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Revised law affects strip clubs

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A revised law that takes effect today may close a loophole that allowed strip clubs to get licenses to serve liquor during the past 10 months.

The opening in the law tracks back to a federal lawsuit filed in May 2007 on behalf of six restaurant owners who believed Virginia Department of Alcoholic Beverage Control regulations were too broad and therefore unconstitutional.

The law banned lewd, noisy and obscene behavior, including stripteasing, in places with liquor licenses.

The plaintiffs' Tidewater businesses did not feature adult entertainment.

But they were concerned that close dancing would lead to sanctions, said Kevin E. Martingayle, one of two attorneys who filed the lawsuit.

"Girls dancing on a bar was being called lewd and disorderly by some [ABC] agents," Martingayle said during a phone interview last week. "They have essentially decided they are the morals police."

A federal judge agreed that the law was unconstitutional and in August placed an injunction on enforcement of the rules. Although that resolved an issue at some bars, it opened a loophole for adult-entertainment clubs.

In the past, adult-entertainment clubs could serve only beer and wine. The injunction allowed owners to seek a license to serve mixed drinks and liquor. As a result, several club owners applied to serve liquor, said Gary Grover, manager for Pure Pleasure, a strip club on Labrook Concourse in Richmond. Pure Pleasure has not applied for a liquor license, he said.

ABC officials would not comment on the impact the judge's ruling had on license applications.

"Out of due process and fairness to the applicant, the enjoined regulation could not be considered when evaluating and investigating the application," said Becky Gettings, director of public affairs for the regulatory agency.

All establishments that serve alcohol, including adult-entertainment clubs, are required to serve food. Because all of them are categorized as restaurants, there is no way to determine how many strip clubs applied for mixed-beverage licenses, ABC officials said.

Paper Moon and Candy Bar -- adult-entertainment clubs in Richmond -- have active mixed-beverage licenses, according to a search of ABC records. The Paper Moon owner could not be reached for comment, and a manager at Candy Bar said the owner did not wish to comment.

Noisy, lewd and disorderly have been stricken from the revised law in effect today, and obscene is more clearly defined, said Jennifer Farinholt, a public-relations specialist for the ABC. But ABC agents will not be able to enforce the regulations until a judge lifts the injunction.

Theaters, concert halls, art centers or museums "expressing matters of serious literary, artistic, scientific or political value" have been exempted from the law, so that alcohol and nudity are legal. The state attorney general's office pushed for the revisions, which were submitted to the legislature by Del. John A. Cosgrove, R-Chesapeake. David Clementson, a spokesman for the attorney general's office, declined to comment because litigation is ongoing. Contact Emily C. Dooley at (804) 649-6016 or edooley@timesdispatch.com.