

HB

367

Alaska State Legislature

Session:
State Capitol
Juneau, AK 99801
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Representative Lesil McGuire
Chair, Judiciary Committee

MEMORANDUM

To: Sen. Ralph Seekins, Chair – Senate Judiciary Committee

Cc:

From: Rep. Lesil McGuire

Date: April 30, 2004

Re: Request for hearing for HB 367 – *“An Act relating to the licensing and regulation of adult-oriented businesses”*

I have attached a bill packet for HB 367, which passed the House earlier this week by a vote of 36 yeas, 2 nays. This bill has had extensive committee hearings in the House and I would be happy to work with you and your staff to structure a Senate Judiciary Committee hearing to focus on the heart of the legal issues associated with this bill.

I would appreciate having this bill scheduled for consideration by the committee at your earliest possible opportunity. I realize how busy these remaining days are and the many pressures our committee's face, so I would be exceptionally appreciative of any expedited consideration.

If you have questions or need additional material, please feel free to contact me directly at extension 2995. Heath Hilyard is my staff contact on this bill.

Thank you for your time and consideration.



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 do 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.
- Businesses 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.

Representative Lesil McGuire
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Juneau, AK 99801

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Representative_Lesil_McGuire@legis.state.ak.us

Representative Les Gara
Alaska State Capitol, Rm. 422
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FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 2
 Bill Version: CSHB 367(JUD)
 (H) Publish Date: 3/3/04

Revision Date/Time (Note if correction): _____ Department: Labor and Workforce Development
 Title: Licensing Sex Oriented Businesses RDU: Labor Standards & Safety
 Component: Wage & Hour
 Sponsor: Representatives McGuire and Gara
 Requester: House Judiciary 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						
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CHANGE IN REVENUES ()						
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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

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 3
 Bill Version: CSHB 367(FIN)
 (H) Publish Date: 4/19/04

Revision Date/Time (Note if correction): _____ Dept. Affected: DPS
 Title Licensing Adult Oriented Businesses RDU Statewide Support
 Component Criminal Records & ID
 Sponsor Rep. McGuire
 Requester H. Labor & Commerce Component No. 1190

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						
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CHANGE IN REVENUES ()						
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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: 0.0
 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)

The intent is to protect minors and other young people working in adult oriented businesses by more closely regulating the businesses.

Based on the assumption that the Department of Commerce and Economic Development will not require state and national fingerprint based criminal justice information background checks under AS 12.62.160, but will rely on sworn statements of eligibility from the applicants, no fiscal impact is anticipated.

Prepared by: Kathryn M. Monfreda, Chief Criminal Records & ID Bureau Phone 907-269-5581
 Division Statewide Services Date/Time 4/15/04 8:35 AM
 Approved by: Commissioner William Tandeske Date 4/15/2004
 Agency Department of Public Safety

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 4
 Bill Version: CSHB 367(FIN)
 (H) Publish Date: 4/19/04

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	4.0	4.0	2.0	2.0	2.0	2.0
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	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	26.2	26.2	11.8	11.8	11.8	11.8

CAPITAL EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010

CHANGE IN REVENUES (1156)	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
	26.2	26.2	11.8	11.8	11.8	11.8

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	26.2	26.2	11.8	11.8	11.8	11.8
TOTAL	26.2	26.2	11.8	11.8	11.8	11.8

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	0	0	0	0	0	0
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

CSHB 367 (JUD) creates new licensing and regulation for adult-oriented businesses. The bill also requires the department to establish by regulations licensure procedures, inspection procedures, physical characteristics of licensed premises, and other requirements on applying for and renewing licenses.

A detailed explanation of the above costs is attached.

Prepared by: Jennifer Strickler, Administrative Manager Phone (907) 465-2144
 Division Occupational Licensing Date/Time 3/10/04 2:55 PM
 Approved by: Edgar Blatchford, Commissioner Date 3/10/2004
 Agency Department of Community and Economic Development

FISCAL NOTE #4

STATE OF ALASKA
2004 LEGISLATIVE SESSION

BILL NO. CSHB 367(FIN)

ANALYSIS CONTINUATION

PERSONAL SERVICES: \$4.0

This funding will provide staff support to establish the licensing program for adult-oriented businesses. Supporters of the bill indicate approximately 20 business owners may be subject to licensure. The funding amount is based on a program in existence with similar numbers of licensees. It is doubled in the first two years during start up of the licensing program.

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 regulations 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

Section 08.90.200(b) requires the department to develop and provide businesses with written material regarding certain subjects specified in the bill. However, the department is of the understanding that material already exists and that the department's responsibility will be to identify the material and secure copies for distribution.

SUPPLIES: \$5.0

This funding provides basic operating supplies for the program (paper, etc.) This funding remains the same in the event the department is required to purchase written material for distribution.

TOTAL: \$26.2

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.

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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

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.

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

³ Margolies, 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.

Briefing Paper on Teens at Strip Clubs:

Issue: At least three live nude entertainment venues in Anchorage and Fairbanks (*Fantasies on 5th, Showboat Show Club and Showboat II*) are open for high school students and other young people 18 years or older as places of entertainment and employment. Three more are in development in Anchorage. These places feature very explicit nude shows, including graphic nude contact with patrons, and they are associated with prostitution, sexual assaults, illegal drug, alcohol and tobacco use, sexually transmitted diseases and a degradation of neighborhoods. These are not "victimless" crimes and activities. The true victims are on the streets, in jail, clients of social service groups, taxpayers, property owners, and our school children. These venues are not well monitored since they don't serve alcohol (though sometimes patrons drink in their cars), and so are not licensed or investigated by the state Alcoholic Beverage Control Board, and local ordinances for police enforcement are weak.

Although some people think that age 18 is "adult," it is not the age of full legal rights in Alaska. Tobacco purchase is restricted to age 19 and over, state tobacco laws define age 18 as a "minor," and alcohol purchase and use is restricted to age 21 and over. Also, many rental car companies and hotels will not rent to teenagers. Medical and psychological research indicates that full maturity for many people does not occur until well after age 18.

Each year, thousands of high school students are 18 to 20 years old (over 3,400 in Anchorage alone), and can legally work at or attend these very graphic live nude shows. Attending these shows has become a "rite of passage" for some high school students when they turn 18. Knowingly or not, these venues have hired and allowed access by even younger teens. Some high school students have worked as nude entertainers, and some have even become prostitutes. This type of sexual behavior is injected into the high school environment (of over 14,000 students in Anchorage alone), with many as young as 14 years old.

These clubs exploit our young people, especially young women and girls, and may contribute to Alaska's high rate of sexual crimes against women (see studies from other cities). Social service organizations are aware that these clubs recruit teens with "amateur nights" and the lure of high pay. Police officers and community patrol workers believe that there is a strong relationship between teen strip dancing, drug use and prostitution, and this has been verified by former prostitutes and social service groups. Beyond that, some dancers have been lured here from other states, and have subsequently become stranded homeless and jobless when they don't want to do what the clubs require of them. This is an additional burden to Alaska's social services.

Some people feel that volunteer soldiers under age 21 deserve to have access to strip clubs, however the Department of Defense does not allow nude entertainment on the military bases for soldiers of any age. The number of soldiers under age 21 in Alaska is small (under 1,000) compared to the tens of thousands of high school students plus other young people in Alaska that regulation changes would protect. Should our communities allow under-21 nude venues to exploit our young people for the entertainment of young volunteer soldiers and other patrons, when even the military has zero tolerance for these venues?

What should be done?

1. Raise the minimum age limit for attending or working at any nude entertainment venues to 21 years old in local and state laws (e.g., revise Anchorage Municipal Code 8.50.010, Alaska Statutes Sec. 11.66.300 and Sec. 23.10.350).
2. Put these businesses and nude entertainers under stricter licensing requirements, health inspections and building codes.
3. Disallow licenses for prior convictions related to prostitution, alcohol, drugs, underage employments and patronage, and tax evasion, and for any business under federal investigation.
4. Notify Community Councils when license applications or renewals are submitted for any type of "sexually-oriented business." (e.g., AMC 10.40.050)
5. Establish tougher penalties for violations.
6. Increase enforcement of current and new regulations.

Raising the minimum age has been supported by the Anchorage Council of PTAs, and several community councils and social service organizations. Some police officers and community patrol workers have suggested the additional measures above. The U.S. Supreme Court and state courts have ruled that nude "dancing" is at the outer edge of protected free speech, and that it can be regulated in accordance with obscenity laws and to protect youth.

For more information, or to send a letter of support from your organization for the above measures, contact:

Nancy Fair, Service High School Parent-Teacher-Student Association, Anchorage
fairwinds@gci.net

QUOTES:

"...yes, I don't think high school girls should be working as 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)*

"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)*

"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*

"If you say no to bad business, better business will come."

E. McMahon, Community Planner and Author

"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, 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

Teens at 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

"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 card in one West High School boy's lost wallet."

Staff member, Mountain View Boys and Girls Club

"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

"Almost all of the prostitutes I have talked to in the Spenard area started out in strip clubs."

Anchorage Westside Community Patrol 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

"You mean to tell me that the state legislature is considering banning soda pop sales in schools, but they're not taking action on strip clubs involving high school teens?"

PTA Board Member, Anchorage



everychild.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.

LAW OFFICES OF
FRIEDMAN, RUBIN & WHITE

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February 16, 2004

*Admitted in AK and WA
**Admitted in AK, WA, and MT
***Admitted in SD
All others admitted in AK

Representative Les Gara
State Capital, Room 422
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.

Representative Les Gara
February 16, 2004
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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

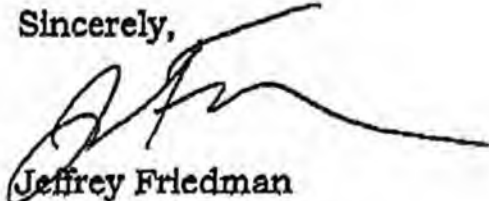
Representative Les Gara
February 16, 2004
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are children for purposes of buying tobacco until age 19.¹ There is nothing wrong in recognizing the medical research, and finding that people are still children until age 21 for purposes of viewing or participating 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

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.

CONFIDENTIAL

To: Representative Les Gara & Representative Lesil McGuire
From: Kara Nyquist, Esq.
Date: February 9, 2004
Re: House Bill 367

In follow-up to my recent memorandum dated February 3, 2004, I conducted additional research on age and licensing restrictions of operators and dancers at strip clubs. I have located no case law that has found an age restriction unconstitutional other than the case previously mentioned in my last memorandum where an adequate record was not established. Below are cases located that address licensing and/or age restrictions; although no case is exactly on point to HB 367, these cases provide support of the efforts of the Alaska Legislature via HB 367 to exercise state power to regulate strip clubs.

Salt Lake City v. Wood, 991 P.2d 595 (Utah 1999). Appellant challenged the constitutionality of Salt Lake City's ordinance that requires dancers to obtain a license and be at least twenty-one to dance in a nude establishment which served alcohol, after appellant received a misdemeanor conviction for dancing at the age of eighteen. The Utah Court of Appeals held that the license requirement did not violate the freedom of expression guaranteed by the First Amendment because it is a content-neutral time, place, and manner restriction tailored to meet legitimate objectives. The court explains that the Twenty-first Amendment authorizes states authority to regulate establishments selling alcoholic beverages and cites several cases holding that the twenty-first amendment authorizes states to prohibit minors from working or entering establishments that serve alcohol. Under the First Amendment analysis of the licensing requirement the court applied a four-part test to determine whether the government regulation was sufficiently justified; (1) if it is within the constitutional power of the Government, (2) if it furthers an important government interest, (3) if the governmental interest is unrelated to the suppression of free expression, and (4) if the incidental restriction on alleged First Amendment freedoms is no greater than is essential to furtherance of that interest.

Ninth Circuit Decision, Kev, Inc., v. Kitsap County, 793 F.2d 1053 (1986). Strip club challenged the constitutionality of a county ordinance regulating non-alcoholic topless dancing establishments. The ordinance required licensing of erotic dance studios and their dancers, required dancers and patrons to be at least eighteen years of age, dancing to occur on a raised platform at least ten feet from patrons, and that all books and records of erotic dance studios be open to official inspection, and additional provisions. The stated purpose of the ordinance was to regulate topless dancing to minimize perceived side effects, such as illegal drug dealing, fights, and prostitution, which would purportedly threaten the community's well-being. The court upheld the constitutionality of the ordinance provisions requiring establishments and dancers to receive licenses but found that a five day waiting period requirement was unconstitutional because the County failed to demonstrate a need or the waiting period.

Ino Ino Inc., v. City of Bellevue., 937 P.2d 154 (Washington 1997). Two adult entertainment establishments and three dancers challenged the constitutionality of Bellevue's ordinance regulating adult cabarets. The ordinance includes provisions requiring operators and dancers to receive licenses and distance requirements between dancers and patrons. The court upheld the licensing provisions for operators and dancers; the court found that a fourteen-day processing period for a manager's license is an unconstitutional prior restraint.

HOUSE BILL NO. 724

- View [Daily Data Tracking History](#)
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~~*This sentence is marked with strikethrough and italic, indicating text to be removed.*~~

Daily Data Tracking History

H0724.....by STATE AFFAIRS
SEXUALLY ORIENTED BUSINESS - Adds to and amends existing law to require that sexually oriented businesses and their employees must obtain a license from the Department of Law Enforcement; to provide legislative intent and findings; to provide application to existing businesses; to provide contents of license applications and license fees; to provide for issuance and expiration of licenses; to prohibit certain acts and to provide for suspension and revocation of licenses; to provide for hearings and appeals; to provide for hours of operation and inspections of businesses; to allow for local regulation; and to provide that certain records are confidential.

- 03/08 House intro - 1st rdg - to printing
- 03/09 Rpt prt - to Bus

Bill Text

H0724

|||| LEGISLATURE OF THE STATE OF IDAHO ||||
 Fifty-fifth Legislature Second Regular Session - 2000

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 724

BY STATE AFFAIRS COMMITTEE

1 AN ACT
 2 RELATING TO SEXUALLY ORIENTED BUSINESSES; AMENDING TITLE 18, IDAHO CODE, B
 3 THE ADDITION OF A NEW CHAPTER 85, TITLE 18, IDAHO CODE, TO REQUIRE LICENS
 4 ING OF SEXUALLY ORIENTED BUSINESSES AND EMPLOYEES, TO PROVIDE LEGISLATIV
 5 INTENT AND FINDINGS, TO PROVIDE DEFINITIONS, TO REQUIRE THAT SEXUALLY ORI
 6 ENTED BUSINESSES AND THEIR EMPLOYEES MUST OBTAIN A LICENSE FROM TH
 7 DEPARTMENT OF LAW ENFORCEMENT, TO REQJIRE A LICENSE AND TO PROVIDE APPLI
 8 CATION TO EXISTING BUSINESSES, TO PROVIDE CONTENTS OF LICENSE APPLICA
 9 TIONS, TO PROVIDE JICENSE FEES, TO PROVIDE FOR ISSUANCE OF LICENSES, T
 10 PROVIDE FOR EXPIRATION OF LICENSES, TO PROHIBIT CERTAIN ACTS AND PROVID

11 FOR MISDEMEANORS, TO PROHIBIT TRANSFER OF LICENSES, TO PROVIDE FOR SUSPEN
 12 SION AND REVOCATION OF LICENSES, TO PROVIDE A RIGHT AND PROCEDURES FO
 13 PROMPT JUDICIAL REVIEW OF DENIAL, SUSPENSION OR REVOCATION OF A LICENSE
 14 TO PROVIDE FOR ISSUANCE OF TEMPORARY LICENSES PENDING RESOLUTION OF A
 15 APPEAL, TO PROVIDE HOURS OF OPERATION, TO PROVIDE FOR INSPECTIONS OF BUSI
 16 NESSES, TO PROVIDE SEVERABILITY, TO PROVIDE FOR CONFLICTS AND TO ALLO
 17 LOCAL REGULATION; AND AMENDING SECTION 9-340B, IDAHO CODE, TO PROVIDE THA
 18 CERTAIN RECORDS ARE CONFIDENTIAL.

19 Be It Enacted by the Legislature of the State of Idaho:

20 SECTION 1. That Title 18, Idaho Code, be, and the same is hereby amende
 21 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap
 22 ter 85, Title 18, Idaho Code, and to read as follows:

23 CHAPTER 85
 24 LICENSING OF SEXUALLY ORIENTED BUSINESSES AND EMPLOYEES

25 18-8501. LEGISLATIVE INTENT AND FINDINGS. (1) This chapter promotes th
 26 health, safety and welfare of the citizens of Idaho by requiring licensing o
 27 sexually oriented businesses and employees of those businesses. This chapte
 28 is not intended to restrict the content of communicative materials, includin
 29 sexually oriented materials or to restrict access by adults to sexually ori
 30 ented materials protected by the first amendment to the United States consti
 31 tution, or to deny access by the distributors and exhibitors of sexually ori
 32 ented entertainment to their intended market. However, this chapter does no
 33 condone or make legitimate the distribution of obscene material.

34 (2) The legislature finds that:

- 35 (a) Sexually oriented businesses lend themselves to ancillary unlawfu
 36 and unhealthy activities that are presently uncontrolled by the operator
 37 of the establishments. Further, there is presently no mechanism to mak
 38 the owners of these establishments respo..sible for the activities tha
 39 occur on their premises;
 40 (b) Certain employees of adult theaters and adult cabarets engage in
 41 higher incidence of certain types of illegal sexual behavior than employ
 42 ees of other establishments;

2

- 1 (c) Persons sometimes visit adult theaters and adult cabarets for th
 2 purpose of engaging in sex on the premises of the theaters and cabarets;
 3 (d) At least fifty (50) communicable diseases may be spread by activitie
 4 occurring in sexually oriented businesses, including syphilis, gonorrhea
 5 human immunodeficiency virus infection (HIV-AIDS), genital herpes, hepati
 6 tis B, Non A, Non B amebiasis, salmonella infections and shigella infec
 7 tions;
 8 (e) Since 1981, there has been an increasing cumulative number o
 9 reported cases of AIDS caused by the human immunodeficiency virus (HIV) i
 10 the United States and in Idaho;
 11 (f) Scientific evidence indicates that HIV and AIDS infection, as well a
 12 syphilis and gonorrhea, are principally transmitted by sexual acts; and
 13 (g) Sanitary conditions in some sexually oriented businesses ar
 14 unhealthy, in part, because the activities conducted there are unhealthy
 15 and, in part, because of the unregulated nature of the activities and th
 16 failure of the owners and the operators of the facilities to properly reg
 17 ulate those activities and maintain those facilities.
 18 (3) These findings raise substantial governmental concerns which ar
 19 properly addressed by regulating sexually oriented businesses by requirin
 20 licensing of those businesses and employees of those businesses. Licensin
 21 will require sexually oriented businesses to be operated in a manner consis

22 tent with the law and the health, safety and welfare of its employees, patron
23 and the citizens of the state.

24 18-8502. DEFINITIONS. As used in this chapter:

25 (1) "Adult cabaret" means a nightclub, bar, restaurant or similar commer
26 cial establishment which regularly features:

27 (a) Persons who appear nude or seminude; or

28 (b) Live performances which are characterized by the exposure o
29 "specified anatomical areas" or by "specified sexual activities"; or

30 (c) Films, motion pictures, video cassettes, slides or other photographi
31 reproductions which are characterized by an emphasis on the exhibition o
32 description of "specified sexual activities" or "specified anatomica
33 areas."

34 (2) "Adult theater" means a theater, concert hall, auditorium or simila
35 commercial establishment which regularly features persons who appear nude o
36 seminude, or live performances which are characterized by the exposure o
37 "specified anatomical areas" or by "specified sexual activities."

38 (3) "Department" means the Idaho department of law enforcement.

39 (4) "Employee" means a person who performs seminude on the premises of
40 sexually oriented business on a full-time, part-time or contract basis
41 whether or not the person is denominated an employee, independent contractor
42 agent or otherwise, and whether or not the person is paid a salary, wage o
43 other compensation by the operator of the business. "Employee" does no
44 include a person exclusively on the premises for repair or maintenance of th
45 premises or equipment on the premises, or for the delivery of goods to th
46 premises.

47 (5) "Establishment" means:

48 (a) The opening or commencement of a sexually oriented business as a ne
49 business;

50 (b) The conversion of an existing business, whether or not a sexuall
51 oriented business, to any sexually oriented business;

52 (c) The additions of any sexually oriented business to any other existin
53 sexually oriented business; or

54 (d) The relocation of any sexually oriented business.

3

1 (6) "Licensee" means a person in whose name a license to operate a sexu
2 ally oriented business is issued, as well as the individual(s) listed as a
3 applicant on the application for a license; and in the case of an employee,
4 person in whose name a license has been issued authorizing employment in
5 sexually oriented business.

6 (7) "Nude" means the showing of the human male or female genitals, publi
7 area, vulva, anus, anal cleft or cleavage with less than a fully opaque cover
8 ing, the showing of the female breast with less than a fully opaque coverin
9 of any part of the nipple, or the showing of the covered male genitals in
10 discernibly turgid state.

11 (8) "Person" means an individual, proprietorship, partnership, corpora
12 tion, association or any other legal entity.

13 (9) "Regularly features" means, with respect to an adult theater or adul
14 cabaret, a continuing and substantial course of conduct, such that films o
15 exhibitions shown constitute a substantial portion of the films or exhibition
16 offered as part of the regular business of the adult theater or adult cabaret

17 (10) "Seminude" means the showing of the female breast below a horizonta
18 line across the top of the areola at its highest point or the showing of th
19 male or female buttocks. This definition shall include the entire lower por
20 tion of the human female breast, but shall not include any portion of th
21 cleavage of the human female breast, exhibited by a dress, blouse, skirt
22 leotard, bathing suit or other wearing apparel provided the areola is no
23 exposed in whole or in part.

- 24 (11) "Sexually oriented business" means an adult cabaret or adult theater
 25 (12) "Specified anatomical areas" means:
 26 (a) The human male genitals in a discernibly turgid state, even if com
 27 pletely and opaquely covered; or
 28 (b) Less than completely and opaquely covered human genitals, pubi
 29 region, buttocks or a female breast below a point immediately above th
 30 top of the areola.
 31 (13) "Specified criminal activity" means:
 32 (a) Any of the offenses listed in section 18-8304(1)(a), Idaho Code, o
 33 any crime, attempt, solicitation or conspiracy to commit a crime i
 34 another state, territory, commonwealth or jurisdiction of the Unite
 35 States, that is substantially equivalent to the offenses listed in sectio
 36 18-8304(1)(a), Idaho Code;
 37 (b) Any violation of chapter 56, title 18, Idaho Code (prostitution an
 38 related crimes); and
 39 (c) Any violation of chapter 41, title 18, Idaho Code (indecenty an
 40 obscenity).
 41 (d) For which:
 42 (i) Less than two (2) years have elapsed since the date of convic
 43 tion or the date of release from confinement imposed for the convic
 44 tion, whichever is the later date, if the conviction is of a misde
 45 meanor offense;
 46 (ii) Less than five (5) years have elapsed since the date of convic
 47 tion or the date of release from confinement for the conviction
 48 whichever is the later date, if the conviction is of a felon
 49 offense; or
 50 (iii) Less than five (5) years have elapsed since the date of th
 51 last conviction or the date of release from confinement for the las
 52 conviction, whichever is the later date, if the convictions are o
 53 two (2) or more misdemeanor offenses or combination of misdemeano
 54 offenses occurring within any twenty-four (24) month period.
 55 (e) The fact that a conviction is being appealed shall have no effect o

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- 1 the disqualification of the applicant or a person residing with the appli
 2 cant.
 3 (14) "Specified sexual activities" means any of the following:
 4 (a) The fondling or other erotic touching of human genitals, pubi
 5 region, buttocks, anus or female breasts;
 6 (b) Sex acts, actual or simulated, including intercourse, ora
 7 copulation, masturbation or sodomy; or
 8 (c) Excretory functions as part of or in connection with any of th
 9 activities set forth in paragraphs (a) and (b) of this subsection.
 10 (15) "Substantial enlargement of a sexually oriented business" means th
 11 increase in floor areas occupied by the business by more than twenty-five per
 12 cent (25%), as the floor areas exist on the initial effective date of thi
 13 chapter.
 14 (16) "Transfer of ownership or control of a sexually oriented business
 15 means:
 16 (a) The sale, lease, or sublease of the business;
 17 (b) The transfer of securities which constitutes a controlling interes
 18 in the business, whether by sale, exchange or similar means; or
 19 (c) The establishment of a trust, gift or other similar legal devic
 20 which transfers the ownership or control of the business, except fo
 21 transfer by bequest or other operation of law upon the death of the perso
 22 possessing the ownership or control.
 23 18-8503. LICENSES REQUIRED -- APPLICATION -- EXISTING BUSINESSES. (1
 24 Sexually oriented businesses and employees of sexually oriented businesses, a

25 both are defined in this chapter, must obtain a license from the departmen
26 pursuant to this chapter.

27 (2) This chapter applies to all sexually oriented businesses and employ
28 ees of sexually oriented businesses described in this chapter. Sexually ori
29 ented businesses established on or before the initial effective date of thi
30 chapter and employees of sexually oriented businesses so employed on or befor
31 the initial effective date of this chapter must comply with this chapte
32 within ninety (90) days of the initial effective date of this chapter.

33 18-8504. APPLICATIONS FOR LICENSES -- CONTENTS. (1) An application for
34 license must be made on a form provided by the department.

35 (2) All applicants must be qualified under this chapter. The departmen
36 may request and the applicant must provide information, includin
37 fingerprints, to enable the department to determine whether the applican
38 meets the requirements of this chapter.

39 (3) If a person who wants to operate a sexually oriented business is a
40 individual, the individual must sign the license application as applicant. I
41 a person who wants to operate a sexually oriented business is other than a
42 individual, each individual who has a twenty percent (20%) or greater interes
43 in the business must sign the license application as applicant. Each appli
44 cant must be qualified under this chapter. Each applicant is considered
45 licensee if a license is granted.

46 (4) A person applying for a license to operate a sexually oriented busi
47 ness must submit the following information with its license application:

48 (a) If the applicant is an individual, the individual must state his/he
49 legal name and any aliases and submit proof that he/she is eighteen (18
50 years of age;

51 (b) If the applicant is a partnership, the partnership must state it
52 complete name, whether the partnership is general or limited, a copy o
53 the partnership agreement, if any, and the names of all partners;

5

1 (c) If the applicant is a corporation, the corporation must state it
2 complete name, the date of its incorporation, evidence that the corpora
3 tion is in good standing under the laws of its state of incorporation, th
4 names and capacity of all officers, directors and principal stockholders
5 those who own a twenty percent (20%) interest or greater, and the name o
6 the registered corporate agent and the address of the registered offic
7 for service of process;

8 (d) A full disclosure of whether the applicant has been convicted of
9 specified criminal activity as defined in this chapter and, if so, th
10 specified criminal activity involved, and the date, place and jurisdictio
11 of each;

12 (e) A full disclosure of whether the applicant has had a license unde
13 this chapter or other similar law regulating sexually oriented business i
14 another city, county, state or country denied, suspended or revoked
15 including the name and location of the sexually oriented business fo
16 which the license was denied, suspended or revoked, as well as the date o
17 the denial, suspension or revocation, and whether the applicant has been
18 partner in a partnership or an officer, director or principal stockholde
19 of a corporation that is licensed under this chapter whose license ha
20 previously been denied, suspended or revoked, including the name and loca
21 tion of the sexually oriented business for which the license was denied
22 suspended or revoked as well as the date of denial, suspension or revoca
23 tion;

24 (f) A full disclosure of whether the applicant holds any other license
25 under this chapter or other similar sexually oriented business law fro
26 another city, county, state or country and, if so, the names and location
27 of the other licensed businesses;

- 28 (g) Whether the license sought under this chapter is for an adult theate
29 or adult cabaret;
- 30 (h) The location of the proposed sexually oriented business, including
31 legal description of the property, street address and telephone number(s)
32 if any;
- 33 (i) The applicant's mailing address and residential address;
- 34 (j) A recent photograph of the applicant(s);
- 35 (k) The applicant's driver's license number, social security number, an
36 state or federally issued tax identification number, if applicable;
- 37 (l) A sketch or diagram showing the configuration of the premises
38 including a statement of total floor space occupied by the business. Th
39 sketch or diagram need not be professionally prepared, but it must b
40 drawn to a designated scale or drawn with marked dimensions of the inte
41 rior of the premises to an accuracy of plus or minus six (6) inches;
- 42 (m) If the applicant intends to operate the sexually oriented busines
43 under a name other than that of the applicant, the applicant must provid
44 the sexually oriented business's fictitious name.
- 45 (5) An individual applying for a license to work as an employee of a sex
46 ually oriented business must submit the following information with the appli
47 cation:
- 48 (a) All names, including aliases and "stage" names, ever used by th
49 individual;
- 50 (b) Age, date and place of birth;
- 51 (c) Height, weight, hair and eye color;
- 52 (d) Present home and business address and telephone number;
- 53 (e) Date, issuing state and number of driver's license or other identifi
54 cation card information;
- 55 (f) Social security number;

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- 1 (g) Proof that the individual is at least eighteen (18) years of age;
- 2 (h) A color photograph of the applicant clearly showing the ap icant'
3 face, and the applicant's fingerprints on a form provided by a la
4 enforcement agency. Any fees for the photographs and fingerprints shall b
5 paid by the applicant;
- 6 (i) A statement detailing the license history of the applicant for th
7 five (5) years immediately preceding the date of the filing of the appli
8 cation, including whether the applicant has ever, in conjunction with
9 sexually oriented business operated in this or any other city, county
10 state or country, had a license, permit or authorization to do busines
11 denied, revoked or suspended, or had any professional or vocationa
12 license or permit denied, revoked or suspended. If there was such
13 denial, revocation or suspension, the applicant must state the name of th
14 business, the name of the issuing or denying jurisdiction, and describe i
15 full the reason for the denial, revocation or suspension. A copy of an
16 order of denial, revocation or suspension must be attached to the applica
17 tion;
- 18 (j) A full disclosure of whether the applicant has been convicted of
19 specified criminal activity as defined in this chapter and if so, th
20 specified criminal activity involved, the date, place and jurisdiction o
21 each offense.
- 22 (6) Information obtained by or disclosed to the department in connectio
23 with an application for a license or license renewal under this chapter i
24 confidential and exempt from public disclosure pursuant to section 9-340B(5)
25 Idaho Code; provided, that the department may disclose such information to la
26 enforcement officials pursuant to a lawful investigation and to other person
27 in connection with an action brought pursuant to this chapter, or upon orde
28 of a court.

29 18-8505. LICENSE FEES. (1) Every application for a sexually oriente
30 business license, whether for a new license or for renewal of an existin
31 license, shall be accompanied by a two hundred dollar (\$200) nonrefundabl
32 application and investigation fee.

33 (2) In addition to the application and investigation fee, every sexuall
34 oriented business that is granted a license, whether new or renewal, shall pa
35 to the department an annual nonrefundable license fee of one hundred dollar
36 (\$100) within thirty (30) days of license issuance or renewal.

37 (3) Every application for a license to work as an employee of a sexuall
38 oriented business, whether for a new license or for renewal of an existin
39 license, shall be accompanied by an annual one hundred dollar (\$100) nonre
40 fundable application, investigation and license fee.

41 (4) All license applications and fees shall be submitted to the depart
42 ment.

43 18-8506. ISSUANCE OF LICENSES. (1) Upon the filing of a license applica
44 tion and license application fees pursuant to this chapter, the departmen
45 shall investigate the information contained in the application. All departmen
46 action required to process the application shall be completed within thirt
47 (30) days from the date the completed application is filed with the depart
48 ment. The term "filed" means the date a complete application is postmarked i
49 mailed, or the date a complete application is received by the department i
50 the application is hand delivered. The department shall issue a license withi
51 thirty (30) days of the filing of the complete application, unless the depart
52 ment determines by a preponderance of the evidence that:

53 (a) The applicant has failed to provide information required in thi

7

1 chapter or has falsely answered a question or request for information o
2 the application form;

3 (b) The applicant is under eighteen (18) years of age;

4 (c) The applicant has been convicted of a "specified criminal activity
5 as defined in this chapter;

6 (d) The license to work as an employee of a sexually oriented business i
7 to be used for employment in a business prohibited by any law, rule o
8 regulation; or

9 (e) The applicant has had a sexually oriented business employee licens
10 revoked, for a reason other than delinquency in payment of fees or taxes
11 by the department within two (2) years of the date of the current applica
12 tion. If the sexually oriented business employee license is denied, an
13 temporary license previously issued is immediately deemed null and void.

14 (2) A license granted pursuant to this section is subject to annua
15 renewal upon the written application of the applicant and a finding by th
16 state that the applicant has not been convicted of any specified crimina
17 activity as defined in this chapter or committed any act during the existenc
18 of the previous license, which would be grounds to deny the initial licens
19 application. Such a finding by the state must be made within thirty (30) day
20 from the date that the written application for license renewal was submitte
21 or by the date of annual renewal, whichever is later. The renewal of th
22 license is subject to the payment of the license fee required in this chapter

23 (3) Within thirty (30) days after receipt of a completed sexually ori
24 ented business application, the department shall approve or deny the issuanc
25 of a license to an applicant. The department shall appr : the issuance of
26 license to an applicant unless it is determined by a prepc derance of the evi
27 dence that:

28 (a) An applicant is under eighteen (18) years of age;

29 (b) An applicant is overdue in payment to the state of taxes, fees, fine
30 or penalties assessed against or imposed upon him/her in relation to an
31 business;

32 (c) An applicant has failed to provide information reasonably necessar
 33 for issuance of the license or has falsely answered a question or reques
 34 for information on the application form;
 35 (d) An applicant has been denied a license by the department to operat
 36 a sexually oriented business within the preceding twelve (12) months o
 37 whose license to operate a sexually oriented business has been revoke
 38 within the preceding twelve (12) months;
 39 (e) An applicant has been convicted of a spec'fied criminal activity a
 40 defined in this chapter;
 41 (f) The premises to be used for the sexually oriented business has no
 42 been approved by the appropriate state and local agencies and officials a
 43 complying with applicable state and local law;
 44 (g) The license fee required by this chapter has not been paid;
 45 (h) An applicant of the proposed establishment is not in compliance wit
 46 this chapter.
 47 (4) The license, if granted, shall state on its face the name of the per
 48 son or persons to whom it is granted, the expiration date, the address of th
 49 sexually oriented business or address of the employee of the sexually oriente
 50 business, and whether the license applies to an adult theater or adult caba
 51 ret. Licenses to operate sexually oriented businesses must be posted in a con
 52 spicuous place at or near the entrance to the sexually oriented business s
 53 that they may be easily read at any time. Licenses to work as an employee of
 54 sexually oriented business shall be kept on or near the individual employee i
 55 whose name the license is issued when the employee is working at the sexuall

8

1 oriented business.

2 (5) The appropriate state and local agencies and officials shall complet
 3 their certification that the premises complies with applicable law withi
 4 thirty (30) days of receipt of the application by the department.

5 18-8507. EXPIRATION OF LICENSES. (1) Licenses issued under this chapte
 6 expire one (1) year from the date they were issued. Licenses may be renewe
 7 only by applying as provided in this chapter. Application for renewal must b
 8 made at least thirty (30) days before the expiration date. If application fo
 9 renewal is made less than thirty (30) days before the expiration date, th
 10 expiration date of the license shall not be affected, and the department shal
 11 renew the license or deny the license renewal within thirty (30) days of th
 12 date that the application for renewal was submitted.

13 (2) Unless a temporary license is issued pursuant to section 18-8512
 14 Idaho Code, if the department denies renewal of a license the applicant shal
 15 not be issued a license for one (1) year from the date of denial; provided
 16 that if the application for renewal was denied solely because the applican
 17 has not paid fees or taxes, the department shall grant a license within thirt
 18 (30) days of the date that the applicant pays the fees or taxes. If, after th
 19 denial of an application for renewal, the department finds that the basis fo
 20 denial, other than for not paying fees or taxes, of the renewal license ha
 21 been corrected or abated, the applicant may be granted a license if at leas
 22 ninety (90) days have elapsed since the date the denial became final.

23 18-8508. PROHIBITED ACTS -- MISDEMEANORS -- LICENSES NOT TRANSFERABLE
 24 (1) A person who operates or causes to be operated a sexually oriented busi
 25 ness without a valid license or in violation of this chapter may be enjoine
 26 and/or prosecuted for criminal violations. Each day a sexually oriented busi
 27 ness operates in violation of this chapter is a separate offense or violation

28 (2) It is a misdemeanor for a person:

29 (a) Who operates a sexually oriented business to take into service a
 30 employee as defined in this chapter to work for the sexually oriente
 31 business, if the person taken into service is not licensed as a sexuall

- 32 oriented business employee pursuant to this chapter;
- 33 (b) To knowingly or intentionally appear nude or exhibit specified sexual
- 34 activities in a sexually oriented business;
- 35 (c) To knowingly or intentionally appear seminude in a sexually oriented
- 36 business unless the person is a licensed employee who is at least six (6)
- 37 feet from any patron or customer and on a stage at least two (2) feet from
- 38 the floor;
- 39 (d) Who is a licensed employee who is seminude in a sexually oriented
- 40 business to solicit pay or gratuities from patrons or customers;
- 41 (e) Who is a customer or patron to pay or give a gratuity to the person
- 42 of a licensed employee who is seminude in a sexually oriented business.
- 43 Customers or patrons shall contribute pay or gratuities to a licensed
- 44 employee of a sexually oriented business only by deposit of the pay or
- 45 gratuity in a receptacle kept at least six (6) feet away from the licensed
- 46 employee;
- 47 (f) Who is a licensed employee to knowingly touch a customer or the
- 48 customer's clothing while the employee is seminude in a sexually oriented
- 49 business;
- 50 (g) To knowingly allow a person under eighteen (18) years of age on the
- 51 premises of a sexually oriented business;
- 52 (h) Who operates a sexually oriented business or his agent or employee to
- 53 refuse to permit lawful inspection of the premises at any time the premises

9

1 ises are open for business.

2 18-8509. LICENSES NOT TRANSFERABLE. Licenses issued under this chapter

3 may not be transferred.

4 18-8510. LICENSE SUSPENSION AND REVOCATION. (1) The department shall sus

5 pend a license issued under this chapter for a period not to exceed thirty

6 (30) days if it determines that the sexually oriented business or employee to

7 whom the license was issued has not complied with any provision of this chap

8 ter.

9 (2) The department must revoke a license issued under this chapter if

10 within twelve (12) months of the suspension of such a license, another offense

11 occurs which would by itself cause a suspension of the license.

12 (3) The department must revoke the license of the offending sexually ori

13 ented business or employee if it determines that the licensee:

14 (a) Gave false or misleading information in the license application or in

15 materials submitted in the application process, if the licensee knew or

16 should have known that the information was false or misleading;

17 (b) Knowingly allowed or participated in the possession, use or sale of

18 controlled substances on the premises;

19 (c) Knowingly allowed, or participated in, prostitution on the premises;

20 (d) Knowingly operated the sexually oriented business during a period of

21 time when the licensee's license was suspended;

22 (e) Knowingly allowed, or participated in, any act of sexual intercourse

23 sodomy, oral copulation, masturbation or other sex act to occur in or on

24 the licensed premises.

25 (4) Licenses must be revoked for a period of ninety (90) days to one (1)

26 year. If, after revocation, the department finds that the basis for the revo

27 cation has been corrected or abated, the applicant may be granted a license if

28 at least ninety (90) days have passed since the date the revocation became

29 effective.

30 18-8511. RIGHT TO PROMPT JUDICIAL REVIEW OF DENIAL, SUSPENSION OR REVOCATION

31 OF A LICENSE. (1) An applicant or license holder aggrieved by an action

32 of the department which results in denial, suspension or revocation of

33 license issued under this chapter has the right to prompt judicial review an
34 decision according to this section.

35 (2) Notwithstanding any state statute, administrative rule or court rul
36 to the contrary, an action or proceeding to review the issuance, revocation
37 suspension, or denial of a license or other entitlement for expressive conduc
38 protected by the First Amendment to the United States Constitution shall b
39 conducted in accordance with this section.

40 (3) For purposes of this section, the following definitions shall apply:

41 (a) The terms "license" and "entitlement" are used interchangeably.

42 (b) The term "license applicant" means both an applicant for a licens
43 and a holder of a license.

44 (c) The term "public agency" means a city, county, city and county,
45 joint powers authority or similar public entity formed pursuant to law, o
46 any other public entity authorized by law to issue licenses for expressiv
47 conduct protected by the First Amendment to the United States Constitu
48 tion.

49 (4) A public agency may, if it so chooses, designate the licenses o
50 entitlements to which this section applies by adopting an ordinance or resolu
51 tion which contains a specific listing or other description of the licenses o
52 entitlements issued by the public agency which are eligible for expedite

10

1 judicial review pursuant to this section because the licenses regulate expres
2 sive conduct protected by the First Amendment to the United States Constitu
3 tion.

4 (5) The procedure set forth in this subsection, when applicable, shal
5 supersede anything to the contrary as set forth in state statute, administra
6 tive rules, and court rules regulating civil procedure.

7 (a) Within five (5) court days after receipt of written notification fro
8 a license applicant that the applicant will seek judicial review of a pub
9 lic agency's action on the license, the public agency shall prepare, cer
10 tify, and make available the administrative record to the license appli
11 cant.

12 (b) Either the public agency or the license applicant may bring an actio
13 in accordance with the procedure set forth in this section. If th
14 license applicant brings the action, the action shall be in the form of
15 petition for writ of mandate pursuant to the Idaho rules of civil proce
16 dure.

17 (c) The party bringing the action pursuant to this section shall file an
18 serve the petition on the respondent no later than twenty-one (21) calen
19 dar days following the public agency's final decision on the license. Th
20 title page of the petition shall contain the following language in eigh
21 teen (18) point type:

22 "ATTENTION: THIS MATTER IS ENTITLED TO PRIORITY AND SUBJECT TO
23 THE EXPEDITED HEARING AND REVIEW PROCEDURES CONTAINED IN SECTION
24 18-8511, IDAHO CODE."

25 (d) The clerk of the court shall set a hearing for review of the petitio
26 no later than twenty-five (25) calendar days from the date the petition i
27 filed. Moving, opposition, and reply papers shall be filed as provided i
28 the Idaho rules of civil procedure. The petitioner shall lodge the admin
29 istrative record with the court no later than ten (10) calendar days i
30 advance of the hearing date.

31 (e) Following the conclusion of the hearing, the court shall render it
32 decision in an expeditious manner consistent with constitutional require
33 ments in view of the particular facts and circumstances. In no even
34 shall the decision be rendered later than twenty (20) calendar days afte
35 the matter is submitted or fifty (50) calendar days after the date th
36 petition is filed pursuant to subsection (4) of this section, whichever i
37 earlier.

38 (6) If the presiding judge of the court in which the action is file
39 determines that, as a result of either the press of other court business or
40 other factors, the court will be unable to meet any one (1) or more of th
41 deadlines provided within this section, the presiding judge shall request th
42 temporary assignment of a judicial officer to hear the petition and render
43 decision within the time limits contained in this section. Given the shor
44 time period involved, the request shall be entitled to priority.

45 (7) In any action challenging the issuance, revocation, suspension, o
46 denial of a license or entitlement, the parties to the action shall be permit
47 ted to jointly waive the time limits provided for in this section.

48 18-8512. ISSUANCE OF TEMPORARY LICENSES PENDING APPEAL. A sexually ori
49 ented business or an employee of a sexually oriented business that is denie
50 issuance of a license under this chapter, or that has a license suspended
51 revoked or has been denied renewal, shall be issued a temporary license if th
52 business or employee perfects an appeal of the denial, suspension, revocatio
53 or denial of renewal. The temporary license shall be effective until resolu
54 tion of the appeal.

11

1 18-8513. HOURS OF OPERATION. Sexually oriented businesses shall no
2 remain open between the hours of two o'clock (2:00 a.m.) and eight o'clock
3 (8:00 a.m.) on weekdays and Saturdays, and two o'clock (2:00 a.m.) and noo
4 (12:00 p.m.) on Sundays. These restrictions do not apply to adult motels.

5 18-8514. INSPECTION OF SEXUALLY ORIENTED BUSINESSES. An applicant o
6 licensee shall permit representatives of applicable state and local agencie
7 to perform lawful inspections of the premises of a sexually oriented busines
8 for the purpose of ensuring compliance with the law, at any time the busines
9 is occupied or open for business.

10 18-8515. SEVERABILITY. If any provision of this chapter or its applica
11 tion to any person or circumstance is held invalid, the invalidity does no
12 affect other provisions or applications of this chapter which can be give
13 effect without the invalid provision or application, and to this end the pro
14 visions of this chapter are severable.

15 18-8516. CONFLICTING STATUTES REPEALED -- LOCAL REGULATION PERMITTED. I
16 case of conflict between any provision of this chapter and other statutes o
17 parts of statutes, the provision of this chapter in question shall prevail
18 The enactment of this chapter does not abrogate the authority of local govern
19 mental authorities to enact local zoning or licensing regulations, so long a
20 the licensing requirements are not less restrictive than those imposed in thi
21 chapter.

22 SECTION 2. That Section 9-340B, Idaho Code, be, and the same is hereb
23 amended to read as follows:

24 9-340B. RECORDS EXEMPT FROM DISCLOSURE -- LAW ENFORCEMENT RECORDS, INVE
25 TIGATORY RECORDS OF AGENCIES, WORKER'S COMPENSATION. The following records ar
26 exempt from disclosure:

27 (1) Investigatory records of a law enforcement agency, as defined in sec
28 tion 9-337(5), Idaho Code, under the conditions set forth in section 9-335
29 Idaho Code.

30 (2) Juvenile records of a person maintained pursuant to chapter 5, titl
31 20, Idaho Code, except that facts contained in such records shall be furnishe
32 upon request in a manner determined by the court to persons and governmenta
33 and private agencies and institutions conducting pertinent research studies o
34 having a legitimate interest in the protection, welfare and treatment of th

35 juvenile who is thirteen (13) years of age or younger. If the juvenile i
36 petitioned or charged with an offense which would be a criminal offense i
37 committed by an adult, the name, offense of which the juvenile was petitione
38 or charged and disposition of the court shall be subject to disclosure as pro
39 vided in section 20-525, Idaho Code. Additionally, facts contained in an
40 records of a juvenile maintained under chapter 5, title 20, Idaho Code, shal
41 be furnished upon request to any school district where the juvenile i
42 enrolled or is seeking enrollment.

43 (3) (a) Records of the department of correction or the commission of par
44 dons and parole to the extent that disclosure thereof would interfere wit
45 the secure and orderly conduct of their operations, or the rehabilitatio
46 of any person in the custody of the department of correction or on parole
47 or would substantially prejudice or prevent the carrying out of the func
48 tions of the department of correction or the commission of pardons an
49 parole if the public interest in confidentiality clearly outweighs th
50 public interest in disclosure. Records exempt from disclosure shal

12

1 include, but not be limited to, those containing the names and addresse
2 of witnesses or victims or those containing information identifying vic
3 tims or witnesses.

4 (b) Operation manuals of county jails. "Operation manuals" are thos
5 internal documents of any county jail that define the procedures utilize
6 to maintain security within the jail.

7 (4) Voting records of the sexual offender classification board. In accor
8 dance with section 18-8315, Idaho Code, the written record of the vote t
9 classify an offender as a violent sexual predator by each board member in eac
10 case reviewed by that board member shall be exempt from disclosure to the pub
11 lic and shall be made available upon request only to the governor, the chair
12 man of the senate judiciary and rules committee, and the chairman of the hous
13 of representatives judiciary, rules and administration committee, for all law
14 ful purposes.

15 (5) Records of the sheriff or department of law enforcement received o
16 maintained pursuant to section 18-3302, Idaho Code, and chapter 85, title 18
17 Idaho Code, relating to an applicant or licensee.

18 (6) Records of investigations prepared by the department of health an
19 welfare pursuant to its statutory responsibilities dealing with the protectio
20 of children, the rehabilitation of youth, adoptions and the commitment of men
21 tally ill persons.

22 (7) Records including, but not limited to, investigative reports, result
23 ing from investigations conducted into complaints of discrimination made t
24 the Idaho human rights commission unless the public interest in allowin
25 inspection and copying of such records outweighs the legitimate public or pri
26 vate interest in maintaining confidentiality of such records. A person ma
27 inspect and copy documents from an investigative file to which he or she is
28 named party if such documents are not otherwise prohibited from disclosure b
29 federal law or regulation or state law. The confidentiality of this subsectio
30 will no longer apply to any record used in any judicial proceeding brought b
31 a named party to the complaint or investigation, or by the Idaho human right
32 commission, relating to the complaint of discrimination.

33 (8) Records containing information obtained by the manager of the Idaho
34 state insurance fund pursuant to chapter 9, title 72, Idaho Code, from or o
35 behalf of employers or employees contained in underwriting and claims for ben
36 efits files.

37 (9) The worker's compensation records of the Idaho industrial commissio
38 provided that the industrial commission shall make such records available:

39 (a) To the parties in any worker's compensation claim and to the indus
40 trial special indemnity fund of the state of Idaho; or

41 (b) To employers and prospective employers subject to the provisions o

42 the Americans with disabilities act, 42 U.S.C. 12112, or other statutor
 43 limitations, who certify that the information is being requested wit
 44 respect to a worker to whom the employer has extended an offer of employ
 45 ment and will be used in accordance with the provisions of the American
 46 with disabilities act, 42 U.S.C. 12112, or other statutory limitations; o
 47 (c) To employers and prospective employers not subject to the provision
 48 of the Americans with disabilities act, 42 U.S.C. 12112, or other statu
 49 tory limitations, provided the employer presents a written authorizatio
 50 from the person to whom the records pertain; or
 51 (d) To others who demonstrate that the public interest in allowin
 52 inspection and copying of such records outweighs the public or privat
 53 interest in maintaining the confidentiality of such records, as determine
 54 by a civil court of competent jurisdiction.
 55 (10) Records of investigations compiled by the commission on aging involv

13

1 ing vulnerable adults, as defined in section 18-1505, Idaho Code, alleged t
 2 be abused, neglected or exploited.
 3 (11) Criminal history records and fingerprints, as defined by sectio
 4 67-3001, Idaho Code, and compiled by the department of law enforcement. Suc
 5 records shall be released only in accordance with chapter 30, title 67, Idah
 6 Code.

Statement of Purpose / Fiscal Impact

STATEMENT OF PURPOSE RS10204C2

The purpose of this bill is to regulate sexually oriented businesses commonly known as cabarets and adult theaters so as to prevent the negative secondary effects that are associated with such establishments. These include, but are not limited to, prostitution, paid sexual contact, the spread of diseases that can result from such acts, narcotics violations, increased noise, traffic, and litter, and that occurs through a depression of property values in the vicinity of the establishment. To meet constitutional requirements, the bill allows erotic performances to continue; however, illegal and harmful conduct ancillary to the performances is regulated.

FISCAL NOTE

None.

CONTACT: Rep. Jeff Alltus (208) 332-1000
Vince Hughes (208) 773-8022

STATEMENT OF PURPOSE/ FISCAL

Subject: Fwd: Opposition to HB 367 Licensing Adult-Oriented Businesses

Date: Tue, 4 May 2004 18:21:54 -0700 (PDT)

From: CAROL HARTMAN <caroljhartman@prodigy.net>

To: brian_hove@legis.state.ak.us

Note: forwarded message attached.

Brian, hope you get this message, we will be forwarding other information also, and the fax will be coming as soon as I am off the internet. As we agreed, if our packets don't arrive there in time for the meeting that is scheduled to begin 16 HOURS after being scheduled, you will forward them to the Finance Committee.

Thanks.

Carol and Kathy Hartman

P.S. Please check with Senator Seekins and make sure he received the e-mails.

Subject: Opposition to HB 367 Licensing Adult-Oriented Businesses

Date: Sun, 2 May 2004 19:43:48 -0700 (PDT)

From: CAROL HARTMAN <caroljhartman@prodigy.net>

To: Senator_Ben_Stevens@legis.state.ak.us, Senator_Bert_Stedman@legis.state.ak.us, Senator_Bettye_Davis@legis.state.ak.us, Senator_Con_Bunde@legis.state.ak.us, Senator_Donny_Olson@legis.state.ak.us, Senator_Fred_Dyson@legis.state.ak.us, Senator_Gary_Stevens@legis.state.ak.us, Senator_Gary_Wilken@legis.state.ak.us, Senator_Gene_Therriault@legis.state.ak.us, Senator_Georgianna_Lincoln@legis.state.ak.us, Senator_Gretchen_Guess@legis.state.ak.us, Senator_Hollis_French@legis.state.ak.us, Senator_John_Cowdery@legis.state.ak.us, Senator_Johnny_Ellis@legis.state.ak.us, Senator_Kim_Elton@legis.state.ak.us, Senator_Lyda_Green@legis.state.ak.us, Senator_Lyman_Hoffman@legis.state.ak.us, Senator_Ralph_Seekins@legis.state.ak.us, Senator_Scott_Ogan@legis.state.ak.us, Senator_Thomas_Wagoner@legis.state.ak.us

Dear members of the Senate Judiciary and Finance Committees;

We are Kathy and Carol Hartman, owners of Fantasies on Fifth located in Anchorage, Alaska.

You've probably heard numerous stories related to Adult-Oriented Establishments in Alaska. We, our staff and our employees have tried, and are still trying, in vein to refute all these anecdotal and unsubstantiated allegations.

The proponents keep churning out unverifiable information that is out-dated and from the lower-48. In turn, we keep submitting an exorbitant amount of accurate and provable reports and studies confirming that what they are saying is not based on facts and are, in all actuality, full of embellishments, innuendoes and hear-say.

We oppose HB367 for the following reasons:

- There are current laws in place that address all the crimes that are alleged to be taking place.

The issue is lack of law enforcement. More laws will not take care of the problem when current laws are not being enforced. We do not hire anyone under 18 years of age, nor do we allow them in as patrons. We do not have drugs available, nor do we allow drugs, prostitution, alcohol, or any other illegal actions to take place.

- We do not hire high school students, no matter what age they are.
- The Alaska Supreme Court has recognized that dancing, including nude dancing is a constitutionally protected form of expression under the First Amendment of The United States Constitution. Mickens v. City of Kodiak, 640 P.2d 818, 820 (Alaska 1982).
- Anytime you have the licensing of speech, restrictions can have no discretion. As soon as they allow discretion by those who grant the license, those laws are unconstitutional. Requiring disclosures of the applicant's criminal and past licensing histories are unnecessary because, absent any disqualification ground on those bases, such disclosures are unjustified by a government interest. Joseph Schultz v. City of Cumberland
- Raising the age for employment at an adult cabaret to 21 years of age is unconstitutional. There are many young adults working at night in various jobs, i.e. fast food restaurants, gas stations, etc. It appears that working in some of these places can be very dangerous considering the murders and robberies that have taken place in the last few years. We have never had a murder, sexual assault, robbery, etc. We have a safe and controlled environment. It's not safe to work at Taco Bell, banks, pizza parlors, Wendy's, etc. Why not work to make those places safer? We have plenty of security at our place.
- We are regulated through the Municipality of Anchorage and are required to be licensed. We are required to have a "Permit for Premises Where Minors Are Not Allowed" and are required to be 1000 feet away from schools, churches, 24- hour day care centers, public parks, public libraries, and several other places.
- We are annually inspected by the Fire Marshal and Health Department.
- We have been accused of causing adverse secondary effects, because of higher crime rates, prostitution, drugs, sexual assaults, kidnapping, and other crimes that are being committed. The report received from Anchorage Police Department shows that all adult cabarets, whether serving alcohol or not, have much fewer police calls than do other bars and nightclubs.
- Research of property values surrounding adult cabarets in Anchorage for 2001, 2002, and 2003 show that property values have risen steadily every year.
- The National Law Center Summaries of "SOB Land Use" Studies that were presented as evidence and put in the record are outdated, and do not compare to Anchorage, Alaska 2004. The studies were from large cities and were conducted in the 1970's and 1980's with the exception of one that was done in 1992 in Oklahoma City, Oklahoma.

- Many dancers are attending college, have attended college while working, or have graduated from college. Some dancers are married and raising a family. Some are single parents raising children.
- It was stated that dancing in adult cabarets leads to prostitution and drug use. We still keep in touch with most of the dancers that have worked for us over the years, and we've never known even one that has gone into prostitution. However, many dancers came to work for us with drug or alcohol problems, and we've watched them beat the problem and change their lives for the better.

You'll be receiving a packet from us that will include substantiated and verifiable evidence supporting our position against HB367, and hope you'll take the time to read it. I'm sure you all have more important issues to spend your time and our money on.

Should you have any questions or concerns, please do not hesitate to contact us.

Respectfully,

Kathy and Carol Hartman

563-0042

Subject: Fwd: Background Info on HB367 - Licensing Adult-Oriented Businesses

Date: Tue, 4 May 2004 18:24:03 -0700 (PDT)

From: CAROL HARTMAN <caroljhartman@prodigy.net>

To: brian_hove@legis.state.ak.us

Note: forwarded message attached.

Subject: Background Info on HB367 - Licensing Adult-Oriented Businesses

Date: Sun, 2 May 2004 20:04:58 -0700 (PDT)

From: CAROL HARTMAN <caroljhartman@prodigy.net>

**To: Senator_Ben_Stevens@legis.state.ak.us, Senator_Bert_Stedman@legis.state.ak.us,
Senator_Bettye_Davis@legis.state.ak.us, Senator_Con_Bunde@legis.state.ak.us,
Senator_Donny_Olson@legis.state.ak.us, Senator_Fred_Dyson@legis.state.ak.us,
Senator_Gary_Stevens@legis.state.ak.us, Senator_Gary_Wilken@legis.state.ak.us,
Senator_Gene_Therriault@legis.state.ak.us, Senator_Georgianna_Lincoln@legis.state.ak.us,
Senator_Gretchen_Guess@legis.state.ak.us, Senator_Hollis_French@legis.state.ak.us,
Senator_John_Cowdery@legis.state.ak.us, Senator_Johnny_Ellis@legis.state.ak.us,
Senator_Kim_Elton@legis.state.ak.us, Senator_Lyda_Green@legis.state.ak.us,
Senator_Lyman_Hoffman@legis.state.ak.us, Senator_Ralph_Seekins@legis.state.ak.us,
Senator_Scott_Ogan@legis.state.ak.us, Senator_Thomas_Wagoner@legis.state.ak.us**

CC: Anchorage CHARR <anchoragecharr@gci.net>

! PROPAGANDA THROUGH FICTION IS ALL WE'VE HEARD

!<?xml:namespace prefix = o ns =

"urn:schemas-microsoft-com:office:office" />

! SLANDEROUS LIBEL, & DEFAMATORY STATEMENTS !

"WHY DOESN'T ANYONE CARE, OR PAY ATTENTION TO THE

FACTS !!!"

- The Adult Oriented Cabaret industry, its owners, or employees, were never included in the talks, formulation, or proposal of HB 367.
- The statements and resolutions being made and sent all over the state by Nancy Fair are full of unsubstantiated statements, false statements, embellishments, innuendos, and here-say that have maligned our business, our employees, our families, and ourselves personally.
- Nancy Fair and Kara Nyquist have made many statements that are slanderous libel.
- Our lives, our families, and our businesses have been threatened and maligned by the

materials being sent out by Nancy Fair and Kara Nyquist, yet we are ignored when we come forward to defend ourselves against the malicious and un-true accusations being made against us.

- Nancy Fair, a proponent of HB 367, and a member of Service High School PTA, has sent out numerous materials to Legislators, statewide PTA's, select members of the public, and others, that are filled with un-truths, embellishments, and here-say.
- Nancy Fair has done this while at work, (<?xml:namespace prefix = st1 ns = "urn:schemas-microsoft-com:office:smarttags" />U.S. Fish and Wildlife) while on government time, using her government computer! Is this any different than what Randy Ruedrich did?
- Nancy Fair, Kara Nyquist, Regina Manteufel, and the PTA's among others, has attempted to degrade us, and our businesses. They have made very malicious, un-true statements that have reached the general public, and thereby affected ours and our family's reputations personally, as business owners and as working, tax paying citizens of this community.
- Nancy Fair will not testify in public, as she states she has been threatened, yet she goes behind our backs and spreads unsubstantiated rumors, un-true statements, innuendos, and more about our businesses, our industry, and our employees.
- We have been told that the stories told by persons wanting to stay at Covenant House are embellished all the time, because the bigger and better the story is, or the worse that person can make it sound, the more help they are given, and they are allowed to stay longer. Therefore, why would these people NOT embellish their stories, and lie about what's happened?
- Regina Manteufel is basing her statements regarding things that happened to her while she was a "stripper" on things that happened 20-25 years ago when non-alcoholic adult cabarets did not even exist, and the clubs that were licensed to sell alcohol were not regulated as they are now.
- Regina Manteufel has stated during testimony that all of the adult cabarets treat their employees as independent contractors, and do not do payroll, withhold and pay taxes, or have workman's comp insurance. This is a lie! All the clubs do payroll with the exception of the Showboat, which treat their employees as independent contractors.
- We have furnished copies of our state quarterly reports, federal 941 quarterly reports, and W-3 transmittal, along with copies of our workman's comp insurance policy to those that have bothered to question our compliance with wage and hour laws.
- Both of our businesses, The Setter Lounge and Fantasies on 5th Avenue, belong to HERE Local 878. The dancer's have the option of joining after they have been employed long enough. We have had, and currently have dancers in the union. They are eligible for the same mandatory benefits as everyone else, including pension and health insurance, along with an optional 401 (k) program.
- Nancy Fair and Kara Nyquist stated that "One SOB claims to run a "clean club" without drugs or crime and thinks that new laws are unnecessary. However, they could sell their business tomorrow to an unscrupulous operator." Let me say that we have been in business for over 15 years and are in the process of a two million dollar, two story expansion. This is a family owned and operated business, and several of our family members have been employed here for 1, 6, 9, 12 and 15 years. We do not intend to sell this family business!
- We have a zero tolerance for drugs and alcohol on the premises, and employees have been fired for violating the rules regarding these issues.
- We have run a trouble free business for over 15 years, and remained in good standing in this community until the proposal of HB 367. Now our lives are in shambles while we try to defend ourselves against all the malicious things being said about us and our business.
- This should be a LOCAL issue, as we are currently regulated locally.
- Laws pertaining to any illegal activities thought to be taking place should be enforced!

- **We are, and have always been in compliance with the following requirements:**
 - ✓ **Health inspections and certificates for 15 years.**
 - ✓ **Food safety (ServSafe certificate and classes) since program was implemented.**
 - ✓ **Fire Marshall Inspections and certificate of occupancy for 15 years.**
 - ✓ **Complied with 1000 foot zoning ordinance since implementation.**
 - ✓ **Held a "Permit for Premises Where Minors Are Not Allowed" since implemented.**
 - ✓ **Applied for Municipal Adult Entertainment License when implemented.**
 - ✓ **Treat employees as such and comply with wage and hour laws.**
 - ✓ **Withhold federal withholding, social security, M-care, state and federal unemployment taxes, and submit a check to the Department of Treasury bi-weekly.**
 - ✓ **Renew our workman's compensation insurance every year.**
 - ✓ **File state and federal quarterly reports on all employees.**
 - ✓ **Carry general liability insurance (and liquor liability on The Setter).**
 - ✓ **File Personal Property Assessment and pay property taxes every year.**
 - ✓ **Hold current business licenses and renew them every year.**
 - ✓ **Have current liquor license for the Setter and renew it every year.**
 - ✓ **Have and renew Special Occupational Tax through AFT every year.**
 - ✓ **File an 11-C Occupational Tax and Registration Return for Wagering every year.**
 - ✓ **File a Form 730 (wagering tax) monthly**
 - ✓ **File State of Alaska Biennial Reports with State of Alaska Corporations Section.**
 - ✓ **File monthly reports with HERE Local 878 and pay union dues.**
 - ✓ **File monthly reports with Alaska Hotel, Restaurant and Camp Employees Trusts and pay the health insurance and pension funds. (We pay .90 per hour towards employees health insurance, they pay .85 per hour). (We also pay .50 per hour toward their pension and the employees pay .83 per hour).**
 - ✓ **File monthly reports with Labor Unions 401 (K) plan and send in the funds.**
 - ✓ **Our businesses DO NOT create adverse secondary effects.**

- ✓ Our business has NO pornography, NO obscenity, NO alcohol, NO drugs, NO physical or sexual abuse, NO STD's being transmitted, NO pornographic litter, NO pills or needles in our parking lot, and No prostitution.
- ✓ NO decrease in property values surrounding adult cabarets (researched, sent copies).
- ✓ NO increase in crime that is attributable to adult entertainment businesses.
- ✓ Adult cabarets, even those with alcohol, have far fewer police calls than do other clubs, bars, and similar businesses in the Municipality of Anchorage.
- ✓ There has been NO blight to neighborhoods (as evidenced by neighbor's letters).
- ✓ We have a safe environment with professional security personnel on duty at all times.

LAWS SHOULD NOT BE WRITTEN ACCORDING TO ANYONES MORAL OPINIONS!!!!!!

People that find this form of adult entertainment offensive or disagreeable are not forced to be subjected to it. If you have a moral issue with adult entertainment, and you raise your children to agree with your moral values, then when they are adults, they will either follow your same moral values, and not enter AOB's or, as adults, they will make their own choices.

***TO RESTRICT FREEDOM OF SPEECH OR _EXPRESSION ONLY TO POLITICAL MATTERS
WOULD SEVERELY NARROW THE SCOPE OF LIBERTY.***

ALASKA STATE LEGISLATURE
Senate Judiciary Committee Members

Kathy and Carol Hartman
1911 E 5th Avenue
Anchorage, AK 99501
563-0042

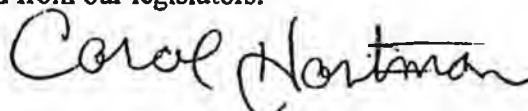
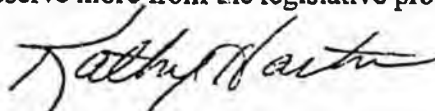
*If society punishes controversial expression,
everyone in society loses some measure of their freedom.*

This bill should never have been brought forward. From the beginning, we were excluded from discussions that formulated this bill. During the interim, meetings were held between sponsors of the bill, a couple of Service High PTA members, Kara Nyquist from Covenant House, and a few anonymous former and current "strippers", and others we don't know about as no minutes are available from those meetings. Not one person from any of the adult oriented establishment businesses was invited to take part in any of the discussions. Had we been given the opportunity to participate, many, if not all of the reasons justifying HB 367 would have been mitigated.

- We have been in business for over 15 years.
- There are current laws in place that address all the crimes that are alleged to be taking place. The issue is lack of law enforcement. More laws will not take care of the problem when current laws are not being enforced. We do not hire anyone under 18 years of age, nor do we allow them in as patrons. We do not have drugs available, nor do we allow drugs, prostitution, alcohol, or any other illegal actions to take place.
- We do not hire high school students, no matter what age they are.
- The Alaska Supreme Court has recognized that dancing, including nude dancing is a constitutionally protected form of expression under the First Amendment of The United States Constitution. Mickens v. City of Kodiak, 640 P.2d 818, 820 (Alaska 1982).
- Anytime you have the licensing of speech, restrictions can have no discretion. As soon as they allow discretion by those who grant the license, those laws are unconstitutional. Requiring disclosures of the applicant's criminal and past licensing histories are unnecessary because, absent any disqualification ground on those bases, such disclosures are unjustified by a government interest. Joseph Schultz v. City of Cumberland
- Raising the age for employment at an adult cabaret to 21 years of age is unconstitutional. There are many young adults working at night in various jobs, i.e. fast food restaurants, gas stations, etc. It appears that working in some of these places can be very dangerous considering the murders and robberies that have taken place in the last few years. We have never had a murder, sexual assault, robbery, etc. We have a safe and controlled environment. It's not safe to work at Taco Bell, banks, pizza parlors, Wendy's, etc. Why not work to make those places safer? We have plenty of security at our place.

- We are regulated through the Municipality of Anchorage and are required to be licensed. We are required to have a "Permit for Premises Where Minors Are Not Allowed" and are required to be 1000 feet away from schools, churches, 24- hour day care centers, public parks, public libraries, and several other places.
- We are annually inspected by the Fire Marshall and Health Department.
- We have been accused of causing adverse secondary effects, because of higher crime rates, prostitution, drugs, sexual assaults, kidnapping, and other crimes that are being committed. The report received from Anchorage Police Department shows that all adult cabarets, whether serving alcohol or not, have much fewer police calls than do other bars and nightclubs.
- Research of property values surrounding adult cabarets in Anchorage for 2001, 2002, and 2003 show that property values have risen steadily every year.
- The National Law Center Summaries of "SOB Land Use" Studies that were presented as evidence and put in the record are outdated, and do not compare to Anchorage, Alaska 2004. The studies were from large cities and were conducted in the 1970's and 1980's with the exception of one that was done in 1992 in Oklahoma City, Oklahoma.
- Many dancers are attending college, have attended college while working, or have graduated from college. Some dancers are married and raising a family. Some are single parents raising children.
- It was stated that dancing in adult cabarets leads to prostitution and drug use. We still keep in touch with most of the dancers that have worked for us over the years, and we've never known even one that has gone into prostitution. However, many dancers came to work for us with drug or alcohol problems, and we've watched them beat the problem and change their lives for the better.
- We've received many letters of support, including some from Alaska CHARR, HERE Union Local 878, Safe Harbor Inn, and other neighbors and members of the community.

Lack of enforcement of existing laws does not rationalize violating our rights to hire employees who have been convicted of a specified criminal activity, nor the rights of entertainers to be employed who have paid their debts to society. As it stands, we won't be allowed to hire people who have had drug convictions. The sex-related crimes listed in Sec.08.90.200 (b) typically do not pertain to entertainers, and shows how unstudied this bill really is. Also, the state does not have a compelling reason to violate owners' rights to hire 18, 19, and 20-year old adults, nor for 18, 19 and 20-year olds to be employed. If the intent is to educate young adult workers to know their wage and hour rights, then a broader bill has to be introduced to require all young adult workers to know their wage and hour rights. Better preparation would have mitigated every concern predicating the intent of this bill. Clearly, Alaskans deserve more from the legislative process and from our legislators.



APPENDIX

- Appendix A.....Police Calls For Service at Requested Locations
Appendix B.....Dept. of Labor & Workforce Development letter and W-3's
Appendix C.....Legal Economics, Inc. 10 year study
Appendix D.....Letter opposing HB 367 from CHARR, HERE Union, etc.
Appendix E.....Press Releases on Opposition of HB 367
Appendix F.....Partial Peek-A-Boo Case
Appendix G.....The Riggs Institute - Kid's Brain Power
Appendix H.....HB 430
Appendix I.....Pimps
Appendix J.....Contradictory Kelly Holsopple publication
Appendix K.....Juvenile Competence to Stand Trial
Appendix L.....Rape
Appendix M.....Rebuttal to Regina Manteufel letter
Appendix N.....Municipal Code 21.45.240
Appendix O.....Municipal Code 10.40.050
Appendix P.....Pornography definition
Appendix Q.....Definition of Prostitution
Appendix R.....Jeffcoat and The Lonely Lady v. SOA, Dept. of Labor
Appendix S.....First Amendment Center Opinions
Appendix T.....Mickens v. City of Kodiak
Appendix U.....Signatures from people opposing under-21 ban of HB 367
Appendix V.....Letter from Clinician Colleen Dire disputing HB 367 info
Appendix W.....Bill Miller quote, The Anchorage Chronicle, May 1, 2003
Appendix X.....Currently held permits, licenses, certificates, etc.



Mark Begich
Mayor

ANCHORAGE POLICE DEPARTMENT

4501 Bragaw Street • Anchorage, Alaska 99507-1599

Telephone (907) 786-8500

<http://www.muni.org>



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

Calls For Service at Requested Locations
1998 - 2003



ANCHORAGE POLICE DEPARTMENT

OFFICER
DEREK HSIEH

4501 SOUTH BRADY ST.
ANCHORAGE, ALASKA 99502-1588
DISPATCH: (907) 786-8500
VOICE MAIL: (907) 786-3872
E-MAIL: DHRHSIEH@ANCHORAGE.PK.US

CALL TYPE FINAL TRANSLATION	ALS ALASKAN INN 515 CLUB	AVENUE BAR	BUSH COMPANY	CHILKOOT	CRAZY HORSE GAMBELL	CRAZY HORSE MULDOON	FANTASIES ON 5TH	MILLENNIUM CLUB	PJS	RUMRUNNERS	SHOWBOAT	TEASERS/CRAZY HORSE MULDOON	Grand Total
ADMINISTRATIVE				4									4
ALARM	45		10										55
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	1	1	1	31
HARASSMENT									1				1
HIT AND RUN		1	1	3	15				2	1	2		25
HIT AND RUN WINJURY				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	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			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	66	148	173	65	311	26	7	25	22	52	157	64	1116

2/19/2004 12:25 PM
Handwritten notes and initials at the bottom of the page.

STATE OF ALASKA

DEPARTMENT OF LABOR & WORKFORCE DEVELOPMENT

WAGE AND HOUR ADMINISTRATION
LABOR STANDARDS & SAFETY DIVISION

FRANK H. MURKOWSKI, GOVERNOR

3301 Eagle Street, Suite 301
Anchorage, Alaska 99503-4149
Phone: (907) 269-4300
Fax: (907) 269-4915

February 26, 2004
Dictated: 02/23/04

Fantasies on 5th
1911 East 5th Avenue
Anchorage, AK 99501

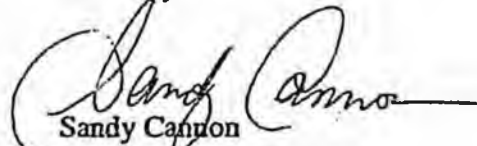
Ladies and Gentlemen:

This letter serves as a reminder that minors under the age of 18 are not allowed to work in your establishment.¹

Please ensure all employees have valid identification that provides proof of age indicating they are at least "18 years of age or older."

If you have any questions concerning this or any other Wage & Hour matters, please feel free to contact our office for cost free counseling.

Sincerely,


Sandy Cannon
Supervising Investigator
Wage & Hour Administration
Anchorage Regional Office

SC:ws
Adult Clubs Fantasies

¹ AS 23.10.350(f) A minor under the age of 18 may not be employed or allowed to work in any capacity on the premises of a business that offers adult entertainment. In this subsection, "business that offers adult entertainment" means a business in which one or more individuals are employed or contracted to, wholly or in part, or permitted to entertain others by

- (1) removing clothes or other items that clothe or hide the person's body;
- (2) dancing or in any other manner exhibiting the individual's body in a completely or almost completely unclothed state;
- (3) participating in an actual or simulated illegal, indocent, or lewd exhibition, act, or practice including
 - (A) sexual penetration;
 - (B) the lewd exhibition or touching of a person's genitals, anus, or breast; or
 - (C) bestiality.

33333 For Official Use Only
OMB No. 1545-0008

b Kind of Payer	<input checked="" type="checkbox"/> 941	<input type="checkbox"/> Military	<input type="checkbox"/> 943	1 Wages, tips, other compensation		2 Federal income tax withheld
	<input type="checkbox"/> CT-1	<input type="checkbox"/> Hshld. emp.	<input type="checkbox"/> Medicare govt. emp.	<input type="checkbox"/> Third-party sick pay	\$ 458675.02	\$ 42587.00
c Total number of Forms W-2	d Establishment number			3 Social security wages		4 Social security tax withheld
77				\$ 405084.82		\$ 30966.45
e Employer identification number				5 Medicare wages and tips		6 Medicare tax withheld
92-0133421				\$ 499458.82		\$ 7242.20
f Employer's name				7 Social security tips		8 Allocated tips
Sands North Inc.				\$ 94374.00		\$
Fantasies On 5th Ave 1911 E 5th Ave Anchorage AK 99501				9 Advance EIC payments		10 Dependent care benefits
				\$		\$
g Employer's address and ZIP code				11 Nonqualified plans		12 Deferred compensation
				\$		\$ 30464.00
h Other EIN used this year				13 For third-party sick pay use only		
				14 Income tax withheld by payer of third-party sick pay		
				\$		
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 _____

W-3 Transmittal of Wage and Tax Statements

2003

Department of the Treasury
Internal Revenue Service

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.

Item To Note

Read the 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 "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.

Alaska Cabaret, Hotel,
Restaurant & Retailers Association



1111 East 80th Ave., Suite 3 - Anchorage, Alaska 99518
(907) 274-8133 - Fax: (907) 274-8640
Toll Free In Alaska: (800) 478-2427

March 10, 2004

House Finance Committee
The Honorable Kevin Meyer, Chairman
House of Representatives
Alaska State Capitol
Juneau, Alaska 99801-1182

Dear Representative Meyer,

I am writing on behalf of the hundreds of members of Alaska CHARR from around the state to oppose House Bill 367, an act related to adult-oriented businesses. Alaska CHARR is generally opposed to anti-business legislation and is adamantly opposed to this bill in its current form.

We disagree with the legislative purpose and findings on 4 out of 5 issues stated as fact, enumerated below:

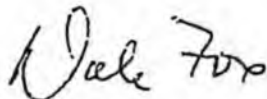
1. This bill will not reduce the incidence of, and opportunities for, illegal activities.
2. There is no documentation of the adverse impacts on neighbors.
3. These law-abiding businesses do not accost or harass law-abiding residents nor do they create litter of an adult nature.
4. This bill will have no impact on preventing prostitution, spread of disease, blighting of neighborhoods, or reducing crime.

The proposed legislation is a solution looking for a problem that does not exist.

We respectfully suggest that the State of Alaska enforce the many laws on the books that already address the illegal activities outlined by the sponsors. It is our understanding that law enforcement needs additional funding to enforce the laws already on the books. It is interesting that this bill proposes to educate, regulate, inspect, license and enforce all of the terms of this bill with a fiscal note of \$0.

Alaska CHARR's Government Affairs Committee was unanimous in their opposition to HB 367 in its current form.

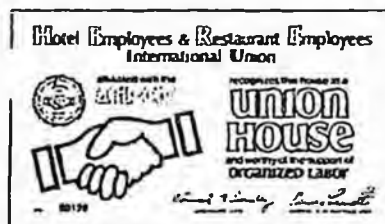
Sincerely,



Dale Fox
Executive Director, Alaska CHARR

Cc: Rep McGuire
Rep. Anderson
Rep Gara
Rep Dahlstrom

VISIT ALASKA - IT'S AN AMERICAN ADVENTURE



HOTEL EMPLOYEES, RESTAURANT EMPLOYEES UNION LOCAL 878

530 E. 4th Avenue - P.O. Box 100564 - Anchorage, Alaska 99510
(907) 272-6591 • 1-800-478-HERE • FAX: (907) 277-8595
Health / Pension / Legal Information: call (800) 478-8329

Fairbanks area office:
(907) 452-2332

Juneau area office:
(907) 780-4844

Kenai/Soldotna area office:
(907) 250-3060

Ketchikan area office:
(907) 225-4508

Kodiak area office:
(907) 486-4561

Valdez area office:
(907) 835-2391



February 1, 2004

To Whom It May Concern:

I am writing on behalf of Hotel Employee Restaurant Employee Union Local 878 (H.E.R.E.) to express our support for Fantasies on 5th, a member in good standing since September, 2001.


I have dealt with many business owners during my tenure as the President of H.E.R.E. Local 878 and it is with no reservations that vouch for the honesty and integrity of Kathy and Carol Hartman, owner of Fantasies, and their management team.

There has been much controversy over young adult clubs and the treatment of their employees, and the types of activities that go on. This business is very responsive to the needs of its employees, and tolerates no improper or illegal activities.

In my experience the vast majority of owners of clubs in Alaska are decent, responsible owners who look out for the well being of their workers. To stereotype these establishments as all bad is ridiculous as stereotyping all car salesmen as dishonest. It is unfair, and inaccurate.

Please look carefully at blanket legislation that attacks this industry and consider looking at remedies that address specific problems.

Sincerely,


Martin Jones
President
H.E.R.E Local 878



February 26, 2004

To Whom It May Concern:

As the Sales Manager for a locally owned group of radio stations here in the Anchorage area, I have been involved with the owners of Fantasies On 5th since 1997 when they operated Sands North on International Road.

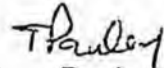
I have advertised their businesses on our stations, I have been present when we have done live remote broadcasts from their locations and I have had them and their business involved in other promotions pertaining to our stations.

Of the countless times that I have been in their premises over the years, both of a professional and personal nature, I have NEVER ONCE saw any activity that made me feel uncomfortable, or activity that would be considered illicit. Nor have I even HEARD of any activity that would be considered illicit.

I am 37 years of age, married and have 4 children. My wife and I attend church regularly and have been involved in several church organizations. I felt that I should write this letter as I am not oblivious to what's going on with the underage (it's funny how over 18 is considered "underage") strip clubs in regards to proposed legislation.

To many times policy makers think that they have to pass legislation in order to feel that they are doing something. I'm all for that. However, I encourage you that read this to make sure you are basing your decisions on fact, and not on premises or speculation.

Kind Regards,


Tony Pauley
Sales Manager

HB 430

Pertaining to HB 430 by Representative Beth Kertulla.

Current law requires parental permission for 18-year olds who are legal adults to work in establishments that serve alcohol. HB 430 would allow 18-year olds to work in these establishments without parental permission. Under the law, they would still not be able to sell, serve, deliver or dispense alcoholic beverages.

This change would clear up difficulties that 18-year olds have had in finding gainful employment.

According to previous testimony, other representatives have said they don't want young people to be up late at night working. They don't want young adults exposed to people who have had anything to drink. They feel there is a safety issue when the two are combined. Why is it okay if they wear a uniform but not okay if they are taking their clothes off?

There was a study done in Minnesota by Kelly Holsopple, program director for Freedom and Justice for Prostitution Resources. It has been referenced continuously for number of percentages of things that have happened to strippers. The title is Strip Clubs According to Strippers: Exposing Sexual Violence.

She has another study out. Promoting the Priorities and Leadership of Women in the Sex Industry.

She says, "Women in stripping claim no single defining experience or perception of stripping. Experience and perception are particular to each stripper and can change from song to song, customer to customer, shift to shift, club to club. Strippers may describe stripping as fun or abusive, flattering or exploitive, draining or exhilarating at different times over the course of their involvement in stripping."

She says again women claim no defining experience or perception regarding customers.

The study or paper substantially counters what she said in her first paper. We regard her study, which included only 18 people, as very narrow and biased. It was not a scientific study. I would ask you not to rely on her numbers too heavily.

Indoor Prostitution Research

Holsopple (1994): sample of 18 women in stripclubs in the Minneapolis/St. Paul area.

- 44% reported that the men threatened to hurt them.
- 39% experienced vaginal penetration with fingers.
- 17% experienced anal penetration with fingers.
- 11% experienced attempted penetration with objects.
- 17% experienced forced masturbation from customers.
- 11% experienced rape.

During testimony Leisel
McSwire said over 100 people
were surveyed and quotes were
quoted, which were embellished
unbelievably. We are being
judged on the actions of a study
of 18 people and our facts from
our own dancers testimony is
ignored. This is not right &



UNIVERSITY of ALASKA ANCHORAGE

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 stranger 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 assault.
- 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.

[Academics](#) | [Research](#) | [Forum](#) | [Publications](#) | [Resources](#) | [Focus](#) | [Search, Reference, & News](#) | [Links](#)

ACADEMIC PROGRAM>

Fall semester room changes

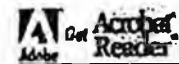
The following courses have had room changes for the Fall 2003 semester:

- **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



Many of the files on this site are available for download; we require Adobe Acrobat Reader 4.0 or above.

available for download; we require Adobe Acrobat Reader 4.0 or above.

ACADEMIC PROGRAM>

Seminar in Criminology

TESTIMONY to Senate Judiciary Committee
HB 367 - Licensing Adult Oriented Businesses
Hearing date: May 5, 2004, 8:00 A.M.

Dear Chair and members of the Senate Judiciary committee:

Public awareness alone cannot stop the harmful secondary effects of Adult-oriented businesses; stricter laws are needed if there is to be significant progress in the battle against sexual assault and other crimes and violations associated with the strip club industry.

Workers in the strip club industry, especially youth, are unlikely to attempt to assert rights they do not know they have. Workers' rights can be ensured only if resources are sufficient, legally mandated, and enforced.

According to a study done by the National Health Research and Development Program-Health Canada, "*Erotic/Exotic Dancing: Hiv-Related Risk Factors*", <http://www.walnet.org/csis/papers/lewis-strip.html>. "The findings of this study suggest there is a need for a change in policy regarding the regulation of strip clubs. Instead of relying on criminal law or municipal by-laws, which regardless of intent, have been used to the disadvantage of dancers, we need to move toward treating exotic dancers as workers. Controlling work place activities and protecting employees, through the use of employment-standards law, human-rights law, occupational-health-and safety law and workers-compensation law, would help control the sexual contact occurring in the clubs and the assault and other forms of violation reported by dancers."

"Efforts to develop and deliver health programs to exotic dancers have met with limited success. The most successful attempts have been those initiated by community nurses who, working with one or two dancers, have spent time in the clubs talking to the dancers about their needs and gaining trust. Such programs require the cooperation of club managers, are time consuming, costly, and subject to budget cuts."

Given that the average age of entry into prostitution is between 13 and 14 years old, it seems most appropriate that we provide middle school and high school student's with education about the harmful effects of sex-oriented businesses, workers' legal rights and training in hazard recognition and safe work practices. This training may be the only training students get before they are part of the workforce. This type of education along with raising the age requirement to 21 for both dancer and patron could be a powerful deterrent to sexual exploitation of women and youth.

In my estimation, this backlash against regulation and licensing of adult oriented businesses is all about money. Shaky charges of civil liberty violations are just a smoke screen.

TESTIMONY to Senate Judiciary Committee
HB 367 - Licensing Adult Oriented Businesses
Hearing date: May 5, 2004, 8:00 A.M.
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I believe the real problem the strip club industry has with this bill is that it has the audacity to bring into line a severely unregulated and much protected industry that has for some time contributed to crime and exploitation of youth while being subsidized by tax payers.

Even if there are "good" owners and operators of adult oriented businesses in Alaska today that is no assurance that all of them are that way, and they could easily be sold to disreputable management tomorrow. The policies of adult-oriented businesses are meaningless. There is no way to revoke a license; strict licensing laws are necessary as a powerful deterrent to the numerous crimes associated with strip clubs which are difficult to enforce and prosecute. Because of this, business and employee licensing has been strongly endorsed in testimony from the Anchorage Police Department, Fairbanks Police Department and the State Troopers.

As legislators, you are in a position to help build our state's economy, but along with that charge I hope you will be mindful of the need to put necessary regulations in place that will safeguard our communities. Unchecked industries such as the strip clubs combined with capital projects such as the anticipated gas pipeline spell disaster especially for our youth.

Please know that, in discussing this bill, I am not offering an endorsement to take away anyone's civil liberty or freedom. Just the contrary, I believe this bill left intact, with the age requirement of 21 for both dancer and patron will provide the incentive for young people to stay in school and get the education and training they deserve and so desperately need to become productive and useful citizens.

As a long time resident and business owner of a residential construction company in Anchorage (an industry highly regulated and licensed by special legislation of the state), I am more than willing to comply fully with all state and municipal licensing requirements and regulations.

State Occupational Licensing Requirements (Biannual):

- State Business License,
- General Contractor's License;
- Residential Contractor's Endorsement;
- General Liability Insurance;
- Worker's Compensation Insurance;
- Employee Safety training
- General Contractor's License Bond;
- Unemployment Insurance, and;
- 16 credit hours of continuing education

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Municipal Licensing Requirements (Biannual):

- Municipal Contractor's License;
- Building Permits as required.

My annual cost for these requirements and other fees and requirements that apply outside of occupational licensing is approximately \$73,121.00 which is designed to cover the cost of administration, enforcement, and investigations. Without similar requirements for adult-oriented businesses and employees, these costs and associated crime and social impacts will unfairly be borne by the rest of the taxpayers.

Based on the significant negative impact caused by adult-oriented businesses, I believe impact fees should be applied to and strictly enforced for those industries the Municipal Assembly determines have a significant adverse impact on the community and which are significantly inconsistent with community standards.

According to the National Law Center for Children and Families numerous case studies across America show that prostitution, crime and drug use correspond with adult oriented businesses. To that end, I believe licensing of adult-oriented businesses should be self supporting based on the full cost of administration and their impacts to the community.

Having shared my views now and in previous testimony, may I encourage you to take the time to study this issue fully before amending this bill. The last thing we need in this area is weak legislation. Employee licensing procedures and strict business licensing are important law enforcement tools to reduce crime that should be implemented as in many other states.

Thank you for your time,

Rebecca Roberts

CC: Edger Blanchford, Commissioner, DCEd
Rick Urion, Director, Occupational Licensing, DECD

ALASKA STATE LEGISLATURE
Senate Judiciary Committee Members

Kathy and Carol Hartman
1911 E 5th Avenue
Anchorage, AK 99501
563-0042

*If society punishes controversial expression,
everyone in society loses some measure of their freedom.*

This bill should never have been brought forward. From the beginning, we were excluded from discussions that formulated this bill. During the interim, meetings were held between sponsors of the bill, a couple of Service High PTA members, Kara Nyquist from Covenant House, and a few anonymous former and current "strippers", and others we don't know about as no minutes are available from those meetings. Not one person from any of the adult oriented establishment businesses was invited to take part in any of the discussions. Had we been given the opportunity to participate, many, if not all of the reasons justifying HB 367 would have been mitigated.

- We have been in business for over 15 years.
- There are current laws in place that address all the crimes that are alleged to be taking place. The issue is lack of law enforcement. More laws will not take care of the problem when current laws are not being enforced. We do not hire anyone under 18 years of age, nor do we allow them in as patrons. We do not have drugs available, nor do we allow drugs, prostitution, alcohol, or any other illegal actions to take place.
- We do not hire high school students, no matter what age they are.
- The Alaska Supreme Court has recognized that dancing, including nude dancing is a constitutionally protected form of expression under the First Amendment of The United States Constitution. Mickens v. City of Kodiak, 640 P.2d 818, 820 (Alaska 1982).
- Anytime you have the licensing of speech, restrictions can have no discretion. As soon as they allow discretion by those who grant the license, those laws are unconstitutional. Requiring disclosures of the applicant's criminal and past licensing histories are unnecessary because, absent any disqualification ground on those bases, such disclosures are unjustified by a government interest. Joseph Schultz v. City of Cumberland
- Raising the age for employment at an adult cabaret to 21 years of age is unconstitutional. There are many young adults working at night in various jobs, i.e. fast food restaurants, gas stations, etc. It appears that working in some of these places can be very dangerous considering the murders and robberies that have taken place in the last few years. We have never had a murder, sexual assault, robbery, etc. We have a safe and controlled environment. It's not safe to work at Taco Bell, banks, pizza parlors, Wendy's, etc. Why not work to make those places safer? We have plenty of security at our place.

- We are regulated through the Municipality of Anchorage and are required to be licensed. We are required to have a "Permit for Premises Where Minors Are Not Allowed" and are required to be 1000 feet away from schools, churches, 24-hour day care centers, public parks, public libraries, and several other places.
- We are annually inspected by the Fire Marshall and Health Department.
- We have been accused of causing adverse secondary effects, because of higher crime rates, prostitution, drugs, sexual assaults, kidnapping, and other crimes that are being committed. The report received from Anchorage Police Department shows that all adult cabarets, whether serving alcohol or not, have much fewer police calls than do other bars and nightclubs.
- Research of property values surrounding adult cabarets in Anchorage for 2001, 2002, and 2003 show that property values have risen steadily every year.
- The National Law Center Summaries of "SOB Land Use" Studies that were presented as evidence and put in the record are outdated, and do not compare to Anchorage, Alaska 2004. The studies were from large cities and were conducted in the 1970's and 1980's with the exception of one that was done in 1992 in Oklahoma City, Oklahoma.
- Many dancers are attending college, have attended college while working, or have graduated from college. Some dancers are married and raising a family. Some are single parents raising children.
- It was stated that dancing in adult cabarets leads to prostitution and drug use. We still keep in touch with most of the dancers that have worked for us over the years, and we've never known even one that has gone into prostitution. However, many dancers came to work for us with drug or alcohol problems, and we've watched them beat the problem and change their lives for the better.
- We've received many letters of support, including some from Alaska CHARR, HERE Union Local 878, Safe Harbor Inn, and other neighbors and members of the community.

Lack of enforcement of existing laws does not rationalize violating our rights to hire employees who have been convicted of a specified criminal activity, nor the rights of entertainers to be employed who have paid their debts to society. As it stands, we won't be allowed to hire people who have had drug convictions. The sex-related crimes listed in Sec.08.90.200 (b) typically do not pertain to entertainers, and shows how unstudied this bill really is. Also, the state does not have a compelling reason to violate owners' rights to hire 18, 19, and 20-year old adults, nor for 18, 19 and 20-year olds to be employed. If the intent is to educate young adult workers to know their wage and hour rights, then a broader bill has to be introduced to require all young adult workers to know their wage and hour rights. Better preparation would have mitigated every concern predicated the intent of this bill. Clearly, Alaskans deserve more from the legislative process and from our legislators.

Kathy Hart

Carol Hartman

APPENDIX

- Appendix A.....Police Calls For Service at Requested Locations
- Appendix B.....Dept. of Labor & Workforce Development letter and W-3's
- Appendix C.....Legal Economics, Inc. 10 year study
- Appendix D.....Letter opposing HB 367 from CHARR, HERE Union, etc.
- Appendix E.....Press Releases on Opposition of HB 367
- Appendix F.....Partial Peek-A-Boo Case
- Appendix G.....The Riggs Institute - Kid's Brain Power
- Appendix H.....HB 430
- Appendix I.....Pimps
- Appendix J.....Contradictory Kelly Holsopple publication
- Appendix K.....Juvenile Competence to Stand Trial
- Appendix L.....Rape
- Appendix M.....Rebuttal to Regina Manteufel letter
- Appendix N.....Municipal Code 21.45.240
- Appendix O.....Municipal Code 10.40.050
- Appendix P.....Pornography definition
- Appendix Q.....Definition of Prostitution
- Appendix R.....Jeffcoat and The Lonely Lady v. SOA, Dept. of Labor
- Appendix S.....First Amendment Center Opinions
- Appendix T.....Mickens v. City of Kodiak
- Appendix U.....Signatures from people opposing under-21 ban of HB 367
- Appendix V.....Letter from Clinician Colleen Dire disputing HB 367 info
- Appendix W.....Bill Miller quote, The Anchorage Chronicle, May 1, 2003
- Appendix X.....Currently held permits, licenses, certificates, etc.



Mark Begich
Mayor

ANCHORAGE POLICE DEPARTMENT

4501 Bragaw Street • Anchorage, Alaska 99507-1599

Telephone (907) 786-8500

<http://www.muni.org>



February 20, 2004

Carol Hartman
Fautasies 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

**Calls For Service at Requested Locations
1998 - 2003**



ANCHORAGE POLICE DEPARTMENT

**OFFICER
DEREK HSEIH**

4501 SOUTH BRIDGWAY ST. ANCHORAGE, ALASKA 99502-1528
DISPATCH: (907) 786-8500
VOICE MAIL: (907) 786-9477
E-MAIL: DHEIH@CIANCHORAGE.AK.US

CALL TYPE FINAL TRANSLATION	ALS ALASKAN INN 515 CLUB	AVENUE BAR	BUSH COMPANY	CHILKOOT	CRAZY HORSE GAMBLELL	CRAZY HORSE MULDON	FANTASIES ON 5TH	MILLENIUM CLUB	PJS	RUMRUNNERS	SHOWBOAT	TEASERS(CRAZY HORSE MULDON	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	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
GENEAL LOCATE	1	6	1	2	12		1	2	2	1	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	1116

2/19/2004 12:25 PM
 ALS
 Bush
 Kout
 11:00 AM

STATE OF ALASKA

FRANK H. MURKOWSKI, GOVERNOR

3301 Eagle Street, Suite 301
Anchorage, Alaska 99503-4149
Phone: (907) 269-4900
Fax: (907) 269-4915

DEPARTMENT OF LABOR & WORKFORCE DEVELOPMENT

WAGE AND HOUR ADMINISTRATION
LABOR STANDARDS & SAFETY DIVISION

February 26, 2004

Dictated: 02/23/04

Fantasies on 5th
1911 East 5th Avenue
Anchorage, AK 99501

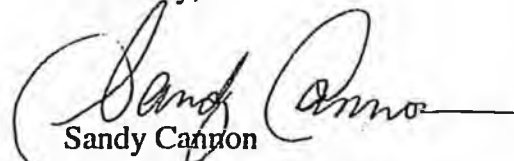
Ladies and Gentlemen:

This letter serves as a reminder that minors under the age of 18 are not allowed to work in your establishment.¹

Please ensure all employees have valid identification that provides proof of age indicating they are at least "18 years of age or older."

If you have any questions concerning this or any other Wage & Hour matters, please feel free to contact our office for cost free counseling.

Sincerely,



Sandy Cannon
Supervising Investigator
Wage & Hour Administration
Anchorage Regional Office

SC:ws

Adult Clubs Fantasies

¹ AS 23.10.350(f) A minor under the age of 18 may not be employed or allowed to work in any capacity on the premises of a business that offers adult entertainment. In this subsection, "business that offers adult entertainment" means a business in which one or more individuals are employed or contracted to, wholly or in part, or permitted to entertain others by

- (1) removing clothes or other items that clothe or hide the person's body;
- (2) dancing or in any other manner exhibiting the individual's body in a completely or almost completely unclothed state;
- (3) participating in an actual or simulated illegal, indecent, or lewd exhibition, act, or practice including
 - (A) sexual penetration;
 - (B) the lewd exhibition or touching of a person's genitals, anus, or breast; or
 - (C) bestiality.

33333

FOR OFFICIAL USE ONLY
OMB No. 1545-0008

b Kind of Payer		941 <input checked="" type="checkbox"/>	Military <input type="checkbox"/>	943 <input type="checkbox"/>	1 Wages, tips, other compensation	2 Federal income tax withheld	
		CT-1 <input type="checkbox"/>	Hshld. emp. <input type="checkbox"/>	Medicare govt. emp. <input type="checkbox"/>	\$ 458675.02	\$ 42587.00	
				Third-party sick pay <input type="checkbox"/>	3 Social security wages	4 Social security tax withheld	
					\$ 405084.82	\$ 30966.45	
c Total number of Forms W-2		d Establishment number			5 Medicare wages and tips	6 Medicare tax withheld	
77					\$ 499458.82	\$ 7242.20	
e Employer identification number					7 Social security tips	8 Allocated tips	
92-0133421					\$ 94374.00	\$	
f Employer's name					9 Advance EIC payments	10 Dependent care benefits	
Sands North Inc.					\$	\$	
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		
					14 Income tax withheld by payer of third-party sick pay		\$
g Employer's address and ZIP code					15 State	Employer's state ID number	
h Other EIN used this year					16 State wages, tips, etc.	17 State income tax	
					\$	\$	
					18 Local wages, tips, etc.	19 Local income tax	
					\$	\$	
Contact person					Telephone number	For Official Use Only	
Carol Hartman					(907) 561-8679		
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 ▶

W-3 Transmittal of Wage and Tax Statements

2003

Department of the Treasury
Internal Revenue Service

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.

Item To Note

Read the 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 "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.

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."

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 the community in which they work.

Schmidt also aimed at developing a comprehensive data set based on key characteristics that could be used to measure biological, social, economic and psychological variations between exotic dancers and similarly situated women on regional and national levels. Additionally, he developed an economic database of dancer wages that could be used to estimate the financial impacts of change in a dancer's earning potential.

According to contributor Dr. Andrea Fontana, an internationally-recognized professor 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 bodies," said Fontana, whose academic work deals with issues of women and self. "First people need to accept the changing social view regarding adult-oriented businesses. Second, we need to be concerned for the safety and economic well-being of the literally 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 here not limited only to current employment; previous, current and post-dancing occupations are also covered, along with spousal occupations. Social data compares such dancer characteristics as household composition, marital status, education and sexual behavior to the regional and national norms of women in similar age groups and economic situations.

The study also examined alcohol and illicit drug use and domestic violence. The physical aspect of the study covered topics that range from the impact of augmentation on dancer income to the prevalence (or lack thereof) of STDs.

Some Study Results Reveal

Some of the results were startling even to the researchers, and much of the information runs contrary to what opponents of adult-oriented businesses would like people to believe. The current ages of the women in the study are between 18 and 51 years of age.

The results reveal that, on a national level, the majority of dancers share behavioral patterns with women in similar age groups who are in the same or similar economic situations. The marriage profile of the dancers in the study mirrors those in the nation in their respective age groups. They include 157 married dancers, 431 single dancers, 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 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 effect on 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 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 continued to meet or exceeded conventional standards for 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

Alaska Cabaret, Hotel,
Restaurant & Retailers Association



1111 East 80th Ave., Suite 3 • Anchorage, Alaska 99518
(907) 274-8133 • Fax: (907) 274-8640
Toll Free In Alaska: (800) 478-2427

March 10, 2004

House Finance Committee
The Honorable Kevin Meyer, Chairman
House of Representatives
Alaska State Capitol
Juneau, Alaska 99801-1182

Dear Representative Meyer,

I am writing on behalf of the hundreds of members of Alaska CHARR from around the state to oppose House Bill 367, an act related to adult-oriented businesses. Alaska CHARR is generally opposed to anti-business legislation and is adamantly opposed to this bill in its current form.

We disagree with the legislative purpose and findings on 4 out of 5 issues stated as fact, enumerated below:

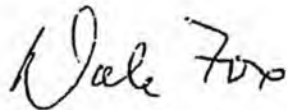
1. This bill will not reduce the incidence of, and opportunities for, illegal activities.
2. There is no documentation of the adverse impacts on neighbors.
3. These law-abiding businesses do not accost or harass law-abiding residents nor do they create litter of an adult nature.
4. This bill will have no impact on preventing prostitution, spread of disease, blighting of neighborhoods, or reducing crime.

The proposed legislation is a solution looking for a problem that does not exist.

We respectfully suggest that the State of Alaska enforce the many laws on the books that already address the illegal activities outlined by the sponsors. It is our understanding that law enforcement needs additional funding to enforce the laws already on the books. It is interesting that this bill proposes to educate, regulate, inspect, license and enforce all of the terms of this bill with a fiscal note of \$0.

Alaska CHARR's Government Affairs Committee was unanimous in their opposition to HB 367 in its current form.

Sincerely,

A handwritten signature in cursive script that reads "Dale Fox".

Dale Fox
Executive Director, Alaska CHARR

Cc: Rep McGuire
Rep. Anderson
Rep Gara
Rep Dahlstrom



HOTEL EMPLOYEES, RESTAURANT EMPLOYEES UNION LOCAL 878

530 E. 4th Avenue • P.O. Box 100564 • Anchorage, Alaska 99510
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(907) 225-4508
Kodiak area office:
(907) 486-4561
Valdez area office:
(907) 835-2391



February 1, 2004

To Whom It May Concern:

I am writing on behalf of Hotel Employee Restaurant Employee Union Local 878 (H.E.R.E.) to express our support for Fantasies on 5th, a member in good standing since September, 2001.

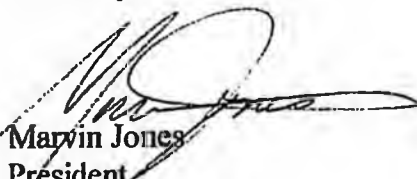
I have dealt with many business owners during my tenure as the President of H.E.R.E. Local 878 and it is with no reservations that vouch for the honesty and integrity of Kathy and Carol Hartman, owner of Fantasies, and their management team.

There has been much controversy over young adult clubs and the treatment of their employees, and the types of activities that go on. This business is very responsive to the needs of its employees, and tolerates no improper or illegal activities.

In my experience the vast majority of owners of clubs in Alaska are decent, responsible owners who look out for the well being of their workers. To stereotype these establishments as all bad is ridiculous as stereotyping all car salesmen as dishonest. It is unfair, and inaccurate.

Please look carefully at blanket legislation that attacks this industry and consider looking at remedies that address specific problems.

Sincerely,


Marvin Jones
President
H.E.R.E. Local 878



February 26, 2004

To Whom It May Concern:

As the Sales Manager for a locally owned group of radio stations here in the Anchorage area, I have been involved with the owners of Fantasies On 5th since 1997 when they operated Sands North on International Road.

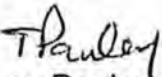
I have advertised their businesses on our stations, I have been present when we have done live remote broadcasts from their locations and I have had them and their business involved in other promotions pertaining to our stations.

Of the countless times that I have been in their premises over the years, both of a professional and personal nature, I have NEVER ONCE saw any activity that made me feel uncomfortable, or activity that would be considered illicit. Nor have I even HEARD of any activity that would be considered illicit.

I am 37 years of age, married and have 4 children. My wife and I attend church regularly and have been involved in several church organizations. I felt that I should write this letter as I am not oblivious to what's going on with the underage (it's funny how over 18 is considered "underage") strip clubs in regards to proposed legislation.

To many times policy makers think that they have to pass legislation in order to feel that they are doing something. I'm all for that. However, I encourage you that read this to make sure you are basing your decisions on fact, and not on premises or speculation.

Kind Regards,


Tony Pauley
Sales Manager

THE SAFE HARBOR INN

ALASKA'S NONPROFIT MOTEL

February 5, 2003

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MYRNA GREEN

PAUL QUESNEL

STEVE BYE

Ms. Carol Hartman, Owner
Sands North, Inc. dba Fantasies on 5th
1911 East 5th Avenue
Anchorage, Alaska 99501

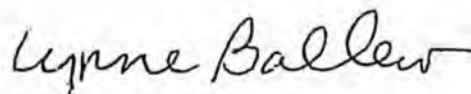
Dear Carol:

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, Project Director



2-27-04

I Bruce Skaggs
manager of American Tire

I've enjoyed being a patron of the
letter, we've been neighbors for
many years. I find the Lounge
clean, comfortable, and safe.

They have a good Working Class
crowd. I've never been offered drugs
or prostitution. I've never felt
solicited. The staff is professional
and the patrons courteous.

Serving all of Alaska

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7835 Old Seward Highway
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Phone: (907) 336-7878
Fax: (907) 336-7879

COMMERCIAL

1949 East Fifth Avenue
Anchorage, Alaska 99501
Phone: (907) 276-4141
Fax: (907) 276-1680

CORPORATE OFFICE



2-27-04

I Cynthia Winteer

as an employee of American Tire

I'd like to offer this letter of support for the Letter Lounge. I'm a

single woman and often walk

across the alley after work to

enjoy a drink.

I've never seen or heard of drugs being used or offered. I have not witnessed any inappropriate

behavior. I've been treated well by

employees and customers

Serving all of Alaska

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Phone: (907) 452-5145

Fax: (907) 451-9045

CORPORATE OFFICE

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Fax: (907) 336-7879

COMMERCIAL

1949 East Fifth Avenue

Anchorage, Alaska 99501

Phone: (907) 276-4141

Fax: (907) 276-1688

To whom it may concern

My name is Dawn Jewell; ~~she~~ I am 34 years old and have been an adult entertainer for over eleven years now. My stage name is Shalena and I have been employed ~~for~~ 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, last, and only S.W.I. Needless to say life was not looking good for me, suicide was another option on many days.

I needed money, and a life in which I was happy and I saw an ad in the paper for the Sands North - 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 I did not ever need to take my clothes off, drugs and alcohol were not tolerated, and prostitutions absolutely not tolerated - both ^{with in} 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 ~~is~~ 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 religiously ~~and~~ and I was living a clean, healthy

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

As for 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 Mrs. Garber 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 wanted 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 ^{alot of people} ~~everybody~~ 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, both, or women who are trying to open up their own businesses (coffee shops, boutiques etc.).

About two years ago I went to bartending school and once again - I could go into work later - or rearrange my schedule to work the nights I wasn't

My school - Judo-karatekas have always been extremely supportive of girls moving on and helped in any way they could. I passed my class with a 97% then Carol + Kathy gave me an opportunity to use my new skills by letting me teach 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 get into dancing and met Susan, Robert women - who knows how my life would've turned out?, but I bet it would not have been as good.

My time dancing is coming to an end, being^{as} I'm 31 now and want to move into a full-time bartending job - the Hartmans are key supportive of my decision and are helping me with job leads.

Now the state is coming down - and some of the things I've heard blow me away. I've heard how the dancing profession leads into drug use and prostitution - having been a dancer for over eleven years I have wired the complete opposite and watched ~~girls~~ women turn their lives around for the better in the dancing profession. The Hartmans run a key clean business - as a dancer I have to be there on time, or I get sent home - I have strict rules I have to follow, or I get sent home. The club has bi-monthly meetings - I am required to attend or I can lose three nights work. These are all rules & policies followed by any other businesses, not as banks or corporate companies.

The Klutzniks have never suppressed a woman or encouraged
sexual behavior - they are quite the opposite - they are willing
to keep women out by helping them find a good apartment or apartment
or a house or I've seen women get pregnant and the Klutzniks
have let them waitress until they found another job.

Carol or Kathy would not tolerate drugs, alcohol,
or prostitution - a woman will be fired immediately for
any violation on one of those counts. Prostitution has never,
or will never be an option for me, and I'm not the only
woman working for the Klutzniks who feels this way.

I'm tired of being put into this stereo-type and I
know I'm not the only one - maybe things could be different
if the "moral-majority" would take the time to talk to a lot of
the women I work with, they would realize just how
far off base they are.

Tamara

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 the 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 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

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 somehow reveal the good side of exotic dancing.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Charity Christensen', written in black ink.

Charity Christensen
Student/Dancer

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 is 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.

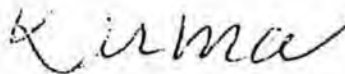
I realize that not every single dancer has gone through the same extensive training/education that I have, so as a note on their behalf: mandatory career counseling in order to obtain a license to dance is an insult, because it is insinuating that every dancer is not aware of the other jobs that are 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,



Karma from Fantasies on 5th Ave.

my name is Krista, I'm writing in reference to fantasies on 5th Ave. I'm 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.

It's been a real struggle but since I've started working here, I feel great and encouraged to just work, not only here but other jobs. Thanks for your understanding

The bartenders here never exploited a woman or encouraged sexual behavior - they are quite the opposite - they are willing to help women out by helping them find a good apartment or a house or give them women get pregnant another bartender have act them waitress until they found another job.

Conceal - Kathy will not tolerate drugs, alcohol, or prostitution - a woman will be fired immediately for any violation on one of those counts. Prostitution is never, or will never be an option for me; and I'm not the only woman working for the bartenders who feels this way.

I'm tired of being put into this stereo type and I know I'm not the only one - maybe things could be different if the "moral-majority" would take the time to talk to a lot of the women I work with, they would realize just how far off base they are.

Tawny

FOR IMMEDIATE RELEASE

Feb. 26, 2004

CONTACTS: Kathy Hartman and/or Carol Hartman: office 563-0042, fax 563-0043

Re: HB 367 "An Act relating to the licensing and regulation of adult-oriented businesses; and providing for an effective date."

- The owners of Anchorage adult cabaret entertainment establishments believe that anyone attending high school should not work in any adult establishment, and will support legalization to that effect. In addition, the adult entertainment establishment executives are discussing prohibiting any employee working in educational institutions from working at their establishments.
- Existing labor laws are already sufficient to cover any hourly or contract labor dispute.
- Existing laws and regulations already require adult entertainment cabarets to be licensed and to comply with health, fire, building and other codes. And these establishments are already inspected annually.
- Existing laws already address prostitution, drug dealing, etc. Those laws should be strictly enforced by the appropriate public safety personnel.
- The owners of the adult cabarets are self-regulating, and do not require "sex police" to maintain legal and health standards at their work sites.
- Further, the club owners oppose, and will challenge in court, any unconstitutional laws prohibiting 18, 19, and 20-year old adults from working and patronizing non-alcohol adult cabarets
- The use of secondary effects in relation with HB 367 as a justification for prohibiting 18-20 year olds from working or patronizing adult entertainment cabarets is not substantiated. The most recent Anchorage Police Department statistics show that adult entertainment establishments have far fewer calls for service than what is being alleged. Also, property values have steadily increased.
- HB 367 must include the costs of a full legal challenge to the highest court, and this cost must be attached to the fiscal note. At a time of financial duress, the State of Alaska cannot afford such a challenge with so many other pressing needs that must be met.
- Young adults are old enough to vote, old enough to be tried in court as adults, old enough to donate their organs, and to serve in the Armed Forces of the United States military and to give their lives for their country.

FOLLOW-UP INFORMATION AND STATISTICS REGARDING PRESS RELEASE DATED 2/26/04

CONTACTS: Kathy Hartman and/or Carol Hartman: office 563-0042, fax 563-0043

Re: HB 367 "An Act relating to the licensing and regulation of adult-oriented businesses; and providing for an effective date."

LIVELIHOOD OF YOUNG ADULT WORKERS THREATENED BY HB 367

Employees of adult entertainment cabarets told Alaska legislators that their livelihood is threatened by House Bill 367, a proposed law that may forbid 18, 19, and 20 year olds from working as entertainers (dancers) in non-alcohol clubs. The proposed bill originally forbade 18, 19, and 20 year olds from entering these businesses as patrons, or employees in any capacity. However, the most current "work draft" has eliminated that language. These adult cabarets have a "Permit For Premises Where Minors Are Not Allowed, which complies with the zoning ordinance to keep adult oriented businesses 1000 feet from schools, residential property, public parks, 24-hour day cares, churches, public recreation facilities, and public libraries. These businesses, according to Municipal Code 10.40.050 must also comply with health, fire, building, and other codes. They receive annual inspections to assure compliance. Due to the amendment of a Municipal ordinance in December 2003, adult cabarets are now required to be licensed through the Municipality of Anchorage and fall under strict regulations encompassed in the ordinance.

There have been several hearings for public testimony and teleconferencing on this issue. The most recent hearing was in front of the Judiciary Committee and was not only teleconferenced from several people in Anchorage and Fairbanks, but was attended by two concerned owners of an adult cabaret. The testimony was lengthy, and covered numerous concerns from the public. Many of the workers and entertainers that are employed at these adult cabarets have given heart-felt testimony to both the Labor and Commerce Committee and the Judiciary Committee. These young adults are very concerned with the threat that they may become unemployed with the passing of a bill that they consider unfair, discriminatory, and unconstitutional.

The legislature, PTA, APD, and other concerned citizens have spoken in favor of this bill, citing adverse secondary effects, rising crime rates, decreased property values, public health and safety issues, accosting and harassment of law-abiding citizens, a proliferation of litter, and the general welfare of residents for their reasons to pass a law that will prevent prostitution, lewd acts, the spread of disease, and the blighting and deterioration of neighborhoods, and will reduce crime.

According to recent data and research conducted by adult cabaret owners, they have been able to present the legislature with several facts that show the innuendos being made are incorrect. There are no adverse secondary effects attributable to adult cabarets. A "Calls For Service at Requested Locations" Report was received from Anchorage Police Department on Feb. 20, 2004. It covers calls made over a five year period from 1998 - 2003 to 5 bars/nightclubs that serve alcohol but have no adult entertainment, 6 adult cabarets, (three of which serve alcohol and three which are 18 and over with no alcohol), and one teen-age club, all in Anchorage. The 5 bars/nightclubs with alcohol, but no adult entertainment had a total of 854 calls, the 3 adult cabarets with alcohol had a total of 150 calls, the 3 adult cabarets that are 18 and

over with no alcohol had a total of 90 calls, and the teen club had 22 calls. Other research, through Municipal records, on over 100 properties adjacent to or surrounding the adult cabarets in Anchorage, covering values from 2001 - 2003, show that all the properties have increased in value. The "Descriptive Analysis of Sexual Assaults in Anchorage, Alaska" report also shows that none of the adult cabarets are in the "hot spots" shown by the report. It states that "both victims and suspects had typically been drinking alcohol prior to the assault", private residences were the most common place for "pick-up" before the assault and for the assault, and suspects and victims were acquainted prior to the time of the assault in 56% of the cases.

The adult cabarets are self-regulated. They will not hire anyone that is still attending high school, no matter what their age. And would not oppose legislation to that effect. The cabaret owners feel that the laws we already have address labor laws, prostitution, illegal drugs, and other crimes, and are sufficient to prevent violations in any of these areas, if the laws were properly enforced.

There are many concerns that need the legislatures attention, and our public schools system is one of them. The public schools have abundant cases of violence, drugs, and other issues that need dealt with, to say nothing of the huge budget cuts. How can the State of Alaska allow consensual sex at the age of 16, yet not allow adults aged 18 - 20 to work in the adult entertainment business? HB 337, Anatomical Gifts Registry, now allows 16 year olds to donate their organs, with parental consent, and at 18 without consent. If the State says you are old enough and mature enough to make these decisions, how can they even consider HB 367 as viable?

According to Planned Parenthood as of 2/23/04, children aged 11 - 18 are permitted to have an abortion without parental notice or parental consent. Although Planned Parenthood does not perform abortions, they do refer their clients to places where they can acquire the abortion that they seek.

The State of Alaska currently is contracted with an agency that provides employment services to Welfare recipients. These Employment Specialists to date have referred these same recipients to Fantasies on 5th Avenue and The Showboat for employment. If the Legislature believes that being employed at either of these establishments is such a detriment to young adults, then why are they funding, and referring them, or other clients for employment to these business establishments if the State of Alaska thinks these businesses are so bad?

We have repeatedly requested that the legislature furnish us with **factual** information to substantiate the allegations brought forth by Covenant House, various PTA's, Nancy Fair, and Diana Straub. If, in fact, there have been any **minors** that were employed by any of these businesses, prostitution being engaged in, unsanitary health conditions existing, drugs freely available, or **children** being exploited, as Kara Nyquist stated in her testimony notes, why were the police not contacted. There are laws addressing each of these accusations, and the laws should be enforced. As Ms. Nyquist stated, "The agencies I represent support HB 367 because **no enforcement** of these businesses is currently taking Place and children are being exploited". Only adults, **not children**, are involved in adult businesses, and the laws to ensure that these violations do not occur need to be enforced! **Enforcement of current laws is the issue here. More unnecessary regulation will cost the state additional money, and more manpower in order to attempt enforcement.**

The "Resolution Encouraging More Regulations For Sexually Oriented Businesses" presented by

the Anchorage Council of Parent Teacher Associations, is full of unsubstantiated allegations. (see attached)

In August 2003 a ruling by a federal judge prevented Missouri from raising the age for dancers from 18 to 19, stating it appeared to be a violation of the First Amendment right to free expression. Let's kill this bill, which would also do away with the fiscal note attached to it, and spend the state's time and money on more important and pressing issues.

PRESS RELEASE:**HOUSE BILL #367**

In the State of Alaska there is no state law requiring any minor ages 11-18 to get parental consent to receive an abortion or any other sexual related medical treatment. HB#367 requires business owners of adult oriented establishments to fund and provide counseling services on STD topics, career counseling and administer Drug testing on all employees dancing. While footing the cost of these legal changes the adult oriented businesses too will be required to get additional licensing from the state in order to remain in business.

The State of Alaska currently is contracted with an agency that provides employment services to welfare recipients. These Employment Specialist to date have referred these same recipients to Fantasies and Showboat for employment. If the legislatures believe that being employed at either of these two businesses is such a deterrent to young adults then why are they funding and referring them or any of their clients for employment to both business establishments?

Carol:

"I have the evidence and can engage in verbal conversation with said agency if you have 3-way-calling to prove my point."

[PUBLISH]

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 02-12281

FILED
U.S. COURT OF APPEALS
ELEVENTH CIRCUIT
July 15, 2003
THOMAS K. KAIN
CLERK

D. C. Docket No. 99-02707-CV-T-25-C

PEEK-A-BOO LOUNGE OF BRADENTON, INC.,
a Florida corporation,
M. S. ENTERTAINMENT, INC.,
a Florida corporation,

Plaintiffs-Appellants,

versus

MANATEE COUNTY, FLORIDA,
a political subdivision of the State of Florida,

Defendant-Appellee.

Appeal from the United States District Court
for the Middle District of Florida

(July 15, 2003)

Before EDMONDSON, Chief Judge, BARKETT and COX, Circuit Judges.

BARKETT, Circuit Judge:

7. City of Los Angeles v. Alameda Books, Inc.

The Court's most recent case involving adult entertainment was City of Los Angeles v. Alameda Books, Inc., 535 U.S. 425, 122 S.Ct. 1728 (2002), a case in which adult businesses challenged the constitutionality of a city zoning ordinance forbidding two or more such businesses from operating in the same building. The Supreme Court reversed a lower court judgment granting summary judgment to the adult businesses, holding that Los Angeles could reasonably rely, at this stage of the litigation, on a police department study of the effect of adult businesses on crime patterns to overcome summary judgment. Once again, however, no single rationale justifying the result enjoyed the assent of five Justices.

The narrow question presented in Alameda Books was the appropriate standard "for determining whether an ordinance serves a substantial government interest under Renton." 121 S.Ct. at 1733. The plurality opinion, written by Justice O'Connor, found that by relying on a 1977 study showing that concentrations of adult establishments are associated with higher rates of prostitution, assaults, and other secondary effects, Los Angeles had complied with Renton's evidentiary requirement, at least for the purpose of surviving summary

Pap's A.M., 529 U.S. at 316-317. Justice Stevens, joined by Justice Ginsburg, dissented, concluding that the ordinance was a "patently invalid" content-based ban on nude dancing that effectively censored protected speech. Id. at 332.

judgment motion. Id. Hence the plurality held that summary judgment for the adult businesses should be reversed and the case remanded for further proceedings. Id. at 1738. The plurality explained, however, that Renton's requirement that a municipality act on evidence "reasonably believed to be relevant" to the problem of secondary effects does not mean

... 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. If plaintiffs fail to cast direct doubt on this rationale, either by demonstrating that the municipality's evidence does not support its rationale or by furnishing evidence that disputes the municipality's factual findings, the municipality meets the standard set forth in Renton. If plaintiffs succeed in casting doubt on a municipality's rationale in either manner, the burden shifts back to the municipality to supplement the record with evidence renewing support for a theory that justifies its ordinance.

Id. at 1736.¹²

Justice Kennedy concurred in the judgment of the Court but wrote separately because he agreed with the dissent that the Los Angeles ordinance was not content-neutral, and because he feared that the plurality opinion "might constitute a subtle expansion" of Renton. Id. at 1739. On the issue of content-neutrality, the O'Connor plurality took the position that the Court should not decide whether the Los Angeles ordinance was content-neutral since the Ninth Circuit had not yet

¹² In addition to joining the plurality opinion, Justice Scalia wrote separately to emphasize his view that the plurality's secondary effects analysis was unnecessary because the First Amendment "does not prevent those communities that wish to do so from regulating, or indeed entirely suppressing, the business of pandering sex." Id. at 1738-39.

passed on the matter. Id. at 1737. Justice Kennedy disagreed, joining the four dissenters in characterizing the application of the content-neutral label to secondary effects ordinances like Los Angeles' as a "fiction," because "whether a statute is content neutral or content based is something that can be determined on the face of it; if the statute describes speech by content then it is content based. . . . These ordinances are content based and we should call them so." Id. at 1741.

Nevertheless, unlike the dissent, Justice Kennedy held that secondary effects zoning ordinances were subject to intermediate scrutiny even though they were content-based. Accordingly, he concluded that "the central holding of Renton is sound: A zoning restriction that is designed to decrease secondary effects and not speech should be subject to intermediate rather than strict scrutiny." Id.

With respect to Renton, Justice Kennedy distinguished two questions entering into whether an ordinance serves a substantial government interest under Renton: (1) "what proposition does a city need to advance in order to sustain a secondary effects ordinance?", id. at 1741; and (2) "how much evidence is required to support the proposition?" Id. As Justice Kennedy saw it, the plurality gave the correct answer to the second question, but skipped the first, to which more attention must be paid. To justify a content-based zoning ordinance, he argued, "a city must advance some basis to show that its regulation has the purpose and effect

of suppressing secondary effects, while leaving the quantity and accessibility of speech substantially intact.” Id. at 1742. The key issue, in other words, is “how speech will fare” under the ordinance:

“[T]he necessary rationale for applying intermediate scrutiny is the promise that zoning ordinances like this one may reduce the costs of secondary effects without substantially reducing speech. For this reason, it does not suffice to say that inconvenience will reduce demand and fewer patrons will lead to fewer secondary effects. . . . It is no trick to reduce secondary effects by reducing speech or its audience; but a city may not attack secondary effects indirectly by attacking speech.”

Id.

Turning to the second question, Justice Kennedy agreed with the plurality that “very little evidence” was required of a municipality to support the claim that its ordinance serves to reduce secondary effects without substantially reducing speech. Id. at 1743. In this case, Los Angeles could reasonably conclude based on its 1977 study that preventing multiple adult businesses from operating under one roof was “reasonably likely to cause a substantial reduction in secondary effects while reducing speech very little.” Id. Justice Kennedy acknowledged that “[i]f these assumptions can be proved unsound at trial, then the [Los Angeles] ordinance might not withstand intermediate scrutiny.” Id. Nonetheless, he concluded that these considerations were sufficient to determine that the ordinance was not facially invalid and should survive a motion for summary judgment. Id. Because

he concurred in the judgment of the Court on the narrowest grounds, Justice Kennedy's concurrence represents the Court's holding in Alameda Books under Marks. See, e.g., Ben's Bar, Inc., 316 F.3d 702, 722 (7th Cir. 2003) (identifying Justice Kennedy's opinion as controlling); SOB, Inc. v. County of Benton, 317 F.3d 856, 862 n.1 (8th Cir. 2003) (same).

8. Two Types of Regulation: Zoning Ordinances and Public Nudity Ordinances

Based on the foregoing, we conclude that while the Supreme Court has utilized closely related, and at times overlapping, analytical frameworks to evaluate adult entertainment zoning ordinances, on the one hand, and public nudity ordinances, on the other, these two types of regulatory action, both of which may target the perceived "secondary effects" of adult entertainment, must be distinguished and evaluated separately. Zoning ordinances regulating the conditions under which adult entertainment businesses may operate should be evaluated under the standards for time, place, and manner regulations set forth in Renton and reaffirmed in Alameda Books. Accordingly, a reviewing court must perform a three-part analysis to determine whether the zoning ordinance violates the First Amendment: first, the court must determine whether the ordinance constitutes an invalid total ban or merely a time, place, and manner regulation;

second, if the ordinance is determined to be a time, place, and manner regulation, the court must decide whether the ordinance should be subject to strict or intermediate scrutiny; and third, if the ordinance is held to be subject to intermediate scrutiny, the court must determine whether it is designed to serve a substantial government interest and allows for reasonable alternative channels of communication. Renton, 475 U.S. at 46-50; Alameda Books, 122 S.Ct. at 1733-34.

By contrast, public nudity ordinances, insofar as they are content-neutral, should be evaluated under the four-part test for expressive conduct set forth in O'Brien and utilized by the Court in Barnes and Pap's A.M.. According to this test, public nudity ordinances that incidentally impact protected expression should be upheld if they (1) are within the constitutional power of the government to enact; (2) further a substantial governmental interest; (3) are unrelated to the suppression of free expression; and (4) restrict First Amendment freedoms no greater than necessary to further the government's interest. O'Brien, 391 U.S. at 367-77; Pap's A.M., 529 U.S. at 289; Barnes, 501 U.S. at 567.

The significance of Alameda Books is that it clarifies how the court is to interpret the third step of the Renton analysis as well as the second prong of the O'Brien test, which are, to a certain extent, virtually indistinguishable. In deciding whether a given ordinance "is designed to serve" (Renton) or "furthers" (O'Brien)

the government's alleged interest in combating the negative secondary effects associated with adult entertainment, the standard we apply is the one described in Renton and utilized in Barnes, Pap's, A.M., and Alameda Books. According to this standard, the government need not conduct local studies or produce evidence independent of that already generated by other municipalities to demonstrate the efficacy of its chosen remedy, "so long as whatever evidence [it] relies upon is reasonably believed to be relevant to the problem that [it] addresses." Pap's, A.M., 529 U.S. at 296 (plurality opinion) (quoting Renton, 475 U.S. at 51-52). However, the government's evidence "must fairly support [its] rationale." Alameda Books, 122 S.Ct. at 1738 (plurality opinion); see also id. at 1743 (Kennedy, J., concurring). Further, plaintiffs challenging the ordinance after passage must be given opportunity to "cast direct doubt on this rationale, either by demonstrating that the municipality's evidence does not support its rationale, or by furnishing evidence that disputes the municipality's factual findings." Id.¹³

¹³ On the basis of these Supreme Court decisions, some federal courts have expressed doubt over whether Renton or O'Brien should be used to evaluate adult entertainment ordinances and others have decided that the two tests are interchangeable. See, e.g., LLEH, Inc. v. Wichita County, Texas, 289 F.3d 358, 365 (5th Cir. 2002) (expressing uncertainty as to whether courts should use "the test for time, place, or manner regulations, described in Renton . . . or the four-part test for incidental limitations on First Amendment freedoms established in O'Brien"); Ben's Bar, Inc., 316 F.3d 702, 704 (7th Cir. 2003) (finding that "the analytical frameworks and standards utilized by the Court in evaluating adult entertainment regulations, be they zoning ordinances or public indecency statutes, are virtually indistinguishable"). Cf. Ward v. Rock Against Racism, 491 U.S. 781, 798 (1989) (stating that "in the last analysis" the O'Brien test is "little, if any, different from the standard applied to time, place, or manner restrictions"). Indeed, the District Court appears to

[Here is one of the best articles we've found which cites the research findings of several eminent brain researchers on the subject of the young child's ability to learn.]



KID'S BRAIN POWER

5 pages of print

by Steve Nadia (The Oregonian, Technology Review, 12-15-93) (reprinted with permission from The Oregonian)



Parents and teachers have long known that a child's brain can soak up information like a sponge. But now, researchers have scientific evidence to back up the theory, along with advice on ways to help children reach their full potential. Perhaps the most convincing new corroboration of the young child's phenomenal learning capacity comes from neurologist Harold Chugani, head of the PET Center at the Children's Hospital of Michigan. While at UCLA during the 1980's, Chugani had been examining PET scans to pinpoint the brain-seizure sites of his epilepsy patients. But he also has used these scans to observe which brain structures were metabolizing the most glucose and therefore were the most active.



Citing new evidence, researchers suggest the U.S. education system take a new look at young minds



By examining the glucose metabolism of patients ranging from newborns to adults, Chugani uncovered the timetable under which various regions of the brain develop.

By age 4, for instance, the cortex begins operating at adult activity levels. By 4, a child's brain is more than twice as active as an adult's. The brain continues to consume glucose at this feverish pitch through age 10 and then slows down until age 16, when it levels off at adult values.

The child's brain burns much more glucose than an adult's brain, Chugani said, because it must maintain trillions of connections between neurons, more than twice as many as are ultimately retained.

"Initially, the brain provides too many connections in the cerebral cortex," he said. "Then, there's a waiting period to decide which ones you want to keep."

These connections represent potential pathways that an electrical impulse may travel. Connections are strengthened by repetition, and those that are not used become vulnerable to elimination.



**"If we teach our children early enough,
it will affect the organization, or 'wiring,' of their brains."
Michael Phelps, UCLA biophysicist**



"The thing that determines which connections are saved is education in the broadest sense of the term," says
UCLA's Michael Phelps, a biophysicist and co-inventor of the PET scan.
"If we teach our children early enough, it will affect the organization or 'wiring,' of their brains."

Unfortunately, U.S. education does not take full advantage of this opportunity, Phelps said. For example, foreign-language instruction is often deferred until high school, despite the fact that youngsters can learn to speak like natives -- that is, to think in the language without having to translate -- whereas teenagers or adults usually cannot. When small children learn a new language he said, "the ability to use that language is wired in the brain." Musical training is another familiar example. "By encouraging young children to learn music and practice, you're really doing them a big favor." Chugani said.

"Once a child has learned an instrument, he or she can stop playing, then pick up the instrument 20 years later and do much better than an adult just starting out."

Deprivation -- the opposite of enrichment -- can also permanently affect the organization of the brain. For instance, the language centers of the cortex are not able to reach full maturity without proper stimulation, says psychiatrist Arnold Scheibel, director of UCLA's Brain Research Institute.

That's why so-called "feral" children who grow up in the wilderness without adults cannot master a language if they are brought back to civilization after the age of 10.

Likewise, experiments by neurobiologists David Hubel of Harvard and Torsten Wiesel of Rockefeller University have shown that cats can be blinded simply by covering their eyes during critical periods of infancy.

Although the retina remains intact, the connections between the retina and brain are permanently impaired. When blindfolds are applied to adult cats, their vision is not permanently affected because the essential wiring is already in place.

The lessons from studies such as these are clear, contends Martha Pierson, a neurobiologist at Baylor College of Medicine. "Children need a flood of information, a banquet, a feast."

Early education, she adds, "shapes the basic architecture of the computer (brain). If you are exposed to enough things, you'll develop a processor that can handle the flood of data that life throws at you later."

Merlin Wittrock, head of UCLA's Division of Educational Psychology, maintains that much of the instruction in today's schools is based on a flawed premise.

"For a long time, we've assumed that children should get an immediate reward when they do something right," he said. Courses, therefore, typically revolve around exercises broken up into tiny chunks with answers supplied at every conceivable juncture.

KID'S BRAIN POWER

"But the brain is much more complicated than most of our instruction." Wittrock said.
"It has many systems operating in parallel."

In place of the usual "drill and practice" programs, he advocates complex problems without simple solutions that engage numerous systems in the brain and strengthen the connections among them. Because children may grapple with these problems for an extended period of time, the experience also should make a much more lasting impression.

Chugani concurs. Since repeated stimulation stabilizes the connections between neurons, he said, "it's better to expose a kid to a lot of things over a period of years, rather than trying to cover subjects one at a time in brief, intensive workshops."



**"Children need a flood of information, a banquet, a feast."
Martha Pierson, Baylor College of Medicine**



UCLA's Scheibel cautions, however, that pushing youngsters too hard can be counterproductive. "When the level of exposure becomes excessive," he said, "stress hormones are released that actually destroy nerve cells."

A balance must be struck between too little exposure and too much. Another important issue is the proper time to begin the educational process. Clearly, we shouldn't force kids to learn too much too soon.

"But why wait until age 5," said Yale biologist Martha Constantine-Paton, "when the evidence clearly shows that brain development begins much earlier."

For example, she said, before a child can begin to learn how to read, the basic neural wiring has to be in place: Kids have to be able to track things with their eyes, focus attention and interpret symbols.

This points to the importance of preschool programs such as Head Start, she said, where children can get the stimulation necessary to prepare them for reading and other challenges ahead.

All of this is not to suggest that we should give up on educating adults. "Although there is a great window of opportunity for learning up to the age of 10, said Scheibel, "that doesn't mean you're over the hill at 12 or 14 or 40."

Even in old age, the brain retains some "plasticity." If we stay healthy, he added. "we can continue learning right up to the day we die."

For other enlightening articles on brain research and neurological development in early childhood education:
http://www.dana.org/dabi/transcripts/gm_96.html



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HB 430

Pertaining to HB 430 by Representative Beth Kertulla.

Current law requires parental permission for 18-year olds who are legal adults to work in establishments that serve alcohol. HB 430 would allow 18-year olds to work in these establishments without parental permission. Under the law, they would still not be able to sell, serve, deliver or dispense alcoholic beverages.

This change would clear up difficulties that 18-year olds have had in finding gainful employment.

According to previous testimony, other representatives have said they don't want young people to be up late at night working. They don't want young adults exposed to people who have had anything to drink. They feel there is a safety issue when the two are combined. Why is it okay if they wear a uniform but not okay if they are taking their clothes off?



Representative Beth Kerttula

Alaska State Legislature, District 3
State Capitol • Juneau, Alaska 99801-1182 • (907) 465-4766 • Fax (907) 465-4748
E-mail: Representative_Beth_Kerttula@legis.state.ak.us • <http://www.lkerttula.net>

Sponsor Statement

House Bill 430

"An Act relating to employees under 21 years of age in the premises of hotels, restaurants, and eating places that are licensed to sell, serve, deliver, or dispense alcoholic beverages."

Current law requires parental permission for 18-year-olds who are legal adults to work in establishments that serve alcohol. House Bill 430 would allow 18-year-olds to work in these establishments without parental permission. Under law, they still would not be able to sell, serve, deliver or dispense alcoholic beverages.

This change would clear up difficulties that 18-year-olds have had in finding gainful employment. In one instance, a young man was not able to get a job in a restaurant because there was no one who could sign a work permit for him. He had been a foster child and because he was 18, his foster parents no longer had the right to sign his work permit for him. House Bill 430 would fix this problem.

Thank you for your consideration of House Bill 430.

HOUSE BILL NO. 430

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES KERTTULA, Heinze

Introduced: 2/4/04

Referred: Labor and Commerce, Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to employees under 21 years of age in the premises of hotels,
2 restaurants, and eating places that are licensed to sell, serve, deliver, or dispense
3 alcoholic beverages."

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

5 * Section 1. AS 04.16.049(c) is amended to read:

6 (c) Notwithstanding any other provision in this section, a person 16 or 17
7 [BETWEEN 16 AND 19] years of age may enter and remain within the licensed
8 premises of a hotel, restaurant, or eating place in the course of employment if (1) the
9 employment does not involve the serving, mixing, delivering, or dispensing of
10 alcoholic beverages; (2) the person has the written consent of a parent or guardian; and
11 (3) an exemption from the prohibition of AS 23.10.355 is granted by the Department
12 of Labor and Workforce Development. The board, with the approval of the governing
13 body having jurisdiction and at the licensee's request, shall designate which premises
14 are hotels, restaurants, or eating places for the purposes of this subsection.

1 * Sec. 2. AS 04.16.049(d) is amended to read:

2 (d) Notwithstanding any other provision in this section, a person 18, 19, or 20
3 years of age may be employed within the licensed premises of a hotel, restaurant, or
4 eating place, may enter and remain within those premises for the purpose of
5 employment, but may not in the course of employment, sell, serve, deliver, or dispense
6 alcoholic beverages.

Les Gara has stated many times that he is worried about pimps coming into the clubs.

I have a quote by the same woman that did the study he so heavily relied upon for his facts on the percentage of women who had been touched or abused by customers.

She is Kelly Holsopple and her speech was titled, "Pimps, Tricks & Feminists", 1998.

Pimps exploit women and children on the streets, at truck stops, through escort services, in hotels, saunas, bars, strip clubs, crack houses, and in pornographic materials.

A pimp can be from any culture, any income level, any social background. A pimp can be a street hustler, a madam, a strip club owner, a drug dealer, a cab driver, a boyfriend, a husband or a parent. A woman can be a pimp. There is no typical pimp.

Adapted from "Dangerous Sexual Predators" brochure by the Minnesota Coalition Against Prostitution, 1997, "Prostitution: A Matter of Violence Against Women" guide by W.H.I.S.P.E.R., 1990 and "Pimps, Tricks, and Feminists" speech by Kelly Holsopple, 1998.

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A pimp can be from any culture, any income level, any social background. A pimp can be a street hustler, a madam, a stripclub owner, a drug dealer, a cab driver, a boyfriend, a husband or a parent. A woman can be a pimp. There is no typical pimp.

Indoor Prostitution Research

Holsopple (1994): *sample of 18 women in stripclubs in the Minneapolis/St. Paul area.*

- 44% reported that the men threatened to hurt them.
- 39% experienced vaginal penetration with fingers.
- 17% experienced anal penetration with fingers.
- 11% experienced attempted penetration with objects.
- 17% experienced forced masturbation from customers.
- 11% experienced rape.

During testimony Leisel
McLuire said over 100 people
were surveyed and quotes were
quoted, which were embellished
unbelievably. We are being
judged on the actions of a study
of 18 people and our facts from
our own dancers testimony is
ignored. This is not right!

There was a study done in Minnesota by Kelly Holsopple, program director for Freedom and Justice for Prostitution Resources. It has been referenced continuously for number of percentages of things that have happened to strippers. The title is Strip Clubs According to Strippers: Exposing Sexual Violence.

She has another study out. Promoting the Priorities and Leadership of Women in the Sex Industry.

She says, "Women in stripping claim no single defining experience or perception of stripping. Experience and perception are particular to each stripper and can change from song to song, customer to customer, shift to shift, club to club. Strippers may describe stripping as fun or abusive, flattering or exploitive, draining or exhilarating at different times over the course of their involvement in stripping."

She says again women claim no defining experience or perception regarding customers.

The study or paper substantially counters what she said in her first paper. We regard her study, which included only 18 people, as very narrow and biased. It was not a scientific study. I would ask you not to rely on her numbers too heavily.

From: "Andree" <mdeodak@alaska.net>

To: "Carol and Kathy Hartman" <caroljhartman@prodigy.net>

Subject: STORM_Sex_Trade_Opportunities_for_Risk_Minimization

Date: Sun, 29 Feb 2004 13:29:53 -0900

<h1>STORM</h1>	Sex Trade Opportunities for Risk Minimization		Addresses PO Box 48658, Greensboro, NC 27409 3490 Lexington Avenue North, Suite 205, Shoreview, MN 55126
	A Unit of Project PROSPER		
	Direct Services Only 651-486-3808 and ask specifically for Lucy Spina.	Non Direct Service Inquiries please email us using the contact icon.	

A harm reduction based education, advocacy and direct services program on issues related to the sex trade

<input checked="" type="checkbox"/> Services	<input checked="" type="checkbox"/> Counseling	<input checked="" type="checkbox"/> Our Presentations	<input checked="" type="checkbox"/> Our Beliefs
<input checked="" type="checkbox"/> Donate	<input checked="" type="checkbox"/> Contact Us		

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Promoting The Priorities and Leadership of Women in the Sex Industry by Kelly Holsopple.

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- **A Random Piece by Robert on Criminalized Behavior and Criminalization of Sex Work** by Robert
- **Lyrics from the Song Cruel Sun** by Rusted Root, talking about placing political agendas over the lives of people.
- **Enough is Enough, Anne Fox**
- **Frequently Asked Questions** by Jill Leighton
- **Open Letter from a former porn actress on the sex industry and activist concepts.**

Varying Perspectives on the Sex Trade

- Survivor Perspectives
- Sex Worker Rights
- Abolitionist
- Activism Leadership
- Anti Trafficking

Promoting The Priorities and Leadership of Women in the Sex Industry by Kelly Holsopple. Many women involved in the sex industry report that people from academia and the media often misinterpret and selectively reinterpret sex worker and survivor explanations of the sex industry and their lives. Women involved in the sex industry deserve every opportunity to broadcast our truths, priorities, analyses and definitions of the intricacies of the sex industry and our every day experiences in it. Most outsider accounts discuss the sex industry abstractly and shy away from any examination of the fundamental dynamics, realities and cast of players. The sex industry is not just about the women and women should not be blamed for the problems or be the only subject of news stories, policy initiatives or research. The sex industry is a male dominated institution run by men for men. Despite easy access to stripclubs, media, government

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Promoting The Priorities and Leadership of Women in the Sex Industry by Kelly Holsopple. Many women involved in the sex industry report that people from academia and the media often misinterpret and selectively reinterpret sex worker and survivor explanations of the sex industry and their lives. Women involved in the sex industry deserve every opportunity to broadcast our truths, priorities, analyses and definitions of the intricacies of the sex industry and our every day experiences in it. Most outsider accounts discuss the sex industry abstractly and shy away from any examination of the fundamental dynamics, realities and cast of players. The sex industry is not just about the women and women should not be blamed for the problems or be the only subject of news stories, policy initiatives or research. The sex industry is a male dominated institution run by men for men. Despite easy access to stripclubs, media, government officials and feminist academics rarely address stripclub owners, managers and customers. There is serious theoretical and political significance in women making detailed accounts of the activities and conditions in stripping and the realities of our lives in stripping. It goes beyond media, policy maker and feminist academic agendas to a full discussion of stripping. The best analyses and most intense accountings of the sex industry are presented by women with the most exposure to it. These women must be involved in discussions and decision-making concerning problems and solutions because our experience is not just a point of view, it is knowledge. How many times do women have to say pimps and tricks exploit and abuse them? How many times do women have to say they want workers' rights?

There is a growing trend of sex worker and survivor self-advocacy to overtake those academics, feminists and social service advocates who claim authority on the subject of the sex industry and claim to represent us and our interests. Ethical research and analysis on the sex industry has to be more than sex workers and survivors simply being heard via interviews and testimony conducted, edited, and analyzed by people with no direct knowledge of the sex industry, especially when they often set up polarized political positions and singular theories at our expense. The most insulting lack of consideration comes from feminist academics with no direct experience of what prostitution or stripping is like, but claim authority regarding the sex industry. Instead of practicing and applying feminism and doing something to include and benefit other women, they favor ideological rhetoric with no useful application. When feminist academics argue their all or nothing theories as explanations of the sex industry, and when they treat their polarized abstract discourses as if they were reality, they disregard the impact feminist academic politics has on the women from the sex industry. They avoid articulating practical problems and solutions and strategizing for direct action and manifesting tangible resources for women. When feminist academics promote their single factor political positions at all costs and acknowledge only information that will support their preconceptions about the sex industry, they compromise the value of first hand knowledge and the status of women with that essential knowledge within the movements surrounding the sex industry. Empty claims to honoring the women from the sex industry and the absence of collaboration with women and their organizations are obvious signs that women from the sex industry are not perceived as political equals.

Discussions of the actual activities and nature of activities in the sex industry should not be beneath the feminist academic bandwidth. A deeper understanding of women's lives and struggles may be enhanced when feminist academics in the movement utilize the whole of what women say about the sex industry and what they want in life. Women from stripping and prostitution describe themselves, their experiences and their lives in complex ways, mingling positive with negative. Feminist academics must face up to the complexities and not expect women to reframe their first person knowledge on the sex industry to fit one-dimensional frameworks. The problem is not that women give descriptions that are contradictory to academic theory and political positions. The problem is that only the most mindful academics acknowledge the complexity and even those seek out evidence that supports their positions and disciplinary approaches and then disregard the rest of the information and story. Misinterpreting or dismissing data rather than recording responses and then deciding what you want and calling it the truth is wrong. Towing the party line with arguments and positioning that reduce stripping and prostitution to one thing or another is so monotonous and unproductive. The arguing gets articles and books published, gets careers advanced, but it is not very useful to really understand how the sex industry works and women's experiences in it. In order to improve the quality of feminist scholarship and its applications, investigation must be promoted over judgment and philosophy. Discourse and rhetoric must be discarded in favor of potent action related research meant to prevent or eliminate problems in the sex industry and to organize women from the sex industry.

Women from the sex industry think that we should be the recognized forces of explanation regarding the sex industry and our experiences in it. We also think that however women have experienced the sex industry, we have to support and promote each other and ourselves in this endeavor. People from academia and the media must acknowledge the evolving knowledge

An outstanding example of leadership exists in the literature and activism of women in stripping. Women involved in stripping describe stripping and strippers beyond the dichotomies of like or dislike, happiness or misery, veneration or self-delusion, powerless victim or invincible sex worker. Heidi Kooy researched lesbian, bisexual, and queer exotic dancers, in order to have them explain how their professional lives as sex workers differ from their personal sexuality. Shelly Manaster examined the lap dance at visceral, emotional, and economic levels and illustrated her understanding of the sexualized identities that are created and performed within the strip club and beyond. Taylor Lee told how women enter the sex industry, why women stay in the sex industry, and how women get out. Gina Gold touched on issues of race, class, gender, empowerment, and labor.

Women in stripping claim no single defining experience or perception of stripping. Experience and perception are particular to each stripper and can change from song to song, customer to customer, shift to shift, club to club. Strippers may describe stripping as fun or abusive, flattering or exploitive, draining or exhilarating at different times over the course of their involvement in

stripping. Strippers may go to elaborate lengths to create a fantasy for customers or do the practical minimum to make money. Strippers may choreograph dances to specific music or perform the exact same dance routine over and over to every song. Strippers may prefer to be independent contractors or strive for employee rights and protections. Strippers may ascribe political meaning to their involvement in stripping or derive satisfaction from being able to pay the rent. Strippers may accept stripping as it is or promote change. Strippers may despise customers or be ambivalent as long as they get money. Strippers may choose stripping out of a variety of opportunities or get involved out of limited options. Strippers may be radical and rebellious or may go with the flow. Strippers may stop dancing when they want to stop or stay against their wishes for financial reasons. Strippers may meet their financial goals for education and child support through their involvement in stripping or fall into a downward spiral of dependency on drugs and people who take advantage of them.

Differences in experience and perception may depend on a woman's current economic situation and financial responsibilities, education, job history, personality, attitude, history of abuse, events in the stripclub, length of involvement in stripping, and/or involvement in other areas of the sex industry. Throughout the literature by women involved in stripping, analyses and accounts of stripping are offered by authors based on their experiences and perceptions ranging from being used as children to entering stripping after achieving a masters degree and from exclusively stripping behind glass at peepshows to being involved in prostitution and pornography along with stripping.

Women involved in stripping also document the activities that make stripclubs go 'round. Susan Bremer described a typical evening at work by revealing the dynamics of stripping via memoir and highlights dancer, customer, and management conversations. Katherine Frank analyzed the emotions and male motivations for frequenting strip clubs male and the author's relationships with her regulars in the clubs. Kelly Holsopple investigated strippers' experiences of violence in stripclubs and analyzed how the organization and conditions of stripclubs facilitate violence.

Stripclubs are a venue of the sex industry that is readily accessible to outside researchers and policy makers to observe activities and even interact with owners, managers, customers, and dancers, yet there has been a lack of public information about the male players in the sex industry. Since there is a lack of research with firsthand accounts from stripclub customers, women in stripping offer analyses and accounts of their extensive interactions with male stripclub customers. Again women claim no single defining experience or perception regarding customers. They may relay men's reasons for going to stripclubs as desire, excitement, fantasy, pleasure, sex, attention, curiosity, loneliness, access to women and their bodies, power, and/or reinforcement of masculinity. Customers may be straightforward, some may attach illusions of romance or affection or help or rescuing; some may be cliché, and some may be interesting.

Women in stripping have also focused on how stripclub owners and their allies organize and situate stripping in the larger sex industry and the impact that public policy, legal apparatuses and grassroots social change activism has on the existing organizational structure. Miss Mary Ann detailed the initial organizing efforts of peep show strippers to create a union shop at the Lusty Lady. Christine Grussendorf and Jill Leighton explored the connections between stripping and prostitution rings by identifying similar strategies of recruitment, training, and trafficking and determining the political and social implications of the connections.

Although women in stripping claim no single defining experience or perception of stripping, the sex industry is not relative to each individual sex worker's or survivor's attitude or experience. Women agree there is structure and that the sex industry is highly organized.

Regarding Juvenile Competence to Stand Trial

Policy makers in all 50 states lowered the age at which the youth could be tried as adults. This is just another case of "are they or are they not competent at age 18?"

POLICY BRIEFS

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Vol. 5, No. 1 (2003)

Juvenile Competence to Stand Trial

By Laurence Steinberg*

During the 1990s, in response to the public's perception that the rate of serious juvenile crime was on the rise, policy-makers in all 50 states lowered the age at which youth could be tried as adults. These legal reforms took place, however, in the absence of information on whether and at what age youth are competent to stand trial in criminal court.

Due process requires that a defendant be competent to stand trial, which includes capacity to assist counsel and to understand the nature of the proceeding sufficiently to participate in and make decisions about rights afforded to defendants. Concerns about defendants' competence to stand trial have most often focused on mental illness and disability. Very seldom has the issue been raised with regard to youth and their maturity of judgment.

In a follow-up to an earlier JCPR working paper (see JCPR Policy Brief vol. 2, no. 3, www.jcpr.org), Laurence Steinberg, in *Juveniles' Competence to Stand Trial*, explores whether adolescents differ from young adults in their ability to participate as competent defendants in trials. He also examines whether a youth's immaturity may affect his or her choices during interactions with police and attorneys, and in the trial context. Those who deal with youth charged with crimes, he argues, should be alert to the impact that immaturity can have on youth's judgment and decisions in the trial context.

Study Description

The research team, headed by Thomas Grisso at the University of Massachusetts Medical School, evaluated two groups of roughly 1,400 individuals from ages 11 to 24: those detained in juvenile detention facilities or adult jails with those residing in the same or similar communities as the detained participants but who had never been held overnight in the justice system. Within these groups, the researchers then compared the performance of 11-17-year olds with young adults (aged 18-24). The youth lived in Los Angeles, Philadelphia, northern Florida, and northern and eastern Virginia.

To assess their competence and judgment, the researchers used two psychological assessments: the MacArthur Competence Assessment Tool-Criminal Adjudication (MacCAT-CA), and the MacArthur Judgment Evaluation (MacJEN). They also assessed mental health problems, psychosocial maturity, and intelligence in conjunction with these tests. (Greater detail on the study can be found at www.mac-adoldev-juvjustice.org)

Age and Competency to Stand Trial

The study's findings show that age clearly influences capacities relevant to competence to stand trial. Youth aged 11-13 were consistently found to be less capable in judgment, understanding, and reasoning than older youth. Competence increased progressively until age 16, with those older than 16 varying little from the young adults in the sample.



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Whereas more than 30% of 11-13-year-olds, and 20% of 14-15-year-olds, showed significantly impaired understanding or reasoning, only 10% of the 16-17-year-olds or young adults did so. These differences did not change with race, gender, socioeconomic status, or region of residence.

Moving beyond formal competence criteria, when faced with critical decisions during the criminal justice process, the youngest teens (aged 11-13) were regularly less capable of making the best choice during police interrogation, attorney consultation, and accepting a plea agreement.

The younger a teen, the more likely, for example, he or she was to recommend confessing to a crime rather than remaining silent during a police interrogation. One-half of 11-13-year-olds recommended confessing, while only 20% of young adults did so. There were no age differences in decisions surrounding consulting with a defense attorney; 75% in each age group recommended full disclosure. Decisions about plea agreements, however, showed sizable age differences; 74% of 11-13-year-olds recommended accepting a plea agreement, while only 50% of young adults did. Similar patterns—with the youngest group consistently more likely to be less competent decision-makers—emerged for recognizing risks, assessing future consequences, and resisting peer influence.

Policy Implications

These findings suggest that the same due process constraints that prohibit the mentally ill and mentally retarded from standing trial should also apply to the very youngest juveniles (under age 15). Under the law, in which the test of competence is a functional one, it should make no difference whether the source of the defendant's lack of competence is mental illness or immaturity.

Beyond legal competence, adolescents are more likely than young adults to make choices that reflect a propensity to comply with authority figures, such as confessing to police rather than remaining silent, or accepting a prosecutor's offer of a plea agreement. In addition, when being interrogated by the police, consulting with an attorney, or evaluating a plea agreement, younger teens are less likely, or perhaps less able, to recognize the risks inherent in the various choices they face or to consider the long-term consequences of their decisions.

Given these findings, three options are available to judges and other policymakers faced with the decision whether to try a youth as an adult. Given that one in three 11-13-year-olds, and one in five 14-15-year-olds, potentially may not be competent to stand trial, the first implication is that a competency determination should be made a condition of criminal adjudication whenever a transfer to adult court is being considered for young adolescents.

The second option is that when youth are first charged in adult court, a determination of competence automatically precede the adjudication of youth whose age places them at risk for lack of competence. However, even at older ages, judges and prosecutors should be concerned about a defendant's competence to stand trial. In fact, a legislature might well conclude that an efficient and just approach is to set the minimum age of adult adjudication at an age at which competence to stand trial is not potentially an issue in every case.

This is not to say that youth who commit crimes would go unpunished under such a proposal. A more relaxed competence standard in juvenile court would ensure that those youth deemed incompetent in adult courts will be tried for their crimes in another venue. The Supreme Court has made clear that the requirements of due process in delinquency proceedings are not identical to those that regulate criminal trials. Juvenile court, after all, is not an exact replica of adult court. This two-tiered

approach-in which youth deemed incompetent in adult court can be tried in juvenile court-is also likely to deter defense attorneys from routinely petitioning for competence assessments in adult court if the competency standard in juvenile court is understood to be a modest one.

Finally, these findings are not intended to apply to the debate whether adolescents should be held responsible for their offenses to the same degree, and punished to the same extent, as adults. That is, the results of the present study say nothing about whether youths' developmental capacities render them more or less culpable than adults. They simply suggest that laws and policymakers should consider the age of the youth when determining whether he or she is competent to stand trial for the alleged crime.

**Laurence Steinberg is the Distinguished University Professor and Laura H. Carnell Professor of Psychology at Temple University, and the Director of the John D. and Catherine T. MacArthur Foundation Research Network on Adolescent Development and Juvenile Justice. The MacArthur Network is a national multidisciplinary research initiative studying adolescent development and public policy. Further information about the network may be found at www.mac-adoldev-juvjustice.org. The working paper is available here.*



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Nenana District Court
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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 stranger 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 assault.
• 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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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



available for download; we need Reader 4.0 or above.

Many of our site are Adobe free Acrobat

ACADEMIC PROGRAM>

Seminar in Crime

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.

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.

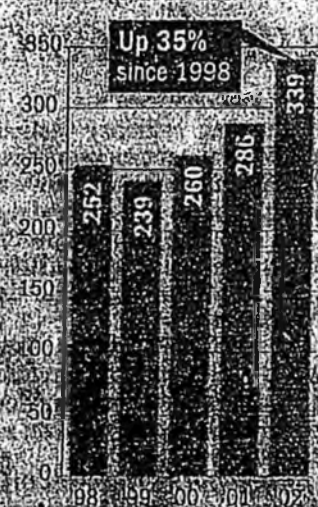
The report also says the rape rate increased 27 percent in Anchorage between 1999 and 2001, while it decreased nationwide by 3 percent.

"This study is an initial effort to begin the process of understanding sexual assault in Anchor-

See Page B-2, RAPE

Sexual assault

In Anchorage, 1998-2002



RON ENGSTROM / Anchorage Daily News

ADN ■ TO READ the full report
or
LINKS ■ TO READ the Municipal
Uniform Crime Reports
for 1998 to 2002, including rape
statistics, visit

www.adn.com/links

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.

► **Alaska LEWD AND LASCIVIOUS CONDUCT**

:: **Criminal Defense Attorney**

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Alaska Lewd and Lascivious Conduct:

Lewd and Lascivious references to conduct which includes people living together who are known not to be married, entertainment which aims at arousing the libido or primarily sexual sensation, open solicitation for prostitution or indecent exposure of genitalia (which is itself a crime). Due to the tendency of judges to be overly careful in writing about moral and/or sexual matters the definitions have been cloaked in old-fashioned modesty.

Alaska Penal Code

Did You Know?

- 90% of the rapes and sex crimes of children less than 12 years old knew the offender, according to police-recorded incident data.
- Convicted rape and sexual assault offenders report that 2/3rd of their victims were under the age of 18.
- State felony court convictions, the FBI's UCR arrests and National Crime Victimization Surveys all point to sex offenders being older than other violent offenders, generally in the early 30's.

Got questions? See what a Alaska Attorney can do for you. Contact us immediately for a FREE case evaluation and answers to your questions.

Regarding Regina Manteufel

She is a prime example of regular life. She says she was raped by a previous landlord. Obviously, she was not raped by a Gentlemen's Club customer. She also stated she was raped at 16 so the Gentlemen's Clubs were also not involved with this. She was sexually abused by a pizza manager at Dominoes. She admits her father taught her womanizing. She obviously had deep-seated problems way previous to dancing.

Her dancing experience is based on actions and laws that archaic, to say the least.

Many of the laws or lack of laws that Regina refers to have been changed since her dancing days.

She states that she was never pimped by anyone and never worked in a massage parlor. That seems to back up the fact that not all dancers are prostitutes or drug addicts, as some people seem to think.

Regina goes on towards the end of her letters and gives information on all her education and accomplishments. Obviously, a dancer who has been through all the trials and tribulations of life can still be an accomplished and educated citizen.

Subject: For friday 3:15 House Labor and Commerce Comittee 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 ! 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

never pimped by any one, worked at a massage parlor 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 hire 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 bill's 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 wages 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 used to 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

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 your 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

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 here and I was in the crew. I came home and my house was full of

report. It was one of 4 times I have ever seen him and I was on 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

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*

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: Dehco Inc dba Irish Setter
Property Owner's Address: 1911 E. 5th Ave
Anchorage, AK

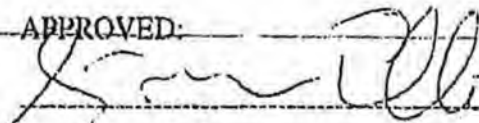
Legal Description: Fourth Addition, Block 26c, Lot 8

This permit is issued per Section 21.45.240, Anchorage Municipal code (AMC) for PREMISES WHERE MINORS ARE NOT ALLOWED
Check one:

- 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.
- 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.

P.1

907-563-0043

Carol Hartman

Dec 10 01 01:22p

21.45.240 Location of premises where children are not allowed.

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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 then 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](#).

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. 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. An adult cabaret does not include an establishment licensed for sale of alcoholic beverages.

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 modelling 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 1.1.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 1.1.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 1.1.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) Assignment 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; AO No. 2003-153, § 1, 1-1-04)

Cross references: Restrictions regarding location of places where minors are prohibited from entering, § 21.45.240

Voluntary manslaughter

An act of murder reduced to manslaughter because of extenuating circumstances such as adequate provocation (arousing the "heat of passion") or diminished capacity.

Molestation

1. The persecution or harassment of someone, as in the molestation of a witness. 2. The act of making unwanted and indecent advances to or on someone, especially for sexual gratification.

Child Molestation

Any indecent or sexual activity on, involving, or surrounding a child, usually under the age of 14.

Money Laundering

The federal crime of transferring illegally obtained money through legitimate persons or accounts so that its original source cannot be traced.

Murder

The killing of a human being with malice aforethought.

Depraved-heart murder.

A murder resulting from an act so reckless and careless of the safety of others that it demonstrates the perpetrator's complete lack of regard for human life.

Felony Murder

Murder that occurs during the commission of a felony.

First-degree murder

Murder that is willful, deliberate, or premeditated, or that is committed during the course of another serious felony (often limited to rape, kidnapping, robbery, burglary, or arson). - All murder perpetrated by poisoning or by lying in wait is considered first-degree murder.

Second-degree murder

Murder that is not aggravated by any of the circumstances of first-degree murder.

Obscenity

Any form of expression, such as a book, painting, photograph, movie, or play, that deals with sex in a way that is regarded as so offensive as to be beyond the protection of the constitutional guarantee of freedom of speech. Under the most recent of the Supreme Court's efforts to define obscenity, the term applies to material that appeals to prurient interest, depicts, or describes sexual conduct in a way that is patently offensive, and lacks "serious literary, artistic, political, or scientific value."

Pandering

1. The act or offense of recruiting a prostitute, finding a place of business for a prostitute, or soliciting customers for a prostitute. 2. The act or offense of selling or distributing textual or visual material openly advertised to appeal to the recipient's sexual interest.

Perjury

The act or an instance of a person's deliberately making material false or misleading statements while under oath.

Pornography

Pictures and/or writings of sexual activity intended solely to excite lascivious feelings of a particularly blatant and aberrational kind, such as acts involving children, animals, orgies, and all types of sexual intercourse.

Prostitution

The crime of engaging in sexual intercourse or other sexual activity for hire.

psychological

—pru'd'ish-ness n

pru'dence n caution or good judgment in the conduct of one's business —pru'dent, pru'den'tial adj. —pru'den'tial-ly, pru'dent-ly adv.

prune n a partially dried plum —vt, vi to trim or excise that which is superfluous or excessive —prun'

pru'ri-ent adj. overly interested in or attracted by sexual matters —pru'ri-ence, pru'ri-en-ty n. —pru'ri-ent-ly adv.

psy vi to snoop or meddle —vt to force open —n a lever or bar, as for prying open

pseu'do-nym n an alias; an artist's fictitious name —pseu'don'y-mous adj. —pseu'don'y-mous-ly adv.

psy'che n the subconscious mind; the soul

psych-e-del'ic adj. characterized by hallucination or distortion —n a substance that alters awareness —psych-e-del'i-cal-ly adj.

psy-chi'a-try n the diagnosis and treatment of mental disorders —psy-chi-at-ric adj. —psy-chi-at-ri-cal-ly adv. —psy-chi'a-trist n

psy'chic adj. mental; relating to exceptional mental processes such as ESP —n a spiritualist —psy'chic-ally adv.

psy'cho adj. mentally ill; deranged; psychopathic —n a psychopath

psy-cho-anal'y-sis n a type of treatment for mental or emotional disorders —psy-cho-an-a-lyst n —psy'cho-an-a-lyt'ic, psy-cho-an-a-lyt'i-cal adj. —psy-cho-an-a-lyt'i-cal-ly adv. —psy-cho-an-a-lyze vt

psy'cho-bab-ble n psychological terminology, used especially in derogation

psy-cho-log'i-cal adj. touching on the mind or emotions —psy-cho-

(a) A person commits the crime of prostitution if the person engages in or agrees or offers to engage in sexual conduct in return for a fee.

(b) Prostitution is a class B misdemeanor.

AS 11.66.110. Promoting Prostitution in the First Degree.

(a) A person commits the crime of promoting prostitution in the first degree if the person

- (1) induces or causes a person to engage in prostitution through the use of force;
- (2) as other than a patron of a prostitute, induces or causes a person under 16 years of age to engage in prostitution; or
- (3) induces or causes a person in that person's legal custody to engage in prostitution.

(b) In a prosecution under (a)(2) of this section, it is not a defense that the defendant reasonably believed that the person induced or caused to engage in prostitution was 16 years of age or older.

(c) Except as provided in (d) of this section, promoting prostitution in the first degree is a class B felony.

(d) A person convicted under (a)(2) of this section is guilty of a class A felony.

AS 11.66.120. Promoting Prostitution in the Second Degree.

(a) A person commits the crime of promoting prostitution in the second degree if the person

- (1) manages, supervises, controls, or owns, either alone or in association with others, a prostitution enterprise other than a place of prostitution; or
- (2) procures or solicits a patron for a prostitute.

(b) Promoting prostitution in the second degree is a class C felony.

AS 11.66.130. Promoting Prostitution in the Third Degree.

(a) A person commits the crime of promoting prostitution in the third degree if, with intent to promote prostitution, the person

- (1) manages, supervises, controls, or owns, either alone or in association with others, a place of prostitution;
- (2) as other than a patron of a prostitute, induces or causes a person 16 years of age or older to engage in prostitution;
- (3) as other than a prostitute receiving compensation for personally rendered prostitution services, receives or agrees to receive money or other property pursuant to an agreement or understanding that the money or other property is derived from prostitution; or
- (4) engages in conduct that institutes, aids, or facilitates a prostitution enterprise.

(b) Promoting prostitution in the third degree is a class A misdemeanor.

AS 11.66.140. Corroboration of Certain Testimony Not Required.

In a prosecution under AS 11.66.110 - 11.66.130, it is not necessary that the testimony of the person whose prostitution is alleged to have been compelled or promoted be corroborated by the testimony of any other witness or by documentary or other types of evidence.

AS 11.66.150. Definitions.

In AS 11.66.100 - 11.66.150, unless the context requires otherwise,

- (1) "place of prostitution" means any place where a person engages in sexual conduct in return for a fee;
- (2) "prostitution enterprise" means an arrangement in which two or more persons are organized to render sexual conduct in return for a fee;
- (3) "sexual conduct" means genital or anal intercourse, cunnilingus, fellatio, or masturbation of one person by another person.

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. McKelvic, Downes and McKelvic, 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

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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

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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 women's 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.

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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.

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 net 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 businesses 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 content-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 effects** by reducing speech or its audience; but a city may not attack **secondary effects** indirectly by attacking speech."

Last updated: Thursday, February 12, 2004 |
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Supreme Court of Alaska.
Paula MICKENS, Appellant,

v.

The CITY OF KODIAK, A Municipal Corporation, Appellee.

No. 5628.

Feb. 11, 1982.

Dancer in bar brought action challenging city's prohibition against nude dancing in bars. The Superior Court, Third Judicial District, Kodiak, Roy H. Madsen, J., entered judgment in favor of city and dancer appealed. The Supreme Court, Matthews, J., held that: (1) free speech clause of the Alaska Constitution is at least protective of expression as the First Amendment; (2) nude dancing is protected under the State Constitution; (3) unlike the Federal Constitution, State Constitution does prohibit city from restricting forms of expression which are protected under the First Amendment in places where liquor is sold; and (4) no compelling reasons existed for the restriction represented by the ordinance.

Reversed and remanded.

Burke, J., filed a concurring opinion.

Dancing, including nude dancing, is a constitutionally protected expression under the United States Constitution. U.S.C.A.Const.Amend. 1.

Free speech clause of the Alaska Constitution was meant to be at least as protective of expression as the First Amendment to the United States Constitution. U.S.C.A.Const.Amend. 1; Const. Art. 1, § 5.

Nude dancing is protected under the Alaska Constitution. Const. Art. 1, § 5.

Alaska Constitution draws no distinction between free speech in a bar and free speech on a stage and no provision of the Alaska Constitution gives preferred position to regulation of alcoholic beverages in the First Amendment area. Const. Art. 1, § 5.

Federal Constitution does not prohibit the city from restricting, in places where liquor is sold, forms of expression which would otherwise be protected under the First Amendment; Alaska Constitution does contain such a prohibition. U.S.C.A.Const.Amend. 1, 21; Const. Art. 1, § 5.

Laws prohibiting free expression based on the content of the expression are sustainable only for the most compelling of reasons.

No compelling reasons existed for restriction on free expression represented by city ordinance prohibiting nude dancing in bars. U.S.C.A.Const.Amend. 1.

It is not permissible to suppress constitutionally protected forms of expression in order to curb the lawless conduct of some of those who are reacting to it unless other law enforcement techniques which do not infringe First Amendment freedoms are unavailable or likely to be ineffective.

U.S.C.A.Const.Amend. 1.

*819 Gerald W. Markham, Kodiak, for appellant.

Melvin M. Stephens, II, and C. Walter Ebell, Hartig, Rhodes, Norman & Mahoney, Kodiak, for appellee.

Before RABINOWITZ, C. J., and CONNOR, BURKE, MATTHEWS and COMPTON, JJ.

OPINION

MATTHEWS, Justice.

Paula Mickens performs as a topless dancer at a bar in Kodiak, known as Tony's Place. She wears only a "T-string" during her act which covers her pubic region, but leaves her breasts and buttocks fully exposed.

On August 14, 1980, the City of Kodiak enacted Ordinance No. 588, which prohibits waiters, waitresses and entertainers in establishments serving alcohol from exposing their genitals, buttocks, and, in the case of females, their breasts.

Kodiak City Ordinance No. 588 provides:

WHEREAS, the City Council finds that there exists in this City an increasing trend toward nude and semi-nude acts, exhibitions and entertainment, and of undress by employees of establishments serving alcoholic beverages to the public, and that such acts and such competitive commercial exploitation of nudity is adverse to the public peace, morals and good order; and that it is in the best interest of the public safety and convenience of this City to restrict such nudity, and the commercial promotion and exploitation thereof,

NOW, THEREFORE, be it ordained by the Council of the City of Kodiak as follows:

Section 1. Chapter 5.12 of the Kodiak City Code is amended by adding new sections to read as follows:

5.12.130 Exposure by Waiters, Waitresses and Entertainers.

(A) Every person is guilty of a misdemeanor who, while acting as a waiter, waitress or entertainer in an establishment which serves alcoholic beverages for consumption on the premises of such establishment:

(1) Exposes his or her genitals, pubic hair, buttocks, natal cleft, perineum, anal region or pubic hair region; or

(2) Exposes any device, costume or covering which gives the appearance of or simulates the genitals, pubic hair, buttocks, natal cleft, perineum, anal region or pubic hair region; or

(3) Exposes any portion of the female breasts at or below the areola thereof.

(B) A person shall be deemed to be a waiter, waitress, or entertainer if such person acts in that capacity without regard to whether or not such person is paid any compensation by the management of the establishment in which the activity is performed.

5.12.140 Counseling or Assisting. Every person is guilty of a misdemeanor who causes, permits, procures, counsels or assists any person to expose or simulate exposure as prohibited in s 5.12.130.

Section 2. Constitutionality. If any provision or clause of this ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

*820 Mickens brought an action in the superior court on August 28, 1980, before the law became effective, seeking a declaratory judgment that the ordinance was facially unconstitutional and an order permanently enjoining the City from enforcing it. After hearing oral argument on the parties' cross-motions for summary judgment, the trial court entered an order granting the City's motion and dismissing the complaint.

Dancing, including nude dancing, is a constitutionally protected form of expression under the first amendment to the United States Constitution.

The first amendment to the United States Constitution provides:

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.

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. Joseph Burstyn, Inc. v. Wilson, 343 U.S. 495, 72 S.Ct. 777, 96 L.Ed. 1098 (1952); Schacht v. United States, 398 U.S. 58, 90 S.Ct. 1555, 26 L.Ed.2d 44 (1970); Jenkins v. Georgia, 418 U.S. 153, 94 S.Ct. 2750, 41 L.Ed.2d 642 (1974); Southeastern Promotions, Ltd. v. Conrad, 420 U.S. 546, 95 S.Ct. 1739, 43 L.Ed.2d 448 (1975); Erznoznik v. City of Jacksonville, 422 U.S. 205, 95 S.Ct. 2268, 45 L.Ed.2d 125 (1975); Doran v. Salem Inn, Inc., 422 U.S. 922, 95 S.Ct. 2561, 45 L.Ed.2d 648 (1975). See also California v. La Rue, 409 U.S. 109, 118, 93 S.Ct. 390 (397) 34 L.Ed.2d 342 (1972); Young v. American Mini Theatres, Inc., 427 U.S. 50, 61, 62, 96 S.Ct. 2440 (2447, 2448) 49 L.Ed.2d 310 (1976). Nor may an entertainment program be prohibited solely because it displays the nude human figure. "Nudity alone" does not place otherwise protected material outside the mantle of the First Amendment. Jenkins v. Georgia, supra (418 U.S.) at 161, 94 S.Ct. 2750 (2755) 41 L.Ed. 642; Southeastern Promotions, Ltd. v. Conrad, supra; Erznoznik v. City of Jacksonville, supra (422 U.S.) at 211-12, 213, 95 S.Ct. 2268 (2273-74, 2275) 45 L.Ed.2d 125. Furthermore, as the state courts in this case recognized, nude dancing is not without its First Amendment protections from official regulation. Doran v. Salem Inn, Inc., supra, Southeastern Promotions, Ltd. v. Conrad, supra; California v. La Rue, supra. Schad v. Borough of Mt. Ephraim, 452 U.S. 61, ----, 101 S.Ct. 2176, 2181, 68 L.Ed.2d 671, 678-79 (1981). The free speech clause of the Alaska Constitution, Article I, Section 5, [FN3] was meant to be at least as protective of expression as the First Amendment to the United States

Constitution. We hold, therefore, that nude dancing is also protected under Article I, Section 5 of our state constitution.

Article I, section 5 of the Alaska Constitution provides:

Freedom of Speech. Every person may freely speak, write, and publish on all subjects, being responsible for the abuse of that right.

2 Proceedings of the Alaska Constitutional Convention 1305-07 (Jan. 5, 1956).

The City contends, nevertheless, that it has the power to prohibit nude dancing in *821 establishments where alcohol is served, relying on California v. La Rue, 409 U.S. 109, 93 S.Ct. 390, 34 L.Ed.2d 342 (1972). Citing the states' broad authority to control intoxicating liquors under the Twenty-First amendment to the United States Constitution, La Rue upheld challenged regulations of the California Department of Alcoholic Beverage Control which prohibited certain sexually explicit live entertainment or films. The court held that the regulations did not on their face violate the Constitution, notwithstanding the fact that the regulations proscribed some acts which were not obscene and which were within the limits of the first amendment's protection. 409 U.S. at 115-19, 93 S.Ct. at 395-97, 34 L.Ed.2d at 350-52. The court has recently followed LaRue in New York State Liquor Authority v. Bellanca, 452 U.S. 714, 101 S.Ct. 2599, 69 L.Ed.2d 357 (1981).

The Alaska constitution contains no clause similar to the twenty-first amendment which might be said to justify prohibiting otherwise protected forms of expression where liquor is sold. Our state constitution, like that of Massachusetts, "draws no distinction between free speech in a bar and free speech on a stage, and no provision of our Constitution gives a preferred position to regulation of alcoholic beverages." Commonwealth v. Sees, 374 Mass. 532, 373 N.E.2d 1151, 1155 (1978). [FN5] Because of the Twenty-First Amendment, the federal constitution does not prohibit the City from restricting, in places where liquor is sold, forms of expression which would otherwise be protected under the First Amendment; the state constitution, however, does contain such a prohibition. We therefore reject the La Rue rationale on state constitutional grounds.

The full quotation, so far as it is pertinent here, of the Massachusetts court in Sees is as follows:

There remains for consideration the free speech provision of art. 16 in our Declaration of Rights: "The right of free speech shall not be abridged." That provision on its face draws no distinction between free speech in a bar and free speech on a stage, and no provision of our Constitution gives a preferred position to regulation of alcoholic beverages. So far as the record before us discloses, the dancer may have been rendering a selection from the "Ballet Africains" or some other work of unquestionable artistic and socially redeeming significance. See Doran v. Salem Inn, Inc., 422 U.S. 922, 933, 95 S.Ct. 2561, (2568) 45 L.Ed.2d 648 (1975). Though not shown by proof, it seems more likely that she was engaged in "the customary 'barroom' type of nude dancing," involving "only the barest minimum of protected expression." Id. at 932, 95 S.Ct. at 2568. To distinguish between the two, however, would be to cast on the police and courts "the anomalous duty of serving as ... artistic constables," evaluating the artistic worth and tasteful quality of the performance in its total context. Commonwealth v. Horton, 365 Mass. 164, 178, 310 N.E.2d 316, 325 (1974) (Kaplan J.,

concurring). No governmental interest is shown to warrant the effort. See California v. LaRue, 409 U.S. 109, 130-33, 93 S.Ct. 390, (403-05) 34 L.Ed.2d 342 (1972) (Marshall, J., dissenting). Moreover, the artistic preferences and prurient interests of the vulgar are entitled to no less protection than those of the exquisite and sensitive esthete. See Salem Inn, Inc. v. Frank, 522 F.2d 1045, 1048-49 (2d Cir. 1975). (Footnote omitted).

The New York Court of Appeals in Bellanca v. New York State Liquor Authority, 54 N.Y.2d 228, 445 N.Y.S.2d 87, 429 N.E.2d 765 (Cl.App.N.Y. 1981), on remand from the United States Supreme Court, has done likewise.

The ordinance prohibits performances involving nudity before adult audiences who knowingly and willingly have come to view them. It is aimed at the content of the performances in the sense that shows containing nude scenes are forbidden, while other performances are not. See Erznoznik v. City of Jacksonville, 422 U.S. at 214-15, 95 S.Ct. at 2275-76, 45 L.Ed.2d 125, 134. Laws prohibiting free expression, based on the content of the expression, are sustainable only for the most compelling of reasons. See Erznoznik, supra, Cohen v. California, 403 U.S. 15, 25, 91 S.Ct. 1780, 1788, 29 L.Ed.2d 284, 294 (1971), Police Dept. of City of Chicago v. Moslev, 408 U.S. 92, 95-96, 92 S.Ct. 2286, 2289-90, 33 L.Ed.2d 212, 216-17 (1972); see L. Tribe, Amer. Const. Law. s 12-2, 580-84 (1978). Here, such reasons do not exist and, therefore, the ordinance must be stricken.

*822 The City claims that the ordinance was passed in response to public testimony of citizens who were fearful of criminal activity in the vicinity of the bars offering nude dancing. The City relies on figures compiled by the Kodiak Chief of Police which allegedly show that there has been a substantial increase in the number of calls for public assistance at Tony's Place since the advent of nude entertainment. The City has not demonstrated that the increase in police calls originating at Tony's Place has been caused by anything other than an increase in the volume of business there. While this, in turn, may well be the result of nude dancing, there is no reason to suppose that other forms of entertainment, not involving nudity, would not also increase business and therefore police calls.

Discrimination on the basis of the content of protected forms of expression cannot be tolerated except where there are "clear reasons" for it. Erznoznik v. City of Jacksonville, 422 U.S. 205, 215, 95 S.Ct. 2268, 2275-76, 45 L.Ed.2d 125, 134 (1975). 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 cannot stand.

In Erznoznik, the City of Jacksonville attempted to defend an ordinance which prohibited drive-in movies whose screens were visible from a public street from showing films with nude scenes as a traffic safety regulation. In rejecting this rationale the court stated:

By singling out movies containing even the most fleeting and innocent glimpses of nudity the legislative classification is strikingly underinclusive. There is no reason to think that a wide variety of other scenes in the customary screen diet, ranging from soap opera to violence, would be any less distracting to the passing motorist.

This court frequently has upheld underinclusive classifications on the sound theory that a legislature may deal with one part of a problem without addressing all of it. This presumption of statutory validity, however, has less force when a

classification turns on the subject matter of expression. "(A)bove all else, the First Amendment means that government has no power to restrict expression because of its message, its ideas, its subject matter, or its content," Police Dept. of Chicago v. Mosley, 408 U.S. at 95, 92 S.Ct. 2286 (2290) 33 L.Ed.2d 212. Thus, "under the Equal Protection Clause, not to mention the First Amendment itself," id., at 96, 92 S.Ct. 2286 (2290) 33 L.Ed.2d 212, even a traffic regulation cannot discriminate on the basis of content unless there are clear reasons for the distinctions.

Appellee offers no justification, nor are we aware of any, for distinguishing movies containing nudity from all other movies in a regulation designed to protect traffic. Absent such a justification, the ordinance cannot be salvaged by this rationale.

(Citations, footnote omitted) 422 U.S. at 214-15, 95 S.Ct. at 2275-76, 45 L.Ed.2d at 134. Our reading of the "clear reasons" language in context would require a stronger showing than mere rationality. See Schad, supra 452 U.S. at ---- - ----, 101 S.Ct. at 2182-87, 68 L.Ed.2d at 680-85, especially n.7 at ---, 101 S.Ct. at 2183, 68 L.E.2d at 680.

Moreover, it is not permissible to suppress constitutionally protected forms of expression in order to curb the lawless conduct of some of those who are reacting to it, unless other law enforcement techniques which do not infringe first amendment freedoms are unavailable or likely to be ineffective. [FN8] Edwards v. South Carolina, 372 U.S. 229, 83 S.Ct. 680, 9 L.Ed.2d 697 (1963); Cox v. Louisiana, 379 U.S. 536, 85 S.Ct. 453, 13 L.Ed.2d 471 (1965); Cantwell v. Connecticut, 310 U.S. 296, 60 S.Ct. 900, 84 L.Ed. 1213 (1940); Feiner v. New York, 340 U.S. 315, 326-27, 71 S.Ct. 303, 309-10, 95 L.Ed. 295, 303 (1951) (Black, J., dissenting). The City here has attempted no showing that it is incapable of enforcing its laws relating to drunkenness and assaultive behavior. There is therefore no basis for concluding that the City's effort to achieve the object of these laws indirectly by suppressing nude dancing is constitutionally justified.

As we observed in Breese v. Smith, 501 P.2d 159, 174 n.60 (Alaska 1972), "it is absurd to punish a person because his neighbors have no self-control and cannot refrain from violence." Quoting from Z. Chaffee, Jr., Free Speech in the United States 151-52 (1941).

Although we have concluded that the ordinance does not pass constitutional muster for the above reasons, it is well to keep in mind what this case does not involve. It *823 does not involve an ordinance which prohibits only obscene performances. It does not involve unwilling or captive viewers whose personal sensibilities are offended by the performances in question. And it does not involve an effort to protect children from sexually oriented displays which are not obscene by adult standards. If these factors had existed, a different and stronger case for the ordinance could be made.

See, as to obscenity, Miller v. California, 413 U.S. 15, 93 S.Ct. 2607, 37 L.Ed.2d 419 (1973); A Book Named "John Cleland's Memoirs of a Woman of Pleasure" v. Attorney General of Massachusetts, 383 U.S. 413, 86 S.Ct. 975, 16 L.Ed.2d 1 (1966); Roth v. United States, 354 U.S. 476, 77 S.Ct. 1304, 1 L.Ed.2d 1498 (1957); as to captive audiences, Kovacs v. Cooper, 336 U.S. 77, 69 S.Ct. 448, 93 L.Ed. 513 (1949); Lehman v. City of Shaker Heights, 418 U.S. 298, 94 S.Ct. 2714, 41 L.Ed.2d 770 (1974); Erznoznuk v. City of Jacksonville, 422 U.S. 205,

95 S.Ct. 2268, 45 L.Ed.2d 125 (1975); as to minors, Ginsberg v. New York, 390 U.S. 629, 88 S.Ct. 1274, 20 L.Ed.2d 195, reh. denied 391 U.S. 971, 88 S.Ct. 2029, 20 L.Ed.2d 887 (1968).

REVERSED and REMANDED for entry of judgment in favor of appellant.

BURKE, Justice, concurring.

I concur.

I do, however, wish to point out what I believe to be an important difference between the ordinance in this case and the statute held enforceable in New York State Liquor Authority v. Bellanca, 452 U.S. 714, 101 S.Ct. 2599, 69 L.Ed.2d 357 (1981).

The statute in Bellanca did not attempt to impose criminal penalties on those performing in violation of its terms. It was aimed solely at the licensee [FN1] and could only "cause an establishment to lose its liquor license." --- U.S. at ---, 101 S.Ct. at 2600, 69 L.Ed.2d at 359. Thus, the penalty for a violation was civil in nature and directly related to the activities of the license holder.

The statute provided:

No retail licensee for on premises consumption shall suffer or permit any person to appear on licensed premises in such manner or attire as to expose to view any portion of the pubic area, anus, vulva, or genitals, or any simulation thereof, nor shall suffer or permit any female to appear on licensed premises in such manner or attire as to expose to view any portion of the breast below the top of the areola, or any simulation thereof.

Alaska, 1982.

Mickens v. City of Kodiak

640 P.2d 818

END OF DOCUMENT

Please Read and Sign

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.
John J. Scutegel		23512 DOLL DRIVE	12/31/1983
Ryan Symerton		7372 Doll Dr	17/6/2/83
Brandon Bunch		6931 Howard	1/5/81
Alessandra Moya		4001 BEECHCRAFT	8/21/
Thomas F. Stokes		2436 Haverhill Pl	5 Mar 74
Jason W. Coleman		2200 Glacier St.	3 Dec 81
Charlie J. Scott		373 5th St Ft. Rich	10-3-81
Elizabeth A. Scott		373 City #13 Ft. Rich	04-04-81
Michael Linz		3806 Randolph Anchorage	9-28-66
David Sustar		4-23rd St Ft. Rich	07-23-83
Mike Anthony		1400 Arctic Blvd	8-15-83
Kathryn Reimer		2400 W 2700th ASPEN CT WASILLA AK 99654	10-05-85
Darve Bromberg		5810 E Alder Circle	2/17/80
Cortney Hubner		1550 Centric Pl Was. AK 99687	10/21/85
Antonia LAWRENCE		3910 N. Preston Ave Was. AK 99654	01/21/85
Brent Shibe		3406 W 80th	04/02/04
Henry Karz		9790 Vanguard	01/25/80
Daven Henderson		1920 W 32nd Ave.	7-19-71
Jessica Matthews		2120 Iwanda Anchorage 99507	2/20/09
Ashley Ranol		1811 Congress Pl	8/10/83

Print Name / Signature Phone # / Address

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~~Chantal Cook~~ (907) 746-4892

~~Mya Samard~~ 907-745-0796

~~Mr. Cook~~ 907 317 3749

~~Kila Stenhall~~ 907 745 2092

~~Mallory Demaree~~ 907 745 2097

~~Pat Lee~~ 907-557-6047

~~Krista Stenerson~~ 907-552-6792

~~Yvonne~~

~~KEIT GRAY~~ (907) 227-1240

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~~Dee Ann~~

~~Steven Linkins~~ 1310 PARADISE Anchorage AK 227-9196

~~JASON T. JONES~~ 561-3001 / 5311 Markingbird Dr

~~ADAM S. MUELLEMAN~~ 2053 CHEMUNAK AFB UNIT #658 ELMENDORF AFB, AK 99506 / 243-0910

~~JOSHUA D. BRADFORD~~ 270-3654

~~CHRISTOPHER PRUITT~~ 522-6722 10901 LIGHTS Plus ANCH. AK 99516

~~MARC D. SAVIDI~~ 243-8085 3704 Carlton Ave up Anchorage AK 99515

~~Nick Burt~~ 222-5086

~~Thomas Peterson~~ 360-1601 B-60423 FRA 99505

~~Rocky Kanke~~ 723-375-0955 2042 2nd St 60001

~~Chad White~~ 437-5120 714 Nottman Ave 99509

~~Tadina Parker~~ 227-10103 232E. COOK RD C

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00238764 Voter Reg. Number

Print Name: Signature: Address or Soc. Sec. Number

RY S TAYLOR *Nancy S Taylor* 617 N-FLOWER ST- 99508

Katie Gates *Katie Gates* 4112D. Bullard Ave. EAFB, 99506

Ben Peltier *BP* 4112 D. Bullard Ave EAFB 99506

~~Calvin Gates~~ *Calvin Gates* 4112D Bullard Ave EAFB 99506

~~_____~~ ~~_____~~ ~~_____~~ ~~_____~~

~~_____~~ *Alicia E. Rogers* 2116 Fairbanks #9 Anchorage AK 99503 818-4759

Melody P. Knight *Melody P. Knight* 907-425-2113

Crysta Brien *Crysta Brien* 7079 Fighter Dr. 9395

Roddy Gonzalez 7408 PURSUN AVE - 99504

Judy Pritchard *Judy Pritchard* 205 E. DIMOND #581 99515

Matthew Wilson *Matthew Wilson* Ft. Richardson 99505

Quirk Justin *Justin Quirk* Ft. Richardson 907-230-0450 905-5

Buers Jeremy *Jeremy Buers* Ft Richardson 99505

Reyna Altricks *Reyna Altricks* Ft. Richardson 99505

Dea Guderzotta 5215 ST - 99507

Seim Gutowski *Seim Gutowski* Ft. Richardson 99505

Christopher Shaver *Christopher Shaver* 423 602 Richardson Pkwy 432-55-5806

Nickert Jason *Nickert Jason* Ft Richardson 99505

Ward, Shawn *Shawn Ward* Ft. Richardson 99505

Bennville *Bennville* Ft. Richardson 99505

PRINTED NAME

ADDRESS

PHONE #

SIGNATURE

PRINTED NAME	ADDRESS	PHONE #	SIGNATURE
VENERY CARUMIC	4231 POLKER ANCHORAGE AK		<i>[Signature]</i>
Udwell Brum	4730 Kensington #2 Anchorage AK	351-8321	<i>[Signature]</i>
Pat Rork Daniel	6700 5th St. Ft. Richardson	(907) 301-0905	<i>[Signature]</i>
Charleston Douglas	P.O. Box 331 BETHEL, AK 99501	907-543-1850	<i>[Signature]</i>
Hans Reinhardt	PO Box 2162 Seward AK	907-252-1000	<i>[Signature]</i>
Seth Hildebrand	2820 Brandwine Anchorage AK 99502	457-5297	<i>[Signature]</i>
Shon Doerck	3537 Grissom Anchorage AK	207-748-6650	<i>[Signature]</i>
John Berg	7475 Tyre drive	207-830-1884	<i>[Signature]</i>
Miko Trobuckly	3537 Grissom Anchorage AK	907-248-6638	<i>[Signature]</i>
Blaine Buechly	HC 34 Box 2624 WASILLA AK 99699	907-892-6339	<i>[Signature]</i>
JASON SHUNWAY	PO Box 203209 Anchorage AK 99502	907-332-6622	<i>[Signature]</i>
Charles Phillips	Sol E Bogard Rd Wasilla AK 99699	907-430-2095	<i>[Signature]</i>
Brian Cain	6540 E 10 Ave	907-341-2615	<i>[Signature]</i>
Pat Burnett	14341 Karta Cir	907-696-7250	<i>[Signature]</i>
Ridley Pray	10219 Caribou St.	317-4161	<i>[Signature]</i>
Patrick Heath	7820 Island Drive		<i>[Signature]</i>
Patrick Koivisto	PO Box 7567		<i>[Signature]</i>
John Mudd	PO Box 5582	716-5907	<i>[Signature]</i>
Alec Fritz	2410 Hastings Lane	907-440-4089	<i>[Signature]</i>
Phong Tonkin	8205 Chevot Ave	828-238-7091	<i>[Signature]</i>
Sarah S. Duff	3111 Cheechako #5	646-4245	<i>[Signature]</i>
Matthew Hoffman	Box 1211 Delta AK	(907) 895-4140	<i>[Signature]</i>
Mike Tunick	4320 Cheekmate #17	(907) 929-5120	<i>[Signature]</i>
Cystal Brooks	1728 Dimard Dr.	(907) 501-8111	<i>[Signature]</i>
Alexa Cize	Blk 622 Ft Richardson AK 99505	(907) 229-2446	<i>[Signature]</i>
Naomi SANDERS	PO Box 878914 Wasilla AK	(907) 373-2033	<i>[Signature]</i>

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Print Name:	Signature:	Address:	Phone No.
Roger O Back Jr	<i>Roger O Back Jr</i>	P.O. Box 39136 N. Ninchik, AK 99639	907-229-0833
D'Arcy Hutchings	<i>D'Arcy Hutchings</i>	5416 E 40th Ave #2B Anch AK 99507	317-8858
Colin Ross	<i>Colin Ross</i>	3602 Sharon Gagnon AK 99508 Anch, AK 99508	751-5102
Christopher Hernandez	<i>Christopher Hernandez</i>	3602 Sharon Gagnon Anchorage, AK 99508	301-8900
Gordon C. Haysell	<i>Gordon C. Haysell</i>	18106 Misty Falls Eagle River AK 99577	350-5757
Justine Brooks	<i>Justine Brooks</i>	2116 Dunbar Dr Anch AK 99503	272-7628
Jessie Weber	<i>Jessie Weber</i>	Box 4/23 RICE 662 Ft. Richardson AK 9915	343-2927
Nassiope Aufenkamp	<i>Nassiope Aufenkamp</i>	2116 Fairbank St #4 Anch AK 99503	279-0615
Jason R Crews	<i>Jason R Crews</i>	Box 4123/670 5th Ave RM 212 Ft Richardson AK 99505	384-1818
Stuart Matthews	<i>Stuart Matthews</i>	2305 47th Ave Anch AK 99507	317-6209
Travis Roberts	<i>Travis Roberts</i>	2000 Robinson Ave Apt B Anch AK 99503	337-8000
Sean Mottet	<i>Sean Mottet</i>	Bldg 670 Ft Richardson AK 99505	727-5308
Kasey Herdson	<i>Kasey Herdson</i>	Bldg 602 Ft Richardson AK 99505	250-4102
Emilio Mata	<i>Emilio Mata</i>	Bldg 670 Ft Richardson AK 99505	
James Ross	<i>James Ross</i>	7620 Buckboard Rd Palmer AK 99646	890-7591
Andrew B. ...	<i>Andrew B. ...</i>	15330 DARBY RD EAGLE RIDGE AK 99568	632-4325
Dan ...	<i>Dan ...</i>	7321 Woburn Ln #3 Anchorage AK 99505	644-6050
Ben ...	<i>Ben ...</i>	1930 N. Battery Dr Anchorage AK 99505	746-0188
Hunter ...	<i>Hunter ...</i>	198 E Kallier Ct #7 Anchorage AK 99505	357-5226
Tabitha Gilpin	<i>Tabitha Gilpin</i>	650 Crestwood Ave Anchorage AK 99505	376-8501

PRINTED NAME

ADDRESS

PHONE # *60*

SIGNATURE

PRINTED NAME	ADDRESS	PHONE # <i>60</i>	SIGNATURE
Jamie Bauer	3700 Sharon Canyon Ln	751-5526	Jamie Bauer
Jenny Caputo	(same as above) †	(same) †	Jenny Caputo
Kristine Greenham	SAME	751-5710	Kristine Greenham
Josephine Chang	Russian Mission	584-2302	Josephine Chang
Arnold Alexie	Russian Mission	584-5842	Arnold Alexie
Marlene Nickoli	Anchorage, Skamokawa	884-0327	Marlene Nickoli
Ann Duff	Anchorage	830-0340	Ann Duff
Alex	<i>hale</i>	267-7434	Alex
Ami Bren	<i>hale</i>	511-3800	Ami Bren
JAMIE COLE	7001 CAPSTAN DR		Jamie Cole
JOHN JONES	6601 E 10th Ave #B	338-2283	John Jones
JAE CARTER	8005 CHEMUNY - 4th	893-5584	Jae Carter
Fred Hunt	3061 Sakai St.	841-1978	Fred Hunt
Brian Ezzo	1783 Willow Way	841-9025	Brian Ezzo
JOSH MUSKOVIC	18750 Ronley Rd	841-2285	Josh Muscovic
Kim Widmer	1721 Box 5470	841-6828	Kim Widmer
Andy Christian	501 Lakeview Dr	841-2603	Andy Christian
John Bode	#4410 cedar woods	376-9466	John Bode
Cosy Zell	2250 Porcupine	558-625	Cosy Zell
Anna Mangan		841-4070	Anna Mangan
Shannon Carter		841-4070	Shannon Carter
Rocky Toorak	3600 Sonny Dr. Eagle River AK	952-0651	Rocky Toorak
Dario Carlini	757 5th Ave Bristol, VA	(202) 484-735	Dario Carlini
Ken Ryal	POB 190913 Anchorage AK	2482283	Ken Ryal
Lee Kravick	649 B C 76th Ave Anchorage AK	868-4472	Lee Kravick
Brian Wiese	414 Cherry St Anchorage AK	337-4147	Brian Wiese
Amber Malt	150 Oklahoma St #13	339-9066	Amber Malt
Jonathan Dalsing	150 Oklahoma St #13	339-9066	Jonathan Dalsing
Milco Conner	5320 OMAHA	830-8214	Milco Conner
STEPHEN CHARLEY	13620 CAPSTAN DR		Stephen Charley

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Print Name:	Signature:	Address:	D.O.B.	Voter Reg. Number or Soc. Sec. Number
Ross Miner	Ross Miner	9025 Edwards Place	5-27-65	
Jeanette H. Johnson	Jeanette H. Johnson	P.O. Box 200185	#Voter ID 01246960	
Sue Wonna Ekstrom	Sue Wonna Ekstrom	2303 D St Apt B4	1/6/78	
E. G. Sutton	E. G. Sutton	7161 M 102.2702 OR	1/1/78	
Jason Turnidge	Jason Turnidge	6131 Est II #1	99504	05-27-81
SHAMUAH ARELLANO	Shamua Arellano	4575 EAST 8TH #1	9-27-77	5-99635
James V. Shanley	James V. Shanley	356 Lighthouse Ct	4/4/57	17
AARON HOTLAND	Aaron Hotland	P.O. 1294 Sterling #7672	10/5/61	09320839
Phillip Yeziorski	Phillip Yeziorski	35555 Spur Hwy Soldotna	8/10/1950	MAKky LAKE
Sidney S. Shell	Sidney S. Shell	5701 Polkoping Ave. WASILLA	AK	99658
ROBERT LITNER	Robert Litner	8225 NAWY PL ANCHORAGE	Voter ID # 0541850	
Tina Crawford	Tina Crawford	415 N. Bragaw St Archway	AK	06783590
Theresa Butler	Theresa Butler	P.O. 240 Talkeetna	AK 99570	5747204
Heather Kidd	Heather Kidd	3420 W. 31st Ave Anchorage	AK 99517	7-20-69 4271705
Aminna A. Allen	Aminna A. Allen	167 Michael Ct. #d		106/03/80
Johnny Compton	Johnny Compton	P.O. Box 201255 Anchorage	AK	01/21/1955
Darryl B. Dancy	Darryl B. Dancy	4310 McLean Pl. Anch	AK 99504	911-70-5229
MARK VOST	Mark Vost	6934 Meteor Ct Anch	AK	99504
Dwayne Taylor	Dwayne Taylor	2203 E 36th	4/1/63	514-30-4490
Mary Peter	Mary Peter	4128 Brantley Pl.	99508	12/12/74 574-60-63

Printed Name:	Signature:	Address:	Soc. Sec. #:	Phone #:
Frank H. Hough	[Signature]	Ft. Rush		312-8669
Sean McCarty	Sean McCarty	Ft. Richardson	No	222-3240
Guillermo Ortiz	[Signature]	Ft. Richardson	—	—
Boreno Sandoval	[Signature]	Ft. Richardson	—	—
Frank Petrucci	[Signature]	Ft. Richardson	—	—
MARVIN Jones	[Signature]	6445 G St #663 North Platte 69501	—	333-2126
Warne Young	[Signature]	3540 Glenn Pk. C. H. R.	—	338-6320
Summer Reist	[Signature]	9720 Morningside Loop #2	—	301-2767
Chris B. [unclear]	[Signature]	2166 EAFB	—	—
Amy Hanson	[Signature]	8221 Millwa Ave #A #710	—	—
Jeff Metcalfe	[Signature]	4419 E 57th	—	—
Jared Hoyt	[Signature]	Fort Worth	—	—
Jeremiah Fritz	[Signature]	11630 Alderwood Ln	—	—
Howard Kell	[Signature]	1202 N Lucas Rd	—	876-8469
Kasey K. Hollibaugh	[Signature]	1300 W Diamond #145	—	770-6329
Amanda Philpott	[Signature]	Same	—	770-6329
Mike	[Signature]	1968 Hilton Ave	—	—
David B. A. Wayne	[Signature]	4102 LARSON Ad	—	—
Debrae Bryant	[Signature]	15830 65th North LTS APT. C	—	929-1731
MART Green	[Signature]	8807 #B 9050 Honeyuckle ANCHAK	—	248-623
Brooke Harvey	[Signature]	HCOI Box 6166-X Palmer, AK 99645	—	745-6533
Jacqueline DeRushe	[Signature]	3701 Eureka St SP47A	—	562-7239

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Cherilyn Mitchell Gail West 3321 W 70th Anch

Chris West ANCHORAGE AK
Roberta LaFrambo M J M 4317 W 55th ANCH. AK 99517

Chris 1473 W 75th AVE

Mike Ross ERIC 3130 LAKE ST Apt B

Carolyn 2011 on 32nd St. Anchorage AK

John D. Wallace Jake D Wallace 3005 Chennault Ave Unit 1712

Jason Rice 8005 Chennault Ave. Unit 1718

Bixby Nye 670 Fifth St. Ft. Richardson

Michael Hewitt 667 Fifth St Ft Richardson

Paul & Esterguano

Matthew Barlow 667 Fifth St Ft Richardson

Courtney Barrett Courtney Barrett 12421 Landmark Dr. #5

Mike Carle Mike Carle 2111 Monmouth Ave.

Erin Butcher Erin Butcher 8473 Spencer Ave.

Mary Savina Mary Savina 3500 Dunh Dr.

Jenny Pierce Jenny Pierce 12421 Landmark #40

Jaci Phinsten Jaci Phinsten 12421 Landmark #40

Linda Phinsten Linda Phinsten 12421 Landmark #40

John Barrett John Barrett 3661 Hazen Cir.

John Barrett John Barrett 3661 Hazen Cir.

Brian Carle Brian Carle 2111 Monmouth Ave.

Mike Carle Sr. Mike Carle Sr. 2111 Monmouth Ave.

Terri Carle Terri Carle 2111 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		4612 E 20th	907-298-0053
Justin		4252 E 97th Ct.	907-563-8463
Tim Howard		POB-214685 Anchorage 99524	
Lance Breeden		3727 W 74 Ave	264-7308
Tyler Landroche		8420 Goldb. St.	677-9694
Jason Landroche		2805 W 32	677-111X
Margie Antreas		205 Rial #165	884-6448
Holly Lash		3036 Balchen Dr.	884-1711
Kimberly Thomas		161 Patterson St. #2B	90900
Jessica Scarlett		1533 H Lane #1	907-72-4220
CARMEN RAMOS		301 KRAWE PRUNTA	337-1170
Katrick Peck		V. (0-4-23)	NA
Christopher		Patux 493 DLG	99576 952-3242
Jennifer Hungerford		2001 Greenwood St	351-1211
Rocks, Daniel R		4-23 W 5	Foot 1301 99943
NICIZ		401 Munford	417 8038
Teener Kaslaev		Seldouka - AK -	
Kieth Kmetz		Chignik Ak	536 2457
Allen Mulletter		Selkonia Ak	
MAE V Jones		645 G St #603	333-2126
Derek Hartman		201 Barrow St	99501 274-9287
Ananda			

Print Name / Signature / Address / Phone #

Mike Russell

11508 heritage ct Apt 4

Michael Wright

122478 Lake St

Tom Jones

1331 E 16th Terr Apt 4

Richard C. Warner (Richard)

(907) 952-9874

Rosie Humphrey (Rosie Humphrey)

317-2141

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.
Eric D Santee	<i>[Signature]</i>	7113 Grav Ave EAF AK 99506	12-04-83
Jack Stoddard	<i>[Signature]</i>	1411 Golden Dawn	01-19-84
Anthony Huling	<i>[Signature]</i>	800 S Chennault Ave #1747	2-23-82
Brandon Young	<i>[Signature]</i>	2230 E.R. AK 99577	04-21-84
Selena Heilscher	Selena Heilscher	P.O. Box 42 Nondalton AK 99640	10-5-80
Sharon Alexix	<i>[Signature]</i>	PO Box #12 Nondalton AK 99640	
Elbin Hollins	<i>[Signature]</i>	#4318 Cheek Route DR ⁹⁹⁵⁰⁸	02-28-04
ULI STARKLET	<i>[Signature]</i>	PO Box 92311 ANCH ^{AK 99504}	02-14-04
Teresa Baty	Laura L. Baty	816 N Bunn St #17A AK 99508	10-8-80
Richard Petz	<i>[Signature]</i>	800 S Chennault Ave Unit 1822 ^{EAFB}	3-15-85
Shannon O'Connell	<i>[Signature]</i>	16620 Yellowstone Circle	05-14-90-8600
Kevin Coe	Kevin Coe	2740 - Scarborough Dr	10/03/82
Markus S. Williams	<i>[Signature]</i>	"	12/23/79
Cory Williams	<i>[Signature]</i>	7179 FORT DR 99508	3/4/61
Ryan Jacobson	<i>[Signature]</i>	3821 Middleboro 99607	12/01/85
Kyle Hong	<i>[Signature]</i>	1460 W 25TH	2/16/84
Aaron Stinson	<i>[Signature]</i>	3209 NAMME #2 99507	6/19/81
Jessal Asseles	<i>[Signature]</i>	" " " " "	4-26-82
VINA KOLYANOVA	Keno V. Kolyanov	20256 FACHIKORRO EAST AK 99507	12-19-82

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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.
Mark Parcella	Mark Parcella	10901 Lake Dr S	350-7816
Kenneth E. Allen	Kenneth Allen	BLDG: 6041 FT. RICHARDSON DR.	381-1820
John Tilaro	JOHN TILARO	11 Thomas St. Anchorage	11
Jednani Gatz	Jednani Gatz	1871 Spenley	744-8713
SHARON BURKE	Sharon Burke	205 E. Drmond	345-35
Rodney A. Adams	Rodney Adams	3701 Eureka Sp 47A	764-6500 (907)
COLUMBUS SOBOCIENSKI	Columbus Sobocienski	Box 243525 ANCHORAGE, AK	99524 725-00
RJ Christen	Kenneth Christen	274 Telephone Dr Anchorage	AK 99517 907 248-3761
Michael A Bateman	Michael A Bateman	3004 Barbara St. Anch. AK	99517 2777277
LISA PITTS	Lisa Pitts	3701 Eureka St. Anch. AK	99503 SP 47-A

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
DAVIN SAXTON	KENAL, AK	283-4405	David Saxton
IAA HA	32nd	7044	
S. Coan Am d	7111 CRAW AVE	884-6926	
S. Coan	7111 CRAW AVE	884-6926	
J. Coan	7111 CRAW AVE	301-7324	
J Spothwood	7111 CRAW AVE	884-8962	
C. Willis	7111 CRAW AVE	884-6926	
S. Kaults	6526 Colgate Dr	333-7674	
D. Small	2350 Hignall	333-7451	
D HAWKINS	2114 WAYNE, ANCH AK	338-5543	
Li Russell	P.O. Box 92733	529-4993	
Travis Broughton	688 C 108th Bldg 667 Ft. Richardson	230-2668	
ADAM Minnick's	17324 meadowcreek	694-9595	
DAVID KIM	2131 CANTALOUPE AVE	274-5381	
ERIC PETERSON	2900 WENTWORTH	272-3348	
Dustin Hoover	8525 E 10th	830 1712	
DAVID GROSS	8113 CRAW AVE UNIT 1455	831-1712	
Theresa Evans	281 E 16 ST. APT #208	748-3446	
DESIREE WEBSTER	SMITH 1500 RUSSAN JACK #19	350-7510	
Anne Masewicz	1161 Golden Dawn Circle #3	349-7467	
Anna Protasova	615 W. 45th #4	349-0888	
Kyle Parker	3005 Chumath Ave	672-0804	
Danny Hillis	620 Access Dr. Ft. Rich	384-3443	
Jan Wilson	664 Ft. Richardson	384-1387	

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 #:
Almardo Gonzalez	[Signature]	3714 E 16th Ave	6772561	563-0942
[Name]	[Signature]	[Address]	[Soc. Sec. #]	[Phone #]
Desiree Webster Smith	[Signature]	1500 RUSSIAN JACK DR #19		563-0042
Hallee Richey Spindler	[Signature]	Po Box 870201 Wasilla AK 99688	574 767093	746 3199
Ashley Beechey	[Signature]	1029 Denali street Anchorage AK 99501	5/30/54	(907) 222-0654 542-0261
DAWITSEWELL	[Signature]	810 E. 42 nd AVE #B, 99508	5/16/109	
Scott Moody	[Signature]	11745 Aurora Street	6/1/75	694-3601
KARI BAUSHEL	[Signature]	11505 Aurora St		694-7454
JAMES O. HINE	[Signature]	P.O. Box 670351		698-6057
Wesley Boncher	[Signature]	3111 Damidon Dr Anch AK		532-6063
Holstrom	[Signature]	Ft Rich AK	004-74-9862	
Ben Boyart	[Signature]	8391 Majestic Dr		354-8333
KURT GRAY	[Signature]	UNKNOWN right now	[Soc. Sec. #]	227-1240
KURT MANN	[Signature]	FT RICH		503-0011
D. Anderson	[Signature]	FT. Rich		723-324
Kevin Stack	[Signature]	FT Richardson, AK		2239617
JOS+VAGS DAY	[Signature]	ELMENDORF AFB	309061335	
Blomfield John	[Signature]	2021 Hillcrest -	523 194902	22 3045

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~~Voter Reg. Number~~

Print Name: Signature: Address or ~~Soc. Sec. Number~~

Roy Severance *[Signature]* 801 AIRPORT HTS #277 574-60-0466

Jessica Turets *[Signature]* 905 E. W. #163 574-72-4904

Sharon Wang *[Signature]* 7475 Peck Ave

~~[Signature]~~ ~~[Address]~~ ~~[Phone]~~

~~[Signature]~~ ~~[Address]~~ ~~[Phone]~~

Maldonado Gabriel J *[Signature]* 349-76-6151

Jahna the ~~[Signature]~~

Sean Bush *[Signature]* 2806 Howe PL 245-1118

Adrienne *[Signature]* 3217 TORWAKE 574 90 9889

Brett Bredon 2533 Breck Hill

Glonda Jones *[Signature]* 5039 Cuesda

Nikk Hennessy *[Signature]* 5525 Lucky Rd 218 3051

REGAN WRIGHT - *[Signature]* 918 E. 15TH CT. #1 - 574-20-6399

Oller Caldwell *[Signature]* 535-52-7834

Charles T Anderson 1039 NORMAN AK. 472-28-9501

CHARLES T ANDERSON 1039 NORMAN 472-229301

Douglas Rusler P.O. Box 1037 GRANWOOD 576-48-6197

W. C. Schuman 5932 Prosperity Dr 574-74-6553

Kathy Hartman *[Signature]* 333 Mt #401 Ave 484-52-9555

Ric MAGGARD *[Signature]* 2803 WESLEYAN DR. 337-2822

Kaikh Kossor 4612 Cambridge Ct. #205 2-7-76

Dominic CANALE PO Box 198 DENALI PARK, AK 99753

Sandy Thomas 401 Denali Hwy Anch 574-514920

Yogelio Hernandez 801 Airport Hts #161 Anch AK 99501

Chris Winkler 5120 Curran Circle Anch AK 99516

John Berry 9500 Buddy Way Anch AK

Matthew Lake 5600 Lake Otis

Ron Ethington 4064 Bullard Ave #B Anch AK

Deborah Yearmans 101 Burrell St 3A Anch AK 99508 428-0844

William Johnston P.O. Box 101141 Anch AK 99510

Stephen Kenny 5146 East 4th Ave Anch AK 99508 337-

Casey J Chaffin 11 1221 E. 13th Ave Anch. 99501

Robert Dorshkind 5700 E. 4th 99504

Jerry Young 3213 W 30th Annett Alaska 99

K760 8900 Eline Anch AK 99507

Dan C. Jones 2036 E. 3rd Anch. 99501

John McBirney 242 Grand Larry #2 Anch 99504

EDWARD WALTERS 1508 W 32nd AVE. ANCHORAGE, AK. 99503

Andrew WALTERS 4433 San Ernesto Ave. #1018 Anchorage, AK 99507

GREG T. DANJIN 9600 MORNINGSIDE DR #306 ANCHORAGE AK 99507

Kelly Bender 10754 Waterfall ER. AK 99571 (907) 571

Dieter A. B. Biers 776 N. PRASAD. ANCH. 276-1808

Victor I. Handwick 8580 Klavne #3 276-4250

Ron Lords 1975 Cariboulp. Rd. 373-3143

Eric Dubois P.O. Box 1126 Palmer AK 99645 357-1419

EARL ADAIR *Ell* - 1416 BIRCHWOOD ANCHORAGE, AK 314-54-4997

Paul Amberg *Paul Amberg* 3400 N. Star ~~7th~~ Anch, AK, 99502 502-62-6770

~~Larry O'Conner~~ 517 N. Park

Larry O'Conner *Larry O'Conner* 517 N. Park

EUGENE CLEARI *Eugene Cleari* 1309 Virginia Ct Anch ⁹⁹⁵⁰⁸

Robert Eichenberger *Robert Eichenberger*, 809 N. Price #1, Anch. AK. 99508

Brian Reibotham *B. Reibotham* 615 W 45th #1 11-26-79

Anna Protasova *A. Protasova* 615 W 45th #1 11-26-04

Liz Sid *Liz Sid* P.O. 8773 Barrow, AK 99723 527-85-4584

Michael Peterson 529-2263

emilio Mata *emilio Mata* Ft. Richardson 458-59-0613

Gabriel Maldonado *Gabriel Maldonado* Ft. Richardson 349-76-6131

Matt Kite *Matt Kite* Anchorage 407-227-0380

GARY STARBARD *Gary Starbard* 2903 W. 33 HACH, AK 907-7430459

Kevin Miller *Kevin Miller* 16551 Hidden Haven Eagle River, AK. 99577

Stanley Thompson *Stanley Thompson* 3822 CARLTON 461-08-5648

ROBERT L. DAWSON *Robert Dawson* ^{VETERAN} 104 764-33064 518-564386

ROBERT SICKLER *Robert Sickler* P.O. Box 670887 CITIGUAK, AK 99567

BRUCE SKAGGS *Bruce Skaggs* 6442 E. MICH Anch 97502

MATTHEW SHEPHERD *Matthew Shepherd* 3760 REFLECTION DR ANCH AK 99504 907-337-6925

Alvin Bruce WARE #25 Tenakee Springs, AK 99841

Lon Rowland 10049 Debbie Dr Eagle River 99577

Kim Lewis 3202 Tarwater, Ave 335-52-5450

Chad Waters *Chad Waters* 201 E. 16th Ave 272-3069

Chris Butler *Chris Butler* 21166 EAFB AK

Print name	Signature	Address	SS# or Voter Reg #
Summer L. Reid	[Signature]	9720 morningstar loop	30-5
Stephen St. Romain	[Signature]	5741 Rockv Mount. CT	(907) 272-46
Roy Reverte	[Signature]	701 Taylor #5 Anch 99508	06083335
Bill Smith	[Signature]	3006 LOIS ANCH AK	526-52-8
Michael B Barnes	[Signature]	421 E Fisher, Anch, AK	0756251
Michael J. Sakrads	[Signature]	3401 Charlie St AK	9968
Tom LANNAN	[Signature]	Poboy 874315	99687
Mark Schultz	[Signature]	Anchorage	57286263
[Signature]	[Signature]	Palmer 99728	
BRUCE SKAGGS	[Signature]	Acht	526-230279
Cynthia W. Winteer	[Signature]	Chugiak	276-4141
STEVE SCHWARTZ	[Signature]	WASILLA	841 5317
CHRIS S. DIMOND	[Signature]	Juneau	574902223
MATT TAORE	[Signature]	2601 E 5th Ave	276-1331
Cory [Signature]	[Signature]	7110 E Court	276-1331
Paul HAYES	[Signature]	177228N JUNEAU	276-1331
Wayne Young	[Signature]	3540 Glenn Dr Cir	378-6320
KEVIN W. KERN	[Signature]	1501 ELCAOORE DR #101	344-7247
David Thompson	[Signature]	3710 Mt. Blanc Cir	301-329X
Garen K. Dadds	[Signature]		841-5644
Mark E. Patterson	[Signature]		841-0551
Jerry Barnett	[Signature]	7440 Woburn C #4	57464835
Ricardo R. Cardoso	[Signature]	1430 Columbine	1-5-60
JUDY MITZEL	[Signature]	P.O. BOX 200664	
Cory Karate	[Signature]	8300 Bearberry	99502 - 2-72-04 57490-3145

Print Name	Signature	Address	SSN#	VOICEREG#
Nathan Olson	Nathan Olson	7471 Fox Ridge	#5748290	
Katie Karsten	Katie Karsten	8220 Bear Bearly	99502	
Dick Ward	Dick Ward	812 K. #2 Aurora	AK. 99501	
MATT GOULD	Matthew Gould	1920 Field Ridge Dr.	Anchorage AK	
JARED BARTER	Jared Barter	1540 Russian Jack Dr. #6	Anch, AK	
Paul KOVATK	Paul Kovatic	3303 E 20th	Anch AK 544-868586	
WILFRED KING	Wilfred King	18608 JUNE ISLAND CIR	093-46-964 EAGLE RIVER, AK	
JESSICA ROSE	Jessica Rose	12041 JOHNSON #2	ANCHORAGE AK 99515	
SEAN ROWE	Sean Rowe	1320 W 12th Ave #13	ANCH. AK 99501	
Jerry Bailey				
Jerry Bailey	Jerry Bailey	PO Box 770812	ER AK 99501	
DARREN SVIKL	Darren Svikl	6443 Chugach St.	Anch 99502	
John Smith		Anchorage, AK		
MATTHEW A. MAYO	Matthew A. Mayo	8130 Doolittle Ave UNIT 812	EAFB 99506	
Matthew E. Mackovich	Matthew E. Mackovich	8130 Doolittle Ave	EAFB 99506	
W. BYFIELD				
SARA HAMBY	Sara Hamby	1109 Modira	Anch. AK 99501	
Matt Miller	Matt Miller	10810		
ANITA DAVIS	Anita Davis	310 E 9th	131-42-3590	
JOSEPH GALLAGHER	Joseph Gallagher	312 W. 4 Ave	Anch. AK 99501	
ALL MALIN	All Malin	9713 ST GEORGE CIR	Eagle River	
Adam Minnick	Adam Minnick	17224 Meadow Creek	Eagle River	
Theodore K. Kristson	Theodore K. Kristson	8207 Stormy	574-56-8984	
Rolando Washington	Rolando Washington	3527 W. 42nd	99515 Anch AK	
LEX GUTTSCH	Lex Gutsch	13031 Old Glen Hwy	Eagle River	

Bryan Mauldin	910 Edinburgh	746-0788
Dave Carroll	9603 Kent Haven Loop	344-9349
Guy Hubbard	3501 Marble Way	357-7675
John Eckhardt	3501 Marble Way	357-2602
Andy Brown	896 George Green Rd	846-7949
Summer Kline	311	
Zak Carter	14750 Buffalo	350-6272
Dawn Reist	1140 Golden Dawn	250-3431
Kyrcie Farr	3002 Spennard Rd.	274-4888
Williams John	667	384 -7224
Johnson David	664	584-7426
Harber Bryan	664	384 584-7426
Cream John	670	584-7626

As far as Kelly Holsopple's article, "Strip Clubs According to Strippers: Exposing Workplace Sexual Violence." This is a provocative article. However, there are a number of problems with using it verbatim as a gospel for new laws. First and foremost, it is written for a specific ^{place}, namely Minneapolis, Minnesota. To extrapolate this as a norm of behavior for the rest of the United States is a bad generalization, at best. In fact, the problem with all generalizations is that they're taken out of context and don't take into account the theme or mood of the article.

In this article, the theme is clearly male domination and/or female subjugation. To say all environment evoke this style is incorrect. In the case of Alaska's adult cabarets, the majority are owned by women. The atmosphere in them is extremely different from the clubs described in her study. Many environments exploit women, and male domination can occur in a number of situations.

Adult-cabarets do not provide the only atmosphere where employees are treated to potential ugly displays of human behavior. Any service industry/job that involves contact with customers also involves a variety of behavioral exchanges.

Colleen Dire

*Colleen Dire MS
Clinician*

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
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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
1 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
hrez@anchoragechronicle.com
348-2432.

Chronicle
Miller
May 1 2003



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**CHECKING
GUIDE**

(650) 509-4849

A publication of the Drivers License Guide Company

No.

'8616

Sold to:

Kathy Heartman
Sands North Inc.
1911 East 5th Avenue
Anchorage, AK 99501

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		3
	Shipping and Handling			
	BALANCE DUE	U.S. \$		3

PLEASE USE THE ENCLOSED POSTAGE-PAID
ENVELOPE TO MAKE PAYMENT.
THANK YOU!

DUPLICATE INVOICE. NO STATEMENT WILL BE SENT. NET 30 DAYS.

**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
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
---------------------------	--------------------	---------------------	----

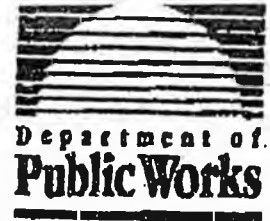
Your Report Has Been Sent to the Municipality. Please press 'print' if you'd like a copy for your records.



ALL WORK MUST BE INSPECTED

A 24-HOUR NOTICE IS REQUIRED FOR INSPECTION SERVICE -
INSPECTION REQUEST LINE (907) 343-8300 OR FAX REQUEST (907)
248-7777

MUNICIPALITY OF ANCHORAGE
BUILDING SAFETY DIVISION
4700 SOUTH BRAGAW STREET
TELEPHONE (907) 343-8211



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 \$95.00
this issuance:

Permit Issued By: STERLING CATHERINE J.

Approvals:

Total payments for \$96.00
this issuance:

Cher

**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 INSTAL-
LATION. 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 permittee or Agent: _____

Printed Name: Per Fax

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

MARIETTA

NEW JERSEY

07054

City

State

Zip Code

For the period from **June 24, 2003 through June 24, 2004**

ALASKA ADJUSTMENT

Alaska Adjusting Company

P.O. BOX 92670

Street and Number

ANCHORAGE

ALASKA

99509-2670

State

Zip Code

This insurance pays benefits for job-connected injuries, illnesses or death as provided by the Alaska Workers' Compensation Act.

Employer

Hand North, Inc. dba Fantasies on 5th. Debco, Inc.

Address

Address

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

3301 Eagle Street

Box 107019

Anchorage, AK 99510-7019

FAIRBANKS

674 Seventh Avenue

Station H2

Fairbanks, AK 99701-4593

JUNEAU

1111 West 8th Street

Box 25512

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.

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Municipality of Anchorage

P.O. Box 196650 • Anchorage, Alaska 99519-6650 • 825 "L" Street <http://www.muni.org>



for Mark Begich

Department of Health and Human Services

Page 1 of 1

Estab. Name: THE ^{Fantasias} ~~SEASIDE~~ SNACKBAR

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: FA0003313

Result: 00 - NOT APPLICABLE

Program/Element: F003 - FOOD PERMIT: TYPE 3

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 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/sanitary.cfm>

Notice of Inspection Violations _____

Inspection Comments _____

No violations noted on this inspection.

Inspected By: *Carol Hartman*

Lynn Coad
Lynn Coad
Environmental Health Specialist

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Name: Carol Hartman

Establishment: Sands North

Has successfully passed the

Limited Service

Sanitation Challenge Test

presented by the

Anchorage Restaurant Beverage Association



Date: 4/30/98 Instructor: Theresa Nyholm Certificate# 061

Only valid within the Municipality of Anchorage

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 KATZ GRUBBS
LOCATED AT: 481 W. UNIVERSITY AVENUE, SUITE 215
SANDS NORTH
ANCHORAGE

##

ISSUED UNDER AND SUBJECT TO THE ANCHORAGE MUNICIPAL CODE OF ORDINANCES
TITLES 15 AND 19

UPON PAYMENT OF THE REQUIRED FEE, THIS CERTIFICATE IS VALID UNTIL DECEMBER 31

UNLESS, UPON CHANGE OF OWNERSHIP, THIS PERMIT MAY BE REVOKED AT ANY TIME

BY: ROBERT ALCOCK, JR. HALL

DATE: 12-15-88

THIS CERTIFICATE AND PERMIT IS NOT TRANSFERABLE AND IS THE PROPERTY OF THE MUNICIPALITY OF ANCHORAGE

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 10/26/04*

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**

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National Restaurant Association
EDUCATIONAL FOUNDATION

www.nraef.org