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Velvet attorney accuses ABC of entrapment

By

The lawyer for a Richmond strip club today accused state alcoholic beverage agents of entrapment and called on a newly appointed Virginia Alcoholic Beverage Control Board to take closer charge of its enforcement division.

Kevin E. Martingayle, a Virginia Beach attorney representing Velvet and its owner, Samuel J.T. Moore III, urged the board to set aside a hearing examiner's decision to revoke the club's liquor license because of tainted evidence in the way the agency conducted an eight-month undercover investigation.

Martingayle castigated the investigation for paying a confidential informant based on the results of his work, including persuading Velvet dancers to buy him cocaine or perform sexual acts. He also challenged ABC and the city for dropping charges of public nudity and other offenses in exchange for testimony against Velvet and Moore.

"We have the very definition of entrapment here," he said.

Assistant Attorney General Patrick W. Dorgan laid the blame for the investigation and revocation recommendation on Moore, whom he said monitored actions throughout the club through a surveillance system in his second-floor apartment.

"It was clear he knew what was going on in his club and he failed to fix any of the problems," Dorgan said.

The board, including newly appointed members Sandra C. Canada and Wayne J. Ozmore Jr., will have up to 30 days to make a decision in the case. A third member, J. Neal Insley, will replace Susan R. Swecker as chairman of the board on Monday.

Insley, a Poquoson lawyer appointed to the job in March by Gov. Bob McDonnell, was one of Velvet's defense attorneys during a two-day hearing in November. He waited until after today's hearing to take his seat, so that Swecker heard the appeal of the 57-page decision by Administrative Hearing Officer Clara A. Williamson to revoke the club's license.

Velvet will continue to serve alcohol during the appeals process. Whatever the board rules could be appealed to Richmond Circuit Court.

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