

Virginia Beach amphitheater faces ABC scrutiny

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By Dawn Stovall, 13News Investigates producer

The Virginia Beach Amphitheater and the growing number of arrests there is under investigation by the Alcoholic and Beverage Control Board, 13News has learned.

The probe comes amid complaints of unequal ABC and police enforcement by Virginia Beach attorney Kevin Martingayle, who represents several businesses.

In a January 18 letter to Virginia Attorney General Robert F. McDonnell, Francis J. Monahan, ABC Director of Enforcement, and Va. Beach Commonwealth's Attorney Harvey Bryant, he said, "...I represent a number of restaurants, and other concerned citizens in the City of Virginia Beach who have complaints relating to the Virginia Beach Amphitheater and wish to request an investigation of business operations and law enforcement at the facility."

Citing records obtained under the Freedom of Information Act from the Virginia Beach Police Department and the ABC, Martingayle claims that from January 1999 through October 2005, there were more than 1,200 reported incidents of criminal activity, including attempted murder, rape, weapon violations, use and sale of drugs, underage purchasing and drinking, public nudity, assaults and disorderly conduct.

"It's an investigation long overdue," said Louie Ochave, co-owner of Hammerheads and Crazy Charlie's, two Oceanfront nightspots. Ochave says it's obvious there are two standards when it comes to ABC Enforcement -- one for the Amphitheater and one for small businesses.

"We just want it equal across the board, a level playing field," he added.

"I'm not aware of any statistics from anywhere in Virginia relating to any establishment being able to get away with so many ABC

relevant problems and never even being scheduled for a hearing to see if they should be punished,” noted Martingayle.

In a telephone interview with 13 News Investigates, Francis Monahan, Director of ABC Enforcement in Richmond, confirmed that the Special Agent in Charge of the Chesapeake region is conducting the investigation into the Amphitheater. He says the attorney general is aware of the investigation and has been copied on all of the correspondence.

In describing the scope of the investigation, Manahan says the agency will be looking at the number of offenses, calls for service, number of events, the size of the crowds and type of security deployed at the scenes.

"It's going to be a comprehensive look, he stressed. "I've had a conversation with the city attorney's office in Virginia Beach and he has provided some of those numbers and we plan to have a meeting with the city, police and operators of the venue."

Monahan added those meetings would take place after the agent in charge returned from personal leave.

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