted on this matter, and give us time to contradict it, and present our own case studies.

I have obtained a copy of the "Descriptive Analysis of Sexual Assaults in Anchorage, Alaska" which clearly shows that the rates of forcible rape in Anchorage are actually down from the peak years of 1983 and 1991. None of the adult cabarets are located in the "hot spots" shown on the maps, and since we have been in business for 15 years, I don't feel that any rapes could be contributed to the fact that our business exists. According to the charts there have been huge declines in the rate of forcible rape throughout the 15 year period that we have been in business. The statistics also show that in 2001, the year the study was conducted, the location type for pick-ups of victims of sexual assault reported to the Anchorage Police were 5 at a doctor's office, 1 at a jail, 2 at schools, but the majority, 120 out of 282 rapes, or 42.6% were at the offenders, the victims, or another residence, and 23 rapes, or 8.2% were at hotels, and 30 rapes, or 10.6% were on streets or roads. The study also shows that sexual assaults are concentrated in five community council areas---Downtown, Fairview, Spenard, Mountain View, and to a lesser extent, Northeast Anchorage. Our business is located on the borderline between Mountain View and Fairview Community Council areas, but is not in any of the rape areas marked on the map. None of the adult cabarets are located in the high density areas shown on the map.

In reading the letter from Nancy Fair, representing the Service High School PTA, we are once again

shocked at some of the insinuations and accusations she states that are totally unfounded, and also insulting. First of all, she states that "business licensing would also be a powerful incentive to insure that SOB's follow existing laws related to illegal drugs, alcohol, prostitution, wage and hour, worker safety, sexual harassment and tax evasion". She is correct when she says these **laws already exist,** but I don't see how making us get a license will change the way that **existing laws** are enforced. There are many businesses in this city that have a lot of problems with drugs, alcohol, prostitution, and many forms of violence, but are they required to get a license. No, this is a **moral issue** for group of people that think they should be able to tell others how to run their lives, where to work, and what to do and say. You would almost believe they want to totally do our thinking for us, especially 18, 19, and 20 year olds. We have never heard of one single dancer that worked for us ever moving into a life of prostitution. You must be basing your statements and opinions on hearsay, or on things that may go on in some of the big cities like Los Angeles, New York, etc.

A paper included in the packet we were sent from Tom Anderson was titled "Quotes About Teens and Alaska Strip Clubs". If we are to believe these statements, why don't the people making them say who they are, and why are the names of the businesses being accused not listed? Each of these quotes should state when and where these supposed events took place. We could produce a much longer list of quotes from lots of people that would contradict your quotes, and shed an entirely different light on the subject. If you look hard enough, you can find any number of people with varying opinions on the same subject. If you talked to 100 past McDonalds employees you would probably find some that hated their job, some that had been sexually harassed, some that were fired and in turn spoke very poorly of the business or their employers. You may even find a few that couldn't make enough money so they turned to prostitution. I can almost guarantee you will find some that are involved with drugs, either taking them, or selling them to supplement their low income. I could go on and on, but I think you get the picture.

On to the "studies" included in the packet that Nancy Fair said she gave you; the Summaries of "SOB Land Use" studies from NLC. Out of the 32 available studies on different locations, why were there only 4 included? Also, they are very old and outdated studies; Phoenix, Arizona (1979), Indianapolis, Indiana (1984), Oklahoma City, Oklahoma (1992), and Austin, Texas (1986).

Also from the NLC was a paper titled "Regulation of Sexually Oriented Businesses", which once again is outdated. See *Peek-A-Boo Lounge of Bradenton, Inc. v. Manatee County, Florida, (July 15, 2003).* Also see attached copy of an article titled "Ruling keeps Missouri from raising minimum age for strippers" (August 29, 2003)

The "testimony notes of Kara Nyquist" were well prepared, however there are several Supreme Court

rulings that she hasn't included in her research. They are rulings that supercede several of the laws and regulations that she quoted to you, and therefore, further research on her part would bring new light to the subject of content-neutral and content-based First Amendment issues. Maybe you could share a copy of my research on these issues with her.

The resolutions from the various PTA's seem to share a lot of misquoted, unsubstantiated, and outdated information that was obviously gleaned from the same person or place. Enough said.

The letter from Mary Magdalene Home was compelling, however, out of the 130 women they have served since 1998, what percentage of them were "former nude dancers", were they from Alaska, or did they move here from somewhere else, did they work in Anchorage as dancers, and if so where.

The letter you included in the packet from Regina Manteufel was quite a letter. It didn't make a whole lot of sense in some areas. My questions are: If Regina hated being a dancer so much, why did she do it for so long? She constantly says that dancing in a "strip club" leads to rape and prostitution, then why did she turn to dancing AFTER being raped, not once, but twice. You see, there are LOTS of women out there who are raped and they have never been a dancer, or ever been in or near a "strip club". Of all the rape victims, what percentage of them do you suppose were ex-dancers? I continued reading, got more confused, and just gave up on the whole letter as mostly pure folly.

Representative Lesil McGuire said that because these businesses are unregulated, there is no way to document the age of **minor strippers.** One of the regulations we have is being required to have a "Permit for Premises Where Minors Under the age of 18 are Not Allowed". Therefore minors are not allowed, so there are no minors and no reason to document their ages. However, as I stated previously, all the ages of our dancers are documented, along with all the other information required for **employees.**

Representative Les Gara talked about young women and minors being victimized. We see no victimizing going on, and again, NO MINORS are involved in this business. He also talks about entertainers being stalked. I have only heard of one dancer being followed by someone, possibly a customer, but this happens to people in every walk of life throughout the United States, and if the businesses and dancers are required to be licensed., how will that have any effect, or change any of these issues, such as stalking? Everyone keeps referring to the impact of MINORS, when there are no MINORS involved in these businesses!

We understand that massage parlors, if their women are clothed, will not need a license, however if they work nude or semi-nude, they will be required to get a license. Gee, I wonder how many of them will admit they don't wear clothes while giving a "massage"? When do you suppose was the last time anyone went to any of the "massage parlors" and checked to see if everyone there had their clothes on, or to see if each person "working"

there had a municipal license as required?

We would like to see statistics on the costs included in trying to pass this Bill that appears to be aimed only at shutting down the 4 or 5 businesses like ours that exist in the entire state of Alaska. The State of Alaska needs money in its budget for so many other things, why are we wasting it on this bill in order to appease a few PTA members, and the moral issues of a few other people. Why don't we spend money to fund schools better for the education of our children, hire more police officers to enforce the laws we already have in place, budget more money for Children's Services, and re-implement the Longevity Bonus, just to mention a few. How much is the State ready to spend to fight this through the courts, which is where it will end up if this Bill is passed.

During the teleconference that took place on Monday, February 2nd, there was testimony given regarding some statistics about percentages that dancers have been pinched, grabbed by the arm, licked, etc. while they are working. How do you possibly think changing the age from 18 to 21 is going to combat that issue? The patrons are the ones that should be addressed regarding that issue, and the clubs that these girls in the study work in should hire better security personnel.

When you turn 18 years old you are considered an adult in the eyes of the law. We do not hire anyone that is 18 and still attending high school. These young adults should have already learned through the school about career options, and there should be no burden placed on the business owners to provide for entertainers under 21 to attend a state-approved counseling session that is aimed at letting young adults know of career and educational alternatives, and financial aid and vocational training that is available to them. If dancers are required to do these things just because they are under 21, then it should be a requirement for any young adult that wants to go to work. Why should adult entertainment employees be singled out for this?

What other place of employment, in any type of industry, is forced to give their employees courses in self defense training. Bank tellers face the daily threat of armed robbery. Are state employees that are under 21 required to take any of these classes and/or counseling? It's perfectly fine for an 18, 19, or 20 year old to work in a bank. There have been robberies and murders at pizza establishments, fast food businesses, and others places in Anchorage. The employees at these businesses and banks are subject to being the victim of an armed robber, and possibly murderer. Shouldn't these employers have to give some sort of special training to their 18, 19, or 20 year old employees?

Included in this packet of information, you will find a current copy of our W-3 transmittal to the IRS that shows we pay taxes and treat our dancers as employees, not independent contractors. Also there is a copy of our most current Health Inspection (which I might add we received 100 points on), copies of my three most recent ServSafe Certificates for food handling, Mechanical Inspection by Municipality of Anchorage Building Safety

Division, and several other items of interest. I have also included a copy of AS 25.05.11 Civil Contract which states that an adult, 18 or older may get married in the State of Alaska. They may marry, have children, drive cars, vote on all issues including the Presidential election, join the military and go overseas to fight in combat, work wherever they choose, (except a gentlemen's club if HB 367 passes) and other things too numerous to mention. Also included are copies of the assessed values of **numerous** properties that surround the three non-alcoholic, 18 and over adult entertainment cabarets in Anchorage, and ***not one of them have decreased in value***. They include businesses, residences, vacant lots, and condominiums surrounding all three areas. The areas I researched are all located either adjacent to, or are in very close proximity to: The Showboat, located at 5221 Old Seward Highway, Teasers located at 156 Muldoon Road, and Fantasies on 5th Avenue located at 1911 e. 5th Avenue. The assessment data includes assessed values from 2001, 2002, and 2003, and every parcel has ***increased in value.***

This Bill seems to have spiraled out of control, and nobody seems to know how to end it graciously. I say cut your losses now, and tell Nancy Fair and the other PTA members that if they are concerned about their youth, they should look a little closer to home, and deal with those problems. Our schools are infested with drugs, alcohol, and other bad elements. I am already concerned about my 4 year old granddaughter receiving a good education. She is currently in her second year of pre-school at Anchorage Christian School, but next year she will be of age to attend public schools. I'm not sure that is a choice I will make for her in light of all the problems that surround the public schools today.

I believe that HB 367 is unconstitutional in its entirety, and should be thrown out completely before wasting any more of the taxpayers' money to try and put 3 or 4 establishments out of business.

The fiscal note attached to this bill requires the State of Alaska to spend thousands of dollars in order to implement this law, should it pass. There would be a necessity created to hire more state and local employees in order to see that the laws, rules, and regulations are all complied with. I do not believe that State of Alaska, being in the dire economic shortfall it is in can afford to waste money on such a frivolous matter. These 5 adult oriented businesses statewide are located in three different areas. One in Fairbanks, one in Soldotna, and three in Anchorage. How many new employees will it take to enforce compliance of these laws? Should you not be addressing the more important issues at hand and dealing with the direct and immediate needs of the State's budget deficit instead spending desperately needed money to attack only five businesses.

Many of the regulations in Bill 367 have overly broad language attached to them, which in essence leaves many unspecified discretions up to whatever department you deem to pass the authority onto.

Another question I would like to pose, is if this law were put to the "worst commissioner test", exactly

how much latitude would the worst commissioner in this case have?

The Third Circuit Court of Appeals stated: "Legislative bodies, in enacting statutes, do not receive evidence, or take sworn testimony in the manner of courts. Legislative communities sometimes conduct hearings on pending bills, but the testimony they take is often un-sworn and the documents they receive are unauthenticated. The principles embodied in bills on the floor of a legislative body are generally debated more or less in accord with principles of logic and rhetoric, not proven through the admission of evidence."

Kathy Hartman, owner

Carol Hartman, owner

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Adult Oriented Businesses

Objections to HB 367

The First Amendment of the United States Constitution states:

AMENDMENT I - FREEDOM OF RELIGION, OF SPEECH AND OF THE PRESS; PEACEFUL ASSEMBAGE; PETITION OF GRIEVENCE

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

The Fourteenth Amendment of the United States Constitution states, in relevant part:

AMENDMENT XIV - CITIZENSHIP; PRIVELEGES AND IMMUNITIES; DUE PROCESS; EQUAL PROTECTION

Section 1. "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privilege or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; not deny to any person within its jurisdiction the equal protection of the laws."

The Pack Shack, Inc. v. Howard County, 365 Md. 266, 781 A.2d 778 (2001) The cause of action raising the federal constitutional challenges was brought under the *Civil Rights Act of* 1871, 42 U.S. C. 1983. Pack Shack filed a complaint alleging that the "purpose, intent and effect of Bill 65-1997 was to chili and inhibit and otherwise prevent the exercise of the freedom of speech" and "to prevent Plaintiff and all similar adult establishments from doing business" in the County. Pack Shack claimed that the ordinance suffered from several other specific constitutional infirmities. Pack Shack alleged that the County did not have sufficient evidence that the restrictions placed by the ordinance would serve a substantial government interests. It also asserted that the

licensing requirement set forth in the ordinance lacked adequate procedural safeguards and, therefore, was an unlawful prior restraint on constitutionally protected speech, and that the ordinance was not narrowly tailored so that any incidental restriction on speech was no greater than necessary to achieve the County's goal. Lastly, Pack Shack contended that the ordinance failed to provide reasonable alternative channels of communication, because there could be as few as four sites in the entire County that complied with all the requirements. Following the trial, the Circuit Court for Howard County issued a Memorandum and Order rejecting Pack Shack's challenge to the constitutionality of the ordinance and entering an injunction ordering Pack Shack to comply with the zoning ordinance. The Court of Special Appeals affirmed the trial court's decision. Pack Shack then petitioned the Court for a writ of certiorari, which was granted.

(1.) Bill 65 constitutes an unconstitutional prior restraint, even though the lower court found to the contrary. "any system of prior restraint ...comes to this Court bearing a heavy presumption against validity." The Supreme Court's cases addressing prior restraints "have identified two evils that will not be tolerated in such schemes. First, a scheme that places unbridled discretion in the hands of a government official or agency constitutes a prior restraint and may result in censorship." "Second, a prior restraint that fails to place limits on the time within which the decision maker must issue a license is impermissible."

(2.) Bill 65 places unbridled discretion in the hands of the Director of Planning and Zoning, contrary to the lower court's decision. Howard County's Director of the Department of Planning and Zoning is vested with the discretion to grant or deny an adult entertainment business zoning permit. Moreover, as part of the permit application, the ordinance unconstitutionally requires submission of the name and address of each owner of the business and each owner of the property, as well as the names and addresses of all natural persons who have a financial interest in any entity that owns the business or the property, no matter what percentage of ownership.

(3.) Bill 65 is clearly unconstitutional in limiting the outside visibility of merchandise and material that merely describe or relate to any sexual activity or nudity.

(4.) Bill 65 unconstitutionally permit's the Director to require an overbroad disclosure of the identity of any and all persons with a financial interest in an adult entertainment business and the property where the business will operate. This section of the bill is unconstitutionally overbroad and potentially chills protected expression. In other words, "a shareholder disclosure statute that potentially chills protected expression cannot stand if the information sought is not reasonably related to the furtherance of a legitimate and substantial government interest in regulating the protected activity."

(5.) Bill 65 fails to provide adequate procedural safeguards for new adult businesses.

(6.) Bill 65 fails to sufficiently guarantee that an adult entertainment business will be permitted to operat

pending permit approval and pending appeal.

(7.) Bill 65 fails to place sufficient time limits on the Director for issuing permits.

(8.) Bill 65 unconstitutionally censors adult entertainment businesses by limiting present and future businesses to an insufficient number of economically viable locations.

(9.) The lower appellate court conducted a constitutionally flawed secondary effect analysis. Here, the lower appellate court merely allowed Howard County Council to rely on studies that demonstrate "detrimental effects of adult entertainment uses." Clearly, no secondary effects studies can be considered sufficient until they are shown to be more applicable to the challenged zoning legislation.

(10.) Bill 65 provides an unconstitutionally overbroad definition of "adult entertainment business."

CONCLUSION: Bill 65 fails to meet critical constitutional protections for free expression. For all the foregoing reasons, *amices* DC FSC respectfully request that this Court reverse the lower appellate court's judgment. And that this Court quash Bill 65 as unconstitutional.

In the case of *J.L. Spoons v. City of Brunswick,* N.D. Ohio, May 20, 1999, The Federal District Court agreed with the plaintiff's argument that the city had failed to show how the 10-foot rule furthered the city's interests. And, more importantly, the court credited the evidence the plaintiff had produced, ".....tending to show that the ten-foot buffer zone would destroy the market for adult cabarets," a result that would violate the First Amendment.

In the same opinion, the court struck down as unconstitutional the city's licensing scheme for adult cabarets and their employees. The ordinance provided that the city was required to issue a license to an adult cabaret within 30 days of the submission of an application. However, a license could not be issued unless the premises were approved by the health, fire and building departments. The ordinance required those departments to complete their inspections and give their approval or disapproval within 20 days of the application. But, the city had no health department of its own and, therefore, they had to rely on the county health department for the necessary inspection. The court held that the time limits set out for the ordinance were illusory because the city had no control over the county health department and, therefore, could not guarantee that it would complete its inspection and issue its approval within any specific time frame. The court also held that the ordinance provisions for judicial review of the denial of a license were illusory as well, and, in any event, failed to guarantee prompt judicial review.

The court also struck down another part of the ordinance which was particularly dangerous, and has

become increasingly popular with municipalities because it can so easily be exploited by government officials to harass adult cabarets. Specifically, the ordinance required an adult cabaret to "Permit representatives of the Police Department, County Health Department, Fire Department, Zoning Department, or other City Departments of agencies to inspect the premises od a sexually oriented business for the purpose of insuring compliance with the law, at any time it is occupied or open for business." The court held that the provision violated the Fourth Amendment's guarantee against unreasonable search and seizures.

Finally, the court struck down an hours of operation provision in the ordinance that would have required the club to close at 1:00 a.m. The court held that because the club had been issued a liquor license by the state authorizing it to sell alcohol until 2:30 a.m., the city's attempt to require the cabaret to close at an earlier time violated the State Constitution.

Unfortunately, the Cleveland case is but one example of how hard one club must fight to secure that to which it is constitutionally entitled---the right to open and operate an adult cabaret.

The Court stated that it "goes well beyond what is necessary" to further the state's interest in combating the harmful effects of adult businesses.

All of these cases are important to the adult entertainment industry, however, I believe that one of the most remarkable victories yet is the victory by Luke Lirot in *Peek-A-Boo Lounge of Bradenton, Inc. v. Manatee County, Florida (July 2003).* It is a magnificent decision which has created **an evidentiary record that proved that our businesses do not cause adverse secondary effects. The 11th Circuit Court of Appeals agreed to this.** And in *City of Los Angeles v. Alameda Books,* Justice Kennedy's notion, (How will speech/expression fair under an ordinance?) suggests that in order for an ordinance to be valid, it must eliminate substantially more secondary effects that speech that necessarily will be eliminated. As the narrowest ruling in the majority, Justice Kennedy's decision became the controlling opinion. In his precise analysis, The "proportionality theory" of zoning adult expressive businesses was clarified and ultimately prohibited. Under this premise, the motivations of the municipality must be carefully assessed to determine whether they target the content of speech or its alleged secondary effects. It is unlawful, he says, to attack speech directly as a way of reducing secondary effects.

In *Alameda,* Justice Kennedy also states unequivocally: "The rationale, therefore, has to be that a proposed secondary-effects ordinance will leave the quantity of speech....substantially undiminished, and that total secondary effects will be significantly reduced." (Emphasis added.) So, does limiting hours of operation diminish the "quality of speech"? Obviously. As Circuit Judge Canby writes in his articulate dissent: "The closing-hours statute in issue here....proceeds on precisely the theory that Justice Kennedy found insupportable

under the First Amendment. The theory is that adult entertainment establishments create adverse secondary effects when they are in operation. If operation is prohibited for several hours each day, the undesirable secondary effects will be reduced accordingly. Unlike a dispersal regulation, the State's instrument is not to move speech, but to stop it....A government similarly may not proceed on a theory that 'it will reduce secondary effects by reducing speech in the same proportion.' It would be hard to find a more exact description than this of Arizona's closing hour regulation of adult entertainment establishments."

In the majority opinion, Judge O'Scannlain, quotes from the *Alameda Books* case: Justice Kennedy agreed with the four dissenting justices that sexually-oriented business regulations should no longer be designated as 'content-neutral' when they are clearly not. Whether a statute is content based or content neutral, he explained, "is something that can be determined on the face of it; if the statute describes speech by content, then it is content based." Classifying regulations of the type at issue in *Renton* and *Alameda Books* as content neutral, explained Justice Kennedy, was an unhelpful legal fiction which only leads to doctrinal incoherence; these type of ordinances "are content based and we should call them so."

In the case of *Barnes v. Glen Theatre*, Justice White states: ".. it cannot be said that the statutory prohibition is unrelated to expressive conduct. Since the State permit's the dancers to perform if they wear pasties and g-strings, but forbids nude dancing, it is precisely because of the expressive content of the nude dancing performances at issue in this case that the State seeks to apply the statutory prohibition. It is only because nude dancing performances may generate emotions and feelings of eroticism and sensuality among the spectators that the State seeks to regulate such expressive activity, apparently on the assumption that creating such thoughts and ideas in the minds of the spectators may lead to increased prostitution and degradation of women. But generating thoughts, ideas, and emotions is the essence of communication."

Any time government makes regulatory distinctions based on the *content* of the regulated speech, courts will apply a very demanding analysis, known as *strict scrutiny*. While government may not normally impose direct restrictions on the communicative aspects of speech, the Court has adopted the view that, under very limited circumstances, speech may be subject to narrowly proscribed regulations. There is no single test that the Supreme Court employs to determine how much government regulation of speech may be tolerated; rather, the Court chooses its analysis based on the manner in which government is attempting to impose regulations on speech. Recent Court decisions have shown, however, that attempts to regulate the *content* of speech in any context will trigger the highest level of scrutiny. Thus, the question of whether a regulation of speech is *content-neutral* has become a paramount concern in courts.

The 7th U.S. Court of Appeals ruled that under *Barnes* and *Pap's A.M.*, it was constitutional to prohibit totally nude dancing. But the appeals court said that banning specified sexual activities went too far. "By restricting the particular movements and gestures of the erotic dancer, in addition to prohibiting full nudity, [the provision] unconstitutionally burdens protected expression," said the 2000 ruling in *Schultz v. City of Cumberland.*

A provision in a Wisconsin city's adult-entertainment ordinance that bans sexually explicit dance movements violates the First Amendment, a federal appeals court panel has rule. The 1998 law imposed numerous restrictions, including:

1.) Prohibiting people in a sexually oriented business from appearing "in a state of nudity" or depicting" specified sexual activities."
2.) Requiring performers to wear G-strings and pasties.
3.) Limiting the hours of operation of sexually oriented businesses.
4.) Requiring operators and employees at sexually oriented businesses to obtain licenses.

In February 1998, Joseph Schultz, the owner of the bar, and Tonya Norwood, a dancer in the bar, sued in federal court, contending that various portions of the ordinance violated the First Amendment. In November 1998, U.S. District Judge Barbara Crabb ruled that certain parts of the ordinance violated the First Amendment.

Crabb struck down the nudity ban and the licensing requirements for the operators and employees. On appeal, the three-judge panel of the 7th U.S. Circuit Court of Appeals unanimously ruled in *Schultz v. City of Cumberland* that certain provisions were unconstitutional.

The panel addressed the constitutionality of the general nudity ban. The city justified the ban on the basis of the secondary-effects rationale, which provides government officials greater leeway to regulate adult businesses if they do so because of harmful effects allegedly associated with those businesses.

However, the panel realized that the secondary-effects doctrine could be grounds for constitutional abuse, writing it's September 26 opinion: A secondary-effects rationale by itself does not bestow upon the government free license to suppress specific content or a specific message because such a regime would permit the government to single out a message expressly, formulate a regulation that prohibits it, then draw content-neutral treatment nonetheless simply by producing a secondary-effect rationale as pretextual justification.

Citing the 1991 U.S. Supreme Court decision in *Barnes v. Glen Theatre, Inc.* and the decision earlier this year in *City of Erie v. Pap's A.M.*, the panel reasoned that a complete ban on nudity, even one that specifically targets adult businesses, imposes only a minimal burden on First Amendment rights.

The panel quoted the statements in *Barnes* that "the requirement that the dancers don pasties and G-Strings is a minimal restriction in furtherance of the asserted government interests, and the restriction leaves ample capacity to convey the dancer's erotic message"

However, the panel struck down the portion of the ordinance that prohibited the performance of a wide array of sexually explicit dance movements. "Cumberland cannot avoid this dictate by regulating nude dancing with such stringent restrictions that the dance no longer conveys eroticism nor resembles adult entertainment." the panel wrote.

The panel also invalidated the portions of the licensing provision that required the disclosure of a residential address, recent color photograph, Social Security number, fingerprints, tax-identification number and driver's license information. The panel reasoned that this information was "redundant and unnecessary for Cumberland's purpose."

Finally, the appeals court judges also struck down the provision that allowed city officials to deny a license to anyone who had been convicted of certain "vice" crimes or someone overdue on paying city taxes.

The panel wrote that "a complete ban on certain expression for a disqualified group of applicants, who, by definition, wish to speak...cannot be justified here as narrowly tailored to resist noisome secondary effects."

Acorn Investments, Inc. v. City of Seattle, 887 F.2d at 211, 219, 224-25. The 9th Circuit Court of Appeals struck down as unconstitutional a Seattle city ordinance that required applications for businesses with adult video viewing booths to also provide the identities of all owners. "A shareholder disclosure statute that potentially chills protected expression cannot stand if the information sought is not reasonably related to the furtherance of a legitimate and substantial government interest in regulating the protected activity"

Justice O'Connor's concurrence in *Lawrence v. Texas,* S. Ct. 2472 (2003) (O'Connor, J., concurring) provides a more detailed explanation as to what triggers the more active rational basis test:

> When a law exhibits such a desire to harm a politically unpopular group, we have applied a more searching form of rational basis review to strike down such laws under the Equal Protection Clause...We have been most likely to apply rational basis review to hold a law unconstitutional...where, as here, the challenged legislation inhibits personal relationships.

New York Supreme Court for New York County Judge Louis York has granted a summary judgment

declaring the amendments to a New York City Zoning Resolution unconstitutional under both the First Amendment of the U.S. Constitution and the Free Expression clause of the New York Constitution. Among other things, the challenged amendments would enlarge the definition of "adult establishment" to include establishments which regularly feature "adult" entertainment in any portion of the premises, thereby eliminating the "substantial portion" test of the original law. Under the prior scheme, adult bookstores and premises featuring live entertainment were able to comply by operating as so-called "60-40" establishments, where at least 60% of their floor space was devoted to non-adult purposes. Quoting from the Supreme Court plurality opinion in *City of Los Angeles v. Alameda Books*, Judge York found that the City had no obligation to make an "evidentiary showing" that the amendments were "no broader than necessary." The city had not met that obligation because they had enacted the amendments without undertaking a secondary effects study to determine whether the "substantial portion" rule may have already reduced (alleged) secondary effects. Court highlights included the belated disclosure of New York City Police Department statistics showing *virtually no crime attributable to "adult " businesses.* This resulted in the City shifting its position (with no statistical support) to the lame argument that while there may be no statistical correlation between "adult businesses" and crime, such businesses nonetheless lead to "seedy neighborhoods" which, in turn, lead to increased crime.

Brian Clark dba Visions v. City of Lakewood, heard before the United State Court of Appeals for the Ninth Circuit:

> Brian Clark, the owner of three closed adult businesses in the City of Lakewood, brought this lawsuit challenging Lakewood's new adult cabaret ordinance ("Ordinance"). Clark claims the Ordinance violates the First Amendment of the United States Constitution and the free speech provisions of the Washington Constitution and was passed in violation of the Washington Open Public Meeting Act ("OPMA"). Both Clark and the City of Lakewood moved for summary judgment. The District Court granted summary judgment in favor of Lakewood concluding that Clark lacked standing and that the Ordinance was constitutional. **We reverse.** We hold that Clark has standing to raise most of his claims. We further hold that Lakewood developed its factual findings for the Ordinance in violation of the OPMA, thereby making them "null and void", so that the Ordinance itself may lack evidentiary support and may therefore be unconstitutional. We also conclude that the Ordinance's 21-day waiting period for managers on its face violates the Washington Constitution. In their discussion, they stated that "We conclude the alleged defects in Lakewood's licensing scheme create a risk of delay that could unnecessarily foreclose

expressive conduct and arbitrarily deny First Amendment rights. (See FW/PBS, 493 U.S. at 226-27). Therefore, these provisions can be facially challenged without having to apply for and be denied a license".

In *Freedman v. Maryland, supra*, 380 U.S. at 58-60; 85 S. Ct. at 738-739; 13L. Ed. 2d at 654-655., the Supreme Court listed three essential procedural safeguards. First, any restraint prior to judicial review can be placed only for a brief period during which the status must be maintained. Second, expeditious judicial review of the administrative decision must be available. Lastly, the censor must bear the burden of proof in court.

In *Schad v. Borough of Mount Ephraim,—U.S.—101 S. Ct. 2176, 68 L.Ed.2d 671 (1981)* The United States Supreme Court reversed the conviction of the operators of an adult bookstore which contained coin-operated devices that displayed adult films as well as a coin-operated mechanism permitting a customer to watch a nude live dancer. The operators were convicted of violating a zoning ordinance that prohibited all live entertainment in the municipality. The United States Supreme Court noted that as the ordinance had been construed by the New Jersey courts it prohibited all live entertainment, and observed:

"By excluding live entertainment throughout the Borough, the Mount Ephraim ordinance prohibits a wide range of expression that has long been held to be within the protections of the First Amendment. Entertainment, as well as political and ideological speech, is protected; motion pictures, programs broadcast by radio and television and live entertainment, such as musical and dramatic works, fall within the First Amendment guarantee. "To be reasonable, time, place and manner restrictions not only must serve significant state interests but also must leave open adequate alternative channels of communication. Here, the Borough totally excludes all live entertainment; including non-obscene nude dancing that is otherwise protected by the First Amendment. Thus municipal ordinances like the one at issue that regulate nude dancing are subject to constitutional scrutiny.

Sec'y of State v. Joseph H. Munson, Co., 467 U.S. 947, 955 (1984) (discussing prudential consideration that generally, a plaintiff must assert his own legal rights). Under the over breadth doctrine, these prudential considerations have weighed in favor of allowing litigants to bring First Amendment challenges on behalf of those whose expression might be impermissibly chilled, so long as the plaintiff also suffers in fact. The court in *Munson* explained:

> Even where a First Amendment challenge could be brought by one actually engaged in protected activity, there is a possibility that, rather than risk punishment for his conduct in challenging the statute, he will refrain from engaging further in the protected activity. Society, as a whole then would be the loser. Thus, when there is a danger of chilling free speech, the concern that constitutional adjudication be avoided whenever possible may be outweighed by society's interest in having the statute challenged. Litigants, therefore, are permitted to challenge a statute not because their own rights of free expression are violated, but because of a judicial predication or assumption that the statute's very existence may cause others not before the court to refrain from constitutionally protected speech or expression.

See also 4804 *Convoy*, 183F.3d at 1112 ("[A] plaintiff may challenge an overly broad statute or regulation by showing that it may inhibit the First Amendment rights of individuals who are not before the court.").

> An over breadth challenge is appropriate here because there is credible risk the Ordinance could cause self-censorship and chilling of expression. For example, instead of subjecting themselves to the alleged unconstitutional licensing scheme, managers and entertainers might choose to engage in their professions in other cities where their livelihood is not dependent upon the issuance and maintenance of a license. Managers might decide they cannot afford to wait 21 days before they can start working or that they cannot risk losing their job if the city revokes their license. Additionally, employees might be concerned about the Ordinance's requirement that they disclose their home address and phone number. Entertainers might be especially concerned about the risk that cabaret patrons could obtain such personal information and harass the entertainers at their homes, or worse. See *LLEH, Inc. v. Wichita County*, 121 F. Supp. 2d 513, 525 (N.D. Tex. 2000) (holding requirement that adult entertainment employees must disclose their home address and phone number is unconstitutional); *N.W. Enters, Inc. v. City of Houston*, 27 F. Supp. 2d 754, 840-841 (S.D. Tex 1998) (same). For these reasons. There is a risk cabaret employees will engage in self-censorship and avoid participating in protected activity in Lakewood. We hold this is a sufficient basis to relax the prudential standing requirements and allow Clark to bring a facial over breadth challenge to the licensing of managers and entertainers. See *Munson*, 467 U.S. at 956-57.

Lady J. Lingerie, Inc. v. City of Jacksonville, supra, 176 F.3d at 1366. The court pointed out that [compelled] disclosure of the sort the Jacksonville ordinance entails threatened to stymie the exercise of First

Amendment Freedoms...."Ibid. The court held that there was no "relevant correlation" or a "substantial relation" between the names of principal stockholders and the harmful secondary effects of adult entertainment establishments. "Ibid. The court indicated that disclosure of directors and officers of the corporation would be sufficient for the City's need to know who was actually running the adult businesses, to allow for effective enforcement of the zoning regulation.

Similarly, the United States Court of Appeals for the Ninth Circuit held unconstitutional a regulation by the city of Seattle that required a license application for a specific adult business to list the names and addresses of all stockholders of a corporate application. *Acorn Investments, Inc. v. City of Seattle*, 887 F .2d 219 (9th Cir. 1989). The city justified the licensing ordinance on the grounds of the adverse secondary effects associated with the adult businesses in question, relying on *Renton v. Playtime Theatres, supra*, 475 U.S. 41, 106 S. Ct. 925, 89 L.Ed.2d 29.

Flanigan's Ent. V. Fulton C. The Fulton County Clubs challenged and disproved the Board's findings. The evidence in the record relating to conditions in Fulton County shows unequivocally that property values in neighborhoods adjoining the Clubs have increased during the time the Clubs have been in existence, and that surrounding buildings show no signs of blight, or lack of physical maintenance. Moreover, the Fulton County police study found greater reported crime connected with establishments that served alcohol but did not feature adult entertainment. In other words, local studies commissioned both by the Clubs and the Board found no evidence of the secondary effects with which the Board was purportedly concerned. The case might be different were the Clubs a recent addition to Fulton County neighborhoods. It is undisputed, however, that Plaintiffs have continually operated these adult entertainment establishments for nearly a decade. Defendants may not ban nude dancing in establishments licensed to sell liquor without any factual basis to support the claim that these establishments are connected with negative secondary effects. Accordingly, we hold that Section 18-76 is unconstitutional under the O'Brien test because the ordinance fails to further the professed governmental interests.

Applying the *O'Brien* test: See *O'Brien*, 391 U.S. at 377, 88 S.Ct. at 1679.

Under *O'Brien*, an ordinance is valid if:

(1) it serves a substantial interest within the power of the government;

(2) the ordinance furthers that interest;

(3) the interest served is unrelated to the suppression of free expression; and

(4) there is no less restrictive alternative.

A nude dancing regulation must meet the constitutional requirements of the *O'Brien* test.

Because erotic strip-tease dancing is protected under the First Amendment, the Supreme Court has ruled that cities may not totally ban such activity.

Dancing is a form of expressive conduct. According to Lucinda Jarrett, author of *Stripping in Time: The History of Exotic Dancing,* the censorious nature of Christianity has meant the sexual dance flourished in the East long before it emerged in Europe and America" (pg. 2).

By the 19th century, however, Spanish gypsies were dancing the erotic flamenco in the cafes of Europe, and nude showgirls were performing in Parisian music halls, as David Cheshire has noted. So called "leg-shows" were introduced into the opera houses of the United States after the Civil War. Many Americans first witnessed Middle Eastern belly dancers at the 1893 Chicago World's Columbian Exposition. Nude dancers graced the stage of Ziegfield's revues in New York City during the 1920s.

There is a recent Georgia Supreme Court decision that struck a law which disallowed 18-20 year olds from seeing nude dancing in a juice bar, finding that it was a complete ban, and strict scrutiny applied.

Kansas City, Missouri, August 27, 2003. A Missouri law raising the minimum age for nude dancers from 18 to 19 appears to be a violation of the First Amendment right to free expression, a federal judge ruled in barring enforcement of the law. "I'm not persuaded the law furthers a substantial government interest, nor am I persuaded that the governmental interest in this case is unrelated to suppression of free speech," U.S. District Judge Ortrie Smith ruled. The Circuit Court of Appeals struck down the unconstitutional law.

The Cincinnati Enquirer: The latest attempt to regulate adult entertainment in Clermont County was declared unconstitutional April24, 2003. The U.S. 6th Circuit Court of Appeals ruled that Union Township officials went too far when they imposed strict licensing rules on the déjà vu cabaret, which features nude dancing. The township's rules required the owners to obtain a license, limited the club's hours and gave police broad authority to inspect the premises for possible health and safety violations. Township officials contended

the regulations were needed because they feared adult businesses would bring crime and related problems to the community. The 6th Circuit's decision goes further than an earlier decision by U.S. District Judge Sandra Beckwith, who ruled more than a year ago that portions of the township's law were unconstitutional.

The adult entertainment businesses in Anchorage will be getting crime statistics and real estate statistics for our businesses and others on a regular basis from now on. If necessary, we will gather this information based on the Freedom of Information Act. I believe we can easily show that there are NO secondary effects in Anchorage that are being caused by our adult entertainment businesses. I have written a letter to the Chief of Police requesting a study of crime statistics involving our adult entertainment establishments, as well as the crime statistics of some other businesses around Anchorage, that I feel assured will prove to have much higher crime rates than the Gentlemen's Clubs in our municipality.

"The interest of encouraging freedom of expression in a democratic society outweighs any theoretical but unproven benefit of censorship." Statement made by U.S. Supreme Court Justice John P. Stevens.

Luckily, most intelligent human beings understand that the price of freedom is the tolerance of those things that we find offensive in order that we can all appreciate the freedom to enjoy those things not personally offensive. Anyone who truly appreciates and embraces the freedoms our forefathers fought and gave their lives for cannot be so apt to close their eyes and ignore governmental attempts to take those freedoms away.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

—First Amendment to the U.S. Constitution

re recruiting teens

ne is waking up to the possibility that 'd be high school students."

— Bill Miller,
Anchorage Police Department deputy chief

Cooper said. rom all walks

ice the first opened, the l concerns that nts could be

ly interested in igh school kids lubs," he said. is waking up to at these girls ol students."

other states, ions for nude y permissive, le Alaska law e dancing with l dancer and patron, many other states have more restrictive laws, he said.

"In some other states you have to wear at least pasties and a G-string," Miller said.

But police investigations take time and resources, he said. The largest resource guzzler is traffic complaints, Miller said

"We have more crimes in this city than we can investigate," he said. "People are worried about racial profiling, but we have more than enough work to keep us busy without going around looking for ways to steal people's civil rights."

Heather A. Resz can be reached hresz@anchoragechronicle.com 348-2432.



Chronicle
Miller
May 1 2003

FANTASIES ON 5TH AVENUE

1911 E. 5TH AVE., ANCHORAGE, AK 99501
PHONE (907)563-0042 FAX (907)563-0043

STAGE NAME:_____

APPLICATION FOR EMPLOYMENT

NAME:
(LAST) (FIRST) (MI) PHONE #

SOC. SEC. NO. ADL# EXP. DATE: CELL PHONE:

DATE OF BIRTH: BIRTHPLACE:

PRESENT ADDRESS:

PERMANENT ADDRESS:

HEIGHT WEIGHT REFFERED BY: WHEN CAN YOU START:

ARE YOU PRESENTLY ATTENDING HIGH SCHOOL ? YES NO WHICH SCHOOL ?

********** WE DO NOT HIRE ADULTS THAT ARE STILL ATTENDING HIGH SCHOOL**********

BRIFLY STATE WHY YOU WOULD LIKE TO DANCE FOR US:

HAVE YOU EVER DANCED PROFESSIONALLY BEFORE? WHEN: WHERE:

PERSONAL REFERENCES: (LIST TWO):

NAME: ADDRESS: PHONE:

NAME: ADDRESS: PHONE:

IN CASE OF EMERGENCY, PLEASE NOTIFY:

NAME: ADDRESS: PHONE:

I certify that all statements made within are accurate. I understand that my employment may be terminated without previous notice if any of these facts are found be misrepresented. I agree to comply with the rules of my workplace, and understand that my employment may be terminated if I break said rules. I understand that my employment will be terminated immediately if I engage in prostitution or if I am in possession of alcohol, non-prescription substances (drugs), or weapons o any kind at my workplace.

SIGNATURE: DATE:

FOR INTERVIEWERS USE ONLY:

I have reviewed this application and recommend that the applicant be hired. I have been presented with sufficient proof that the applicant is eighteen years of age o older and therefore eligible to work as a dancer in the Municipality of Anchorage.

NAME: TITLE:

SIGNATURE: DATE:

Dec 10 01 01:22p Carol Hartman 907-563-0043 P.1

Municipality of Anchorage
Permit for Premises Where Minors Are Not Allowed

PERMIT NUMBER: 01-003
Business Name: Sands North Inc. dba Undress Setter
Business Owner: Kathy Hartman
Business Address: 1911 E. 5th Avenue
Anchorage, AK 99508

DATE ISSUED: December 3, 2001
Property Owner's Name: Delco Inc dba Irish Setter
Property Owner's Address: 1911 E. 5th Ave
Anchorage, AK

Legal Description: Fourth Addition, Block 26c, Lot 8

This permit is issued per Section 21.45.240, Anchorage Municipal code (AMC) for PREMISES WHERE MINORS ARE NOT ALLOWED
Check one:

X These premises are located in compliance with AMC 21.45.240.B relating to requirements for 1,000 foot separation from certain specified uses.

___ These premises are located in compliance with AMC 21.45.240.C relating to separation requirements from certain specified uses in accordance with the State of Alaska's means of measurement for this type enterprise.

X These premises were established prior to enactment of AMC 21.45.240 and are granted nonconforming use status subject to the provisions of Chapter 21.55, Anchorage Municipal Code.

This permit remains valid so long as the enterprise named hereon remains in continuous operation at this location and does not physically expand. In addition, a permit granted under AMC 21.45.240.C shall remain valid so long as the enterprise does not engage in an activity for which a permit is required under AMC 21.45.240.B.

APPROVED: _____

Administrative Official

THIS PERMIT SHOULD BE ON DISPLAY IN A PROMINENT PLACE.

Municipality of Anchorage

George P. Wuerch, Mayor

Building Safety Division

P.O. Box 196650 • 4700 S. Bragaw Street
Anchorage, Alaska 99519-6650 • (907) 343-8301
http://www.ci.anchorage.ak.us

November 27, 2001

Sands North, Inc.
Kathy Hartman
1911 E. 5th Ave.
Anchorage, Alaska 99501

Dear Kathy,

This letter is in response to your application for a permit for premises where minors are not allowed and proposed expansion.

A survey of all properties within 1,000 feet was conducted on November 27, 2001. The site continues to meet the requirements of Section 21.45.240 of the Anchorage Municipal Code. An expansion of the adult-oriented establishment would at this time be considered a permitted use. All other code requirements must be met for the expansion with regards to permitting, occupancy, parking, landscaping, etc depending upon the scope of the expansion.

A review of applicable code provisions allow that our approval applies only to the immediate timeframe of the inspection.

Sincerely,

Steve Ellis
Code Enforcement Manager
Building Safety Division

Municipality of Anchorage

P.O. Box 196650 • Anchorage, Alaska 99519-6650 • 825 "L" Street http://www.muni.org

Mayor Mark Begich

Department of Health and Human Services

Estab. Name: THE ~~SEAFOOD~~ Fantasies SNACKBAR
Site Address: 1911 E 5TH AVE
ANCHORAGE
Inspection Date: 1/14/2004

Telephone: 9072729224
Owner: KATHY HARTMAN
Certified FOOD MANAGER: CAROL HARTMAN
Expiration Date: 10/26/2004

Inspection Duration: 15 minutes
Facility ID: FA0003313
Program/Element: F003 - FOOD PERMIT: TYPE 3
Inspector: EE0000021-Lynn Coad

Service: 001 - Regular
Result: 00 - NOT APPLICABLE
Total Score: 100

Based on the inspection this day, the items marked below identify the violations in operations or facilities which must be corrected by the next routine inspection or such shorter times as may be specified in writing by the Director of the Department of Health & Human Services or their authorized representatives. Failure to comply with any time limits for corrections specified in this notice may result in the immediate suspension or revocation of your permit. If you have any questions or comments, our office phone number is 343-6509. http://www.muni.org/healthesd/sanity.cfm

Notice of Inspection Violations

Inspection Comments

No violations noted on this inspection.

Carol Hartman
Received By:
1.0.0.97.00

Lynn Coad
Environmental Health Specialist

Community, Security, Prosperity

Municipality of Anchorage

P.O. Box 196650 • Anchorage, Alaska 99519-6650 • 825 "L" Street http://www.muni.org

Mayor Mark Begich

Department of Health and Human Services

Estab. Name:	THE SETTER	Telephone:	9072729224
Site Address:	1911 E 5TH AVE	Owner:	KATHY HARTMAN
	ANCHORAGE	Certified FOOD MANAGER :	CAROL HARTMAN
Inspection Date:	1/14/2004	Expiration Date:	10/26/2004

Inspection Duration:	15 minutes	Service:	001 - Regular
Facility ID:	FA0000534	Result:	00 - NOT APPLICABLE
Program/Element:	F001 - FOOD PERMIT: TYPE 1		
Inspector:	EE0000021-Lynn Coad	Total Score:	100

Based on the inspection this day, the items marked below identify the violations in operations or facilities which must be corrected by the next routine inspection or such shorter times as may be specified in writing by the Director of the Department of Health & Human Services or their authorized representatives. Failure to comply with any time limits for corrections specified in this notice may result in the immediate suspension or revocation of your permit. If you have any questions or comments, our office phone number is 343-6509. http://www.muni.org/healthesd/sanity.cfm

Notice of Inspection Violations

Inspection Comments

No violations noted on this inspection.

Carol Hartman
Received By:
1.0.0.97.00

Lynn Coad
Environmental Health Specialist

Community, Security, Prosperity

Feb 10, 2004

To Whom It May Concern: The Health Department has changed the way they do things, as I'm sure you are well aware.

We used to have two separate Health Permits, one for The Setter and one for Fantasies, as you can see on the 2000 copies that are enclosed. We now have two different types of licenses, however they have lumped it all into one name since we are in one building and share access, so the name on the permits is The Setter. Copies of most current inspection, dated Jan. 14, 2004, are enclosed

Carol Hartman

MUNICIPALITY OF ANCHORAGE
Department of Health & Human Services

FOOD SERVICE ESTABLISHMENT INSPECTION REPORT

Fantasies
NAME OF ESTABLISHMENT

ADDRESS

CITY STATE ZIP

PERMIT NUMBER

SANITARIAN

INSPECT TIME 05 TRAVEL TIME 03

DATE OF INSPECTION M 03 D 09 Y 90

WATER SAMPLE DATE

PURPOSE
- [X] 1. REGULAR
- [ ] 2. FOLLOW-UP
- [ ] 3. COMPLAINT
- [ ] 4. FOOD BORNE
- [ ] 5. REINSPECT
- [ ] 6. OPENING
- [ ] 7. CLOSING
- [ ] 8. CHANGE OF OWNERSHIP
- [ ] 9. OTHER

Based on an inspection this day, the items marked below identify the violations in operations or facilities which must be corrected by the next routine inspection or such shorter times as may be specified in writing by the Director of the Department of Health & Human Services or their authorized representatives. Failure to comply with any time limits for corrections specified in this notice may result in the immediate suspension or revocation of your permit.

If your food establishment is ordered to close immediately, your permit to operate a food service establishment is suspended immediately upon your receipt of this notice. You have the right to challenge this closure order and this suspension of your permit. If you wish such a hearing, you must deliver a written request to the following office within ten (10) days of the date you received this notice: Director's Office, Department of Health & Human Services, Municipality of Anchorage, 825 "L" Street, Anchorage Alaska 99501.

	ITEM	DESCRIPTION	WEIGHT
FOOD	*01	SOURCE, SOUND CONDITION, NO SPOILAGE	5
	02	ORIGINAL CONTAINER: PROPERLY LABELED	1
FOOD PROTECTION	*03	POTENTIALLY HAZARDOUS FOOD MEETS TEMPERATURE REQUIREMENTS DURING STORAGE, PREPARATION, DISPLAY SERVICE TRANSPORTATION	5
	*04	FACILITIES TO MAINTAIN PRODUCT TEMPERATURE	4
	05	THERMOMETERS PROVIDED AND CONSPICUOUS	1
	06	POTENTIALLY HAZARDOUS FOOD PROPERLY THAWED	2
	*07	UNWRAPPED AND POTENTIALLY HAZARDOUS FOOD NOT RE-SERVED	4
	08	FOOD PROTECTION DURING STORAGE PREPARATION, DISPLAY, SERVICE TRANSPORTATION	2
	09	HANDLING OF FOOD (ICE) MINIMIZED	2
	10	IN USE, FOOD (ICE) DISPENSING UTENSILS PROPERLY STORED	1
PERSONNEL	*11	PERSONNEL WITH INFECTIONS RESTRICTED	5
	*12	HANDS WASHED AND CLEAN, GOOD HYGIENIC PRACTICES	5
	13	CLEAN CLOTHES, HAIR RESTRAINTS	1
FOOD EQUIPMENT & UTENSILS	14	FOOD (ICE) CONTACT SURFACES: DESIGNED, CONSTRUCTED, MAINTAINED, INSTALLED, LOCATED	2
	15	NON-FOOD CONTACT SURFACES: DESIGNED, CONSTRUCTED, MAINTAINED, INSTALLED, LOCATED	1
	16	DISHWASHING FACILITIES: DESIGNED CONSTRUCTED, MAINTAINED, INSTALLED, LOCATED, OPERATED	2
	17	ACCURATE THERMOMETERS, CHEMICAL TEST KITS PROVIDED, GAUGE COCK (1/4" IPS VALVE)	1
	18	PRE-FLUSHED, SCRAPED, SOAKED	1
	19	WASH, RINSE WATER: CLEAN, PROPER TEMPERATURE	2

SCORE FOR THIS COLUMN

	ITEM	DESCRIPTION	WEIGHT
FOOD EQUIPMENT & UTENSILS	*20	SANITIZATION RINSE: CLEAN, TEMPERATURE, CONCENTRATION, EXPOSURE TIME, EQUIPMENT, UTENSILS SANITIZED	4
	21	WIPING CLOTHES: CLEAN, USE RESTRICTED	1
	22	FOOD-CONTACT SURFACES OF EQUIPMENT AND UTENSILS CLEAN, FREE OF ABRASIVES DETERGENTS	2
	23	NON-FOOD CONTACT SURFACES OF EQUIPMENT AND UTENSILS CLEAN	1
	24	STORAGE, HANDLING OF CLEAN EQUIPMENT/ UTENSILS	1
	25	SINGLE-SERVICE ARTICLES, STORAGE, DISPENSING, USED	1
	26	NO RE-USE OF SINGLE SERVICE ARTICLES	2
WATER/ SEWAGE	*27	WATER SOURCE, SAFE, HOT & COLD UNDER PRESSURE	5
	*28	SEWAGE AND WASTE WATER DISPOSAL	4
PLUMBING	29	INSTALLED, MAINTAINED	1
	*30	CROSS CONNECTION, BACK SIPHONAGE, BACKFLOW	5
TOILET AND HANDWASHING FACILITIES	*31	NUMBER, CONVENIENT, ACCESSIBLE DESIGNED, INSTALLED	4
	32	TOILET ROOMS ENCLOSED, SELF-CLOSING DOORS, FIXTURES, GOOD REPAIR, CLEAN: HAND CLEANSER, SANITARY TOWELS/HAND DRYING DEVICES PROVIDED, PROPER WASTE RECEPTACLES	2
GARBAGE & REFUSE DISPOSAL	33	CONTAINERS OR RECEPTACLES, COVERED: ADEQUATE NUMBER INSECT/RODENT PROOF, FREQUENCY, CLEAN	2
	34	OUTSIDE STORAGE AREA ENCLOSURES PROPERLY CONSTRUCTED, CLEAN, CONTROLLED INCINERATION	1

* DENOTES CRITICAL ITEMS NEEDING IMMEDIATE ATTENTION

SCORE FOR THIS COLUMN

	ITEM	DESCRIPTION	WEIGHT
INSECT RODENT & ANIMAL CONTROL	*35	PRESENCE OF INSECTS/RODENTS OUTER OPENINGS PROTECTED, NO BIRDS TURTLES OR OTHER ANIMALS	4
FLOORS, WALLS & CEILINGS	36	FLOORS: CONSTRUCTED, DRAINED, CLEAN GOOD REPAIR, COVERING INSTALLATION, DUSTLESS CLEANING METHODS	1
	37	WALLS, CEILING, ATTACHED EQUIPMENT: CONSTRUCTED, GOOD REPAIR, CLEAN, SURFACES, DUSTLESS CLEANING METHODS	1
LIGHTING/ VENTILATION	38	LIGHTING PROVIDED AS REQUIRED, FIXTURES SHIELDED	1
	39	ROOMS AND EQUIPMENT - VENTED AS REQUIRED	1
DRESSING ROOMS	40	ROOMS CLEAN, LOCKERS PROVIDED, FACILITIES, CLEAN, LOCATED	1
OTHER OPERATIONS	*41	NECESSARY TOXIC ITEMS PROPERLY STORED, LABELED, USED	5
	42	PREMISES MAINTAINED, FREE OF LITTER, UNNECESSARY ARTICLES, CLEANING MAINTENANCE EQUIPMENT PROPERLY STORED AUTHORIZED PERSONNEL	1
	43	COMPLETE SEPARATION FROM LIVING/ SLEEPING QUARTERS, LAUNDRY	1
	44	CLEAN, SOILED LINEN PROPERLY STORED	1

RATING SCORE ➡ 100

100 LESS WEIGHT OF ITEMS IN VIOLATION

FOLLOW-UP REQUIRED?

[ ] NO [ ] YES IN DAYS

SHEET 1 OF _____

INSPECTOR'S COMMENT

RECEIVED BY

TITLE

INSPECTED BY T. Marty Halsen 3-9-90

DATE

72-002 (Rev 5/93)*

MUNICIPALITY OF ANCHORAGE
Department of Health & Human Services

FOOD SERVICE ESTABLISHMENT INSPECTION REPORT

NAME OF ESTABLISHMENT: The Better

ADDRESS

CITY | STATE | ZIP

PERMIT NUMBER

SANITARIAN: 30

INSPECT TIME: 03 | TRAVEL TIME: 03

DATE OF INSPECTION: M 3 M 3 D 0 D 9 4

WATER SAMPLE DATE

PURPOSE
- [x] 1. REGULAR
- [ ] 2. FOLLOW-UP
- [ ] 3. COMPLAINT
- [ ] 4. FOOD BORNE
- [ ] 5. REINSPECTION
- [ ] 6. OPENING
- [ ] 7. CLOSING
- [ ] 8. CHANGE OF OWNERSHIP
- [ ] 9. OTHER

Based on an inspection this day, the items marked below identify the violations in operations or facilities which must be corrected by the next routine inspection or such shorter times as may be specified in writing by the Director of the Department of Health & Human Services or their authorized representatives. Failure to comply with any time limits for corrections specified in this notice may result in the immediate suspension or revocation of your permit.

If your food establishment is ordered to close immediately, your permit to operate a food service establishment is suspended immediately upon your receipt of this notice. You have the right to challenge this closure order and this suspension of your permit. If you wish such a hearing, you must deliver a written request to the following office within ten (10) days of the date you received this notice: Director's Office, Department of Health & Human Services, Municipality of Anchorage, 825 "L" Street, Anchorage Alaska 99501.

	ITEM	DESCRIPTION	WEIGHT
FOOD	*01	SOURCE, SOUND CONDITION, NO SPOILAGE	5
	02	ORIGINAL CONTAINER, PROPERLY LABELED	1
FOOD PROTECTION	*03	POTENTIALLY HAZARDOUS FOOD MEETS TEMPERATURE REQUIREMENTS DURING STORAGE, PREPARATION, DISPLAY SERVICE, TRANSPORTATION	5
	*04	FACILITIES TO MAINTAIN PRODUCT TEMPERATURE	4
	05	THERMOMETERS PROVIDED AND CONSPICUOUS	1
	06	POTENTIALLY HAZARDOUS FOOD PROPERLY THAWED	2
	*07	UNWRAPPED AND POTENTIALLY HAZARDOUS FOOD NOT RE-SERVED	4
	08	FOOD PROTECTION DURING STORAGE, PREPARATION, DISPLAY, SERVICE TRANSPORTATION	2
	09	HANDLING OF FOOD (ICE) MINIMIZED	2
	10	IN USE, FOOD (ICE) DISPENSING UTENSILS PROPERLY STORED	1
PERSONNEL	*11	PERSONNEL WITH INFECTIONS RESTRICTED	5
	*12	HANDS WASHED AND CLEAN, GOOD HYGIENIC PRACTICES	5
	13	CLEAN CLOTHES, HAIR RESTRAINTS	1
FOOD EQUIPMENT & UTENSILS	14	FOOD (ICE) CONTACT SURFACES: DESIGNED, CONSTRUCTED, MAINTAINED, INSTALLED, LOCATED	2
	15	NON-FOOD CONTACT SURFACES DESIGNED, CONSTRUCTED, MAINTAINED, INSTALLED, LOCATED	1
	16	DISHWASHING FACILITIES: DESIGNED CONSTRUCTED, MAINTAINED, INSTALLED, LOCATED, OPERATED	2
	17	ACCURATE THERMOMETERS, CHEMICAL TEST KITS PROVIDED, GAUGE COCK (1/4" IPS VALVE)	1
	18	PRE-FLUSHED, SCRAPED, SOAKED	1
	19	WASH, RINSE WATER CLEAN, PROPER TEMPERATURE	2
		SCORE FOR THIS COLUMN	

	ITEM	DESCRIPTION	WEIGHT
FOOD EQUIPMENT & UTENSILS	*20	SANITIZATION RINSE: CLEAN, TEMPERATURE, CONCENTRATION, EXPOSURE TIME, EQUIPMENT, UTENSILS SANITIZED	4
	21	WIPING CLOTHES: CLEAN, USE RESTRICTED	1
	22	FOOD-CONTACT SURFACES OF EQUIPMENT AND UTENSILS CLEAN, FREE OF ABRASIVES, DETERGENTS	2
	23	NON-FOOD CONTACT SURFACES OF EQUIPMENT AND UTENSILS CLEAN	1
	24	STORAGE, HANDLING OF CLEAN EQUIPMENT/ UTENSILS	1
	25	SINGLE-SERVICE ARTICLES, STORAGE, DISPENSING, USED	1
	26	NO RE-USE OF SINGLE SERVICE ARTICLES	2
WATER/ SEWAGE	*27	WATER SOURCE, SAFE: HOT & COLD UNDER PRESSURE	5
	*28	SEWAGE AND WASTE WATER DISPOSAL	4
PLUMBING	29	INSTALLED, MAINTAINED	1
	*30	CROSS CONNECTION, BACK SIPHONAGE, BACKFLOW	5
TOILET AND HANDWASHING FACILITIES	*31	NUMBER, CONVENIENT, ACCESSIBLE DESIGNED, INSTALLED	4
	32	TOILET ROOMS ENCLOSED, SELF-CLOSING DOORS, FIXTURES, GOOD REPAIR, CLEAN: HAND CLEANSER, SANITARY TOWELS/HAND DRYING DEVICES PROVIDED, PROPER WASTE RECEPTACLES	2
GARBAGE & REFUSE DISPOSAL	33	CONTAINERS OR RECEPTACLES, COVERED ADEQUATE NUMBER INSECT/RODENT PROOF, FREQUENCY, CLEAN	2
	34	OUTSIDE STORAGE AREA ENCLOSURES PROPERLY CONSTRUCTED, CLEAN, CONTROLLED INCINERATION	1
		* DENOTES CRITICAL ITEMS NEEDING IMMEDIATE ATTENTION	
		SCORE FOR THIS COLUMN	

	ITEM	DESCRIPTION	WEIGHT
INSECT RODENT & ANIMAL CONTROL	*35	PRESENCE OF INSECTS/RODENTS OUTER OPENINGS PROTECTED, NO BIRDS TURTLES OR OTHER ANIMALS	4
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LIGHTING/ VENTILATION	38	LIGHTING PROVIDED AS REQUIRED, FIXTURES SHIELDED	1
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DRESSING ROOMS	40	ROOMS CLEAN, LOCKERS PROVIDED, FACILITIES, CLEAN, LOCATED	1
OTHER OPERATIONS	*41	NECESSARY TOXIC ITEMS PROPERLY STORED, LABELED, USED	5
	42	PREMISES MAINTAINED, FREE OF LITTER, UNNECESSARY ARTICLES, CLEANING MAINTENANCE EQUIPMENT PROPERLY STORED AUTHORIZED PERSONNEL	1
	43	COMPLETE SEPARATION FROM LIVING/ SLEEPING QUARTERS, LAUNDRY	1
	44	CLEAN, SOILED LINEN PROPERLY STORED	1

RATING SCORE 100

100 LESS WEIGHT OF ITEMS IN VIOLATION

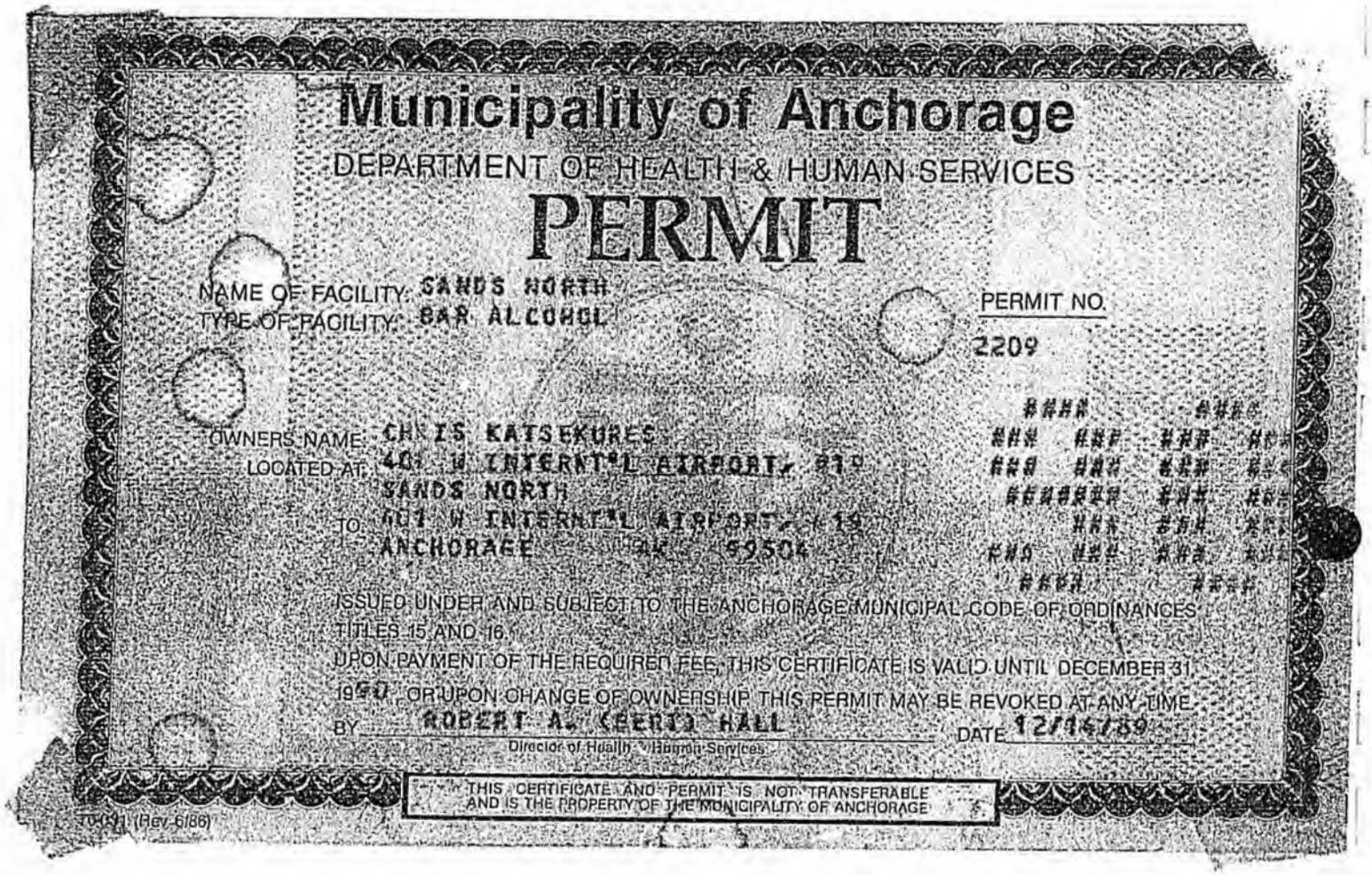
FOLLOW-UP REQUIRED?

☐ NO ☐ YES IN DAYS

SHEET 1 OF _____

INSPECTOR'S COMMENT

RECEIVED BY | TITLE | INSPECTED BY | DATE 3-9-00



Municipality of Anchorage

DEPARTMENT OF HEALTH & HUMAN SERVICES

PERMIT

NAME OF FACILITY: SANDS NORTH
TYPE OF FACILITY: BAR ALCOHOL

PERMIT NO.
2209

OWNERS NAME: CHRIS KATSEKORES
LOCATED AT: 401 W INTERNT'L AIRPORT RD
SANDS NORTH
TO: 401 W INTERNT'L AIRPORT RD
ANCHORAGE AK 99504

ISSUED UNDER AND SUBJECT TO THE ANCHORAGE MUNICIPAL CODE OF ORDINANCES TITLES 15 AND 16.

UPON PAYMENT OF THE REQUIRED FEE, THIS CERTIFICATE IS VALID UNTIL DECEMBER 31, 1990 OR UPON CHANGE OF OWNERSHIP. THIS PERMIT MAY BE REVOKED AT ANY TIME.

BY ROBERT A. KEERI HALL DATE 12/14/89
Director of Health & Human Services

THIS CERTIFICATE AND PERMIT IS NOT TRANSFERABLE AND IS THE PROPERTY OF THE MUNICIPALITY OF ANCHORAGE

70-(3) (Rev 6/86)

Original Health Permit 1989-

we have had inspections every year since we started in business

Examination Form No. 742

Certificate No. 2825948

ServSafe Certification

Fantasies on 5th Ave.
Good till 10/26/02

TO

CAROL HARTMAN

for successfully completing the requirements set by the National Restaurant Association Educational Foundation for the ServSafe® Food Protection Manager Certification Examination, which is recognized by the International Food Safety Council.

Presented by the National Restaurant Association Educational Foundation

10/26/01

DATE OF EXAMINATION

This ServSafe certification is valid for 5 years.
Check with your local health department for their specific requirements.

ELLEN MOORE, FMP
SENIOR VICE PRESIDENT
LEARNING AND CERTIFICATION DIVISION

© National Restaurant Association Educational Foundation
© 2001 National Restaurant Association Educational Foundation
0001K01 v3.07

National Restaurant Association
EDUCATIONAL FOUNDATION

www.nraef.org

NOV-09-2001 10:19 FLORIDA CAMAN P.002/002



SERVING SAFE FOOD

SECOND EDITION

Carol Hartman

has participated in the **Serving Safe Food** training program.

National Restaurant Association
THE EDUCATIONAL FOUNDATION

DATE 11-30-94 MANAGER Mary E. Jayne MANAGER'S SERVSAFE CERTIFICATE NO. #103740

Name: Carol Hartman

Establishment: Sands North

Has successfully passed the

Limited Service Sanitation Challenge Test

presented by the

Anchorage Restaurant Beverage Association

ANCHORAGE - RESTAURANT BEVERAGE - ASSOCIATION ARBA

Date: 4/30/98 Instructor: Theresa Nyholm Certificate# 061

Only valid within the Municipality of Anchorage

I.D. CHECKING GUIDE®

Drivers License Guide Company
1492 Oddstad Drive
Redwood City, CA 94063
(650) 369-4849

A publication of the Drivers License Guide Company

Invoice

No. 428616

Sold to:

Kathy Heartman
Sands North Inc.
1911 East 5th Avenue
Anchorage, AK 99501

DATE	PURCHASE ORDER NO.	CUSTOMER NO.	SHIPPED VIA	SALES
02/05/04		92664	USPS	

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
2	2004 I.D. Checking Guide	17.50	35.00
	Shipping and Handling		4.00
	BALANCE DUE	U.S. $	39.00

PLEASE USE THE ENCLOSED POSTAGE-PAID
ENVELOPE TO MAKE PAYMENT.
THANK YOU!

DUPLICATE INVOICE. NO STATEMENT WILL BE SENT. NET 30 DAYS.

Alaska Department of Community and Economic Development
P.O. Box 110806, Juneau, Alaska 99811-0806

ALASKA BUSINESS LICENSE

The licensee named below holds Alaska Business License Number 262837
covering the period of: October 16, 2002 through December 31, 2004
Line of Business: 72 Accommodation and Food Services

SANDS NORTH, INC. DBA FANTASIES ON 5TH AVENUE

1120 E 5TH AVENUE, ANCHORAGE, AK 99501

Owner:
SANDS NORTH, INC.

TOBACCO ENDORSEMENT: 262837 - 1
Effective October 16, 2002 to the expiration date of this business license.
This business license has a tobacco endorsement authorizing sale of tobacco at the physical address shown below:

1911 E 5TH AVENUE, ANCHORAGE, AK 99501

This license shall not be taken as permission to do business in the state without having complied with the other requirements of the laws of the State of Alaska or of the United States.

Department of Community and Economic Development
Commissioner: Deborah B. Sedwick

This license must be posted in a conspicuous place at the business location. It is not transferable or assignable.

33333	For Official Use Only ► OMB No. 1545-0008		
b Kind of Payer: 941 ☒ Military ☐ 943 ☐ CT-1 ☐ Hshld. emp. ☐ Medicare govt. emp. ☐ Third-party sick pay ☐	1 Wages, tips, other compensation $ 458675.02	2 Federal income tax withheld $ 42587.00	
c Total number of Forms W-2: 77 — d Establishment number	3 Social security wages $ 405084.82	4 Social security tax withheld $ 30966.45	
e Employer identification number: 92-0133421	5 Medicare wages and tips $ 499458.82	6 Medicare tax withheld $ 7242.20	
f Employer's name: Sands North Inc.	7 Social security tips $ 94374.00	8 Allocated tips $	
	9 Advance EIC payments $	10 Dependent care benefits $	
Fantasies On 5th Ave 1911 E 5th Ave Anchorage AK 99501	11 Nonqualified plans $	12 Deferred compensation $ 30464.00	
	13 For third-party sick pay use only		
g Employer's address and ZIP code	14 Income tax withheld by payer of third-party sick pay $		
h Other EIN used this year			
15 State — Employer's state ID number	16 State wages, tips, etc. $	17 State income tax $	
	18 Local wages, tips, etc. $	19 Local income tax $	
Contact person: Carol Hartman	Telephone number: (907) 561-8679	For Official Use Only	
E-mail address	Fax number: ( )		

Under penalties of perjury, I declare that I have examined this return and accompanying documents, and, to the best of my knowledge and belief, they are true, correct, and complete.

Signature ► Title ► Date ►

Form **W-3 Transmittal of Wage and Tax Statements** 2003

Department of the Treasu Internal Revenue Servi

Send this entire page with the entire Copy A page of Form(s) W-2 to the Social Security Administration. Photocopies are not acceptable.

Do not send any payment (cash, checks, money orders, etc.) with Forms W-2 and W-3.

An Item To Note

Separate instructions. See the separate **2003 Instructions for Forms W-2 and W-3** for information on completing this form.

Purpose of Form

Use this form to transmit Copy A of **Form(s) W-2,** Wage and Tax Statement. Make a copy of Form W-3, and keep it with Copy D (For Employer) of Form(s) W-2 for your records. Use Form W-3 for the correct year. **File Form W-3 even if only one Form W-2 is being filed.** If you are filing Form(s) W-2 on magnetic media or electronically, **do not** file Form W-3.

When To File

File Form W-3 with Copy A of Form(s) W-2 by March 1, 2004.

Where To File

Send this entire page with the entire Copy A page of Form(s) W-2 to:

Social Security Administration
Data Operations Center
Wilkes-Barre, PA 18769-0001

Note: *If you use "Certified Mail" to file, change the ZIP code to "18769-0002." If you use an IRS approved private delivery service, add "ATTN: W-2 Process, 1150 E. Mountain Dr." to the address and change the ZIP code to "18702-7997." See* ***Circular E,*** *Employer's Tax Guide (Pub. 15), for a list of IRS approved private delivery services.*

Do **not** send magnetic media to the address shown above.

For Privacy Act and Paperwork Reduction Act Notice, see the 2003 Instructions for Forms W-2 and W-3.

Cat. No. 10159Y

Printed on recycled paper

☆ U.S. GOVERNMENT PRINTING OFFICE: 2003–490-635

EMPLOYERS' NOTICE OF INSURANCE

TO THE EMPLOYEES OF THE UNDERSIGNED:
Your employer is insured by:

AMERICAN HOME ASSURANCE COMPANY, AN AIG COMPANY
Insurer (or Insurance Company)

P.O. BOX 409 300 INTERPACE PARKWAY BUILDING C 1ST FLOOR
Street and Number

PARSIPPANY | **NEW JERSEY** | **07054**
City | State | Zip Code

For the period from June 24, 2003 through June 24, 2004

WILTON ADJUSTMENT
Alaska Adjusting Company

P.O. BOX 92670
Street and Number

ANCHORAGE | **ALASKA** | **99509-2670**
City | State | Zip Code

This insurance pays benefits for job-connected injuries, illnesses or death as provided by the Alaska Workers' Compensation Act.

Employer
Sands North, Inc. dba Fantasies on 5th; Debco, Inc.

Title

Witness

Witness

Immediately (not later than 30 days from injury or death date) give your employer and the Alaska Workers' Compensation Board written notice of a job-related injury, illness or death. Get the "Report of Occupational Injury or Illness" form from your employer for this purpose.

If you have questions about your rights or benefits under the Alaska Workers' Compensation Act, contact the insurer at the above address and the Alaska Workers' Compensation Board at the nearest office listed below:

ANCHORAGE	FAIRBANKS	JUNEAU
3301 Eagle Street	674 Seventh Avenue	1111 West 8th Street
Box 107019	Station H2	Box 25512
Anchorage, AK 99510-7019	Fairbanks, AK 99701-4593	Juneau, AK 99802-5512

NOTICE TO EMPLOYER: AS 23.30.060 requires that you post this notice in three conspicuous places on the employer's premises.

POST IN A CONSPICUOUS PLACE

ALL WORK MUST BE INSPECTED

A 24-HOUR NOTICE IS REQUIRED FOR INSPECTION SERVICE - INSPECTION REQUEST LINE (907) 343-8300 OR FAX REQUEST (907) 249-7777

MUNICIPALITY OF ANCHORAGE
BUILDING SAFETY DIVISION
4700 SOUTH BRAGAW STREET
TELEPHONE (907) 343-8211

Department of Public Works

MECHANICAL NO: 02- -7205

RETROFIT Date: 02/11/02

SITE ADDRESS: 1911 E. 5TH AVE.

PERMITEE/OWNER: HARTMAN KATHLEEN ANN

CONTRACTOR: ALWAYS ON CALL MT. MECHANICAL

LOT: 7 BLOCK/TRACT: 26C SUBD: FOURTH ADDITION

TYPE: RETROFIT

PROPOSED WORK: RESTAURANT

WORK DESC.: replace boiler - 175,000 BTU

REMARKS: cs

TOTAL CONSTRUCTION VALUATION: $.00

Total fees for this issuance: $95.00

Total payments for this issuance: $95.00

Permit Issued By: STERLING CATHERINE J.

Approvals:

Chq

ALL WORK IN STRICT CONFORMANCE WITH PLAN CHECK REQUIREMENTS AS PER JOB PRINTS. FIELD INSPECTION REQUIRED

INSPECTION REQUIRED OF FOUNDATION EXCAVATION PRIOR TO PLACING ANY CLASSIFIED FILL

CONTACT THE UTILITY FOR APPROVAL OF SERVICE EQUIPMENT AND LOCATION PRIOR TO INSTALLATION. SERVICE CHANGES MUST BE SCHEDULED IN ADVANCE WITH THE UTILITY COMPANY AND THE BUILDING SAFETY INSPECTION SECTION.

I HAVE READ THE ABOVE APPLICATION AND KNOW THE CONTENTS THEREOF: THE SAME IS TRUE AND CORRECT. I FURTHER AGREE THE ABOVE WORK WILL BE DONE IN ACCORDANCE WITH ALL STATE, MUNICIPAL LAWS, AND ORDINANCES.

PERMIT EXPIRES IN 360 DAYS IF WORK IS NOT COMMENCED

Signature of permitee or Agent: _____

Printed Name: Per Fax

Inspection Report
Municipality of Anchorage, Building Safety Division
4700 South Bragaw

INSPECTION: VOICE 563-3464 **INSPECTION: FAX (907) 249-7777** **INFO: 343-8211**

Name	hartman kathleen ann	**Permit**	02-7205
Address	1911 E 5th ave	**Phone**	563-0042
Lot	7 **Block** 26c	**Inspection Date**	
Subdivision	fourth addition		

Comments or Directions

need to schedual a inspection date please call the number above and ask for Carol or Cyndy. Thank you!

Type of Inspection	retrofit of boiler	**Reinspection**	no

Your Report Has Been Sent to the Municipality. Please press 'print' if you'd like a copy for your records.

Print

MUNICIPALITY OF ANCHORAGE
ASSEMBLY MEMORANDUM
AM NO. 868-2003

Meeting Date: November 4, 2003

From: Assemblymember Dan Sullivan

Subject: **AO 2003-153— Amendment to AMC 10.40.050, Adult-Oriented Establishment License**

Adult-oriented establishments and activities associated with them have been documented to have secondary impacts affecting the quality of life in neighborhoods, such as increased crime rates, declining property values, disinvestment and decline in economic and pedestrian activity.

AMC 10.40.50 regulates such businesses through a licensing procedure, but within its definitions contains an exclusion for adult-oriented establishments known as an "*adult cabaret,*" which feature "topless dancers, strippers, male or female impersonators, or similar entertainers." AO 2003-153 presents an amendment to the "definitions" of adult establishments to include adult cabarets and impose reasonable licensing requirements on such establishments in furtherance of the protection of the public's health, safety, and welfare.

It is recommended that AO 2003-153 be introduced and set for public hearing.

Respectfully submitted,

Dan Sullivan

Dan Sullivan
Assemblymember, Section 3

Submitted by: Assemblymembers SULLIVAN, Traini, Kendall
Prepared by: Department of Assembly
For reading: November 4, 2003

ANCHORAGE, ALASKA
AO NO. 2003–153

AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING ANCHORAGE MUNICIPAL CODE SECTION 10.40.50, ADULT-ORIENTED ESTABLISHMENT LICENSE, TO REQUIRE ADULT CABARETS BE LICENSED.

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code section 10.40.050 is hereby amended to read as follows: (*Sections and subsections not affected are not set out.*)

10.40.050 Adult-oriented establishment license; physical layout of premises; conduct of business.

A. Definitions. For the purpose of this section, the following words and phrases shall have the meanings indicated in this subsection:

Adult-oriented establishment, or *adult business*, shall include, but is not limited to, adult bookstores, adult motion picture theaters, adult mini-motion picture establishments, adult cabarets, physical culture studios, massage parlors, escort services, or similar type businesses where, by the nature of the business, minors under the age of 18 are denied entry, or businesses which are prohibited by law from having minors or unaccompanied minors on the premises for reasons other than the sale of liquor. [PROVIDED HOWEVER, THAT ADULT-ORIENTED ESTABLISHMENT, OR ADULT BUSINESS SHALL NOT INCLUDE A BUSINESS FOR WHICH MINORS ARE PERMITTED ON THE PREMISES, OR AN ADULT CABARET.] If a premises, whose primary business is overnight lodging, offers adult movies via a cable, closed circuit or pay per view system, in the absence of any other adult entertainment activities, the availability of such movies, does not render the business an adult-oriented establishment for the purposes of this section.

Adult bookstore means an establishment having as its stock in trade, for sale, rent, lease, inspection or viewing, books, films, videocassettes, magazines or other periodicals which are distinguished or characterized by their emphasis on matters depicting, describing or relating to specified sexual activities, or specified anatomical areas, as defined in this section, and in conjunction therewith have facilities for the

MUNICIPALITY OF ANCHORAGE
OFFICE OF THE MUNICIPAL CLERK
P.O. Box 196650 (632 W. 6th Avenue)
Anchorage, Alaska 99519-6650

ADULT ORIENTED ESTABLISHMENT APPLICATION

For Office Use Only
License No.
Date Issued

PLEASE PRINT OR TYPE INFORMATION

(LICENSES ARE NOT TRANSFERABLE)

☐ Original Application ☐ Renewal
Date: 11/29/04

I, Kathie Hartman, hereby make application for an ADULT ORIENTED ESTABLISHMENT LICENSE in accordance with Title 10 of the Anchorage Municipal Code for the 20 05 license year.

APPLICANT'S NAME: Kathy Hartman (PHONE) 278-3741

APPLICANT'S MAILING ADDRESS: 1911 E. 6th Ave Anchorage (ZIP) 99501

APPLICANT'S STREET ADDRESS: 333 W 4th St #401 Anchorage (ZIP) 99501

BUSINESS NAME: Fantasy on 6th Ave (PHONE) 563-0042

BUSINESS MAILING ADDRESS: 1911 E. 6th Ave Anchorage (ZIP) 99501

BUSINESS STREET ADDRESS: 1911 E. 6th Ave Anchorage (ZIP) 99501

PERSON HAVING ACTIVE MANAGEMENT OF THE ESTABLISHMENT:

NAME: Hartman (Last) Carol (First) J (Middle) DATE OF BIRTH: 10-6-49 DAYTIME PHONE: 907-563-0042

ADDRESS: 1911 E. 6th Ave (ZIP) 99501

Within 2 years prior to the date of application have you been convicted of any of the following offenses as described in Title 8 of the Anchorage Municipal Code? Check those that apply: ☐ Assignation for prostitution ☐ Prostitution ☐ Offering to secure another for prostitution
☐ Coercing another to become a prostitute ☐ Owning or leasing a place of prostitution ☐ Maintaining a place of prostitution
☐ Section 8.05.410 Minors -Prohibited performances and exhibitions ☐ Section 8.05.420 Minors -Disseminating indecent material to minors.
☐ Section 8.05.425 Sexual exploitation of minors

If you answered yes to any of the above, list all charges, date of charges, places of charges, and sentences or fines imposed.

State of Alaska Business License No. 262837 (PLEASE ATTACH A COPY) EXPIRATION DATE 12-31-04

Note: State of Alaska business license is required. Municipal business license NOT transferable. Any change requires NEW license.

IF CORPORATION, PLEASE COMPLETE:

Corporate Officer's Name	Address	Zip Code	Telephone
Registered Agent:			
President: Kathy Hartman	333 W 4th St #401 Anchorage	99501	278-3741
Vice President: Fernando Gonzalez	1113 Chugach Cr Eagle River	99577	243-6803
Secretary: Carol Hartman	1911 E 6th Anchorage	99501	278-3741
Treasurer:			

Directors and Stockholders holding 30% or more of stock in the corporation:

Name: Kathy Hartman			
Name:			
Name:			

State of Alaska)
) ss:
Third Judicial District)

X Kathie Hartman, being duly sworn, deposes and says that he/she is the individual making the foregoing application and that the answers to the questions and other statements contained in this application are true and complete to his/her knowledge.

X [signature]
Signature of Applicant

Subscribed and Sworn to before me this 29th day of November, 2004.

NOTARY PUBLIC - STATE OF ALASKA - FRANCES JUNE DUNN

[signature]
Notary Public
My commission expires: 11/1/07

ADULT

FOR OFFICE USE ONLY

I.D. Furnished (Document & Number)	Fee Paid: $	Cash	Check No.	Receipt No.
DL 1118	$300.		6761	217210

02-069 (Rev.3/01)"

Municipality of Anchorage

P.O. Box 196650
Anchorage, Alaska 99519-6650
Telephone: (907) 343-4311
Fax: (907) 343-4313 or 343-4780
www.ci.anchorage.ak.us/Assembly

OFFICE OF THE CLERK

PRE-INSPECTION QUESTIONNAIRE FOR ADULT-ORIENTED ESTABLISHMENTS

1. Establishment Name: Fantasies on 5th Ave (phone) 563-0042
2. Establishment Address: 1911 E 5th Ave
3. Establishment Owner/Operator: Kathy Hartman
4. Check ALL that apply to your business (see AMC 10.40.050 A. for definitions):

____	Adult bookstore	X	Adult cabaret
____	Adult mini-motion picture theater	X	Adult entertainment
____	Adult motion picture theater	____	Escort service
____	Physical culture studio or massage parlor		

5. List services provided: Live Exotic Dancer Entertainment
6. Number of rooms used for private viewing: NA
7. Number of signs displayed: ?
8. List all employees (attach extra sheet if necessary):

Name	Position/Title	SS#
I am sorry I'm a bit of a woman in a very deep depth. My employees do not want their info given out See attached letter + list		

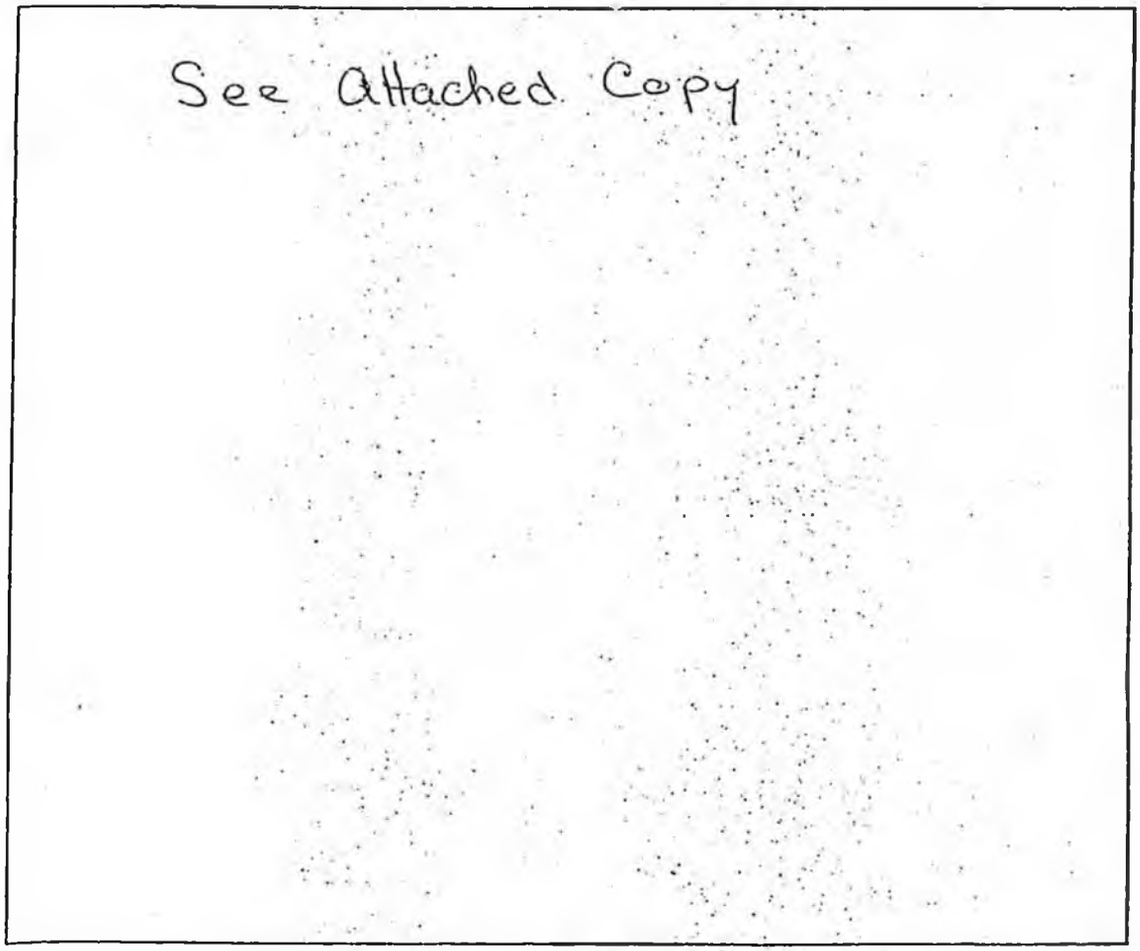
9. Hours of operation: 8pm to Closing

Kathy Hartman — Print Name
Kathy Hart — Signature
2-9-04 — Date

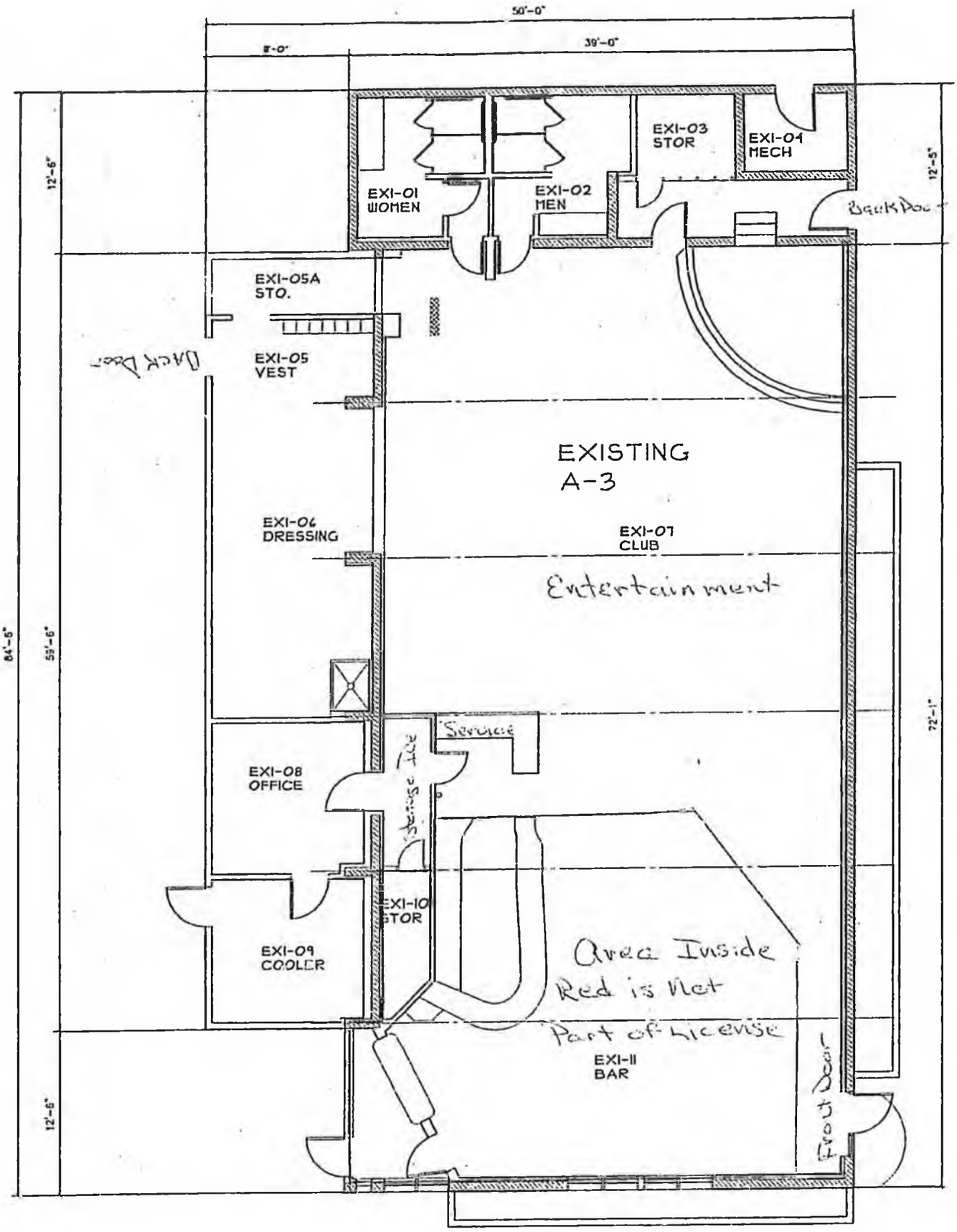
MUNICIPALITY OF ANCHORAGE
PRE-INSPECTION QUESTIONNAIRE FOR ADULT-ORIENTED ESTABLISHMENTS
PHYSICAL LAY-OUT OF PREMISES

Please draw a floor plan on the diagram below and indicate all areas and their use: (i.e. doors, windows, front entrance, rear exit, private viewing rooms, massage, entertaining, theater, books, videos, etc.). Exact measurements for each room are not necessary.

N
I
W ---------- E
I
S



Please Return Questionnaire to: Licensing Clerk, Clerk's Office
Municipality of Anchorage
P.O. Box 196550
Anchorage, AK 99515-6550



DEMOLITION PLAN

2:39 PM
02/09/04

SANDS NORTH, INC. (2003)
Employee Phone List
February 9, 2004

	Employee	SS No.
Dancer/Ent	Apatiki, A'jaquedder 'Foxxy' C.	--- -- --- --
Dancer/Ent	Ayson, Brandie 'Shai' L.	
Dancer/Ent	Beeching, Ashley 'Carmela' R.	
Dancer/Ent	Davis, Brandy 'Jessica; L.	
Dancer/Ent	DeRushe', Jacqueline 'Jasm...	
Security	Dinkins, Steven H.	
Dancer/Ent	Evans, Vanna 'Contessa' Q.	
Light Manager	Gonzalez, Armando R.	
Wait Staff	Gonzalez, Carlos R.	
DJ	Gonzalez, Marco A.	
DJ	Hamilton, Kima M.	
Dancer/Ent	Hanson, Amy 'Angel'	
Dancer/Ent	Harris, Krista 'Temptation' L.	
Owner Manager	Hartman, Carol	
Wait Staff	Hartman, Derek S.	
Owner	Hartman, Kathy	
Dancer/Ent	Harvey, Brooke 'Crystal" R.	
Dancer/Ent	Hungerford, Jennifer 'Jasper'	
Dancer/Ent	Jewell 'Shanna', Dawn	
Security	Jones, Sherman	
Wait Staff	Kearney (Lawry), Theresa K.	
Dancer/Ent	Masewicz, Ania 'Athena"	
Dancer/Ent	Morg, Alessandra ;Alexandr...	
Dancer/Ent	Parker, Tabitha 'Alizay' M.	
Dancer/Ent	Petrini, Lori 'Susan' L.	
Dancer/Ent	Popadince, Summer 'Dyna' L.	
Dancer/Ent	Protosova, Anna V.	
Dancer/Ent	Simon, Heather 'Jolie'	
Dancer/Ent	Slick, Heather 'Daisy' D.	
Dancer/Ent	Spindler 'Siraha', Halee K.	
Wait Staff	Springstead, Jeanne S.	
Dancer/Ent	Tabor, Bonnie 'H. Haley' G.	
Dancer/Ent	Tweet 'Lacey', Jessica I.	
Dancer/Ent	Tyree, Natasha 'Nina'	
Dancer/Ent	Wallis, Brittany 'Madison' M.	
Dancer/Ent	Webster-Smith, Desiree L.	--- -- ---

under loan SS# card be given out. Birthdays dates with letter

343-4313

Municipality of Anchorage
Office of the Municipal Clerk
632 W. 6th Avenue
Anchorage, Alaska 99519-6650

February 9, 2004

RE: Adult Oriented Establishment Application for License

To Whom It May Concern:

I am writing to you to express our concerns involving the threat we feel that our First Amendment rights, and those of our employees will be violated if we are forced to comply with a portion of the pre-inspection questionnaire for adult oriented establishments. Our dancers and other employees have expressed concern over the fact that we, as owners are required to list all employees names, position/title, and Social Security numbers. As many have stated, giving out their personal information violates their rights, and someone could get a hold of that list and begin harassing or stalking them.

We feel that being required to obtain a license, and give out ***any*** information, is unconstitutional, and a violation of our right to privacy. If we are forced to comply with these regulations, and divulge this information, we feel that every other business owner in the Municipality should be required to obtain the same license and divulge the same information about all of their employees.

Please see attached five pages giving some of the reasons why we are against divulging this information.

We have sought legal counsel on this issue.

Thank you,

Kathy Hartman 2-9-04
Kathy Hartman, owner

Carol A Hartman 2/9/04
Carol Hartman, owner

Adult Oriented Businesses

Objections to HB 367

The First Amendment of the United States Constitution states:

AMENDMENT I - FREEDOM OF RELIGION, OF SPEECH AND OF THE PRESS; PEACEFUL ASSEMBAGE; PETITION OF GRIEVENCE

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

The Fourteenth Amendment of the United States Constitution states, in relevant part:

AMENDMENT XIV - CITIZENSHIP; PRIVELEGES AND IMMUNITIES; DUE PROCESS; EQUAL PROTECTION

Section 1. "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privilege or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; not deny to any person within its jurisdiction the equal protection of the laws."

The Pack Shack, Inc. v. Howard County, 365 Md. 266, 781 A.2d 778 (2001) The cause of action raising the federal constitutional challenges was brought under the *Civil Rights Act of* 1871, 42 U.S. C. 1983. Pack Shack filed a complaint alleging that the "purpose, intent and effect of Bill 65-1997 was to chill and inhibit and otherwise prevent the exercise of the freedom of speech" and "to prevent Plaintiff and all similar adult establishments from doing business" in the County. Pack Shack claimed that the ordinance suffered from several other specific constitutional infirmities. Pack Shack alleged that the County did not have sufficient evidence that the restrictions placed by the ordinance would serve a substantial government interests. It also asserted that the licensing requirement set forth in the ordinance lacked adequate procedural safeguards and, therefore, was an

unlawful prior restraint on constitutionally protected speech, and that the ordinance was not narrowly tailored so that any incidental restriction on speech was no greater than necessary to achieve the County's goal. Lastly, Pack Shack contended that the ordinance failed to provide reasonable alternative channels of communication, because there could be as few as four sites in the entire County that complied with all the requirements. Following the trial, the Circuit Court for Howard County issued a Memorandum and Order rejecting Pack Shack's challenge to the constitutionality of the ordinance and entering an injunction ordering Pack Shack to comply with the zoning ordinance. The Court of Special Appeals affirmed the trial court's decision. Pack Shack then petitioned the Court for a writ of certiorari, which was granted.

(1.) Bill 65 constitutes an unconstitutional prior restraint, even though the lower court found to the contrary. "any system of prior restraint ...comes to this Court bearing a heavy presumption against validity." The Supreme Court's cases addressing prior restraints "have identified two evils that will not be tolerated in such schemes. First, a scheme that places unbridled discretion in the hands of a government official or agency constitutes a prior restraint and may result in censorship." "Second, a prior restraint that fails to place limits on the time within which the decision maker must issue a license is impermissible."

(2.) Bill 65 places unbridled discretion in the hands of the Director of Planning and Zoning, contrary to the lower court's decision. Howard County's Director of the Department of Planning and Zoning is vested with the discretion to grant or deny an adult entertainment business zoning permit. Moreover, as part of the permit application, the ordinance unconstitutionally requires submission of the name and address of each owner of the business and each owner of the property, as well as the names and addresses of all natural persons who have a financial interest in any entity that owns the business or the property, no matter what percentage of ownership.

(3.) Bill 65 is clearly unconstitutional in limiting the outside visibility of merchandise and material that merely describe or relate to any sexual activity or nudity.

(4.) Bill 65 unconstitutionally permit's the Director to require an overbroad disclosure of the identity of any and all persons with a financial interest in an adult entertainment business and the property where the business will operate. This section of the bill is unconstitutionally overbroad and potentially chills protected expression. In other words, "a shareholder disclosure statute that potentially chills protected expression cannot stand if the information sought is not reasonably related to the furtherance of a legitimate and substantial government interest in regulating the protected activity."

(5.) Bill 65 fails to provide adequate procedural safeguards for new adult businesses.

(6.) Bill 65 fails to sufficiently guarantee that an adult entertainment business will be permitted to operate pending permit approval and pending appeal.

(7.) Bill 65 fails to place sufficient time limits on the Director for issuing permits.

(8.) Bill 65 unconstitutionally censors adult entertainment businesses by limiting present and future businesses to an insufficient number of economically viable locations.

(9.) The lower appellate court conducted a constitutionally flawed secondary effect analysis. Here, the lower appellate court merely allowed Howard County Council to rely on studies that demonstrate "detrimental effects of adult entertainment uses." Clearly, no secondary effects studies can be considered sufficient until they are shown to be more applicable to the challenged zoning legislation.

(10.) Bill 65 provides an unconstitutionally overbroad definition of "adult entertainment business."

CONCLUSION: Bill 65 fails to meet critical constitutional protections for free expression. For all the foregoing reasons, *amices* DC FSC respectfully request that this Court reverse the lower appellate court's judgment. And that this Court quash Bill 65 as unconstitutional.

In the case of *J.L. Spoons v. City of Brunswick,* N.D. Ohio, May 20, 1999, The Federal District Court agreed with the plaintiff's argument that the city had failed to show how the 10-foot rule furthered the city's interests. And, more importantly, the court credited the evidence the plaintiff had produced, ".....tending to show that the ten-foot buffer zone would destroy the market for adult cabarets," a result that would violate the First Amendment.

In the same opinion, the court struck down as unconstitutional the city's licensing scheme for adult cabarets and their employees. The ordinance provided that the city was required to issue a license to an adult cabaret within 30 days of the submission of an application. However, a license could not be issued unless the premises were approved by the health, fire and building departments. The ordinance required those departments to complete their inspections and give their approval or disapproval within 20 days of the application. But, the city had no health department of its own and, therefore, they had to rely on the county health department for the necessary inspection. The court held that the time limits set out for the ordinance were illusory because the city had no control over the county health department and, therefore, could not guarantee that it would complete its inspection and issue its approval within any specific time frame. The court also held that the ordinance provisions for judicial review of the denial of a license were illusory as well, and, in any event, failed to guarantee prompt judicial review.

The court also struck down another part of the ordinance which was particularly dangerous, and has become increasingly popular with municipalities because it can so easily be exploited by government officials to

See also 4804 *Convoy*, 183F.3d at 1112 ("[A] plaintiff may challenge an overly broad statute or regulation by showing that it may inhibit the First Amendment rights of individuals who are not before the court.").

> An over breadth challenge is appropriate here because there is credible risk the Ordinance could cause self-censorship and chilling of expression. For example, instead of subjecting themselves to the alleged unconstitutional licensing scheme, managers and entertainers might choose to engage in their professions in other cities where their livelihood is not dependent upon the issuance and maintenance of a license. Managers might decide they cannot afford to wait 21 days before they can start working or that they cannot risk losing their job if the city revokes their license. Additionally, employees might be concerned about the Ordinance's requirement that they disclose their home address and phone number. Entertainers might be especially concerned about the risk that cabaret patrons could obtain such personal information and harass the entertainers at their homes, or worse. See *LLEH, Inc. v. Wichita County*, 121 F. Supp. 2d 513, 525 (N.D. Tex. 2000) (holding requirement that adult entertainment employees must disclose their home address and phone number is unconstitutional); *N.W. Enters, Inc. v. City of Houston*, 27 F. Supp. 2d 754, 840-841 (S.D. Tex 1998) (same). For these reasons. There is a risk cabaret employees will engage in self-censorship and avoid participating in protected activity in Lakewood. We hold this is a sufficient basis to relax the prudential standing requirements and allow Clark to bring a facial over breadth challenge to the licensing of managers and entertainers. See *Munson*, 467 U.S. at 956-57.

Lady J. Lingerie, Inc. v. City of Jacksonville, supra, 176 F.3d at 1366. The court pointed out that [compelled] disclosure of the sort the Jacksonville ordinance entails threatened to stymie the exercise of First Amendment Freedoms...."Ibid. The court held that there was no "relevant correlation" or a "substantial relation" between the names of principal stockholders and the harmful secondary effects of adult entertainment establishments. "Ibid. The court indicated that disclosure of directors and officers of the corporation would be sufficient for the City's need to know who was actually running the adult businesses, to allow for effective enforcement of the zoning regulation.

Similarly, the United States Court of Appeals for the Ninth Circuit held unconstitutional a regulation by the city of Seattle that required a license application for a specific adult business to list the names and addresses of all stockholders of a corporate application. *Acorn Investments, Inc. v. City of Seattle*, 887 F .2d 219 (9th Cir. 1989). The city justified the licensing ordinance on the grounds of the adverse secondary effects associated with the adult businesses in question, relying on *Renton v. Playtime Theatres, supra*, 475 U.S. 41, 106 S. Ct. 925, 89

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21.45.240 Location of premises where children are not allowed.

A. *Purpose.* Certain types of enterprises are places where children unaccompanied by an adult guardian or parent are prohibited. These enterprises have been determined, by court-accepted independent studies, to produce secondary impacts on surrounding land uses. The impacts include a decline in property values, and increase in the level of criminal activity, including prostitution, rape and assaults, in the vicinity of these types of enterprises, and the degradation of the community standard of morality by inducing a loss of sensitivity to the adverse effect of pornography upon children, upon established family relations, and upon respect for marital relationships. The purpose of this section is to segregate such enterprises from places frequented by minors in order to reduce the influence of these enterprises on minors.

B. *Minimum distance from certain uses.* Except as provided in subsection C of this section, permitted principal uses, accessory uses or conditional uses that are prohibited by law from having minors or unaccompanied minors on the premises for reasons other than sale of liquor shall be located so that all portions of the lot on which the use is located shall be 1,000 feet or more from the property line of:

1. A public or parochial school;
2. A public park;
3. A church;
4. Property zoned residential, except R-11;
5. R-11 zoned property designated as residential in the comprehensive plan;
6. PC zoned property designated as residential in the PC master plan;
7. Public recreational facilities;
8. Twenty-four-hour child care facilities or day care; or
9. Public libraries.

C. *Compliance with state standards.* Where the state has provided specific standards for determining an enterprise's permissible location ther. the state's means of measurement shall apply. Such enterprises must also comply with subsection B of this section if the enterprise engages in other activities not regulated by the state for which Title 8 prohibits the presence of minors or unaccompanied minors on the premises.

D. *Administrative permit required.* An administrative permit shall be on display in a prominent place. This permit shall certify that, when granted, the enterprise was in compliance with subsection B or C of this section. This permit shall be obtained from the administrative official designated pursuant to Section 21.10.005. This permit shall remain valid so long as that enterprise remains in continuous operation at that location, and does not physically expand. In addition, a permit granted under subsection C of this section shall remain valid so long as the enterprise does not engage in an activity for which a permit is required under subsection B of this section.

E. *Premises without permit.* An enterprise not in possession of a permit must immediately cease all activities for which a permit pursuant to this section is required.

(AO No. 88-37(S); AO No. 89-131)

Previous Doc | Next Doc

Cross references: Adult entertainment establishments, license required, restrictions, § 10.40.050; alcoholic beverages, Ch. 10.50.

THE SAFE HARBOR INN

ALASKA'S NONPROFIT MOTEL

February 5, 2003

Ms. Carol Hartman, Owner
Sands North, Inc. dba Fantasies on 5th
1911 East 5th Avenue
Anchorage, Alaska 99501

ANCHOR ARMS, INC.
BOARD OF DIRECTORS

VICKI OTTE,
PRESIDENT

TERI ALBRECHT
VICE PRESIDENT

LYNNE BALLEW,
SECRETARY

CARLA BASSLER, CPA,
TREASURER

JOE MURDY

WALT MONEGAN,
CHIEF, APD

MYRNA GREEN

PAUL QUESNEL

STEVE BYE

Dear Carol:

Anchor Arms, Inc. dba the Safe Harbor Inn is pleased to express its strong support for your plans to improve your facility and property.

Ever since we purchased the former Grizzly Inn in 2001 and began to operate it as a nonprofit motel for homeless families and people with disabilities, we have been very grateful to have you as our neighbor. Not only have we had no problems whatsoever with any of your customers, but we have really appreciated the way you keep your property clean and quiet and the responsible way in which you have run your operation.

Along with our primary mission of providing successful, compassionate transitional housing, one of our main goals is to improve our neighborhood. Our planned expansion will further that end, and we believe that your planned improvements will do the same. We look forward to continuing to work together with you to achieve our common goals, and we thank you very much for all your kindness and support.

With best wishes,

Lynne Ballew

Lynne Ballew, Project Director

ANCHOR ARMS, INC. 2005 E. 4TH AVENUE ANCHORAGE, AK 99501 907.868.7373 (PHONE) 907.868.7757 (FAX)

February 11, 2004

To Whom It May Concern:

I believe that HB 367 is totally unjust. My name is Armando Gonzalez, I'm 23 years old, and have been employed at Fantasies on 5th Avenue, (an adult cabaret) for five years. The legislators are trying to pass a bill thatis very disturbing to many people, including me.

HB 357 goes against everything this Country stands for, and has fought for , since we became the United States of America. The legislators are trying to pass a bill that's unconstitutional, because of morality issues.

If you are 18 years old and you commit a crime, you are punished as an adult. You have the right to go war, and possibly die for your country. However, you don't have the right as an ***adult***, who fought for your county, to view nudity, or semi-nudity. There is something very wrong with this picture, and I'm sure that whoever is reading this should feel the same way. But if you don't, I would like you to take a minute, read that last part again, ponder on it for awhile, then look deep down in your heart. Is it even justifiable? I don't believe so. It's wrong for many different reasons

The legislators talk about secondary effects around adult businesses, but I haven't seen any.
They say land values have decreased, but research shows they increased in value.

In the State of Alaska the legal age for consensual sex is 16 years old. In layman's terms, that means a 16 year old can have sex with a 50 year old. I believe that's wrong, but it especially makes HB 367 wrong when it would ban 18 year old from working at, or even entering a non-alcoholic adult cabaret. This would totally prevent self-expression, or the viewing of expression yet they can start having sex at 18 yeard old with the State's blessing.

To me, and I'm sure a lot of other people, it sounds like the government in Alaska is telling their community's ***children*** that it's okay to have sex at 16, but telling their ***adult citizens*** that you can no longer look at nudity until you are 21 years old. How do you have sex, and not view any nudity? WOW, that's weird, or something is very, very, wrong with that.

I wonder if the President of the United States actually knows what's going on in this State, because I refuse to believe that he would even agree with taking away the rights of all 18, 19, and 20 who fight and die for him and this country.

In conclusion, I would like to say thank you for taking the time to read this letter, and I hope it makes you feel, and think as I and many other already do.

Thank you and God Bless,

Armando Gonzalez

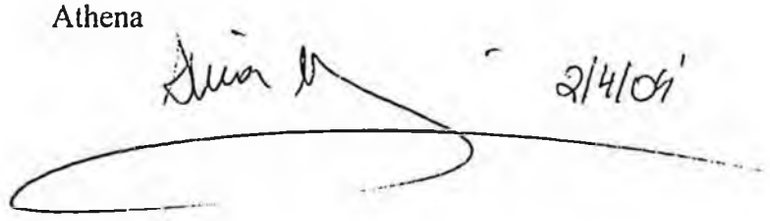
To whom it may concern:

To take away our rights of the first Amendment is against the American justice system. Why focus on women who have families, attend college, and are a part of a functional community just like everyone else burdened with a financial misjudgment that will prove nothing.

I have been at fantasies for three years. I gained confidence in myself, the ability to attend college and found financial security. This job has saved me from distress. Working here at fantasies has proven to be the best decision that I have made for my future. It is definitely a choice to work as an entertainer. I would not work anywhere else.

Sincerely

Athena



February 9,2004

To Whom It May Concern,

I have been employed by Kathy Hartman for over ten years as a waitress and house mother. She is the owner of Fantasies on 5th Avenue. During this time I have never seen the Club demand , endorse, encourage, neither drugs nor prostitution. The Club has always encouraged dancers to be independent and that "self" matters. We have had many dancers that have received further education from college and trade schools. Even today we have dancers in some type of educational program. We have also had single moms supporting themselves. They are young adults making their own choices in their life.

I am alarmed that our legislative are trying to change the age of Clubs to 21 and over. Not recognizing that 18 year olds are adults. We certainly announce that they are adults when it comes to Protecting our National Security , and if they have broken the law . What is even more alarming is that the legislative is presenting justification for these changes under the disguise of "morality" and "protection" . I say these are dangerous politicians for they are willing to stamp out the rights of certain groups to achieve their agenda. I always believed that their job was to protect the "rights " of all people? This to me is no different than the legislative trying to close all hamburger places to protect certain individuals from heart disease. What happened to freedom of choice and freedom of expression???

Sincerely,

Theresa Kearney

Theresa Kearney

February 9,2004

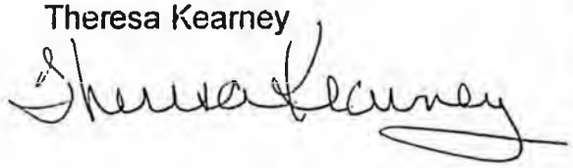
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Sincerely,

Theresa Kearney



February 4, 2004

To whomever it may concern:

I am writing about the legislative bill that is in the process of being passed and why I think it is unnecessary. I am 20 years old and have been dancing for over one year. Dancing is something that allows me to support myself while I am going to school, and it is something that I made the decision to do on my own; there was no persuasion from any other source. I do not do drugs and I made the decision to dance as a means to better myself. The legislative bill that is in the process of being passed and activated that states dancers that are under 21 need to undergo career counseling and take a class on the prevention of spreading STDs, is unnecessary for numerous reasons but the main reasons are that career counseling and STD prevention is taught in high school, it insinuates that all dancers are dumb, and it's our constitutional right to dance if we want to.

I have been going to UAA for 2 years now, and as a young adult, I have graduated not only high school, but college, and am now pursuing my second degree, and I am able to fully support myself while going to school through dancing. Obviously, if I have been going to college for 2 years and have already graduated from there, I am fully aware of the other career opportunities available to me besides dancing. I do not need an instructional course to tell me that I have other choices. In the Anchorage school district, career counseling is something that is offered in high school, and since I graduated from the anchorage school district, I have already been given that counseling years ago. I find it ludicrous that I would need to be informed again of what is out there, because I already know. Not only that, but taking a class on the prevention of spreading STDs is also another unnecessary course. Students in Anchorage first begin to learn about sexually transmitted diseases in the eighth grade and learn about it again when they are in high school. It is a waste of time and money for me to sit through a class that teaches me about the same STDs that I learned about previously. Furthermore, in the spring semester of 2003, I had taken a biomedical science class where I learned about STDs again. That is three times where I have been formally educated in the matter. I do not need to go through another class like that again to become a dancer, where there is absolutely no sex involved. I am sure you are already aware about the conditions of how STDs are transmitted, therefore, I do not need to inform you that it is impossible to spread STDs through a club where there is no sexual contact. Or maybe you didn't know that.

I realize that not every single dancer has gone through the same extensive training/education that I have, so as a note on their behalf: mandatory career counseling in order to obtain a license to dance is an insult, because it is insinuating that every dancer is not aware of the other jobs that are out there, therefore making the assumption that every dancer is unintelligible. Did we not all go to high school where every teenager was basically taught the same principles of life? Were we not all informed that after you graduate high school you are entering a world as an employee as a means to support yourself? Even if one was to eventually drop out of high school, they are mandated by law to stay enrolled until they are 16. So even if they did not finish their education, before they made the decision to leave high school, they were still taught about working after their high school career subsided, and they all had guidance counselors that taught them about a variety of career opportunities. The average high school student will take

biology as a sophomore. Sophomores are 15 and 16 years old. Most sophomores will enter their high school year being 15 yrs. Old and will turn 16 sometime during that same school year. Biology is a year long class, so even though a student can legally drop out of high school at 16 years old, they most likely started the class at 15, therefore, they were instructed about sexually transmitted diseases at some point in that time frame. If for some reason they did not receive that part of the class during that time in their life, they learned about it in eighth grade. Regardless of when they were taught about the dynamics of sex and its repercussions in class(es), there are clubs active in high school that teach about STDs. Clubs such as RARE-T, which makes presentations throughout the school year about such things as STDs and how they are spread, how to avoid them, and so forth. The point being, if you are a junior high or high school student, you have more than likely received some form of instruction on the subject, which takes me back to the point of dancers **not** needing to take a class on the subject matter.

The last time I checked, the United States of America was a free country. Furthermore, the legal age in which one becomes an adult is 18. Why, then would it be possible to shut down an adult establishment business to those under 21, if by definition 18 is an "adult?" What's even more troubling is cigarettes, which are clinically proven to cause lung and mouth cancers, are sold to 19 year olds, but a 19 year old who could potentially kill themselves with cigarettes, can not enter a club that is for "**adults only**." In the United States of America, a 19 year old is old enough to deteriorate their own health, but they can not step inside an adult entertainment business where there is nothing going on of compromising nature. As mentioned before, there is no sex being solicited or being engaged upon, so I do not understand what the controversy is.

In conclusion, I feel that the legislative bill that is of topic here is completely illegitimate. Proof of the bills illegitimacy is in the fact that dancers are already schooled about the opportunities in careers and the prevention of sexually transmitted diseases, and the fact that in America, 18 is an adult. Being an adult means doing whatever you so please. It is unconstitutional to take that right away from someone because others are worried and uneducated about the subject matter.

Sincerely,

Kirma

Karma from Fantasies on 5th Ave.

To Whom It May Concern:

This letter is in response to the proposed changing of legislation to regulate the lives of young women who want to make a living by dancing in local "under-21" clubs. It is my opinion that these WOMEN have every right to choose for themselves where they wish to be employed. As I recall this is the United States of America, the land of the free, as in free to make our own choices in life. Our ever wise and benevolent state representatives seem to miss this fact entirely, as they (Lesil Mcguire and Les Gara) wish to control the ability of legally (18 and over for those who have forgotten) adult women to choose where they wish to work. The idea that someone should have to attend career counseling and STD education classes is simply ridiculous. What does that imply about our states public schools? Surely every high school student (unless curriculum has changed drastically since 1995, my year of graduation) is required to take courses relative to these subjects before they can graduate, so to single out a group of working individuals and require them to meet standards that have already been met is again, ridiculous.

In regards to comment made by Mrs. Nancy Fair, member of the prestigious Service High School Parent Teacher Association, that her teenage children informed her that 18 year old students were attending strip clubs and those visits could subsequently interfere with their education. Mrs. Fair seems to want to play the concerned humanitarian in this situation, she says "It seemed sad to me that there were girls that felt they needed to make a living that way," with such strong emotional conviction Mrs. Fair had to help, by proposing unnecessary changes to existing laws. For instance requiring drug tests and STD test for dancers, as I recall it is the employers discretion whether or not to require drug testing for employment, do they require that at over 21 clubs? The thought of testing for STD's is simply preposterous, as every educated individual should know, it is impossible to contract or pass on an STD by touching a person's jeans with ANY of one's body parts. Now onto another matter that Mrs. Fair and Assemblyman Dan Sullivan are concerned with, the classification of these "cabarets" are not inline with other "adult oriented establishments" as far as regulations go. Regulations like cleanliness, signs and displays, and how booths and cubicles are accessed, all of which are inspected annually. It seems pretty frivolous in my opinion. Furthermore, to correlate stripping and drug use and prostitution is quite narrow minded. How many average citizens have used some sort of narcotic in their life? Our former president smoked marijuana, had an extra-marital affair (breaking one of the ten commandments for those of you who are not religious zealots) and he wasn't impeached. If prostitution is the issue then focus on prostitutes, if drug use is the issue then focus on drug dealers, if you want to control what people want to do with their adult lives then move to China and become a communist.

My fiancé is presently employed as a dancer at a local club in the Anchorage area, and as I have known her for almost four years and she has only been dancing for 14 months, I can say that I fully support her. She does not do drugs and she is not a prostitute. She is a student at UAA in her second year of study. She could not find a job that would work around her school schedule. When she did find one that was willing to be flexible with her schedule, the rate of pay was so paltry that she could not support herself. She is a very smart woman who speaks three languages, is studying to be a dentist and overall is a fabulous human being. To instill all of these proposals that are being thought up by those who are seemingly looking out for the "best interests" of others is, simply put, silly. We as Americans must not forget those things that make this country great, freedom of speech, freedom of expression, freedom of choice and the pursuit of life, liberty and happiness. There are those who wish to limit these things and in some cases take them away entirely. Please, people open your eyes and make a difference, make a choice. Your OWN choice.

Seth Howard



To Whom It May Concern:

"Adult entertainment" adult is the key word. Men and women can fight for out country and vote for our next president at 18, our next U.S leader, **WOW** that's a lot of responsibility. But they can't have enough freedom to be in an adult establishment that dose not sell liquor, or work in one. As a dancer of 4 years, starting at the age of 18, I see no need to take the courses are that have been suggested. Sex courses are not needed, we did that in high school, and that's what parents are for. As for the defense classes everyone should take one, but we don't. I don't think just cause I'm a dancer, I should have to, in that case every women should, mothers, grandmothers, bartender, ect,ect.

Thank you for your time

"Dyna"

To whom it may concern:

Dancing is not just my job, but it's my livelihood. I am currently a 1st year student at UAA just getting out on my own. This is how I pay for my education. Dancing is not something I want to make a career out of, but this is my stepping stone to a better life. Changing the dancing age to 21 and up would cause me to take a lower paying job that could not support me or paying for my college. Plus I have never seen nor heard about there being drugs sold or the girls being prostituted in this club.

Sincerely yours,

Ashley Beeching



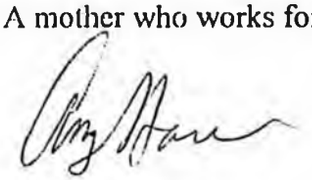
To Whom It May Concern:

I am a (nearly 30 year old) single mother of two small children. I have been an exotic dancer since I was 18 years old. For the majority of those years, I have worked in the non-alcoholic clubs. I won't deny that there are obviously some undesirable and illegal things that go on in this industry, however, in all these years, I have rarely seen them. I have chosen a pretty straight and narrow path for myself, regardless of the choices that I could have made during my lifetime thus far. I work in a very clean club as far as this type of club goes, and I enjoy what I do. Dancing keeps me in shape, it provides an honest and completely **legal** income for my family and it frees up my days so that I can stay at home with my children, which is very important to me. My children have never had to go to daycare, and t am very proud to be able to say that.

As a mother, I wouldn't work in an environment that contributed to the delinquency of minors. At the age 18, one is considered an adult and should be treated that way. No one blinks and eye when it is time to send over our young men and women to fight and die for our country and and many of them are only 18 years old. As young adults,(at age18) regardless of whether or not they are still in high scholl, men and women alike should be able to make their own choices in life. We have bigger problems, here in America, than 18-20 year olds dancing nude and watching others do so.

Sincerely,

A mother who works for a living



To Whom It May Concern:

I started dancing because I was eighteen years old and still in states custody. I'd been moved from house to house. Forced to live with strangers. I was tired of it and I wanted to be on my own. I was ready to except the responsibility of taking care of my self. After my first week at Fantasies I was able to move out of the home I was living in and get a place of my own with my best friend, who also is a dancer. The best thing about being a dancer is that I make good money. This means that I will never have to live on the streets. Since then I have left the apartments with my roommate and I'm staying in a residential hotel. This job has kept me from being homeless or in a shelter. I thought that I would always have a safe place to live but if you pass this bill I would not make the same amount of money.

Fantasies isn't my idea of a life long career just something on the side to help me keep a roof over my head, and help me pay for school when I am ready. I plan to go for my masters in fine arts and business, and my bachelors in fashion design and merchandising.

In my time spent working a fantasies never experienced any danger or uncomfortable situations. The club is equipped with good security guards, to take care of the extremely rare incidents of any hostility from customers. I have never be exposed to drugs or any uncomfortable sexual behavior from dancers or customers. Aside from the nudity, the club is really clean and safe. I have never been treated like anything less than a lady by the employees or customers.

Sincerely,

Natural



To Whom It May Concern:

My name is Derek Hartman. I've worked at Fantasies for around 16 months. In this time I have seen countless young women come and go though this business. We do not hire girls that are on drugs or are suspected of prostitution, or girls that are still in high school. It says this on our application and has for as long as I can remember. We have strived to run a clean and healthy club. We have excellent security we see very little acts of violence or costumers groping our girls, which we are very proud to say. Girls that come to work say that they love our club because of this reason! Most of our customers are in the military, they come to merely have a social life, and to talk to someone while they are away from their home. This bill is against everyone's 1st amendment rights. Are you telling me that our solders can fight and die for our country, but they can not make decisions like adults that they are. This is not right.

Sincerely,

Derek Hartman

To whom this may concern,

my name is Krista, Im writing in reference to fantasies on 5th Ave. Im a worker here, and to me this job has provided me a lot. It has given me an opportunity to make it here in anchorage, alaska, where I moved two years ago. I came here for college and a place to live and grow on my own.

Since working here, I have built much confidence, strength, security in myself. I feel good about myself. I have as well been able to save money to pay for my college and I also am paying for my place to live.

its been a real struggle but sine I've started working here, I feel great and encouraged to just work, not only here but other jobs. Thanks for your under

Stamina Krista

2/5/04

To whom it may concern:

My name is Jacqueline DeRuse. I have been a dancer at Fantasie's for four months now. In the time that I've worked there I've met with and get to know some of the the girls there. Some are College Students. Some work to support - or help-support there family's. I am one of those who help-support my family.

Without the extra income I recieve from working at Fantasie's. I wouldent be able to help my disabled mother with her rent or utilitie's. I wouldent be able to save for a car, or have an apartment of my own.

Now I've worked other Jobs. Before I started at Fantasie's I was a Graveyard Manager at Village Inn for a year. Before that a Graveyard Server a Denny's for nine months. I made ok. money, but not enough to keep me on my feet - much less help my family.

Fantasie's has givin me an opportunity to help my Self and my family.

To take away my Right to Dance because I am ~~only~~ 19 yeres old is a Direct Infeidgement on my Rights as an adult.

To tell me, and quite a few others, that because a few people think Dance clubs are Disease and drug infested, and that they think we connect imocent kids into Prostitutes, that it's O.K. to say no one under 21 can go to or work at an adult orientated establishment ~~in Alaska~~. It is wrong, and I say again, a direct infringment on my Rights as an adult ~~in the State of Alaska~~.

In the time that I've worked there I have yet to see any drugs on the Premises, or any form of Prostitution. Nor have I heard any Stories - From Patrons or Staff - of Such.

For A Person to be 18 in the State of Alaska, It is Legal for that Person to Dance as an Exotic - Dancer. Lets not change this Law that has helped and is now helping lifelong Alaskan Residents. Thank you Jacci DeRoos

I'm the owner of the Setter Lounge, Undress lingere store, and Fantasies on 5th ave. Both hospitality businesses are members of Anchorage and State of Alaska Cabaret Hotel and Restaurant Retailers Assn..Both businesses belong to the H.E.R.E local union. #878 We have been in business for 15 years in Anchorage. I pay into unemployment, workers comp insurance, social security insurance and anything else required by the law. I have never had a police record, nor do I intend to. There are laws in place at this time to regulate this business. It is up to the proper authorities to see that those laws are followed. We have now and always have had to have health and fire inspections and any other inspections that are required. If there are problems within this industry, raising the age limit will not prevent them only delay them. All of us at Fantasies have worked hard to establish this business and I feel we have a very good business. I feel this new proposed law is wrong for many reasons and I will fight it with everything I have. Most of my employees of long standing are single woman and we will not be defeated by "moralistic" legislators who are no better than we are. You are here to serve us. Your job is not to make frivoulous laws of which you will cause the State of Alaska to spend many tens of thousands of dollars {or more}, on a lawsuit to defend, when you have already aknowledged that it is constitutionally on thin ice. Take that money and give it to the seniors for their longevity.

Kathy Nantt

Discrimination is rampant in the United States. Sex, race, and religion are just a few of the types of discrimination that are illegal in the United States but still happen. One form of legal discrimination still goes on, age discrimination. Everyday millions of Americans are discriminated upon just by their age. The United States must have equality in all walks of life, including age. I propose that every American age 18 and up must get equal treatment under the law.

After a person reaches age 18 and has the right to vote, they are now the voting public, but they still lack basic rights. Americans cannot buy alcohol in most states until age 21, insurance companies can charge higher or lower rates based on age, and people are not allowed to run for some public offices because of age. An 18 year old can fight and die for their country, but can not drink. They can vote but cannot run to president until age 36. A person 18 years of age will pay more for car insurance then will a person over age 25. And on the other end of the spectrum, people age 55 and up are charged more then younger people for health insurance. If a person wants to rent a car, they must be 21, but if the car rental business said that women could not rent cars, that would be sex discrimination, why are companies allowed to discriminate by age? If we are all equal under the law, why are services and job opportunities not available to me? The answer is that age discrimination is legal. This kind of discrimination must end. It does not matter what a person's age, sex, race, religion, or political party is, in the United States everyone is equal. It is time to stop discrimination; it is time to stop Age discrimination.

The largest voting block in the United States are people ages 18 to 25, but sadly the most discriminated do not vote. Politicians who want this kind of equality are beat out by the larger political parties. It is up to the younger Americans to make change, before we become old and continue the practice of age discrimination. As Americans it is time to understand our role as voters, if we do not vote for change, change will not happen.

Discimination



Why Would a Woman Want to Become a Stripper?

People wonder, I try to answer. So it goes.

People take jobs of all kinds for various reasons – some people are lucky enough to do what they love and what they've always dreamed of. Others go into a profession they can tolerate because it provides security. Still others take whatever they can get so that they can do other things that are more important to them. Some people are willing to do something most others are not because they realize that it's very lucrative to provide a specialized service *(I really doubt most people ever aspire to work in slaughterhouses or to drive the honey wagon on film sets... and what little boy or girl dreams of cleaning up crime scenes?)*. Then there are those who reluctantly do one thing after another just to pay the bills and eat, who get trapped just staying afloat and trying to provide for their families, who feel that life is passing them by.

Some professions are dangerous; some are tedious. Some are dirty, or repugnant. The reasons each individual enters any given profession are their own, and reflect not at all on the job itself.

Therefore, it goes to follow that women want to be strippers for any of the reasons people take any job. When you meet a telemarketer, even though it takes very little talent or education it's very rare to assume that she has that job because she's not able to get another one, to wonder what she does in her spare time, or to assume that telemarketing is a lifestyle instead of a job. Strippers do it because they like the money – who doesn't want to be paid well? Some strippers do it because they like the attention – is that bad? Babies look three times longer at faces that look back at them than at ones that are looking away. Humans are social creatures who learn through praise and validation. Wanting and enjoying attention isn't necessarily unhealthy. Some strippers do it because they don't have any other job skills. So do some telemarketers, cashiers, and ditch diggers. If you're a happy housewife who wants to supplement your household income, but you got married instead of finishing college, what's the difference between dancing and waitressing if it pays to repaint the nursery or add on a deck – especially when you can go to work after your children are in bed?

The blue-collar worker is the backbone of our society, yet many of these workers have limited educations and few alternatives. They've learned a skill, to perform a function. However, society needs the services and products they provide, whether the workers themselves dream of something better or not. Many of them love their jobs, too – that doesn't change that quite a few of them aren't qualified to do much else. There's no shame in that.

Some strippers really do it because they're beautiful and very stupid. Society has looked down on stripping as the refuge for dumb beauties for many years. But let's look at that: being born genuinely stupid is no one's fault any more than being born crippled or deformed. Stripping and other jobs that market beauty are really some of the very few ways that these women can truly empower themselves and command that kind of income,

and there's nothing they can do about that. Does that mean that they should simply resign themselves to their fate and live in some sort of caste system in which those born with less advantage may not transcend their station in life? Just because some women dance because they have no other skills doesn't mean that they hate being there. It means that they're earning more and living better than they could anywhere else under their present circumstances. Whether they change that in the future is entirely up to them, but in the meantime, what's wrong with taking the better-paying job?

What I really resent is women who do very little to improve their own lot in life, compromise their own morality for short-term financial gain, and then blame the very industry that improved their lifestyle for victimizing them, exploiting them, or 'sucking them in,' effectively denying responsibility for their own actions and choices. Aside from Linda Lovelace, there are very few women that are truly forced, either through desperate poverty or some other difficulty, to walk up the steps and start undressing when the music begins to play. They could have made other choices, and endured further hardships to preserve their integrity (if they believe what they're doing is wrong); many have done so before. In no other instance is an industry that provides such a quick leg up for those in need blamed for the very hardships it relieves. Instead of being seen as a cesspool that sucks in the needy and unsuspecting, the sex industry should be seen as an oasis for some in a desert of bad circumstances and limited earning potential.

(So some people become sex workers because they have no other skills, and that makes the industry exploitative? Isn't the entire premise of minimum wage paying people to do menial but necessary tasks for the very least you can pay them because they have no alternative but to do the work? No one works for minimum wage because they want to. They do it because they have no alternative, either temporarily or permanently. Are they being victimized, or is that simply the way industry works? Not to mention the fact that the poor, exploited dancers are making WAY more than minimum wage...)

Occasionally there's a bad club or an unethical manager, and so people denigrate the industry for being abusive to women, but remember: sweatshop conditions don't mean it's wrong to make clothing, but that it's wrong to exploit workers. In no other industry do we blame mistreated workers for their unfair treatment and refuse to help them or to provide recourse, then blame them because they should have known all along.

One thing that is common to virtually all strippers is that, regardless of their original motivation, they have looked past a widely held convention of society and examined something for its innate value and for its potential benefit to them. Yes, some women are desperate, whether through divorce or other unfortunate circumstance, when they start dancing. However, any person who remains unemployed for long enough after personal difficulty is bound to become desperate after a while, and the next job they take will then, by definition, be out of desperation. If you're divorced, uneducated, or homeless and you take a job washing dishes or mopping floors and don't like it, is your choice more valid somehow? Lives of quiet desperation are the desolate territory of all mankind.

I can't speak for anyone else without being rightly accused of making assumptions. I can only tell you my own experience. The answer is not simple or short, but is probably reasonably typical.

When I was a young, poor college student and struggling actress, I never would have dreamed of dancing. I saw the ads in the paper and assumed the claims they made about the potential income were exaggerated. Moreover, I couldn't really imagine myself actually walking into a place like that, climbing up on the stage, and disrobing. I worried about the kind of people I'd meet in a place like that; nice folks didn't go there. I thought perhaps that other dirty, seedy things went on there – after all, if a woman is willing to take her clothes off for money, what wouldn't she be willing to do for a price? I took the conventional route, and had a conventional idea of what people did and didn't do.

Then a friend of mine, a girl I liked and respected, started showing up at the restaurant where I worked the graveyard shift and leaving huge tips after her meal. I was so dirt poor, I couldn't really imagine what it was like to have an extra $20 to eat out, much less $10 on top of that just to tip the help. The job I had before that, I used to go into the cooler when no one was looking and stuff food into my mouth so that I didn't pass out from hunger and get fired.

I wondered about it for a couple of weeks, and then one day she brought it up: she was dancing now in a go-go club. That meant that she didn't actually expose anything private, she just danced in a teeny bikini or a bra and panties.

I was shocked. So *this* was how she had so much money. I could hardly believe it. I had read about strippers, but assumed that they had to have been cut from an entirely different cloth than I to do a job like that; they weren't like me. I didn't know people like that. But she seemed so normal... she was the same girl I'd always known. She didn't seem dirty or diminished; she hadn't suddenly lost her mind. I had a lot to think about.

Still, I didn't consider it in relation to myself, only in my perception of her. My objections were partially moral and partly because I didn't think my self-image could stand being looked at without my clothes on. I didn't look like the girls on the magazine covers, so I clearly wasn't beautiful enough to let people see me that way. I went on about my business for several months more, hating my job, miserably trying to make time to study, to rehearse and audition, all the while barely eking out an existence. There was never food in the house. Our power and phone had been shut off more than once. I never had money to go to the movies or to buy new clothes. When my work pants got damaged, a friend's mother kindly took me out to get a new pair so that I could keep my job. My life was a dead end. This was the single unhappiest period of my life.

Then I began dating someone new. I had known him for a while, but we had been friends for a long time before we became romantically interested in each other. He was older than I, an artist. I found out that he often went to a certain strip club on nights he wasn't around our crowd to draw the dancers.

I struggled with the things that most of my older feminist friends would have said about how bad that was, how it meant that his view of women was skewed, that he saw them as objects, not people. However, he treated me like a *person*, not an object. My mother always told me that actions speak louder than words; I think sometimes we forget that universal truths don't always support our position.

Then I had a personal tragedy: my ex-boyfriend, my first love and a

longtime friend, was killed in a car accident. I was overwhelmed with grief. The restaurant where I worked refused to give me a couple of days off to go to the funeral and deal with my crippling sorrow. Suddenly it all became too much, and in the next few weeks it became impossible for me to continue in the poverty-stricken life of drudgery I was living. When you're 18, it seems like bad things are really never going to end, that things are always going to be the way they are just at that moment. I quit my job, not knowing what I would do next.

(Please note here that I wasn't desperate. Unhappy, yes - but 18, able-bodied, drug-and-alcohol-free, employable, educated, and loved and supported by friends and family. My destitution, though the hunger was real, was that of students and artists, not of the truly disadvantaged. What happened next was by choice, not out of necessity or lack of alternatives.)

My boyfriend told me that the club where he spent time was hiring waitresses. It wasn't actually dancing, and the job requirements were much less stressful: I had been working at an all-you-can-eat diner, bringing plate after plate to drunks and freaks in the middle of the night, and the tips were meager, to say the least. Here, all I had to do was bring soda or juice, and I would be pleasantly surprised at my earnings.

It didn't take too much thought. I was still unsure about what I thought of stripping, but since I was just going to be a waitress, it didn't really apply to me. I was younger then, and didn't really understand yet about choosing things and what they really mean, and about condoning things through proximity or silence. I *did* know that many of the things that adults had told me as the gospel truth had turned out, as I got older, to be gray areas, so I wasn't sure that just because I had always been told something that it necessarily meant that's the way it is.

To make a long story short, I worked there as a waitress for a few months, commanding a higher income than ever before and living at a level of comfort I hadn't known since I left home, getting to know the dancers and the customers and watching their interactions. I enjoyed this job. I suddenly realized that I was happy. I had worked in retail, in food service, in offices, and always hated going to work. After a very short time I realized that dancing didn't look bad to me at all. It would be a few years before I really examined all of the ramifications of my actions and decided to become an activist and to see sex work as a relevant social issue. I was a child then, and all I knew was that I could see that it wasn't what I had thought. Simply realizing that the dancers were real women whose experiences I could relate to went a long way toward reevaluating the validity of the things most mainstream society had told me about them. I saw that the picture most people had of them was unfair; that they were *people*, not ideas, and that morality wasn't black and white. As I got older, I had already begun to realize that sometimes what society thinks of as moral isn't at all. I knew I had to decide for myself, to open my eyes and see how things really worked.

Another profound realization for me was that these women didn't look like the girls on magazine covers, either. They were real women, with real bodies: some with stretch marks, some with extra weight or cellulite. I suddenly realized that they were beautiful, that the magazines were wrong. In one instant this burden, carried by young girls all over the world, was lifted from my shoulders, and I came one step closer to truly understanding what it is to be a woman.

After a while I realized that it wasn't scary, that the things I assumed a

woman would feel standing nude in a roomful of strangers *(scared, exposed, humiliated, subservient, compromised)* weren't what these dancers were feeling, and that because the experience wasn't what I would have thought, the reasons that brought each woman to that experience weren't what I would have thought *(desperation, apathy, self-hatred, emotional disturbance)*, either.

Once I saw it for what it really was, once I was willing to accept that I risked being perceived differently (and erroneously) by others, I knew I could do it.

I remember some of the dancers warning me before I auditioned that this was not to be entered into lightly or unadvisedly; that I was about to change my life. I didn't understand what they meant, really. The young don't really know what we mean when we tell them how something is going to be, any more than any of us really knew what 'hot' meant when we were tiny; we saw that it was important to our mothers, that the thing we weren't supposed to touch was significant, that something bad would happen – but we didn't really know what it was like to be burned until we finally disregarded her advice.

So I did it. I took the plunge, I shouldered the responsibility, I crossed the line. I realized that I loved it. I loved the money *(who doesn't love a well-paying job after working for peanuts?)*, I enjoyed the attention *(I wasn't desperate for it, but was pleased by it, like a friend dropping by unexpectedly, or good news from far away – it's nicer to have a job where someone claps for you than one where your hard work goes unappreciated, after all)*, I came to understand the incredible power of female sexuality and the joy of truly knowing how to use it – and realized that enjoying it wasn't undignified or perverse. I came to see the interaction as a good thing, and I was pleased to participate. I liked the other girls, we laughed a lot at work, my bills were paid, I had time to study and money to buy books, and I could do any play any time without worrying about having to quit my job to rehearse. I learned what was truly part of the job and what came from the outside *(the desire to humiliate any woman, dancer or not, comes from inside that person and not from where they're standing)*, and saw stripping from the only valid perspective, which, as it is with any aspect of the human condition, is firsthand experience.

They were right. It did change my life. When I think of what could have happened if I hadn't walked into that dark place out of the bright sunlight that day, if I hadn't decided to take a risk and see something new, I feel the way someone might if they suddenly realized that they had narrowly missed being hit by a truck: I could have missed so much.

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6/6/03

Anchorage Daily News

's Letters

Average graduating seniors are 18, old enough to make own choices

This letter is in response to the article "Age now an issue for strip clubs" (May 26). So there are 2,500 Anchorage School District students who are old enough to work at or attend a strip club? I think that Ms. Fair is forgetting one very important point: Patron, employee and/or student ... they're all adults.

Yep, that's right. They can vote, pay taxes, serve Uncle Sam, rent or buy their own homes or apartments, and most importantly, make their own choices. These choices include a decision as to what is too "graphic." If they still live with Mom/Dad, then they can answer to Mom/Dad as to what is an (in)appropriate activity. If they are employed at these clubs, will their school work suffer? Probably. But that is their choice.

The fact of the matter is that the average age of graduating seniors is 18. The majority of 19- and 20-year-olds in Anchorage are either students or hardworking, tax-paying citizens, just like Ms. Fair.

Being an adult is all about making choices and decisions of your own. Stop making choices for us. We are old enough to be adults. We don't need anyone else telling us how we should live.

— Gabrielle Donaldson, age 20
Anchorage

Closing under-21 strip clubs, taxing young dancers is age discrimination

I am a former employee of Fantasies on Fifth Avenue; I worked for the company a little over two years as a DJ and a doorman, so I think that I have an inside knowledge of the goings on of the adult industry ("Bill targets under-21 strip clubs," Feb. 4).

Despite what many believe, the dancers are not prostitutes and drug addicts. On the contrary, they are single parents, college students paying tuition and mothers trying to earn a little extra cash for their families. I cannot speak on what goes on at other clubs, but Kathy and Carol run a safe, clean club that does not tolerate prostitution or drug use in their establishment. I have personally seen dancers fired when they crossed the line.

As far as the age of dancers, who cares if they are 18 or 40? Last I heard, when you turn 18 you are considered an adult. A person can vote, get drafted, watch porn, gamble, go to jail and, in most states, smoke. So in my opinion, HB 367 is just another example of government getting involved in the personal lives of adults.

Closing under-21 strip clubs and taxing the dancers who are 18 to 20 is not the answer; doing so, in my book, is age discrimination. If a person doesn't like the idea of strip clubs, then don't go to them. And if they don't want their daughter to become a stripper, first start parenting and programming their values in them at an early age and stop trying to push their beliefs on others.

ADN 2-10-04

— Ray Hunt
Palmer

Bill to ban under-21 strip clubs makes good sense on many levels

This letter is in response to "Bill targets under-21 strip clubs" (Feb. 4). I am all for the ban because even with no alcohol being served, young people should not be able to have the option of viewing young girls in the nude. Although 18-year-olds are considered to be adults, I don't think that the majority of young adults are fully mature enough to realize how much these clubs contribute to prostitution, pedophilia and unsafe sex. Not to mention the unplanned pregnancies that result from unsafe and unprotected sex.

There are enough older adults who practice sex without condoms; we do not need to contribute to sexually transmitted diseases and unplanned pregnancies by allowing these clubs to cater to teenagers who are at a time in their lives when they are especially vulnerable and impressionable.

I fully agree with Regina Manteufel's stance that young women have enough to think about — trying to figure out life and all of the pressures of adolescence.

I fully support anyone's right to work and earn money, but there are many, many other ways to make a living without having to take your clothes off. I urge all to support HB 367.

— Brendan Aune
Anchorage

Sat 2-7-2004

Politicians have no business removing young adults' choices

The legislation of morality on an adult population is never a good idea. I couldn't care less if every strip club in Anchorage closes; what I do care about is an attempt to remove a choice from adults ("Bill targets under-21 strip clubs," Feb. 4). I feel personally insulted by a moral minority's attempt to label 18-year-olds as too immature to deal with life and their attempt to "protect" them.

When I was 18, I was an infantryman in the U.S. Army on the DMZ in Korea. Daily, I faced a North Korean guard who just as well would have shot me than said hi. I didn't need their protection; as a matter of fact, I believe at the time it was my job to protect them.

We need to stop trying to protect our young adult population; regardless of whether their choices are right or wrong, they are theirs to make. Many of the mistakes I made as a young man helped me learn valuable life lessons, without which I would not be as good a person as I am today.

The overprotective mothers of these children need to let go, and the self-serving politicians sponsoring this piece of legislation need to understand they will lose more votes from a large segment of us than they will gain by supporting feel-good measures that take away the rights of adults to choose how they will live their lives.

— William Fulton
Anchorage

Rep. Anderson's attempt to strip away rights is outrageous

If anyone has been to the Lower 48 lately, t should take note of the age limit to purchase bacco. It's 18 in most states. Now I believe Constitution states that at age 18 a person is a gal adult; in this state it seems that is not the c: It's almost sad; in fact, it is sad

Now yes there are downfalls to under-21 cl such as drugs and prostitution, but would I Anderson's idea do away with such proble Kids are growing up much faster; our politici should realize this.

Come on, this is ludicrous — if someone at age of 18 is old enough to live in this world on t own and function as an adult, why should they be able to partake in adult entertainment? So I Mr. Anderson, should adult magazines and vid not be available until the age of 21?

I am outraged at how our rights can be strip away (no pun intended) in this state. Anot question to Mr. Anderson is, when are Alask considered adults?

— Zach Dunlap
Anchor

Sat 2-7-04

When asked why government officials continue to target the adult industry, Weston responds by quoting journalist H.L. Mencken: "Puritanism: The haunting fear that someone, somewhere, may be happy."

Censorship of the adult industry also appears to contain a dangerous element of class discrimination. Adult bookstores and striptease bars are considered illegitimate, low forms of entertainment, while nudity at higher-priced theaters is considered legitimate, bona-fide expression.

Government officials and many in the community are more offended by the sexual gyrations of a stripper than the artistic skill of a Broadway entertainer. However, federal appeals court Judge Richard Posner terms this "robust paternalism and class consciousness." [89]

Another federal judge expressed the sentiment as follows: "Perhaps the city of Schenectady finds the performance in cabarets more objectionable because the audience is mostly men who prefer to drink Budweiser while they view the naked form engaged in dance, rather than the couples at the opera who prefer Dom Perignon with their falsetto." [90]

Porn magnate Larry Flynt said it this way: "The adult bookstore is the poor man's art museum." [91]

Nude dancing may offend; it may fail to appeal to the higher intellect. But First Amendment protection for nude-dancing establishments affects more than disrobing dancers. It affects all who care about constitutional freedoms.

LEGISLATIVE AGENDA

Updated July 18, 2003

The Free Speech Coalition is proud to report that we sponsored an important business bill in 2003 which was needed to correct certain inequities in current law and police practices regarding seizures of business records. A part of our Legislative Agenda for several years, the Access to Seized Records proposal was introduced as AB1438, authored by Assemblymembers John Longville and Mervyn Dymally, and has enjoyed bipartisan support.

We hope to sponsor other legislation in future years to benefit the entire adult entertainment industry.

We continue to work with the California Legislature to ensure that laws that may impact the adult entertainment industry are fair and reasonable.

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1. The Adult Identity Fraud Bill

Underage persons defraud employers and/or retail businesses by presenting identification obtained by defrauding government agencies. Relying upon government-issued identification, employers lose tens of thousands of dollars destroying materials created in good faith, but unsalable upon discovery of the true age of the performer. Distributors and retailers lose equally substantial sums destroying or returning product. Under current law, there is no disincentive for underage persons to engage in this practice. Instead, because of the publicity generated, there is an actual affirmative incentive to attempt to engage in

this fraud. Minors offering false identification may attempt to enter establishments which offer entertainment suitable and lawful only for adults. There is likewise no disincentive to engage in such activity.

For example, in the 1980's, Norma Kuzma, performing under the name of Traci Lords, defrauded scores of manufacturers of adult films by presenting valid California- and federally-issued identification, which was fradulently obtained. Then a "superstar" in the adult industry, Kuzma performed sex acts while underage for several years, and cost the unaware adult entertainment industry millions of dollars when her deceit was revealed. Kuzma has since exploited her conduct to create a career as a B-movie actress in Hollywood.

In 1996, it was discovered that Aaron Lance Denno, performing under the name of Jeff Browning, engaged in behavior identical to that of Kuzma. Acquiring State and Federal identification by fraud, Denno presented the identification in order to perform in more than a dozen gay movies. The adult entertainment industry lost tens of thousands of dollars retrieving copies of those movies and eliminating Denno therefrom.

No civil remedy can adequately reimburse the industry. However, no defrauding underage performer has ever been prosecuted for his/her actions, nor even threatened with prosecution. Rather, they are looked upon as the victims!

Proposal: Create a deterrence to such fraud by specifically crminializing the behavior.

2. The Access to Seized Records Act. - This bill was introduced in 2003 as AB1438 (Longville)

Current law provides of the seizure of

business records and the computers on which such records are usually housed. Review of those records can be time-consuming for law enforcement. However, during the period of review, the loss of the business records housed on the computers can shut down lawful businesses, or create insurmountable problems for creating tax records, making tax payments, maintaining customer good will and fulfilling orders. Moreover, since many small businesses, especially home businesses, use computers for personal as well as business records, loss of access to that computer's records may cause loss of access to vital personal records, such as medical or school records.

Furthermore, absent a statutory means for providing duplicate copies of records, unnecessary litigation against law enforcement agencies for loss of income and similar damages is inevitable.

For example, the Los Angeles Police Department executed a search warrant on a home business in 1995, alleging that the operator of the business, which published a newsletter, possessed child pornography. All computer equipment, which contained the company's complete business records, including subscriber and tax information, was seized. Eight months later, the computer equipment and records were returned without any evidence of child pornography having been found. No criminal charges were brought.

Only goodwill, fear of reprisal and an un-trendy reluctance to litigate on the part of the business owners prevented a bitter civil rights action against the L.A.P.D.

Proposal: Provide a systematic means to duplicate and return business records to the entities from whom the records were seized, while providing law enforcement

Free Speech Coalition

with the means to protect society from the dissemination of illegal matter by means of immediate judicial review.

3. A Call for New "Secondary Effects" Studies.

For many years now, the California Legislature has authorized local governments to enact laws based on out-dated and scientifically flawed studies which assert that adult businesses create negative secondary effects in the communities in which they are located.

It is our belief, supported by considerable data and abundant anecdotal evidence, that a well-maintained adult business is no more likely to create adverse effects on a community than any other legitimate business.

The adult industry has matured greatly in the two decades since the studies being relied on were conducted and most adult businesses are law-abiding and well-maintained. We feel that it is time for new, unbiased studies to be conducted.

TO calif. Legislature →

Proposal: Include in all state legislation affecting the adult industry a requirement that local communities either conduct new studies prior to passage of local ordinances or base such laws on current and demographically comparable studies.

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Court cited *Renton* in support of lowering the government's evidentiary burden to support speech restrictions in the area of campaign contributions and attorney solicitation letters.[83]

The secondary-effects doctrine has proven to be fertile ground for abuse because it enables government officials to conceal their thinly disguised dislike for adult entertainment behind claims of harmful effects. In 1988 Justice Brennan warned that the doctrine "could set the court on a road that will lead to the evisceration of First Amendment freedoms."[84]

The secondary-effects doctrine has been applied in cases far removed from issues relating to the land-use regulation of adult businesses. For example, a federal judge in Kentucky recently used the secondary-effects rationale to uphold the constitutionality of a public high school dress code, determining that the code was really aimed at the "secondary effects of student dress," such as gang activity, violence and inability to identify campus visitors.[85]

The doctrine threatens to undermine existing First Amendment free-speech jurisprudence.[86] For this reason, First Amendment expert Robert O'Neil classifies *Pap's A.M.* as the "most disappointing First Amendment decision decided by the court in the last two years."[87]

Ken Paulson, executive director of the First Amendment Center, noted that "the decision is troubling because it took a short cut that threatens freedom of speech well beyond the confines of a topless bar."[88]

A major question that still has not been clarified by the Supreme Court is what level of proof of secondary effects is required by the Constitution. Lower courts have widely varying requirements for the amount of secondary-effects evidence municipalities must provide in order to justify restrictions on nude-dancing establishments.

Weston argues that the government will continue to suppress erotic expression because it is a convenient target. "Erotic expression is a perfect diversionary topic," he said. "In our society, the government cannot deal with real problems so they try to divert the public's attention to a politically popular topic."

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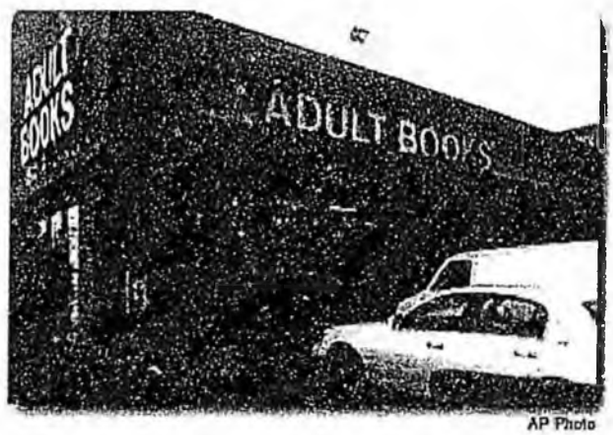
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Secondary-effects argument takes center stage before high court

By Tony Mauro
Special to freedomforum.org

12.05.01

The Supreme Court yesterday appeared divided — if not confused — over how much specific evidence of "secondary effects" is needed before a city may enact a new ordinance restricting adult businesses.



AP Photo

Adult Books in Los Angeles, as seen yesterday.

The court heard arguments in *City of Los Angeles v. Alameda Books*, in which the operators of adult businesses challenged a 1983 ordinance banning "multiple use" adult businesses under one roof.

The ordinance was aimed at preventing adult "superstores." But in enacting the ordinance, the Los Angeles City Council relied on a 1977 study on the effects of single adult businesses on the safety and property values of the surrounding area. In 1995, the owners of Alameda Books and Highland Books, which offered adult videos, viewing booths and books under one roof, challenged the ordinance as a First Amendment violation. Their complaint: no new study, aimed at determining the effect of "multiple use" stores, had been conducted.

While the issue may seem trivial, First Amendment advocates see it as a crucial test of the potency of the "secondary effects" doctrine, which has been cited in efforts to restrict a wide range of speech. Legislators seeking to limit controversial forms of expression are able to justify their proposals not by attacking the speech itself but by citing the impact it will have on others — such as attracting crime or encouraging the abuse of women or children.

The only way to keep the doctrine from being overused, some say, is to force government officials to produce empirical evidence that the secondary effects they fear are real or plausible.

In the arguments yesterday, David Souter was the only justice who appeared insistent that Los Angeles should have studied the effects of multiple-use adult businesses before banning them. Souter, in a case last year involving nude dancing, had retreated from

earlier positions and said specific evidence of secondary effects was necessary because of the importance of First Amendment protections.

Deputy City Attorney Michael Klekner told the court that a study specifically focusing on multiple-use businesses was not only unnecessary but would be "next to impossible to do."

Souter replied sharply, "If it's next to impossible to do, then why should the First Amendment allow you to do it?"

Klekner said the previous studies had sufficiently documented the kind of effects multiple businesses under one roof would have, but Souter persisted. "The evidence did not address the issue before us."

Justice Antonin Scalia intervened to help Klekner, suggesting that there was no difference in harmful seconday effects between two separate businesses next door to each other and one business with the wall between two sections knocked down. Klekner agreed, but again Souter retorted, "How do you know that any more than I do?"

Chief Justice William Rehnquist seemed unpersuaded that Los Angeles did anything wrong. He said a city is entitled to make reasonable inferences from earlier studies to fit new situations. "If it affects A, then it affects B," Rehnquist said.

John Weston, arguing for the bookstores, said inferences were appropriate only if the new situation were so unique that it could not be studied. "The city is saying that if it's an adult business, we can do anything we want," he said.

Much of Weston's half-hour before the court was spent answering peripheral questions about the definition of adult businesses and other aspects of the Los Angeles ordinance. For several minutes, Scalia offered his own interpretation of the law based on his reading of a footnote in a brief in the case. Weston politely and repeatedly disagreed.

Later in the argument, Scalia spoke to Weston again, this time to confess error. "I tend to read footnotes quickly," he said. On reading it further, Scalia said he had realized, "You were right."

After a startled silence, Weston jokingly said, "I'm going to go home now."

A decision in the case is expected before the end of the court's term next summer.

Tony Mauro covers the Supreme Court for American Lawyer Media and is a legal correspondent for the First Amendment Center.

Zoning Ordinances and "Free Speech"

by Alan C. Weinstein, Esq.

Over the past two decades, there has been a marked expansion in legal challenges to local land use regulations claiming violations of the free speech clause of the First Amendment to the United States Constitution. First Amendment claims can arise whenever government enacts or enforces zoning or other regulations that deal with uses such as billboards or adult entertainment businesses. This article discusses why this litigation is taking place, provides an overview of First Amendment law, and offers local officials some guidelines to help avoid potential legal challenges.

Why Are There So Many First Amendment Challenges to Zoning?

While no one can provide a definitive answer to the question of why the past two decades have seen a significant increase in First Amendment challenges to local zoning, part of the answer can be found in several recent changes in both our society and legal system. First, a number of societal changes have coalesced to create a greater potential for conflict when government regulates the use of land. We have become an increasingly diverse society and, unfortunately, this has too often resulted in our also becoming divided and divisive. At the same time, we have become a more litigious society. We are much more likely today to turn to the courts in search of a resolution for our differences.

Second, two lines of Supreme Court decisions, beginning in the late 1970's, have combined to encourage potential litigants to bring their "First Amendment & Zoning" claims into federal court. In one line of decisions, beginning with *Monell v. Dept. of Social Services*, 436 U.S. 658 (1978), the Court interpreted an 1871 federal "civil rights" statute as allowing individual plaintiffs to sue local governments for damages and attorneys' fees if the plaintiff can show that a local regulation violated *any* of his individual rights guaranteed under the federal constitution. In the other line of decisions,

COURTS HAVE BECOME INCREASINGLY PROTECTIVE OF "FREE SPEECH" RIGHTS – INCLUDING "SPEECH" THAT IS PURELY COMMERCIAL IN NATURE

the Court, in 1974, ruled on its first zoning case in 46 years and subsequently decided a succession of zoning cases, many of them dealing with First Amendment claims. These Supreme Court decisions, in turn, led to a greater willingness on the part of the lower federal courts to decide zoning cases involving First Amendment claims.

Overview of the "Free Speech" Clause of the First Amendment

The First Amendment states: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the *freedom of speech*, or of the press; or the right of the people peacefully to assemble, and to petition the Government for a redress of grievances." (Emphases added). This article focuses on the "free speech" clause of the First Amendment.

Although the First Amendment speaks in absolute terms – "Congress shall make *no law* ... abridging the freedom of speech ..." (emphasis added) – the Supreme Court has rejected a literal reading of the text. While government may not normally impose direct restrictions on the communicative aspects of speech – e.g., limit the message to be displayed on a sign – the Court has adopted the view that, under very limited circumstances, speech may be subject to narrowly proscribed regulations. There is no single test that the Supreme Court employs to determine how much government regulation of speech may be tolerated; rather, the Court chooses its analysis based on the manner in which government is attempting to impose regulations on speech. Recent Court decisions have shown, however, that attempts to regulate the *content* of speech in any context will trigger the highest level of scrutiny. Thus, the question of whether a regulation of speech is *content-neutral* has become the paramount concern of courts.

A *content-neutral* regulation will apply to a particular form of expression (e.g., signs or parades) regardless of the content of the message displayed or conveyed. The most common form of content-neutral regulation is so-called *"time, place or manner"* regulation, which, as the name suggests, does no more than place limits on when, where, and how a message may be displayed or conveyed; for example, a sign code that regulates the size, location and number of signs, regardless of the message they contain.

Normally, any time government makes regulatory distinctions based on the *content* of the regulated speech, courts will apply a very demanding analysis, known as *strict scrutiny*. By contrast, if the regulatory distinctions are *content-neutral*, a somewhat less demanding analysis, known as *intermediate scrutiny*, applies. ↳ *"Strict versus Intermediate Scrutiny."*

Courts will apply strict scrutiny even to content-neutral regulations, however, when the regulation imposes a total ban on a category of speech protected by the

First Amendment. For example, in *City of Ladue v. Gilleo*, 512 U.S. 43 (1994), a unanimous Supreme Court ruled that an ordinance banning all residential signs, with certain exemptions, violated the First Amendment rights of homeowners because it totally foreclosed their opportunity to display political, religious, or personal messages on their own property. While the Court accepted the city's contention that the ordinance was a content-neutral "time, place, and manner" regulation, it still struck down the ordinance because the city had foreclosed an important and distinct medium of expression – lawn signs – to political, personal, or religious messages and had failed to provide adequate substitutes for such an important medium.

Courts are also very concerned about any land use regulation that imposes a "*prior restraint*" on speech. "Prior restraint" is the legal term for any attempt to condition the right to freedom of expression on receiving the prior approval of a governmental official.

In the context of land-use regulation, a prior restraint may take the form of requiring an applicant to obtain a permit, license, or conditional use approval as a condition to displaying or conveying a message. Such attempts are seen as posing a particularly serious threat to the values embodied by the First Amendment and will receive the strictest judicial scrutiny. As with other forms of strict scrutiny, when a court finds a prior restraint, it will reverse the traditional presumption of validity afforded to the actions of government and presume that the prior restraint is unconstitutional.

In order to overcome the presumption that a prior restraint is unconstitutional, government must show that the licensing or permitting scheme: (1) is subject to clearly defined standards that strictly limit the discretion of the officials administering the scheme, and (2) meets stringent procedural safeguards to guarantee that a decision to grant or deny the license is rendered within a determined and short period of time, with provision for an automatic and swift judicial review of any denial.

Finally, even where a government regulation of speech is otherwise valid, it may be struck down if a court finds the language so vague that it is unclear what type of expression is actually regulated or it is so broadly worded that it has the effect of restricting speech to an extent that is greater than required to achieve the goals of the regulation. "*Vagueness & Overbreadth.*"

Learning to Avoid First Amendment "Mistakes" in Land Use Regulations

The legal doctrines and decisions associated with the First Amendment are quite complex and local government officials are well-advised to consult legal counsel with substantial knowledge and experience in this area before enacting land-use regulations that affect freedom of speech or religion. At the same time, however, there are a number of fairly straightforward principles and policies, which, if rigorously followed, should enable local officials to avoid the most common mistakes that can arise when enacting or enforcing land-use regulations that could give rise to First Amendment challenges.

Among the regulatory areas most likely to create potential problems are: (1) adult entertainment zoning & licensing regulations; and (2) billboard and sign zoning regulation.

Adult Entertainment Zoning & Licensing

The Supreme Court has ruled that local governments may single-out adult entertainment businesses for special regulatory treatment in the form of locational restrictions if government can show a substantial public interest in regulating such businesses unrelated to the suppression of speech *and* if the regulations allow for a reasonable number of alternative locations.

Local governments may bar such businesses from residential areas and subject them to "distancing" requirements from churches, schools, playgrounds, and each other. However, such businesses must be allowed to open and

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Strict versus Intermediate Scrutiny

The strict scrutiny test requires that a content-based regulation of speech must be justified by a *compelling* governmental interest and be *narrowly tailored* to achieve that interest. Moreover, a content-based regulation of speech is presumed to be unconstitutional (i.e., the normal presumption that a local government regulation is constitutional is reversed), so that government, rather than the party challenging the ordinance, bears the *burden of proof* and must affirmatively justify the regulation to the court's satisfaction.

The strict scrutiny test is not normally applied to content-neutral regulations of speech, which, as previously discussed, usually take the form of *time, place or manner* restrictions. Instead, the courts apply a less demanding test known as *intermediate scrutiny*. Intermediate scrutiny has also been applied to regulations that are directed at the non-communicative aspects of speech but, in addition, have an indirect effect on the message being communicated. This test requires that a content-neutral regulation of speech must be justified by a *substantial* – not a compelling – governmental interest and must be *narrowly tailored* to achieve that interest. Finally, the regulation must leave open "ample alternative avenues of communication."

Vagueness & Overbreadth

Two important legal principles – termed "*void for vagueness*" and "*overbreadth*" – seek to ensure that government regulation of expression is sufficiently precise so that individuals will know exactly what forms of expression are restricted and that laws which legitimately regulate certain forms of expression do not also include within their scope other types of expression that may not permissibly be regulated. These two principles are quite closely related, and courts often find that an ordinance violates both.

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operate at locations that are "available" for such a use; i.e., locations that are zoned to permit such uses and that are serviced by roads and utilities.

Adult entertainment zoning ordinances must also be drafted with meticulous attention to the definitions used to determine what constitutes an adult entertainment business *and* the legislative record must reflect that the ordinance was enacted to address the negative "secondary effects" (most typically, increased crime and lowered property values) associated with such businesses, rather than to censor or prohibit the entertainment itself.

The Supreme Court has also ruled that local government may license adult entertainment businesses and thereby regulate various operational aspects of these businesses. However, because licensing ordinances are viewed as a form or "prior restraint," courts will closely examine them and will not hesitate to strike one down if it *either* fails to contain criteria for city officials to follow in granting or denying a license *or* lacks effective time limitations for the issuance of a decision on a license application.

Finally, since requiring an adult business to obtain a conditional use permit raises concerns about a prior restraint similar to those raised by a licensing ordinance, courts have struck down such requirements where they vested overbroad discretion in city officials or did not provide for specific time limits for deciding on the application.

Zoning Regulation of Signs and Billboards

Courts have become increasingly protective of "free speech" rights – including "speech" that is purely commercial in nature (e.g., a billboard advertising a car, or a sign on a restaurant). In the past, local governments had to exercise the greatest caution only when regulating "non-commercial" signs such as political ("Vote for Joe") or personal ("No Solicitors") signs. Today, however, such caution should probably be extended



to any sign regulations that go beyond "time, place or manner" restrictions on the height, area, number, and location of signs.

This does not mean that localities cannot take steps to regulate commercial signs such as billboards. However, to do so, local government officials must be able to demonstrate that a substantial government interest (e.g., aesthetic or traffic safety) would be served by regulation and that there is a "reasonable fit" between the regulation and the interest to be served by the regulation.

1. Political Signs. A sign ordinance prohibiting political or election signs is clearly unconstitutional and courts have struck down prohibitions on political signs that applied in both residential and other districts. Courts have also struck down sign ordinances that discriminated among different political messages (e.g., an ordinance restricting the content of political signs to the candidates and issues being considered at an upcoming election).

Ordinances that place unreasonable limits on the number of political signs that may be displayed, or that impose restrictive time limits only on political signs, have also been struck down. Although some cases have suggested that time limits on political signs might be permissible if they are part of a "comprehensive" program to address aesthetic issues, these cases provided little guidance on how comprehensive the government program must be to justify the restrictions on political signs.

2. Regulation of On-Premise versus Off-Premise Signs. Local sign regulations often distinguish between on-premise and off-premise signs in an effort to restrict the location and number of off-premise signs (i.e., billboards). Courts accept as rational a local determination that on-premise signs are an inseparable part of the business use of a piece of property, while off-premise advertising is a separate use unto itself that may be treated differently from on-premise signage.

There is little question that local government may lawfully regulate off-premise commercial signs more strictly than on-premise commercial signs. Regulations have also been upheld that limit the height, size, and/or number of off-premise signs, or that restrict their location.

Some off-premise sign regulations have been struck down, however. The U.S. Supreme Court in *Metromedia, Inc. v. City of San Diego*, 453 U.S. 490 (1981)

found San Diego's ban on off-premise signs to be invalid because exceptions to the ban were made for some, but not all, noncommercial messages. Courts have followed *Metromedia* by striking down off-premise sign regulations that make distinctions among forms of noncommercial speech as well as those that allow exceptions for certain commercial messages but not a general exception for noncommercial messages. In contrast, regulations that exempt all noncommercial speech from a general ban on off-premise signs have been upheld as have those where the definition of off-premise signs has been found not to include noncommercial messages.

Courts have also invalidated off-premise sign regulations where the local government failed to demonstrate what interests it was seeking to promote through the regulations. While most courts merely require that the interests be mentioned in the ordinance, and then defer to the governing body's determination that the regulations substantially promote those interests, other courts have required a higher level of substantiation of the interests involved and the regulations' relationship to them.

Summing Up:

When regulating speech – whether commercial or noncommercial – local governments need to act with care. As with other areas of land use law (e.g., property rights) local regulations are most likely to be upheld when they are carefully drafted to comport with judicial decisions and are supported by sound reasoning. Planners and lawyers can work together to develop ordinances that meet community objectives in a manner consistent with judicial case law. ◆



Professor Weinstein, a lawyer and planner, holds a joint appointment in the Cleveland-Marshall College of Law and Maxine Goodman Levin College of Urban Affairs at Cleveland State University. His research and practice both deal extensively with issues involving land use and the First Amendment.

Supreme Court provides mixed day for First Amendment

Analysis

By Tony Mauro
Special to freedomforum.org

05.15.02

Printer-friendly page

It is hard to read this week's First Amendment decisions by the Supreme Court and not ask the same question that Rodney King posed during the Los Angeles riots 10 years ago: "Can't we all ju get along?"

In one 52-page ruling, *Ashcroft v. ACLU,* the nine-member court divided into four different blocs as it assessed the constitutionalit of the Child Online Protection Act, which seeks to restrict access by children to Internet material deemed harmful to minors. The bottom line was that the law, four years after passage, still won't take effect until lower court judges take another look at it.

In the other decision, *City of Los Angeles v. Alameda Books,* the five-justice majority could not agree on a single rationale for upholding a city ordinance that barred multiple adult businesses under one roof.

The result of both rulings was a mixed, but not altogether terrible day for First Amendment advocates.

In the Internet case, at least six justices suggested that they have serious doubts about the law's constitutionality that will be difficult to overcome once the case makes its way back to the hig court. In that respect, the court's previously stated view that the Internet is a powerful form of expression that deserves a high lev of First Amendment protection remains intact.

In the adult-business zoning case, even though the ordinance survived, five justices cautioned against expanding the "secondary-effects" doctrine, which upholds restrictions on adult businesses and other forms of expression based on the effects the have on crime and neighborhood livability.

But in the process of reaching its decisions, the court produced a pair of messy, mix-and-match rulings that give little guidance to lower courts, much less Web site operators or adult businesses.

The splintered rulings are not that uncommon on a court whose justices often feel the need to state their own slightly different tak on a case, even if that means depriving the court and the public o: a clear new decision on the issue before it. Whereas justices in th past often let go of their own minor objections in the interest of unanimity, the current court appears to have little interest in reaching that goal. It is also possible that the justices assigned to write the majority opinions — Clarence Thomas in the Internet case, Sandra Day O'Connor in the adult-business case — lost thei majorities sometime after they circulated rough drafts of their rulings.

In addition, the court's fractured ways may reflect Chief Justice William Rehnquist's preferences for running the court. Whereas past chief justices like Earl Warren might have sent the quibbling justices back to the drawing board to work out their differences, Rehnquist appears inclined to push opinions out the door in the interest of productivity, even if the rulings have ragged edges or vulnerable cores.

So what can be gleaned from the decisions issued May 13?

In the Internet case, these conclusions can safely be drawn:

- Justice John Paul Stevens is the only one of the nine who thinks COPA is unconstitutional flat out, without further findings by lower courts. The law's use of "community standards" to determine what is unfit for minors to see simp does not work on the Internet, says Stevens, noting that the Internet is an inherently global medium. "If a prurient appea is offensive in a puritan village, it may be a crime to post it on the World Wide Web," Stevens wrote.

- Justices Thomas, Rehnquist and Antonin Scalia agreed that

the community-standards approach was not automatically invalid, but that the lower courts need to examine the law more closely to determine if it is unconstitutional for other reasons, such as vagueness.

- Justices Anthony Kennedy, David Souter and Ruth Bader Ginsburg expressed somewhat more doubt about the community-standards approach, but concluded, "We cannot know whether variation in community standards renders the Act substantially overbroad without first assessing the exten of the speech covered and the variations in community standards with respect to that speech."

- Justices O'Connor and Stephen Breyer advocated interpretin the community-standards approach as a national standard in the context of the Internet. Breyer said that conclusion coul be drawn from the legislative history of the law, while O'Connor said use of a national standard was just reasonabl inferred under the Constitution. O'Connor wrote, "Although jurors asked to evaluate the obscenity of speech based on a national standard will inevitably base their assessments to some extent on their experience of their local communities, agree with Justice Breyer that the lesser degree of variation that would result is inherent in the jury system and does not necessarily pose a First Amendment problem."

In the adult-zoning case, these conclusions can be drawn:

- Justice Souter, joined by Stevens, Ginsburg and Breyer, found that Los Angeles had failed to justify its ordinance against multiple-use adult businesses, especially since the n effect of the ordinance is to multiply the number of adult businesses citywide. The only plausible motive for that, Souter said, is to make it more expensive for adult business to operate. "Every month business will be more expensive than it used to be, perhaps even twice as much. That sounds like a good strategy for driving out expressive adult businesses. It sounds, in other words, like a policy of conten based regulation."

- O'Connor, joined by Rehnquist, Scalia and Thomas, found that Los Angeles could rely on a 1977 study of adult businesses in general to justify the ordinance at issue.

- Kennedy agreed with the O'Connor group that the ordinance should not have been struck down on its face, but says it should be returned to lower courts for further study. "The ordinance may be a covert attack on speech, but we should not presume it to be so," Kennedy wrote. He also cautioned against relying too heavily on secondary effects to justify speech restrictions. "It is no trick to reduce secondary effect by reducing speech or its audience; but a city may not attack secondary effects indirectly by attacking speech."

Tony Mauro covers the Supreme Court for American Lawyer Media and is a legal correspondent for the First Amendment Center.

Previous

Supreme Court partially upholds COPA
But justices send case back to appeals court to resolve other free-speech issues; 1998 law remains on hold. 05.13.02

High court overturns ruling on L.A. 'sex superstores'
But because there isn't majority fully endorsing ban on multi-use adult businesses, justices send *Alameda* case back to lower court. 05.13.02

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The FIRST AMENDMENT to the U.S. Constitution
Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.
ABOUT THE FIRST AMENDMENT...

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Case Summary for City of Los Angeles v. Alameda Books

Argued:	Dec. 4, 2001
Decided:	May 13, 2002
Issue:	Freedom of Speech — Whether a city can justify a ban on multiple-use adult businesses by relying on a study that does not examine the harmful, secondary effects of those type of businesses.
Vote:	Yes, the Court ruled 5-4 that at this early stage of the litigation the city could rely on its prior study to satisfy its evidentiary burdens with respect to secondary effects.
Decisions Below:	The opinion of the federal district court in May 1998 is unreported. The opinion of the 9th U.S. Circuit Court of Appeals is reported as *City of Los Angeles v. Alameda Books, Inc.*, 222 F.3d 719 (9th Cir. 2000).
Facts:	In 1977, soon after the U.S. Supreme Court's decision in *Young v. American Mini Theatres, Inc.*, 427 U.S. 50 (1976), the city of Los Angeles' planning commission studies the effects of adult businesses on the city. The study concludes that a proliferation of adult businesses leads to an increase in crime and a decrease in surrounding property values. Based on this study, the city council passes a zoning law that prohibits adult businesses from locating within 1,000 feet of another adult business or 500 feet within a church, school, or public park. Then, in 1983, the city passes an ordinance banning so-called multiple use adult businesses, such as businesses that operate as both adult bookstores and adult arcades. Many years later, two adult businesses — Alameda Books

and Highland Books — that operate as both bookstores and arcades sue in federal court, contending that the 1983 law is unconstitutional.

In 1998, a federal district court eventually sides with the adult businesses and prevents the city from enforcing the law. In 2000, a three-judge panel of the 9th U.S. Circuit Court of Appeals affirmed the lower court decision. The 9th Circuit reasons that the city did not have sufficient evidence that multiple-use adult businesses caused harmful, secondary effects. The panel writes: "The study did not identify any harmful secondary effects resulting from bookstore/arcade combinations as individual business units."

The city appeals to the U.S. Supreme Court, which grants review on March 5, 2001.

Reasoning: The city can rely on its older study examining the harmful effects on the concentration of adult businesses to justify its ban on multiple-use adult businesses. The lower court erred in rejecting the city's argument that the city's prior study had no relevance to a ban on multiple-use adult businesses. The adult bookstores will have the opportunity to refute the city's evidentiary claims when the case is sent back to the lower courts. The plurality wrote that "the Los Angeles City Council is in a better position than the Judiciary to gather and evaluate data on local problems."

Plurality Opinion: Justice O'Connor (joined by Justices Rehnquist, Scalia and Thomas)

Concurring Opinions: Justices Scalia, Kennedy

Dissenting Opinion: Justice Souter (joined by Justices Stevens, Ginsburg and Breyer)

Quotable: "This is not to say that a municipality can get away with shoddy data or reasoning. The municipality's evidence must fairly support the municipality's rationale for its ordinance." (O'Connor)

"Municipalities will, in general, have greater experience with and understanding of the secondary effects that follow certain unprotected speech than will the courts." (O'Connor)

"The Constitution does not prevent those communities that wish to do so from regulating, or indeed entirely suppressing, the business of pandering sex." (Scalia)

"A zoning law need not be blind to the secondary effects of adult speech, so long as the purpose of the law is not to suppress it." (Kennedy)

"It would in fact make sense to give this kind of zoning regulation a First Amendment label of its own, and if we called it content correlated, we would not only describe it for what it is, but keep alert to a risk of content-based regulation that it poses." (Souter)



News Story

Petition throws L.A. 'no-touch' law back in council's lap

By The Associated Press
11.04.03

LOS ANGELES — Opponents of a city ordinance banning lap dancing at strip clubs, bikini bars and adult bookstores have a chance to take their gripe to the ballot box.

The city clerk certified yesterday that activists had collected enough signatures to force a referendum before the "no-touch" rule can go into effect.

The City Council must now decide whether to rescind it, place a referendum on the next citywide ballot in 2005 or add a question to the Democratic presidential primary in March. Council members have 20 days to decide what to do.

The council voted unanimously in September to require that dancers remain at least six feet from customers and put in place restrictions that also would outlaw "VIP rooms" where nude dancers perform privately.

Supporters of the law have argued that adult-entertainment establishments contribute to prostitution and drug use.

Club owners say the rules infringe on First Amendment

rights and would force many out of business. They spent $400,000 to gather more than the required 56,941 signatures to force a vote.

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Update

L.A. rescinds ban on lap dancing

City Council backs down, fearing public referendum that might have threatened other adult entertainment regulations. 11.24.03

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Federal judge dismisses challenge to Nebraska city's exotic-dancing rules

Meanwhile in Nevada, county commission votes to restrict lap-dance gyrations in clubs outside Las Vegas city limits. 08.01.02

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Last updated: Tuesday, February 3, 2004 | 00:11:21

Association of Club Executives

National Newsletter

December 1, 2003 Volume 2, Number 29

The following articles appear compliments of Free Speech Xpress and its editor:

FIRST AMENDMENT ATTORNEYS WIN DECISION

NEW YORK-- From Jeffrey J. Douglas, General Counsel for the Free Speech Coalition, comes word of favorable court decisions in cases brought by First Amendment Lawyers Association (FALA) attorneys challenging 2001 amendments to the New York City Zoning Resolution. New York State Supreme Court for New York County Judge Louis York has granted a summary judgment declaring the amendments unconstitutional under both the First Amendment of the U.S. Constitution and the Free Expression clause of the New York Constitution. Among other things, the challenged amendments would enlarge the definition of "adult establishment" to include establishments which regularly feature "adult" entertainment in any portion of the premises, thereby eliminating the "substantial portion" test of the original law. Under the prior scheme, adult bookstores and premises featuring live entertainment were able to comply by operating as so-called "60-40" establishments, where at least 60% of their floor space was devoted to non-adult purposes. Quoting from the Supreme Court plurality opinion in City of Los Angeles v. Alameda Books, Judge York found that the City had an obligation to make an "evidentiary showing" that the amendments were "no broader than necessary." The city had not met that obligation because they had enacted the amendments without undertaking a secondary effects study to determine whether the "substantial portion" rule may have already reduced [alleged] secondary effects. Court highlights included the belated disclosure of New York City Police Department statistics showing virtually no crime attributable to "adult" businesses. This resulted in the City shifting its position (with no statistical support) to the lame argument that while there may be no statistical correlation between "adult businesses" and crime, such businesses nonetheless lead to "seedy neighborhoods" which, in turn, lead to increased crime. The 2001 Amendments were first challenged in two companion Federal actions also brought by FALA attorneys. However, a statewide temporary restraining order has been in effect and pending motions in the Federal cases are in abeyance while awaiting the state court decisions.

ALCOHOL AGENCY CAN'T MAKE UP THE RULES

The Alcoholic Beverage Control Appeals Board has - in an unprecedented decision -- overturned a 30-day suspension of a liquor license suspension imposed by the Department of Alcoholic Beverage Control (ABC) against Angels Sports Bar, a Corona topless club. The ABC had contended that Angels Sports Bar had violated Rule 143.3, a department law specifying that no one licensed by the department can "permit any person to perform an act of touching, caressing or fondling of the breast, buttocks, anus or genitals." However, the appeals board held that Rule 143.3 could not be implemented because it wasn't listed in the state Code of Regulations. The Administrative Procedure Act requires that rules adopted by administrative agencies in California be subject to public hearings and be published in the Code of Regulations. The appeals board said that "underground rules" such as the ABC ' law" against caressing and fondling can't be used for penalties. Roger Jon Diamond, counsel for Angels owner Renee Vicary, called the ruling "profound." "This is the first time the ABC has had its rules thrown out," he said. "This is a landmark decision. The ABC must obey the law."

that have no support whatsoever.

As far as the insults leveled at patrons, a study was commissioned to gauge the comparative social status of the patrons of Mr. Redner's clubs, and, in stark contrast to Mr. Ruth's labels of the biggest collection of losers," "hapless boobs" and "rubes," the report, conducted by the renowned Dr. Randy Fisher of the University of Central Florida, states that "this group is clearly more educated than the average resident of Florida or Hillsborough County and more likely to be registered to vote. Their occupations vary widely, but many are employed in high status positions which require high levels of skill and bestow considerable responsibility. Their reported incomes also place them well above the average resident of the state or of Hillsborough County."

Perhaps it is easy for disinterested onlookers to take these official and media assaults on the industry as a joke, however, they ought to consider taking a few steps in the shoes of the people most affected by this ridiculous ordinance—those losing their incomes. How would Mr. Ruth or the mayor feel if they woke one day to find that the city no longer had any tolerance for his work and would aggressively seek him out and arrest him if he continued?

Perhaps after taking such a moment to reflect, these insensitive miscreants would be a bit less acerbic and use a bit more intelligence and tolerance. Additionally, Mr. Ruth, as well as the mayor, should consider that there are those of us who find their profession offensive, and of those, a few who would have no problem outlawing such professions. Luckily, most intelligent human beings understand that the price of freedom is the tolerance of those things that we find offensive in order that we can all appreciate the freedom to enjoy those things not personally offensive.

Perhaps it is easy for journalists and the government to accept the city's efforts to trample on the rights of Mr. Redner and exotic dancers today, but will they find it so easy to accept the next group that the city targets? Do they believe that any amount of infringement on the people's rights ends once it is allowed to begin? Perhaps they found the stories of the Revolution, such as the Boston Tea Party, offensive too, and so did not learn the lessons those stories taught. When our forefathers fought against offensive governmental regulation and threw the tea into the harbor, we held them out to be heroes. Anyone who truly appreciates and embraces the freedoms our forefathers fought and gave their lives for cannot be so apt to close their eyes and ignore governmental attempts to take those freedoms away.

The interest in encouraging freedom of expression in a democratic society outweighs any theoretical but unproven benefit of censorship." Statement of U.S. Supreme Court Justice John P. Stevens joined by Justices Scalia, Kennedy, Souter, Thomas, Ginsberg and Breyer in *Reno v. ACLU*, June 26, 1997.

3 Bend, Indiana. Representing a number of alcohol serving gentlemen's clubs, and assisted by Southfield, Michigan FALA attorney Allan Rubin and South Bend attorney Jim Korpal, Shafer again attacked a comprehensive adult regulatory ordinance that included (among other things): club licensing; hours of operation restrictions permitting dance clubs to be open only from 7 a.m. to 10 p.m.; a ten-foot dancer buffer zone; a "no touch" requirement during dancing; strict liability provisions for license holders; license suspension and revocation provisions; and various restrictions on adult business signs. In a 77-page opinion, the court basically eviscerated this ordinance across the board.

The court ruled that both the hours of operation restrictions and the ten-foot buffer zone were preempted under Indiana State law regarding liquor licenses. "The court was very clear that this was not even a close question," Shafer says. This ruling therefore has application to all gentlemen's clubs in Indiana that have a license to serve alcohol. The court also ruled unconstitutional ownership disclosure requirements, the "no touch" provision, the license suspension and revocation provisions, the strict liability requirements and various aspects of signage restrictions which prohibited a business from using any words or letters other than its own name.

"This was a very big win for the clubs in South Bend," Shafer proclaims. "The court even went so far as to invalidate provisions of the ordinance that the clubs had been living under for a number of years."

While the licensing ordinance had been enacted in South Bend quite a few years ago, it was only the passage of amendments, which added in the hours of operation restrictions, the dancer buffer zone, and the "no touch" provisions, that pushed the clubs to file suit. This summary judgment ruling in South Bend permits Shafer to file yet another motion for attorney fees.

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The FALA attack team, w included Shafer, Cincinnati atto Lou Sirkin and Memphis attorney Pleasants, together with Nash attorney John Herbison, were abl obtain not one but two preliminary injunct before the Court finally said "enough enough" and entered a permanent injunct against the enforcement of the entirety of ordinance.

"Every time we would file a brief or wi motion, the city just kept passing amendme to the ordinance to try to fix the problem says Shafer. "I told everyone that the law w still unconstitutional, and the 6th Circ agreed." The clubs involved in the lawsuit ha filed a motion for attorney fees in excess $650,000.

"What makes this case so important is th fact that the 6th Circuit has clearly held th temporary licenses and stays of enforcemer actions are insufficient to save a licensing la when there is not the ability for a prompt jud cial decision," Shafer adds, noting that this rul ing would render numerous adult regulatory ordinances in the 6th Circuit (the states o Michigan, Ohio, Kentucky and Tennessee) to be unconstitutional.

At its October 10 meeting, the town council hurriedly introduced an anti-nudity ordinance designed to drive the Mirage out of business. The council planned to have the final reading of this ordinance at its October 24 meeting, and to pass the ordinance that night and finally be done with the Mirage. It just so happened that Wednesday October 24 was also the first meeting, in Minneapolis, to officially form the new ACE of Minnesota chapter.

At Tigue's suggestion and after a unanimous vote by the members of the fledgling organization, ACE sprang into action. ACE of Minnesota's first official act was to send ACE President Mark Van Gelder, Tigue, and yours truly on a 90-minute drive to Nicollet that evening to testify against the ordinance at the town council meeting.

ACE EXPLAINS

Adult Club Executives

We at ACE did our best to point out the potential unconstitutionality of the ordinance and to cite where municipalities elsewhere had been required to pay the attorney fees and costs of the clubs affected when similar ordinances had been struck down, as well as those of their own attorneys.

ACE has long recommended it. It's only common sense: Lobbying to stop pending bad legislation is clearly a much better option than trying to fight a bad ordinance in court after it becomes law.

Nicollet, Minnesota, population 800, bears out this point. In October, 2001, two college students from a Twin Cities suburb opened a juice bar—the Mirage—in the tiny rural community of Nicollet. The town had no adult ordinance at that time and never before had adult entertainment of any sort.

Within two days, the town council quickly embraced a six-month moratorium on any new adult businesses in the city and on the expansion of any currently in existence.

A day later, the city forced the club to close for building code violations. The Mirage enlisted noted Minneapolis First Amendment Lawyer's Association (FALA) attorney Randy Tigue, who was able to get the club reopened in a few days.

continue

by Larry Kaplan

The December Triple Play

"Santa was very good to my clients at the end of the year," says FALA attorney Brad Shafer, who closed 2001 with a bang with three relevant adult industry victories.

1 The first win came in the 6th Circuit United States Court of Appeals in a case involving the Nashville, TN, Deja Vu club, a number of other dance facilities and two bookstores. The businesses and a number of individuals challenged a comprehensive adult business regulatory ordinance, made up of club and dancer licensing and various business regulations, including a three-foot dancer buffer zone.

The FALA attack team, which included Shafer, Cincinnati attorney Lou Sirkin and Memphis attorney Mike Pleasants, together with Nashville attorney John Herbison, were able to obtain not one but two preliminary injunctions before the Court finally said "enough is enough" and entered a permanent injunction against the enforcement of the entirety of the ordinance.

"Every time we would file a brief or win a motion, the city just kept passing amendments to the ordinance to try to fix the problems," says Shafer. "I told everyone that the law was still unconstitutional, and the 6th Circuit agreed." The clubs involved in the lawsuit have filed a motion for attorney fees in excess of $650,000.)

"What makes this case so important is the fact that the 6th Circuit has clearly held that temporary licenses and stays of enforcement actions are insufficient to save a licensing law when there is not the ability for a prompt judicial decision," Shafer adds, noting that this ruling would render numerous adult regulatory ordinances in the 6th Circuit (the states of Michigan, Ohio, Kentucky and Tennessee) to be unconstitutional.

The ruling was, however, a mixed bag. The Court upheld criminal disability provisions in the ordinance, which prohibited people convicted of certain specified "sex crimes" from being exotic dancers, or being associated with adult businesses. "That ruling is in direct conflict with Supreme Court case law, decisions of other Courts of Appeals, and even prior decisions of the 6th Circuit," Shafer says. He has filed a motion for reconsideration with the 6th Circuit on that issue.

The 6th Circuit also upheld, at least on a qualified basis, the three-foot dancer buffer zone. The Court indicated that the plaintiffs had not put on evidence of the potential "economic harm" of such a buffer zone, which is a matter that can be litigated at a future trial if that ever becomes necessary, says Shafer. "We raised arguments in regard to the buffer zone that had never been made, and we were able to get the 6th Circuit to at least acknowledge that a three-foot buffer zone was the absolute most a governmental entity could impose, without running into constitutional problems."

Shafer further indicates that although some of the rulings did not go in the favor of the clubs, until the judicial review problem is corrected the ordinance would continue to be enjoined in its entirety. Finally, Shafer states, "There have been so many amendments to the ordinance that we are basically now back at square one in regard to our constitutional challenge. If the city attempts to correct the judicial review problem, we have quite a few more legal challenges to this ordinance that should keep the law enjoined for the foreseeable future."

2 Shafer's second win in December came from the Nevada Supreme Court in a Las Vegas dancer class action case. That lawsuit, filed by a number of anonymous entertainers, seeks payment of minimum wages to the dancers who claim they were employees, as opposed to independent contractors.

The dancers asked the trial court to send out notice of the lawsuit to all other women who had danced at the defendant clubs and to treat the case as what is known as an "opt-out" lawsuit. This would mean that unless an entertainer specifically sent back a notification to the court that she did not want to participate in the lawsuit, she would automatically be considered to be a plaintiff and be entitled to make a claim for damages.

Spearheading the defense team which included Los Vegas FALA Attorney Allen Lichtenstein and numerous Las Vegas club attorneys, Shafer contended to the trial court that the lawsuit should, rather, be treated as an "opt-in" proceeding (where no other dancers would be participants in the lawsuit unless they specifically, in writing, requested to be added), that it was not mandatory for any notice to go out, and that the clubs should be entitled to the federal law "tip credit" against minimum wage if the dancers were ultimately determined to be employees.

The Las Vegas trial judge agreed with Shafer and the clubs, and ruled that the case was to proceed as an "opt-in" lawsuit, that the clubs were entitled to the federal tip credit against minimum wages, and the trial court also dismissed the plaintiffs' motion to provide notification to all other entertainers.

Although the plaintiffs' attorneys were confident in having this ruling overturned, the miscalculated. The Nevada Supreme Court upheld the ruling of the trial court. "What means is that rather than having a lawsuit involving potentially thousands of dancers, many of whom could probably not even be found by the plaintiffs or the clubs, we now have a lawsuit limited to the seven women who originally brought the legal action," explains Shafer. "The ruling basically eviscerates any type of damage claim once you factor in all of the tax consequences." Shafer further states that this entire ruling was predicated upon specific language that he had added into the Deja Vu "Dancer Performance Lease" a couple of years prior to the filing of the lawsuit. "It just goes to show you that a good contract is critical," says Shafer.

3 The third part of Shafer's tri-fecta came by way of a summary judgment order from a state court in South Bend, Indiana. Representing a number of alcohol serving gentlemen's clubs, and assisted by Southfield, Michigan FALA attorney Allan Rubin and South Bend attorney Jim Korpal, Shafer again attacked a comprehensive adult regulatory ordinance that included (among other things); club licensing; hours of operation restrictions permitting dance clubs to be open only from 7 a.m. to 10 p.m.; a ten-foot dancer buffer zone; a "no touch" requirement during dancing; strict liability provisions for license holders; license suspension and revocation provisions; and various restrictions on adult business signs. In a 77-page opinion, the court basically eviscerated this ordinance across the board.

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To contact Brad Shafer call (517) 886-6560.

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Perhaps after taking such a moment to flect, these insensitive miscreants would be bit less acerbic and use a bit more intellience and tolerance. Additionally, Mr. Ruth, well as the mayor, should consider that are those of us who find their profesoffensive, and of those, a few who uld have no problem outlawing such prossions. Luckily, most intelligent human ings understand that the price of freedom is e tolerance of those things that we find ffensive in order that we can all appreciate ie freedom to enjoy those things not personly offensive.

Perhaps it is easy for journalists and the overnment to accept the city's efforts to ample on the rights of Mr. Redner and exotdancers today, but will they find it so easy accept the next group that the city targets? o they believe that any amount of infringeient on the people's rights ends once it is lowed to begin? Perhaps they found the stoes of the Revolution, such as the Boston Tea arty, offensive too, and so did not learn the essons those stories taught. When our forethers fought against offensive governmental egulation and threw the tea into the harbor, ve held them out to be heroes. Anyone who ruly appreciates and embraces the freedoms ur forefathers fought and gave their lives for annot be so apt to close their eyes and ignore overnmental attempts to take those freedoms away.

The interest in encouraging freedom of expression in a democratic society outweighs any theoretical but roven benefit of censorship." Statement J.S. Supreme Court Justice John P. Stevens ied by Justices Scalia, Kennedy, Souter, nas, Ginsberg and Breyer) in *Reno v. ACLU*, 26, 1997.

3 Bend, Indiana. Representing a number of alcohol serving gentlemen's clubs, and assisted by Southfield, Michigan FALA attorney Allan Rubin and South Bend attorney Jim Korpal, Shafer again attacked a comprehensive adult regulatory ordinance that included (among other things); club licensing; hours of operation restrictions permitting dance clubs to be open only from 7 a.m. to 10 p.m.; a ten-foot dancer buffer zone; a "no touch" requirement during dancing; strict liability provisions for license holders; license suspension and revocation provisions; and various restrictions on adult business signs. In a 77-page opinion, the court basically eviscerated this ordinance across the board.

The court ruled that both the hours of operation restrictions and the ten-foot buffer zone were preempted under Indiana State law regarding liquor licenses. "The court was very clear that this was not even a close question," Shafer says. This ruling therefore has application to all gentlemen's clubs in Indiana that have a license to serve alcohol. The court also ruled unconstitutional ownership disclosure requirements, the "no touch" provision, the license suspension and revocation provisions, the strict liability requirements and various aspects of signage restrictions which prohibited a business from using any words or letters other than its own name.

"This was a very big win for the clubs in South Bend," Shafer proclaims. "The court even went so far as to invalidate provisions of the ordinance that the clubs had been living under for a number of years."

While the licensing ordinance had been enacted in South Bend quite a few years ago, it was only the passage of amendments, which added in the hours of operation restrictions, the dancer buffer zone, and the "no touch" provisions, that pushed the clubs to file suit. This summary judgment ruling in South Bend permits Shafer to file yet another motion for attorney fees.

1 club, a number of other dance faciliti and two bookstores. The business and a number of individuals challenge a comprehensive adult business regul tory ordinance, made up of club an dancer licensing and various busines regulations, including a three-foo dancer buffer zone.

The FALA attack team, whicl included Shafer, Cincinnati attorney Lou Sirkin and Memphis attorney Mik Pleasants, together with Nashvill attorney John Herbison, were able t obtain not one but two preliminary injunctions before the Court finally said "enough is enough" and entered a permanent injunction against the enforcement of the entirety of the ordinance.

"Every time we would file a brief or win a motion, the city just kept passing amendments to the ordinance to try to fix the problems," says Shafer. "I told everyone that the law was still unconstitutional, and the 6th Circuit agreed." The clubs involved in the lawsuit have filed a motion for attorney fees in excess of $650,000.

"What makes this case so important is the fact that the 6th Circuit has clearly held that temporary licenses and stays of enforcement actions are insufficient to save a licensing law when there is not the ability for a prompt judicial decision," Shafer adds, noting that this ruling would render numerous adult regulatory ordinances in the 6th Circuit (the states of Michigan, Ohio, Kentucky and Tennessee) to be unconstitutional.

At its October 10 meeting, the town council hurriedly introduced an anti-nudity ordinance designed to drive the Mirage out of business. The council planned to have the final reading of this ordinance at its October 24 meeting, and to pass the ordinance that night and finally be done with the Mirage. It just so happened that Wednesday October 24 was also the first meeting, in Minneapolis, to officially form the new ACE of Minnesota chapter.

At Tigue's suggestion and after a unanimous vote by the members of the fledgling organization, ACE sprang into action. ACE of Minnesota's first official act was to send ACE President Mark Van Gelder, Tigue, and yours truly on a 90-minute drive to Nicollet that evening to testify against the ordinance at the town council meeting.

ACE EXPLAINS

We at ACE did our best to point out the potential unconstitutionality of the ordinance and to cite where municipalities elsewhere had been required to pay the attorney fees and costs of the clubs affected when similar ordinances had been struck down, as well as those of their own attorneys.

CE has long recommended it. It's only common sense: Lobbying to stop pending bad legislation is clearly a much better option than trying to fight a bad ordinance in court after it becomes law.

Nicollet, Minnesota, population 800, bears out this point. In October, 2001, two college students from a Twin Cities suburb opened a juice bar—the Mirage—in the tiny rural community of Nicollet. The town had no adult ordinance at that time and never before had adult entertainment of any sort.

Within two days, the town council quickly embraced a six-month moratorium on any new adult businesses in the city and on the expansion of any currently in existence.

A day later, the city forced the club to close for building code violations. The Mirage enlisted noted Minneapolis First Amendment Lawyer's Association (FALA) attorney Randy Tigue, who was able to get the club reopened in a few days.

continue

Association of Club Executives

National Newsletter

December 1, 2003 Volume 2, Number 29

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L.A. City Council Repeals Gentlemen's Club Ordinance

The Los Angeles City Council backed down on gentlemen's club regulations that were enacted recently, giving preliminary approval to a watered-down ordinance. The new law lacks a "no-touch" rule and thus allows practices such as lap dancing and the placing of tips by customers in strippers' G-strings to continue. A ban on touching between customers and performers was a key provision in the original law that prompted the adult-entertainment industry to mount a petition drive that ultimately led to the revisions. Supporters said the new law was a necessary compromise, and still places needed restrictions on adult entertainment. For example, the law prohibits private rooms and cubicles in all clubs, which police hope will cut down on prostitution. It also requires the businesses to apply for annual permits, giving the Police Department a chance to review violations and complaints, and to move to revoke the permits if warranted. A business that is denied a permit can apply for a temporary permit that will let it stay open while the ruling is appealed.

Opponents of the revision called the new version toothless, and some accused the council of allowing the adult entertainment industry to blackmail the city. "This is a very sad day for the people of L.A. because special interests have won..." Los Angeles resident Jay Handle said. ACE National Members and other clubs in the California area spent over $400,000 to collect more than 100,000 signatures in support of a ballot measure to overturn the original law. Placing the measure on the March 2004 ballot would have cost the city nearly $3 million. Leaving the ordinance in place and scheduling a future vote would have left the city powerless to enforce the new regulations in the meantime. Council Member Tony Cardenas opposed repealing the original ordinance. "This is just wrong for us to allow any industry to impede the quality of life of our communities for no good reason," Cardenas said. Steven Afriat, a lobbyist for the clubs said his clients are pleased the council worked with them to revise the ordinance. But he emphasized that they are dissatisfied with the compromise, too. "Part of a good law is that nobody's happy _ most of my clients are not happy," Afriat said. "The annual renewal of the license is onerous at best and threatening to this industry at most." The council schedules the new ordinance for a final vote on Dec. 2. The City Attorney's Office and the Police Commission will work with industry representatives in the meantime to develop criteria for determining what violations will be considered the most egregious and would warrant a permit being revoked.

Association of Club Executives

National Newsletter

November 3, 2003 Volume 2, Number 27

Adult Entertainment Strikes Back with Petitions Over L.A. Lap Dance Limits

The adult entertainment industry in Los Angeles struck back against a proposed 6ft. dancer/patron distance ruling, filing petitions that could force an election on how far dancers must remain from customers. 107,000 signatures were gathered, more than twice the number needed. According to Spearmint Rhino owner John Gray, a coalition was formed between 24 clubs, including Déjà vu, where more than 800 people took to the LA streets to gather signatures to force the measure to a vote. "...I am pleased to say...we have effectively made the minimum requirement to stay the ordinance and thus the same will not now become law," explained Gray in a press release sent to ACE National. The signatures were submitted to the City Clerk's Office under guarded convoy. If the documents are certified, the City Council will have a month to rescind the ordinance or set it for an election. "We'll see if it qualifies," said Councilwoman Cindy Misickowski, the driving force behind the ban. "I'm not sure all those people who signed the petition live in the city or are registered voters. Attorney Roger Jon Diamond, who represents the adult clubs along with attorney John Weston, said city officials should question the cost of holding such an election.

"Our action puts the pressure squarely on the shoulders of the council," he said. "Considering the budget shortfall and the multimillion-dollar price tag of an election, it should be an easy decision." That argument had some resonance with Councilman Tony Cardenas if it means putting the measure on the March 2004 ballot at an estimated cost of $2.9 million. "The city will have to choose between holding this special election or keeping 27 cops," said Cardenas, who had voted in support of the lap- dancing ban. Lobbyist Steve Afriat, who represents many of the adult clubs, said the petitions showed the opposition to the measure. "Voters know needless legislation when they see it, and they have spoken loudly," Afriat said. "We showed that voters do not wish to have their public safety resources wasted on over-regulation of adult entertainment."

sound.
'li, *adv.* Sharply.
ūt'nes, *n.* Sharpness; shrewdness;
ce perception.
n. A proverb; a maxim.
ō, *a.* and *adv.* In *music*, slow; with slow movement.
a-mant, *n.* Any substance of impardness; the diamond.
ad-a-mant'in, *a.* Made of adamant;

ad'amz-ap'l, *n.* The prominence art of the throat.
, *vt.* To fit; to adjust; to suit.
a-dapt'a-bil''li-ti, *n.* Capability of id.
apt'a-bl, *a.* That may be adapted.
dap-tā'shon, *n.* Act of adapting; adapting.
join to; to annex; to say further
·den'dum, *n.*; pl. -da. A thing to be pendix.
. A venomous serpent.
:', *vt.* To apply habitually; genersense, with refl. pron.
ikt'ed, *p.a.* Habitually given to a ined; prone.
lik'shon, *n.* The state of being adon.
'shon, *n.* Act of adding; the thing se.
di'shon-al, *a.* Added on.
t-iv, *a.* That is to be or may be

Rotten; barren.—*vt.* (addling, ade corrupt or barren.
ad'l-hed-ed, *a.* Having barren ık intellect.
es', *vt.* To direct; to apply to by ng; to speak to; to apply (oneself); ne and destination on.—*n.* Verbal lication; speech or discourse to a courtship (generally in *plural*); ditter.
lres'ē, *n.* One addressed.
s', *vt.* (adducing, adduced). To ; to cite.
ūs'i-bl, *a.* That may be adduced.
ıkt'ėr, *n.* A muscle which draws ıother.
·oid, *a.* Glandular.—*n.pl.* Glandowths in the throat behind the

ı. One fully skilled in any art.—*a.* ompletely versed or acquainted.
·kwa-si, *n.* State or quality of be-

kwāt, *a.* Equal to; proportionate;

'ē-kwāt-li, *adv.* In an adequate

[illegible] contiguous; neighboring.
Adjectival, ad'jek-tiv-al, *a.* Belonging to or like an adjective.
Adjective, ad'jek-tiv, *n.* A word used with a noun, to express some quality or circumstance.
Adjoin, ad-join', *vt.* To join to.—*vi.* To lie or be next; to be contiguous.
Adjoining, ad-join'ing, *p.a.* Adjacent.
Adjourn, ad-jėrn', *vt.* To put off to a future day; to postpone.—*vi.* To leave off for a future meeting.
Adjournment, ad-jėrn'ment, *n.* Act of adjourning; interval during which a public body defers business.
Adjudge, ad-juj', *vt.* To decree judicially; to decide.
Adjudicate, ad-jū'di-kāt, *vt.* To adjudge; to determine judicially.
Adjudication, ad-jū'di-kā''shon, *n.* Judicial sentence; judgment or decision.
Adjudicator, ad-jū'di-kāt-or, *n.* One who adjudicates.
Adjunct, ad'jungkt, *n.* A thing (or person) joined to another.—*a.* United with.
Adjuration, ad-jū-rā'shon, *n.* Act of adjuring; an oath or solemn charge.
Adjure, ad-jūr', *vt.* (adjuring, adjured). To charge on oath; to charge earnestly and solemnly.
Adjust, ad-just', *vt.* To rectify; to make exact; to regulate; to adapt; to settle.
Adjustable, ad-just'a-bl, *a.* That may or can be adjusted.
Adjustment, ad-just'ment, *n.* Act of adjusting; arrangement; settlement.
Adjutancy, ad'jū-tan-si, *n.* Office of an adjutant.
Adjutant, ad'jū-tant, *n.* An officer who assists a commanding officer; a large species of bird allied to the stork.
Admeasure, ad-me'zhūr, *vt.* To ascertain the size or capacity of.
Admeasurement, ad-me'zhūr-ment, *n.* Act of admeasuring; dimensions.
Adminicle, ad-min'i-kl, *n.* Support; aid.
Administer, ad-min'is-tėr, *vt.* To manage; to dispense; to distribute.
Administration, ad-min'is-trā''shon, *n.* Management; executive part of a government.
Administrative, ad-min'is-trāt-iv, *a.* That administers.
Administrator, ad-min-is-trāt'or, *n.* One who manages an intestate estate.
Admirable, ad'mi-ra-bl, *a.* Worthy of admiration; excellent.
Admirably, ad'mi-ra-bli, *adv.* In an admirable manner.
Admiral, ad'mi-ral, *n.* The chief commander of a fleet or navy.
Admiralty, ad'mi-ral-ti, *n.* A board of officials for administering naval affairs; the official buildings of this board.
Admiration, ad-mi-rā'shon, *n.* Wonder mingled with delight; esteem.

[illegible] tion.
Admonitory, ad-mon'i-tō-ri, *a.* Containing admonition.
Ado, a-dō', *n.* Stir; bustle; difficulty.
Adobe, a-dō'be, *n.* A sun-dried brick.
Adolescence, ad-ō-les'ens, *n.* A growing up to manhood; the age of youth.
Adolescent, ad-ō-les'ent, *a.* Advancing to manhood.
Adopt, a-dopt', *vt.* To take and treat as a child, giving a title to the rights of a child; to embrace.
Adoption, a-dop'shon, *n.* Act of adopting; state of being adopted.
Adoptive, a-dopt'iv, *a.* Adopting or adopted.
Adorable, a-dōr'a-bl, *a.* Worthy to be adored.
Adorably, a-dōr'a-bli, *adv.* In a manner worthy of adoration.
Adoration, a-dōr-ā'shon, *n.* Worship paid to God; profound reverence.
Adore, a-dōr', *vt.* (adoring, adored). To address in prayer; to worship with reverence and awe; to love intensely.
Adorer, a-dōr'ėr, *n.* One who adores.
Adoringly, a-dōr'ing-li, *adv.* With adoration.
Adorn, a-dorn', *vt.* To deck with ornaments; to embellish; to beautify.
Adown, a-doun', *prep.* Down; towards the lower part of.—*adv.* Down; on the ground.
Adrift, a-drift', *adv.* Floating at random; at the mercy of any impulse.
Adroit, a-droit', *a.* Dexterous; skilful; ready.
Adroitly, a-droit'li, *adv.* With dexterity.
Adroitness, a-droit'nes, *n.* Dexterity.
Adscititious, ad'si-ti''shus, *a.* Additional; not requisite.
Adstriction, ad-strik'shon, *n.* A binding fast.
Adulation, ad-ū-lā'shon, *n.* Servile flattery; excessive praise.
Adulatory, ad'ū-lā-tō-ri, *a.* Flattering; praising excessively or servilely.
Adult, a-dult', *a.* Grown to maturity.—*n.* A person grown to manhood.
Adulterate, a-dul'tėr-āt, *vt.* (adulterating, adulterated). To change to a worse state by mixing; to contaminate with base matter.
Adulterate, a-dul'tėr'āt, *a.* Adulterated.
Adulterated, a-dul'tėr-āt-ed, *p.a.* Debased by admixture.
Adulteration, a-dul'tėr-ā''shon, *n.* Act of adulterating, or state of being adulterated.
Adulterer, a-dul'tėr-ėr, *n.* A man guilty of adultery.
Adulteress, a-dul'tėr-es, *n.* A woman guilty of adultery.
Adulterine, a-dul'tėr-īn, *a.* Proceeding from adulterous commerce; spurious.
Adulterous, a-dul'tėr-us, *a.* Guilty of adultery; pertaining to adultery.
Adulterously, a-dul'tėr-us-li, *adv.* In an adulterous manner.
Adultery, a-dul'tė-ri, *n.* Unfaithfulness to the

ship; liturgy; set of dishes for the table; supply of things regularly provided.
Serviceable, sėrv'is-a-bl, *a.* That renders service; useful; beneficial.
Service-book, sėrv'is-buk, *n.* A book used in church service; a prayer-book.
Service-tree, sėrv'is-trē, *n.* A European tree of the pear family.
Serviette, sėr-vi-et', *n.* A table-napkin.
Servile, sėr'vīl, *a.* Slavish; mean; dependent; fawning; meanly submissive.
Servilely, sėr'vīl-li, *adv.* In a servile manner; slavishly; meanly.
Servility, sėr-vil'i-ti, *n.* State of being servile; mean submission.
Servitor, sėrv'i-tor, *n.* A male servant.
Servitude, sėrv'i-tūd, *n.* State of a slave; slavery; compulsory labor.
Sesame, ses'a-me, *n.* An annual herbaceous plant, the seeds of which yield a fine oil.
Sesquipedalian, Sesquipedal, ses'kwi-pē-dā''li-an, ses'kwi-pē-dal, *a.* Containing a foot and a half: applied to long words; using long words.
Sessile, ses'īl, *a.* Attached without any sensible projecting support; having no stalk.
Session, se'shon, *n.* The sitting of a court, etc., for business; time or term of sitting.—**Court of Session,** the highest civil court of Scotland.
Sessional, se'shon-al, *a.* Relating to sessions.
Sestet, Sestette, ses'tet, ses-tet', *n.* A musical composition for six voices or six instruments; the last six lines of a sonnet.
Set, set, *vt.* (setting, set). To put or dispose in a certain place or position; to fix; to appoint; to estimate; to regulate or adjust; to fit to music; to adorn; to intersperse; to incite.—*vi.* To disappear below the horizon; to solidify; to tend; to point out game; to apply oneself.—*p.a.* Placed, fixed, etc.; determined; established.—*n.* The descent of the sun, etc.; attitude, position; turn or bent; number of things combining to form a whole; a complete assortment; a clique.
Seta, sē'ta, *n.*; pl. **-ae.** A bristle or sharp hair.
Setaceous, se-tā'shus, *a.* Bristly.
Set-off, set'of, *n.* Any counterbalance; and equivalent; a counter claim.
Seton, sē'ton, *n.* A twist of silk or cotton drawn under the skin to keep up an issue.
Setose, sē'tōs, *a.* Bristly.
Settee, set-tē', *n.* A long seat with a back to it; a kind of sofa.
Setter, set'er, *n.* One who or that which sets; a sporting dog.
Setting, set'ing, *n.* Act of sinking below the horizon; that in which something, as a jewel, is set; music set for certain words.
Settle, set'l, *n.* A bench with a high back and arms.—*vt.* (settling, settled). To place in a more or less permanent position; to establish; to quit; to determine; to reconcile; to pay; to square or adjust; to colonize.—*vi.* To become fixed; to fix

in seven.
Seventieth, se'ven-ti-eth, *a.* and *n.* The next after sixty-ninth; one of seventy equal parts.
Seventy, se'ven-ti, *a.* and *n.* Seven times ten.
Sever, se'vėr, *vt.* To separate by violence; to keep distinct.—*vi.* To separate.
Severable, se'vėr-a-bl, *a.* Capable of being severed.
Several, se'vėr-al, *a.* Separate; distinct; more than two, but not very many.
Severally, se'vėr-al-li, *adv.* Separately.
Severalty, se'vėr-al-ti, *n.* A state of separation from the rest, or from all others.
Severance, se'vėr-ans, *n.* Act of severing; separation.
Severe, sē-vēr', *a.* Serious; grave; harsh; stern; austere; rigidly exact; keen.
Severely, sē-vēr'li, *adv.* Harshly; strictly.
Severity, sē-ve'ri-ti, *n.* State or quality of being severe; rigor; intensity; austerity.
Sevres, sā-vr, *n.* A kind of beautiful porcelain, made of *Sèvres*, near Paris.
Sew, sō, *vt.* and *i.* To unite or make by needle and thread.
Sewage, sū'āj, *n.* The filthy matter which passes through sewers.
Sewer, sū'ėr, *n.* A subterranean drain, as in a city, to carry off water, filth, etc.
Sewer, sō'ėr, *n.* One who sews.
Sewerage, sū'ėr-āj, *n.* The system of sewers as in a city; sewage.
Sewing, sō'ing, *n.* Act of using a needle; that which is sewed; stitches made.
Sex, seks, *n.* That character by which an animal is male or female.
Sexagenarian, seks-a'jen-ā''ri-an, *n.* A person sixty years of age.—*a.* Sixty years old.
Sexagenary, seks-a'jen-a-ri, *a.* Pertaining to the number sixty.—*n.* A person sixty years old.
Sexagesima, seks-a-jes'i-ma, *n.* The second Sunday before Lent.
Sexennial, seks-en'ni-al, *a.* Lasting six years, or happening once in six years.
Sextain, seks'tān, *n.* A stanza of six lines.
Sextant, seks'tant, *n.* The sixth part of a circle: an instrument for measuring the angular distances of objects by reflection.
Sexto-decimo, seks-tō-des'i-mō, *n.* The size of a book when each sheet makes sixteen leaves: usually written 16mo (*sixteenmo*).
Sexton, seks'ton, *n.* An under officer of a church who takes care of the sacred vessels, acts as janitor, etc.
Sextuple, seks'tū-pl, *a.* Sixfold.
Sexual, seks'ū-al, *a.* Pertaining to, proceeding from, characterized by sex.
Sexuality, seks'ū-al'i-ti, *n.* State of being sexual.
Sexually, seks'ū-al-li, *adv.* In a sexual manner.
Sforzando, sfor-tsän'dō. A musical term marking notes that are to be emphasized, contracted *sf*.

S

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State/Regional

Ruling keeps Missouri from raising minimum age for strippers

The Associated Press
FRIDAY, AUGUST 29, 2003

KANSAS CITY, MO — A Missouri law raising the minimum age for nude dancers from 18 to 19 appears to be a violation of the First Amendment right to free expression, a federal judge ruled in barring enforcement of the law.

"I'm not persuaded that (the law) furthers a substantial government interest, nor am I persuaded that the government interest in this case is unrelated to suppression of free speech," U.S. District Judge Ortrie Smith ruled Wednesday.

The law had been set to take effect Thursday, but Bazooka's, a Kansas City cabaret featuring nude dancing, and two of its 18-year-old dancers sought a restraining order.

Smith said the 18-year-old dancers were likely to suffer irreparable harm if the statute were enforced. Both dancers testified Wednesday, describing themselves as "live adult entertainers" whose work at Bazooka's was the primary means of support for themselves and their 2-year-old children.

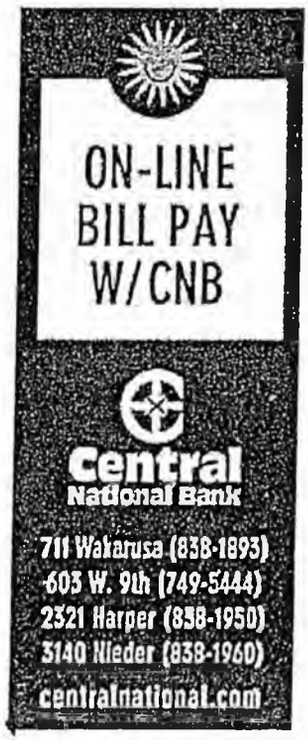
After the hearing, the general manager of Bazooka's, Richard T. Snow, said he was pleased with Smith's ruling.

"I didn't think the government's case had any merit," Snow said.

Bazooka's and the two dancers -- Ashlea Nichol Williamson and Christine Dunkin -- sued on Monday to prevent enforcement of the statute. Jay Nixon, as the state's attorney general charged with enforcing Missouri's laws, was named as the only defendant.

The law was passed by the General Assembly in May and signed by Gov. Bob Holden last month. Tucked into an otherwise unrelated liquor-control bill, the provision was sponsored by Sen. Sarah Steelman, R-Rolla.

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At the time, Steelman was quoted as saying that women could earn hundreds of dollars a day dancing nude but were at risk of being exploited. She also expressed concern that young women who performed in adult clubs might get involved in pornography.

Bazooka's is a so-called juice bar and serves no alcohol. As such, it is not regulated by state and local laws requiring dancers in clubs that serve alcohol to be partly covered.

In arguing that the minimum-age law was arbitrary and violated the First Amendment, Bazooka's attorney Richard Bryant acknowledged that the government could regulate nude dancing but said the statute impinged too much on the right of free speech.

The bill, he said, bans 18-year-olds "from engaging in the exact same activity as a 19-year-old," even though 18-year-olds are not considered minors under Missouri law.

Assistant Atty. Gen. John Mollenkamp argued that while the law prohibited 18-year-olds from dancing nude in adult clubs, it did not prevent them from dancing partly clothed in clubs that serve liquor, dancing nude in the privacy of their homes or even appearing nude in videotapes.

Mollenkamp said it was up to lawmakers, not the courts, to determine the rightful age.

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by Dr. Robert Schmidt & Dr. Alan Schlottmann

10 Years, 700 Dancers, 400 Patrons—One Study

Exotic dancers are alcoholics? Victims of spousal abuse? Carriers of STDs? Not so, according to Legal Economics, Inc., who recently began releasing the results of their very interesting 10-year study of exotic dancers and club patrons.

Legal Economics, Inc., a consulting firm based in Las Vegas, NV, recently began releasing the initial results of an unprecedented 10-year study—which tracks over 700 exotic dancers and 400 club patrons—that offers a new perspective on arguments linking dance clubs to negative "secondary effects." Dr. Robert Schmidt headed up the multi-disciplinary group of internationally recognized scholars and researchers whose extensive project provides adult-oriented business owners, lawyers and public policy makers with empirical information about the short and long-term effects of exotic dancing.

The study examines industry impacts in terms of social, economic, public health and safety, and environmental effects. Because of the large volume of data, academic publication requirements and the potential implications for various elements of the industry, the data is being released in segments. Clubs in the study are placed into six classifications: Class 1 through Class 6. For example, Class 1 are very upscale gentlemen's clubs; Class 6 are "peep shows" which do not serve alcohol (*which are generally not considered to be part of the adult nightclub industry—Ed.*).

In the past, local governments trying to limit or ban adult nightclubs have based their contentions on studies that claim to connect sexually-oriented businesses with such negative secondary effects as high crime rates and decreases in contiguous property values. According to Schmidt, the data compiled for his ongoing project refutes a number of the allegations most frequently cited in the policy arguments made by the detractors of adult clubs.

"(This study) should have significant implications on zoning laws in a multitude of jurisdictions," says Schmidt, a respected expert on urban and labor issues who has advanced degrees in economics, law, and sociology. "Local governments tend to focus on the wrong problems, like trying to prove an often nonexistent causal relationship linking alcohol and nudity with negative secondary effects. One conclusion we see is that it's time for virtually every jurisdiction to review its strategies regarding how this industry is regulated."

"We can provide information to individual dancers or give business owners the support they need to disprove negative secondary effects that are allegedly related to certain clubs and locations," Schmidt continues. "There are some exceptions, of course, but in most cases we can also show communities and club owners how to reduce the incidence of problems by using proper management controls and designs."


Exotica

"Some of the results were startling even to the researchers, and much of the (dancer study) runs contrary to what opponents of adult businesses would like people to believe."
—*Schmidt & Schlottmann*

The study results also contain a significant amount of copyrighted literature and unreleased data that can be used in shaping support for distinctive circumstances. "We have the ability to build highly accurate profiles for specific clubs or jurisdictions," Schmidt says. "We are in a position to address the requirements of almost any individual situation. And in terms of admissibility and reliability, the methodologies employed in this research meet all the legal standards set out by the *Frye, Daubert, Joiner,* and *Kumho Tire* decisions" (major Supreme Court cases concerning scientific evidence).

Issues Addressed by the Study

The original focus of the self-funded study was to empirically examine the occupation of exotic dancing in terms of its social and economic impacts. In addition to creating customer profile databases and collating statistics on clubs, the study considered both near and long-term effects on three specific target groups: dancers, their families and th community in which they work.

Schmidt also aimed at developing a com. prehensive data set based on key cha s- tics that could be used to measure biolo social, economic and psychological variatio between exotic dancers and similarly situat ed women on regional and national levels. Additionally, he developed an economic database of dancer wages that could be us to estimate the financial impacts of change in a dancer's earning potential.

According to contributor Dr. Andrea Fontana, an internationally-recognized pro fessor of sociology, compiling reliable data concerning the women who work in the industry was a unique aspect of the study. "We need to clarify and reformulate some key ideas about these women and their bo ies," said Fontana, whose academic work deals with issues of women and self. "First people need to accept the changing socie view regarding adult-oriented businesses. Second, we need to be concerned for the safety and economic well-being of the liter ly hundreds of thousands of women who work in this industry."

The numerous study categories can be grouped roughly by economic, social and physical variables. Economic data covers financial and labor-related areas such as dancer income by business type, average hourly wages, tip out amounts, shift data and earnings histories. Information is not limited only to current employ vious, current and post-dancing occupation are also covered, along with spousal occupa tions. Social data compares such dancer characteristics as household composition marital status, education and sexual behavi to the regional and national norms of wom in similar age groups and economic situa tions.

The study also examined alcohol and illicit drug use and domestic violence. The physical aspect of the study covered top that range from the impact of augmenta on dancer income to the prevalence (or lac thereof) of STDs.

Some Study Results Revea

Some of the results were startling eve to the researchers, and much of the inform tion runs contrary to what opponents o adult-oriented businesses would like pe to believe. The current ages of the wome in the study are between 18 and 51 years age.

The results reveal that, on a nation level, the majority of dancers share behav patterns with women in similar age group who are in the same or similar econom uations. The marriage profile of the da in the study mirrors those in the nation fo their respective age groups. They de 157 married dancers, 431 single d 120 widowed, divorced or separated dancers. A significant number of dancers

(over 31%) marry people they meet at their workplace. This statistic is similar for the public at large.

Alcohol and illicit drug use by cabaret employees is a major concern of licensing agencies and club owners alike. There are numerous ways to measure these activities. One standard measure used by the federal government to measure alcohol consumption in terms of either (a) whether an individual consumed alcohol in the last month and (b) whether the individual had one or more occurrences of binge drinking (five or more drinks at a sitting) in the last month. In both cases, the alcohol consumption habits for dancers were similar to that of other women in their age group (and less than half of all dancers consumed alcohol.)

For example, the incidence of binge drinking among exotic dancers is within half a percentage point of the national average for this cohort. Moreover, increased alcohol consumption by dancers is not related to whether the club they work in serves alcohol. This is an important finding.

Dancers have a lower incidence of sexually transmitted diseases (STDs) than similarly situated women. The national incidence of all STDs in women of this age is estimated at nearly 20 percent. Dancer rates (9.6%) were less than half this rate.

The incidence of domestic violence against dancers decreased while they are employed as dancers. No comparison to national statistics have been completed on domestic violence since there are no generally accepted available. However, it can be said that most Class 1 clubs provide a safer environment than an average workplace.

The study also examined the "post-dance" status of dancers. The preliminary findings of the "post-dance" status effects of dancing suggest that these women re-enter society without statistically different outcomes than the general public. Their divorce rates, incidence of mental illness and general economic well-being are statistically the same as the general public. They do, however, appear to have improved measures of "self-esteem."

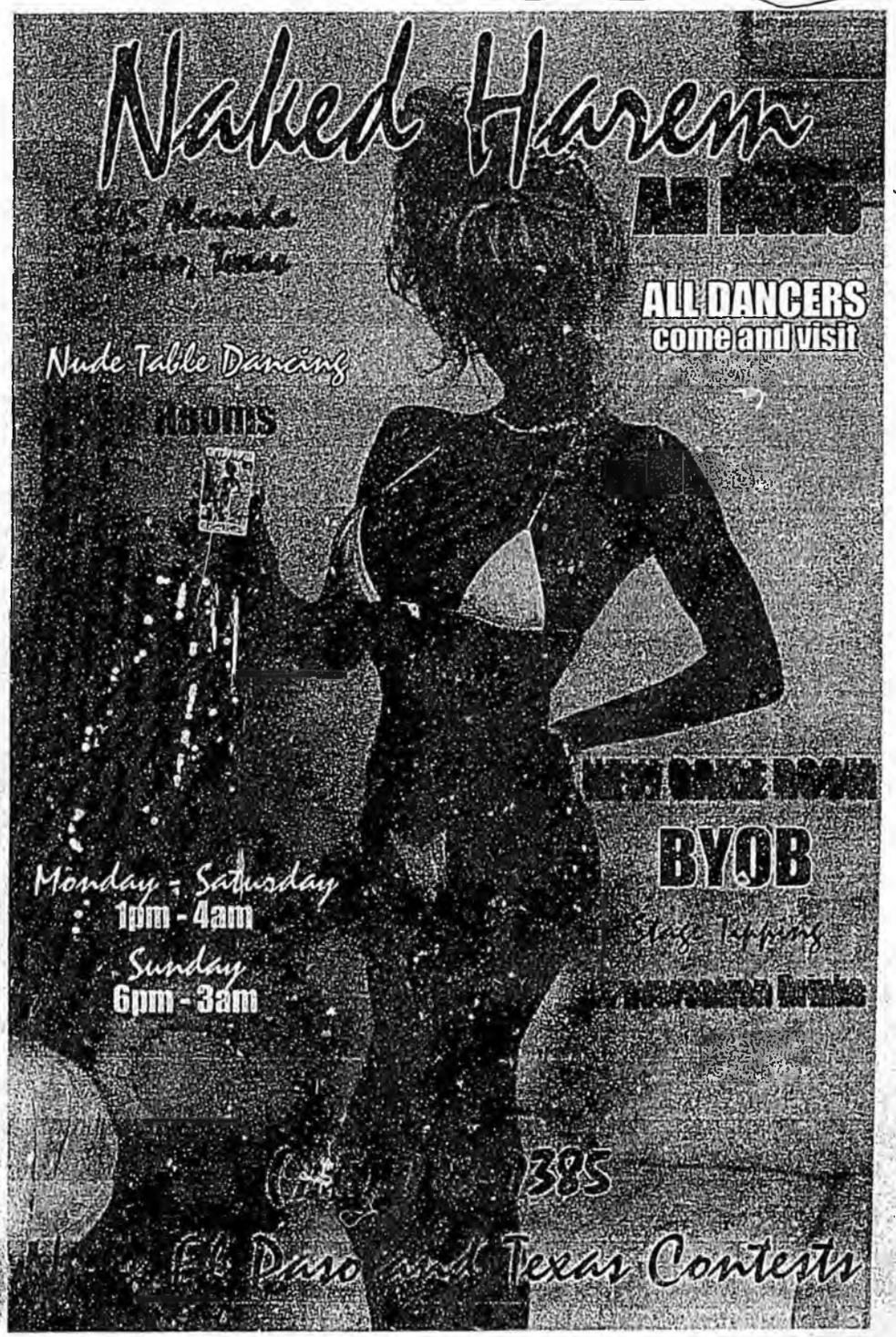
There is much concern about illicit drug use among dancers. The study found slightly higher illicit drug use (17.3% used illicit drugs in the last month) among dancers than among American women. The drugs most commonly used were marijuana, ecstasy and diet pills. However, the data varied considerably by club type and geography.

The best way for adult businesses to fight unfair restrictions on their right to operate is to challenge the factual basis of the severely flawed studies of the past few decades, and the best way for local jurisdictions to create progressive and sustainable standards for the regulation of adult-oriented businesses is to be in command of the facts.

To be considered reliable in the social sciences, a population data set must be both sufficiently random and sufficiently large to assure scientists that the data is generalizable to the total population. The Legal Economics, Inc. study tracks over 700 dancers and 400 patrons over more than a decade. From a technical perspective, Schlottmann says, researchers followed rigorous social science collection methods in building the database. The study continually met or exceeded conventional standards of statistical reliability and verification, sample size, re-sampling, and other design criteria.

"Practically speaking, anyone who wants to reexamine the facts should call us," Schlottmann says.

For further information, Robert Schmidt, J.D., Ph.D and Alan Schlottmann, Ph.D can be contacted at Legal Economics, Inc., 101 Convention Center Drive, Suite 700, Las Vegas, NV, 89126. Telephone: 702.579.4101 Email: LegalEconomics@aol.com



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Association of Club Executives

National Newsletter

December 1, 2003 Volume 2, Number 29

Tampa Residents Unashamed Of Adult Clubs: Poll Claims it Helps Economy

According to a Florida Research Group Survey, residents there aren't too concerned about adult clubs and even claim it helps the local economy. Walter Frias, a 31-year-old Palmetto Beach resident says, "Civilized people go to these places. It's a lot of businessmen ... spending money. It's not like buying a gun and shooting someone." Frias was among 440 respondents in a telephone survey conducted Nov. 4-17 by The Florida Research Group, an independent division of The Tampa Tribune's Market Development department. Fifty-two percent of residents said they think the Bay area has a national reputation for nude clubs and the like; 75 percent said the presence of such businesses here isn't a major cause for concern. However 25% are very concerned. One mother expressed concern about the large signs offering nude dance. She has a difficult time explaining such signs to her young son who asks questions. "If they're going to ... continue to have these places of pleasure... why can't you keep it discreet? " She asked. "Do you know how many minivans are going up and down Dale Mabry?" Mario Garcia has ventured inside Tampa's nude clubs, but he agrees they're too visible. "It's starting to bother me," says the 21-year-old former University of South Florida student. "There are too many big signs. Everybody knows where they are. You don't need to be so obvious."

Matt Wilbur came to Tampa in 1957. He was single and stationed at MacDill Air Force Base. Eventually, he and his buddies visited 2001 Odyssey, where the dancers wore pasties and G-strings. "It was mostly single men," recalls Wilbur, 64, of east Tampa. "There were probably less fights in there than in most neighborhood bars." Wilbur also says he wouldn't support banning public nudity in Hillsborough County, a move considered by commissioners this year but not formally discussed. "If you don't like it," Wilbur says, "don't go in there." Former Tampa City Councilman Charlie Miranda wonders whether the industry causes some big corporations to turn away from Tampa when they're looking to relocate. "It may hurt us in the future," says Miranda, 63, of West Tampa. "It may already have." He was among the 33 percent of respondents who said adult entertainment hurts the Bay area economically. But most participants disagreed.

BOARD MEETING:
Monday, Jan. 19
2004 at 4pm
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Meeting Room: TBA

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Congratulations!
Kat Sunlove, the new executive Director of FSC

FALA Member **Jeffery Douglas** on his New York win.

FALA Member **Randall Tigue** on his recent Dima victory.

New ACE Members **Triangles Gentlemen's Club** in Arena, WI

The chance to make a difference



Feature entertainer Leslie Wells relays her recent experiences with 'charity.' Despite resistance—and rudeness—Leslie and her friends forge on.

Charity: Unfortunately, this is not a word you hear associated with our industry very often.

What is truly unfortunate is the fact that many charitable organizations will not accept donations from people and businesses in our industry. This has always been a sore subject with me.

Why, I ask myself, would *any* charity turn away a donation?

Of course, we all know the answer to that. Accepting the donation would mean that the charity condones our industry. And we are all immoral people...right? Wrong!

As a member of this industry for over ten years, I have had the opportunity to be involved in several "attempts" to perform charity work. I worked at a topless car wash to raise money for a homeless shelter. I worked a ring toss booth at a carnival put on by a gentlemen's club, to raise money for a battered women's shelter. I autographed photographs for hours to raise money for a children's wish charity. I performed at a show and auction with 11 other feature entertainers to raise funds for a cancer research charity.

Every time, the charity we worked so hard for turned us away. Many times the people I spoke to were actually quite rude. One woman in particular told me that "we" were the kind of people that exacerbated their very existence. *What?* I asked her whom she meant by "we," but she hung up the phone on me.

Of course, we could have donated the money anonymously, but I feel that the people in our industry deserve the same recognition that any other individual or corporation would receive. Fortunately, after all of those charities turned us away, we were able to find a charity that would accept our donation.

I encourage and challenge everyone in our industry to go out and support the charity of his or her choice. There are many wonderful and deserving charities that need our help. I personally like to support children's charities such as 'Toys for Tots' and 'Child Kind', which is a charity that helps to care for infants with AIDS.

I recently had the pleasure of speaking with Kathy Longino, the president of The American Cancer Society's 'Making Strides' Breast Cancer Walk. I told her who I was and what exactly I do for a living. I told her that I was interested in raising money for her charity and she was thrilled. She even offered to send me an approval letter and information packet from The American Cancer Society.

After several attempts and many doors slammed in my face, I have learned the hard way that this is the only way to be assured that your donation will be openly and graciously accepted: Always call your charity first and receive approval. Why raise money for bigots?

I am proud of my job and who I am. If I can use my notoriety to make the world a better place for even one person, then I know that it has all been worth it.

Over the time I have been in this business I have had the pleasure of being introduced to many wonderful people. However, it was not until Tristan Blue and I decided to do a charity drive for 'Toys for Tots' that I truly realized how many generous people there are in our business. Sadly, I also learned that there are uncaring people as well.

After careful planning and many phone calls, Tristan and I decided to do a 'Christmas in July/Toys for Tots Fundraiser.' The very first thing that I did was to contact the offices of the 'Toys for Tots Foundation' in Quantico, Virginia. There, I spoke with Mr. Bill Gein. He was extremely pleasant and very pleased that we wanted to begin our fundraising so early in the year. He immediately sent me a letter of approval as well as a list of contacts in our area to drop off toys and money to at the close of our fundraiser.

Then we contacted several of our favorite gentlemen's clubs and our agencies to help plan the event. We also advertised on several websites and in many publications. Our goal was to raise $3000 and as many toys as we could collect. The events took place at The Goldrush in Atlanta, GA, as well as The Crazy Horse in Myrtle Beach, SC.

We were so happy that many people saw the advertisements and brought in money anyway. Special thanks to our friend Michael who drove all the way from New York City to Allentown to bring his donation! Thankfully, we were able to raise a total of $1,987. Wow!

Finally, I would like to thank each and every person that brought in toys and donated money. I applaud you all. I especially want to thank Miss Tristan Blue for all of her help. Tristan and I are planning a 'Making Strides' fundraiser very soon...so expect a call from us. (hint hint)

Again, I want to encourage you all to make an effort to support your favorite charity. Together we can make a difference.

Big Thanks to: Jeff at Celebrity Pix for donating 8 x 10 photos to give to everyone that brought in a toy; David Kelman for donating DVDs to auction off; Pure Talent Agency for helping to plan the event; the staff and management of The Goldrush in Atlanta, GA; the staff and management of The Crazy Horse in Myrtle Beach, SC; the staff and management of The Lumberyard in Des Moines, Iowa, for their amazing help.

The following ladies donated money and dozens of autographed 8 x 10 photos to auction: Kaylee O'Toole, Aspen Reign (and Corey too), Devon Michaels, Nicole Tyler, Carrie Bear, XXXena (and Lance too), Natasha Stone, Amber Waves, Brandi Morgan, Brittany Love, Jessica Justice, Brittany Banks and Kelly Taylor.

Thanks to: Lydia Parks for the beautiful Christmas decorations; Jack Pepper for advertising our event in Xcitement magazine; Xcitement Magazine for the wonderful coverage; Exotic Dancer Magazine for advertising the event; Rhonda and Eddy from Virginia for their very generous donation; Bill from North Dakota for mailing a toy to us.

WORKING AGREEMENT

BETWEEN

HOTEL EMPLOYEES, RESTAURANT EMPLOYEES
UNION LOCAL 878

AFFILIATED WITH

HOTEL EMPLOYEES & RESTAURANT EMPLOYEES
INTERNATIONAL UNION, AFL - CIO

AND

Setter and Sands North d/b/a Fantasies on 5th Avenue

EFFECTIVE:
September 1, 2001 TO August 31, 2005

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HOTEL EMPLOYEES & RESTAURANT EMPLOYEES UNION LOCAL 878
PO BOX 100564, ANCHORAGE, ALASKA 99510
AFFILIATED WITH AFL-CIO

PREFACE

EMPLOYEES AND EMPLOYERS

SECTION I. EMPLOYEES RESPONSIBILITY:

You are employed in an establishment whose employees are members of the Hotel Employees and International Union.

As an employee you have a responsibility to your Employer as well as to the Union.

Your Employer expects you to work for mutual best interest. You should work conscientiously and efficiently at all times. You must endeavor to give equipment proper care, prepare and handle food without waste and maintain cleanliness in all departments.

In serving the public in any capacity you have an obligation to give prompt and courteous service.

As an employee you have an obligation to your fellow worker(s) to show up on shift on time, to maintain in your fair share of the workload. You are expected to maintain congenial relations with other employees, with managers and supervisors and are entitled to the same consideration from them.

Co-operation in all departments will result in benefits to the Hotel and Restaurant Industry, which in turn will contribute to the prosperity of all employees.

SECTION 2. MANAGEMENT RESPONSIBILITY:

As an owner or manager of a business, you have certain responsibilities beyond the terms of a Union agreement.

In return for conscientious, loyal work from employees, you have a duty to treat them fairly.

Your employees are human, with obligations and problems, the same as management.

Fair consideration will result in happier, more efficient employees, which will contribute to your financial success.

SECTION 3. COMPLIANCE WITH FEDERAL, STATE, BOROUGH AND CITY LAWS AND ORDINANCES:

1. The Employer shall provide dressing and/or restroom facilities for his/her employees to comply with the sanitation ordinance covering such requirement.

2. All Employers signatory to this Agreement shall insure their liability against industrial accidents with a company qualified to write Workmen's Compensation Policies in the state of Alaska. The notice of insurance is to be posted on the premises.

3. Each employee shall secure a health card if required.

4. Cocktail Attendants who will handle drinks shall secure a Permit from the city law enforcement agency if required.

5. Each employee shall observe the rules of personal hygiene as determined by the Health Code Regulations.

AGREEMENT

THIS AGREEMENT is entered into this **1st day of September 2001** by and between the Hotel Employees & Restaurant Employees Union Local 878 AFL-CIO, hereafter termed the Union, and the **Setter and Sands North d/b/a Fantasies on 5th Avenue** termed the Employer.

It is hereby stipulated and agreed that the following shall be the minimum scale of wages, hours of labor, rules, regulations and working conditions to be observed by all parties signatory hereto.

It is further agreed that the Union, in consideration of the faithful keeping and performance of the Articles of this Agreement by the Employer, promises and agrees that it will advise the interest of the Employer, as an employer of the Union labor, and hereby leases, at no cost, Union Card Number ____. This Union House Card must be prominently displayed and a copy of this Agreement shall be put in a convenient place where the members of the Union may refer to it.

ARTICLE I
UNION SECURITY

Section 1. The Union shall have the sole bargaining rights of all employees acting under its jurisdiction in Anchorage, Alaska and vicinity.

Section 2. All employees covered by this Agreement who are presently members of the Union, shall be required as a condition of continued employment, to maintain said membership and all employees who are not presently members of the Union and all new employees who are not members, shall become members of the Union on the 31st day following the date of their employment or the effective date of this Agreement, whichever is later.

Section 3. Upon written request of the Union, giving specific information, the Employer agrees to discharge any employee who has not, in accordance with Section 2, tendered the periodic dues and initiation fee uniformly required as a condition of obtaining and retaining membership in the Union.

Section 4. The Employer recognizes any local Union affiliated with Hotel Employees and Restaurant Employees International Union whose jurisdiction is assigned to Anchorage, Alaska area and vicinity and will not interfere with the right of employees to be members of any Local Union assigned this jurisdiction. No discrimination shall be shown against any employee because of lawful Union activities. All jurisdictional disputes involving Local unions will be resolved by the International Union.

Section 5. The Employer and Union agree to post in a place where notices to employees and applicants for employment are customarily posted, all provisions relating to the functions of the aforementioned Union Security Article.

Section 6. It is agreed that the Union may appoint such Union shop Stewards as may be necessary to administer this Contract as long as such activity does not interfere with the assigned responsibilities during scheduled work time.

Section 7. Any person working under the jurisdiction of the Union who is found to be accepting less than scale of wages herein provided for, or who is found guilty of violating the working rules or conditions of this Agreement, shall be

subject to charges as provided for by the International Constitution and Bylaws of Local 878.

Section 8. When requested in writing by an authorized Union representative, the Employer agrees to provide the Union with a list of all employees by name and classification and date of hire, of the employees under the jurisdiction of the Union.

ARTICLE 11
HIRING AGREEMENT

Section 1. The Union agrees at all times to supply bartenders, servers, dancers, disc jockeys and other help when possible and at no cost to the Employer.

Section 2. In the event the Employer desires to employ new employees, he shall first be required to request such employees from the Union through a job referral system, which the Union undertakes to operate. The Employer has the right to request applicants by name. The Employer shall retain the right to reject any applicant by the Union.

Section 3. Selection of applicants for referral to jobs shall be on a non-discriminatory basis and shall not be based, or in any way affected by Union membership, Bylaws, Rules, Regulations, Constitutional Provisions or any other aspect or obligation of Union membership, politics or requirements.

Section 4. In the event the Union is unable to fill the requisition for workers within a reasonable time, the Employer shall be free to hire on the open market.

Section 5. There shall be no discrimination on the part of the Owners or the Union on account of Race, Color, Sex, Age or Religious beliefs of the employee.

Section 6. No member of the Union shall be discharged or discriminated against in any way for any lawful Union activity, providing such activity does not take place during working hours (while on shift) on Employer's expense.

Section 7. The Employer and Union agree to post in places where notices to employees and applications for employment are customarily posted, all Provisions relating to the function of the aforementioned Hiring Agreement.

Section 8. The Union shall furnish the Employer with stamped, self-addressed "Notice of Hiring/Termination" card. When an employee is hired or separated from employment, the Employer will, within seven (7) days of the hiring or separation, complete the card and deliver or mail the card to the Union.

ARTICLE III
GRIEVANCE AND ARBITRATION

Section 1. A grievance is defined as a violation of the Contract by an employee, Employer, group of employees or authorized Union Representative concerning rates of pay, hours or working conditions.

Section 2. Any employee who believes that he/she has a justifiable complaint shall discuss the complaint or request with his/her immediate supervisor in order to settle the complaint. It shall be discussed verbally and if settled, no further action shall be taken.

Section 3. Any employee who believes that they have a justifiable complaint that has not been settled on an informal basis with the immediate supervisor, must submit such complaint in writing to the Union within then (10) days after they occur or from the time the employee has knowledge, or will be deemed to be waived and not subject to the adjustment. Grievances filed with the Union in such timely manner, will then be forwarded to the Employer on the date filed. All written grievances submitted must contain the following information:

1) The nature of the grievance and the circumstances out of which it arose;

2) The remedy or correction that is requested;

3) The portion of this Agreement relied upon or claimed to have been violated.

Section 4. Either party shall be required to mail an answer in writing within five (5) working days of the date the grievance was received.

Section 5. Any grievance not resolved in the above manner within five (5) days, shall be subject to arbitration at the request of either party. The arbitrators are to be chosen as follows: The services of the American Arbitration Association will be requested within five (5) working days. Once the panel of arbitrators has been submitted from the American Arbitration Association to the Union and the Employer, selection shall be made following the voluntary rules of the American Arbitration Association. such impartial arbitrator shall hear the case, and his/her decision shall be final and binding upon both parties. The arbitrator shall render their decision within thirty (30) days of hearing the case. The expense of the impartial arbitrator and any joint expenses shall be borne equally by both parties. The arbitrator shall have no power or authority to add to, subtract from, or modify any of the terms or provisions of the Agreement.

ARTICLE IV
UNION REPRESENTATION AND UNION CARD

Section 1. The Business Representative of the Union, or his designee, shall be permitted to visit any house having a Union House Card, at any reasonable hour, except in case of emergency when they shall be allowed to enter at any hour. For the purpose of Union meetings, the Employer must have twenty-four (24) hours notice to arrange a non-conflicting time for all available employees to attend said meeting, except in cases of emergency, providing it does not interfere with rush hours.

Section 2. The Business Representative may designate an employee in each house to act in his behalf to see that the terms and conditions of the Contract are being maintained. The Business Representative shall submit in writing the name of said designee to the Employer.

ARTICLE V
PROPRIETORS

Section 1. In the event of a change of ownership of any establishment during

the period this Contract is in effect, the following condition shall prevail:

a. The former owner shall be obligated to provide his/her prorata of vacation pay for the current year. The employee's vacation allowance shall be payable on date of sale. This agreement shall be binding upon the successors and assigns of the parties hereto until it is changed by mutual agreement of the parties. This agreement and all of the conditions and terms thereof shall be binding upon the employer, and in the event a purchaser or transferee of this property is a corporation, then upon each individual member of said purchaser or transferee. It is agreed that all of the compensation and payment due and owing to employees or to the Union on behalf of the employees under this agreement shall be deemed trust funds in the event of any transfer, sale, receivership or bankruptcy of any establishment and the Union and the employees shall have first and prior claim and lien upon such funds. In the event the employer sells or otherwise transfers this property as an ongoing concern, it shall be a condition of any such sale, transfer by the employer, and shall be provided in the contract of sale, transfer, that the purchase hire all employees employed in each respective unit represented by the Hotel and Restaurant Employees International Union, AFL-CIO, CLC.

ARTICLE VI
MEALS AND REST PERIODS

Section 3. Any employees whose job requires that they stand on their feet shall be entitled to (10) minute rest periods during each four (4) hours worked, providing relief is available.

ARTICLE VII
PAYCHECKS

Section 1. No deduction of any nature whatsoever shall be made from wages of any employees, except those which are now or which may become during the life of this Agreement, mandatory by law or by signed authorization of the employee.

Section 2. Each paycheck shall be accompanied with a withholding slip showing all deductions, plus a statement clearly indicating the number of straight-time hours worked and the number of overtime hours worked.

ARTICLE VIII
WORK DAY & WORK WEEK

Section 1. Five (5) days within a seven (7) day period shall constitute a work week.

Section 2. All work in excess of eight (8) hours in any one (1) day shall be paid at one and one-half (1 1/2) times the regular rate of pay.

ARTICLE IX
CLASSIFICATION DESCRIPTIONS

Section 1. Bartender/Mixologist. Mixes and serves alcoholic and non-alcoholic beverages. Supervises Cocktail Waitress when necessary. Maintains order in the bar or cocktail lounge. Makes sure all local, state and federal laws are

complied with concerning the operation of a bar or cocktail lounge. Maintains a clean, neat and sanitary bar and/or lounge.

Section 2. Service Attendant Cocktail Waitress/Waiter. Primary duties are serving of alcoholic and non-alcoholic beverages in addition to busing and cleaning of tables and chairs, taking food orders and serving food when applicable, and insuring that all local, state and federal laws are complied with relating to his/her area of responsibility.

Section 3. Dancer/Server: A dancer/server shall be a dancer who entertains customers and may or may not serve drinks.

Section 4. Bartender/Service Attendant Cocktail Waitress/Waiter Apprentice. A person with less than four (4) months experience at that job.

Section 5. Disc Jockey/Server: A disc jockey shall be a person who plays the dancer's music, as well as, performs other duties including but not limited to: announcing the club's promotions, supervising the stage rotation, and announcing each dancer as they perform, and may or may not serve drinks.

Section 6. All employment not covered by specific classification shall be subject to negotiations between the Union and the Employer.

Section 7. It is understood and agreed that there shall not be any added work responsibility over present condition due to the signing and adoption of this Agreement.

Section 8. No employee shall suffer a wage reduction as a result of the signing and adoption of this Agreement.

Section 9. Any employee required to perform a combination of two (2) or more of any job classification in this Agreement shall receive the pay rate for the highest classification.

Section 10. The Employer shall not layoff senior employees for the purpose of replacing them with lower rated new employees.

ARTICLE X
UNIFORMS & LAUNDRY

Section 1. If the Employer requires uniforms (not costumes) of a special type of design, Employers shall furnish all required uniforms at no cost to the employee.

Section 2. When an employee receives a uniform (not a costume) for business use and takes it from business premises for maintenance at the Employer's convenience, the employee is responsible for any damage to the uniform over and above normal wear and tear.

ARTICLE XI
WAGE SCALES

CLASSIFICATION **WAGES**

Section 1.

Service Attendant Food Waitress/Waiter	Current wage
Service Attendant Waiter/Waitress Apprentice	Current wage
Bartender	Current wage
Bartender Apprentice	Current wage
Dancer	Current wage as applicable
Disc Jockey	Current wage as applicable

Section 2. The wage rates set forth above in this Article shall be considered minimums. The Employer may in its sole discretion compensate employees at higher rates of pay than are set forth.

Section 3. Should the Union during the life of this Agreement authorize the Employer to place moneys otherwise allocated to wages on an hourly basis to the Health and Welfare Trust or Pension trust, the Employer shall pay that sum of money per hour for each hour worked under this Agreement to the applicable trust.

ARTICLE XII
SENIORITY and PROBATIONARY EMPLOYEES

Section 1. Seniority shall be established by date of hire in the classification worked.

Section 3. In the event overtime must be worked for which there is more than one qualified employee, the employee with the most seniority shall be asked to work first.

Section 4. An employee, who is qualified, in the opinion of the employer, for advancement, shall be considered for upgrade in position as vacated.

Section 5. The purpose of seniority is to accord consideration to senior employees in recognition of their length of service to their Employer. Seniority is intended to provide maximum work opportunity to senior employees with respect to layoffs and recalls, vacations, hours of work, days off and shift assignments. Notwithstanding the purpose of the Article, seniority is not intended to allow senior employees the option of changing hours of work, days off and shift assignments on a day-to-day basis.

Section 6. Newly hired employees will not accrue seniority for the first sixty (60) days of employment, new employees will accrue seniority retroactive to the date of hire.

Section 7. New employees may be terminated for any reason during the first

sixty (60) days of employment and may not file a grievance with regard to any such termination.

Section 8. An employee transferred out of their original classification shall be given a sixty (60) day trial period.

ARTICLE XIII
LEAVE OF ABSENCE

Section 1. Employer shall grant leave of absence without pay for reasonable periods for reason of bona fide illness or other reasons mutually agreed to by the Employer and Employee. Such leaves of absence shall not affect the employee's vacation and seniority rights under this agreement.

Section 3. Applicable state and federal laws shall cover any employee who is required to take leave of absence during a period of pregnancy and recovery from childbirth or pregnancy.

ARTICLE XIV
HEALTH & WELFARE

Section 1. The parties signatory to this Agreement are also considered to be signatory to a Trust Agreement establishing the Alaska Health and Welfare Fund, for the purpose of providing group insurance, medical and hospitalization, for employees covered by this Agreement. In accordance with the terms of the Trust Agreement, the Trust Fund is administered by a Joint Board of Trustees, composed of an equal number of Trustees representing the Union and an equal number of Trustees representing the Employers. The authority and obligations of the Board of Trustees is fully set forth in the Trust Agreement.

Section 2. Effective September 1, 2001, the undersigned Employer agree to pay one dollar and thirty eight cents ($1.75) per compensable hour worked for all employees to the Hotel Employees Restaurant Employees Health and Welfare Trust Fund. The Employer agrees to pay a minimum of $.90 of the above $1.75 contribution rate and the employees have agree through a contract ratification vote, to allow the Employer to deduct the difference between the Employer's contribution amount and the amount of $1.75. The employer further agrees that if additional contributions are deemed necessary by the trust fund, they will cover a minimum of one half of said contribution.

ARTICLE XV
Pension

Section 1. The Employer shall pay a sum of money each hour worked by an employee under this Agreement in the defined bargaining unit, to the Alaska Hotel and Restaurant Pension Fund; beginning after ninety days employment and retroactive to the employees date of hire. The rate of payment shall be one dollar and thirty three cents ($1.33) per hour effective April 1, 2002.

Section 2. The Trust Fund shall be administered by an equal number of Union and Employee Trustees.

Section 3. The Employer shall make payments into the Fund of all amounts due within fifteen (15) working days from the end of each pay period and will be declared delinquent on the fifteenth (15^{th}) day of the following month. When the Employer's contribution has not been received by the fifteenth (15^{th}) day of the

following month, the Employer shall be notified by certified letter that he is delinquent.

Section 4. The Employer and the Union agrees to be bound by the current terms and conditions of the Alaska Hotel and Restaurant Employees Pension Trust and any lawful amendments thereto.

Section 5. Both parties agree to allow employees to participate in the Labor Union's 401(K) plan with the understanding that the employer has no matching contributions and the payroll deductions will be based on amounts as dictated by the employee. The amounts made available to the employees can be up to the maximums allowed by law. The subscriber agreement will begin September 1, 2001.

ARTICLE XVI
RULES

Section 1. Preference Hiring: Because of resident factors and experience factors, the Employer shall endeavor to secure new employees from residents of Alaska.

Section 2. Union Business: With proper notice to the Employer, any employee who is delegated to represent the Union at conventions or any official Union Business shall be granted time off without pay.

Section 4. Days Off: If mutually agreed, the employee shall have the same days off each week.

Section 5. Passive Members: Any person owning and operating an establishment shall become Passive Members and thereupon shall be entitled to display the Union House Card.

Section 6. Drinking: Drinking of intoxicating liquor or use of illegal controlled substances on shift will be grounds for immediate discharge. If an employee shows up for work intoxicated or under the influence of illegal substances, this also shall be grounds for dismissal.

ARTICLE XVII
CHECK-OFF

Section 1. Upon request of the Union or its representative, the Employer agrees, at his option to deduct the initiation or reinstatement fee and monthly Union dues from the net earnings of each employee who has furnished the Employer with a properly executed voluntary Check-off Form.

ARTICLE XVIII
LIABILITIES OF AGREEMENT

If any word, paragraph or section of this Agreement is finally declared illegal or in conflict with any federal or state law, both parties hereto agree that such word, paragraph or section shall become inoperative at the time, and only to the extent to which it affects this Agreement. It is further agreed that in such an eventuality, both parties shall forthwith meet and negotiate a new clause conforming to applicable federal or state law, in the event that such clause should go to the essence of this Agreement.

ARTICLE XIX
NO ENDANGERING OF BUSINESS

The Employer and the Union agree that no acts shall be committed by either party either verbally or in written form which may endanger the existence of the operating place of business, causing that operation to close unnecessarily except during time of legal strike.

ARTICLE XX
TRAINING OF PERSONNEL

The Union and Employer agree to mutually seek ways to improve the availability of training personnel and providing such training as required to enhance the industry in general.

ARTICLE XXI
DURATION OF AGREEMENT

This Agreement, including wage rates, shall be in full force and effect from **September 1, 2001 to August 31, 2005,** and shall be automatically renewed each year thereafter upon the anniversary of said date unless written notice to the contrary be given to either party by the other on or before sixty (60) days prior to the expiration date.

IN WITNESS WHEREOF, the parties hereto cause this Agreement to be signed and sealed this **1st day of September, 2001.**

FOR THE EMPLOYER: **Setter; Sands North d/b/a Fantasies on 5th Avenue**

Kathy Hartman
Owner

9-1-01
Date

FOR THE UNION: **HOTEL EMPLOYEES & RESTAURANT EMPLOYEES UNION, LOCAL 878**

Tora Gerrick
Secretary/Treasurer

9-1-01
Date

Marvin Jones
President

9/1/01
Date

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Alaska Statutes.
Title 25. Marital and Domestic Relations
Chapter 5. Alaska Marriage Code
Section 11. Civil Contract.

previous: Chapter 5. Alaska Marriage Code
next: Section 13. Same-Sex Marriages.

AS 25.05.011. Civil Contract.

(a) Marriage is a civil contract entered into by one man and one woman that requires both a license and solemnization. The man and the woman must each be at least one of the following:

(1) 18 years of age or older and otherwise capable;

(2) qualified for a license under AS 25.05.171 ; or

(3) a member of the armed forces of the United States while on active duty.

(b) A person may not be joined in marriage in this state until a license has been obtained for that purpose as provided in this chapter. A marriage performed in this state is not valid without solemnization as provided in this chapter.

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Note to HTML Version:

The Alaska Statutes were automatically converted to HTML from a plain text format. Every effort has been made to ensure their accuracy, but neither Touch N' Go Systems nor the Law Offices of James B. Gottstein can be held responsible for any possible errors. This version of the Alaska Statutes is current through December, 2002.

Disclaimer: The information provided here is in no way to be taken as a condoning of sex with "minors"....

STATE AGE OF SEXUAL CONSENT AND AGE FOR VIEWING ADULT MATERIAL LAWS

STATE	AGE OF SEXUAL CONSENT	AGE FOR VIEWING ADULT MATERIAL
ALABAMA	16	21
ALASKA	16	18
ARIZONA	18	18
ARKANSAS	16	18
CALIFORNIA	18	18
COLORADO	15*	18

The age of sexual consent may be higher at 18?

CONNECTICUT	15*	18

The age of sexual consent may be higher at 16 because of a law on the books (53-21. Injury or risk of injury to, or impairing the morals of, children)? Also the homosexual age of sexual consent may be higher at 18?

DELAWARE	18	18

The age of sexual consent is 16 for adults who are under 30 years of age, or if the adult that is 30 years of age or older is married to the minor.

DISTRICT OF COLUMBIA	16	18
FLORIDA	18	18

The age of sexual consent is 16 for adults who are under 24 years of age, or if the adult that is 24 years of age or older is married to the minor.

GEORGIA	16*	18

The age of sexual consent may be higher at 17?

HAWAII	16	18

It is illegal for minors age 14 and 15 to have consenting sex with adults at least five years older, this law does not apply to married couples.

IDAHO	18	21
ILLINOIS	17	18
INDIANA	16	18
IOWA	18	18
KANSAS	16	18*
KENTUCKY	16	18
LOUISIANA	17	18
MAINE	16	21
MARYLAND	16	18
MASSACHUSETTS	16	18

If a minor 16 or 17 years of age is a virgin, sex is illegal (Chapter 272: Section 4. Inducing person under 18 to have sexual intercourse).

MICHIGAN	16	18
MINNESOTA	16	18
MISSISSIPPI	16	18
MISSOURI	17	18
MONTANA	18	18
NEBRASKA	17	18
NEVADA	16	18

The homosexual age of sexual consent is higher at 18.

NEW HAMPSHIRE	16	18

The age of sexual consent is higher at 18 if the adult is in a position of authority over the person and uses this authority to coerce the person to submit, except if between legally married spouses. Also the homosexual age of consent may be higher at 18?

NEW JERSEY	16	18
NEW MEXICO	17	18

The age of sexual consent for homosexuals may be lower at 13?

NEW YORK	17	18
NORTH CAROLINA	16	18

NORTH DAKOTA	18	18
OHIO	16	18*
OKLAHOMA	16	21
OREGON	18	21
PENNSYLVANIA	16	18
RHODE ISLAND	16	18
SOUTH CAROLINA	14	18
SOUTH DAKOTA	16	18
TENNESSEE	18	18
TEXAS	17	18
UTAH	18	18

The age of sexual consent may be lower at 16 as long as it does not involve force?

VERMONT	16	18
VIRGINIA	18*	21

The age of sexual consent may be lower at 16 as long as it does not involve force? The age of 15 has also been suggested to be the age of sexual consent?

WASHINGTON	16	21

It is a crime for any school employee to have consenting sexual contact with a student between age 16 and high school graduation, so age 16 does not apply to school employees.

WEST VIRGINIA	16	18

The age of sexual consent for homosexuals may be higher at 18?

WISCONSIN	18	18
WYOMING	16*	18

The age of sexual consent may be higher at 18 (14-3-105 Immoral or Indecent Liberties with a Child)?

NOTE: In the AGE OF SEXUAL CONSENT column is the age of a person an adult 18 and over may legally have sexual contact with in that state.

In the AGE FOR VIEWING ADULT MATERIAL column is the age a person may view adult material in that state.

* Indicates I have conflicting ages on this (Unconfirmed).

Bold states indicate the state bans homosexual sex, so the age applies to heterosexuals only. Unless otherwise noted the age of sexual consent is the

Association of Club Executives

National Newsletter

www.acenational.org
Email: ACE@ACENATIONAL.ORG
720 17th ST. NW
Naples, Fla. 34120
(216) 965-7527Fax: (239) 353-7592

December 1, 2003 Volume 2, Number 29

ADULT ENTERTAINMENT OPPONENT ARRESTED FOR SOLICITATION OF PROSTITUTION IN KENTUCKY

One of the founding members and leaders of the anti-adult entertainment group COMPASS has been arrested for exactly the behavior that his group is fighting to end. Louisville Metro Police arrested COMPASS Vice Chairman John Wayne Riddle last Saturday evening for prostitution. The woman found in his car, Mary Perry, was also arrested. She has been charged with prostitution at least a dozen times in the past and reports claim she is HIV positive.

COMPASS has been lobbying the city to shut down adult entertainment businesses for months. COMPASS officials claim the arrest was a setup. But police say Riddle admitted the crime.

"Just the day before, we were threatened with a lawsuit. These sex businesses and their allies are trying to shut COMPASS down any way they can. I've known Wayne and his family for a long time. I know Wayne pretty well and I believe this is not something Wayne would do," said Barbara Davis of COMPASS.

But Riddle's arrest record indicates that he, as well as co-defendant Mary Perry, admitted to police that she was picked up to commit sexual acts for money. It also states that Riddle had a bottle of Viagra in his possession, which he planned to use.

Wayne Riddle was released from Jefferson County Metro Corrections late Sunday afternoon. He had no comment for ACE National.

ANNOUNCEMENTS AND CONTRIBUTIONS WELCOME: If you would like your ACE State Chapter information to appear in the National Newsletter or you have a story, case or information you'd like to share with our members please call 1-216-965-7527 or www.acenational.org to make your submission.

Sin, Sex and Censorship: *Which is Witch?*

By Angelina Spencer
Executive Director of ACE National

What if you woke up one day and discovered that all you say, do or view is screened by an anti-obscenity task force? There are no lotteries, no alcohol, no exotic dancing, no adult entertainment, no birth control, no sex films and absolutely no racy books or magazines. This is done as a favor to you so that you will not have to be burdened by anything that might cause you to feel sexual, sinful or offended. No it's not Afghanistan. It's our very own American Taliban. Can you say "Censorship" boys and girls?

A dangerous predator has been swiping at our right to pursue happiness by attacking personal liberties through politics. Her name is Censorship. She has awakened from her hibernation and is hiding behind a banner of red, white and blue. Extreme fundamentalist organizations or politicians seeking an easy ride into power eagerly wave this flag.

This she-wolf has also cleverly concealed herself under a cloak of cash and conservatism in order to hide her hypocrisy. My, what big teeth she has! So far, she has been able to ban certain books, magazines, art displays and adult films in various locations throughout the country. She may be arriving in your area soon to "save" you from exercising your healthy sexuality.

That is where ACE arrives. We are a national trade association of adult club executives. We were founded with the help of the Free Speech Coalition, the First Amendment Lawyers Association and EXOTIC DANCER Publications. Our job is to monitor statewide legislation aimed against your personal life. We conduct bill tracking, referrals, political education; database building, reporting and PR work to dispel the myths that surround the adult entertainment industry.

Every government that passes legislation aimed against adult entertainment has the potential to affect your income as well as erode your rights as a consenting adult. As Americans we must be vigilant in preserving adult rights and speak out against hypocrisy wherever it may be. ACE will fight to its last breath being an ardent supporter of free will and American democracy both in and out of our borders before we see women forced into veils.

Our association does not want to see people lost to misinformation, twisted context and extreme fundamentalism cloaked under the banner of something as personal as individual sexuality. You can take away the beard and the turban and hide them under "community values," but the American Taliban is still the Taliban. Do your part to remain aware of those who seek to impose their versions of truth on your lifestyle.

There currently are ACE chapters in the following states: California, Colorado, Florida, Georgia, Illinois, Indiana, Kentucky, Michigan, Missouri, Montana, North & South Carolina, Ohio, Oregon, Pennsylvania, Texas, West Virginia and Wisconsin. For more information on your state's ACE chapter, or to form an ACE chapter in your state if one does not already exist, please visit the ACE website at www.acenational.org or call Angelina Spencer at (216) 965-7527.

PETITION TO *KEEP* ADULT ENTERTAINMENT CLUBS AVAILABLE TO *ADULTS THAT ARE 18 YEARS OLD OR OLDER*

I AGREE THAT CITIZENS WHO ARE 18, 19, AND 20 YEARS OLD ARE ADULTS, AND THEREFORE SHOULD BE ALLOWED TO ENTER (AS PATRONS AND/OR EMPLOYEES) AN ADULT ENTERTAINMENT ESTABLISHMENTS WHERE NO ONE UNDER THE AGE OF 18 IS ALLOWED TO ENTER, AND NO ALCOHOLIC BEVERAGES ARE SERVED.

I ALSO BELIEVE THAT BANNING 18, 19, AND 20 YEAR OLDS FROM NON-ALCOHOLIC ADULT ENTERTAINMENT ESTABLISHMENTS WOULD BE A VIOLATION OF THOSE CITIZENS CONSTITUTIONAL RIGHTS.

PRINTED NAME	ADDRESS	PHONE #	SIGNATURE
DAVID SAXTON	KENAI, AK	283-4405	David Saxton
AAAA	3 2 m	NONE	
S. Crawford	7111 Craw Ave	884-6926	
S. Ka	7111 CRAW Ave	884-6926	
J. Cobb	7111 Craw Ave	301-754	
J Spotwood	7111 Craw Ave	884-8962	
C. Willis	7111 Craw Ave	884-6926	
S. Fowler	6526 Colgate Dr	333-7679	
D Smi	B2 Highland	233 7481	
P HAWKINS	2114 WAYNE, ANCH AK	338-5543	
C Russell	P.O.A.K 92733	529-4993	
Travis Broughton	CoH Co 84th Bldg 667 Ft Richardson	230-2668	
ADAM Minnicks	17324 meadow creek	694-9595	
DAVID KIM	2131 CRATAEGUS AVE	274-5381	
ERIC PETERSON	2900 WENTWORTH	272-3348	
Dustin Hoover	8525 E 10th	830 1712	
David Gallo	8113 Craw Ave. Unit 1455	831-1712	
Vanessa Evans	2,81 E 16ST. APT #268	748-5446	
DESIREE WEBSTER-SMITH	1500 RUSSIAN JACK #19	350-7510	
Anna Nesewich	1161 Golden Dawn Circle #3	349-7467	
Anna Protasova	615 W 45th # 4	349-0888	
Kyle Dunlap	8005 Chuman Hi Ave	632-0804	
Doug Williams	620 Access Dr. Ft. Rich	384-3443	
Dan Wilson	6164 Ft. Richardson	384-13[illegible]	

YOU MUST BE A REGISTERED VOTER TO SIGN THIS PETITION !!!

We, the undersigned voters, are OPPOSED TO HOUSE BILL 367, which would require DANCERS and the BUSINESSES they work for to obtain a STATE LICENSE. The dancers would have to be provided education on self defense, and state wage and hour laws. The dancers could NOT WORK in a "club" until they are 21 YEARS OLD. If the dancers are 21, they would also have to be given information about alternative careers and prevention of sexually transmitted diseases!

Printed Name:	Signature:	Address:	Soc. Sec. #:	Phone #:
Amanda Conrad		3714 E 11th Ave	677251	563-0042
[redacted]		[redacted]	[redacted]	[redacted]
Desiree Webster Smith		1500 Russian Jack Dr #19		563-0042
Halee Richey Spitzer	Halee Richey Spitzer	PO Box 870201 Wasilla AK 99687	574 76 7093	746 3199
Ashley Beeching	Ashley Beeching	1024 Denali Street Anchorage, AK 99501	5/30/84	(907) 222-0554
DAWN JEWELL	[illegible]	810 E. 42nd Ave #B, 99503	5/10/09	562-0261
Scott Moody	Scott Moody	11745 Aurora Street	6/1/75	694-3601
KARI BRUSCHKE	Kari Bruschke	11505 Aurora St		644-7454
James D. Hill	[illegible]	P.O. Box G 70381		688-6057
Marcie Gonzales	[illegible]	3111 Damian Dr Anch AK		332-6063
D Folsom	Folsom, D	Ft Rich AK	004-74-9862	
Ben Bogart	[illegible]	9391 Majestic Dr		3514833
KURT GRAY	[illegible]	UNKNOWN right NOW	[redacted]	227-1240
KURT MAHAN	[illegible]	FT RICH		563-0042
D Andrew	D. Andrew	Ft. Rich		222-324
Kevin Stack	[illegible]	Ft Richardson, AK		233617
JOSHUA GRAY	[illegible]	ELMENDORF AFB	30966335	
Blomfield John	[illegible]	2021 Hillcrest -o-	523:19490	223[illegible]

Printed Name:	Signature:	Address:	Soc. Sec. #:	Phone #:
[illegible]	[signature]	Ft Rich		342-8669
Sean McC	Sean McCarter	Ft Richardson	No	222-3240
Guillermo Ortiz	[signature]	Ft. Richardson	—	—
Lorenzo Sandoval	[signature]	Ft. Richardson	—	—
Frank Petruzzi	[signature]	Ft. Richardson	—	—
MARVIN Jones	[signature]	6465 G St #6683 ANCH AK 99502	—	333-2124
Darlene Young	[signature]	3540 Glenn Pon Cir	—	338-6320
Summer Reist	[signature]	9720 morningside loop #5	—	301-2767
Chris Butler	[signature]	2166 [illegible] AFB	—	—
Amy Hanson	[signature]	8221 Willow Ave #A	—	—
Jeff Metcalf	[signature]	4419 E 9th St	—	—
Jared Hoyt	[signature]	Fort Worth	—	—
Jeremiah Fritz	[signature]	11630 Alderwood Ln	—	—
Howard Kelly	[signature]	1202 N Lucus Rd	—	876-8469
Kacey K Hollinger	[signature]	1300 W Diamond 1145	—	770 6329
Amanda Thilo	[signature]	↓ same	—	770-6329
Mike	[signature]	1968 Hilton Ave	—	—
[illegible]	[signature]	4102 Larson Ave	—	—
Darlene Brevant	[signature]	5830 E 1st North #15 Apt C	—	929-1731
MARY Queen	[signature]	8807 Honeysuckle #B 99502 ANCHAK	—	248628
Brooke Harvey	Brooke Harvey	HC01 Box 6166-X Palmer, AK 99645	—	745-6533
Jacqueline DeRuske	[signature]	3701 Eureka St SP47A	—	562-7239

Rachel	Rachel Carey	Eagle River A.K.
Cheryl Mitchell	Cheryl Mitchell	3321 W 71st Anch
	CHRIS WEST	ANCHORAGE, AK
Rebecca Guenther	Rebecca Guenther	4317 Watson Anch. AK 99517
	CHRIS	1473 W 25TH AVE
Colleen Ross	CRIS	3130 LAKE ST Apt B
	Colin	2011 on 2nd floor balcony at
	Jake D Wallace	8005 Chauvenet Ave Unit 1712
	Jason Rice	8005 Chennault Ave. Unit 1718
Bixby Nye	Bixby Nye	670 Fifth St. Ft. Richardson
Michael Pearini	Michael Pearini	667 Fifth st Ft Richardson
Paul & Christine		
	Matthew Bates	667 FIFTH ST FT Richardson
Courtney Garrett	Courtney Garrett	12421 Landmark Dr. #5
Mike Carle	Leeke Carle	2711 Monmouth Ave.
Erin Butcher	Erin Butcher	8473 Spencer Ave.
Mary Savinen	Mary Savinen	3500 Dawn Dr.
Jenkey Pierce	Jenkey Pierce	12421 Landmark #6
Jace Phinsten	Jace Phinsten	12421 Landmark #6
Linda Phinsten	Linda Phinsten	12421 Landmark #6
Lyn Garrett	Lyn Garrett	36661 Frozen Cir.
John Garrett	John Garrett	36661 Frozen Cir.
Brian Carle	Brian Carle	2711 Monmouth Ave
Mike Carle Sr.	mike Carle Sr.	2711 Monmouth Ave.
Terri Carle	Terri Carle	2711 Monmouth Ave

YOU MUST BE A REGISTERED VOTER TO SIGN THIS PETITION

We, the undersigned, oppose any legislation that will take away our rights as an adult in the United States of America, including HB 367. Being 18 years and older, we are ADULTS, and should have the rights granted and guaranteed to us by the Supreme Court and the Constitution of the United States!

Print Name:	Signature:	Address:	Phone No.
Jayson		4412 E 24th	907-278-0053
Justin		4252 E 47th Ct.	907 563-8483
Tim Haaland		POB 244655 Anchorage 99524	
Lance Breeden		3727 W74 Ave	264-7308
Tyler Landroche		8420 Golde. St.	677-9694
Susan Landroche		2805 W 32	677-1111X
Maggie Contreras		905 Birch #165	884-6448
Holly Lash		3936 Balchen Dr	884-1777
Kimberly Thomas		161 Patterson St. #28	99204
Jessica Scarlett		533H lane #1	(907)272-4220
CARMEN RAMOS		391 KRAVE PRUNT2	337-1170
Patrick Keel		V.C.O. 4-23	N/A
Christopher Stock		PO Box 493 DLG 99576	952-372
Jennifer Hungerford		2001 Galewood St	351-1211
Rourke, Daniel R		4-23 Unit	Anchor 99503
Nicia		401 Mumford	227-8038
Teresa Kashevaroff		Seldovia -AK-	
Keith Kmetz		Chignik AK	536 2457
Allen Wallester		Seldovia AK	
Marvin Jones		645 G St #603	333-2126
Derek Hartman		201 Barrow St 99501	274-9287
Amanda			

Print Name / Signature / Address / phone #		
Mike Russell	11508 Heritage ct Apt 4	
Michael Wright	12247 Lake St	
Dan [illegible]	1331 E 16th Ter. Apt 4	
Richard C. Harris Chapter Clerk		(907) 952-9874
Rosie Humphrey Rose Humphrey		317-2141

PRINTED NAME	ADDRESS	PHONE # 60	SIGNATURE
Jamie Bailey	3700 Sharon Gagnon Ln	751-5526	Jamie Bailey
Jenny Carpenter	(same as above) ↑	(same) ↑	Jenny Carpenter
Kristine Gresham	Same	751-5710	
Josephine Changsak	Russian Mission	235-2906	
Arnold Alexie	Russian Mission	584-5842	
Darlene Nicholi	Anchorage, Shaun Eagleson	884-0327	
	Anch	830-0340	
		717434	
Tami Brun		317-3800	
JAMIE COLE	20411 CARSTAIRS DR		
JOHN JONES	6601 E 5th AVE #B	338-2283	
JAE CARTER	8045 CHESHIRE TERR	893-0584	
Fred Hunt	3061 Sakai St.	841-1475	
Brian Ezzo	1783 Williwaw Way	841-9025	
JOSH MUSGROVE	18750 Plumley Rd	841-2265	
Kim Wedmore	ITC Box 34760	841-6828	
Randy Christiansen	501 Lakeview Dr	841-2603	
John Burke	#4410 cedars woodlands	376-9466	
Casey Zell	2250 Porcupine	355 8625	
Anna Marquardt		841-4076	
Shannon Carter		841-4016	
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YOU MUST BE A REGISTERED VOTER TO SIGN THIS PETITION

We, the undersigned, oppose any legislation that will take away our rights as an adult in the United States of America, including HB 367. Being 18 years and older, we are ADULTS, and should have the rights granted and guaranteed to us by the Supreme Court and the Constitution of the United States!

Print Name:	Signature:	Address:	D.O.B.	Voter Reg. Number or Soc. Sec. Number
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David Rees	6785 54th St Ft. Richardson	301-6963	
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RESEARCH>

Sexual assaults in Anchorage

It has long been known that sexual assaults occur at a higher rate in Anchorage and in Alaska than in the U.S. as a whole. The Justice Center announces release of a new research report which for the first time takes a detailed look at the characteristics of sexual assaults in Anchorage. *Descriptive Analysis of Sexual Assaults in Anchorage, Alaska* by André Rosay and Robert Langworthy is based on 541 sexual assault cases reported to the Anchorage Police Department in 2000 and 2001. Among its findings:

- Victims were most likely to be White (48%) or Native (45%).
- Suspects and victims were acquainted prior to the time of the assault in 56% of the cases. A strang 44% of the cases.
- Both victims and suspects had typically been drinking alcohol prior to the assault.
- Sexual assaults occurred more frequently from May to October, and they occurred more frequently weekends.
- Private residences were the most common place for the "pick-up" before the assault and for the ass
- Most sexual assaults in Anchorage were concentrated in five community council areas: Downtown Mountain View and, to a lesser extent, Northeast Anchorage.

The complete report is available for on this site in Adobe Acrobat .pdf format.

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JUST 320, "Crime Prevention," was not published in the Fall 2003 schedule, but it is being offered for the fall semester, taught by Sharon Chamard. This course is an examination of crime prevention

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Descriptive Analysis of Sexual Assaults in Anchorage, Alaska

Final report to the

Bureau of Justice Statistics

by

André Rosay
Robert H. Langworthy

Alaska Justice Statistical Analysis Center
Justice Center
University of Alaska Anchorage



JC 0107

October 2003

Descriptive Analysis of Sexual Assaults in Anchorage, Alaska

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Justice Center
University of Alaska Anchorage

JC 0107

October 2003

This research was supported by Grant No. 2000-RH-CX-K039 awarded by the Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice. Points of view in this document are those of the authors and do not necessarily represent the official position of the U.S. Department of Justice. All contents within, including any errors or omissions, remain the responsibility of the authors.

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Descriptive Analysis of Sexual Assaults in Anchorage, Alaska

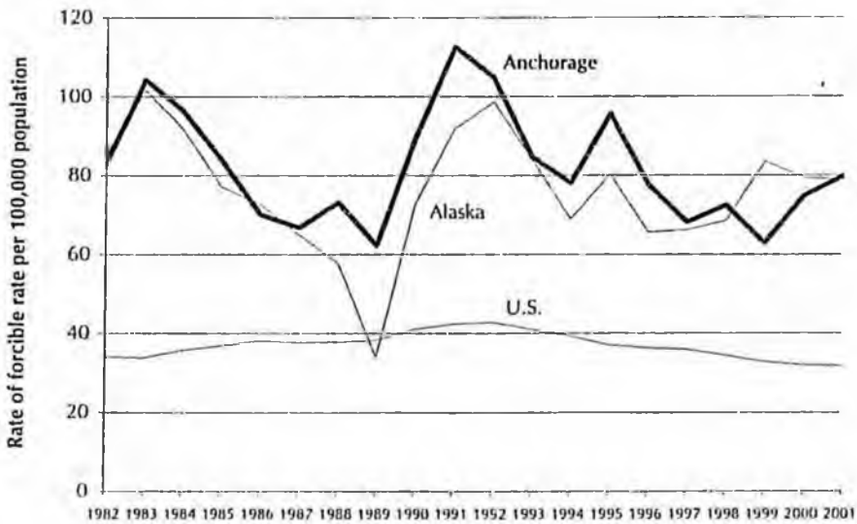
Alaska generally and Anchorage specifically have been plagued by the incidence of sexual assaults. As the data below demonstrate, Anchorage routinely ranks among cities with the highest incidence of forcible rape and sexual assault. This study is an initial effort to begin the process of understanding sexual assault in Anchorage so that criminal justice practitioners, service providers, and policy makers might have a more complete understanding of this scourge. We trust that improved understanding will provide a foundation that leads to more effective crime prevention and service delivery.

This report describes the findings of a review of sexual assault incidents (N=541) that were reported to the Anchorage Police Department during the period between January 2000 and December 2001. The report is descriptive in that it describes the gravity of the problem by comparison to other jurisdictions, the characteristics of victims and suspects, the nature of the relationship between victim and suspects, and characteristics of the assault. The aim for the report is to provide an initial description of the problem as a guide for future inquiry.

Gravity of the Problem: How Does Anchorage Compare?

As defined in the Federal Bureau of Investigation's Uniform Crime Reporting (UCR) program, forcible rape is "the carnal knowledge of a female forcibly and against her will" (*Crime in the United States*, 2001). Attempted forcible rapes are also included in the UCR's measure. Figure 1

Figure 1. Rates of Forcible Rape in the U.S., Alaska, and Anchorage, 1982-2001



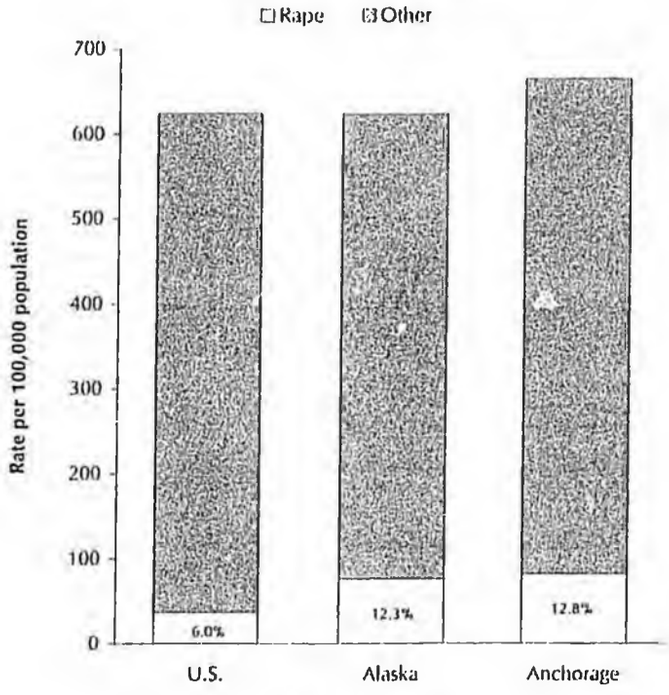
Source: Uniform Crime Reports

displays the rates of forcible rape from 1982 to 2001 for the United States, Alaska, and Anchorage. In 2001, the state of Alaska had the highest rate of forcible rape among the 50 states (78.9 per 100,000) and Anchorage had the fifth highest rate of forcible rape among metropolitan statistical areas in the U.S. (79.7 per 100,000; *Crime in the United States*, 2001). From 1982 to 2001, the average rate of forcible rape per 100,000 in Anchorage was 82.01 (s = 14.49) while the average rate in the United States was 39.95 (s = 3.27). Stated differently, the rate of forcible rape per 100,000 in Anchorage was, on average, 122.39 percent higher than the U.S. rate (s = 0.37).

As shown in Figure 2, forcible rape is a more common form of violent crime in Anchorage and Alaska than in the U.S. as a whole. More specifically, from 1982 to 2001, 13 percent of the Anchorage violent crime rate per 100,000 was attributable to forcible rape while only 6 percent of the US violent crime rate per 100,000 was attributable to forcible rape (s = 0.030 and 0.004 respectively). These data clearly show that (1) Anchorage has a higher rate of forcible rape than most metropolitan areas and (2) forcible rape is a more common form of violent crime in Anchorage than in other metropolitan areas. Recent trends in forcible rape are also alarming. From 1999 to 2001, the rate of forcible rape per 100,000 has increased by 27 percent in Anchorage while it has declined by 3 percent in the US (see Figure 1). This recent increase may be due to an increase in reporting, a true increase in forcible rape, or to both.

Figure 2. Rates of Forcible Rape and Other Violent Crimes in the U.S., Alaska, and Anchorage, 1982-2001

Other violent crimes include murder, non-negligent manslaughter, robbery, and aggravated assault.



Source: Uniform Crime Reports

I. The Current Study

To better understand the characteristics of sexual assaults and rapes in Anchorage, the Justice Center at the University of Alaska Anchorage analyzed all sexual assaults and rapes reported to the Anchorage Police Department in 2000 and 2001[1]. Project staff collected information from 541 reports of sexual assault cases reported to the Anchorage Police Department in 2000 and 2001. These sexual assault cases include reports of rape and attempted rape as defined both by the UCR and the State of Alaska. The State's definition is less restrictive than the UCR's. It is not gender specific and includes the sexual penetration or contact with another person without the consent of that other person (AS §11.41, Article 4). Among the 541 reports analyzed, 70.2 percent were for UCR-defined rapes, 8.9 percent for UCR-defined attempted rapes, 19.6 percent for state-defined rapes, and 1.3 percent for state-defined attempted rapes (see Table 1). Using the more inclusive state definition results in 113 (26%) more events of sexual assault[2].

Table 1. Types of Sexual Assaults Reported to Anchorage Police, 2000-2001

Type of report	N	%
UCR-defined rape	380	70.2 %
UCR-defined attempted rape	48	8.9
State-defined rape	106	19.6
State-defined attempted rape	7	1.3
Total	541	

All data collection was performed in the records room of the Anchorage Police Department. Data collection occurred on most weeknights for a two-month period in eight-hour shifts. Data entry personnel retrieved sexual assault case files and entered all data directly into Microsoft Access Databases (see Appendices A and B). The 2001 data contain detailed information on the assault(s), the victim(s), and the suspect(s) from 282 reports (see Appendix A). A total of 226 variables were collected from these cases. Reliability checks were performed on 53 (19%) of the 282 reports. The 2000 data contain limited information on the assault(s), the victim(s), and the suspect(s) from 259 reports (see Appendix B). Only 87 variables were collected from these cases. Given the objective nature of these data and the established experience and quality of the data entry personnel, it was deemed unnecessary to perform reliability checks on the 2000 data.

---

1. Project staff included Robert H. Langworthy (Director) and André Rosay (Assistant Professor) as co-principal investigators, Melissa S. Green (Publication Specialist) as database designer, and James Stoneking III, Kara McComas, Corrin Magro Karge, and SaraMae Clark (students) as data entry personnel. The project could not have been successful without the assistance of Tara Henry (SART Coordinator) and the Anchorage Police Department, particularly of Steven Smith (Lieutenant, retired), Mark Mew (Deputy Chief, retired), and Mike Fortuny (Clerk III). We are especially grateful for the assistance of all records personnel.

2. These additional events are not included in Figures 1 and 2. In these figures, only UCR-defined rapes and attempted rapes are included.

From the 541 reports collected, we gathered information on 551 victims. More precisely, 529 (97.8%) of the reports included one victim, 8 (1.5%) included two victims, and two (0.4%) included three victims. Two (0.4%) of the reports did not include any victim information. We also gathered information on 644 suspects. More precisely, 471 (87.1%) of the reports included one suspect, 35 (6.5%) included two suspects, 15 (2.8%) included three suspects, 12 (2.2%) included four suspects, and two (0.4%) included five suspects. Six (1.1%) of the reports did not include any suspect information. Finally, we gathered information on 585 assault locations. More precisely, 505 (93.3%) of the reports contained information on one assault location, 26 (4.8%) on two assault locations, five (0.9%) on three assault locations, one (0.2%) on five assault locations, and another one (0.2%) on eight assault locations. Three (0.5%) of the reports did not contain information on assault locations.

This final report focuses on some of the key findings from our descriptive analysis regarding victims, suspects, and assaults.

II. Victims

The race of the victim was known for 539 (97.8%) of the 551 victims. As shown in Table 2, most victims were either White (46.6%) or Native (44.1%). Few victims were Hispanic (1.5%), Black (4.9%), or Asian (1.5%) and none were Pacific Islander. The racial and ethnic make-up of sexual assault victims was substantially different than that of the general Anchorage population. In particular, Natives were vastly over-represented in sexual assault victimizations. While 10.6 percent of the Anchorage population is Native, 44.1 percent of sexual assault victims in 2000 and 2001 were Native. The rate of sexual assault victimization for Natives was 8.86 per 1,000. Natives were 7.6 times more likely than others to be victims of sexual assaults.

Table 2. Race of Victims of Sexual Assaults Reported to Anchorage Police, 2000-2001

Race[1]	Victims[2] N=539 N	%	Percentage of Anchorage population, 2001[3]	Sexual assault rate per 1,000 population[4]
White	257	47.7 %	77.6 %	1.28
Native	243	45.1	10.6	8.86
Hispanic	8	1.5	6.0	0.52
Black	27	5.0	7.2	1.45
Asian	8	1.5	7.3	0.42
Pacific Islander	0	0.0	1.3	0.00

[1] Categories are not mutually exclusive.
[2] Detail adds to greater than total N because victims may be of more than one race.
[3] Includes both males and females (95.5% of victims were female).
[4] Base population includes both males and females.

Source of data: 2000 and 2001 data (N=539); U.S. Census Bureau, 2001 Supplementary Survey (Anchorage, AK MSA) <www.census.gov/acs/www/Products/Profiles/Single/2001/SS01/Tabular/380/38000US03801.htm>.

The vast majority (95.5%) of victims were female and most (93.2%) resided in Anchorage. On average, victims were 26.4 years old (s = 12.1). The youngest victims were 4 years old (n=2) and the oldest was 87 years old. As shown in Table 3, almost half of the victims (45.0%) were between the ages of 15 and 24 and 66.8 percent of victims were between the ages of 15 and 34. The rates of sexual assaults were highest for 15 to 19 year olds (6.76 per 1,000), followed by 20 to 24 year olds (4.74 per 1,000) and 25 to 34 year olds (2.78 per 1,000). Fifteen to 19 year olds were 4.7 times more likely than others to be victims of sexual assaults.

Few victims were mentally or physically disabled (4.2 percent and 3.2 percent, respectively). Impairments due to alcohol use, however, were frequent among victims. Over 60 percent of victims had used alcohol prior to the assault, either intentionally or unintentionally (see Table 4). Drug use, both intentional and unintentional, was substantially less frequent. Less than 10 percent of victims had intentionally used marijuana, 3.3 percent had intentionally used cocaine, and 4.5 percent had intentionally used another drug. Few victims had unintentionally used a drug (i.e., used a drug

Table 3. Age of Victims of Sexual Assaults Reported to Anchorage Police, 2000-2001

	Victims			Percentage of Anchorage population, 2001[1]		Sexual assault rate per 1,000 population[2]
Age	N	%	Cumulative %	%	Cumulative %	
15 or less	42	8.8 %	8.8 %	24.8 %	24.8 %	0.66
15 to 19	138	28.9	37.7	7.9	32.7	6.76
20 to 24	77	16.1	53.9	6.3	39.0	4.74
25 to 34	104	21.8	75.7	14.5	53.5	2.78
35 to 44	77	16.1	91.8	17.9	71.4	1.67
45 to 54	31	6.5	98.3	15.6	87.0	0.77
55 or older	8	1.7	100.0	13.0	100.0	0.24
Total	477					

[1] Includes both males and females (95.5% of victims were female).

[2] Base population includes both males and females.

Source of data: 2000 and 2001 data; U.S. Census Bureau, 2001 Supplementary Survey (Anchorage, AK MSA) <www.census.gov/acs/www/Products/Profiles/Single/2001/SS01/Tabular/380/38000US03801.htm>.

Table 4. Intentional and Unintentional Drug Use by Victims of Sexual Assaults Reported to Anchorage Police, 2001

Row percentages.

	Yes		No		
Drug use	N	%	N	%	Total
Intentional use					
Alcohol	161	59.9 %	108	40.1 %	269
Marijuana	24	9.7	223	90.3	247
Cocaine	8	3.3	234	96.7	242
Other drug	11	4.5	231	95.5	242
Unintentional use					
Alcohol	8	3.1 %	252	96.9 %	260
Marijuana	1	0.4	258	99.6	259
Other drug	4	1.6	251	98.4	255

Table 5. Injuries Incurred by Victims of Sexual Assaults Reported to Anchorage Police, 2001

Row percentages.

	Yes		No		
Type of injury	N	%	N	%	Total
Bruise	87	33.9 %	170	66.1 %	257
Broken bone	4	1.5	265	98.5	269
Burn	1	0.4	270	99.6	271
Cut	14	5.1	258	94.9	272
Gun shot	1	0.4	280	99.6	281
Scratch	45	17.4	213	82.6	258
Puncture	2	0.7	268	99.3	270
Tear	19	7.1	249	92.9	268
Internal injury	30	11.1	240	88.9	270
Lost hair	4	1.5	255	98.5	259
Black eye	10	3.8	256	96.2	266

unknowingly). The most typical drug-facilitated assault occurred after the victim knowingly used alcohol.

As a result of their victimizations, victims suffered a myriad of injuries (see Table 5) ranging from lost hair (N=4) to gunshots (N=1). Overall, over 40 percent of victims reported at least one injury (2001 data). Among victims who suffered injuries, the average number of different types of injuries was 1.9 (s = 1.2; minimum = 1; maximum = 6). The most common injuries included bruises, scratches, and internal injuries. The majority of victims, however, considered their injuries to be minor and were not hospitalized. Nonetheless, about 25 percent of victims received medical attention from a sexual assault nurse examiner.

Victims employed a variety of resistance or self-defense strategies. In addition, these strategies ranged in effectiveness (see Table 6). Strategies were labeled as effective if they caused the assault to end. The most common form of resistance was arguing, reasoning, pleading, and bargaining with the suspect. This form of resistance, however, was usually not effective. The second most common form of resistance was cooperating or pretending to cooperate. Clearly, this form of resistance was not effective either. The most effective forms of resistance included running or driving away and getting help from others, but these forms of resistance were rarely used. Generally, victims tended to use more ineffective strategies than effective ones. It is likely, however, that suspects did not allow victims to use effective strategies (e.g., running away).

Table 6. Victim Resistance and Effectiveness in Incidents of Sexual Assault Reported to Anchorage Police, 2001

Strategies were labeled as effective if they caused the assault to end.

N = 284

Type of resistance	N	% of incidents	% effective
Attacked with gun	0	0.0 %	–.– %
Attacked with mace	0	0.0	–.–
Attacked with other weapon	4	1.4	0.0
Attacked without weapon	30	10.6	50.0
Threatened with gun	0	0.0	–.–
Threatened with mace	0	0.0	–.–
Threatened with other weapon	0	0.0	–.–
Threatened without weapon	0	0.0	–.–
Chased, caught, held offender	1	0.4	0.0
Yelled at offender	46	16.2	32.6
Turned on lights	0	0.0	–.–
Threatened to call police	6	2.1	50.0
Cooperated or pretended to cooperate	88	31.0	2.3
Argued, reasoned, pleaded, bargained	122	43.0	17.2
Ran or drove away	26	9.2	84.6
Hid or locked door	2	0.7	0.0
Called police or guard	4	1.4	50.0
Got help or gave alarm	9	3.2	77.8
Tried to attract attention or help	18	6.3	44.4
Screamed from pain or fear	29	10.2	20.7
Other self-defense	45	15.8	44.4
Victim was unconscious	60	21.1	0.0

Out of 325 known victim-suspect relationships, 144 (44.3%) involved strangers while the remaining 181 (55.7%) involved family, friends, or acquaintances (see Table 7). Among non-stranger relationships, the most common included acquaintances (30.4%) and friends (27.1%).

Table 7. Victim-Offender Relationship in Incidents of Sexual Assault Reported to Anchorage Police, 2001

Suspect's relationship to victim	N	% of total	% of non-stranger
Total non-stranger	**181**	**55.7 %**	**100.0 %**
Spouse	8	2.5	4.4
Parent	2	0.6	1.1
Sibling	5	1.5	2.8
Grandchild	1	0.3	0.6
Stepparent	3	0.9	1.7
Other family	9	2.8	5.0
Acquaintance	55	16.9	30.4
Friend	49	15.1	27.1
Neighbor	2	0.6	1.1
Babysitter	2	0.6	1.1
Boy/girlfriend	21	6.5	11.6
Homosexual	1	0.3	0.6
Ex-spouse	5	1.5	2.8
Employer	1	0.3	0.6
Otherwise known	17	5.2	9.4
Stranger	**144**	**44.3 %**	**--.--**
Total	**325**		

III. Suspects

Though we obtained information on 644 suspects, gender was known for only 628 suspects (97.5%), race was known for only 567 suspects (88.0%), and age was known for only 308 suspects (47.8%). Almost all suspects (99.4%) were male. Only four of the 644 suspects were female. Most suspects (91%) were not present at the scene when police arrived.

The average age of suspects was 29.6 years (s = 11.8). The youngest suspects were nine years old (n = 2) and the oldest suspect was 78 years old. As shown in Table 8, 64.6 percent of suspects were between the ages of 15 and 34 and 85.1 percent were between the ages of 15 and 44. The rates of sexual assaults were highest for 20 to 24 year olds (3.75 per 1,000), followed by 15 to 19 year

Table 8. Age of Suspects in Incidents of Sexual Assault Reported to Anchorage Police, 2000-2001

	Suspects			Percentage of Anchorage population, 2001[1]		Sexual assault suspects per 1,000 population[2]
Age	N	%	Cumulative %	%	Cumulative %	
15 or less	9	2.9 %	2.9 %	24.8 %	24.8 %	0.14
15 to 19	56	18.2	21.1	7.9	32.7	2.74
20 to 24	61	19.8	40.9	6.3	39.0	3.75
25 to 34	82	26.6	67.5	14.5	53.5	2.19
35 to 44	63	20.5	88.0	17.9	71.4	1.37
45 to 54	29	9.4	97.4	15.6	87.0	0.72
55 or older	8	2.6	100.0	13.0	100.0	0.24
Total	308					

[1] Includes both males and females (99.4% of suspects were male).

[2] Base population includes both males and females.

Source of data: 2000 and 2001 data; U.S. Census Bureau, 2001 Supplementary Survey (Anchorage, AK MSA) <www.census.gov/acs/www/Products/Profiles/Single/2001/SS01/Tabular/380/38000US03801.htm>.

Table 9. Race of Suspects in Incidents of Sexual Assault Reported to Anchorage Police, 2000-2001

	Suspects[2] N=567		Percentage of Anchorage population, 2001[3]	Sexual assault suspects per 1,000 population[4]
Race[1]	N	%		
White	231	40.7 %	77.6 %	1.15
Native	126	22.2	10.6	4.60
Hispanic	47	8.3	6.0	3.05
Black	137	24.2	7.2	7.38
Asian	30	5.3	7.3	1.59
Pacific Islander	4	0.7	1.3	1.20

[1] Categories are not mutually exclusive.

[2] Detail adds to greater than total N because suspects may be of more than one race.

[3] Includes both males and females (99.4% of suspects were male).

[4] Base population includes both males and females.

Source of data: 2000 and 2001 data (N=539); U.S. Census Bureau, 2001 Supplementary Survey (Anchorage, AK MSA) <www.census.gov/acs/www/Products/Profiles/Single/2001/SS01/Tabular/380/38000US03801.htm>.

olds (2.74 per 1,000) and 25 to 34 year olds (2.19 per 1,000). Race of suspects is shown in Table 9. Most suspects (40.7%) were White. Other common racial groups included Native (22.2%) and Black (24.2%). Overall, suspects appear more racially diverse than victims. Native and Black suspects, however, were clearly over-represented in 2000 and 2001. While 10.6 percent of the Anchorage population is Native, 22.2 percent of suspects of sexual assault in 2000 and 2001 were Native and while 7.2 percent of the Anchorage population is Black, 24.2 percent of suspects of sexual assaults in 2000 and 2001 were Black. The rates of sexual assaults were highest for Blacks (7.38 per 1,000) and Natives (4.60 per 1,000). Though few suspects were Hispanic, the rate of sexual assaults for Hispanic was also high (3.05 per 1,000).

Similar to victims, most suspects had used alcohol prior to the assault. As shown in Table 10, 76.2 percent of suspects has used alcohol while 15.0 percent had used marijuana, 2.8 percent had used cocaine, and 4.2 percent had used another drug.

Table 10. Intentional Drug Use by Suspects in Incidents of Sexual Assaults Reported to Anchorage Police, 2001

Row percentages.

	Yes		No		
Intentional drug use	**N**	**%**	**N**	**%**	**Total**
Alcohol	157	76.2 %	49	23.8 %	**206**
Marijuana	21	15.0	119	85.0	**140**
Cocaine	4	2.8	138	97.2	**142**
Other drug	6	4.2	136	95.8	**142**

IV. Victims and Suspects

In this section, we examine the relationships between victims and suspects in terms of age, race, and intentional drug use. In Table 11, we examine the race of victims and suspects simultaneously for only one victim of a single racial group and one suspect of a single racial group per case (85.2% of all cases). Slightly over half (52.3%) of these assaults were intra-racial. White victims were most likely victimized by White suspects, Native victims by Native suspects, Hispanic victims by Hispanic suspects, Black victims by Black suspects, and Asian victims by Asian suspects. Inter-racial assaults were more likely with Native victims than with others. For example, while 60.2 percent of White victims were assaulted by White suspects, only 42.9 percent of Native victims were assaulted by Native suspects. When Native victims were assaulted, suspects were also likely to be White (26.8%) or Black (21.0%), and, to a lesser extent, Hispanic (6.8%).

Table 11. Victim Race by Suspect Race in Incidents of Sexual Assault Reported to Anchorage Police, 2000-2001

Analysis includes only those cases in which one victim and one suspect, each of only one racial group, were involved.

	Victim's race						
Suspect's race	White	Native	Hispanic	Black	Asian	Pacific Islander	Total
White	130	55	1	8	3	–	197
Native	23	88	–	–	–	–	111
Hispanic	10	14	5	2	–	–	31
Black	41	43	1	13	–	–	98
Asian	11	4	1	1	5	–	22
Pacific Islander	1	1	–	–	–	0	2
Total	216	205	8	24	8	0	461

In Table 12, we examine the relationship between victims' and suspects' intentional alcohol use prior to the assault (analysis includes only 62 percent of all cases because suspect alcohol use was known for only 62% of cases). We focused on alcohol because of its high occurrence in both

Table 12. Victim and Suspect Alcohol Use in Incidents of Sexual Assault Reported to Anchorage Police, 2001

Analysis includes only those cases in which one victim and one suspect were involved.

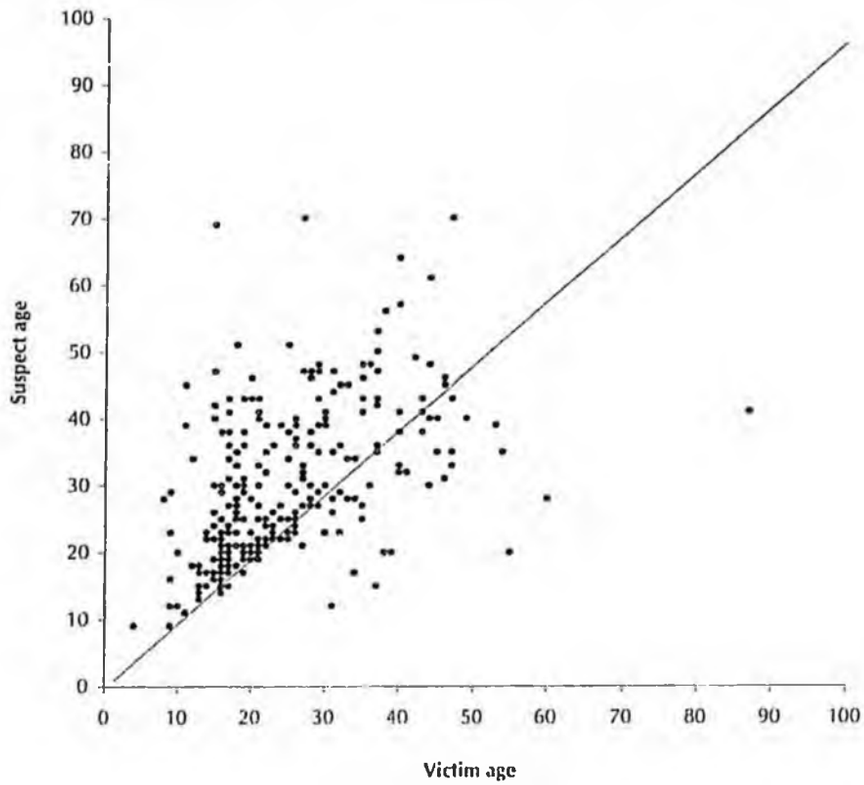
	Alcohol use by victim		
Alcohol use by suspect	Yes	No	Total
Yes	105	23	128
No	3	45	48
Total	108	68	176

victims and suspects. As shown in Table 12, both the suspect and the victim had used alcohol in 59.7 percent of these cases. Only the suspect had used alcohol in 13.1 percent of these cases. Only the victim had used alcohol in 1.7 percent of these cases and neither the suspect nor the victim used alcohol in 25.6 percent of these cases.

Finally, in Figure 3, we examine the relationship between victims' and suspects' ages. Most suspects (67.4%) were older than their victim. On average, suspects were five years older than victims (s = 11.4).

Figure 3. Victim and Suspect Age in Sexual Assault Cases Reported to Anchorage Police, 2000-2001

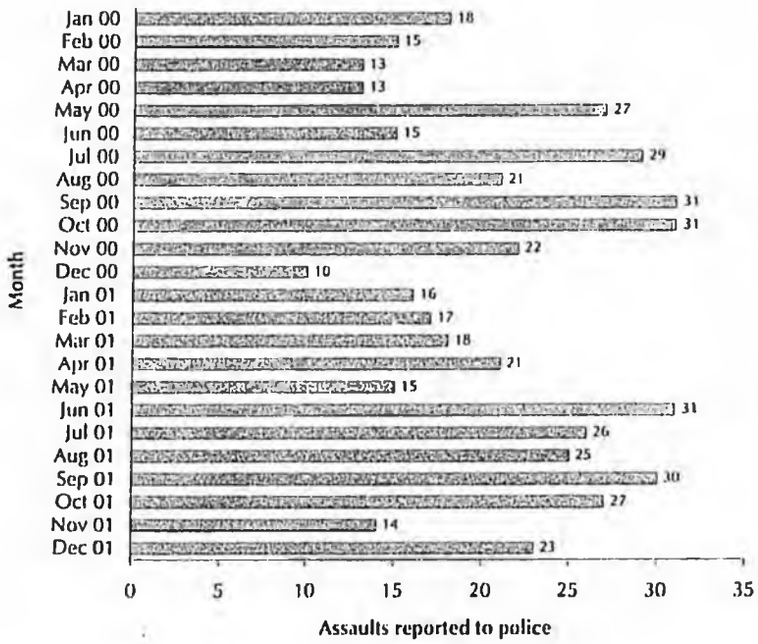
Analysis includes only those cases with one victim and one suspect (N = 264).



V. Assaults

The precise month and year of the assault could be determined in 520 (96%) of the 541 reports. Of these 520 assaults, 508 (98%) occurred in 2000 and 2001. The temporal distribution of these 508 assaults is shown in Figure 4. On average, 21.2 assaults occurred (and were reported) per month (s = 6.68). The lowest number of assaults was ten in December of 2000 and the highest number was 31 in September and October of 2000 and in June of 2001. Strong seasonal effects were recorded. An increase in the number of reported assaults was typically observed from May to October.

Figure 4. Sexual Assaults Reported to Anchorage Police by Month of Assault, 2000-2001
N = 508



As shown in Figure 5, assaults were more likely to occur on the weekends. More specifically, 24 percent occurred on Saturday and 16 percent occurred on Sunday. Most of the assaults that occurred on Saturday occurred very early Saturday morning (i.e., late Friday night). Similarly, most of the assaults that occurred on Sunday occurred very early Sunday morning (i.e., late Saturday night). Assaults were less likely to occur during the week, with 11 percent occurring on Mondays, 13 percent occurring on Tuesdays, 14 percent occurring on Wednesdays, 10 percent occurring on Thursdays, and 12 percent occurring on Fridays. Precise time estimates were difficult to obtain. We were only able to obtain precise time estimates for 188 (37%) of the 508 reports. As shown in Figure 6, nonetheless, most assaults (60%) occurred between 10 PM and 6 AM.

Figure 5. Sexual Assaults Reported to Anchorage Police by Day of the Week, 2000-2001

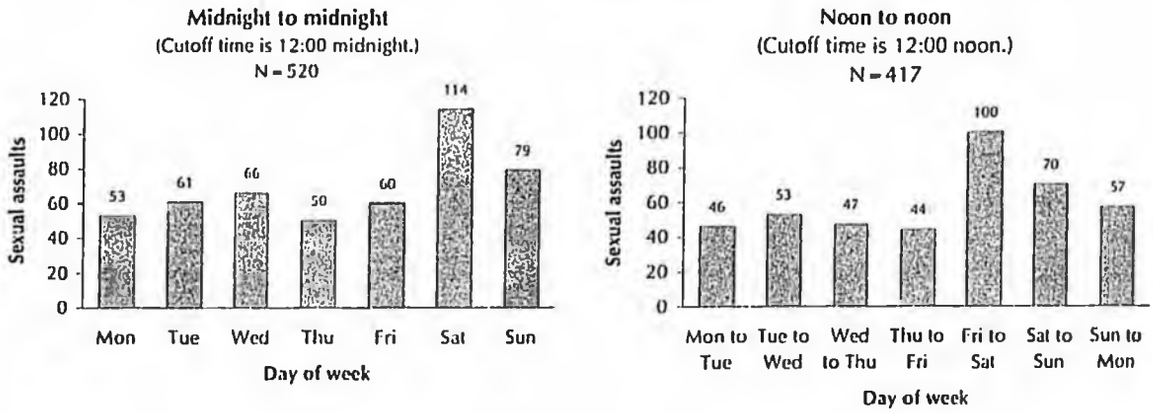
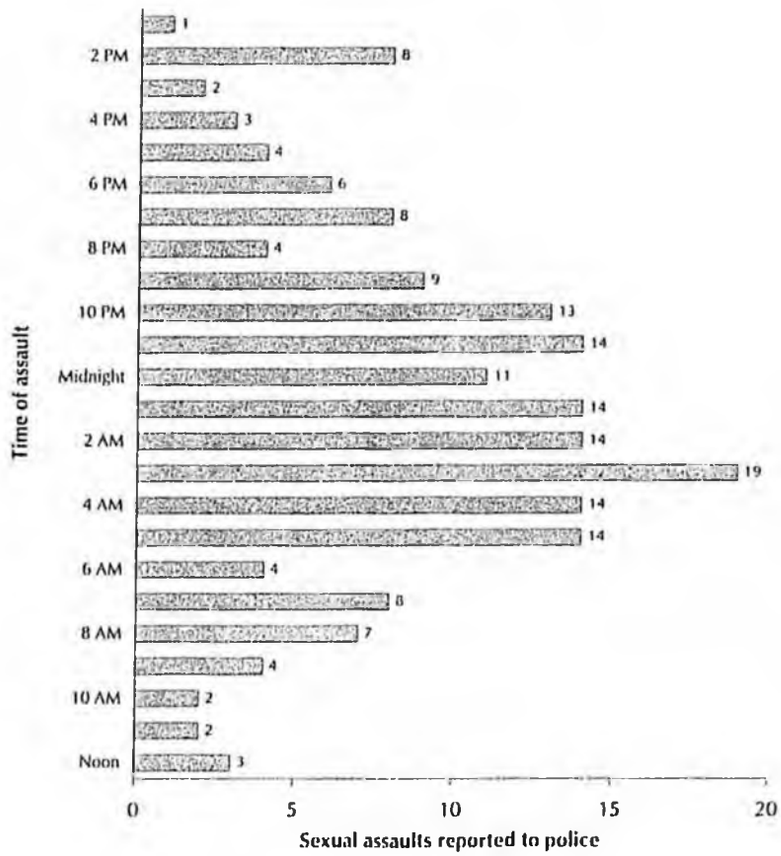


Figure 6. Sexual Assaults Reported to Anchorage Police by Time of Assault, 2000-2001

N = 188



Pick-ups are defined as the time/location where the victim and suspect met just prior to the assault. If, for instance, the victim and suspect are friends, the pick-up is not the time/location where they first met, but the time/location where they last met just prior to the assault. Location types for pick-ups are shown in Table 13. The most common pick-up locations were the victim's residence (20.6%) and the offender's residence (12.8%). Less common pick-up locations included roads and streets (1.6%) and bars (8.5%). Parks were not common pick-up places. In 2000 and 2001, only 17 (6.0%) of sexual assaults originated in parks. Twenty four percent of pick-ups involved a vehicle.

Data on the method of pick-up were only collected from the 2001 cases (see Table 14). Most pick-ups did not involve an attack or a ruse. Many pick-ups (13.8%) occurred when the victim and suspect were friends or acquaintances who simply agreed to meet elsewhere than a bar or party.

Table 13. Location Type for Pick-Up of Victims of Sexual Assault Reported to Anchorage Police, 2001

Location type	N	%
Airport	1	0.4 %
Bus or train terminal	2	0.7
Bar	24	8.5
Convenience store	3	1.1
Department store	3	1.1
Doctor's office	5	1.8
Field, woods, park	17	6.0
Construction site	0	0.0
Public building	0	0.0
Office building	0	0.0
Supermarket	3	1.1
Road, street	30	10.6
Jail, prison	1	0.4
Liquor store	1	0.4
Parking lot	10	3.5
Storage rental	0	0.0
Restaurant	2	0.7
Gas station	1	0.4
Victim's hotel	5	1.8
Offender's hotel	10	3.5
Victim and offender's hotel	3	1.1
Other's hotel	5	1.8
Victim's residence	58	20.6
Offender's residence	36	12.8
Victim and offender's residence	7	2.5
Other's residence	19	6.7
Victim's school	2	0.7
Suspect's school	0	0.0
Victim's and suspect's school	0	0.0
Other's school	1	0.4
Police station	1	0.4
Military station	0	0.0
Recreation center	3	1.1
Homeless shelter	1	0.4
Unknown	28	9.9
Total	**282**	

Table 14. Method of Pick-up of Victims of Sexual Assault Reported to Anchorage Police, 2001

Method of pick-up	N	%
Unauthorized entry without force	4	1.4 %
Unauthorized entry with force	1	0.4
Suspect followed the victim	2	0.7
Suspect gained entrance/access by ruse	3	1.1
Suspect asked victim for help	3	1.1
Suspect was performing legitimate service	10	3.5
Suspect used alleged employment	1	0.4
Victim was hitchhiking	8	2.8
Victim accepted a ride from suspect	9	3.2
Suspect was given a ride by victim	1	0.4
Victim was waiting for a bus or taxi	5	1.8
Victim was jumped in a parking lot	8	2.8
Victim was jumped while walking	14	5.0
Victim was jumped in public building	1	0.4
Victim was jumped in a park	10	3.5
Victim was jumped elsewhere	9	3.2
Victim attended suspect's party	16	5.7
Suspect attended victim's party	5	1.8
Victim was a solicitor	1	0.4
Victim was invited to suspect's by a friend	6	2.1
Victim and suspect met in a bar	24	8.5
Victim and suspect met at a party	12	4.3
Victim and suspect met elsewhere	39	13.8
Victim and suspect live together	33	11.7
Victim invited the suspect over	21	7.4
Victim went to the suspect's residence	15	5.3
Unknown	21	7.4
Total	**282**	

Many pick-ups (11.7%) also occurred when the victim and suspect lived together. Other common pick-ups included meeting at a bar (8.5%) and the suspect being invited over by the victim (7.4%). Weapon use was very infrequent during pick-ups (see Table 15). Most suspects (over 54%) did not use any weapons. The most common weapons used were personal weapons such as hands and feet. Thirty five percent of suspects used personal weapons during the pick-up.

Table 15. Weapons Used During Pick-up of Victims of Sexual Assaults Reported to Anchorage Police, 2001

Categories are not mutually exclusive.

Row percentages.

	Yes		No		
Weapon	N	%	N	%	Total
Handgun	6	2.2 %	269	97.8 %	275
Rifle	0	0.0	275	100.0	275
Shotgun	0	0.0	275	100.0	275
Unclassified firearm	0	0.0	275	100.0	275
Knife	14	5.1	261	94.9	275
Blunt object	5	1.8	271	98.2	276
Motor vehicle	4	1.4	272	98.6	276
Personal weapons	92	34.7	173	65.3	265
Poison	1	0.4	275	99.6	276
Explosives	0	0.0	276	100.0	276
Fire	0	0.0	276	100.0	276
Drugs	7	2.6	265	97.4	272
Mace	0	0.0	276	100.0	276
Asphyxiation	12	4.5	255	95.5	267
Syringe	0	0.0	276	100.0	276
Rope	3	1.1	273	98.9	276
Pillow	2	0.7	274	99.3	276

Data on the nature of the assaults were only collected from the 2001 cases. Table 16 shows the different types of assaults mentioned in each case. By far, the most common form of assault was vaginal penetration by penis. This form of assault was mentioned in 65 percent of cases. Other common forms of assaults included touching breast (39%), touching vagina (39%), kissing, licking, biting, and scratching (33%), vaginal penetration by finger (22%), oral copulation of suspect genitals (18%), oral copulation of victim genitals (17%), and anal penetration by penis (13%).

The type of location for each assault is shown in Table 17. The most common assault locations included the victim's residence (22.1%) and the suspect's residence (20.7%). Residences accounted for more than half of all assault locations. Again, parks were not common places for assaults. During 2000 and 2001, 44 sexual assaults (7.5%) occurred in parks, fields, or woods.

A map of assault locations is shown in Figure 7. Of the 585 assault locations, 536 (91.6%) were known and 428 (79.8%) of these were successfully geocoded. Density surfaces were created in ArcMap 8.2 as raster layers. To obtain density values, we first superimposed a grid containing

Table 16. Nature of Assault in Incidents of Sexual Assaults Reported to Anchorage Police, 2001

Categories are not mutually exclusive.

Row percentages.

	Yes		Attempted		No		
Nature of assault	N	%	N	%	N	%	Total
Kissing, licking, biting, and scratching	67	33.0 %	2	1.0 %	134	66.0 %	203
Touching breast	80	39.2 %	3	1.5 %	121	59.3 %	204
Touching penis	20	9.2	1	0.5	197	90.4	218
Touching vagina	82	38.7	3	1.4	127	59.9	212
Touching anus	7	3.2	0	0.0	211	96.8	218
Oral copulation of suspect's genitals	42	18.4 %	3	1.3 %	183	80.3 %	228
Oral copulation of victim's genitals	38	17.1	1	0.5	183	82.4	222
Oral copulation of suspect's anus	0	0.0	0	0.0	225	100.0	225
Oral copulation of victim's anus	2	0.9	0	0.0	219	99.1	221
Masturbation of suspect	6	2.7 %	0	0.0 %	214	97.3 %	220
Masturbation of victim	4	1.8	0	0.0	216	98.2	220
Anal penetration by finger	12	5.2 %	1	0.4 %	216	94.3 %	229
Anal penetration by foreign object	2	0.9	0	0.0	228	99.1	230
Anal penetration by penis	31	13.4	3	1.3	198	85.3	232
Vaginal penetration by finger	48	22.1 %	2	0.9 %	167	77.0 %	217
Vaginal penetration by foreign object	6	2.6	0	0.0	222	97.4	228
Vaginal penetration by penis	157	64.6	7	2.9	79	32.5	243

22,500 square-foot cells on a map of the Municipality of Anchorage. Each cell was defined as 150 feet by 150 feet (i.e., 22,500 square feet or 0.52 acres). Given that the Municipality of Anchorage is 1,251,640 acres, we superimposed approximately 2,407,000 cells on a map of the Municipality. For each cell, we then defined neighborhoods by examining all contingent cells within a 3,000-foot radius (28,260,000 square feet or 648.8 acres) and within a 5,000-foot radius (78,500,000 square feet or 1,802.1 acres). For each cell, a density value was then calculated as a function of the number of sexual assaults that occurred within that cell and within its neighboring cells (i.e., all cells within a 3,000-foot and 5,000-foot radius from the cell center). The density function weighted each sexual assault with the inverse of its distance from the cell center so as to assign more importance to sexual assaults occurring closer to the cell center[3]. These weighted tabulations were then divided by the area of each neighborhood and transformed to correspond to densities per square mile. The densities reported in Figures 7, 8, and 9 are therefore the number of sexual assaults in 2000 and 2001 per square mile.

Figure 7 shows that, irrespective of the search radius, sexual assaults are concentrated in five community councils—Downtown, Fairview, Spenard, Mountain View and, to a lesser extent, Northeast Anchorage. In Figures 8 and 9, we compare the sexual assault locations of White and Native victims

3. Though mathematically more complex than a simple additive function, the weighted (or kernel) function produces more discernable patterns. The conclusions, however, are not affected by this tabulation method.

Table 17. Location Type for Assault of Victims of Sexual Assault Reported to Anchorage Police, 2000-2001

Location type	N	%
Airport	0	0.0 %
Bus or train terminal	2	0.3
Bar	1	0.2
Convenience store	2	0.3
Department store	0	0.0
Doctor's office	16	2.7
Field, woods, park	44	7.5
Construction site	1	0.2
Public building	0	0.0
Office building	2	0.3
Supermarket	0	0.0
Road, street	52	8.9
Jail, prison	2	0.3
Liquor store	1	0.2
Parking lot	31	5.3
Storage rental	1	0.2
Restaurant	2	0.3
Gas station	0	0.0
Victim's hotel	17	2.9
Offender's hotel	25	4.3
Victim and offender's hotel	4	0.7
Other's hotel	11	1.9
Victim's residence	129	22.1
Offender's residence	121	20.7
Victim and offender's residence	15	2.6
Other's residence	58	9.9
Victim's school	3	0.5
Suspect's school	0	0.0
Victim's and suspect's school	1	0.2
Other's school	0	0.0
Police station	1	0.2
Military station	1	0.2
Recreation center	0	0.0
Homeless shelter	0	0.0
Unknown	42	7.2
Total	585	

using a search radius of 5,000 feet and 3,000 feet, respectively. Of the 258 assault locations for Natives, 230 (89.1%) were known and 187 (81.3%) of these were successfully geocoded and of the 270 assault locations for Whites, 230 (85.2%) were known and 195 (84.8%) of these were successfully geocoded. In both figures, the locations for sexual assaults of Native victims appear more spatially concentrated than the locations for sexual assaults of White victims. For Native victims, sexual assault locations are concentrated in four community councils—Downtown, Fairview, Spenard, and Mountain View. For White victims, sexual assault locations are concentrated (though to a lesser extent) mostly in Fairview and Spenard. Clearly, the high spatial concentrations noted in Figure 7 are mostly attributable to the spatial concentrations of sexual assault locations for Native victims

Figure 7a. Density of Locations of Sexual Assaults Reported to Anchorage Police, 2000-2001

Search radius = 5,000 feet

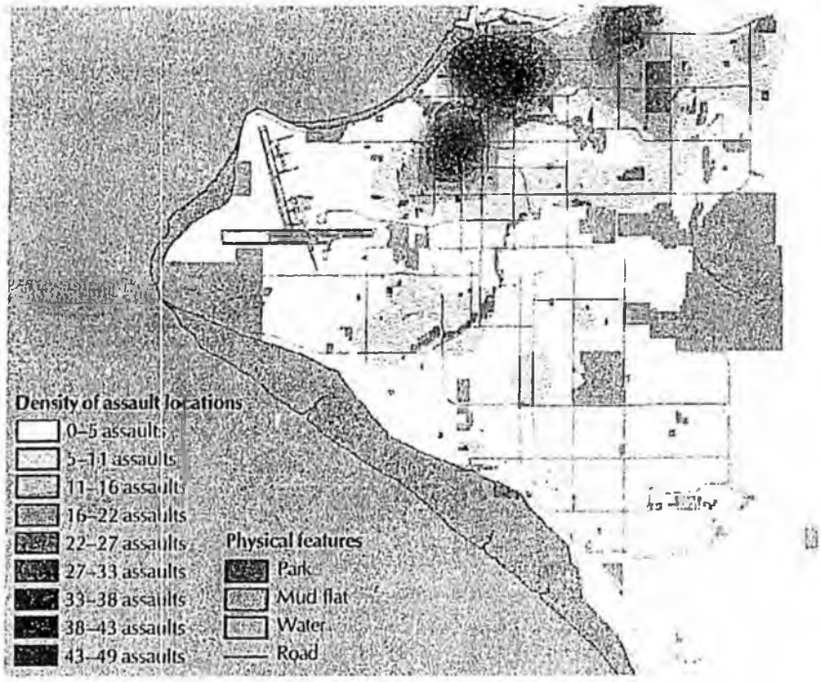


Figure 7b. Density of Locations of Sexual Assaults Reported to Anchorage Police, 2000-2001

Search radius = 3,000 feet

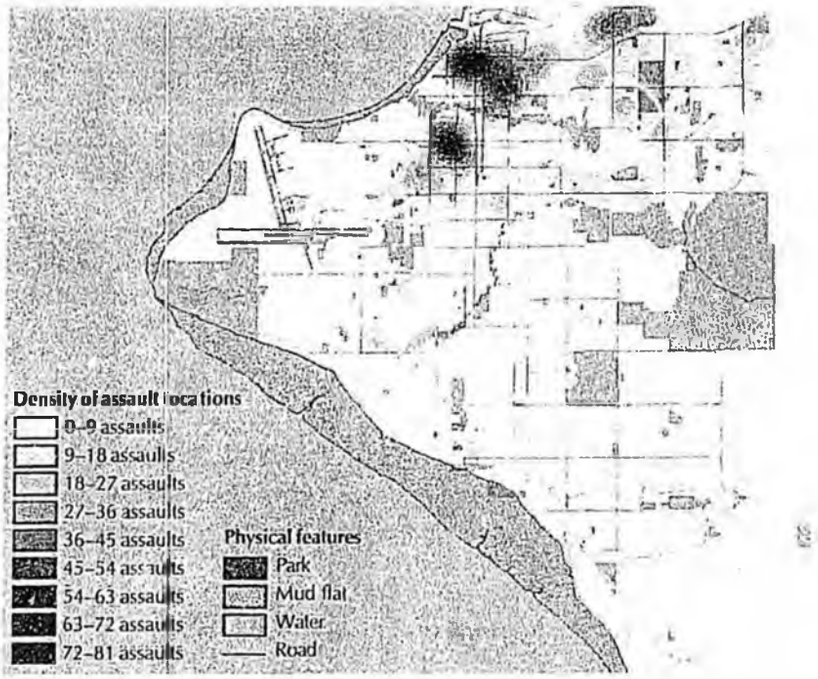


Figure 8a. Density of Locations of Sexual Assaults Involving White Victims Reported to Anchorage Police, 2000-2001

Search radius = 5,000 feet

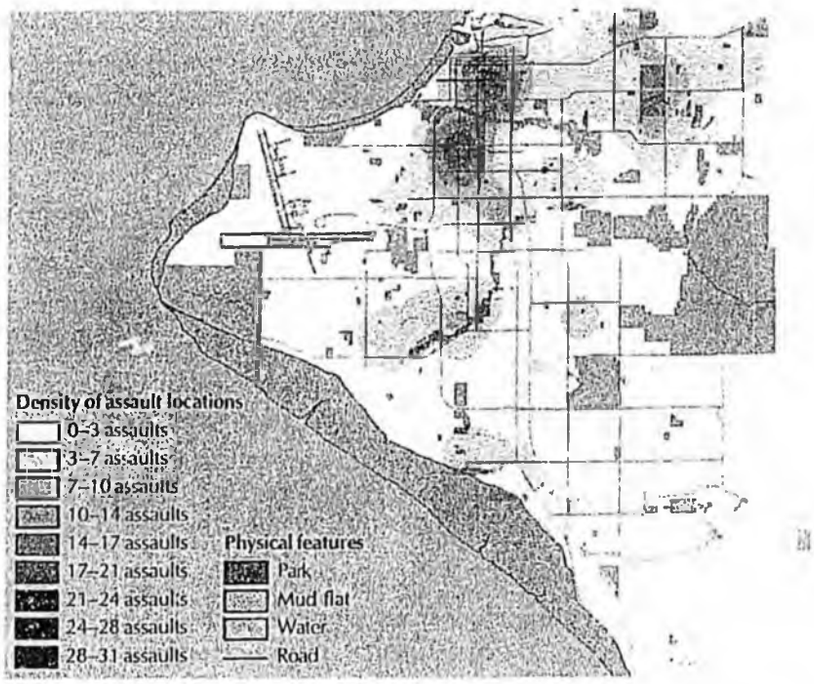


Figure 8b. Density of Locations of Sexual Assaults Involving Native Victims Reported to Anchorage Police, 2000-2001

Search radius = 5,000 feet

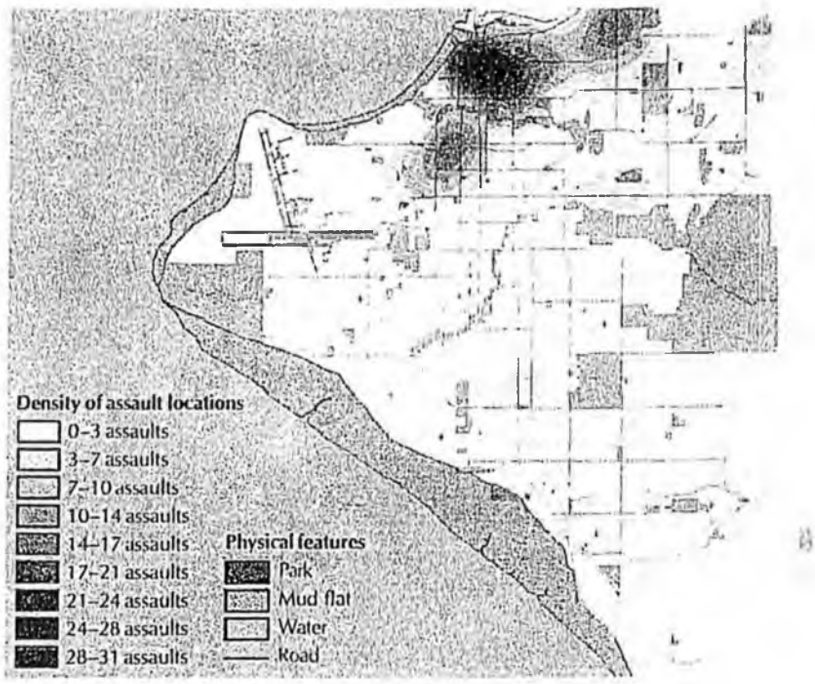


Figure 9a. Density of Locations of Sexual Assaults Involving White Victims Reported to Anchorage Police, 2000-2001

Search radius = 3,000 feet

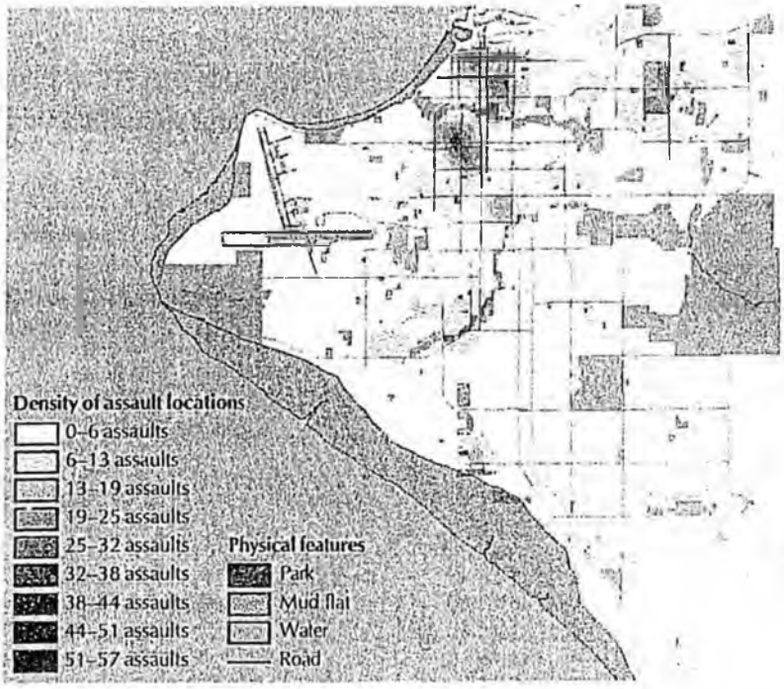
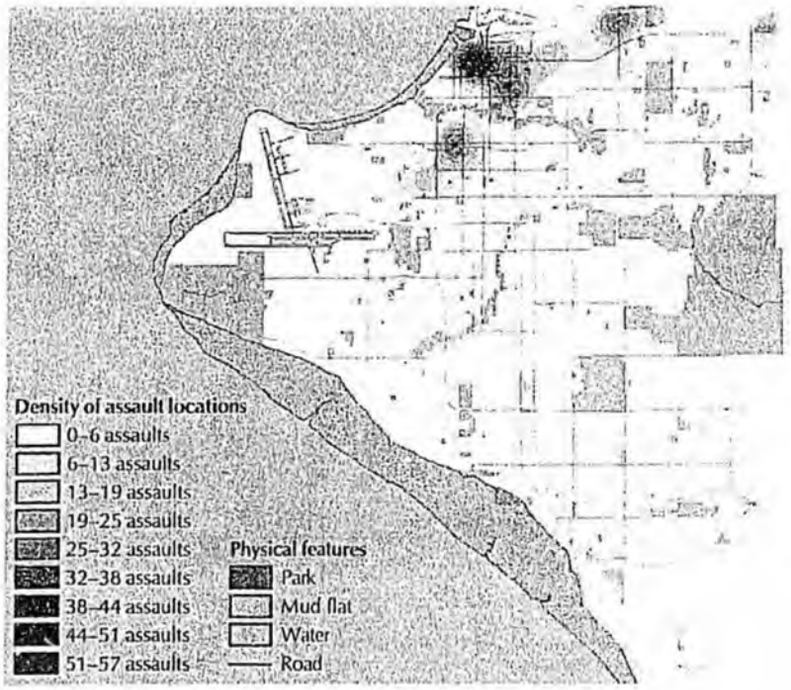


Figure 9b. Density of Locations of Sexual Assaults Involving Native Victims Reported to Anchorage Police, 2000-2001

Search radius = 3,000 feet



The type of location for each drop-off is only available from the 2001 cases. Location types for drop-offs are shown in Table 18. The most common drop-off locations included the victim's residence (23.4%) and the suspect's residence (16.0%). Less common drop-off locations included roads and streets (9.6%) and fields, woods, and parks (8.9%). Information is also available regarding the person who reported the assault from the 2001 cases (see Table 19). The majority (70.6%) of reports were filed by the victims themselves. Another 8.9 percent were filed by the parents of the victims.

Table 18. Location Type for Drop-off of Victims of Sexual Assault Reported to Anchorage Police, 2001

Location type	N	%
Airport	0	0.0 %
Bus or train terminal	1	0.4
Bar	1	0.4
Convenience store	1	0.4
Department store	1	0.4
Doctor's office	7	2.5
Field, woods, park	25	8.9
Construction site	0	0.0
Public building	1	0.4
Office building	1	0.4
Supermarket	0	0.0
Road, street	27	9.6
Jail, prison	1	0.4
Liquor store	2	0.7
Parking lot	7	2.5
Storage rental	0	0.0
Restaurant	2	0.7
Gas station	2	0.7
Victim's hotel	6	2.1
Offender's hotel	13	4.6
Victim and offender's hotel	4	1.4
Other's hotel	6	2.1
Victim's residence	66	23.4
Offender's residence	45	16.0
Victim and offender's residence	8	2.8
Other's residence	21	7.4
Victim's school	5	1.8
Other's school	0	0.0
Victim's and suspect's school	0	0.0
Other's school	0	0.0
Police station	0	0.0
Military station	0	0.0
Recreation center	0	0.0
Homeless shelter	2	0.7
Unknown	27	9.6
Total	**282**	

Table 19. Person Reporting Assault in Incidents of Sexual Assault Reported to Anchorage Police, 2001

Relation of person reporting sexual assault to victim	N	% of total
Spouse	2	0.7 %
Parent	25	8.9
Sibling	2	0.7
Child	3	1.1
Grandparent	1	0.4
Other family member	2	0.7
Acquaintance	1	0.4
Friend	8	2.8
Boyfriend or girlfriend	3	1.1
Employee	1	0.4
Employer	1	0.4
Guardian	1	0.4
Otherwise known	2	0.7
Stranger	10	3.5
Doctor or nurse	9	3.2
Psychologist	3	1.1
Suspect	1	0.4
Officer	4	1.4
Victim	199	70.6
Unknown	4	1.4
Total	**282**	

In Figure 10, we examine delay in reporting by calculating the time lapse between the drop-off and the report—71 percent of assaults were reported to the police within 36 hours (N=531), 69 percent within 24 hours (N=531), and 33 percent within one hour (N=468). Clear race differences in reporting delay were also found (see Figure 11). Among assaults of White victims, 27 percent were reported to the police within one hour, 36 percent within one to 24 hours, and 36 percent after 24 hours. Among assaults of Native victims, 45 percent were reported to the police within one hour, 37 percent within one to 24 hours, and 17 percent after 24 hours.

Figure 10. Delay in Reporting: Hours Between End of Sexual Assault and Call to Police, 2000-2001
N = 476

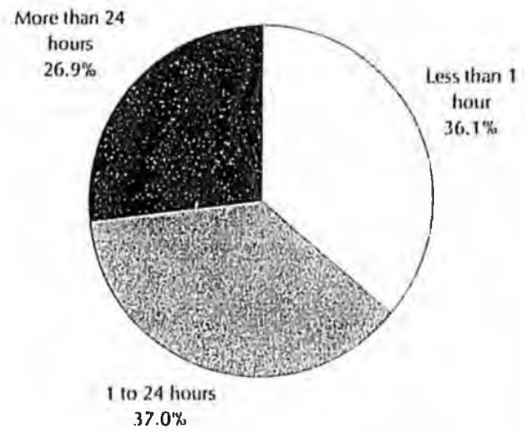
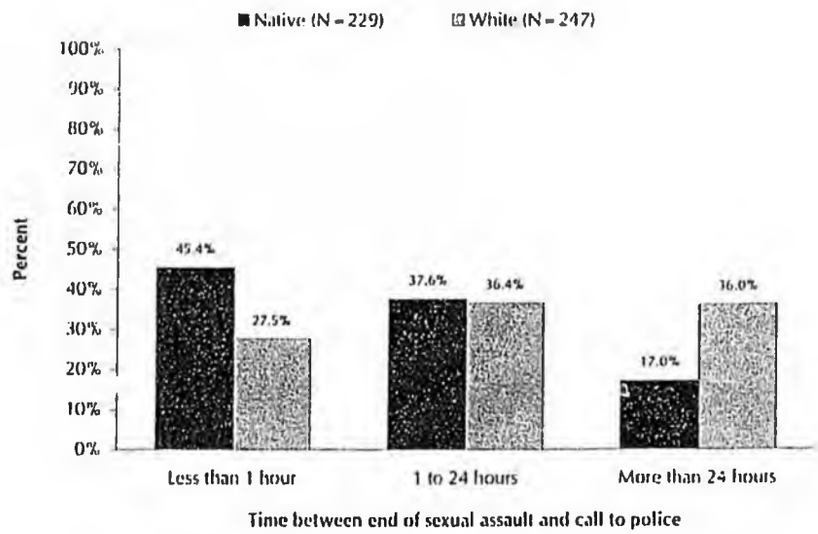


Figure 11. Delay in Reporting: Hours Between End of Sexual Assault and Call to Police, by Racial Group, 2000-2001
N = 476



Data on case outcomes were collected from the 2001 cases (see Figure 12). Of the 282 cases in 2001, 117 (41%) appeared to still be pending, 78 (28%) were suspended, and 68 (24%) were closed. The case outcome for 19 of the 282 cases (7%) could not be determined. We also recorded the reason for each case outcome. These data, presented in Figure 13, should, however, be interpreted cautiously as their reliability is questionable. In addition, we were able to assess the reason for

Figure 12. Case Outcomes for Sexual Assault Cases Reported to Anchorage Police, 2001
N = 282

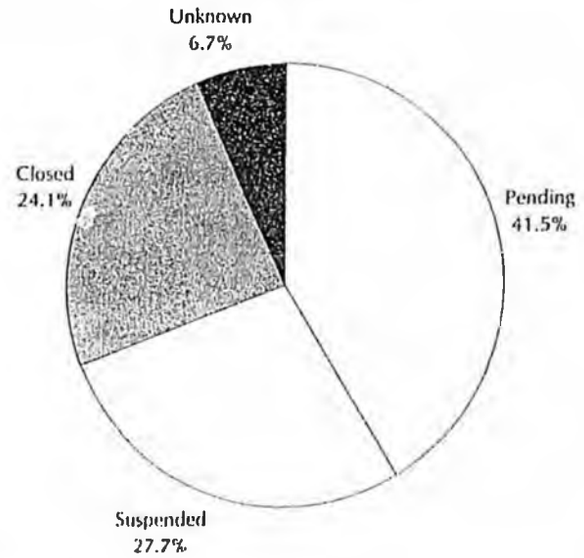
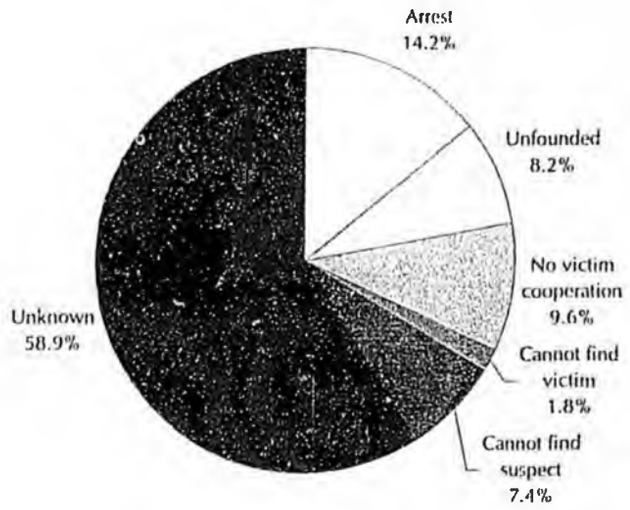


Figure 13. Reasons for Case Outcomes for Sexual Assault Cases Reported to Anchorage Police, 2001
N = 282



Note: The reliability of these data is questionable.

Table 20. Reason for Case Outcome for Incidents of Sexual Assault Reported to Anchorage Police, 2001

The reliability of these data is questionable.

Reason for case outcome	Case outcome				
	Pending	Suspended	Closed	Unknown	Total
Arrest	0	0	40	0	40
Unfounded	0	14	9	0	23
No victim cooperation	4	16	7	0	27
Cannot find victim	0	5	0	0	5
Cannot find suspect	16	5	0	0	21
Unknown	97	38	12	19	166
Total	117	78	68	19	282

each outcome in only 116 of the 282 cases (41%). Nonetheless, the data indicate that an arrest was made in 40 of the 282 cases (14%). Twenty-three cases (8%) were unfounded. In 27 (10%) of the cases, victim cooperation was too low to further investigate the case. For the remaining 26 cases, the victim could not be found in 5 (2%) and the suspect could not be found in 21 (7%). In Table 20, we show the reasons for each case outcome. Again, the reliability of these data is questionable. Further results (not shown) indicate that, 60 percent of the 27 cases in which victims did not cooperate with the police investigation were suspended, 26 percent were closed, and 15 percent were still pending. Seventy-six percent of the 21 cases in which a suspect could not be found were thought to still be pending. The remaining 24 percent were suspended.

VI. Conclusion

Alaska has a long history of sexual assault as a significant problem. This study is an initial effort to put an empirical face on this criminal event and to set the stage for developing a better understanding of it. By providing a better understanding of sexual assaults in Anchorage, we hope to better inform criminal justice practitioners, service providers, and policy makers. At the same time, we hope to generate additional interest by guiding future inquiry.

To summarize this initial analysis of sexual assault cases reported to the Anchorage Police Department in 2000 and 2001, the most typical victim was a young White or Native female that resided in Anchorage. The most typical victim was voluntarily drinking alcohol prior to the assault. About half of all assaults involved strangers while the other half involved family members, acquaintances, and friends. The most typical suspect was a young White male who had also been drinking alcohol prior to the assault. In the most typical case, the suspect and the victim were of the same racial group but the suspect was slightly older than the victim. Most assaults occurred on the weekends from 10PM to 6AM. Typical places for pick-up locations included the residences of the victims and/or suspects. Most pick-ups did not involve an attack or a ruse and did not include weapons. Nonetheless, the most typical victim did suffer from at least one physical injury. The most common form of assault was vaginal penetration by penis, although other forms of assault were also common. Most assaults occurred in private residences located in Downtown, Fairview, Spenard, Mountain View, and Northeast Anchorage community councils. During the assaults, victims tended to use ineffective forms of resistance, but whether effective forms could have been used is unknown. Most assaults also ended in the residences of the victims and/or suspects. The victims themselves were the most likely person to report the assault.

Future research efforts should begin to explain some of the key patterns that were noted in this descriptive analysis. In particular, we should begin to explore the correlates of sexual assault and further examine race differences. For example, we noted that sexual assaults were strongly geographically and temporally concentrated. Sexual assaults do not occur randomly throughout the Municipality of Anchorage and do not occur randomly in time. Furthermore, the geographical concentration of sexual assaults appears to vary substantially by the race of the victim. There is much to learn about these patterns and the extent to which they vary by race. A thorough understanding of the spatial distribution of sexual assaults will be an important step toward effective problem-oriented policing and other problem-oriented interventions. Furthermore, we also noted strong racial differences in reporting delay. White victims were substantially more likely to delay reporting than Native victims. Minimizing reporting delay is important because it will increase the ability of a sexual assault nurse examiner to provide necessary treatment and to successfully collect forensic evidence. Again, there is much to learn about reporting delay and its causes and consequences. A thorough understanding of reporting delay will be an important step toward assisting both the recovery of victims and the prosecution of offenders.

While we believe that the information in this report has the potential to inform criminal justice practitioners, service providers, and policy makers, we must recognize that the key limitation of this

study is that we necessarily relied on police records of sexual assaults. As such, we have no data or information from victims of sexual assaults that did not report their victimization to the police. The descriptive analysis in this report is not an analysis of all sexual assault victims in Anchorage but rather an analysis of sexual assault victims in Anchorage who reported their victimization to the police. Nationally, only 36 percent of forcible rapes, 34 percent of attempted forcible rapes, and 26 percent of sexual assaults are reported to the police[4]. Reasons for not reporting generally include, among others, that the victimization was a personal matter, a fear of reprisal, situational barriers, previous negative experiences with the criminal justice system, and offense characteristics. In addition, research shows that sexual assaults among family members, acquaintances, and friends are less likely to be reported to the police than others. Consequently, our descriptive analysis underestimates the true proportion of sexual assaults in Anchorage that occur among family members, acquaintances, and friends.

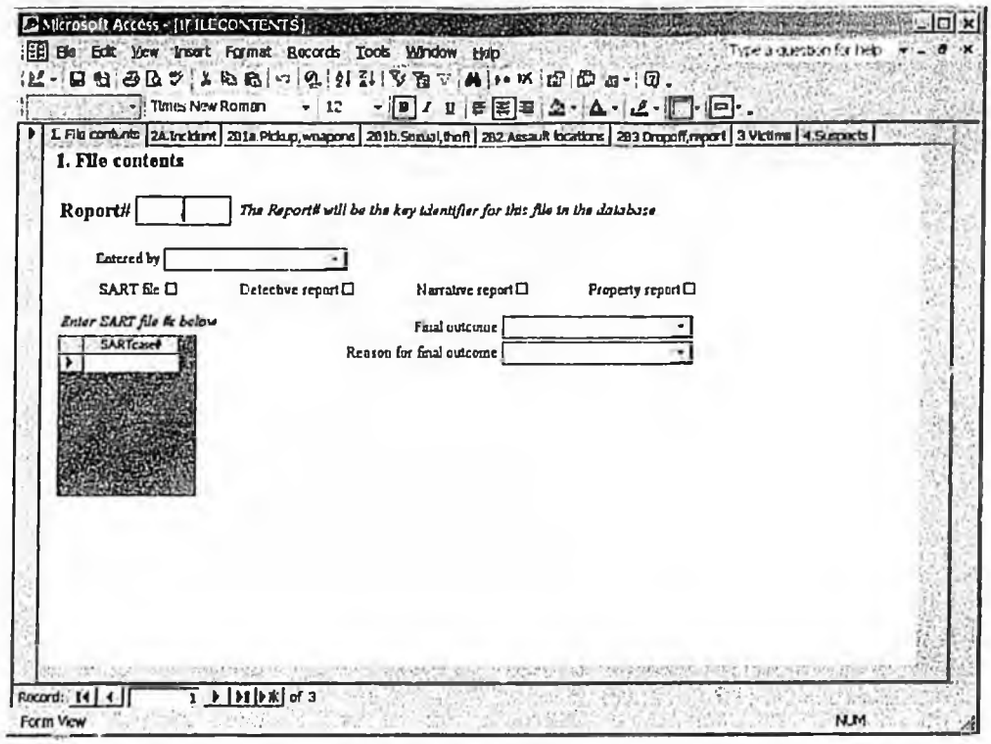
Nonetheless, this report is still a beginning to achieve a greater understanding of the characteristics of sexual assaults in Anchorage. For instance, the data clearly show that only 6.0 percent of (reported) sexual assaults **originate** in parks, fields, or woods and that only 7.5 percent **occur** in these places. As such, although the Municipality's Trail Watch Program may reduce the fear of crime among trail users (and may reduce other forms of crime), it will likely have negligible effects on the occurrence of sexual assaults. Different strategies must be used to lower the rate of sexual assault in Anchorage. As another example, it is clear that victims will often delay reporting. As such, decreasing police response time to sexual assault incidents will not enhance our ability to arrest, prosecute, and convict sexual offenders. Although the Municipality's past efforts to reduce police response time may have some positive effects, it will likely have negligible (if any) effects on the occurrence of sexual assaults.

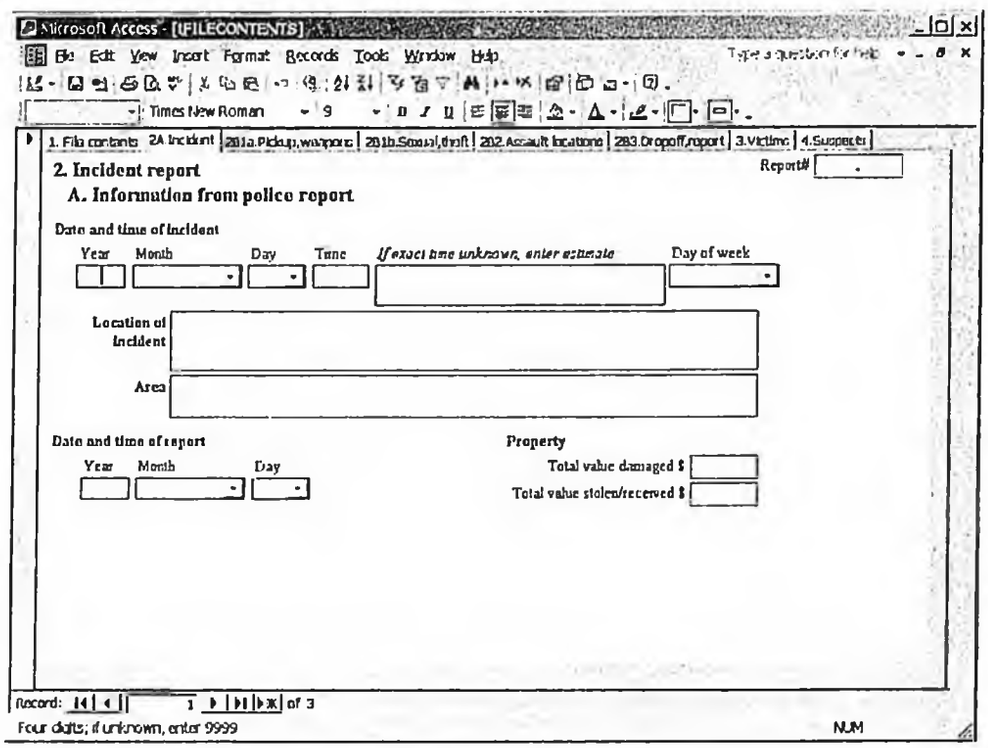
Promising interventions must take into account the key findings in this report. For instance, interventions to reduce sexual assaults must target intimates and acquaintances as well as strangers because assaults are as likely (and probably more likely) to occur among family members, acquaintances, and friends as among strangers. We must also take into account that alcohol use is very common in sexual assault incidents and that most sexual assaults occur in specific places at specific times. Promising interventions to reduce sexual assaults must be informed by the high frequency of alcohol involvement in assaults and prevention efforts must be cognizant of spatial and temporal concentrations. It is clear that interventions that target place and time concentrations could have a substantiated and efficient impact. Finally, we must continue to encourage sexual assault victims to report their victimizations to the police and must continue to encourage them to do so without delay. In order to achieve this last goal, we must ensure that expert medical and psychological assistance for victims of sexual assaults remains available and that victims are aware of its availability. The empirical picture presented here is of known offenses only. We therefore still do not know the "**true** face" of sexual assault in Anchorage.

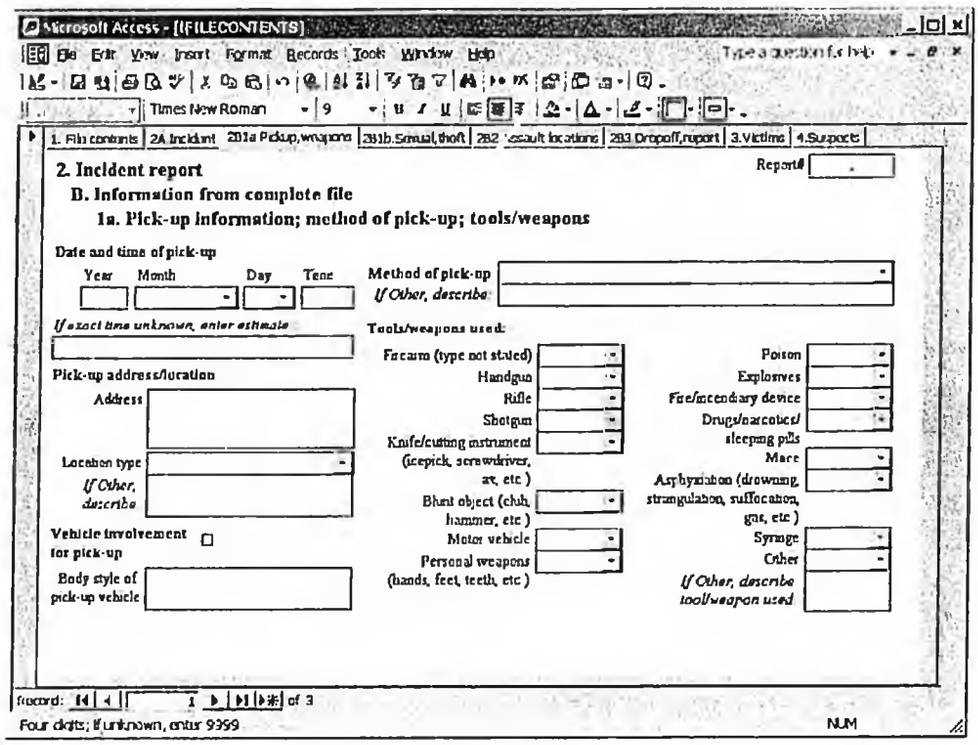
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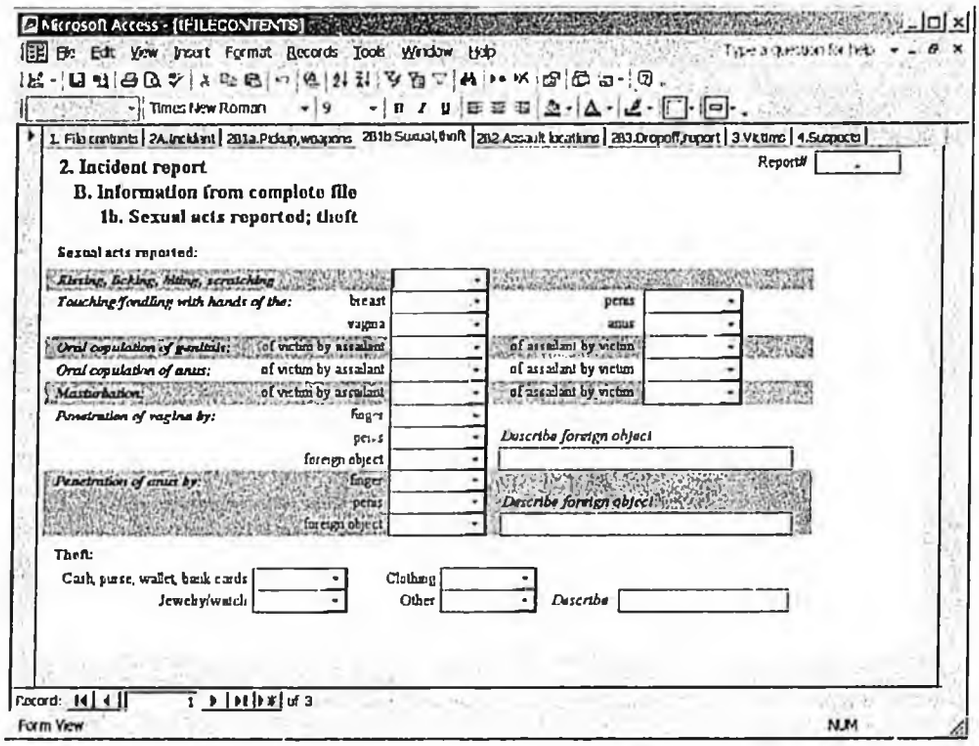
4. Rennison, C. M. (2002). *Rape and Sexual Assault: Reporting to Police and Medical Attention, 1992-2000* (NCJ 194530). Washington: U.S. Department of Justice.

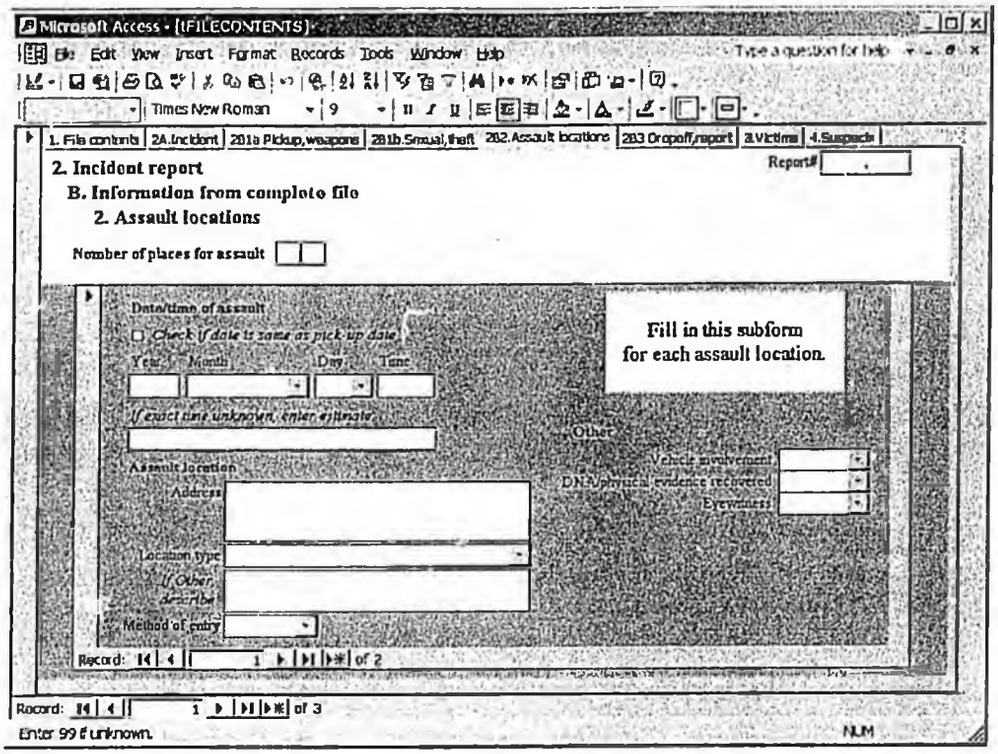
Appendix A
Data Collection Instrument for 2001 Data

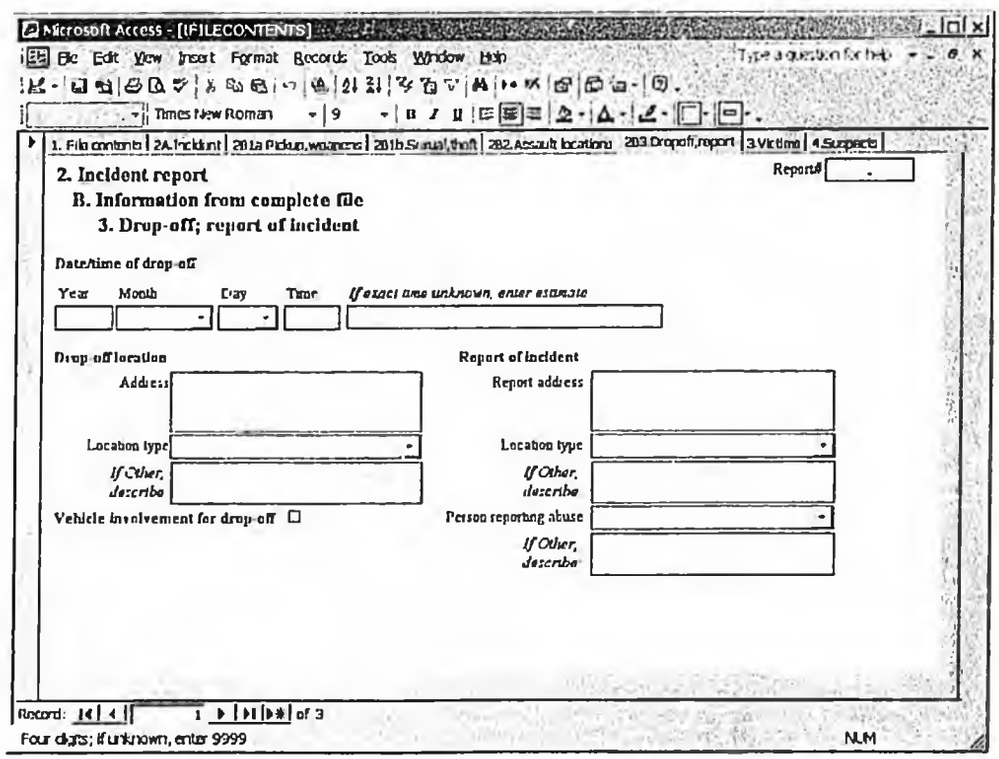

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1. File contents
Report#
The Report# will be the key identifier for this file in the database
Entered by
SART file
Detective report
Narrative report
Property report
Enter SART file # below
SARTcase#
Final outcome
Reason for final outcome
Record: 1 of 3
Form View
NUM

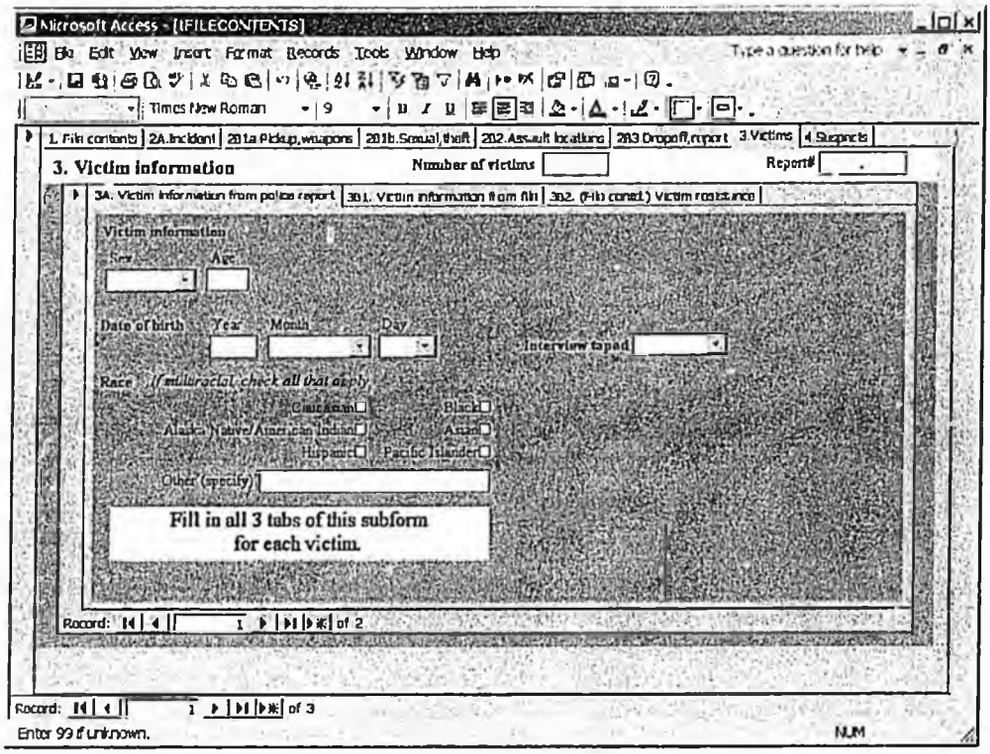

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Report#
A. Information from police report
Date and time of incident
Year
Month
Day
Time
If exact time unknown, enter estimate
Day of week
Location of Incident
Area
Date and time of report
Year
Month
Day
Property
Total value damaged $
Total value stolen/received $
Record: 1 of 3
Four digits; if unknown, enter 9999
NUM

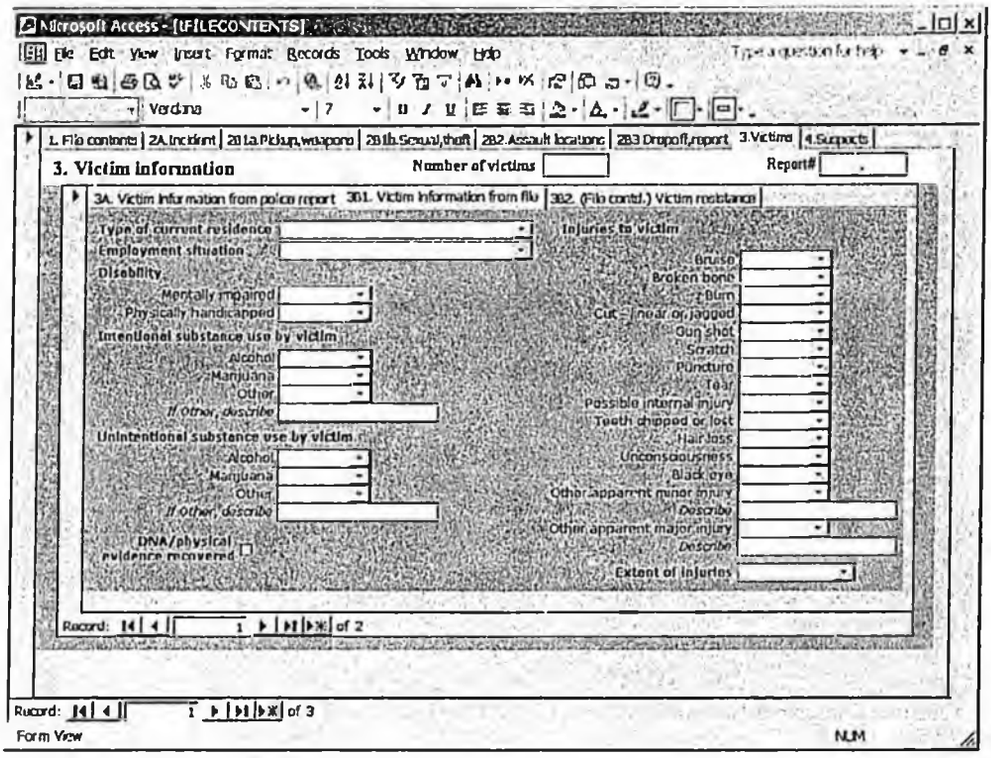

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2. Incident report
B. Information from complete file
1a. Pick-up information; method of pick-up; tools/weapons
Report#
Date and time of pick-up
Year
Month
Day
Time
Method of pick-up
If Other, describe
If exact time unknown, enter estimate
Tools/weapons used:
Firearm (type not stated)
Handgun
Rifle
Shotgun
Knife/cutting instrument (icepick, screwdriver, ax, etc.)
Blunt object (club, hammer, etc.)
Motor vehicle
Personal weapons (hands, feet, teeth, etc.)
Poison
Explosives
Fire/incendiary device
Drugs/narcotics/ sleeping pills
Mace
Asphyxiation (drowning, strangulation, suffocation, gas, etc.)
Syringe
Other
If Other, describe tool/weapon used
Pick-up address/location
Address
Location type
If Other, describe
Vehicle involvement for pick-up
Body style of pick-up vehicle
Record: 1 of 3
Four digits; if unknown, enter 9999
NUM

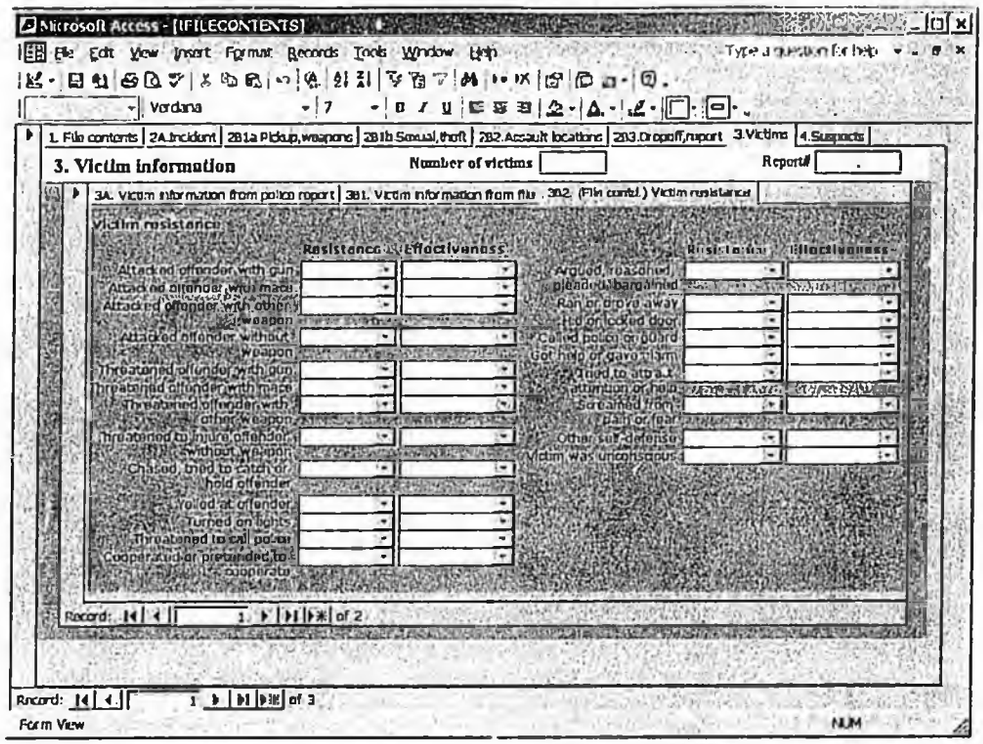

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2. Incident report
B. Information from complete file
1b. Sexual acts reported; theft
Report#
Sexual acts reported:
Kissing, licking, biting, scratching
Touching/fondling with hands of the:
breast
vagina
penis
anus
Oral copulation of genitals:
of victim by assailant
of assailant by victim
Oral copulation of anus:
Masturbation:
Penetration of vagina by:
fingers
penis
foreign object
Describe foreign object
Penetration of anus by:
Theft:
Cash, purse, wallet, bank cards
Jewelry/watch
Clothing
Other
Describe
Record: 1 of 3
Form View
NUM

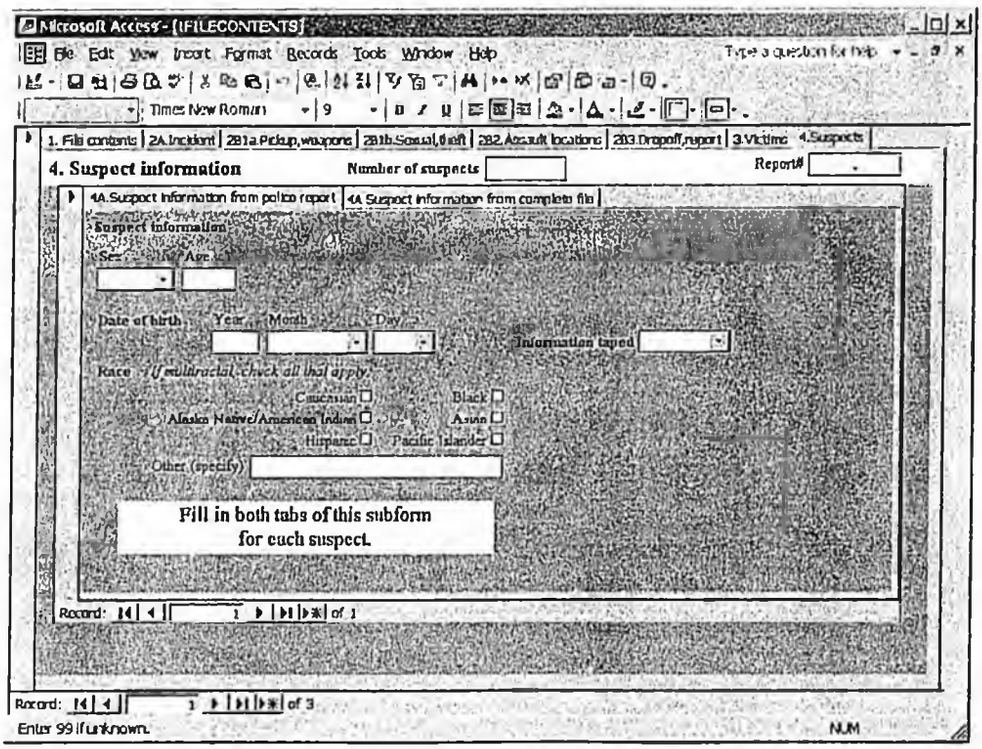

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2. Incident report
B. Information from complete file
2. Assault locations
Report#
Number of places for assault
Fill in this subform for each assault location.
Date/time of assault
Check if date is same as pick-up date
Year Month Day Time
If exact time unknown, enter estimate
Other
Assault location
Address
Location type
If Other, describe
Method of entry
Vehicle involvement
DNA/physical evidence recovered
Eyewitness
Record: 1 of 2
Record: 1 of 3
Enter 99 if unknown.
NUM

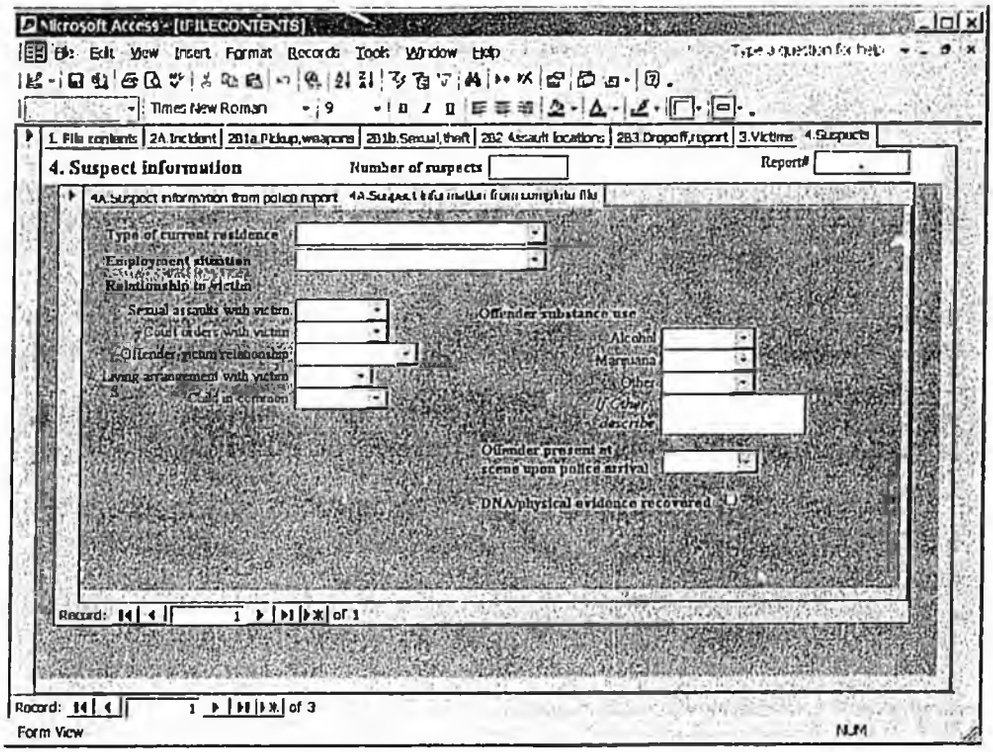

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2. Incident report
B. Information from complete file
3. Drop-off; report of incident
Report#
Date/time of drop-off
Year Month Day Time If exact time unknown, enter estimate
Drop-off location
Address
Location type
If Other, describe
Vehicle involvement for drop-off
Report of incident
Report address
Location type
If Other, describe
Person reporting abuse
If Other, describe
Record: 1 of 3
Four digits; if unknown, enter 9999
NUM


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3. Victim information
Number of victims
Report#
3A. Victim information from police report | 3B1. Victim information from file | 3B2. (File contd.) Victim resistance
Victim information
Sex
Age
Date of birth
Year
Month
Day
Interview typed
Race If multiracial, check all that apply
Caucasian
Black
Alaskan Native/American Indian
Asian
Hispanic
Pacific Islander
Other (specify)
Fill in all 3 tabs of this subform for each victim.
Record: 1 of 2
Record: 1 of 3
Enter 99 if unknown.
NUM

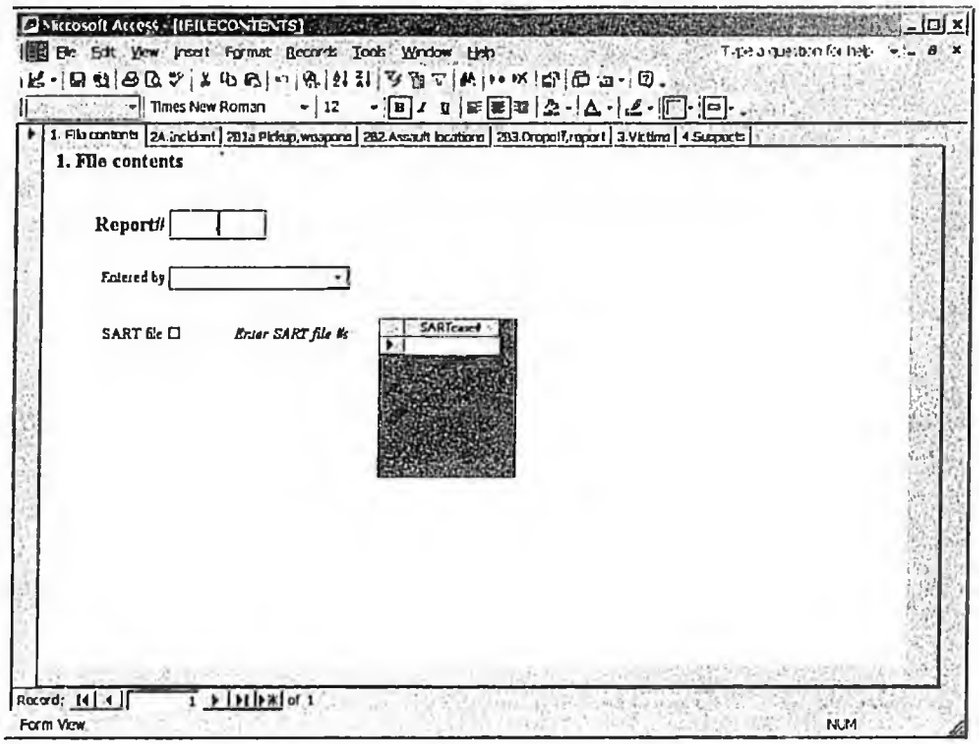

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3. Victim information
Number of victims
Report#
3A. Victim information from police report | 3B1. Victim information from file | 3B2. (File contd.) Victim resistance
Type of current residence
Employment situation
Disability
Mentally impaired
Physically handicapped
Intentional substance use by victim
Alcohol
Marijuana
Other
If Other, describe
Unintentional substance use by victim
Alcohol
Marijuana
Other
If Other, describe
DNA/physical evidence recovered
Injuries to victim
Bruise
Broken bone
Burn
Cut - Clean or Jagged
Gun shot
Scratch
Puncture
Tear
Possible internal injury
Teeth chipped or lost
Hair loss
Unconsciousness
Black eye
Other apparent minor injury
Describe
Other apparent major injury
Describe
Extent of injuries
Record: 1 of 2
Record: 1 of 3
Form View
NUM

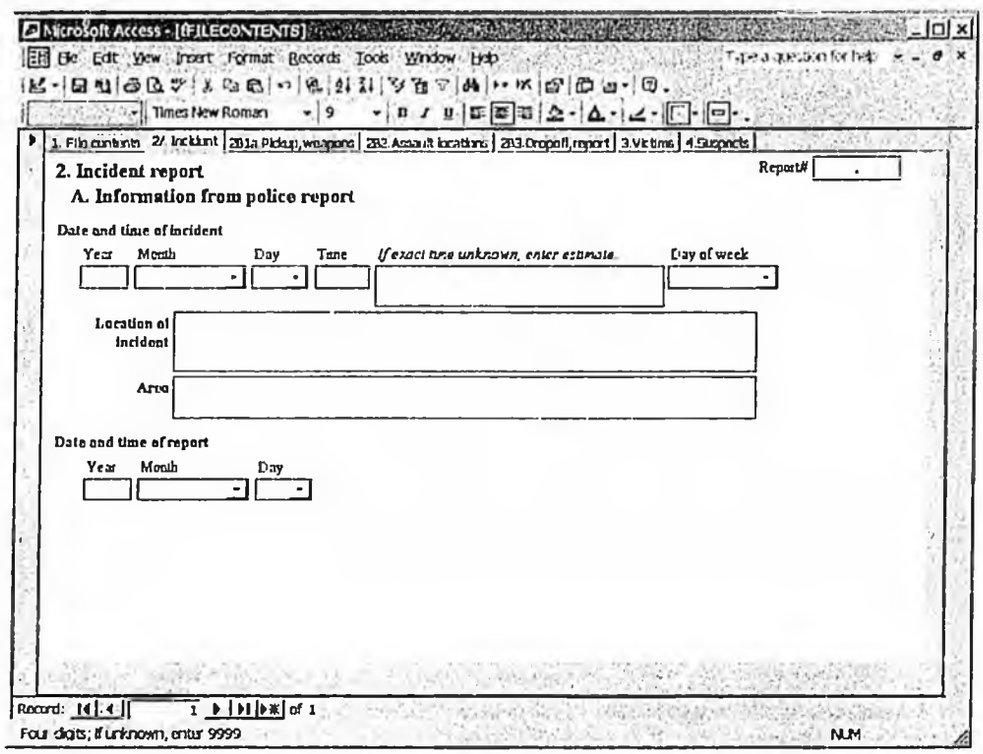

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File Edit View Insert Format Records Tools Window Help
Verdana
1. File contents | 2A.Incident | 2B1a.Pickup,weapons | 2B1b.Sexual,theft | 2B2.Assault locations | 2B3.Dropoff,report | 3.Victims | 4.Suspects
3. Victim information
Number of victims
Report#
3A. Victim information from police report | 3B1. Victim information from file | 3B2. (File contd.) Victim resistance
Victim resistance
Resistance
Effectiveness
Attacked offender with gun
Attacked offender with mace
Attacked offender with other weapon
Attacked offender without weapon
Threatened offender with gun
Threatened offender with mace
Threatened offender with other weapon
Threatened to injure offender without weapon
Chased, tried to catch or hold offender
Yelled at offender
Turned on lights
Threatened to call police
Cooperated or pretended to cooperate
Argued, reasoned, pleaded, bargained
Ran or drove away
Hid or locked door
Called police or guard
Got help or gave alarm
Tried to attract attention or help
Screamed from pain or fear
Other self-defense
Victim was unconscious
Record: 1 of 2
Record: 1 of 3
Form View
NUM

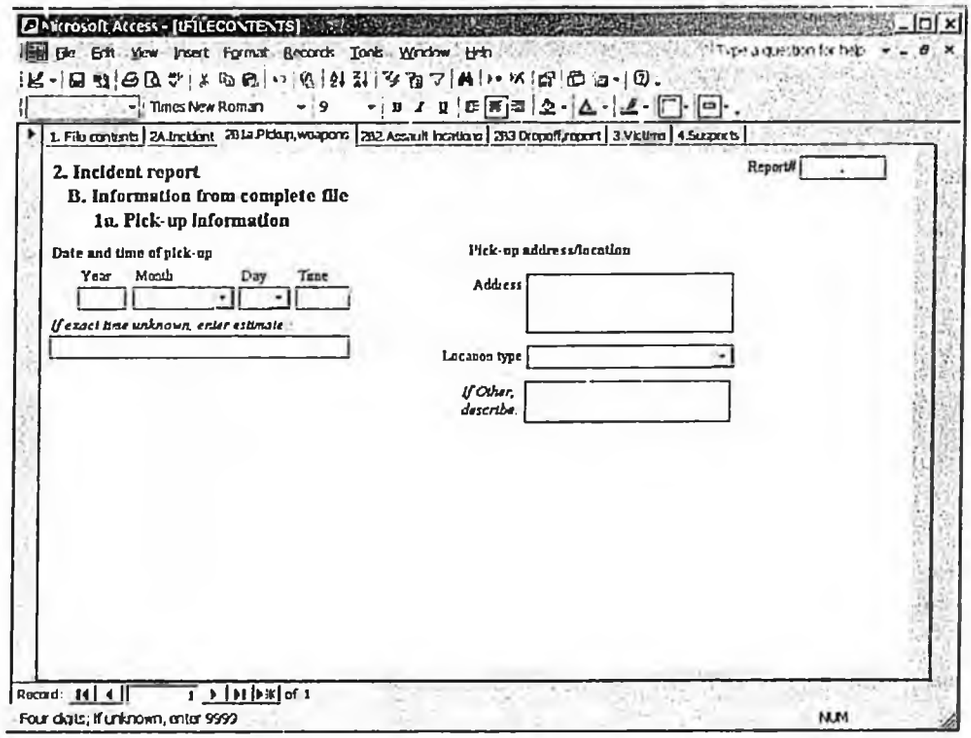

Microsoft Access - [IFILECONTENTS]
File Edit View Insert Format Records Tools Window Help
Type a question for help
Times New Roman
9
1. File contents | 2A.Incident | 2B1a.Pickup,weapons | 2B1b.Sexual,theft | 2B2.Assault locations | 2B3.Dropoff,report | 3.Victims | 4.Suspects
4. Suspect information
Number of suspects
Report#
4A.Suspect information from police report | 4A.Suspect information from complete file
Suspect information
Sex
Age
Date of birth
Year
Month
Day
Information typed
Race (If multiracial, check all that apply)
Caucasian
Black
Alaska Native/American Indian
Asian
Hispanic
Pacific Islander
Other (specify)
Fill in both tabs of this subform for each suspect.
Record: 1 of 1
Record: 1 of 3
Enter 99 if unknown.
NUM

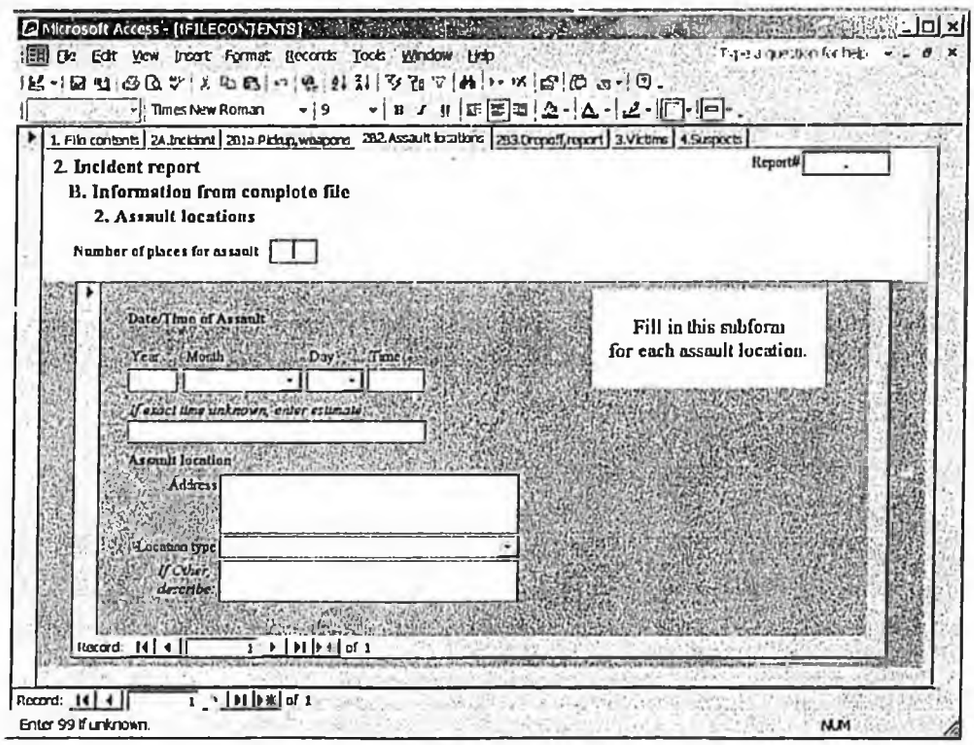

Microsoft Access - [F:\FILECONTENTS]
File Edit View Insert Format Records Tools Window Help
Times New Roman
9
1. File contents
2A Incident
2B1a Pickup,weapons
2B1b Sexual theft
2B2 Assault locations
2B3 Dropoff,report
3.Victims
4.Suspects
4. Suspect information
Number of suspects
Report#
4A Suspect information from police report
4A Suspect information from complaint file
Type of current residence
Employment situation
Relationship to victim
Sexual assaults with victim
Child raders with victim
Offender/victim relationship
Living arrangement with victim
Child in common
Offender substance use
Alcohol
Marijuana
Other
If Other, describe
Offender present at scene upon police arrival
DNA/physical evidence recovered
Record: 1 of 1
Record: 1 of 3
Form View
NUM

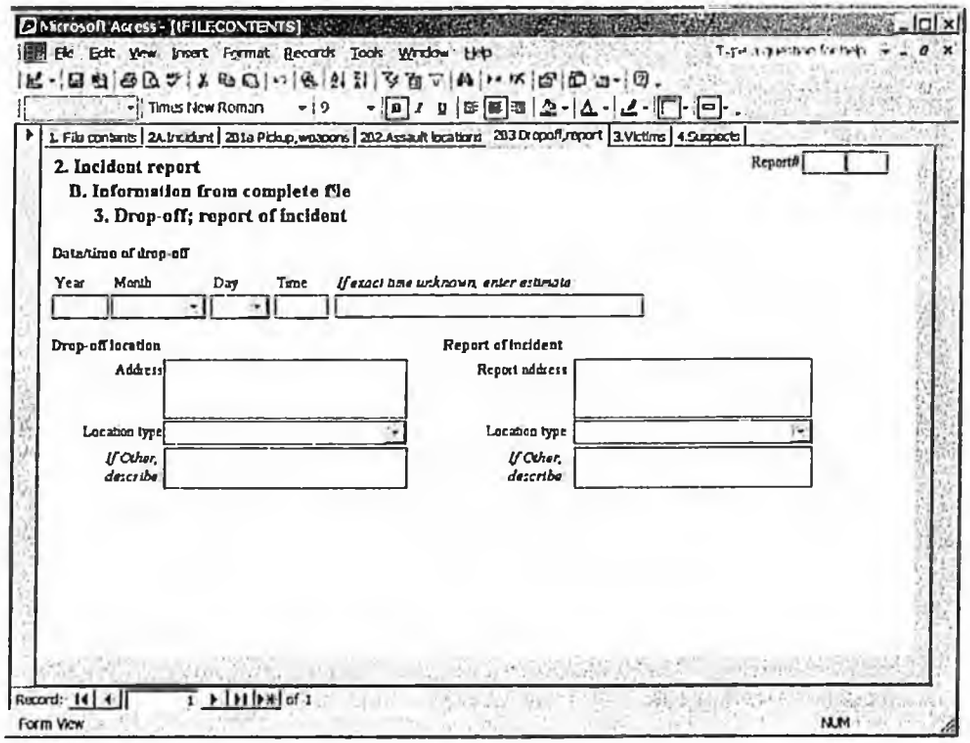
Appendix B
Data Collection Instrument for 2000 Data

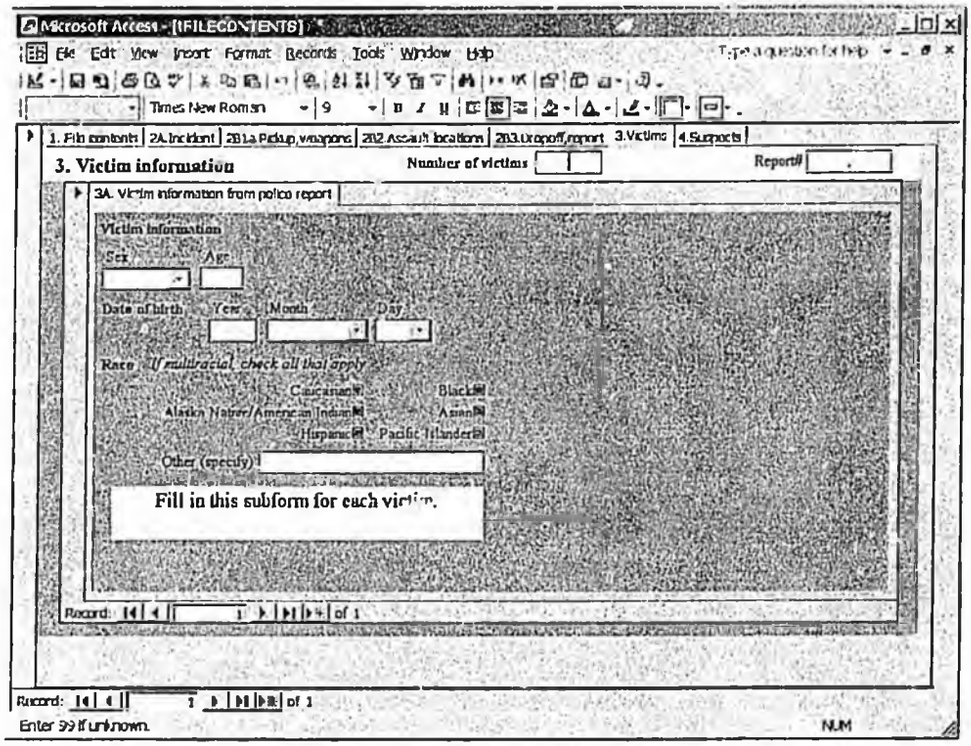

Microsoft Access - [FILECONTENTS]
File Edit View Insert Format Records Tools Window Help
Times New Roman
12
1. File contents
2A. Incident
2B1a Pickup, weapons
2B2 Assault locations
2B3 Dropoff, report
3 Victims
4 Suspects
1. File contents
Report#
Entered by
SART file ☐
Enter SART file #:
SARTcase#
Record: 1 of 1
Form View
NUM

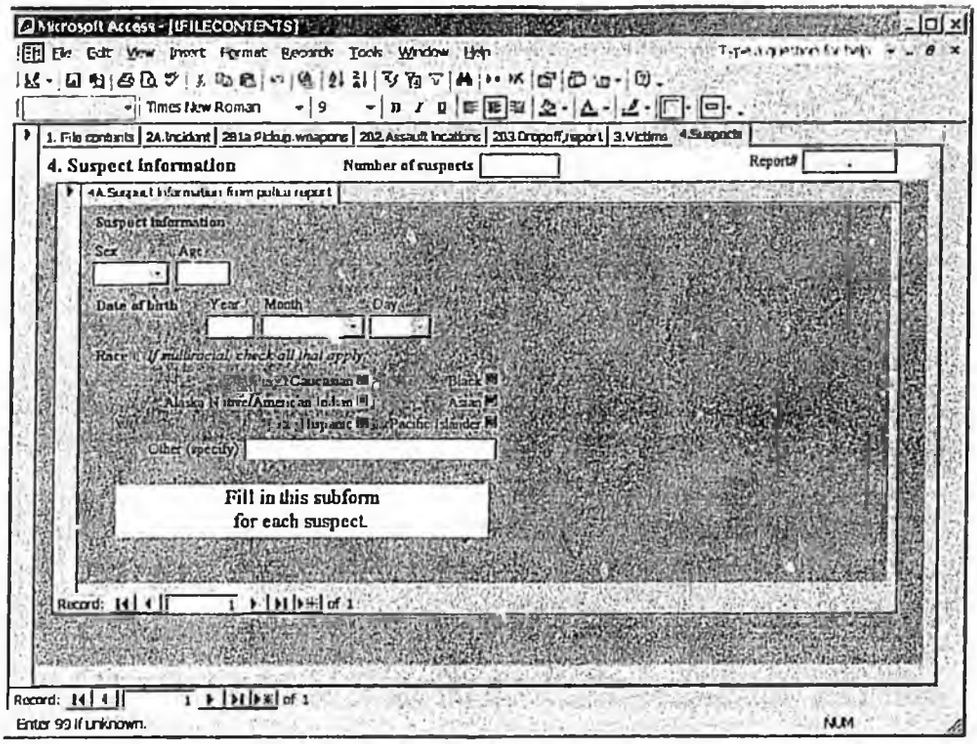

Microsoft Access - [FILECONTENTS]
File Edit View Insert Format Records Tools Window Help
Times New Roman
9
1. File contents
2/ Incident
2B1a Pickup, weapons
2B2 Assault locations
2B3 Dropoff, report
3 Victims
4 Suspects
2. Incident report
Report#
A. Information from police report
Date and time of incident
Year
Month
Day
Time
If exact time unknown, enter estimate
Day of week
Location of incident
Area
Date and time of report
Year
Month
Day
Record: 1 of 1
Four digits; if unknown, enter 9999
NUM


Microsoft Access - [FILECONTENTS]
File Edit View Insert Format Records Tools Window Help
Times New Roman
9
1. File contents
2A.Incident
2B1a.Pickup,weapons
2B2.Assault locations
2B3.Dropoff,report
3.Victims
4.Suspects
2. Incident report
B. Information from complete file
1a. Pick-up information
Report#
Date and time of pick-up
Year
Month
Day
Time
If exact time unknown, enter estimate
Pick-up address/location
Address
Location type
If Other, describe.
Record: 1 of 1
Four digits; if unknown, enter 9999
NUM


Microsoft Access - [FILECONTENTS]
File Edit View Insert Format Records Tools Window Help
Times New Roman
9
1. File contents
2A.Incident
2B1a.Pickup,weapons
2B2.Assault locations
2B3.Dropoff,report
3.Victims
4.Suspects
2. Incident report
B. Information from complete file
2. Assault locations
Report#
Number of places for assault
Date/Time of Assault
Year
Month
Day
Time
If exact time unknown, enter estimate
Assault location
Address
Location type
If Other, describe:
Fill in this subform for each assault location.
Record: 1 of 1
Record: 1 of 1
Enter 99 if unknown.
NUM


Microsoft Access - [IFILECONTENTS]
File Edit View Insert Format Records Tools Window Help
Times New Roman
1. File contents | 2A. Incident | 2B1a Pickup, weapons | 2B2 Assault locations | 2B3 Dropoff, report | 3. Victims | 4. Suspects
2. Incident report
B. Information from complete file
3. Drop-off; report of incident
Report#
Date/time of drop-off
Year Month Day Time If exact time unknown, enter estimate
Drop-off location
Address
Location type
If Other, describe
Report of incident
Report address
Location type
If Other, describe
Record: 1 of 1
Form View
NUM


Microsoft Access - [IFILECONTENTS]
File Edit View Insert Format Records Tools Window Help
Times New Roman
1. File contents | 2A. Incident | 2B1a Pickup, weapons | 2B2 Assault locations | 2B3 Dropoff, report | 3. Victims | 4. Suspects
3. Victim information
Number of victims
Report#
3A. Victim information from police report
Victim information
Sex
Age
Date of birth Year Month Day
Race If multiracial, check all that apply
Caucasian
Black
Alaska Native/American Indian
Asian
Hispanic
Pacific Islander
Other (specify)
Fill in this subform for each victim.
Record: 1 of 1
Record: 1 of 1
Enter 99 if unknown.
NUM


Microsoft Access - [FILECONTENTS]
File Edit View Insert Format Records Tools Window Help
Times New Roman
9
1. File contents
2A. Incident
2B1a Pickup weapons
2B2 Assault locations
2B3 Dropoff report
3. Victims
4. Suspects
4. Suspect information
Number of suspects
Report#
4A Suspect information from police report
Suspect information
Sex
Age
Date of birth
Year
Month
Day
Race If multiracial, check all that apply
Caucasian
Black
Alaska Native/American Indian
Asian
Hispanic
Pacific Islander
Other (specify)
Fill in this subform
for each suspect.
Record:
of 1
Record:
of 1
Enter 99 if unknown.
NUM

ALASKA
.com ☆ SATURDAY, NOVEMBER 29, 2003

Rape records broken down

■ GRIM: Review reveals typical crime locations, times and victims.

By TATABOLINE BRANT
Anchorage Daily News

The typical victim of a sexual assault in Anchorage is a young white or Native female who has been drinking, according to a report released this week by researchers at the University of Alaska Anchorage Justice Center.

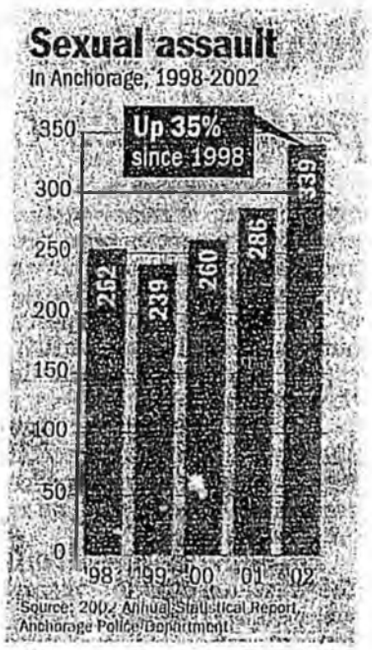
The report, which also reaffirmed Alaska's grim distinction of being a national leader in its rape rate, is based on a review of all the sexual assaults reported to the Anchorage Police Department from 2000 to 2001 — roughly 540 reports total.

Sexual assaults have long been a problem in Alaska and Anchorage, the report says, citing data from the FBI's Uniform Crime Reports. From 1982 to 2001, the rate of rape per 100,000 in Anchorage was on average about 122 percent higher than the U.S. rate, according to the report. In 2001, Alaska had the highest rate of rape in the country, while Anchorage ranked fifth when compared to other U.S. metropolitan cities.

The report also says the rape rate increased 27 percent in Anchorage between 1999 and 2001, while it decreased nationwide by 3 percent.

"This study is an initial effort to begin the process of understanding sexual assault in Anchor-

See Page B-2, RAPE



RON ENGSTROM / Anchorage Daily News

ADN LINKS

■ TO READ the full report, or **■ TO READ** the Municipal Uniform Crime Reports for 1998 to 2002, including rape statistics, visit **www.adn.com/links**

RAPE: New UAA report puts faces on problem

Continued from B-1

age so that criminal justice practitioners, service providers and policy-makers might have a more complete understanding of this scourge," the report's authors, Andre Rosay and Robert H. Langworthy, write in their introduction.

Justice Center researchers spent nearly every weeknight for two months reviewing police reports in the records room at APD for the report.

Among the findings was that the vast majority of victims were white (47 percent) or Native (44 percent). Few victims were Hispanic, black or Asian and none was a Pacific Islander, the report says.

Natives were vastly over-represented as victims, given that they make up roughly 11 percent of the city's population. Two-thirds of all victims were between the ages of 15 and 34, the report says.

Over 60 percent of victims and about 76 percent of suspects had used alcohol prior to the assault, the report says. But the place where victims and suspects typically met just before the assault was not a bar but a private residence, the report says.

The average age of suspects was about 29, the report says. About 41 percent were white, 22 percent were Native and 24 percent were black.

More than half of the assaults were intra-racial, the report says — "white victims were most likely assaulted by white suspects, Native victims by Native suspects, Hispanic victims by Hispanic suspects."

The report also found that sexual assaults do not occur randomly throughout the city or at random times. Most assaults in 2000-01 took place on the weekends from 10 p.m. to 6 a.m., in private residences downtown and in Fairview, Spenard, Mountain View and northeast Anchorage.

"It is clear that interventions that target place and time concentrations could have a substantiated and efficient impact," the report says.

Reliable numbers regarding the outcomes of the sexual assault cases were not available, the report says.

An internal report released in late October showed that

Natives were vastly over-represented as victims, given that they make up roughly 11 percent of the city's population. Two-thirds of all victims were between the ages of 15 and 34, the report says.

23 percent of sexual assaults reported to APD are not assigned to a detective, primarily because of staffing shortages.

Sens. Ted Stevens and Lisa Murkowski have since worked together to add $2 million to a massive appropriations bill pending in Congress to help the police department investigate sexual assaults.

Police Chief Walt Monegan could not be reached Friday, but he said in a recent interview that the "solvability" of a case is a major factor when deciding whether to assign it to a detective.

Any case that looks like it can be solved is assigned, Monegan said. "It is the policy of the department, that if we can make an arrest on the case, either with a warrant or an arrest, we will do so," he said.

The difficulty comes when you've got a case that is missing key elements — evidence, a suspect's name, a cooperative victim — and you think maybe you could solve it, but it's going to be very time-consuming, Monegan said. Sometimes those cases have to be set on the back burner so detectives can work the more promising ones.

"Those few cases in the gray area can stockpile," Monegan said. "If we had additional people, we might be able to work those gray areas."

Daily News reporter Tataboline Brant can be reached at tbrant@adn.com or 257-4321.

UNIVERSITY of ALASKA ANC

Justice Center
College of Health & Social Welfare

Alaska Justice Statistical Analysis Center

The Justice Center is an academic, research, and public education program serving Alaska.
The Alaska Justice Statistical Analysis Center is the Statistical Analysis Center (SAC) for Alaska.
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Nenana District Court
Click on the image to learn more.

RESEARCH>
Sexual assaults in Anchorage

It has long been known that sexual assaults occur at a higher rate in Anchorage and in Alaska than in the U.S. as a whole. The Justice Center announces release of a new research report which for the first time takes a detailed look at the characteristics of sexual assaults in Anchorage. *Descriptive Analysis of Sexual Assaults in Anchorage, Alaska* by André Rosay and Robert Langworthy is based on 541 sexual assault cases reported to the Anchorage Police Department in 2000 and 2001. Among its findings:

- Victims were most likely to be White (48%) or Native (45%).
- Suspects and victims were acquainted prior to the time of the assault in 56% of the cases. A strang 44% of the cases.
- Both victims and suspects had typically been drinking alcohol prior to the assault.
- Sexual assaults occurred more frequently from May to October, and they occurred more frequently weekends.
- Private residences were the most common place for the "pick-up" before the assault and for the ass
- Most sexual assaults in Anchorage were concentrated in five community council areas: Downtown Mountain View and, to a lesser extent, Northeast Anchorage.

The complete report is available for on this site in Adobe Acrobat .pdf format.

GETTING AROUND>
Use these menus to n
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Alaska Justice Fo
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Resources
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Resource Index (L
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ACADEMIC PROGRAM>
Fall semester room changes

The following courses have had room changes for the Fall 2003 semester:

- **PARL 101,** "Introduction to Law" -- to BEB 117 (from BEB 101)

ACADEMIC PROGRAM>
Crime Prevention offered in Fall 2003

JUST 320, "Crime Prevention," was not published in the Fall 2003 schedule, but it is being offered for the fall semester, taught by Sharon Chamard. This course is an examination of crime prevention

Get Adobe Acrobat Reader

Many site ar Acroba free A available for download; we Reader 4.0 or above.

ACADEMIC PROGRAM>
Seminar in Crin

- **JUST 221**, "Justice Organization and Management" -- to ARTS 122 (from ADM 277)
- **JUST 250**, "Development of Law" -- to ENGR 110 (from ARTS 122)
- **JUST 625**, "Seminar in Criminal Violation" -- to CAS 223 (from ADM 277)

strategies and concepts not usually found in law enforcement efforts. The legal, moral, and ethical considerations and problems of human and environmental manipulation are explored in an interdisciplinary context, emphasizing new and innovative approaches to preventing criminal behavior. The course will be offered Tuesdays and Thursdays, 8:30-9:45 AM in CAS 211. CRN 77874.

Violation offere
2003
JUST 625, "Seminar i
Violation," was not pl
Fall 2003 schedule, b
offered for the fall se
by Allan Barnes. The
offered Wednesdays f
to 8:15 PM in CAS 2
76596.

In the Winter 2003 issue: Roughly one in two Anchorage arrestees tests positive for r
heavy alcohol consumption is common among arrestees. These are among the finding
Abuse Monitoring (ADAM) in Anchorage, which is one of 35 participating sites in the N
Justice's ADAM program. This issue of the *Forum* also looks at international implemen
describes other projects measuring the extent of drug use in the U.S. In addition, the first in a series on highlights of the Anchorage
Victimization Survey (AACVS) is presented, and an important new book examining the collateral consequences of mass imprisonmer

Recent Publications

"Explanations of Employment Turnover among Alaska Village Public Safety Officers" by Darryl Wood. *Journal of Criminal Justice* 30: 197-215 (2002).

Policing in America: A Balance of Forces, 3rd ed. by Robert H. Langworthy and Lawrence F. Travis III. Upper Saddle River, NJ: Prentice-Hall, 2002.

"Sentencing: A Delicate Balance" (videotape) written and produced by Antonia Moras. Videotape produced for the Alaska Court System. Anchorage: Justice Center, University of Alaska Anchorage, 2002. 20 min., VHS.

Projects Funde

Drug-Related Crime and the Workload of Anch
Officers: An Examination of Officer Perception
Schafer. Anchorage Police Department. 2002.

Fairview Street Redesign and Crime: An Evalu
Allan R. Barnes. University of Alaska Anchorag

Gender-Specific Juvenile Probation Programmi
Schafer. Office of Juvenile Justice and Delinqu
2002.

Analysis of Data for an Evaluation of Court Pro
Cases (JC 0309). N.E. Schafer. Alaska Court S

Assessing the External Validity of Anchorage A
Quarter 2000 - Second Quarter 2002 (JC 031C
Langworthy. National Institute of Justice. 200

Research & Policy-Making



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Designed & maintained by Melissa S. Green
Last updated 24 Nov 2003 by ayjust@uaa.alaska.edu

February 4, 2004

Anchorage Police Department
Chief of Police, Walt Monegan
4501 S. Bragaw
Anchorage, Alaska 99507

Re: crime statistics

Dear Chief Monegan,

I spoke to Lou Reed earlier this morning to request some crime statistics from him on several particular businesses around Anchorage. He informed me that he can't do that unless I write a letter to you first, and then if you approve it, he can get the information together for me.

Officer Reed felt that these might be private matters that the Police Department isn't allowed to give out to the public. However, I told him I am requesting these statistics under the Freedom of Information act, and that the crime statistics I am looking for are not detailed as far as names of individuals, or other personal information. He told me that the more detailed my letter is on exactly what I need, the easier it would be to accomplish this feat in a timely manner.

As I'm sure you are aware, there is a bill {HB 367} currently being reviewed in this legislative session. I believe this bill violates our constitutional rights under the First Amendment. One violation is the accusation that the adult oriented establishments because adverse secondary effects i.e. increased crime rates, decreased property values, etc.

To combat this accusation, I need crime statistics that include, but are not limited to 1) the number of calls APD made to each business, 2) the number of crimes involved with each business, and 3) type of crime committed at each business 4) whether calls were instituted by the proprietor, APD, or other individuals.

I would like to see the statistics for the past 5 - 10 years on the following businesses, so that I can make an in-depth comparison on these issues:

Rumrunners
Chilkoot Charlies
The Avenue
515 Club
Millennium Club
Al's Place
Fantasies on 5th Avenue
Teasers (previously Crazy Horse II
The Showboat
The Bush Company
Crazy Horse
P.J.'s

Please let me know how soon I could expect to receive this information, or have Lou Reed contact me with any questions he might have about this matter.

Thank you,

Carol Hartman

Carol Hartman
Fantasies on 5th Avenue
1911 E. 5th Ave.
Anchorage, Alaska 99501
Phone No. 563-0042
Cell No. 229-4839
Fax: 563-0043
e-mail caroljhartman@prodigy.net

Parcel Information

INTERAIR BLK 2 LT 5G (Commercial Property) **Tax ID: 00921155**

Site Address:	5031 EAGLE ST		
Square Footage:	33830 (0.78 Acres)	Drainage:	GOOD
Zoning:	I1	Grade to Street:	
Land Use:	WAREHOUSE	Street Feature:	PAVED
Class:	Commercial	Traffic:	LOW
Deed:	08 May 95, Book 2784, Page 229	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$135300	$375600	$510900
2002 Value	$135300	$386300	$521600
2003 Value	$135300	$406600	$541900

Owner Data

Name(s):	DUNAVANT FAMILY, LIMITED PARTNERSHIP
Address:	300 E 54TH AVENUE #250
City,State, Zip:	ANCHORAGE AK, 99518-1230

Opt-Out | What does Opt-Out mean?

Print

Parcel Information

INTERAIR BLK 2 LT 5D (Commercial Property) **Tax ID: 00921138**

Site Address:	4970 FAIRBANKS ST		
Square Footage:	16676 (0.38 Acres)	Drainage:	GOOD
Zoning:	I1	Grade to Street:	
Land Use:	WAREHOUSE	Street Feature:	PAVED, CURB & GUTTER
Class:	Commercial	Traffic:	LOW
Deed:	27 Jun 96, Book 2943, Page 569	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$66700	$385800	$452500
2002 Value	$66700	$399400	$466100
2003 Value	$66700	$410700	$477400

Owner Data

Name(s):	RAB ENERGY GROUP INC
Address:	2300 E 63RD AVENUE
City,State, Zip:	ANCHORAGE AK, 99507-0000

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Parcel Information

SPRUCE HEIGHTS BLK 3 LT 4 (Commercial Property) **Tax ID: 00924115**

Site Address:	330 E INTERNATIONAL AIRPORT RD		
Square Footage:	8400 (0.19 Acres)	Drainage:	GOOD
Zoning:	I1	Grade to Street:	
Land Use:	OFFICE WAREHOUSE	Street Feature:	PAVED, CURB & GUTTER
Class:	Commercial	Traffic:	HIGH
Deed:	12 Jan 90, Book 1988, Page 375	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$37800	$205200	$243000
2002 Value	$46200	$208600	$254800
2003 Value	$46200	$221100	$267300

Owner Data

Name(s):	TIGER TRUST
Address:	PO BOX 111098
City,State, Zip:	ANCHORAGE AK, 99511-1098

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Print

Parcel Information

NORTHLAND BUSINESS CENTER TR 3D (Commercial Property) **Tax ID: 00924257**

Site Address:	5333 FAIRBANKS ST		
Square Footage:	109194 (2.51 Acres)	Drainage:	GOOD
Zoning:	I1	Grade to Street:	
Land Use:	WAREHOUSE	Street Feature:	PAVED, CURB & GUTTER
Class:	Commercial	Traffic:	LOW
Deed:	29 Dec 00, Book 3743, Page 401	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$324900	$901200	$1226100
2002 Value	$324900	$902700	$1227600
2003 Value	$371300	$887200	$1252290

Owner Data

Name(s):	NORTHLAND LLC
Address:	2932 C STREET STE C
City,State, Zip:	ANCHORAGE AK, 99503-3912

Opt-Out | What does Opt-Out mean?

Print

Parcel Information

NORTHLAND BUSINESS CENTER TR 3A-1 (Commercial Property) **Tax ID: 00924259**

Site Address:	411 E 54TH AVE		
Square Footage:	73060 (1.68 Acres)	Drainage:	GOOD
Zoning:	I1	Grade to Street:	
Land Use:	WAREHOUSE	Street Feature:	PAVED, CURB & GUTTER
Class:	Commercial	Traffic:	LOW
Deed:	19 Oct 00, Book 3708, Page 699	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$255700	$1075600	$1331300
2002 Value	$255700	$1113300	$1369000
2003 Value	$292200	$1139000	$1408990

Owner Data

Name(s):	PALMER TOWER LLC
Address:	PO BOX 2444
City,State, Zip:	PALMER AK, 99645-2444

Opt-Out | What does Opt-Out mean?

Print

Parcel Information

NORTHLAND INDUSTRIAL CENTER TR 2A (Commercial Property) **Tax ID: 00924269**

Site Address:			
Square Footage:	30172 (0.69 Acres)	Drainage:	GOOD
Zoning:	I1	Grade to Street:	
Land Use:	WAREHOUSE	Street Feature:	PAVED, CURB & GUTTER
Class:	Commercial	Traffic:	HIGH
Deed:	09 Jan 90, Book 1987, Page 414	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$135800	$52300	$188100
2002 Value	$165900	$56300	$222200
2003 Value	$165900	$60800	$226700

Owner Data

Name(s):	HOMESTEAD PROPERTIES INC
Address:	PO BOX 91516
City,State, Zip:	ANCHORAGE AK, 99509-1516

Opt-Out | What does Opt-Out mean?

Print

Parcel Information

NORTHLAND INDUSTRIAL CENTER TR 2C (Commercial Property) **Tax ID: 00924271**

Site Address:			
Square Footage:	135740 (3.12 Acres)	Drainage:	GOOD
Zoning:	I1	Grade to Street:	
Land Use:	WAREHOUSE	Street Feature:	PAVED, CURB & GUTTER
Class:	Commercial	Traffic:	HIGH
Deed:	09 Jan 90, Book 1987, Page 414	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$610800	$154000	$764800
2002 Value	$746600	$156500	$903100
2003 Value	$746600	$164200	$910800

Owner Data

Name(s):	HOMESTEAD PROPERTIES INC
Address:	PO BOX 91516
City,State, Zip:	ANCHORAGE AK, 99509-1516

Opt-Out | What does Opt-Out mean?

NORTHLAND INDUSTRIAL CENTER TR 2C (Commercial Property) **Tax ID: 00924271**

Site Address:			
Square Footage:	135740 (3.12 Acres)	Drainage:	GOOD
Zoning:	I1	Grade to Street:	
Land Use:	WAREHOUSE	Street Feature:	PAVED, CURB & GUTTER
Class:	Commercial	Traffic:	HIGH
Deed:	09 Jan 90, Book 1987, Page 414	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$610800	$154000	$764800
2002 Value	$746600	$156500	$903100
2003 Value	$746600	$164200	$910800

Owner Data

Name(s):	HOMESTEAD PROPERTIES INC
Address:	PO BOX 91516
City,State, Zip:	ANCHORAGE AK, 99509-1516

Opt-Out | What does Opt-Out mean?

NORTHLAND INDUSTRIAL CENTER TR 2C (Commercial Property) **Tax ID: 00924271**

Site Address:			
Square Footage:	135740 (3.12 Acres)	Drainage:	GOOD
Zoning:	I1	Grade to Street:	
Land Use:	WAREHOUSE	Street Feature:	PAVED, CURB & GUTTER
Class:	Commercial	Traffic:	HIGH

Parcel Information

SPRUCE HEIGHTS #4 BLK 2 LT 3 (Commercial Property) **Tax ID: 00924240**

Site Address:	350 E INTERNATIONAL AIRPORT RD		
Square Footage:	25120 (0.58 Acres)	Drainage:	GOOD
Zoning:	I1	Grade to Street:	
Land Use:	WAREHOUSE	Street Feature:	PAVED, CURB & GUTTER
Class:	Commercial	Traffic:	HIGH
Deed:	31 May 91, Book 2155, Page 991	Utilities:	PUBLIC WATER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$107300	$393900	$501200
2002 Value	$131300	$400400	$531700
2003 Value	$138200	$387100	$525300

Owner Data

Name(s):	TIGER TRUST, % JOHN B HAXBY
Address:	PO BOX 111098
City,State, Zip:	ANCHORAGE AK, 99511-1098

Opt-Out | What does Opt-Out mean?

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Parcel Information

SPRUCE HEIGHTS #2 BLK 8 LT 1 (Commercial Property) **Tax ID: 00921250**

Site Address:	301 E INTERNATIONAL AIRPORT RD		
Square Footage:	39000 (0.90 Acres)	Drainage:	GOOD
Zoning:	I1	Grade to Street:	
Land Use:	MANUFACTURING/PROCESSING	Street Feature:	PAVED, CURB & GUTTER
Class:	Commercial	Traffic:	HIGH
Deed:	11 May 99, Book 3469, Page 409	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$175500	$384900	$560400
2002 Value	$214500	$393100	$607600
2003 Value	$214500	$435200	$649700

Owner Data

Name(s):	SOMMERFELD STEVEN R
Address:	301 E INTL AIRPORT ROAD
City,State, Zip:	ANCHORAGE AK, 99518-0000

Opt-Out | What does Opt-Out mean?

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Parcel Information

SPRUCE HEIGHTS #2 BLK 8 LT 2A (Commercial Property) **Tax ID: 00921258**

Site Address:	351 E INTERNATIONAL AIRPORT RD		
Square Footage:	157775 (3.62 Acres)	Drainage:	GOOD
Zoning:	I1	Grade to Street:	
Land Use:	OFFICE WAREHOUSE	Street Feature:	PAVED, CURB & GUTTER
Class:	Commercial	Traffic:	MEDIUM
Deed:	07 Mar 01, Book 3784, Page 54	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$710000	$448600	$1158600
2002 Value	$867800	$464300	$1332100
2003 Value	$867800	$493200	$1361000

Owner Data

Name(s):	WESTERN GECO HOLDINGS LLC
Address:	10001 RICHMOND AVENUE
City,State, Zip:	HOUSTON TX, 77042-0000

Opt-Out | What does Opt-Out mean?

SPRUCE HEIGHTS #2 BLK 8 LT 2A (Commercial Property) **Tax ID: 00921258**

Site Address:	351 E INTERNATIONAL AIRPORT RD		
Square Footage:	157775 (3.62 Acres)	Drainage:	GOOD
Zoning:	I1	Grade to Street:	
Land Use:	WAREHOUSE	Street Feature:	PAVED, CURB & GUTTER
Class:	Commercial	Traffic:	MEDIUM
Deed:	07 Mar 01, Book 3784, Page 54	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$710000	$448600	$1158600
2002 Value	$867800	$464300	$1332100
2003 Value	$867800	$493200	$1361000

Owner Data

Name(s):	WESTERN GECO HOLDINGS LLC
Address:	10001 RICHMOND AVENUE
City,State, Zip:	HOUSTON TX, 77042-0000

Opt-Out | What does Opt-Out mean?

SPRUCE HEIGHTS #2 BLK 8 LT 2A (Commercial Property) **Tax ID: 00921258**

Site Address:	351 E INTERNATIONAL AIRPORT RD		
Square Footage:	157775 (3.62 Acres)	Drainage:	GOOD
Zoning:	I1	Grade to Street:	
Land Use:	OFFICE WAREHOUSE	Street Feature:	PAVED, CURB & GUTTER
Class:	Commercial	Traffic:	MEDIUM

Parcel Information

SPRUCE HEIGHTS #2 BLK 8 LT 3A (Commercial Property) **Tax ID: 00921253**

Site Address:	401 E INTERNATIONAL AIRPORT RD		
Square Footage:	160250 (3.68 Acres)	Drainage:	GOOD
Zoning:	I1	Grade to Street:	
Land Use:	AUTO SERVICE GARAGE	Street Feature:	PAVED, CURB & GUTTER
Class:	Commercial	Traffic:	HIGH
Deed:		Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$721100	$1844900	$2566000
2002 Value	$881400	$2085600	$2967000
2003 Value	$881400	$2537700	$3368346

Owner Data

Name(s):	ALASKA PIPELINE CO
Address:	PO BX 190288
City,State, Zip:	ANCHORAGE AK, 99519-0288

Opt-Out | What does Opt-Out mean?

SPRUCE HEIGHTS #2 BLK 8 LT 3A (Commercial Property) **Tax ID: 00921253**

Site Address:	401 E INTERNATIONAL AIRPORT RD		
Square Footage:	160250 (3.68 Acres)	Drainage:	GOOD
Zoning:	I1	Grade to Street:	
Land Use:	OFFC BLDG LOW RISE 1-4	Street Feature:	PAVED, CURB & GUTTER
Class:	Commercial	Traffic:	HIGH
Deed:		Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$721100	$1844900	$2566000
2002 Value	$881400	$2085600	$2967000
2003 Value	$881400	$2537700	$3368346

Owner Data

Name(s):	ALASKA PIPELINE CO
Address:	PO BX 190288
City,State, Zip:	ANCHORAGE AK, 99519-0288

Opt-Out | What does Opt-Out mean?

SPRUCE HEIGHTS #2 BLK 8 LT 3A (Commercial Property) **Tax ID: 00921253**

Site Address:	401 E INTERNATIONAL AIRPORT RD		
Square Footage:	160250 (3.68 Acres)	Drainage:	GOOD
Zoning:	I1	Grade to Street:	
Land Use:	AUTO SERVICE GARAGE	Street Feature:	PAVED, CURB & GUTTER
Class:	Commercial	Traffic:	HIGH

Parcel Information

BARNESVILLE BLK 2 LT 1A (Commercial Property) **Tax ID: 00921149**

Site Address:			
Square Footage:	104798 (2.41 Acres)	Drainage:	POOR
Zoning:	I1	Grade to Street:	
Land Use:	VACANT LAND	Street Feature:	PAVED, CURB & GUTTER
Class:	Commercial	Traffic:	HIGH
Deed:		Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$471600	$	$471600
2002 Value	$576400	$	$576400
2003 Value	$576400	$	$576400

Owner Data

Name(s):	ALASKA PIPELINE CO
Address:	P O BOX 190288
City,State, Zip:	ANCHORAGE AK, 99519-0288

Opt-Out | What does Opt-Out mean?

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Parcel Information

INTERAIR BLK 1 LT 2 (Commercial Property) **Tax ID: 00921119**

Site Address:	631 E INTERNATIONAL AIRPORT RD		
Square Footage:	36400 (0.84 Acres)	Drainage:	GOOD
Zoning:	I1	Grade to Street:	
Land Use:	NIGHT CLUB/DINNER	Street Feature:	PAVED, CURB & GUTTER
Class:	Commercial	Traffic:	HIGH
Deed:	01 Dec 89, Book 1974, Page 475	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$163800	$341400	$505200
2002 Value	$200200	$368200	$568400
2003 Value	$200200	$375100	$575300

Owner Data

Name(s):	B V INCORPORATED
Address:	207 E NORTHERN LTS SUITE 210
City,State, Zip:	ANCHORAGE AK, 99503-0000

Opt-Out | What does Opt-Out mean?

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Parcel Information

INTERAIR BLK 1 LT 1 (Commercial Property) **Tax ID: 00921118**

Site Address:	611 E INTERNATIONAL AIRPORT RD		
Square Footage:	37700 (0.87 Acres)	Drainage:	GOOD
Zoning:	I1	Grade to Street:	
Land Use:	RETIAL - MULTI OCC.	Street Feature:	PAVED, CURB & GUTTER
Class:	Commercial	Traffic:	HIGH
Deed:	29 Aug 96, Book 2968, Page 576	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$169700	$258800	$428500
2002 Value	$207400	$255200	$462600
2003 Value	$207400	$346500	$553900

Owner Data

Name(s):	EL MIRAGE LLC, PMB 596
Address:	1120 EAST HUFFMAN ROAD
City,State, Zip:	ANCHORAGE AK, 99515-3520

Opt-Out | What does Opt-Out mean?

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Parcel Information

INTERAIR BLK 1 LT 3 (Commercial Property) **Tax ID: 00921120**

Site Address:	661 E INTERNATIONAL AIRPORT RD		
Square Footage:	36400 (0.84 Acres)	Drainage:	GOOD
Zoning:	I1	Grade to Street:	
Land Use:	WAREHOUSE	Street Feature:	PAVED, CURB & GUTTER
Class:	Commercial	Traffic:	HIGH
Deed:	03 Nov 83, Book 995, Page 64	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$163800	$39200	$203000
2002 Value	$200200	$40100	$240300
2003 Value	$200200	$47600	$247800

Owner Data

Name(s):	WATSJOLD JOHN E & KIM A &, DANIEL L &, AGEN RAYMOND J II
Address:	9632 KRISHKA CIRCLE
City,State, Zip:	EAGLE RIVER AK, 99577-8647

Opt-Out | What does Opt-Out mean?

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Parcel Information

T13N R3W SEC 31 S2SE4SE4NE4 PTN (Commercial Property) **Tax ID: 00921108**

Site Address:	701 E INTERNATIONAL AIRPORT RD		
Square Footage:	44000 (1.01 Acres)	Drainage:	GOOD
Zoning:	B3	Grade to Street:	
Land Use:	AUTO SERVICE GARAGE	Street Feature:	PAVED, CURB & GUTTER
Class:	Commercial	Traffic:	HIGH
Deed:	03 Nov 83, Book 995, Page 42	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$286000	$205400	$491400
2002 Value	$286000	$212500	$498500
2003 Value	$286000	$236100	$522100

Owner Data

Name(s):	WATSJOLD JOHN E & KIM A &, DANIEL L &, AGEN RAYMOND J II
Address:	9632 KRISHKA CIRCLE
City,State, Zip:	EAGLE RIVER AK, 99577-8647

Opt-Out | What does Opt-Out mean?

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Parcel Information

CAMPBELL CREEK COMMERCIAL PARK LT E-3A (Commercial Property) **Tax ID: 00925222**

Site Address:

Square Footage:	154679 (3.55 Acres)	Drainage:	POOR
Zoning:	I1	Grade to Street:	
Land Use:	MINI WAREHOUSE	Street Feature:	PAVED
Class:	Commercial	Traffic:	LOW
Deed:	23 Oct 96, Book 2989, Page 789	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$541400	$288400	$829800
2002 Value	$618700	$323100	$941800
2003 Value	$696100	$367800	$1063900

Owner Data

Name(s): POEHLING OTTO &, GRASER HELMUT J & CARYL LEE &, SCHWAIGER HANS
Address: 2076 CRATAEGUS CIRCLE
City,State, Zip: ANCHORAGE AK, 99508-4024

Opt-Out | What does Opt-Out mean?

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Parcel Information

CAMPBELL CREEK COMMERCIAL PARK LT E-3A (Commercial Property) **Tax ID: 00925222**

Site Address:			
Square Footage:	154679 (3.55 Acres)	Drainage:	POOR
Zoning:	I1	Grade to Street:	
Land Use:	MINI WAREHOUSE	Street Feature:	PAVED
Class:	Commercial	Traffic:	LOW
Deed:	23 Oct 96, Book 2989, Page 789	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$541400	$288400	$829800
2002 Value	$618700	$323100	$941800
2003 Value	$696100	$367800	$1063900

Owner Data

Name(s): POEHLING OTTO &, GRASER HELMUT J & CARYL LEE &, SCHWAIGER HANS
Address: 2076 CRATAEGUS CIRCLE
City,State, Zip: ANCHORAGE AK, 99508-4024

Opt-Out | What does Opt-Out mean?

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Parcel Information

CAMPBELL CREEK BLK 2 LT 1A1 (Commercial Property) **Tax ID: 00925137**

Site Address:	5441 OLD SEWARD HWY		
Square Footage:	49563 (1.14 Acres)	Drainage:	GOOD
Zoning:	I1	Grade to Street:	
Land Use:	STRIP SHOPPING CTG	Street Feature:	PAVED
Class:	Commercial	Traffic:	HIGH
Deed:		Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$223000	$389800	$612800
2002 Value	$272600	$383300	$655900
2003 Value	$272600	$485900	$758500

Owner Data

Name(s):	ADAMS MICHAEL A
Address:	PO BOX 100008
City,State, Zip:	ANCHORAGE AK, 99510-0008

Opt-Out | What does Opt-Out mean?

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Parcel Information

CAMPBELL CREEK BLK 2 LT 4A1A (Commercial Property) **Tax ID: 00925138**

Site Address:	5401 OLD SEWARD HWY		
Square Footage:	49491 (1.14 Acres)	Drainage:	GOOD
Zoning:	I1	Grade to Street:	
Land Use:	WAREHOUSE	Street Feature:	PAVED
Class:	Commercial	Traffic:	HIGH
Deed:	01 Feb 02, Book 2002, Page 76940	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$222700	$111800	$334500
2002 Value	$272200	$118500	$390700
2003 Value	$272200	$130500	$402700

Owner Data

Name(s):	GASHENKO LUDA
Address:	5401 OLD SEWARD HIGHWAY
City,State, Zip:	ANCHORAGE AK, 99518-1458

Opt-Out | What does Opt-Out mean?

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Parcel Information

HIGHWAY PARK #1 TR 1B (Commercial Property) **Tax ID: 00924261**

Site Address:			
Square Footage:	141249 (3.24 Acres)	Drainage:	GOOD
Zoning:	I1	Grade to Street:	
Land Use:	VACANT LAND	Street Feature:	PAVED
Class:	Commercial	Traffic:	HIGH
Deed:		Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$635600	$	$635600
2002 Value	$776900	$	$776900
2003 Value	$776900	$	$776900

Owner Data

Name(s):	CUMBERLEDGE WILLIAM & RUTHIE
Address:	PO BOX 100914
City,State, Zip:	ANCHORAGE AK, 99510-0914

Opt-Out | What does Opt-Out mean?

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Parcel Information

HIGHWAY PARK TR 6 (Commercial Property) **Tax ID: 00924243**

Site Address:	5300 OLD SEWARD HWY		
Square Footage:	24450 (0.56 Acres)	Drainage:	GOOD
Zoning:	I1	Grade to Street:	
Land Use:	RESTAURANT	Street Feature:	PAVED
Class:	Commercial	Traffic:	HIGH
Deed:	09 Jan 90, Book 1987, Page 415	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$110000	$221700	$331700
2002 Value	$134500	$228500	$363000
2003 Value	$134500	$237000	$370315

Owner Data

Name(s):	HOMESTEAD PROPERTIES INC
Address:	PO BOX 91516
City,State, Zip:	ANCHORAGE AK, 99509-1516

Opt-Out | What does Opt-Out mean?

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Parcel Information

HIGHWAY PARK TR 7 (Commercial Property) **Tax ID: 00924242**

Site Address:	740 E INTERNATIONAL AIRPORT RD		
Square Footage:	45000 (1.03 Acres)	Drainage:	GOOD
Zoning:	I1	Grade to Street:	
Land Use:	SERVICE STATIONS/BAYS	Street Feature:	PAVED, CURB & GUTTER
Class:	Commercial	Traffic:	HIGH
Deed:	09 Jan 90, Book 1987, Page 415	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$253100	$216000	$469100
2002 Value	$309400	$214200	$523600
2003 Value	$309400	$238700	$548100

Owner Data

Name(s):	HOMESTEAD PROPERTIES INC, % CHEVRON USA INC
Address:	PO BOX 285
City,State, Zip:	HOUSTON TX, 77001-9936

Opt-Out | What does Opt-Out mean?

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Parcel Information

CAMPBELL CREEK COMMERCIAL PARK TR K (Commercial Property) **Tax ID: 00925206**

Site Address:	5221 OLD SEWARD HWY		
Square Footage:	34783 (0.80 Acres)	Drainage:	GOOD
Zoning:	I1	Grade to Street:	
Land Use:	RESTAURANT	Street Feature:	PAVED, CURB & GUTTER
Class:	Commercial	Traffic:	HIGH
Deed:	05 Oct 90, Book 2083, Page 781	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$156500	$548500	$705000
2002 Value	$191300	$578700	$770000
2003 Value	$191300	$596200	$777961

Owner Data

Name(s):	NEW PEANUT FARM INC THE, % SOURDOUGH MINING COMPANY
Address:	5200 JUNEAU STREET
City,State, Zip:	ANCHORAGE AK, 99518-1482

Opt-Out | What does Opt-Out mean?

CAMPBELL CREEK COMMERCIAL PARK TR K (Commercial Property) **Tax ID: 00925206**

Site Address:	5221 OLD SEWARD HWY		
Square Footage:	34783 (0.80 Acres)	Drainage:	GOOD
Zoning:	I1	Grade to Street:	
Land Use:	RESTAURANT	Street Feature:	PAVED, CURB & GUTTER
Class:	Commercial	Traffic:	HIGH
Deed:	05 Oct 90, Book 2083, Page 781	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$156500	$548500	$705000
2002 Value	$191300	$578700	$770000
2003 Value	$191300	$596200	$777961

Owner Data

Name(s):	NEW PEANUT FARM INC THE, % SOURDOUGH MINING COMPANY
Address:	5200 JUNEAU STREET
City,State, Zip:	ANCHORAGE AK, 99518-1482

Opt-Out | What does Opt-Out mean?

CAMPBELL CREEK COMMERCIAL PARK TR K (Commercial Property) **Tax ID: 00925206**

Site Address:	5221 OLD SEWARD HWY		
Square Footage:	34783 (0.80 Acres)	Drainage:	GOOD
Zoning:	I1	Grade to Street:	
Land Use:	RESTAURANT	Street Feature:	PAVED, CURB & GUTTER
Class:	Commercial	Traffic:	HIGH

Parcel Information

CAMPBELL CREEK COMMERCIAL PARK TR J1 (Commercial Property) **Tax ID: 00925207**

Site Address:

Square Footage:	44388 (1.02 Acres)	Drainage:	GOOD
Zoning:	I1	Grade to Street:	
Land Use:	VACANT LAND	Street Feature:	PAVED, CURB & GUTTER
Class:	Commercial	Traffic:	HIGH
Deed:	05 Oct 90, Book 2083, Page 781	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$229700	$	$229700
2002 Value	$280700	$	$280700
2003 Value	$280700	$	$280700

Owner Data

Name(s):	NEW PEANUT FARM INC THE
Address:	5200 JUNEAU STREET
City,State, Zip:	ANCHORAGE AK, 99518-1482

Opt-Out | What does Opt-Out mean?

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Parcel Information

CAMPBELL CREEK COMMERCIAL PARK TR F1B (Commercial Property) **Tax ID: 00925218**

Site Address:	5320 JUNEAU ST		
Square Footage:	73966 (1.70 Acres)	Drainage:	GOOD
Zoning:	I1	Grade to Street:	
Land Use:	VACANT LAND	Street Feature:	PAVED
Class:	Commercial	Traffic:	MEDIUM
Deed:	06 Mar 97, Book 3035, Page 119	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$258900	$	$258900
2002 Value	$295900	$	$295900
2003 Value	$332800	$	$332800

Owner Data

Name(s):	HACK JOHANN TRUST, STEPANOV GEORGE A/TRUSTEE
Address:	4155 KENSINGTON DRIVE
City,State, Zip:	ANCHORAGE AK, 99504-4440

Opt-Out What does Opt-Out mean?

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Parcel Information

CAMPBELL CREEK COMMERCIAL PARK LT E-1D (Commercial Property) **Tax ID: 00925227**

Site Address:	5225 JUNEAU ST		
Square Footage:	173238 (3.98 Acres)	Drainage:	POOR
Zoning:	I1	Grade to Street:	
Land Use:	MANUFACTURING/PROCESSING	Street Feature:	PAVED, CURB & GUTTER
Class:	Commercial	Traffic:	MEDIUM
Deed:	02 Jan 01, Book 3743, Page 908	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$779600	$1044200	$1823800
2002 Value	$952800	$1070100	$2022900
2003 Value	$952800	$1165900	$2118700

Owner Data

Name(s):	ALASKA WILD BERRY PRODUCTS INC
Address:	5225 JUNEAU STREET
City,State, Zip:	ANCHORAGE AK, 99518-1483

Opt-Out | What does Opt-Out mean?

CAMPBELL CREEK COMMERCIAL PARK LT E-1D (Commercial Property) **Tax ID: 00925227**

Site Address:	5225 JUNEAU ST		
Square Footage:	173238 (3.98 Acres)	Drainage:	POOR
Zoning:	I1	Grade to Street:	
Land Use:	MANUFACTURING/PROCESSING	Street Feature:	PAVED, CURB & GUTTER
Class:	Commercial	Traffic:	MEDIUM
Deed:	02 Jan 01, Book 3743, Page 908	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$779600	$1044200	$1823800
2002 Value	$952800	$1070100	$2022900
2003 Value	$952800	$1165900	$2118700

Owner Data

Name(s):	ALASKA WILD BERRY PRODUCTS INC
Address:	5225 JUNEAU STREET
City,State, Zip:	ANCHORAGE AK, 99518-1483

Opt-Out | What does Opt-Out mean?

CAMPBELL CREEK COMMERCIAL PARK LT E-1D (Commercial Property) **Tax ID: 00925227**

Site Address: 5225 JUNEAU ST

Parcel Information

ALASKA INDUSTRIAL BLK 4 LT 11A (Commercial Property) **Tax ID: 00407421**

Site Address:			
Square Footage:	24750 (0.57 Acres)	Drainage:	GOOD
Zoning:	I1	Grade to Street:	
Land Use:	OFFICE WAREHOUSE	Street Feature:	DIRT
Class:	Commercial	Traffic:	MEDIUM
Deed:	01 May 95, Book 2781, Page 498	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$78900	$273700	$352600
2002 Value	$78900	$280900	$359800
2003 Value	$78900	$293800	$372700

Owner Data

Name(s):	BAILEY GLEN S
Address:	1821 WESTCHESTER CIRCLE
City,State, Zip:	ANCHORAGE AK, 99517-1330

Opt-Out | What does Opt-Out mean?

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Parcel Information

ALASKA INDUSTRIAL BLK 6 LT 28A (Commercial Property) **Tax ID: 00407321**

Site Address:			
Square Footage:	24906 (0.57 Acres)	Drainage:	GOOD
Zoning:	I1	Grade to Street:	
Land Use:	VACANT LAND	Street Feature:	PAVED, CURB & GUTTER
Class:	Commercial	Traffic:	LOW
Deed:	11 May 94, Book 2650, Page 63	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$148200	$	$148200
2002 Value	$148200	$	$148200
2003 Value	$148200	$	$148200

Owner Data

Name(s):	UDD RODNEY D & CAROL A
Address:	9751 SLALOM DRIVE
City,State, Zip:	ANCHORAGE AK, 99516-1088

Opt-Out | What does Opt-Out mean?

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Parcel Information

ALASKA INDUSTRIAL BLK 6 LT 29A (Commercial Property) **Tax ID: 00407320**

Site Address:			
Square Footage:	21885 (0.50 Acres)	Drainage:	GOOD
Zoning:	I1	Grade to Street:	
Land Use:	VACANT LAND	Street Feature:	PAVED, CURB & GUTTER
Class:	Commercial	Traffic:	LOW
Deed:	11 May 94, Book 2650, Page 63	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$130200	$	$130200
2002 Value	$130200	$	$130200
2003 Value	$130200	$	$130200

Owner Data

Name(s):	UDD RODNEY D & CAROL A
Address:	9751 SLALOM DRIVE
City,State, Zip:	ANCHORAGE AK, 99516-1088

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Parcel Information

ALASKA INDUSTRIAL BLK 5 LT 13 (Commercial Property) **Tax ID: 00407523**

Site Address:	2410 COMMERCIAL DR		
Square Footage:	39689 (0.91 Acres)	Drainage:	GOOD
Zoning:	I1	Grade to Street:	
Land Use:	AUTO SERVICE GARAGE	Street Feature:	PAVED, CURB & GUTTER
Class:	Commercial	Traffic:	HIGH
Deed:	14 May 99, Book 3471, Page 601	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$148800	$205500	$354300
2002 Value	$148800	$222700	$371500
2003 Value	$148800	$233500	$382300

Owner Data

Name(s):	JOLLEY THOMAS W & KATHY L
Address:	2401 E 4TH AVENUE
City,State, Zip:	ANCHORAGE AK, 99501-3003

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Parcel Information

ALASKA INDUSTRIAL BLK 3 LT 15A (Commercial Property) **Tax ID: 00407521**

Site Address:			
Square Footage:	44000 (1.01 Acres)	Drainage:	GOOD
Zoning:	I1	Grade to Street:	
Land Use:	WAREHOUSE	Street Feature:	PAVED
Class:	Commercial	Traffic:	LOW
Deed:	12 Mar 01, Book 3787, Page 194	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$148500	$420800	$569300
2002 Value	$148500	$434800	$583300
2003 Value	$156700	$475900	$632600

Owner Data

Name(s):	HENRICKSON ENTERPRISES LLC
Address:	2938 PRINCETON WAY
City,State, Zip:	ANCHORAGE AK, 99508-4479

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Parcel Information

ALASKA INDUSTRIAL BLK 5 LT 17 (Commercial Property) **Tax ID: 00407522**

Site Address:	352 W CHIPPERFIELD DR		
Square Footage:	22000 (0.51 Acres)	Drainage:	GOOD
Zoning:	I1	Grade to Street:	
Land Use:	VACANT LAND	Street Feature:	PAVED
Class:	Commercial	Traffic:	LOW
Deed:	12 Mar 01, Book 3787, Page 194	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$74200	$	$74200
2002 Value	$74200	$	$74200
2003 Value	$78400	$	$78400

Owner Data

Name(s):	HENRICKSON ENTERPRISES LLC
Address:	2938 PRINCETON WAY
City,State, Zip:	ANCHORAGE AK, 99508-4479

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Parcel Information

ALASKA INDUSTRIAL BLK 5 LT 18 (Commercial Property) **Tax ID: 00407504**

Site Address:	2449 E 4TH AVE		
Square Footage:	26701 (0.61 Acres)	Drainage:	GOOD
Zoning:	I1	Grade to Street:	
Land Use:	VACANT LAND	Street Feature:	PAVED
Class:	Commercial	Traffic:	LOW
Deed:	12 Mar 01, Book 3787, Page 194	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$90100	$	$90100
2002 Value	$95100	$	$95100
2003 Value	$95100	$	$95100

Owner Data

Name(s):	HENRICKSON ENTERPRISES LLC
Address:	2938 PRINCETON WAY
City,State, Zip:	ANCHORAGE AK, 99508-4479

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Parcel Information

ALASKA INDUSTRIAL BLK 6 LT 3A (Commercial Property) **Tax ID: 00407307**

Site Address:			
Square Footage:	128938 (2.96 Acres)	Drainage:	GOOD
Zoning:	I1	Grade to Street:	
Land Use:	AUTO DEALER FULL SVRC	Street Feature:	PAVED, CURB & GUTTER
Class:	Commercial	Traffic:	LOW
Deed:	29 Jan 91, Book 2119, Page 989	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$857500	$1397900	$2255400
2002 Value	$857500	$1443800	$2301300
2003 Value	$857500	$1606500	$2464000

Owner Data

Name(s):	ANCHORAGE CHRYSLER CENTER INC
Address:	2601 EAST 5TH AVE
City,State, Zip:	ANCHORAGE AK, 99501-3078

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Parcel Information

ALASKA INDUSTRIAL BLK 5 LT 8 (Commercial Property) **Tax ID: 00407512**

Site Address:	2300 COMMERCIAL DR		
Square Footage:	14509 (0.33 Acres)	Drainage:	GOOD
Zoning:	I1	Grade to Street:	
Land Use:	VACANT LAND	Street Feature:	PAVED, CURB & GUTTER
Class:	Commercial	Traffic:	MEDIUM
Deed:	28 Feb 92, Book 2244, Page 730	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$54400	$	$54400
2002 Value	$54400	$	$54400
2003 Value	$54400	$	$54400

Owner Data

Name(s):	WEST FIVE ENTERPRISES, % RAL WEST
Address:	6222 W DIMOND BLVD
City,State, Zip:	ANCHORAGE AK, 99502-4006

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Parcel Information

ALASKA INDUSTRIAL BLK 5 LT 1A (Commercial Property) **Tax ID: 00407524**

Site Address:	2401 E 4TH AVE		
Square Footage:	43526 (1.00 Acres)	Drainage:	GOOD
Zoning:	I1	Grade to Street:	
Land Use:	AUTO SERVICE GARAGE	Street Feature:	PAVED
Class:	Commercial	Traffic:	MEDIUM
Deed:	21 Jun 99, Book 3490, Page 512	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$146900	$418300	$565200
2002 Value	$155000	$452400	$607400
2003 Value	$155000	$511200	$666200

Owner Data

Name(s):	JOLLEY THOMAS W & KATHY L
Address:	2401 E 4TH AVENUE
City,State, Zip:	ANCHORAGE AK, 99501-3003

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Parcel Information

ALASKA INDUSTRIAL BLK 5 LT 11 REM (Commercial Property) **Tax ID: 00407515**

Site Address:	2360 COMMERCIAL DR		
Square Footage:	14924 (0.34 Acres)	Drainage:	GOOD
Zoning:	I1	Grade to Street:	
Land Use:	OFFICE WAREHOUSE	Street Feature:	PAVED, CURB & GUTTER
Class:	Commercial	Traffic:	HIGH
Deed:	30 Dec 97, Book 3175, Page 203	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$56000	$350200	$406200
2002 Value	$56000	$362000	$418000
2003 Value	$56000	$370700	$419286

Owner Data

Name(s):	BRODAHL CHARLES & ERDIE, FAMILY LTD PARTNERSHIP
Address:	6510 LIMESTONE CIRCLE
City,State, Zip:	ANCHORAGE AK, 99507-0000

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Parcel Information

ALASKA INDUSTRIAL BLK 5 LT 13 (Commercial Property) **Tax ID: 00407523**

Site Address:	2410 COMMERCIAL DR		
Square Footage:	39689 (0.91 Acres)	Drainage:	GOOD
Zoning:	I1	Grade to Street:	
Land Use:	AUTO SERVICE GARAGE	Street Feature:	PAVED, CURB & GUTTER
Class:	Commercial	Traffic:	HIGH
Deed:	14 May 99, Book 3471, Page 601	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$148800	$205500	$354300
2002 Value	$148800	$222700	$371500
2003 Value	$148800	$233500	$382300

Owner Data

Name(s):	JOLLEY THOMAS W & KATHY L
Address:	2401 E 4TH AVENUE
City,State, Zip:	ANCHORAGE AK, 99501-3003

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Parcel Information

FOURTH ADDITION BLK 26B LT 6A (Commercial Property) **Tax ID: 00308151**

Site Address:	2000 E 3RD AVE		
Square Footage:	10843 (0.25 Acres)	Drainage:	GOOD
Zoning:	B3	Grade to Street:	
Land Use:	VACANT LAND	Street Feature:	PAVED, CURB & GUTTER
Class:	Commercial	Traffic:	HIGH
Deed:	21 Sep 98, Book 3327, Page 452	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$73200	$	$73200
2002 Value	$73200	$	$73200
2003 Value	$73200	$	$73200

Owner Data

Name(s):	WESTERN POWER & EQUIPMENT CORP
Address:	6407 NE 117TH AVENUE #B
City,State, Zip:	VANCOUVER WA, 98662-5559

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Parcel Information

FOURTH ADDITION BLK 26B LT 7A (Residential Property) **Tax ID: 00308150**

Site Address:	2007 E 4TH AVE		
Square Footage:	10846 (0.25 Acres)	Drainage:	GOOD
Zoning:	B3	Grade to Street:	EVEN
Land Use:	SINGLE FAMILY	Street Feature:	PAVED, CURB & GUTTER
Class:	Residential	Traffic:	LOW
Deed:	28 May 02, Book 2002, Page 349830	Utilities:	PUBLIC WATER, PUBLIC SEWER

Structure Data (for Residential Properties Only)

Structure Style:	OTHER		
Exterior Wall Cover:	LOG	Living Area:	1288 sq. feet
Year Built:	1953	Floor Areas(b\1\2\3\h):	0 \ 736 \ 0 \ 0 \ 736
Bedrooms:	3		
Bathrooms:	1 (0 half)		
Heating Type:	FORCED AIR	Special Info:	
Heating Rating:	CENTRAL		
Heating Fuel:	NATURAL GAS	Condo Style:	

Assessment Data

Year	Parcel	Building	Total
2001 Value	$51200	$2300	$53500
2002 Value	$51200	$2400	$53600
2003 Value	$51200	$47400	$98600

Owner Data

Name(s):	LENA AMIR & BURBUQE &, IBRAIMI NEDZIP & SUZETTE
Address:	2007 E 4TH AVENUE
City,State, Zip:	ANCHORAGE AK, 99502-4239

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Parcel Information

FOURTH ADDITION BLK 26B LT 1 (Commercial Property) **Tax ID: 00308146**

Site Address:	2043 E 3RD AVE		
Square Footage:	6650 (0.15 Acres)	Drainage:	GOOD
Zoning:	B3	Grade to Street:	
Land Use:	WAREHOUSE	Street Feature:	PAVED, CURB & GUTTER
Class:	Commercial	Traffic:	HIGH
Deed:	02 Apr 98, Book 3223, Page 125	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$44900	$169000	$213900
2002 Value	$44900	$174700	$219600
2003 Value	$44900	$180200	$225100

Owner Data

Name(s):	LUTH WILLIAM A
Address:	PO BOX 428
City,State, Zip:	WILLOW AK, 99688-0428

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Parcel Information

FOURTH ADDITION BLK 26D LT 2 N2 (Commercial Property) **Tax ID: 00308158**

Site Address:

Square Footage:	3325 (0.08 Acres)	Drainage:	GOOD
Zoning:	B3	Grade to Street:	
Land Use:	VACANT LAND	Street Feature:	PAVED, CURB & GUTTER
Class:	Commercial	Traffic:	MEDIUM
Deed:	30 Jun 99, Book 3496, Page 818	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$17900	$1200	$19100
2002 Value	$17900	$1200	$19100
2003 Value	$17900	$1300	$19200

Owner Data

Name(s):	SELLERS DAN C
Address:	2036 E 3RD AVENUE
City,State, Zip:	ANCHORAGE AK, 99501-2903

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Parcel Information

FOURTH ADDITION BLK 26D LT 3 (Residential Property) **Tax ID: 00308122**

Site Address:	2014 E 4TH AVE		
Square Footage:	6650 (0.15 Acres)	Drainage:	GOOD
Zoning:	B3	Grade to Street:	EVEN
Land Use:	SINGLE FAMILY	Street Feature:	PAVED, CURB & GUTTER
Class:	Residential	Traffic:	LOW
Deed:	15 Mar 00, Book 3607, Page 289	Utilities:	PUBLIC WATER, PUBLIC SEWER

Structure Data (for Residential Properties Only)

Structure Style:	RANCH		
Exterior Wall Cover:	LOG	Living Area:	975 sq. feet
Year Built:	1950	Floor Areas(b\1\2\3\h):	0 \ 975 \ 0 \ 0 \ 0
Bedrooms:	1		
Bathrooms:	1 (0 half)		
Heating Type:	NONE	Special Info:	
Heating Rating:	NONE		
Heating Fuel:	NONE	Condo Style:	

Assessment Data

Year	Parcel	Building	Total
2001 Value	$31400	$5900	$37300
2002 Value	$31400	$6000	$37400
2003 Value	$31400	$37300	$68700

Owner Data

Name(s):	SELLERS DAN C
Address:	2007 E 4TH AVENUE
City,State, Zip:	ANCHORAGE AK, 99501-2910

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Parcel Information

FOURTH ADDITION BLK 26D LT 4 (Commercial Property) **Tax ID: 00308121**

Site Address:	2012 E 4TH AVE		
Square Footage:	6650 (0.15 Acres)	Drainage:	GOOD
Zoning:	B3	Grade to Street:	
Land Use:	VACANT LAND	Street Feature:	PAVED, CURB & GUTTER
Class:	Commercial	Traffic:	LOW
Deed:	10 Nov 88, Book 1814, Page 54	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$31400	$	$31400
2002 Value	$31400	$	$31400
2003 Value	$31400	$	$31400

Owner Data

Name(s):	GRIGGS ROSEMARY W &, CHABERNAUD SIMONE L
Address:	3215 MOUNTAIN VIEW DRIVE
City,State, Zip:	ANCHORAGE AK, 99501-3108

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Parcel Information

FOURTH ADDITION BLK 26D LT 5 (Commercial Property) **Tax ID: 00308120**

Site Address:	2010 E 4TH AVE		
Square Footage:	6650 (0.15 Acres)	Drainage:	GOOD
Zoning:	B3	Grade to Street:	
Land Use:	APARTMENT GARDEN	Street Feature:	PAVED, CURB & GUTTER
Class:	Commercial	Traffic:	LOW
Deed:	03 Feb 95, Book 2753, Page 863	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$31400	$113500	$144900
2002 Value	$31400	$154400	$185800
2003 Value	$31400	$211900	$243300

Owner Data

Name(s):	CARPENTIER DAVID M & KATHY A, FAMILY TRUSTS (50% EACH), CARPENTIER D M & K A/TRUSTEES
Address:	PO BOX 102360
City,State, Zip:	ANCHORAGE AK, 99510-2360

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Parcel Information

FOURTH ADDITION BLK 26D LT 6 (Residential Property) **Tax ID: 00308119**

Site Address:	2008 E 4TH AVE		
Square Footage:	6650 (0.15 Acres)	Drainage:	GOOD
Zoning:	B3	Grade to Street:	EVEN
Land Use:	DUPLEX	Street Feature:	PAVED, CURB & GUTTER
Class:	Residential	Traffic:	LOW
Deed:	10 Sep 01, Book 2001, Page 610050	Utilities:	PUBLIC WATER, PUBLIC SEWER

Structure Data (for Residential Properties Only)

Structure Style:	OTHER		
Exterior Wall Cover:	ASPHALT	Living Area:	1026 sq. feet
Year Built:	1940	Floor Areas(b\1\2\3\h):	0 \ 816 \ 0 \ 0 \ 0
Bedrooms:	4		
Bathrooms:	2 (0 half)		
Heating Type:	HOT WATER	Special Info:	
Heating Rating:	CENTRAL		
Heating Fuel:	NATURAL GAS	Condo Style:	

Assessment Data

Year	Parcel	Building	Total
2001 Value	$31400	$3800	$35200
2002 Value	$31400	$4100	$35500
2003 Value	$31400	$56900	$88300

Owner Data

Name(s):	FERGUSON TIMOHTY C
Address:	2008 E 4TH AVENUE
City,State, Zip:	ANCHORAGE AK, 99501-2911

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Parcel Information

MARTIN LT 2 (Commercial Property) **Tax ID: 00308153**

Site Address:	431 UNGA ST		
Square Footage:	149300 (3.43 Acres)	Drainage:	GOOD
Zoning:	I1	Grade to Street:	
Land Use:	AUTO DEALER FULL SVRC	Street Feature:	PAVED, CURB & GUTTER
Class:	Commercial	Traffic:	HIGH
Deed:	03 Apr 97, Book 3046, Page 311	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$1045100	$592000	$1637100
2002 Value	$1045100	$604900	$1650000
2003 Value	$1045100	$649200	$1694300

Owner Data

Name(s):	CAL WORTHINGTON TRUST, WORTHINGTON CAL/TRUSTEE
Address:	12565 AUTO MALL CIRCLE
City,State, Zip:	FOLSOM CA, 95630-8300

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Parcel Information

FOURTH ADDITION BLK 26D LT 10A (Commercial Property) **Tax ID: 00308147**

Site Address:	2037 E 5TH AVE		
Square Footage:	11909 (0.27 Acres)	Drainage.	GOOD
Zoning:	B3	Grade to Street:	
Land Use:	HOTEL/MOTEL LOW RISE	Street Feature:	PAVED, CURB & GUTTER
Class:	Commercial	Traffic:	HIGH
Deed:	28 Apr 00, Book 3625, Page 479	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$89300	$227100	$316400
2002 Value	$	$	$
2003 Value	$	$	$

Owner Data

Name(s):	ALI MOHAMMAD
Address:	7350 DURENDA CIRCLE
City,State, Zip:	ANCHORAGE AK, 99507-2892

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Parcel Information

FOURTH ADDITION BLK 26D LT 9 (Commercial Property) **Tax ID: 00308107**

Site Address:	2017 E 5TH AVE		
Square Footage:	6175 (0.14 Acres)	Drainage:	GOOD
Zoning:	B3	Grade to Street:	
Land Use:	VACANT LAND	Street Feature:	PAVED, CURB & GUTTER
Class:	Commercial	Traffic:	HIGH
Deed:	01 Mar 93, Book 2381, Page 744	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$46300	$	$46300
2002 Value	$46300	$	$46300
2003 Value	$46300	$	$46300

Owner Data

Name(s):	CREAM PUFF AUTO INC, EGGMAN PETER &, UNGARO VITO
Address:	149 MULDOON ROAD
City,State, Zip:	ANCHORAGE AK, 99504-1402

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Parcel Information

FOURTH ADDITION BLK 26D LT 8 (Commercial Property) **Tax ID: 00308108**

Site Address:	2009 E 5TH AVE		
Square Footage:	6413 (0.15 Acres)	Drainage:	GOOD
Zoning:	B3	Grade to Street:	
Land Use:	VACANT LAND	Street Feature:	PAVED, CURB & GUTTER
Class:	Commercial	Traffic:	HIGH
Deed:	01 Mar 93, Book 2381, Page 744	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$48100	$	$48100
2002 Value	$48100	$	$48100
2003 Value	$48100	$	$48100

Owner Data

Name(s):	CREAM PUFF AUTO INC, EGGMAN PETER &, UNGARO VITO
Address:	149 MULDOON ROAD
City,State, Zip:	ANCHORAGE AK, 99504-1402

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Parcel Information

FOURTH ADDITION BLK 26D LT 7 (Commercial Property) **Tax ID: 00308109**

Site Address:	2001 E 5TH AVE		
Square Footage:	6175 (0.14 Acres)	Drainage:	GOOD
Zoning:	B3	Grade to Street:	
Land Use:	RETAIL - SINGLE OCCU.	Street Feature:	PAVED, CURB & GUTTER
Class:	Commercial	Traffic:	HIGH
Deed:	01 Mar 93, Book 2381, Page 744	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$46300	$24600	$70900
2002 Value	$46300	$27000	$73300
2003 Value	$46300	$29600	$75900

Owner Data

Name(s):	CREAM PUFF AUTO INC, EGGMAN PETER &, UNGARO VITO
Address:	149 MULDOON ROAD
City,State, Zip:	ANCHORAGE AK, 99504-1402

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Parcel Information

FOURTH ADDITION BLK 26B LT 7A (Residential Property) **Tax ID: 00308150**

Site Address:	2007 E 4TH AVE		
Square Footage:	10846 (0.25 Acres)	Drainage:	GOOD
Zoning:	B3	Grade to Street:	EVEN
Land Use:	SINGLE FAMILY	Street Feature:	PAVED, CURB & GUTTER
Class:	Residential	Traffic:	LOW
Deed:	28 May 02, Book 2002, Page 349830	Utilities:	PUBLIC WATER, PUBLIC SEWER

Structure Data (for Residential Properties Only)

Structure Style:	OTHER		
Exterior Wall Cover:	LOG	Living Area:	1288 sq. feet
Year Built:	1953	Floor Areas(b\1\2\3\h):	0 \ 736 \ 0 \ 0 \ 736
Bedrooms:	3		
Bathrooms:	1 (0 half)		
Heating Type:	FORCED AIR	Special Info:	
Heating Rating:	CENTRAL		
Heating Fuel:	NATURAL GAS	Condo Style:	

Assessment Data

Year	Parcel	Building	Total
2001 Value	$51200	$2300	$53500
2002 Value	$51200	$2400	$53600
2003 Value	$51200	$47400	$98600

Owner Data

Name(s):	LENA AMIR & BURBUQE &, IBRAIMI NEDZIP & SUZETTE
Address:	2007 E 4TH AVENUE
City,State, Zip:	ANCHORAGE AK, 99502-4239

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Parcel Information

FOURTH ADDITION BLK 26A LT 1B (Commercial Property) **Tax ID: 00308148**

Site Address:	1920 E 3RD AVE		
Square Footage:	32162 (0.74 Acres)	Drainage:	GOOD
Zoning:	B3	Grade to Street:	
Land Use:	AUTO DEALER FULL SVRC	Street Feature:	PAVED, CURB & GUTTER
Class:	Commercial	Traffic:	HIGH
Deed:	21 Sep 98, Book 3327, Page 452	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$215600	$470200	$685800
2002 Value	$215600	$492800	$708400
2003 Value	$215600	$546000	$761600

Owner Data

Name(s):	WESTERN POWER & EQUIPMENT CORP
Address:	6407 NE 117TH AVENUE #B
City,State, Zip:	VANCOUVER WA, 98662-5559

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Parcel Information

FOURTH ADDITION BLK 26A LT 5 (Commercial Property) **Tax ID: 00308139**

Site Address:	1910 E 3RD AVE		
Square Footage:	7000 (0.16 Acres)	Drainage:	GOOD
Zoning:	B3	Grade to Street:	
Land Use:	VACANT LAND	Street Feature:	PAVED
Class:	Commercial	Traffic:	HIGH
Deed:	21 Sep 98, Book 3327, Page 452	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$45700	$2900	$48600
2002 Value	$45700	$2600	$48300
2003 Value	$45700	$	$45700

Owner Data

Name(s):	WESTERN POWER & EQUIPMENT CORP
Address:	6407-B NE 117TH AVENUE
City,State, Zip:	VANCOUVER WA, 98662-5559

Opt-Out | What does Opt-Out mean?

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Parcel Information

FOURTH ADDITION BLK 26A LT 6 (Commercial Property) **Tax ID: 00308138**

Site Address:	1900 E 3RD AVE		
Square Footage:	7000 (0.16 Acres)	Drainage:	GOOD
Zoning:	B3	Grade to Street:	
Land Use:	OFFICE WAREHOUSE	Street Feature:	PAVED
Class:	Commercial	Traffic:	HIGH
Deed:	28 Dec 95, Book 2872, Page 745	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$46400	$213100	$259500
2002 Value	$46400	$223500	$269900
2003 Value	$46400	$234200	$280600

Owner Data

Name(s):	STACY DAVE D
Address:	1900 E 3RD AVENUE
City,State, Zip:	ANCHORAGE AK, 99501-2901

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Parcel Information

FOURTH ADDITION TR 31 TR E2A (Commercial Property) **Tax ID: 00308316**

Site Address:	1870 COMMERCIAL DR		
Square Footage:	44581 (1.02 Acres)	Drainage:	GOOD
Zoning:	B3	Grade to Street:	
Land Use:	OFFICE WAREHOUSE	Street Feature:	PAVED
Class:	Commercial	Traffic:	HIGH
Deed:	04 Feb 99, Book 3418, Page 605	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$270800	$584000	$854800
2002 Value	$270800	$601300	$872100
2003 Value	$	$	$

Owner Data

Name(s):	PALMER TOWER LLC, % SIX STATES DISTRIBUTION
Address:	PO BOX 20005
City,State, Zip:	SALT LAKE CITY UT, 84126-0005

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Parcel Information

FOURTH ADDITION BLK 31A LT 1A (Commercial Property) **Tax ID: 00308313**

Site Address:	1675 E 5TH AVE		
Square Footage:	27780 (0.64 Acres)	Drainage:	GOOD
Zoning:	B3	Grade to Street:	
Land Use:	RESTAURANT	Street Feature:	PAVED, CURB & GUTTER
Class:	Commercial	Traffic:	HIGH
Deed:	06 Jun 02, Book 2002, Page 379050	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$208400	$332600	$541000
2002 Value	$208400	$341700	$550100
2003 Value	$208400	$345200	$553600

Owner Data

Name(s):	FMB LLC
Address:	1675 E 5TH AVENUE
City,State, Zip:	ANCHORAGE AK, 99501-2836

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Parcel Information

FOURTH ADDITION BLK 31B LT 4B (Commercial Property) **Tax ID: 00308325**

Site Address:	410 SITKA ST		
Square Footage:	38277 (0.88 Acres)	Drainage:	GOOD
Zoning:	B3	Grade to Street:	
Land Use:	HOTEL/MOTEL LOW RISE	Street Feature:	PAVED, CURB & GUTTER
Class:	Commercial	Traffic:	0
Deed:	08 Sep 99, Book 3532, Page 62	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$201000	$1570200	$1771200
2002 Value	$201000	$1153300	$1354300
2003 Value	$201000	$985600	$1186600

Owner Data

Name(s):	SS AND SONS LLC
Address:	420 SITKA STREET
City,State, Zip:	ANCHORAGE AK, 99501-0000

Opt-Out What does Opt-Out mean?

FOURTH ADDITION BLK 31B LT 4B (Commercial Property) **Tax ID: 00308325**

Site Address:	410 SITKA ST		
Square Footage:	38277 (0.88 Acres)	Drainage:	GOOD
Zoning:	B3	Grade to Street:	
Land Use:	HOTEL/MOTEL LOW RISE	Street Feature:	PAVED, CURB & GUTTER
Class:	Commercial	Traffic:	MEDIUM
Deed:	08 Sep 99, Book 3532, Page 62	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$201000	$1570200	$1771200
2002 Value	$201000	$1153300	$1354300
2003 Value	$201000	$985600	$1186600

Owner Data

Name(s):	SS AND SONS LLC
Address:	420 SITKA STREET
City,State, Zip:	ANCHORAGE AK, 99501-0000

Opt-Out What does Opt-Out mean?

FOURTH ADDITION BLK 31B LT 4B (Commercial Property) **Tax ID: 00308325**

Site Address:	410 SITKA ST		
Square Footage:	38277 (0.88 Acres)	Drainage:	GOOD
Zoning:	B3	Grade to Street:	
Land Use:	HOTEL/MOTEL LOW RISE	Street Feature:	PAVED, CURB & GUTTER
Class:	Commercial	Traffic:	0

Parcel Information

FOURTH ADDITION BLK 31B LT 4A (Commercial Property) **Tax ID: 00308324**

Site Address:	1851 E 5TH AVE		
Square Footage:	38224 (0.88 Acres)	Drainage:	GOOD
Zoning:	B3	Grade to Street:	
Land Use:	RESTAURANT	Street Feature:	PAVED, CURB & GUTTER
Class:	Commercial	Traffic:	HIGH
Deed:	20 Nov 02, Book 2002, Page 867230	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$258000	$187600	$445600
2002 Value	$258000	$203700	$461700
2003 Value	$258000	$218100	$476100

Owner Data

Name(s):	ANMP 74TH STREET LLC
Address:	15021 NORTH 74TH STREET
City,State, Zip:	SCOTTSDALE AZ, 85260-0000

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Parcel Information

FOURTH ADDITION BLK 26C LT 10A (Commercial Property) **Tax ID: 00308110**

Site Address:	1943 E 5TH AVE		
Square Footage:	19500 (0.45 Acres)	Drainage:	GOOD
Zoning:	B3	Grade to Street:	
Land Use:	AUTO SERVICE GARAGE	Street Feature:	PAVED, CURB & GUTTER
Class:	Commercial	Traffic:	HIGH
Deed.	05 Apr 96, Book 2909, Page 125	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$146300	$147200	$293500
2002 Value	$146300	$154400	$300700
2003 Value	$146300	$165900	$312200

Owner Data

Name(s):	EICHHOLZ K S & P TRUST
Address:	PO BOX 141822
City,State, Zip:	ANCHORAGE AK, 99514-1822

Opt-Out | What does Opt-Out mean?

FOURTH ADDITION BLK 26C LT 10A (Commercial Property) **Tax ID: 00308110**

Site Address:	1943 E 5TH AVE		
Square Footage:	19500 (0.45 Acres)	Drainage:	GOOD
Zoning:	B3	Grade to Street:	
Land Use:	AUTO SERVICE GARAGE	Street Feature:	PAVED, CURB & GUTTER
Class:	Commercial	Traffic:	HIGH
Deed:	05 Apr 96, Book 2909, Page 125	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$146300	$147200	$293500
2002 Value	$146300	$154400	$300700
2003 Value	$146300	$165900	$312200

Owner Data

Name(s):	EICHHOLZ K S & P TRUST
Address:	PO BOX 141822
City,State, Zip:	ANCHORAGE AK, 99514-1822

Opt-Out | What does Opt-Out mean?

FOURTH ADDITION BLK 26C LT 10A (Commercial Property) **Tax ID: 00308110**

Site Address:	1943 E 5TH AVE		
Square Footage:	19500 (0.45 Acres)	Drainage:	GOOD
Zoning:	B3	Grade to Street:	
Land Use:	AUTO SERVICE GARAGE	Street Feature:	PAVED, CURB & GUTTER
Class:	Commercial	Traffic:	HIGH

Parcel Information

FOURTH ADDITION BLK 26C LT 1A (Commercial Property) **Tax ID: 00308118**

Site Address:

Square Footage:	14000 (0.32 Acres)	Drainage:	GOOD
Zoning:	B3	Grade to Street:	
Land Use:	WAREHOUSE	Street Feature:	PAVED, CURB & GUTTER
Class:	Commercial	Traffic:	LOW
Deed:	26 Sep 85, Book 1321, Page 399	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$66100	$269500	$335600
2002 Value	$66100	$282300	$348400
2003 Value	$66100	$252000	$318100

Owner Data

Name(s):	AMERICAN TIRE WAREHOUSE INC
Address:	219 3RD AVE
City,State, Zip:	FAIRBANKS AK, 99701-4816

Opt-Out | What does Opt-Out mean?

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Parcel Information

FOURTH ADDITION BLK 26C LT 4 (Commercial Property) **Tax ID: 00308116**

Site Address:	1922 E 4TH AVE		
Square Footage:	7000 (0.16 Acres)	Drainage:	GOOD
Zoning:	B3	Grade to Street:	
Land Use:	VACANT LAND	Street Feature:	PAVED, CURB & GUTTER
Class:	Commercial	Traffic:	LOW
Deed:	24 Oct 02, Book 2002, Page 769300	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$33100	$	$33100
2002 Value	$33100	$	$33100
2003 Value	$33100	$	$33100

Owner Data

Name(s):	HARTMAN KATHY LIVING TRUST
Address:	333 M STREET #401
City,State, Zip:	ANCHORAGE AK, 99501-1902

Opt-Out | What does Opt-Out mean?

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Parcel Information

FOURTH ADDITION BLK 26C LT 5 (Commercial Property) **Tax ID: 00308115**

Site Address:	1910 E 4TH AVE		
Square Footage:	7000 (0.16 Acres)	Drainage:	GOOD
Zoning:	B3	Grade to Street:	
Land Use:	VACANT LAND	Street Feature:	PAVED, CURB & GUTTER
Class:	Commercial	Traffic:	LOW
Deed:	24 Oct 02, Book 2002, Page 769300	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$33100	$	$33100
2002 Value	$33100	$	$33100
2003 Value	$33100	$	$33100

Owner Data

Name(s):	HARTMAN KATHY LIVING TRUST
Address:	333 M STREET #401
City,State, Zip:	ANCHORAGE AK, 99501-1902

Opt-Out What does Opt-Out mean?

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Parcel Information

FOURTH ADDITION BLK 26C LT 6 (Commercial Property) **Tax ID: 00308114**

Site Address:	411 SITKA ST		
Square Footage:	7000 (0.16 Acres)	Drainage:	GOOD
Zoning:	B3	Grade to Street:	
Land Use:	VACANT LAND	Street Feature:	PAVED, CURB & GUTTER
Class:	Commercial	Traffic:	MEDIUM
Deed:	24 Oct 02, Book 2002, Page 769300	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$37800	$	$37800
2002 Value	$37800	$	$37800
2003 Value	$37800	$	$37800

Owner Data

Name(s):	HARTMAN KATHY LIVING TRUST
Address:	333 M STREET #401
City,State, Zip:	ANCHORAGE AK, 99501-1902

Opt-Out | What does Opt-Out mean?

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Parcel Information

FOURTH ADDITION BLK 26C LT 7 (Commercial Property) **Tax ID: 00308113**

Site Address:

Square Footage:	6425 (0.15 Acres)	Drainage:	GOOD
Zoning:	B3	Grade to Street:	
Land Use:	BAR/LOUNGE	Street Feature:	PAVED, CURB & GUTTER
Class:	Commercial	Traffic:	HIGH
Deed:	24 Oct 02, Book 2002, Page 769300	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$48200	$3500	$51700
2002 Value	$48200	$3500	$51700
2003 Value	$48200	$3900	$52100

Owner Data

Name(s):	HARTMAN KATHY LIVING TRUST
Address:	333 M STREET #401
City,State, Zip:	ANCHORAGE AK, 99501-1902

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Parcel Information

FOURTH ADDITION BLK 26C LT 8 (Commercial Property) **Tax ID: 00308112**

Site Address:	1911 E 5TH AVE		
Square Footage:	6500 (0.15 Acres)	Drainage:	GOOD
Zoning:	B3	Grade to Street:	
Land Use:	BAR/LOUNGE	Street Feature:	PAVED, CURB & GUTTER
Class:	Commercial	Traffic:	HIGH
Deed:	24 Oct 02, Book 2002, Page 769300	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$48800	$195000	$243800
2002 Value	$48800	$211300	$260100
2003 Value	$48800	$264300	$313100

Owner Data

Name(s):	HARTMAN KATHY LIVING TRUST
Address:	333 M STREET #401
City,State, Zip:	ANCHORAGE AK, 99501-1902

Opt-Out | What does Opt-Out mean?

FOURTH ADDITION BLK 26C LT 8 (Commercial Property) **Tax ID: 00308112**

Site Address:	1911 E 5TH AVE		
Square Footage:	6500 (0.15 Acres)	Drainage:	GOOD
Zoning:	B3	Grade to Street:	
Land Use:	BAR/LOUNGE	Street Feature:	PAVED, CURB & GUTTER
Class:	Commercial	Traffic:	HIGH
Deed:	24 Oct 02, Book 2002, Page 769300	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$48800	$195000	$243800
2002 Value	$48800	$211300	$260100
2003 Value	$48800	$264300	$313100

Owner Data

Name(s):	HARTMAN KATHY LIVING TRUST
Address:	333 M STREET #401
City,State, Zip:	ANCHORAGE AK, 99501-1902

Opt-Out | What does Opt-Out mean?

FOURTH ADDITION BLK 26C LT 8 (Commercial Property) **Tax ID: 00308112**

Site Address:	1911 E 5TH AVE		
Square Footage:	6500 (0.15 Acres)	Drainage:	GOOD
Zoning:	B3	Grade to Street:	
Land Use:	BAR/LOUNGE	Street Feature:	PAVED, CURB & GUTTER
Class:	Commercial	Traffic:	HIGH

Parcel Information

FOURTH ADDITION BLK 26C LT 9 (Commercial Property) **Tax ID: 00308111**

Site Address:	1917 E 5TH AVE		
Square Footage:	6500 (0.15 Acres)	Drainage:	GOOD
Zoning:	B3	Grade to Street:	
Land Use:	BAR/LOUNGE	Street Feature:	PAVED, CURB & GUTTER
Class:	Commercial	Traffic:	HIGH
Deed:	24 Oct 02, Book 2002, Page 769300	Utilities:	COMM WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$48800	$3600	$52400
2002 Value	$48800	$3600	$52400
2003 Value	$48800	$3900	$52700

Owner Data

Name(s):	HARTMAN KATHY LIVING TRUST
Address:	333 M STREET #401
City,State, Zip:	ANCHORAGE AK, 99501-1902

Opt-Out | What does Opt-Out mean?

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Parcel Information

T13N R3W SEC 13 LT 57 LESS W60' (Residential Property) **Tax ID: 00603309**

Site Address:	7815 E 2ND AVE		
Square Footage:	32768 (0.75 Acres)	Drainage:	GOOD
Zoning:	B3	Grade to Street:	EVEN
Land Use:	SINGLE FAMILY	Street Feature:	PAVED
Class:	Residential	Traffic:	LOW
Deed:		Utilities:	PUBLIC WATER, PUBLIC SEWER

Structure Data (for Residential Properties Only)

Structure Style:	RANCH		
Exterior Wall Cover:	WOOD	Living Area:	1164 sq. feet
Year Built:	1952	Floor Areas(b\1\2\3\h):	0 \ 1164 \ 0 \ 0 \ 0
Bedrooms:	3		
Bathrooms:	1 (0 half)		
Heating Type:	HOT WATER	Special Info:	SAUNA
Heating Rating:	CENTRAL		
Heating Fuel:	NATURAL GAS	Condo Style:	

Assessment Data

Year	Parcel	Building	Total
2001 Value	$163800	$46100	$209900
2002 Value	$163800	$55500	$219300
2003 Value	$163800	$61400	$225200

Owner Data

Name(s):	ANDERSON O O & AK
Address:	242 MULDOON RD
City,State, Zip:	ANCH AK, 99504-1502

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Parcel Information

T13N R3W SEC 13 LT 9 (Commercial Property) **Tax ID: 00603108**

Site Address:	106 MULDOON RD		
Square Footage:	81910 (1.88 Acres)	Drainage:	GOOD
Zoning:	B3	Grade to Street:	
Land Use:	STRIP SHOPPING CTG	Street Feature:	PAVED, CURB & GUTTER
Class:	Commercial	Traffic:	HIGH
Deed:	24 Feb 93, Book 2379, Page 104	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$511900	$800000	$1311900
2002 Value	$511900	$813500	$1325400
2003 Value	$511900	$821300	$1329094

Owner Data

Name(s):	CENTRAL CORE, REDEVELOPMENT CORP
Address:	PO BOX 201908
City,State, Zip:	ANCHORAGE AK, 99520-1908

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Parcel Information

T13N R3W SEC 13 LT 8 NW4 PTN W110' OF THE N132' OF NW4 LT 8 (Commercial Property)

Tax ID: 00604104

Site Address:	111 MULDOON RD		
Square Footage:	14520 (0.33 Acres)	Drainage:	GOOD
Zoning:	B3	Grade to Street:	
Land Use:	APARTMENT GARDEN	Street Feature:	PAVED, CURB & GUTTER
Class:	Commercial	Traffic:	HIGH
Deed:	23 Aug 00, Book 3679, Page 502	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$90800	$200800	$291600
2002 Value	$90800	$230300	$321100
2003 Value	$90800	$273500	$364300

Owner Data

Name(s):	SCHNEIDER FAMILY PARTNERSHIP
Address:	4141 B STREET STE 410
City,State, Zip:	ANCHORAGE AK, 99503-5943

Opt-Out What does Opt-Out mean?

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Parcel Information

T13N R3W SEC 13 LT 8 S2 (Commercial Property) **Tax ID: 00604103**

Site Address:	151 MULDOON RD		
Square Footage:	46235 (1.06 Acres)	Drainage:	GOOD
Zoning:	B3	Grade to Street:	
Land Use:	AUTO DEALER FULL SVRC	Street Feature:	PAVED, CURB & GUTTER
Class:	Commercial	Traffic:	HIGH
Deed:		Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$289000	$	$289000
2002 Value	$289000	$	$289000
2003 Value	$289000	$42300	$331300

Owner Data

Name(s):	ROSES BEVERLY JEANNE
Address:	8200 EAST 2ND AVE
City,State, Zip:	ANCH AK, 99504-1514

Opt-Out | What does Opt-Out mean?

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Parcel Information

T13N R3W SEC 13 LT 21 SW PTN REM (Commercial Property) **Tax ID: 00604101**

Site Address:	171 MULDOON RD		
Square Footage:	20874 (0.48 Acres)	Drainage:	GOOD
Zoning:	B3	Grade to Street:	
Land Use:	RETAIL - SINGLE OCCU.	Street Feature:	PAVED, CURB & GUTTER
Class:	Commercial	Traffic:	HIGH
Deed:	13 Sep 96, Book 2974, Page 211	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$	$
2002 Value	$	$	$
2003 Value	$	$	$

Owner Data

Name(s):	MOORE YONG OK, AKA MOORE LISA SUH
Address:	PO BOX 91338
City,State, Zip:	ANCHORAGE AK, 99509-1339

Opt-Out | What does Opt-Out mean?

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Parcel Information

GOVERNMENT LOT 20 LT 8A (Commercial Property) **Tax ID: 00603170**

Site Address:	180 MULDOON RD		
Square Footage:	25682 (0.59 Acres)	Drainage:	GOOD
Zoning:	B3	Grade to Street:	
Land Use:	CAR WASH AUTOMATIC	Street Feature:	PAVED
Class:	Commercial	Traffic:	HIGH
Deed:	28 Feb 95, Book 2761, Page 902	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$160500	$312500	$473000
2002 Value	$160500	$307700	$468200
2003 Value	$64100	$333600	$397700

Owner Data

Name(s):	SNELLING THOMAS & SHARON
Address:	PO BOX 112163
City,State, Zip:	ANCHORAGE AK, 99511-2163

Opt-Out | What does Opt-Out mean?

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Parcel Information

T13N R3W SEC 13 LT 42 (Commercial Property) **Tax ID: 00603306**

Site Address:	200 MULDOON RD		
Square Footage:	83360 (1.91 Acres)	Drainage:	GOOD
Zoning:	B3	Grade to Street:	
Land Use:	MIXED/COMMER/RESIDENT	Street Feature:	PAVED, CURB & GUTTER
Class:	Commercial	Traffic:	HIGH
Deed:	04 Oct 96, Book 2983, Page 495	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$521000	$321000	$842000
2002 Value	$521000	$348600	$869600
2003 Value	$521000	$378700	$899700

Owner Data

Name(s):	ANDERSON ARVIN
Address:	240 MULDOON ROAD
City,State, Zip:	ANCHORAGE AK, 99504-1502

Opt-Out | What does Opt-Out mean?

T13N R3W SEC 13 LT 42 (Commercial Property) **Tax ID: 00603306**

Site Address:	200 MULDOON RD		
Square Footage:	83360 (1.91 Acres)	Drainage:	GOOD
Zoning:	B3	Grade to Street:	
Land Use:	MIXED/COMMER/RESIDENT	Street Feature:	PAVED, CURB & GUTTER
Class:	Commercial	Traffic:	HIGH
Deed:	04 Oct 96, Book 2983, Page 495	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$521000	$321000	$842000
2002 Value	$521000	$348600	$869600
2003 Value	$521000	$378700	$899700

Owner Data

Name(s):	ANDERSON ARVIN
Address:	240 MULDOON ROAD
City,State, Zip:	ANCHORAGE AK, 99504-1502

Opt-Out | What does Opt-Out mean?

T13N R3W SEC 13 LT 42 (Commercial Property) **Tax ID: 00603306**

Site Address:	200 MULDOON RD		
Square Footage:	83360 (1.91 Acres)	Drainage:	GOOD
Zoning:	B3	Grade to Street:	
Land Use:	MIXED/COMMER/RESIDENT	Street Feature:	PAVED, CURB & GUTTER
Class:	Commercial	Traffic:	HIGH

Parcel Information

HOW-HOW #1 LT 40E (Commercial Property) **Tax ID: 00604530**

Site Address:	207 MULDOON RD		
Square Footage:	83296 (1.91 Acres)	Drainage:	GOOD
Zoning:	B3	Grade to Street:	
Land Use:	HOTEL/MOTEL HIGH RISE	Street Feature:	PAVED
Class:	Commercial	Traffic:	HIGH
Deed:	06 Jan 97, Book 3015, Page 558	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$520600	$1568200	$2088800
2002 Value	$520600	$1471500	$1992100
2003 Value	$520600	$2322200	$2842800

Owner Data

Name(s):	KAER-MAYO LLC
Address:	207 MULDOON ROAD
City,State, Zip:	ANCHORAGE AK, 99504-1501

Opt-Out | What does Opt-Out mean?

HOW-HOW #1 LT 40E (Commercial Property) **Tax ID: 00604530**

Site Address:	207 MULDOON RD		
Square Footage:	83296 (1.91 Acres)	Drainage:	GOOD
Zoning:	B3	Grade to Street:	
Land Use:	HOTEL/MOTEL LOW RISE	Street Feature:	PAVED
Class:	Commercial	Traffic:	HIGH
Deed:	06 Jan 97, Book 3015, Page 558	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$520600	$1568200	$2088800
2002 Value	$520600	$1471500	$1992100
2003 Value	$520600	$2322200	$2842800

Owner Data

Name(s):	KAER-MAYO LLC
Address:	207 MULDOON ROAD
City,State, Zip:	ANCHORAGE AK, 99504-1501

Opt-Out | What does Opt-Out mean?

HOW-HOW #1 LT 40E (Commercial Property) **Tax ID: 00604530**

Site Address:	207 MULDOON RD		
Square Footage:	83296 (1.91 Acres)	Drainage:	GOOD
Zoning:	B3	Grade to Street:	
Land Use:	HOTEL/MOTEL HIGH RISE	Street Feature:	PAVED
Class:	Commercial	Traffic:	HIGH

Deed: 06 Jan 97, Book 3015, Page 558 Utilities: PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$520600	$1568200	$2088800
2002 Value	$520600	$1471500	$1992100
2003 Value	$520600	$2322200	$2842800

Owner Data

Name(s): KAER-MAYO LLC
Address: 207 MULDOON ROAD
City,State, Zip: ANCHORAGE AK, 99504-1501

Opt-Out | What does Opt-Out mean?

HOW-HOW #1 LT 40E (Commercial Property) **Tax ID: 00604530**

Site Address: 207 MULDOON RD
Square Footage: 83296 (1.91 Acres) Drainage: GOOD
Zoning: B3 Grade to Street:
Land Use: HOTEL/MOTEL LOW RISE Street Feature: PAVED
Class: Commercial Traffic: HIGH
Deed: 06 Jan 97, Book 3015, Page 558 Utilities: PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$520600	$1568200	$2088800
2002 Value	$520600	$1471500	$1992100
2003 Value	$520600	$2322200	$2842800

Owner Data

Name(s): KAER-MAYO LLC
Address: 207 MULDOON ROAD
City,State, Zip: ANCHORAGE AK, 99504-1501

Opt-Out | What does Opt-Out mean?

Print

Parcel Information

T13N R3W SEC 13 LT 58 S 225' (Commercial Property) **Tax ID: 00603308**

Site Address:	264 MULDOON RD		
Square Footage:	25409 (0.58 Acres)	Drainage:	GOOD
Zoning:	B3	Grade to Street:	
Land Use:	BAR/LOUNGE	Street Feature:	PAVED, CURB & GUTTER
Class:	Commercial	Traffic:	HIGH
Deed:	11 Mar 87, Book 1571, Page 931	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$158800	$195000	$353800
2002 Value	$ 58800	$209800	$368600
2003 Value	$158800	$216600	$375400

Owner Data

Name(s):	DESAPIO EDWARD M &, ZIVANICH DANIEL M
Address:	264 MULDOON ROAD
City,State, Zip:	ANCHORAGE AK, 99504-1502

Opt-Out | What does Opt-Out mean?

Print

Parcel Information

KESTER LT 56A-1 (Residential Property) **Tax ID: 00603350**

Site Address:	253 IDAHO ST		
Square Footage:	13106 (0.30 Acres)	Drainage:	GOOD
Zoning:	R2M	Grade to Street:	HIGH
Land Use:	SINGLE FAMILY	Street Feature:	DIRT
Class:	Residential	Traffic:	LOW
Deed:		Utilities:	PUBLIC WATER, PUBLIC SEWER

Structure Data (for Residential Properties Only)

Structure Style:	BI-LEVEL		
Exterior Wall Cover:	WOOD	Living Area:	3152 sq. feet
Year Built:	1986	Floor Areas(b\1\2\3\h):	1456 \ 1696 \ 0 \ 0 \ 0
Bedrooms:	4		
Bathrooms:	2 (1 half)		
Heating Type:	FORCED AIR	Special Info:	
Heating Rating:	CENTRAL		
Heating Fuel:	NATURAL GAS	Condo Style:	

Assessment Data

Year	Parcel	Building	Total
2001 Value	$35400	$174600	$210000
2002 Value	$36500	$180300	$216800
2003 Value	$42400	$188800	$231200

Owner Data

Name(s):	ZAPPA JOHN A
Address:	253 IDAHO
City,State, Zip:	ANCHORAGE AK, 99504-1350

Opt-Out | What does Opt-Out mean?

Print

Parcel Information

KESTER LT 56F (Residential Property) **Tax ID: 00603315**

Site Address:	251 KESTER CIR		
Square Footage:	6500 (0.15 Acres)	Drainage:	GOOD
Zoning:	R2M	Grade to Street:	LOW
Land Use:	DUPLEX	Street Feature:	DIRT
Class:	Residential	Traffic:	LOW
Deed:	08 Jan 03, Book 2003, Page 1609	Utilities:	PUBLIC WATER, PUBLIC SEWER

Structure Data (for Residential Properties Only)

Structure Style:	BI-LEVEL		
Exterior Wall Cover:	WOOD	Living Area:	1800 sq. feet
Year Built:	1965	Floor Areas(b\1\2\3\h):	864 \ 936 \ 0 \ 0 \ 0
Bedrooms:	5		
Bathrooms:	3 (0 half)		
Heating Type:	HOT WATER	Special Info:	
Heating Rating:	CENTRAL		
Heating Fuel:	NATURAL GAS	Condo Style:	

Assessment Data

Year	Parcel	Building	Total
2001 Value	$27300	$90400	$117700
2002 Value	$26400	$99900	$126300
2003 Value	$28200	$113700	$141900

Owner Data

Name(s):	CHEN TOM
Address:	251 KESTER CIRCLE
City,State, Zip:	ANCHORAGE AK, 99504-1338

Opt-Out | What does Opt-Out mean?

Print

Parcel Information

T13N R3W SEC 13 LT 8 E85' N165' (Residential Property) **Tax ID: 00604140**

Site Address:	7944 BOUNDARY AVE		
Square Footage:	11220 (0.26 Acres)	Drainage:	GOOD
Zoning:	B3	Grade to Street:	EVEN
Land Use:	SINGLE FAMILY	Street Feature:	PAVED
Class:	Residential	Traffic:	MEDIUM
Deed:		Utilities:	PUBLIC WATER, SEPTIC

Structure Data (for Residential Properties Only)

Structure Style:	RANCH		
Exterior Wall Cover:	ASPHALT	Living Area:	483 sq. feet
Year Built:	1952	Floor Areas(b\1\2\3\h):	0 \ 483 \ 0 \ 0 \ 0
Bedrooms:	1		
Bathrooms:	1 (0 half)		
Heating Type:	FORCED AIR	Special Info:	
Heating Rating:	CENTRAL		
Heating Fuel:	NATURAL GAS	Condo Style:	

Assessment Data

Year	Parcel	Building	Total
2001 Value	$56100	$22200	$78300
2002 Value	$56100	$24000	$80100
2003 Value	$56100	$26700	$82800

Owner Data

Name(s):	ROSES BEVERLY JEANNE
Address:	8200 EAST 2ND AVE
City,State, Zip:	ANCH AK, 99504-1514

Opt-Out | What does Opt-Out mean?

Print

Parcel Information

T13N R3W SEC 12 LT 8 2.5 AC IN SW (Commercial Property) **Tax ID: 00633101**

Site Address:	7920 BOUNDARY AVE		
Square Footage:	82050 (1.88 Acres)	Drainage:	GOOD
Zoning:	PLI	Grade to Street:	
Land Use:	POLICE OR FIRE STATION	Street Feature:	PAVED
Class:	Commercial	Traffic:	HIGH
Deed:		Utilities:	PUBLIC WATER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$	$
2002 Value	$	$	$
2003 Value	$	$	$

Owner Data

Name(s):	MOA, MOA 7410
Address:	PO BOX 196650
City,State, Zip:	ANCHORAGE AK, 99519-6650

Opt-Out | What does Opt-Out mean?

Print

Parcel Information

PROCTOR LT 1A (Commercial Property) **Tax ID: 00604526**

Site Address:

Square Footage:	68904 (1.58 Acres)	Drainage:	GOOD
Zoning:	B3	Grade to Street:	
Land Use:	CONVIENCE FOOD MKT	Street Feature:	PAVED, CURB & GUTTER
Class:	Commercial	Traffic:	HIGH
Deed:	06 May 94	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$430700	$529900	$960600
2002 Value	$430700	$549200	$979900
2003 Value	$430700	$590200	$1020900

Owner Data

Name(s):	MAPCO EXPRESS INC, % AVTAX INC
Address:	PO BOX 35527
City,State, Zip:	TULSA OK, 74153-0000

Opt-Out What does Opt-Out mean?

Print

Parcel Information

GLENN MULDOON TR C (Commercial Property) **Tax ID: 00634101**

Site Address:	7505 GLENN HWY		
Square Footage:	726895 (16.69 Acres)	Drainage:	GOOD
Zoning:	R4	Grade to Street:	
Land Use:	MOBILE HOME PARK	Street Feature:	PAVED
Class:	Commercial	Traffic:	HIGH
Deed:	25 Apr 01, Book 3820, Page 908	Utilities:	PRIVATE WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$940000	$150000	$1090000
2002 Value	$	$	$
2003 Value	$	$	$

Owner Data

Name(s):	GLENN-MULDOON MOBILE HOME, PARK LLC &, EASCHBACHER GEORGE G
Address:	1900 W BENSON BLVD #201
City,State, Zip:	ANCHORAGE AK, 99517-0000

Opt-Out | What does Opt-Out mean?

Print

Parcel Information

E L KREINHEDER LT 1 VICTORIA HILLS B-3 (Residential Condo Property) **Tax ID: 00603107**

Site Address:	7716 BOUNDARY AVE		
Square Footage:	0 (0.00 Acres)	Drainage:	GOOD
Zoning:	R3	Grade to Street:	HIGH
Land Use:	CONDOMINIUM	Street Feature:	PAVED
Class:	Residential Condo	Traffic:	LOW
Deed:	25 Mar 99, Book 3444, Page 653	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$65000	$65000
2002 Value	$	$83100	$83100
2003 Value	$	$99700	$99700

Owner Data

Name(s):	CARNEY EDWARD M & KIMBERLY S
Address:	11423 LOWER SUNNY CIRCLE #A
City,State, Zip:	EAGLE RIVER AK, 99577-7842

Opt-Out | What does Opt-Out mean?

E L KREINHEDER LT 1 VICTORIA HILLS A-3 (Residential Condo Property) **Tax ID: 00603107**

Site Address:	7704 BOUNDARY AVE		
Square Footage:	0 (0.00 Acres)	Drainage:	GOOD
Zoning:	R3	Grade to Street:	HIGH
Land Use:	CONDOMINIUM	Street Feature:	PAVED
Class:	Residential Condo	Traffic:	LOW
Deed:	03 Jan 90, Book 1985, Page 318	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$54500	$54500
2002 Value	$	$73800	$73800
2003 Value	$	$87000	$87000

Owner Data

Name(s):	BRISTOW NORMAN L & PATRICIA A
Address:	12440 TURKS TURN STREET
City,State, Zip:	ANCHORAGE AK, 99516-3308

Opt-Out | What does Opt-Out mean?

E L KREINHEDER LT 1 VICTORIA HILLS A-1 (Residential Condo Property) **Tax ID: 00603107**

Site Address: 7700 BOUNDARY AVE

Square Footage:	0 (0.00 Acres)	Drainage:	GOOD
Zoning:	R3	Grade to Street:	HIGH
Land Use:	CONDOMINIUM	Street Feature:	PAVED
Class:	Residential Condo	Traffic:	LOW
Deed:	08 Oct 99, Book 3546, Page 696	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$54700	$54700
2002 Value	$	$59100	$59100
2003 Value	$	$66100	$66100

Owner Data

Name(s):	MEIER LORALI M
Address:	PO BOX 212191
City,State, Zip:	ANCHORAGE AK, 99521-2191

Opt-Out | What does Opt-Out mean?

E L KREINHEDER LT 1 VICTORIA HILLS B-6 (Residential Condo Property) **Tax ID: 00603107**

Site Address:	7722 BOUNDARY AVE		
Square Footage:	0 (0.00 Acres)	Drainage:	GOOD
Zoning:	R3	Grade to Street:	HIGH
Land Use:	CONDOMINIUM	Street Feature:	PAVED
Class:	Residential Condo	Traffic:	LOW
Deed:	22 Nov 00, Book 3724, Page 939	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$54500	$54500
2002 Value	$	$60400	$60400
2003 Value	$	$82000	$82000

Owner Data

Name(s):	KOPP KIRK R & AMBER M
Address:	7722 BOUNDARY AVENUE #B3
City,State, Zip:	ANCHORAGE AK, 99504-1202

Opt-Out | What does Opt-Out mean?

E L KREINHEDER LT 1 VICTORIA HILLS B-5 (Residential Condo Property) **Tax ID: 00603107**

Site Address:	7720 BOUNDARY AVE		
Square Footage:	0 (0.00 Acres)	Drainage:	GOOD
Zoning:	R3	Grade to Street:	HIGH
Land Use:	CONDOMINIUM	Street Feature:	PAVED
Class:	Residential Condo	Traffic:	LOW
Deed:	20 Feb 03, Book 2003, Page 16038	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$54400	$54400
2002 Value	$	$58500	$58500
2003 Value	$	$80000	$80000

Owner Data

Name(s):	CASTILLO STEVE &, DRAPER MELANIE
Address:	7720 BOUNDARY AVENUE
City,State, Zip:	ANCHORAGE AK, 99504-1202

Opt-Out | What does Opt-Out mean?

E L KREINHEDER LT 1 VICTORIA HILLS A-2 (Residential Condo Property) **Tax ID: 00603107**

Site Address:	7702 BOUNDARY AVE		
Square Footage:	0 (0.00 Acres)	Drainage:	GOOD
Zoning:	R3	Grade to Street:	HIGH
Land Use:	CONDOMINIUM	Street Feature:	PAVED
Class:	Residential Condo	Traffic:	LOW
Deed:	25 Feb 02, Book 2002, Page 126670	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$54700	$54700
2002 Value	$	$59100	$59100
2003 Value	$	$66000	$66000

Owner Data

Name(s):	NELSON CHRISTOPHER L
Address:	7702 BOUNDARY AVENUE #A2
City,State, Zip:	ANCHORAGE AK, 99504-1202

Opt-Out | What does Opt-Out mean?

E L KREINHEDER LT 1 VICTORIA HILLS A-6 (Residential Condo Property) **Tax ID: 00603107**

Site Address:	7710 BOUNDARY AVE		
Square Footage:	0 (0.00 Acres)	Drainage:	GOOD
Zoning:	R3	Grade to Street:	HIGH
Land Use:	CONDOMINIUM	Street Feature:	PAVED
Class:	Residential Condo	Traffic:	LOW
Deed:	30 May 84, Book 1103, Page 245	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$54500	$54500
2002 Value	$	$67000	$67000
2003 Value	$	$87100	$87100

Owner Data

Name(s):	BUCHANAN REGINALD N
Address:	7710 BOUNDARY AVENUE
City,State, Zip:	ANCHORAGE AK, 99504-1202

Opt-Out | What does Opt-Out mean?

E L KREINHEDER LT 1 VICTORIA HILLS A-5 (Residential Condo Property) **Tax ID: 00603107**

Site Address:	7708 BOUNDARY AVE		
Square Footage:	0 (0.00 Acres)	Drainage:	GOOD
Zoning:	R3	Grade to Street:	HIGH
Land Use:	CONDOMINIUM	Street Feature:	PAVED
Class:	Residential Condo	Traffic:	LOW
Deed:	31 Jan 03, Book 2003, Page 9898	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$54400	$54400
2002 Value	$	$65100	$65100
2003 Value	$	$85100	$85100

Owner Data

Name(s):	OYSTER THOMAS W
Address:	7708 BOUNDARY AVENUE #A5
City,State, Zip:	ANCHORAGE AK, 99504-1202

Opt-Out | What does Opt-Out mean?

E L KREINHEDER LT 1 VICTORIA HILLS A-4 (Residential Condo Property) **Tax ID: 00603107**

Site Address:	7706 BOUNDARY AVE		
Square Footage:	0 (0.00 Acres)	Drainage:	GOOD
Zoning:	R3	Grade to Street:	HIGH
Land Use:	CONDOMINIUM	Street Feature:	PAVED
Class:	Residential Condo	Traffic:	LOW
Deed:	11 Aug 00, Book 3674, Page 611	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$54500	$54500
2002 Value	$	$71500	$71500
2003 Value	$	$81800	$81800

Owner Data

Name(s):	POWELL GARY L & BARBARA JEAN
Address:	9340 NICKELL CIRCLE
City,State, Zip:	ANCHORAGE AK, 99507-4346

Opt-Out | What does Opt-Out mean?

E L KREINHEDER LT 1 VICTORIA HILLS B-2 (Residential Condo

Parcel Information

Property) **Tax ID: 00603107**

Site Address:	7714 BOUNDARY AVE		
Square Footage:	0 (0.00 Acres)	Drainage:	GOOD
Zoning:	R3	Grade to Street:	HIGH
Land Use:	CONDOMINIUM	Street Feature:	PAVED
Class:	Residential Condo	Traffic:	LOW
Deed:	26 Mar 02, Book 2002, Page 195250	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$65900	$65900
2002 Value	$	$74400	$74400
2003 Value	$	$81900	$81900

Owner Data

Name(s):	MARKER JOAN
Address:	PO BOX 140047
City,State, Zip:	ANCHORAGE AK, 99514-0047

Opt-Out | What does Opt-Out mean?

E L KREINHEDER LT 1 VICTORIA HILLS B-1 (Residential Condo Property) **Tax ID: 00603107**

Site Address:	7712 BOUNDARY AVE		
Square Footage:	0 (0.00 Acres)	Drainage:	GOOD
Zoning:	R3	Grade to Street:	HIGH
Land Use:	CONDOMINIUM	Street Feature:	PAVED
Class:	Residential Condo	Traffic:	LOW
Deed:	16 Jul 80, Book 508, Page 384	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$54600	$54600
2002 Value	$	$52500	$52500
2003 Value	$	$65900	$65900

Owner Data

Name(s):	BAYNE JAMES E
Address:	PO BOX 210314
City,State, Zip:	ANCHORAGE AK, 99521-0314

Opt-Out | What does Opt-Out mean?

E L KREINHEDER LT 1 VICTORIA HILLS B-4 (Residential Condo Property) **Tax ID: 00603107**

Site Address:	7718 BOUNDARY AVE		
Square Footage:	0 (0.00 Acres)	Drainage:	GOOD
Zoning:	R3	Grade to Street:	HIGH
Land Use:	CONDOMINIUM	Street Feature:	PAVED
Class:	Residential Condo	Traffic:	LOW

Deed:	06 Oct 99, Book 3545, Page 540	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Totai
2001 Value	$	$65000	$65000
2002 Value	$	$72700	$72700
2003 Value	$	$94000	$94000

Owner Data

Name(s):	RUGGLES JENNIFER L
Address:	7718 BOUNDARY AVENUE #B4
City,State, Zip:	ANCHORAGE AK, 99504-1202

Opt-Out | What does Opt-Out mean?

E L KREINHEDER LT 1 VICTORIA HILLS (Residential Condo Property) **Tax ID: 00603107**

Site Address:			
Square Footage:	28886 (0.66 Acres)	Drainage:	GOOD
Zoning:	R3	Grade to Street:	
Land Use:	CONDOMINIUM MASTER	Street Feature:	PAVED
Class:	Residential Condo	Traffic:	LOW
Deed:		Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$	$
2002 Value	$	$	$
2003 Value	$	$	$

Owner Data

Name(s):	CONTINENTAL LAND, INVESTMENT LTD
Address:	1113 W FIREWEED LANE #202
City,State, Zip:	ANCHORAGE AK, 99503-1754

Opt-Out | What does Opt-Out mean?

Print

Parcel Information

T13N R3W SEC 13 LT 19B VICTORIA HILLS PHASE 3 J-3 (Residential Condo Property) **Tax ID: 00603153**

Site Address:	7782 BOUNDARY AVE		
Square Footage:	0 (0.00 Acres)	Drainage:	GOOD
Zoning:	R3	Grade to Street:	EVEN
Land Use:	CONDOMINIUM	Street Feature:	PAVED
Class:	Residential Condo	Traffic:	LOW
Deed:	27 Apr 98, Book 3236, Page 351	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$66100	$66100
2002 Value	$	$73100	$73100
2003 Value	$	$94600	$94600

Owner Data

Name(s):	WILSON DONALD F JR
Address:	7782 BOUNDARY AVENUE
City,State, Zip:	ANCHORAGE AK, 99504-1202

Opt-Out | What does Opt-Out mean?

T13N R3W SEC 13 LT 19B VICTORIA HILLS PHASE 3 L-1 (Residential Condo Property) **Tax ID: 00603153**

Site Address:	7792 BOUNDARY AVE		
Square Footage:	0 (0.00 Acres)	Drainage:	GOOD
Zoning:	R3	Grade to Street:	EVEN
Land Use:	CONDOMINIUM	Street Feature:	PAVED
Class:	Residential Condo	Traffic:	LOW
Deed:	12 Dec 01, Book 2001, Page 838540	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$33500	$33500
2002 Value	$	$38500	$38500
2003 Value	$	$49200	$49200

Owner Data

Name(s):	VYVERBERG MATTHEW & BYLINDA, PMB 991
Address:	3705 ARCTIC BLVD
City,State, Zip:	ANCHORAGE AK, 99503-5774

Opt-Out | What does Opt-Out mean?

T13N R3W SEC 13 LT 19B VICTORIA HILLS PHASE 3 F-4 (Residential Condo Property) **Tax ID: 00603153**

Site Address: 7760 BOUNDARY AVE

Square Footage:	0 (0.00 Acres)	Drainage:	GOOD
Zoning:	R3	Grade to Street:	EVEN
Land Use:	CONDOMINIUM	Street Feature:	PAVED
Class:	Residential Condo	Traffic:	LOW
Deed:	20 Jan 98, Book 3182, Page 663	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$65300	$65300
2002 Value	$	$78000	$78000
2003 Value	$	$91300	$91300

Owner Data

Name(s):	MCCRACKEN DELORES E
Address:	PO BOX 221335
City,State, Zip:	ANCHORAGE AK, 99522-1335

Opt-Out | What does Opt-Out mean?

T13N R3W SEC 13 LT 19B VICTORIA HILLS PHASE 3 H-1 (Residential Condo Property) **Tax ID: 00603153**

Site Address:	7768 BOUNDARY AVE		
Square Footage:	0 (0.00 Acres)	Drainage:	GOOD
Zoning:	R3	Grade to Street:	EVEN
Land Use:	CONDOMINIUM	Street Feature:	PAVED
Class:	Residential Condo	Traffic:	LOW
Deed:	09 Feb 94, Book 2594, Page 456	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$53800	$53800
2002 Value	$	$59500	$59500
2003 Value	$	$69500	$69500

Owner Data

Name(s):	VANDEN BOS JOHN W
Address:	3705 ARCTIC BLVD #124
City,State, Zip:	ANCHORAGE AK, 99503-5774

Opt-Out | What does Opt-Out mean?

T13N R3W SEC 13 LT 19B VICTORIA HILLS PHASE 3 J-2 (Residential Condo Property) **Tax ID: 00603153**

Site Address:	7780 BOUNDARY AVE		
Square Footage:	0 (0.00 Acres)	Drainage:	GOOD
Zoning:	R3	Grade to Street:	EVEN
Land Use:	CONDOMINIUM	Street Feature:	PAVED
Class:	Residential Condo	Traffic:	LOW
Deed:	07 Sep 01, Book 2001, Page 605800	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$33400	$33400
2002 Value	$	$38300	$38300
2003 Value	$	$49000	$49000

Owner Data

Name(s):	DUNN SALLY I
Address:	7780 BOUNDARY AVENUE #J2
City,State, Zip:	ANCHORAGE AK, 99504-1202

Opt-Out | What does Opt-Out mean?

T13N R3W SEC 13 LT 19B VICTORIA HILLS PHASE 3 L-3 (Residential Condo Property) **Tax ID: 00603153**

Site Address:	7796 BOUNDARY AVE		
Square Footage:	0 (0.00 Acres)	Drainage:	GOOD
Zoning:	R3	Grade to Street:	EVEN
Land Use:	CONDOMINIUM	Street Feature:	PAVED
Class:	Residential Condo	Traffic:	LOW
Deed:	16 Jan 90, Book 1988, Page 843	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$65400	$65400
2002 Value	$	$70300	$70300
2003 Value	$	$91300	$91300

Owner Data

Name(s):	GLAZE TOM
Address:	7796 BOUNDARY ROAD
City,State, Zip:	ANCHORAGE AK, 99504-0000

Opt-Out | What does Opt-Out mean?

T13N R3W SEC 13 LT 19B VICTORIA HILLS PHASE 3 I-2 (Residential Condo Property) **Tax ID: 00603153**

Site Address:	7776 BOUNDARY AVE		
Square Footage:	0 (0.00 Acres)	Drainage:	GOOD
Zoning:	R3	Grade to Street:	EVEN
Land Use:	CONDOMINIUM	Street Feature:	PAVED
Class:	Residential Condo	Traffic:	LOW
Deed:	09 May 00, Book 3630, Page 567	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$65400	$65400
2002 Value	$	$74000	$74000
2003 Value	$	$94000	$94000

Owner Data

Name(s):	CHERRETTE JOHN D & SHARON M
Address:	7776 BOUNDARY AVENUE
City,State, Zip:	ANCHORAGE AK, 99504-1202

Opt-Out | What does Opt-Out mean?

T13N R3W SEC 13 LT 19B VICTORIA HILLS PHASE 3 H-2 (Residential Condo Property) **Tax ID: 00603153**

Site Address:	7770 BOUNDARY AVE		
Square Footage:	0 (0.00 Acres)	Drainage:	GOOD
Zoning:	R3	Grade to Street:	EVEN
Land Use:	CONDOMINIUM	Street Feature:	PAVED
Class:	Residential Condo	Traffic:	LOW
Deed:	16 Dec 88, Book 1832, Page 710	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$54700	$54700
2002 Value	$	$53300	$53300
2003 Value	$	$71500	$71500

Owner Data

Name(s):	SKINNER CHRISTOPHER J 1/2 &, SKINNER JOE A & SUSAN 1/2
Address:	7770 BOUNDARY AVE # H-2
City,State, Zip:	ANCHORAGE AK, 99504-1202

Opt-Out | What does Opt-Out mean?

T13N R3W SEC 13 LT 19B VICTORIA HILLS PHASE 3 H-3 (Residential Condo Property) **Tax ID: 00603153**

Site Address:	7772 BOUNDARY AVE		
Square Footage:	0 (0.00 Acres)	Drainage:	GOOD
Zoning:	R3	Grade to Street:	EVEN
Land Use:	CONDOMINIUM	Street Feature:	PAVED
Class:	Residential Condo	Traffic:	LOW
Deed:	10 Oct 02, Book 2002, Page 722130	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$54700	$54700
2002 Value	$	$59800	$59800
2003 Value	$	$72200	$72200

Owner Data

Name(s):	NELSON CARMEL C
Address:	7772 BOUNDARY AVENUE #H3
City,State, Zip:	ANCHORAGE AK, 99504-1202

Opt-Out | What does Opt-Out mean?

T13N R3W SEC 13 LT 19B VICTORIA HILLS PHASE 3 G-3 (Residential

Condo Property) **Tax ID: 00603153**

Site Address:	7766 BOUNDARY AVE		
Square Footage:	0 (0.00 Acres)	Drainage:	GOOD
Zoning:	R3	Grade to Street:	EVEN
Land Use:	CONDOMINIUM	Street Feature:	PAVED
Class:	Residential Condo	Traffic:	LOW
Deed:	31 Jan 02, Book 2002, Page 73490	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$54200	$54200
2002 Value	$	$62500	$62500
2003 Value	$	$75100	$75100

Owner Data

Name(s):	WOOD DARRYL S
Address:	7766 BOUNDARY AVENUE #G3
City,State, Zip:	ANCHORAGE AK, 99504-1202

Opt-Out | What does Opt-Out mean?

T13N R3W SEC 13 LT 19B VICTORIA HILLS PHASE 3 K-2 (Residential Condo Property) **Tax ID: 00603153**

Site Address:	7788 BOUNDARY AVE		
Square Footage:	0 (0.00 Acres)	Drainage:	GOOD
Zoning:	R3	Grade to Street:	EVEN
Land Use:	CONDOMINIUM	Street Feature:	PAVED
Class:	Residential Condo	Traffic:	LOW
Deed:	29 Nov 02, Book 2002, Page 896470	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$54400	$54400
2002 Value	$	$64200	$64200
2003 Value	$	$77000	$77000

Owner Data

Name(s):	TAYLOR TANYA N
Address:	7788 BOUNDARY AVENUE #K2
City,State, Zip:	ANCHORAGE AK, 99504-1202

Opt-Out | What does Opt-Out mean?

T13N R3W SEC 13 LT 19B VICTORIA HILLS PHASE 3 L-4 (Residential Condo Property) **Tax ID: 00603153**

Site Address:	7798 BOUNDARY AVE		
Square Footage:	0 (0.00 Acres)	Drainage:	GOOD
Zoning:	R3	Grade to Street:	EVEN
Land Use:	CONDOMINIUM	Street Feature:	PAVED
Class:	Residential Condo	Traffic:	LOW

Deed:	23 Feb 99, Book 3426, Page 905	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$65900	$65900
2002 Value	$	$81100	$81100
2003 Value	$	$94600	$94600

Owner Data

Name(s):	HOYT JEFFREY A & JANA L
Address:	7798 BOUNDARY AVENUE #L4
City,State, Zip:	ANCHORAGE AK, 99504-1202

Opt-Out | What does Opt-Out mean?

T13N R3W SEC 13 LT 19B VICTORIA HILLS PHASE 3 F-2 (Residential Condo Property) **Tax ID: 00603153**

Site Address:	7756 BOUNDARY AVE		
Square Footage:	0 (0.00 Acres)	Drainage:	GOOD
Zoning:	R3	Grade to Street:	EVEN
Land Use:	CONDOMINIUM	Street Feature:	PAVED
Class:	Residential Condo	Traffic:	LOW
Deed:	22 Aug 00, Book 3678, Page 870	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$33400	$33400
2002 Value	$	$42800	$42800
2003 Value	$	$55000	$55000

Owner Data

Name(s):	WELLS BETTY L
Address:	4754 MILLS DRIVE
City,State, Zip:	ANCHORAGE AK, 99508-4733

Opt-Out | What does Opt-Out mean?

T13N R3W SEC 13 LT 19B VICTORIA HILLS PHASE 3 L-2 (Residential Condo Property) **Tax ID: 00603153**

Site Address:	7794 BOUNDARY AVE		
Square Footage:	0 (0.00 Acres)	Drainage:	GOOD
Zoning:	R3	Grade to Street:	EVEN
Land Use:	CONDOMINIUM	Street Feature:	PAVED
Class:	Residential Condo	Traffic:	LOW
Deed:	30 Mar 01, Book 3800, Page 144	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$33600	$33600
2002 Value	$	$43400	$43400

2003 Value	$	$50400	$50400

Owner Data

Name(s): SMITH MARIANNE
Address: 4804 MILLS DRIVE
City,State, Zip: ANCHORAGE AK, 99508-4735

Opt-Out | What does Opt-Out mean?

T13N R3W SEC 13 LT 19B VICTORIA HILLS PHASE 3 G-2 (Residential Condo Property) **Tax ID: 00603153**

Site Address: 7764 BOUNDARY AVE
Square Footage: 0 (0.00 Acres)
Zoning: R3
Land Use: CONDOMINIUM
Class: Residential Condo
Deed: 04 Jun 97, Book 3072, Page 795
Drainage: GOOD
Grade to Street: EVEN
Street Feature: PAVED
Traffic: LOW
Utilities: PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$54200	$54200
2002 Value	$	$62400	$62400
2003 Value	$	$74900	$74900

Owner Data

Name(s): BRANTLEY MICHAEL JOHN
Address: 7764 BOUNDARY AVENUE
City,State, Zip: ANCHORAGE AK, 99504-1202

Opt-Out | What does Opt-Out mean?

T13N R3W SEC 13 LT 19B VICTORIA HILLS PHASE 3 F-3 (Residential Condo Property) **Tax ID: 00603153**

Site Address: 7758 BOUNDARY AVE
Square Footage: 0 (0.00 Acres)
Zoning: R3
Land Use: CONDOMINIUM
Class: Residential Condo
Deed: 09 Jan 84, Book 1029, Page 144
Drainage: GOOD
Grade to Street: EVEN
Street Feature: PAVED
Traffic: LOW
Utilities: PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$65300	$65300
2002 Value	$	$72900	$72900
2003 Value	$	$94000	$94000

Owner Data

Name(s): HOLLOWAY KEITH A & META M
Address: 7758 BOUNDARY DR #F-3
City,State, Zip: ANCHORAGE AK, 99504-1202

Opt-Out | What does Opt-Out mean?

T13N R3W SEC 13 LT 19B VICTORIA HILLS PHASE 3 I-1 (Residential Condo Property) **Tax ID: 00603153**

Site Address:	7774 BOUNDARY AVE		
Square Footage:	0 (0.00 Acres)	Drainage:	GOOD
Zoning:	R3	Grade to Street:	EVEN
Land Use:	CONDOMINIUM	Street Feature:	PAVED
Class:	Residential Condo	Traffic:	LOW
Deed:	06 May 02, Book 2002, Page 299940	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$33700	$33700
2002 Value	$	$39700	$39700
2003 Value	$	$50500	$50500

Owner Data

Name(s):	FAGASA JUNIOR & ARLENE COLEMAN
Address:	7774 BOUNDARY AVENUE
City,State, Zip:	ANCHORAGE AK, 99504-1202

Opt-Out | What does Opt-Out mean?

T13N R3W SEC 13 LT 19B VICTORIA HILLS PHASE 3 J-4 (Residential Condo Property) **Tax ID: 00603153**

Site Address:	7784 BOUNDARY AVE		
Square Footage:	0 (0.00 Acres)	Drainage:	GOOD
Zoning:	R3	Grade to Street:	EVEN
Land Use:	CONDOMINIUM	Street Feature:	PAVED
Class:	Residential Condo	Traffic:	LOW
Deed:	11 May 00, Book 3631, Page 429	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$65500	$65500
2002 Value	$	$70400	$70400
2003 Value	$	$91400	$91400

Owner Data

Name(s):	HURST ERNEST E III & ALISON J
Address:	7784 BOUNDARY AVENUE
City,State, Zip:	ANCHORAGE AK, 99504-1202

Opt-Out | What does Opt-Out mean?

T13N R3W SEC 13 LT 19B VICTORIA HILLS PHASE 3 F-1 (Residential Condo Property) **Tax ID: 00603153**

Site Address:	7754 BOUNDARY AVE		
Square Footage:	0 (0.00 Acres)	Drainage:	GOOD
Zoning:	R3	Grade to Street:	EVEN

Land Use:	CONDOMINIUM	Street Feature:	PAVED
Class:	Residential Condo	Traffic:	LOW
Deed:	10 Jul 02, Book 2002, Page 459170	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$33500	$33500
2002 Value	$	$39500	$39500
2003 Value	$	$50200	$50200

Owner Data

Name(s):	GUST MARK R & JUDY R, PMB 605
Address:	1120 E HUFFMAN ROAD #23
City,State, Zip:	ANCHORAGE AK, 99515-3516

Opt-Out | What does Opt-Out mean?

T13N R3W SEC 13 LT 19B VICTORIA HILLS PHASE 3 J-1 (Residential Condo Property) **Tax ID: 00603153**

Site Address:	7778 BOUNDARY AVE		
Square Footage:	0 (0.00 Acres)	Drainage:	GOOD
Zoning:	R3	Grade to Street:	EVEN
Land Use:	CONDOMINIUM	Street Feature:	PAVED
Class:	Residential Condo	Traffic:	LOW
Deed:	15 Mar 99, Book 3438, Page 673	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$33700	$33700
2002 Value	$	$39700	$39700
2003 Value	$	$50600	$50600

Owner Data

Name(s):	ROBERTS STEPHEN, ATTN STEPHEN STRUPP
Address:	2735 E TUDOR ROAD
City,State, Zip:	ANCHORAGE AK, 99507-1135

Opt-Out | What does Opt-Out mean?

T13N R3W SEC 13 LT 19B VICTORIA HILLS PHASE 3 G-1 (Residential Condo Property) **Tax ID: 00603153**

Site Address:	7762 BOUNDARY AVE		
Square Footage:	0 (0.00 Acres)	Drainage:	GOOD
Zoning:	R3	Grade to Street:	EVEN
Land Use:	CONDOMINIUM	Street Feature:	PAVED
Class:	Residential Condo	Traffic:	LOW
Deed:	22 Jan 01, Book 3755, Page 928	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total

2001 Value	$	$53500	$53500
2002 Value	$	$62900	$62900
2003 Value	$	$69100	$69100

Owner Data

Name(s): BALESTEROS ROBERT F
Address: 7762 BOUNDARY AVENUE #G-1
City,State, Zip: ANCHORAGE AK, 99504-1202

Opt-Out | What does Opt-Out mean?

T13N R3W SEC 13 LT 19B VICTORIA HILLS PHASE 3 K-3 (Residential Condo Property) **Tax ID: 00603153**

Site Address: 7790 BOUNDARY AVE
Square Footage: 0 (0.00 Acres)
Zoning: R3
Land Use: CONDOMINIUM
Class: Residential Condo
Deed: 16 Dec 99, Book 3576, Page 260
Drainage: GOOD
Grade to Street: EVEN
Street Feature: PAVED
Traffic: LOW
Utilities: PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$54400	$54400
2002 Value	$	$62600	$62600
2003 Value	$	$75100	$75100

Owner Data

Name(s): NYBERG DAVID A & GINA E
Address: 7790 BOUNDARY AVENUE #K3
City,State, Zip: ANCHORAGE AK, 99504-1202

Opt-Out | What does Opt-Out mean?

T13N R3W SEC 13 LT 19B VICTORIA HILLS PHASE 3 K-1 (Residential Condo Property) **Tax ID: 00603153**

Site Address: 7786 BOUNDARY AVE
Square Footage: 0 (0.00 Acres)
Zoning: R3
Land Use: CONDOMINIUM
Class: Residential Condo
Deed: 05 Feb 80, Book 470, Page 346
Drainage: GOOD
Grade to Street: EVEN
Street Feature: PAVED
Traffic: LOW
Utilities: PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$53700	$53700
2002 Value	$	$52500	$52500
2003 Value	$	$69000	$69000

Owner Data

Name(s): DOLAN MILDRED L
Address: 7786 BOUNDARY AVE

City,State, Zip: ANCHORAGE AK, 99504-1202

Opt-Out | What does Opt-Out mean?

T13N R3W SEC 13 LT 19B VICTORIA HILLS PHASE 3 (Residential Condo Property) **Tax ID: 00603153**

Site Address:			
Square Footage:	53500 (1.23 Acres)	Drainage:	GOOD
Zoning:	R3	Grade to Street:	
Land Use:	CONDOMINIUM MASTER	Street Feature:	PAVED
Class:	Residential Condo	Traffic:	LOW
Deed:		Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$	$
2002 Value	$	$	$
2003 Value	$	$	$

Owner Data

Name(s):	HUECKER ROBERT H
Address:	7764 BOUNDARY AVE
City,State, Zip:	ANCHORAGE AK, 99504-1202

Opt-Out | What does Opt-Out mean?

Print

Parcel Information

STRAND LT 10 (Commercial Property) **Tax ID: 00604116**

Site Address:	8100 BOUNDARY AVE		
Square Footage:	9017 (0.21 Acres)	Drainage:	GOOD
Zoning:	R3	Grade to Street:	
Land Use:	APARTMENT GARDEN	Street Feature:	PAVED
Class:	Commercial	Traffic:	LOW
Deed:	20 Oct 00, Book 3710, Page 89	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$39100	$124300	$163400
2002 Value	$39100	$182200	$221300
2003 Value	$45900	$208600	$254500

Owner Data

Name(s):	ARNOLD SANDRA L LIVING TRUST &, DEVINE WILLIE SUE LIVING TRUST, ARNOLD S L & DEVINE W S TRSTEE
Address:	8300 E 20TH AVENUE
City,State, Zip:	ANCHORAGE AK, 99504-2913

Opt-Out What does Opt-Out mean?

Print

Parcel Information

DONNA LOU BLK 2 LT 4 (Commercial Property) **Tax ID: 00603159**

Site Address:	177 MICHEAL CT		
Square Footage:	16058 (0.37 Acres)	Drainage:	GOOD
Zoning:	R3	Grade to Street:	
Land Use:	APARTMENT GARDEN	Street Feature:	PAVED
Class:	Commercial	Traffic:	LOW
Deed:	01 Apr 94, Book 2626, Page 301	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$58900	$312700	$371600
2002 Value	$58900	$352300	$411200
2003 Value	$63600	$403700	$467300

Owner Data

Name(s):	CHARLES JUDY T
Address:	PO BOX 672031
City,State, Zip:	CHUGIAK AK, 99567-2031

Opt-Out | What does Opt-Out mean?

Print

Parcel Information

DONNA LOU BLK 2 LT 2 (Commercial Property) **Tax ID: 00603161**

Site Address:	157 MICHEAL CT		
Square Footage:	8423 (0.19 Acres)	Drainage:	GOOD
Zoning:	R3	Grade to Street:	
Land Use:	APARTMENT GARDEN	Street Feature:	PAVED
Class:	Commercial	Traffic:	LOW
Deed:	09 Jul 98, Book 3286, Page 11	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$37000	$169900	$206900
2002 Value	$37000	$254100	$291100
2003 Value	$44500	$309300	$353800

Owner Data

Name(s):	LAPPI DAVID W
Address:	4900 SPORTSMAN DRIVE
City,State, Zip:	ANCHORAGE AK, 99502-4169

Opt-Out | What does Opt-Out mean?

Print

Parcel Information

DONNA LOU BLK 2 LT 1 (Commercial Property) **Tax ID: 00603162**

Site Address:	149 MICHEAL CT		
Square Footage:	8798 (0.20 Acres)	Drainage:	GOOD
Zoning:	R3	Grade to Street:	
Land Use:	APARTMENT GARDEN	Street Feature:	PAVED
Class:	Commercial	Traffic:	LOW
Deed:	21 Sep 01, Book 2001, Page 638890	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$38300	$210300	$248600
2002 Value	$38300	$217300	$255600
2003 Value	$45400	$257300	$302700

Owner Data

Name(s):	COOK STEVEN B
Address:	149 MICHAEL COURT #3
City,State, Zip:	ANCHORAGE AK, 99504-1288

Opt-Out | What does Opt-Out mean?

Print

Parcel Information

T13N R3W SEC 13 LT 11A (Commercial Property) **Tax ID: 00603173**

Site Address:	116 IDAHO ST		
Square Footage:	22949 (0.53 Acres)	Drainage:	GOOD
Zoning:	R3	Grade to Street:	
Land Use:	APARTMENT GARDEN	Street Feature:	PAVED, CURB & GUTTER
Class:	Commercial	Traffic:	LOW
Deed:	29 Jan 02, Book 2002, Page 66050	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$67000	$222000	$289000
2002 Value	$67000	$276400	$343400
2003 Value	$74700	$346300	$421000

Owner Data

Name(s):	MENO ROBERT A JR & JENNIFER R, & LIND NORMAN E
Address:	116 IDAHO STREET #4
City,State, Zip:	ANCHORAGE AK, 99504-1292

Opt-Out | What does Opt-Out mean?

Print

Parcel Information

T13N R3W SEC 13 LT 7 S75' E162' (Residential Property) **Tax ID: 00604111**

Site Address:	144 GRAND LARRY ST		
Square Footage:	12150 (0.28 Acres)	Drainage:	GOOD
Zoning:	R3	Grade to Street:	EVEN
Land Use:	TRIPLEX	Street Feature:	PAVED
Class:	Residential	Traffic:	LOW
Deed:	12 Mar 02, Book 2002, Page 167230	Utilities:	PRIVATE WATER, PUBLIC SEWER

Structure Data (for Residential Properties Only)

Structure Style:	BI-LEVEL		
Exterior Wall Cover:	WOOD	Living Area:	2184 sq. feet
Year Built:	1977	Floor Areas(b\1\2\3\h):	1092 \ 1092 \ 0 \ 0 \ 0
Bedrooms:	4		
Bathrooms:	2 (0 half)		
Heating Type:	FORCED AIR	Special Info:	
Heating Rating:	CENTRAL		
Heating Fuel:	NATURAL GAS	Condo Style:	

Assessment Data

Year	Parcel	Building	Total
2001 Value	$50000	$132000	$182000
2002 Value	$50000	$139000	$189000
2003 Value	$53100	$143700	$196800

Owner Data

Name(s):	JOSEPH EDSON H & CHERYLYN A
Address:	2130 E 72ND AVENUE
City,State, Zip:	ANCHORAGE AK, 99507-2704

Opt-Out | What does Opt-Out mean?

T13N R3W SEC 13 LT 7 S75' E162' (Residential Property) **Tax ID: 00604111**

Site Address:	144 GRAND LARRY ST		
Square Footage:	12150 (0.28 Acres)	Drainage:	GOOD
Zoning:	R3	Grade to Street:	EVEN
Land Use:	DUPLEX	Street Feature:	PAVED
Class:	Residential	Traffic:	LOW
Deed:	12 Mar 02, Book 2002, Page 167230	Utilities:	PRIVATE WATER, PUBLIC SEWER

Structure Data (for Residential Properties Only)

Structure Style:	BI-LEVEL		
Exterior Wall Cover:	WOOD	Living Area:	2184 sq. feet
Year Built:	1977	Floor Areas(b\1\2\3\h):	1092 \ 1092 \ 0 \ 0 \ 0
Bedrooms:	4		
Bathrooms:	2 (0 half)		
Heating Type:	FORCED AIR	Special Info:	
Heating Rating:	CENTRAL		
Heating Fuel:	NATURAL GAS	Condo Style:	

Assessment Data

Year	Parcel	Building	Total
2001 Value	$50000	$132000	$182000
2002 Value	$50000	$139000	$189000
2003 Value	$53100	$143700	$196800

Owner Data

Name(s): JOSEPH EDSON H & CHERYLYN A
Address: 2130 E 72ND AVENUE
City,State, Zip: ANCHORAGE AK, 99507-2704

Opt-Out | What does Opt-Out mean?

T13N R3W SEC 13 LT 7 S75' E162' (Residential Property) **Tax ID: 00604111**

Site Address: 144 GRAND LARRY ST
Square Footage: 12150 (0.28 Acres)
Zoning: R3
Land Use: TRIPLEX
Class: Residential
Deed: 12 Mar 02, Book 2002, Page 167230
Drainage: GOOD
Grade to Street: EVEN
Street Feature: PAVED
Traffic: LOW
Utilities: PRIVATE WATER, PUBLIC SEWER

Structure Data (for Residential Properties Only)

Structure Style: BI-LEVEL
Exterior Wall Cover: WOOD
Year Built: 1977
Bedrooms: 4
Bathrooms: 2 (0 half)
Heating Type: FORCED AIR
Heating Rating: CENTRAL
Heating Fuel: NATURAL GAS
Living Area: 2184 sq. feet
Floor Areas(b\1\2\3\h): 1092 \ 1092 \ 0 \ 0 \ 0
Special Info:
Condo Style:

Assessment Data

Year	Parcel	Building	Total
2001 Value	$50000	$132000	$182000
2002 Value	$50000	$139000	$189000
2003 Value	$53100	$143700	$196800

Owner Data

Name(s): JOSEPH EDSON H & CHERYLYN A
Address: 2130 E 72ND AVENUE
City,State, Zip: ANCHORAGE AK, 99507-2704

Opt-Out | What does Opt-Out mean?

T13N R3W SEC 13 LT 7 S75' E162' (Residential Property) **Tax ID: 00604111**

Site Address: 144 GRAND LARRY ST
Square Footage: 12150 (0.28 Acres)
Zoning: R3
Land Use: DUPLEX
Class: Residential
Deed: 12 Mar 02, Book 2002, Page 167230
Drainage: GOOD
Grade to Street: EVEN
Street Feature: PAVED
Traffic: LOW
Utilities: PRIVATE WATER, PUBLIC SEWER

Structure Data (for Residential Properties Only)

Structure Style:	BI-LEVEL		
Exterior Wall Cover:	WOOD	Living Area:	2184 sq. feet
Year Built:	1977	Floor Areas(b\1\2\3\h):	1092 \ 1092 \ 0 \ 0 \ 0
Bedrooms:	4		
Bathrooms:	2 (0 half)		
Heating Type:	FORCED AIR	Special Info:	
Heating Rating:	CENTRAL		
Heating Fuel:	NATURAL GAS	Condo Style:	

Assessment Data

Year	Parcel	Building	Total
2001 Value	$50000	$132000	$182000
2002 Value	$50000	$139000	$189000
2003 Value	$53100	$143700	$196800

Owner Data

Name(s):	JOSEPH EDSON H & CHERYLYN A
Address:	2130 E 72ND AVENUE
City,State, Zip:	ANCHORAGE AK, 99507-2704

Opt-Out | What does Opt-Out mean?

T13N R3W SEC 13 LT 7 S75' E162' (Residential Property) **Tax ID: 00604111**

Site Address:	144 GRAND LARRY ST		
Square Footage:	12150 (0.28 Acres)	Drainage:	GOOD
Zoning:	R3	Grade to Street:	EVEN
Land Use:	TRIPLEX	Street Feature:	PAVED
Class:	Residential	Traffic:	LOW
Deed:	12 Mar 02, Book 2002, Page 167230	Utilities:	PRIVATE WATER, PUBLIC SEWER

Structure Data (for Residential Properties Only)

Structure Style:	RANCH		
Exterior Wall Cover:	WOOD	Living Area:	1280 sq. feet
Year Built:	1959	Floor Areas(b\1\2\3\h):	0 \ 1280 \ 0 \ 0 \ 0
Bedrooms:	3		
Bathrooms:	1 (0 half)		
Heating Type:	FORCED AIR	Special Info:	
Heating Rating:	CENTRAL		
Heating Fuel:	NATURAL GAS	Condo Style:	

Assessment Data

Year	Parcel	Building	Total
2001 Value	$50000	$132000	$182000
2002 Value	$50000	$139000	$189000
2003 Value	$53100	$143700	$196800

Owner Data

Name(s):	JOSEPH EDSON H & CHERYLYN A
Address:	2130 E 72ND AVENUE
City,State, Zip:	ANCHORAGE AK, 99507-2704

Opt-Out | What does Opt-Out mean?

T13N R3W SEC 13 LT 7 S75' E162' (Residential Property) **Tax ID: 00604111**

Site Address:	144 GRAND LARRY ST		
Square Footage:	12150 (0.28 Acres)	Drainage:	GOOD
Zoning:	R3	Grade to Street:	EVEN
Land Use:	DUPLEX	Street Feature:	PAVED
Class:	Residential	Traffic:	LOW
Deed:	12 Mar 02, Book 2002, Page 167230	Utilities:	PRIVATE WATER, PUBLIC SEWER

Structure Data (for Residential Properties Only)

Structure Style:	RANCH		
Exterior Wall Cover:	WOOD	Living Area:	1280 sq. feet
Year Built:	1959	Floor Areas(b\1\2\3\h):	0 \ 1280 \ 0 \ 0 \ 0
Bedrooms:	3		
Bathrooms:	1 (0 half)		
Heating Type:	FORCED AIR	Special Info:	
Heating Rating:	CENTRAL		
Heating Fuel:	NATURAL GAS	Condo Style:	

Assessment Data

Year	Parcel	Building	Total
2001 Value	$50000	$132000	$182000
2002 Value	$50000	$139000	$189000
2003 Value	$53100	$143700	$196800

Owner Data

Name(s):	JOSEPH EDSON H & CHERYLYN A
Address:	2130 E 72ND AVENUE
City,State, Zip:	ANCHORAGE AK, 99507-2704

Opt-Out | What does Opt-Out mean?

T13N R3W SEC 13 LT 7 S75' E162' (Residential Property) **Tax ID: 00604111**

Site Address:	144 GRAND LARRY ST		
Square Footage:	12150 (0.28 Acres)	Drainage:	GOOD
Zoning:	R3	Grade to Street:	EVEN
Land Use:	TRIPLEX	Street Feature:	PAVED
Class:	Residential	Traffic:	LOW
Deed:	12 Mar 02, Book 2002, Page 167230	Utilities:	PRIVATE WATER, PUBLIC SEWER

Structure Data (for Residential Properties Only)

Structure Style:	RANCH		
Exterior Wall Cover:	WOOD	Living Area:	1280 sq. feet
Year Built:	1959	Floor Areas(b\1\2\3\h):	0 \ 1280 \ 0 \ 0 \ 0
Bedrooms:	3		
Bathrooms:	1 (0 half)		
Heating Type:	FORCED AIR	Special Info:	
Heating Rating:	CENTRAL		
Heating Fuel:	NATURAL GAS	Condo Style:	

Assessment Data

Year	Parcel	Building	Total
2001 Value	$50000	$132000	$182000
2002 Value	$50000	$139000	$189000
2003 Value	$53100	$143700	$196800

Owner Data

Name(s): JOSEPH EDSON H & CHERYLYN A
Address: 2130 E 72ND AVENUE
City,State, Zip: ANCHORAGE AK, 99507-2704

Opt-Out | What does Opt-Out mean?

T13N R3W SEC 13 LT 7 S75' E162' (Residential Property) **Tax ID: 00604111**

Site Address: 144 GRAND LARRY ST
Square Footage: 12150 (0.28 Acres)
Zoning: R3
Land Use: DUPLEX
Class: Residential
Deed: 12 Mar 02, Book 2002, Page 167230
Drainage: GOOD
Grade to Street: EVEN
Street Feature: PAVED
Traffic: LOW
Utilities: PRIVATE WATER, PUBLIC SEWER

Structure Data (for Residential Properties Only)

Structure Style: RANCH
Exterior Wall Cover: WOOD
Year Built: 1959
Bedrooms: 3
Bathrooms: 1 (0 half)
Heating Type: FORCED AIR
Heating Rating: CENTRAL
Heating Fuel: NATURAL GAS
Living Area: 1280 sq. feet
Floor Areas(b\1\2\3\h): 0 \ 1280 \ 0 \ 0 \ 0
Special Info:
Condo Style:

Assessment Data

Year	Parcel	Building	Total
2001 Value	$50000	$132000	$182000
2002 Value	$50000	$139000	$189000
2003 Value	$53100	$143700	$196800

Owner Data

Name(s): JOSEPH EDSON H & CHERYLYN A
Address: 2130 E 72ND AVENUE
City,State, Zip: ANCHORAGE AK, 99507-2704

Opt-Out | What does Opt-Out mean?

Print

Parcel Information

STRAND LT 9 (Residential Property) **Tax ID: 00604115**

Site Address:	115 GRAND LARRY ST		
Square Footage:	9017 (0.21 Acres)	Drainage:	GOOD
Zoning:	R3	Grade to Street:	EVEN
Land Use:	SINGLE FAMILY	Street Feature:	PAVED
Class:	Residential	Traffic:	LOW
Deed:	25 Sep 01, Book 2001, Page 642500	Utilities:	PUBLIC WATER, PUBLIC SEWER

Structure Data (for Residential Properties Only)

Structure Style:	RANCH		
Exterior Wall Cover:	WOOD	Living Area:	1377 sq. feet
Year Built:	1954	Floor Areas(b\1\2\3\h):	0 \ 1377 \ 0 \ 0 \ 0
Bedrooms:	4		
Bathrooms:	2 (0 half)		
Heating Type:	HOT WATER	Special Info:	
Heating Rating:	CENTRAL		
Heating Fuel:	NATURAL GAS	Condo Style:	

Assessment Data

Year	Parcel	Building	Total
2001 Value	$39100	$51400	$90500
2002 Value	$39100	$54500	$93600
2003 Value	$45900	$61400	$107300

Owner Data

Name(s):	MORRIS ROBERT D
Address:	115 GRAND LARRY STREET
City,State, Zip:	ANCHORAGE AK, 99504-1414

Opt-Out | What does Opt-Out mean?

Print

Parcel Information

STRAND LT 6 (Residential Property) **Tax ID: 00604112**

Site Address:	145 GRAND LARRY ST		
Square Footage:	8576 (0.20 Acres)	Drainage:	GOOD
Zoning:	R3	Grade to Street:	EVEN
Land Use:	VACANT LAND	Street Feature:	PAVED
Class:	Residential	Traffic:	LOW
Deed:	23 Jul 91, Book 2173, Page 973	Utilities:	NONE, PUBLIC SEWER

Structure Data (for Residential Properties Only)

Structure Style:		
Exterior Wall Cover:	Living Area:	sq. feet
Year Built:	Floor Areas(b\1\2\3\h):	
Bedrooms:		
Bathrooms:		
Heating Type:	Special Info:	
Heating Rating:		
Heating Fuel:	Condo Style:	

Assessment Data

Year	Parcel	Building	Total
2001 Value	$37500	$	$37500
2002 Value	$37500	$	$37500
2003 Value	$44900	$	$44900

Owner Data

Name(s):	WILLIAMS JOHNNY CLIVE &, MERKEL CHARLES M JR
Address:	38 COUNTY ROAD 32
City,State, Zip:	FAYETTE AL, 35555-0000

Opt-Out | What does Opt-Out mean?

Print

Parcel Information

T13N R3W SEC 13 LT 39 (Residential Property) **Tax ID: 00604304**

Site Address:	8008 PECK AVE		
Square Footage:	49050 (1.13 Acres)	Drainage:	GOOD
Zoning:	R2M	Grade to Street:	EVEN
Land Use:	DUPLEX	Street Feature:	PAVED, CURB & GUTTER
Class:	Residential	Traffic:	LOW
Deed:		Utilities:	PUBLIC WATER, PUBLIC SEWER

Structure Data (for Residential Properties Only)

Structure Style:	RANCH		
Exterior Wall Cover:	WOOD	Living Area:	1140 sq. feet
Year Built:	1955	Floor Areas(b\1\2\3\h):	0 \ 720 \ 0 \ 0 \ 0
Bedrooms:	2		
Bathrooms:	1 (0 half)		
Heating Type:	FORCED AIR	Special Info:	
Heating Rating:	CENTRAL		
Heating Fuel:	NATURAL GAS	Condo Style:	

Assessment Data

Year	Parcel	Building	Total
2001 Value	$87000	$176000	$263000
2002 Value	$87000	$189700	$276700
2003 Value	$122000	$201200	$323200

Owner Data

Name(s):	SCHMITZ HERBERT L
Address:	8012 PECK AVENUE
City,State, Zip:	ANCHORAGE AK, 99504-1420

Opt-Out | What does Opt-Out mean?

T13N R3W SEC 13 LT 39 (Residential Property) **Tax ID: 00604304**

Site Address:	8008 PECK AVE		
Square Footage:	49050 (1.13 Acres)	Drainage:	GOOD
Zoning:	R2M	Grade to Street:	EVEN
Land Use:	SINGLE FAMILY	Street Feature:	PAVED, CURB & GUTTER
Class:	Residential	Traffic:	LOW
Deed:		Utilities:	PUBLIC WATER, PUBLIC SEWER

Structure Data (for Residential Properties Only)

Structure Style:	RANCH		
Exterior Wall Cover:	WOOD	Living Area:	1140 sq. feet
Year Built:	1955	Floor Areas(b\1\2\3\h):	0 \ 720 \ 0 \ 0 \ 0
Bedrooms:	2		
Bathrooms:	1 (0 half)		
Heating Type:	FORCED AIR	Special Info:	
Heating Rating:	CENTRAL		
Heating Fuel:	NATURAL GAS	Condo Style:	

Assessment Data

Year	Parcel	Building	Total
2001 Value	$87000	$176000	$263000
2002 Value	$87000	$189700	$276700
2003 Value	$122000	$201200	$323200

Owner Data

Name(s): SCHMITZ HERBERT L
Address: 8012 PECK AVENUE
City,State, Zip: ANCHORAGE AK, 99504-1420

Opt-Out | What does Opt-Out mean?

T13N R3W SEC 13 LT 39 (Residential Property) **Tax ID: 00604304**

Site Address:	8008 PECK AVE		
Square Footage:	49050 (1.13 Acres)	Drainage:	GOOD
Zoning:	R2M	Grade to Street:	EVEN
Land Use:	DUPLEX	Street Feature:	PAVED, CURB & GUTTER
Class:	Residential	Traffic:	LOW
Deed:		Utilities:	PUBLIC WATER, PUBLIC SEWER

Structure Data (for Residential Properties Only)

Structure Style:	RANCH		
Exterior Wall Cover:	WOOD	Living Area:	1140 sq. feet
Year Built:	1955	Floor Areas(b\1\2\3\h):	0 \ 720 \ 0 \ 0 \ 0
Bedrooms:	2		
Bathrooms:	1 (0 half)		
Heating Type:	FORCED AIR	Special Info:	
Heating Rating:	CENTRAL		
Heating Fuel:	NATURAL GAS	Condo Style:	

Assessment Data

Year	Parcel	Building	Total
2001 Value	$87000	$176000	$263000
2002 Value	$87000	$189700	$276700
2003 Value	$122000	$201200	$323200

Owner Data

Name(s): SCHMITZ HERBERT L
Address: 8012 PECK AVENUE
City,State, Zip: ANCHORAGE AK, 99504-1420

Opt-Out | What does Opt-Out mean?

T13N R3W SEC 13 LT 39 (Residential Property) **Tax ID: 00604304**

Site Address:	8008 PECK AVE		
Square Footage:	49050 (1.13 Acres)	Drainage:	GOOD
Zoning:	R2M	Grade to Street:	EVEN
Land Use:	SINGLE FAMILY	Street Feature:	PAVED, CURB & GUTTER
Class:	Residential	Traffic:	LOW
Deed:		Utilities:	PUBLIC WATER, PUBLIC SEWER

Structure Data (for Residential Properties Only)

Structure Style:	RANCH		
Exterior Wall Cover:	WOOD	Living Area:	1140 sq. feet
Year Built:	1955	Floor Areas(b\1\2\3\h):	0 \ 720 \ 0 \ 0 \ 0
Bedrooms:	2		
Bathrooms:	1 (0 half)		
Heating Type:	FORCED AIR	Special Info:	
Heating Rating:	CENTRAL		
Heating Fuel:	NATURAL GAS	Condo Style:	

Assessment Data

Year	Parcel	Building	Total
2001 Value	$87000	$176000	$263000
2002 Value	$87000	$189700	$276700
2003 Value	$122000	$201200	$323200

Owner Data

Name(s):	SCHMITZ HERBERT L
Address:	8012 PECK AVENUE
City,State, Zip:	ANCHORAGE AK, 99504-1420

Opt-Out | What does Opt-Out mean?

T13N R3W SEC 13 LT 39 (Residential Property) **Tax ID: 00604304**

Site Address:	8008 PECK AVE		
Square Footage:	49050 (1.13 Acres)	Drainage:	GOOD
Zoning:	R2M	Grade to Street:	EVEN
Land Use:	DUPLEX	Street Feature:	PAVED, CURB & GUTTER
Class:	Residential	Traffic:	LOW
Deed:		Utilities:	PUBLIC WATER, PUBLIC SEWER

Structure Data (for Residential Properties Only)

Structure Style:	SPLIT LEVEL		
Exterior Wall Cover:	ALUM/METAL	Living Area:	2248 sq. feet
Year Built:	1973	Floor Areas(b\1\2\3\h):	567 \ 817 \ 864 \ 0 \ 0
Bedrooms:	3		
Bathrooms:	2 (0 half)		
Heating Type:	HOT WATER	Special Info:	
Heating Rating:	CENTRAL		
Heating Fuel:	NATURAL GAS	Condo Style:	

Assessment Data

Year	Parcel	Building	Total
2001 Value	$87000	$176000	$263000
2002 Value	$87000	$189700	$276700
2003 Value	$122000	$201200	$323200

Owner Data

Name(s):	SCHMITZ HERBERT L
Address:	8012 PECK AVENUE
City,State, Zip:	ANCHORAGE AK, 99504-1420

Opt-Out | What does Opt-Out mean?

T13N R3W SEC 13 LT 39 (Residential Property) **Tax ID: 00604304**

Site Address:	8008 PECK AVE		
Square Footage:	49050 (1.13 Acres)	Drainage:	GOOD
Zoning:	R2M	Grade to Street:	EVEN
Land Use:	SINGLE FAMILY	Street Feature:	PAVED, CURB & GUTTER
Class:	Residential	Traffic:	LOW
Deed:		Utilities:	PUBLIC WATER, PUBLIC SEWER

Structure Data (for Residential Properties Only)

Structure Style:	SPLIT LEVEL		
Exterior Wall Cover:	ALUM/METAL	Living Area:	2248 sq. feet
Year Built:	1973	Floor Areas(b\1\2\3\h):	567 \ 817 \ 864 \ 0 \ 0
Bedrooms:	3		
Bathrooms:	2 (0 half)		
Heating Type:	HOT WATER	Special Info:	
Heating Rating:	CENTRAL		
Heating Fuel:	NATURAL GAS	Condo Style:	

Assessment Data

Year	Parcel	Building	Total
2001 Value	$87000	$176000	$263000
2002 Value	$87000	$189700	$276700
2003 Value	$122000	$201200	$323200

Owner Data

Name(s):	SCHMITZ HERBERT L
Address:	8012 PECK AVENUE
City,State, Zip:	ANCHORAGE AK, 99504-1420

Opt-Out | What does Opt-Out mean?

T13N R3W SEC 13 LT 39 (Residential Property) **Tax ID: 00604304**

Site Address:	8008 PECK AVE		
Square Footage:	49050 (1.13 Acres)	Drainage:	GOOD
Zoning:	R2M	Grade to Street:	EVEN
Land Use:	DUPLEX	Street Feature:	PAVED, CURB & GUTTER
Class:	Residential	Traffic:	LOW
Deed:		Utilities:	PUBLIC WATER, PUBLIC SEWER

Structure Data (for Residential Properties Only)

Structure Style:	SPLIT LEVEL		
Exterior Wall Cover:	ALUM/METAL	Living Area:	2248 sq. feet
Year Built:	1973	Floor Areas(b\1\2\3\h):	567 \ 817 \ 864 \ 0 \ 0
Bedrooms:	3		
Bathrooms:	2 (0 half)		
Heating Type:	HOT WATER	Special Info:	
Heating Rating:	CENTRAL		
Heating Fuel:	NATURAL GAS	Condo Style:	

Assessment Data

Year	Parcel	Building	Total
2001 Value	$87000	$176000	$263000
2002 Value	$87000	$189700	$276700
2003 Value	$122000	$201200	$323200

Owner Data

Name(s): SCHMITZ HERBERT L
Address: 8012 PECK AVENUE
City,State, Zip: ANCHORAGE AK, 99504-1420

Opt-Out | What does Opt-Out mean?

T13N R3W SEC 13 LT 39 (Residential Property) **Tax ID: 00604304**

Site Address:	8008 PECK AVE		
Square Footage:	49050 (1.13 Acres)	Drainage:	GOOD
Zoning:	R2M	Grade to Street:	EVEN
Land Use:	SINGLE FAMILY	Street Feature:	PAVED, CURB & GUTTER
Class:	Residential	Traffic:	LOW
Deed:		Utilities:	PUBLIC WATER, PUBLIC SEWER

Structure Data (for Residential Properties Only)

Structure Style:	SPLIT LEVEL		
Exterior Wall Cover:	ALUM/METAL	Living Area:	2248 sq. feet
Year Built:	1973	Floor Areas(b\1\2\3\h):	567 \ 817 \ 864 \ 0 \ 0
Bedrooms:	3		
Bathrooms:	2 (0 half)		
Heating Type:	HOT WATER	Special Info:	
Heating Rating:	CENTRAL		
Heating Fuel:	NATURAL GAS	Condo Style:	

Assessment Data

Year	Parcel	Building	Total
2001 Value	$87000	$176000	$263000
2002 Value	$87000	$189700	$276700
2003 Value	$122000	$201200	$323200

Owner Data

Name(s): SCHMITZ HERBERT L
Address: 8012 PECK AVENUE
City,State, Zip: ANCHORAGE AK, 99504-1420

Opt-Out | What does Opt-Out mean?

Print

Parcel Information

T13N R3W SEC 13 LT 38 W2NE4NE4SW4NW4NE4 (Residential Property) **Tax ID: 00604306**

Site Address:	8036 PECK AVE		
Square Footage:	11977 (0.27 Acres)	Drainage:	GOOD
Zoning:	R2M	Grade to Street:	EVEN
Land Use:	SINGLE FAMILY	Street Feature:	PAVED, CURB & GUTTER
Class:	Residential	Traffic:	LOW
Deed:	09 Nov 92, Book 2339, Page 680	Utilities:	PUBLIC WATER, PUBLIC SEWER

Structure Data (for Residential Properties Only)

Structure Style:	OTHER		
Exterior Wall Cover:	STUCCO	Living Area:	1115 sq. feet
Year Built:	1950	Floor Areas(b\1\2\3\h):	0 \ 782 \ 0 \ 0 \ 0
Bedrooms:	1		
Bathrooms:	1 (0 half)		
Heating Type:	HOT WATER	Special !nfo:	
Heating Rating:	CENTRAL		
Heating Fuel:	NATURAL GAS	Condo Style:	

Assessment Data

Year	Parcel	Building	Total
2001 Value	$40200	$55900	$96100
2002 Value	$42300	$59300	$101600
2003 Value	$49200	$63500	$112700

Owner Data

Name(s):	CLINTON JAMES A
Address:	8036 PECK AVENUE
City,State, Zip:	ANCHORAGE AK, 99504-1420

Opt-Out | What does Opt-Out mean?

Print

Parcel Information

SCANDIA LT 22H GRAND LARRY A-09 (Residential Condo Property) **Tax ID: 00604149**

Site Address:

Square Footage:	0 (0.00 Acres)	Drainage:	GOOD
Zoning:	R3	Grade to Street:	EVEN
Land Use:	CONDOMINIUM	Street Feature:	PAVED, CURB & GUTTER
Class:	Residential Condo	Traffic:	MEDIUM
Deed:	28 Feb 01, Book 3778, Page 668	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$34300	$34300
2002 Value	$	$52100	$52100
2003 Value	$	$53100	$53100

Owner Data

Name(s):	SMITH MICHAEL A, % OPA-KELLY BARTHOLOMEW
Address:	900 W 5TH AVENUE #525
City,State, Zip:	ANCHORAGE AK, 99501-2042

Opt-Out | What does Opt-Out mean?

SCANDIA LT 22H GRAND LARRY D-08 (Residential Condo Property) **Tax ID: 00604149**

Site Address:

Square Footage:	0 (0.00 Acres)	Drainage:	GOOD
Zoning:	R3	Grade to Street:	EVEN
Land Use:	CONDOMINIUM	Street Feature:	PAVED, CURB & GUTTER
Class:	Residential Condo	Traffic:	MEDIUM
Deed:		Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$34300	$34300
2002 Value	$	$53600	$53600
2003 Value	$	$55400	$55400

Owner Data

Name(s):	CHESO LAURENCE LEE
Address:	PO BOX 210795
City,State, Zip:	ANCHORAGE AK, 99521-0795

Opt-Out | What does Opt-Out mean?

SCANDIA LT 22H GRAND LARRY C-05 (Residential Condo Property) **Tax ID: 00604149**

Site Address:

Square Footage:	0 (0.00 Acres)	Drainage:	GOOD
Zoning:	R3	Grade to Street:	EVEN
Land Use:	CONDOMINIUM	Street Feature:	PAVED, CURB & GUTTER
Class:	Residential Condo	Traffic:	MEDIUM

Deed: 17 Apr 00, Book 3620, Page 261 Utilities: PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$45000	$45000
2002 Value	$	$60700	$60700
2003 Value	$	$66400	$66400

Owner Data

Name(s): BACHNER DANA
Address: PO BOX 870686
City,State, Zip: WASILLA AK, 99687-0686

Opt-Out | What does Opt-Out mean?

SCANDIA LT 22H GRAND LARRY B-05 (Residential Condo Property) **Tax ID: 00604149**

Site Address:
Square Footage: 0 (0.00 Acres)
Zoning: R3
Land Use: CONDOMINIUM
Class: Residential Condo
Deed: 22 Feb 02, Book 2002, Page 123530
Drainage: GOOD
Grade to Street: EVEN
Street Feature: PAVED, CURB & GUTTER
Traffic: MEDIUM
Utilities: PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$45000	$45000
2002 Value	$	$60700	$60700
2003 Value	$	$66400	$66400

Owner Data

Name(s): SMITH LARRY G & DEBORAH C
Address: 3850 YOUNG STREET
City,State, Zip: ANCHORAGE AK, 99508-4548

Opt-Out | What does Opt-Out mean?

SCANDIA LT 22H GRAND LARRY B-06 (Residential Condo Property) **Tax ID: 00604149**

Site Address:
Square Footage: 0 (0.00 Acres)
Zoning: R3
Land Use: CONDOMINIUM
Class. Residential Condo
Deed: 27 Sep 02, Book 2002, Page 677310
Drainage: GOOD
Grade to Street: EVEN
Street Feature: PAVED, CURB & GUTTER
Traffic: MEDIUM
Utilities: PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$45000	$45000
2002 Value	$	$60700	$60700
2003 Value	$	$67900	$67900

Owner Data

Name(s): STUCKEY RYAN O
Address: 1633 WICKERSHAM DRIVE

City,State, Zip: ANCHORAGE AK, 99507-1347

Opt-Out | What does Opt-Out mean?

SCANDIA LT 22H GRAND LARRY C-04 (Residential Condo Property) **Tax ID: 00604149**

Site Address:

Square Footage:	0 (0.00 Acres)	Drainage:	GOOD
Zoning:	R3	Grade to Street:	EVEN
Land Use:	CONDOMINIUM	Street Feature:	PAVED, CURB & GUTTER
Class:	Residential Condo	Traffic:	MEDIUM
Deed:	05 Dec 00, Book 3730, Page 182	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$34300	$34300
2002 Value	$	$52100	$52100
2003 Value	$	$54100	$54100

Owner Data

Name(s):	JOAN TERRIE L
Address:	4100 COPE STREET #2
City,State, Zip:	ANCHORAGE AK, 99503-5747

Opt-Out | What does Opt-Out mean?

SCANDIA LT 22H GRAND LARRY C-07 (Residential Condo Property) **Tax ID: 00604149**

Site Address:

Square Footage:	0 (0.00 Acres)	Drainage:	GOOD
Zoning:	R3	Grade to Street:	EVEN
Land Use:	CONDOMINIUM	Street Feature:	PAVED, CURB & GUTTER
Class:	Residential Condo	Traffic:	MEDIUM
Deed:	16 Mar 01, Book 3789, Page 737	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$45000	$45000
2002 Value	$	$60700	$60700
2003 Value	$	$66400	$66400

Owner Data

Name(s):	TURKINGTON JOY A
Address:	PO BOX 201074
City,State, Zip:	ANCHORAGE AK, 99520-1074

Opt-Out | What does Opt-Out mean?

SCANDIA LT 22H GRAND LARRY D-04 (Residential Condo Property) **Tax ID: 00604149**

Site Address:

Square Footage:	0 (0.00 Acres)	Drainage:	GOOD
Zoning:	R3	Grade to Street:	EVEN
Land Use:	CONDOMINIUM	Street Feature:	PAVED, CURB & GUTTER
Class:	Residential Condo	Traffic:	MEDIUM

Deed: 12 Apr 01, Book 3810, Page 215 Utilities: PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$45000	$45000
2002 Value	$	$58800	$58800
2003 Value	$	$66600	$66600

Owner Data

Name(s): TRUFANT PHYLLIS E
Address: 160 GRAND LARRY STREET #D-4
City,State, Zip: ANCHORAGE AK, 99504-5005

Opt-Out | What does Opt-Out mean?

SCANDIA LT 22H GRAND LARRY C-12 (Residential Condo Property) **Tax ID: 00604149**

Site Address:
Square Footage: 0 (0.00 Acres) Drainage: GOOD
Zoning: R3 Grade to Street: EVEN
Land Use: CONDOMINIUM Street Feature: PAVED, CURB & GUTTER
Class: Residential Condo Traffic: MEDIUM
Deed: 27 Dec 89, Book 1982, Page 532 Utilities: PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Tota
2001 Value	$	$34300	$3430
2002 Value	$	$53600	$53600
2003 Value	$	$55500	$55500

Owner Data

Name(s): JACKSON LINDA A
Address: 2930 BRITTANY DRIVE
City,State, Zip: ANCHORAGE AK, 99504-3982

Opt-Out | What does Opt-Out mean?

SCANDIA LT 22H GRAND LARRY C-02 (Residential Condo Property) **Tax ID: 00604149**

Site Address:
Square Footage: 0 (0.00 Acres) Drainage: GOOD
Zoning: R3 Grade to Street: EVEN
Land Use: CONDOMINIUM Street Feature: PAVED, CURB & GUTTER
Class: Residential Condo Traffic: MEDIUM
Deed: 14 Feb 03, Book 2003, Page 14344 Utilities: PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$34300	$34300
2002 Value	$	$53600	$53600
2003 Value	$	$55500	$55500

Owner Data

Name(s): SCHEETZ JOAN M
Address: 170 GRAND LARRY #C2

City,State, Zip: ANCHORAGE AK, 99504-5007

Opt-Out | What does Opt-Out mean?

SCANDIA LT 22H GRAND LARRY B-07 (Residential Condo Property) **Tax ID: 00604149**

Site Address:

Square Footage:	0 (0.00 Acres)	Drainage:	GOOD
Zoning:	R3	Grade to Street:	EVEN
Land Use:	CONDOMINIUM	Street Feature:	PAVED, CURB & GUTTER
Class:	Residential Condo	Traffic:	MEDIUM
Deed:	26 Jul 02, Book 2002, Page 499160	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$45000	$45000
2002 Value	$	$60700	$60700
2003 Value	$	$66400	$66400

Owner Data

Name(s):	CHIKLAK PATRICK D & ANECIA A
Address:	180 GRAND LARRY STREET #87
City,State, Zip:	ANCHORAGE AK, 99504-0000

Opt-Out | What does Opt-Out mean?

SCANDIA LT 22H GRAND LARRY A-05 (Residential Condo Property) **Tax ID: 00604149**

Site Address:

Square Footage:	0 (0.00 Acres)	Drainage:	GOOD
Zoning:	R3	Grade to Street:	EVEN
Land Use:	CONDOMINIUM	Street Feature:	PAVED, CURB & GUTTER
Class:	Residential Condo	Traffic:	MEDIUM
Deed:	11 Dec 95, Book 2866, Page 117	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$45000	$45000
2002 Value	$	$60700	$60700
2003 Value	$	$66400	$66400

Owner Data

Name(s):	KUKOWSKI ELEANOR A
Address:	190 GRAND LARRY STREET #5A
City,State, Zip:	ANCHORAGE AK, 99504-5012

Opt-Out | What does Opt-Out mean?

SCANDIA LT 22H GRAND LARRY C-08 (Residential Condo Property) **Tax ID: 00604149**

Site Address:

Square Footage:	0 (0.00 Acres)	Drainage:	GOOD
Zoning:	R3	Grade to Street:	EVEN
Land Use:	CONDOMINIUM	Street Feature:	PAVED, CURB & GUTTER
Class:	Residential Condo	Traffic:	MEDIUM

Deed: 01 Mar 01, Book 3780, Page 23 Utilities: PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$45000	$45000
2002 Value	$	$60700	$60700
2003 Value	$	$67900	$67900

Owner Data

Name(s): ELDRED SUSANNA C
Address: 4261 WARWICK DRIVE
City,State, Zip: ANCHORAGE AK, 99508-5162

Opt-Out | What does Opt-Out mean?

SCANDIA LT 22H GRAND LARRY D-10 (Residential Condo Property) **Tax ID: 00604149**

Site Address:

Square Footage:	0 (0.00 Acres)	Drainage:	GOOD
Zoning:	R3	Grade to Street:	EVEN
Land Use:	CONDOMINIUM	Street Feature:	PAVED, CURB & GUTTER
Class:	Residential Condo	Traffic:	MEDIUM
Deed:	30 May 01, Book 3850, Page 958	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$45000	$45000
2002 Value	$	$58800	$58800
2003 Value	$	$66600	$66600

Owner Data

Name(s): RABY RAEGEN R
Address: 160 GRAND LARRY #D10
City,State, Zip: ANCHORAGE AK. 99504-5006

Opt-Out | What does Opt-Out mean?

SCANDIA LT 22H GRAND LARRY B-03 (Residential Condo Property) **Tax ID: 00604149**

Site Address:

Square Footage:	0 (0.00 Acres)	Drainage:	GOOD
Zoning:	R3	Grade to Street:	EVEN
Land Use:	CONDOMINIUM	Street Feature:	PAVED, CURB & GUTTER
Class:	Residential Condo	Traffic:	MEDIUM
Deed:	09 Jan 91, Book 2114, Page 846	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$34300	$34300
2002 Value	$	$52100	$52100
2003 Value	$	$53100	$53100

Owner Data

Name(s): WONG TRADING PARTNERSHIP
Address: 921 ALLISON CIRCLE

City,State, Zip: ANCHORAGE AK, 99515-3258

Opt-Out | What does Opt-Out mean?

SCANDIA LT 22H GRAND LARRY A-11 (Residential Condo Property) **Tax ID: 00604149**

Site Address:

Square Footage:	0 (0.00 Acres)	Drainage:	GOOD
Zoning:	R3	Grade to Street:	EVEN
Land Use:	CONDOMINIUM	Street Feature:	PAVED, CURB & GUTTER
Class:	Residential Condo	Traffic:	MEDIUM
Deed:	27 Mar 98, Book 3217, Page 387	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$34300	$34300
2002 Value	$	$53600	$53600
2003 Value	$	$54400	$54400

Owner Data

Name(s):	GREENWOOD JOAN N
Address:	190 GRAND LARRY STREET #A11
City,State, Zip:	ANCHORAGE AK, 99504-5004

Opt-Out | What does Opt-Out mean?

SCANDIA LT 22H GRAND LARRY B-10 (Residential Condo Property) **Tax ID: 00604149**

Site Address:

Square Footage:	0 (0.00 Acres)	Drainage:	GOOD
Zoning:	R3	Grade to Street:	EVEN
Land Use:	CONDOMINIUM	Street Feature:	PAVED, CURB & GUTTER
Class:	Residential Condo	Traffic:	MEDIUM
Deed:	07 May 01, Book 3832, Page 50	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$34300	$34300
2002 Value	$	$52100	$52100
2003 Value	$	$54100	$54100

Owner Data

Name(s):	DEGNER ANITA L
Address:	7934 GARMAN ROAD
City,State, Zip:	AUBURN IN, 46706-0000

Opt-Out | What does Opt-Out mean?

SCANDIA LT 22H GRAND LARRY C-09 (Residential Condo Property) **Tax ID: 00604149**

Site Address:

Square Footage:	0 (0.00 Acres)	Drainage:	GOOD
Zoning:	R3	Grade to Street:	EVEN
Land Use:	CONDOMINIUM	Street Feature:	PAVED, CURB & GUTTER
Class:	Residential Condo	Traffic:	MEDIUM

Deed: 07 Jan 03, Book 2003, Page 1423 Utilities: PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$34300	$34300
2002 Value	$	$52100	$52100
2003 Value	$	$53100	$53100

Owner Data

Name(s): BACHNER DANA K
Address: PO BOX 870686
City,State, Zip: WASILLA AK, 99687-0686

Opt-Out | What does Opt-Out mean?

SCANDIA LT 22H GRAND LARRY B-09 (Residential Condo Property) **Tax ID: 00604149**

Site Address:
Square Footage: 0 (0.00 Acres) Drainage: GOOD
Zoning: R3 Grade to Street: EVEN
Land Use: CONDOMINIUM Street Feature: PAVED, CURB & GUTTER
Class: Residential Condo Traffic: MEDIUM
Deed: 25 Jan 94, Book 2583, Page 794 Utilities: PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$34300	$34300
2002 Value	$	$52100	$52100
2003 Value	$	$53100	$53100

Owner Data

Name(s): WELLS JERRY L & SHIRLEY S, DECLARATIONS OF TRUST, WELLS J L & S S/TRUSTEE
Address: 11821 HUMBLE COURT
City,State, Zip: ANCHORAGE AK, 99515-3259

Opt-Out | What does Opt-Out mean?

SCANDIA LT 22H GRAND LARRY C-03 (Residential Condo Property) **Tax ID: 00604149**

Site Address:
Square Footage: 0 (0.00 Acres) Drainage: GOOD
Zoning: R3 Grade to Street: EVEN
Land Use: CONDOMINIUM Street Feature: PAVED, CURB & GUTTER
Class: Residential Condo Traffic: MEDIUM
Deed: 23 Jul 97, Book 3096, Page 570 Utilities: PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$34300	$34300
2002 Value	$	$52100	$52100
2003 Value	$	$53100	$53100

Owner Data

Name(s): RAKOSKI GREGORY R
Address: 170 GRAND LARRY STREET #C3

City,State, Zip: ANCHORAGE AK, 99504-5007

Opt-Out | What does Opt-Out mean?

SCANDIA LT 22H GRAND LARRY A-01 (Residential Condo Property) **Tax ID: 00604149**

Site Address:

Square Footage:	0 (0.00 Acres)	Drainage:	GOOD
Zoning:	R3	Grade to Street:	EVEN
Land Use:	CONDOMINIUM	Street Feature:	PAVED, CURB & GUTTER
Class:	Residential Condo	Traffic:	MEDIUM
Deed:	25 Oct 01, Book 2001, Page 715670	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$34300	$34300
2002 Value	$	$53600	$53600
2003 Value	$	$54400	$54400

Owner Data

Name(s):	DUNNIVANT DANIELLE D
Address:	190 GRAND LARRY #A1
City,State, Zip:	ANCHORAGE AK, 99504-5012

Opt-Out | What does Opt-Out mean?

SCANDIA LT 22H GRAND LARRY B-04 (Residential Condo Property) **Tax ID: 00604149**

Site Address:

Square Footage:	0 (0.00 Acres)	Drainage:	GOOD
Zoning:	R3	Grade to Street:	EVEN
Land Use:	CONDOMINIUM	Street Feature:	PAVED, CURB & GUTTER
Class:	Residential Condo	Traffic:	MEDIUM
Deed:	19 Jun 02, Book 2002, Page 408450	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$34300	$34300
2002 Value	$	$52100	$52100
2003 Value	$	$54100	$54100

Owner Data

Name(s):	MURCHISON MARCUS L
Address:	2336 E 20TH AVENUE
City,State, Zip:	ANCHORAGE AK, 99508-3213

Opt-Out | What does Opt-Out mean?

SCANDIA LT 22H GRAND LARRY D-01 (Residential Condo Property) **Tax ID: 00604149**

Site Address:

Square Footage:	0 (0.00 Acres)	Drainage:	GOOD
Zoning:	R3	Grade to Street:	EVEN
Land Use:	CONDOMINIUM	Street Feature:	PAVED, CURB & GUTTER
Class:	Residential Condo	Traffic:	MEDIUM

Deed: 20 Dec 02, Book 2002, Page 975140 Utilities: PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$45000	$45000
2002 Value	$	$60800	$60800
2003 Value	$	$67100	$67100

Owner Data

Name(s): BACHNER DANA
Address: PO BOX 870686
City,State, Zip: WASILLA AK, 99687-0686

Opt-Out | What does Opt-Out mean?

SCANDIA LT 22H GRAND LARRY C-06 (Residential Condo Property) **Tax ID: 00604149**

Site Address:
Square Footage: 0 (0.00 Acres)
Zoning: R3
Land Use: CONDOMINIUM
Class: Residential Condo
Deed: 12 Mar 98, Book 3209, Page 493
Drainage: GOOD
Grade to Street: EVEN
Street Feature: PAVED, CURB & GUTTER
Traffic: MEDIUM
Utilities: PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$45000	$45000
2002 Value	$	$60700	$60700
2003 Value	$	$67900	$67900

Owner Data

Name(s): MERRICK EUGENE V
Address: 170 GRAND LARRY STREET #C-6
City,State, Zip: ANCHORAGE AK, 99504-5008

Opt-Out | What does Opt-Out mean?

SCANDIA LT 22H GRAND LARRY C-10 (Residential Condo Property) **Tax ID: 00604149**

Site Address:
Square Footage: 0 (0.00 Acres)
Zoning: R3
Land Use: CONDOMINIUM
Class: Residential Condo
Deed: 25 Jan 94, Book 2583, Page 794
Drainage: GOOD
Grade to Street: EVEN
Street Feature: PAVED, CURB & GUTTER
Traffic: MEDIUM
Utilities: PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$34300	$34300
2002 Value	$	$52100	$52100
2003 Value	$	$54100	$54100

Owner Data

Name(s): WELLS JERRY L & SHIRLEY S, DECLARATIONS OF TRUST, WELLS J L & S S/TRUSTEES
Address: 11821 HUMBLE COURT

City,State, Zip: ANCHORAGE AK, 99515-3259

Opt-Out | What does Opt-Out mean?

SCANDIA LT 22H GRAND LARRY B-02 (Residential Condo Property) **Tax ID: 00604149**

Site Address:

Square Footage:	0 (0.00 Acres)	Drainage:	GOOD
Zoning:	R3	Grade to Street:	EVEN
Land Use:	CONDOMINIUM	Street Feature:	PAVED, CURB & GUTTER
Class:	Residential Condo	Traffic:	MEDIUM
Deed:	20 Dec 99, Book 3577, Page 604	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$34300	$34300
2002 Value	$	$48300	$48300
2003 Value	$	$51300	$51300

Owner Data

Name(s):	THOMASSON MARVIN
Address:	180 GRAND LARRY STREET #B2
City,State, Zip:	ANCHORAGE AK, 99507-5010

Opt-Out | What does Opt-Out mean?

SCANDIA LT 22H GRAND LARRY D-05 (Residential Condo Property) **Tax ID: 00604149**

Site Address:

Square Footage:	0 (0.00 Acres)	Drainage:	GOOD
Zoning:	R3	Grade to Street:	EVEN
Land Use:	CONDOMINIUM	Street Feature:	PAVED, CURB & GUTTER
Class:	Residential Condo	Traffic:	MEDIUM
Deed:	01 Nov 01, Book 2001, Page 738350	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$34300	$34300
2002 Value	$	$53600	$53600
2003 Value	$	$54400	$54400

Owner Data

Name(s):	MORGAN-LAWRENCE SHERYL ANN
Address:	160 GRAND LARRY #D-5
City,State, Zip:	ANCHORAGE AK, 99504-5005

Opt-Out | What does Opt-Out mean?

SCANDIA LT 22H GRAND LARRY A-02 (Residential Condo Property) **Tax ID: 00604149**

Site Address:

Square Footage:	0 (0.00 Acres)	Drainage:	GOOD
Zoning:	R3	Grade to Street:	EVEN
Land Use:	CONDOMINIUM	Street Feature:	PAVED, CURB & GUTTER
Class:	Residential Condo	Traffic:	MEDIUM

Deed: 14 Jan 02, Book 2002, Page 28460 Utilities: PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$34300	$34300
2002 Value	$	$53600	$53600
2003 Value	$	$55500	$55500

Owner Data

Name(s): BECK ERIKA A
Address: 190 GRAND LARRY STREET #2A
City,State, Zip: ANCHORAGE AK, 99504-5004

Opt-Out | What does Opt-Out mean?

SCANDIA LT 22H GRAND LARRY A-04 (Residential Condo Property) **Tax ID: 00604149**

Site Address:
Square Footage: 0 (0.00 Acres)
Zoning: R3
Land Use: CONDOMINIUM
Class: Residential Condo
Deed: 28 Jun 96, Book 2944, Page 645
Drainage: GOOD
Grade to Street: EVEN
Street Feature: PAVED, CURB & GUTTER
Traffic: MEDIUM
Utilities: PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$34300	$34300
2002 Value	$	$52100	$52100
2003 Value	$	$54100	$54100

Owner Data

Name(s): JONES MAURICE & JEWEL L
Address: 6271 W TREE DRIVE
City,State, Zip: ANCHORAGE AK, 99516-6712

Opt-Out | What does Opt-Out mean?

SCANDIA LT 22H GRAND LARRY B-11 (Residential Condo Property) **Tax ID: 00604149**

Site Address:
Square Footage: 0 (0.00 Acres)
Zoning: R3
Land Use: CONDOMINIUM
Class: Residential Condo
Deed: 31 May 01, Book 3852, Page 477
Drainage: GOOD
Grade to Street: EVEN
Street Feature: PAVED, CURB & GUTTER
Traffic: MEDIUM
Utilities: PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$34300	$34300
2002 Value	$	$53600	$53600
2003 Value	$	$54400	$54400

Owner Data

Name(s): RITTER ANASTASIA
Address: 180 GRAND LARRY #B11

City,State, Zip: ANCHORAGE AK, 99504-5011

Opt-Out | What does Opt-Out mean?

SCANDIA LT 22H GRAND LARRY A-08 (Residential Condo Property) **Tax ID: 00604149**

Site Address:

Square Footage:	0 (0.00 Acres)	Drainage:	GOOD
Zoning:	R3	Grade to Street:	EVEN
Land Use:	CONDOMINIUM	Street Feature:	PAVED, CURB & GUTTER
Class:	Residential Condo	Traffic:	MEDIUM
Deed:	17 Dec 93, Book 2558, Page 743	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$45000	$45000
2002 Value	$	$60700	$60700
2003 Value	$	$67900	$67900

Owner Data

Name(s):	SHETLER COLISTA R
Address:	3166 BETTLES BAY LOOP
City,State, Zip:	ANCHORAGE AK, 99515-2408

Opt-Out | What does Opt-Out mean?

SCANDIA LT 22H GRAND LARRY A-10 (Residential Condo Property) **Tax ID: 00604149**

Site Address:

Square Footage:	0 (0.00 Acres)	Drainage:	GOOD
Zoning:	R3	Grade to Street:	EVEN
Land Use:	CONDOMINIUM	Street Feature:	PAVED, CURB & GUTTER
Class:	Residential Condo	Traffic:	MEDIUM
Deed:	02 Jun 97, Book 3072, Page 21	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$34300	$34300
2002 Value	$	$52100	$52100
2003 Value	$	$54100	$54100

Owner Data

Name(s):	THORNTON STEPHEN B
Address:	3030 E 46TH AVENUE #4B
City,State, Zip:	ANCHORAGE AK, 99507-1572

Opt-Out | What does Opt-Out mean?

SCANDIA LT 22H GRAND LARRY D-06 (Residential Condo Property) **Tax ID: 00604149**

Site Address:

Square Footage:	0 (0.00 Acres)	Drainage:	GOOD
Zoning:	R3	Grade to Street:	EVEN
Land Use:	CONDOMINIUM	Street Feature:	PAVED, CURB & GUTTER
Class:	Residential Condo	Traffic:	MEDIUM

Deed: 26 Jul 02, Book 2002, Page 497100 Utilities: PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$34300	$34300
2002 Value	$	$53600	$53600
2003 Value	$	$55400	$55400

Owner Data

Name(s): BEAUDREAULT CATHERINE WHITNEY
Address: 160 GRAND LARRY STREET #D6
City,State, Zip: ANCHORAGE AK, 99504-5005

Opt-Out | What does Opt-Out mean?

SCANDIA LT 22H GRAND LARRY A-03 (Residential Condo Property) **Tax ID: 00604149**

Site Address:
Square Footage: 0 (0.00 Acres)
Zoning: R3
Land Use: CONDOMINIUM
Class: Residential Condo
Deed: 29 Nov 89, Book 1972, Page 674
Drainage: GOOD
Grade to Street: EVEN
Street Feature: PAVED, CURB & GUTTER
Traffic: MEDIUM
Utilities: PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$34300	$34300
2002 Value	$	$52100	$52100
2003 Value	$	$53100	$53100

Owner Data

Name(s): HIPSHMAN LAWRENCE
Address: 19749 WILDWOOD DRIVE
City,State, Zip: WEST LINN OR, 97068-2226

Opt-Out | What does Opt-Out mean?

SCANDIA LT 22H GRAND LARRY D-03 (Residential Condo Property) **Tax ID: 00604149**

Site Address:
Square Footage: 0 (0.00 Acres)
Zoning: R3
Land Use: CONDOMINIUM
Class: Residential Condo
Deed:
Drainage: GOOD
Grade to Street: EVEN
Street Feature: PAVED, CURB & GUTTER
Traffic: MEDIUM
Utilities: PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$45000	$45000
2002 Value	$	$58800	$58800
2003 Value	$	$65100	$65100

Owner Data

Name(s): HALL CYNTHIA ANN
Address: 160 GRAND LARRY CT # 3

City,State, Zip: ANCHORAGE AK, 99504-5001

Opt-Out | What does Opt-Out mean?

SCANDIA LT 22H GRAND LARRY D-07 (Residential Condo Property) **Tax ID: 00604149**

Site Address:

Square Footage:	0 (0.00 Acres)	Drainage:	GOOD
Zoning:	R3	Grade to Street:	EVEN
Land Use:	CONDOMINIUM	Street Feature:	PAVED, CURB & GUTTER
Class:	Residential Condo	Traffic:	MEDIUM
Deed:	30 May 97, Book 3070, Page 707	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$34300	$34300
2002 Value	$	$53600	$53600
2003 Value	$	$54400	$54400

Owner Data

Name(s):	BEHRENS LISA A
Address:	PO BOX 520443
City,State, Zip:	BIG LAKE AK, 99652-0443

Opt-Out | What does Opt-Out mean?

SCANDIA LT 22H GRAND LARRY B-01 (Residential Condo Property) **Tax ID: 00604149**

Site Address:

Square Footage:	0 (0.00 Acres)	Drainage:	GOOD
Zoning:	R3	Grade to Street:	EVEN
Land Use:	CONDOMINIUM	Street Feature:	PAVED, CURB & GUTTER
Class:	Residential Condo	Traffic:	MEDIUM
Deed:	24 Jan 90, Book 1992, Page 77	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$34300	$34300
2002 Value	$	$53600	$53600
2003 Value	$	$54400	$54400

Owner Data

Name(s):	DAVIS KIRK B, % JUNE D DAVIS
Address:	180 GRAND LARRY STREET #B1
City,State, Zip:	ANCHORAGE AK, 99504-5010

Opt-Out | What does Opt-Out mean?

SCANDIA LT 22H GRAND LARRY B-12 (Residential Condo Property) **Tax ID: 00604149**

Site Address:

Square Footage:	0 (0.00 Acres)	Drainage:	GOOD
Zoning:	R3	Grade to Street:	EVEN
Land Use:	CONDOMINIUM	Street Feature:	PAVED, CURB & GUTTER
Class:	Residential Condo	Traffic:	MEDIUM

Deed: 14 May 98, Book 3249, Page 912 Utilities: PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$34300	$34300
2002 Value	$	$53600	$53600
2003 Value	$	$55500	$55500

Owner Data

Name(s): BEHRENS LISA A
Address: PO BOX 520443
City,State, Zip: BIG LAKE AK, 99652-0443

Opt-Out | What does Opt-Out mean?

SCANDIA LT 22H GRAND LARRY D-12 (Residential Condo Property) **Tax ID: 00604149**

Site Address:

Square Footage:	0 (0.00 Acres)	Drainage:	GOOD
Zoning:	R3	Grade to Street:	EVEN
Land Use:	CONDOMINIUM	Street Feature:	PAVED, CURB & GUTTER
Class:	Residential Condo	Traffic:	MEDIUM
Deed:	02 Jun 88, Book 1743, Page 97	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$45000	$45000
2002 Value	$	$60800	$60800
2003 Value	$	$68600	$68600

Owner Data

Name(s): POWELL KAREN M
Address: 160 GRAND LARRY ST UNIT D
City,State, Zip: ANCHORAGE AK, 99504-5001

Opt-Out | What does Opt-Out mean?

SCANDIA LT 22H GRAND LARRY B-08 (Residential Condo Property) **Tax ID: 00604149**

Site Address:

Square Footage:	0 (0.00 Acres)	Drainage:	GOOD
Zoning:	R3	Grade to Street:	EVEN
Land Use:	CONDOMINIUM	Street Feature:	PAVED, CURB & GUTTER
Class:	Residential Condo	Traffic:	MEDIUM
Deed:	11 Jan 95, Book 2745, Page 868	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$45000	$45000
2002 Value	$	$60700	$60700
2003 Value	$	$67900	$67900

Owner Data

Name(s): STILTNER EARL R
Address: 17035 N EAGLE RIVER LOOP ROAD

City,State, Zip: EAGLE RIVER AK, 99577-7803

Opt-Out | What does Opt-Out mean?

SCANDIA LT 22H GRAND LARRY C-01 (Residential Condo Property) **Tax ID: 00604149**

Site Address:

Square Footage:	0 (0.00 Acres)	Drainage:	GOOD
Zoning:	R3	Grade to Street:	EVEN
Land Use:	CONDOMINIUM	Street Feature:	PAVED, CURB & GUTTER
Class:	Residential Condo	Traffic:	MEDIUM
Deed:	07 Feb 95 Book 2754, Page 552	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$34300	$34300
2002 Value	$	$53600	$53600
2003 Value	$	$54400	$54400

Owner Data

Name(s):	BACHNER DANA
Address:	PO BOX 870686
City,State, Zip:	WASILLA AK, 99687-0686

Opt-Out | What does Opt-Out mean?

SCANDIA LT 22H GRAND LARRY D-11 (Residential Condo Property) **Tax ID: 00604149**

Site Address:

Square Footage:	0 (0.00 Acres)	Drainage:	GOOD
Zoning:	R3	Grade to Street:	EVEN
Land Use:	CONDOMINIUM	Street Feature:	PAVED, CURB & GUTTER
Class:	Residential Condo	Traffic:	MEDIUM
Deed:	30 Jun 00, Book 3655, Page 868	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$45000	$45000
2002 Value	$	$60800	$60800
2003 Value	$	$67100	$67100

Owner Data

Name(s):	AVANT MARELYN
Address:	PO BOX 211274
City,State, Zip:	ANCHORAGE AK, 99521-1274

Opt-Out | What does Opt-Out mean?

SCANDIA LT 22H GRAND LARRY D-02 (Residential Condo Property) **Tax ID: 00604149**

Site Address:

Square Footage:	0 (0.00 Acres)	Drainage:	GOOD
Zoning:	R3	Grade to Street:	EVEN
Land Use:	CONDOMINIUM	Street Feature:	PAVED, CURB & GUTTER
Class:	Residential Condo	Traffic:	MEDIUM

Deed: 29 Apr 99, Book 3463, Page 106 Utilities: PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$45000	$45000
2002 Value	$	$60800	$60800
2003 Value	$	$68600	$68600

Owner Data

Name(s): BACHNER DANA K
Address: PO BOX 870686
City,State, Zip: WASILLA AK, 99687-0686

Opt-Out | What does Opt-Out mean?

SCANDIA LT 22H GRAND LARRY A-06 (Residential Condo Property) **Tax ID: 00604149**

Site Address:
Square Footage: 0 (0.00 Acres) Drainage: GOOD
Zoning: R3 Grade to Street: EVEN
Land Use: CONDOMINIUM Street Feature: PAVED, CURB & GUTTER
Class: Residential Condo Traffic: MEDIUM
Deed: 12 Aug 96, Book 2961, Page 744 Utilities: PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$45000	$45000
2002 Value	$	$60700	$60700
2003 Value	$	$67900	$67900

Owner Data

Name(s): JONES MAURICE & JEWEL L
Address: 6271 W TREE DRIVE
City,State, Zip: ANCHORAGE AK, 99516-6712

Opt-Out | What does Opt-Out mean?

SCANDIA LT 22H GRAND LARRY A-12 (Residential Condo Property) **Tax ID: 00604149**

Site Address:
Square Footage: 0 (0.00 Acres) Drainage: GOOD
Zoning: R3 Grade to Street: EVEN
Land Use: CONDOMINIUM Street Feature: PAVED, CURB & GUTTER
Class: Residential Condo Traffic: MEDIUM
Deed: 16 Dec 02, Book 2002, Page 955500 Utilities: PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$34300	$34300
2002 Value	$	$53600	$53600
2003 Value	$	$55500	$55500

Owner Data

Name(s): MOA/TAX DEED, % REAL ESTATE SERVICES
Address: PO BOX 196650

City,State, Zip: ANCHORAGE AK, 99519-6650

Opt-Out | What does Opt-Out mean?

SCANDIA LT 22H GRAND LARRY C-11 (Residential Condo Property) **Tax ID: 00604149**

Site Address:

Square Footage:	0 (0.00 Acres)	Drainage:	GOOD
Zoning:	R3	Grade to Street:	EVEN
Land Use:	CONDOMINIUM	Street Feature:	PAVED, CURB & GUTTER
Class:	Residential Condo	Traffic:	MEDIUM
Deed:	06 Jul 01, Book 3885, Page 307	Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$34300	$34300
2002 Value	$	$53600	$53600
2003 Value	$	$54400	$54400

Owner Data

Name(s):	AUSTIN RUSSELL
Address:	170 GRAND LARRY STREET #C11
City,State, Zip:	ANCHORAGE AK, 99515-5009

Opt-Out | What does Opt-Out mean?

SCANDIA LT 22H GRAND LARRY D-09 (Residential Condo Property) **Tax ID: 00604149**

Site Address:

Square Footage:	0 (0.00 Acres)	Drainage:	GOOD
Zoning:	R3	Grade to Street:	EVEN
Land Use:	CONDOMINIUM	Street Feature:	PAVED, CURB & GUTTER
Class:	Residential Condo	Traffic:	MEDIUM
Deed:		Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$45000	$45000
2002 Value	$	$58800	$58800
2003 Value	$	$65100	$65100

Owner Data

Name(s):	EVCIC EDWARD E
Address:	160 GRAND LARRY COURT #9D
City,State, Zip:	ANCHORAGE AK, 99504-5001

Opt-Out | What does Opt-Out mean?

SCANDIA LT 22H GRAND LARRY A-07 (Residential Condo Property) **Tax ID: 00604149**

Site Address:

Square Footage:	0 (0.00 Acres)	Drainage:	GOOD
Zoning:	R3	Grade to Street:	EVEN
Land Use:	CONDOMINIUM	Street Feature:	PAVED, CURB & GUTTER
Class:	Residential Condo	Traffic:	MEDIUM

Deed: 06 Aug 98, Book 3302, Page 43 Utilities: PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$45000	$45000
2002 Value	$	$60700	$60700
2003 Value	$	$66400	$66400

Owner Data

Name(s): ADAMS ROWENA M
Address: PO BOX 210651
City,State, Zip: ANCHORAGE AK, 99521-0651

Opt-Out | What does Opt-Out mean?

SCANDIA LT 22H GRAND LARRY (Residential Condo Property) **Tax ID: 00604149**

Site Address: 180 GRAND LARRY ST
Square Footage: 88492 (2.03 Acres) Drainage: GOOD
Zoning: R3 Grade to Street:
Land Use: CONDOMINIUM MASTER Street Feature: PAVED
Class: Residential Condo Traffic: MEDIUM
Deed: Utilities: PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$	$
2002 Value	$	$	$
2003 Value	$	$	$

Owner Data

Name(s): PICO EDWARD F, #1
Address: 110 GRAND LARRY
City,State, Zip: ANCHORAGE AK, 99504-1415

Opt-Out | What does Opt-Out mean?

SCANDIA LT 22H GRAND LARRY (Residential Condo Property) **Tax ID: 00604149**

Site Address: 180 GRAND LARRY ST
Square Footage: 88492 (2.03 Acres) Drainage: GOOD
Zoning: R3 Grade to Street:
Land Use: CONDOMINIUM Street Feature: PAVED
Class: Residential Condo Traffic: MEDIUM
Deed: Utilities: PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$	$
2002 Value	$	$	$
2003 Value	$	$	$

Owner Data

Name(s): PICO EDWARD F, #1
Address: 110 GRAND LARRY

City,State, Zip: ANCHORAGE AK, 99504-1415

Opt-Out | What does Opt-Out mean?

SCANDIA LT 22H GRAND LARRY (Residential Condo Property) **Tax ID: 00604149**

Site Address:	180 GRAND LARRY ST		
Square Footage:	88492 (2.03 Acres)	Drainage:	GOOD
Zoning:	R3	Grade to Street:	
Land Use:	CONDOMINIUM MASTER	Street Feature:	PAVED
Class:	Residential Condo	Traffic:	MEDIUM
Deed:		Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$	$
2002 Value	$	$	$
2003 Value	$	$	$

Owner Data

Name(s):	PICO EDWARD F, #1
Address:	110 GRAND LARRY
City,State, Zip:	ANCHORAGE AK, 99504-1415

Opt-Out | What does Opt-Out mean?

SCANDIA LT 22H GRAND LARRY (Residential Condo Property) **Tax ID: 00604149**

Site Address:	180 GRAND LARRY ST		
Square Footage:	88492 (2.03 Acres)	Drainage:	GOOD
Zoning:	R3	Grade to Street:	
Land Use:	CONDOMINIUM	Street Feature:	PAVED
Class:	Residential Condo	Traffic:	MEDIUM
Deed:		Utilities:	PUBLIC WATER, PUBLIC SEWER

Assessment Data

Year	Parcel	Building	Total
2001 Value	$	$	$
2002 Value	$	$	$
2003 Value	$	$	$

Owner Data

Name(s):	PICO EDWARD F, #1
Address:	110 GRAND LARRY
City,State, Zip:	ANCHORAGE AK, 99504-1415

Opt-Out | What does Opt-Out mean?

Print

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: CSHB 367 (L&C)
() Publish Date:

Revision Date/Time (Note if correction):
Dept. Affected: DCED
Title: Licensing Sex Oriented Businesses
RDU: Occupational Licensing (117)
Component: Occupational Licensing
Sponsor: Representatives McGuire, Gara, et al
Requester: House Judiciary
Component No.: 2360

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 20[illegible]	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services	48.9	48.	48.9	48.9	48.9	48.9
Travel	4.2	4.2	1.8	1.8	1.8	1.8
Contractual	13.0	13.0	3.0	3.0	3.0	3.0
Supplies	5.0	5.0	5.0	5.0	5.0	5.0
Equipment	6.0					
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	**77.1**	**71.1**	**58.7**	**58.7**	**58.7**	**58.7**
CAPITAL EXPENDITURES						
CHANGE IN REVENUES ( )	**77.1**	**71.1**	**58.7**	**58.7**	**58.7**	**58.7**

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
1156 Receipt Supported Services	77.1	71.1	58.7	58.7	58.7	58.7
TOTAL	**77.1**	**71.1**	**58.7**	**58.7**	**58.7**	**58.7**

Estimate of any current year (FY2004) cost: 0.0
Check this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time	1	1	1	1	1	1
Part-time						
Temporary						

ANALYSIS: *(Attach a separate page if necessary)*

CSHB 367 (L&C) creates new licensing and regulation for sex-oriented businesses and sex-oriented business entertainers. The bill also requires the department to establish by regulations licensure procedures, standards of conduct and physical characteristics of licensed premises, and other requirements on applying for and renewing licenses.

A detailed explanation of the above costs follows.

Prepared by: Jennifer Strickler, Administrative Manager
Phone (907) 465-2144
Division: Occupational Licensing
Date/Time 2/13/04 12:12 PM
Approved by: Edgar Blatchford, Commissioner
Date 2/13/2004
Agency: Department of Community and Economic Development

STATE OF ALASKA
2004 LEGISLATIVE SESSION

BILL NO. CSHB 367 (L&C)

ANALYSIS CONTINUATION

PERSONAL SERVICES: $48.9

1 - Occupational Licensing Examiner I, PFT, Range 13B

This position will support the licensing program for sex-oriented businesses and entertainers. This position will prepare and process application forms, ensure applicants meet specific criteria for licensure, ensure public hearings are implemented as required by statute, and issue licenses upon approval. It is a possibility that a full-time position will not be necessary to support this program, however, since we are not aware of the number of individuals that will be impacted by this bill, this fiscal note is based on a full-time position.

Preliminary numbers of applicants from supporters of the bill indicate approximately 20 business owners and 100+ entertainers may be subject to licensure.

TRAVEL: $4.2

Travel funding is anticipated for the following -
- Regulation Hearings (travel for the Regulations Specialist), at least 4 trips @ $600/per trip = $2.4
- Travel for Enforcement to areas outside of Anchorage, 3 trips @ $600/per trip = $1.8

2nd Year: Regulations and Enforcement costs are also anticipated to repeat in the second year = $4.2

3rd Year: By the third year of operation, the regulation hearings should be completed and only Enforcement travel is expected = $1.8

CONTRACTUAL: $13.0

- Regulation costs (notices, hearings, etc.), $10.0
- Communications expenses (phones, postage, etc.) = $3.0

2nd Year: Regulations and communication costs are anticipated to repeat in the second year = $13.0

3rd Year: By the third year of operation, only communication costs are anticipated - $3.0

SUPPLIES: $5.0
This funding provides basic operating supplies for the program (paper, etc.)

EQUIPMENT: $6.0 (one-time expense)
This one-time funding will provide workstation and equipment set-up for the new position.

TOTAL: $77.1

FISCAL NOTE

STATE OF ALASKA **BILL NO.** CSHB 367 (L&C)
2004 LEGISLATIVE SESSION

ANALYSIS CONTINUATION

Funding Source: Receipt Supported Services

This program is anticipated to be funded by licensing fees. Under AS 08.01.065(c) licensure programs are expected to pay their actual costs through licensing fees.

Section 14 of the bill provides for a CONTINGENT EFFECT. If the requirements of Sections 3 - 12 are applied in accordance with Section 14, this fiscal note will increase Contractual Services costs by $50.0 to provide the Educational Program Development and Counseling Services required in Sec. 7, AS 08.90.055. We are not aware of programs or services that are currently in existence, or if they do exist, the costs involved in participating in those programs. The $50.0 increase applies only if Section 14 of CSHB 367 (L&C) is implemented to enact Sections 3 - 12 of the bill.

Alaska State Legislature

Please enter into the record my testimony to the House Judiciary
committee name

committee on HB 367, dated 2-16-04.
bill/subject

5 - PAGES

Signed: Diana L Straub
Testifier

Self and Wasilla Middle School PTA.
Representing (Optional)

1452 Bertha Lane Wasilla AK 99654
Mailing Address

373-7230 Cell 242-1353
Phone Number

Diana L. Straub
Chair- Board of Barbers and Hairdressers
PTA President - Wasilla Middle School
Council Member – City of Wasilla

1452 Bertha Lane
Wasilla, AK 99654
(907) 373-7230
(907) 242-1353

February 16, 2004

House Labor and Commerce Committee

Dear Legislators:

I appreciated listening to the valuable testimony given on Friday January to, 2004 regarding HB369. Due to time constraints for testimony, I offered to forward my comments to you in written form. I will gladly participate via teleconference as often as possible and I appreciate the opportunity to interact with you.

As you will recall, my greatest concern was our ability to follow through with the enforcement of this bill. I fully value and agree with the intent of which created this bill, however I do not believe that **HB 367 will not be enforceable** for a number of reasons.

I have arrived at this conclusion from my experience serving the Board of Barbers and Hairdressers. This board oversees tattooing and body piercing. In the state of Alaska a practitioner may not tattoo or pierce any person under the age of 18 years. We are finding this extremely difficult to enforce due to lack of financial resources in multiple departments.

The solution I bring to the table is, **halt the employment of all persons under the age of 21 in a Sex Oriented Business.**

If you are not old enough to drink a cocktail, you are not old enough to take your clothes off on the cocktail table.

As I look at this bill, I see the following departments involved (keeping in mind there are other department choices available).

1. ***Occupational Licensing*** to process the licensing applications

2. ***Alcohol Beverage Control*** to work with the establishments that **do** hold a liquor license

3. _____ to work with the S.O. B. that **do not** hold a liquor license.

4. **DEC** to provide health inspections in a timely manner to protect the entertainers against the spread of diseases i.e., hepatitis. Let me remind you, this department has been cut back so much that our restaurants are now self-inspecting. As a board member of the Board of Barbers and Hairdressers, I have **waited 5 weeks for a salon to be inspected by DEC** after requesting the inspection. The inspection requested was **due to animal urine** in the salon in multiple areas. **To date this salon has not been inspected**, however DEC did issue a letter of non-objection to this salon becoming a school.

5. **Public Safety**

6. **Division of Occupational Licensing investigators** to investigate and build cases against unethical employers and unlicensed employees. Hope they stay in the same place long enough to build a case. We already know that the businesses move frequently and change names as they do so. **Remember that Occupational investigators are 8:00 AM to 5:00 PM employees. Will we hire more investigators or just pay overtime?**

7. **Police / Troopers** responding to immediate safety needs and the needs of nearby residents or businesses. **Will we take our officers off the streets to provide these occupational investigations?**

I do not believe that ***all costs in each of these departments will not be recovered in the occupational licensing fees***. What would you believe to be the total number of man-hours for investigations alone in the first year? Where will that money come from?

The way I understand the process necessary to begin employment will look like this.

1. **Decide to be a stripper** (you must need fast cash and feel desperate)
2. **Call DCED to scheduled classes** in STD, Sexual Assault, Wage and Hour, Career-counseling. When will classes be available? How often will classes be available? Weekly, monthly yearly? Will classes be offered together in one day or will this take several days?
3. **Attend and pay for the classes**. How much will this cost? HB 367 says the employer will cover these costs, however at this point you are not licensed to look for a job, there is no employer to pay the fee.
4. Complete the **Occupational Licensing application** and **mail the fee of about $175.00** (the average fee for Barbers and Hairdressers) to Juneau.
5. **Wait about two weeks for the licensing process to be completed** and in your license in mailbox. You do have a mailbox, don't you?
6. Now **you are ready to seek employment**.

Great! You got a job at the first place you asked. When you asked your new employer to reimburse you for the cost of the classes (remember HB 367 says the employer will pick up the costs) he laughed at you and let you know that he does not pay for *those* classes. You could quit and go to work down the street the next night and then he is out the money.

Your new employer laughed again when you gave him your **occupational license to post in the establishment**. You just provided him with the information that you are new to the business, naive and now you are a target. Let me remind you that the license has **your full legal name and address** in a place that anyone could make a note of your name and find you later, when you least expect it.

It's your first night at work and you notice that the stage props are not cleaned and sanitized between performers. You **call DEC and wait** for an inspection.

Unless we put money and manpower in each department that will work with this legislation, we are providing nothing more than lip service. On the surface, it appears that *we tried*, but in reality, we knew that it would not protect the safety of these young adults and it may even put them further in harms way because they'll believe they are protected. They will believe that because we taught them that in the *mandatory* classes they took.

It seems to me the way HB 367 is currently laid out, **we have several carts before our single horse and no money to push with.** I encourage each committee to consider the full trickle down effect of HB367.

In conclusion, please keep in mind that **I truly support the protection of our youth.**

Sincerely,

Diana L. Straub

Diana L. Straub