

**IN THE CHANCERY COURT
OF HAMILTON COUNTY, TENNESSEE
CITY OF CHATTANOOGA, TENNESSEE,**

Plaintiff,

vs.

CINEMA 1, INC.; and DAVID FRANKLIN,

Defendants.

CASE NO. 02-1229

PART II

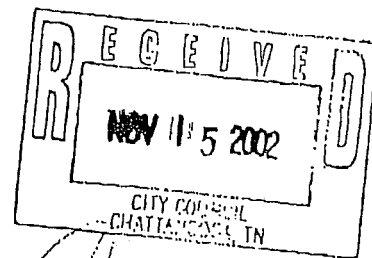
HEARING FOR DECLARATORY JUDGMENT

FEBRUARY 25, 2003

CITY OF CHATTANOOGA'S EXHIBIT LIST

<u>TAB NO.</u>	<u>DESCRIPTION</u>
1	Letter requesting hearing on Letter of Revocation
2	Letter of Revocation from Mayor Bob Corker dated November 8, 2002
3	Adult Establishment Ordinances - Certified Copy
4	Padlocking records from Hamilton County Criminal Court
5	Chattanooga Police Department Investigation Reports
6	Diagram of Cinema 1 drawn by Sgt. Dossett
7	Videotape of sexual acts on June 7, 2002
8	Videotape of walkthrough on June 7, 2002
9	Photographs taken on June 7, 2002
10	Adult Establishment License and application currently in effect for Cinema One dated 11/27/01 and Application for Renewal dated 9/19/02
11	Health Department Reports and Report on Semen on Screens on June 7, 2002 from Technical Laboratories, Inc.
12	Letter from Chief Jimmie L. Dotson dated July 17, 2002 recommending denial of application for renewal.
13	Letter from Dave Denny to Chief Dotson dated July 17, 2002

LAW OFFICES OF
ARVIN H. REINGOLD, P.C.
SUITE 401, PARK PLAZA BUILDING
1010 MARKET STREET
CHATTANOOGA, TENNESSEE 37402
423/756-3452
FAX 423/756-9500



November 15, 2002

Carol O'Neal
Clerk of City Council

Ms. Carol O'Neal
Clerk of the Council, City of Chattanooga
Chattanooga, Tennessee

Honorable Ron Littlefield
Council Chairman, City of Chattanooga
Chattanooga, Tennessee

Re: Adult Oriented Establishment License for Cinema I
at 4100 Rossville Boulevard

Pursuant to the provisions of Section 11-432, Code of the City of Chattanooga,
Cinema I, Inc. requests a hearing from the letter of revocation of license received by the
above on November 8, 2002.

Respectfully submitted,

Arvin H. Reingold

Arvin H. Reingold, BPR# 1621
Attorney for Cinema I, Inc
1010 Market Street
Suite 401
Chattanooga, Tennessee 37402



FILE COPY

City of Chattanooga

OFFICE OF THE MAYOR

SUITE 100, CITY HALL (423) 757-5152

Chattanooga, Tennessee 37402

November 7, 2002

Mr. David Franklin
4100 Rossville Boulevard
Chattanooga, Tennessee 37407

Re: Adult Oriented Establishment License for Cinema I at 4100 Rossville Boulevard

Dear Mr. Franklin:

Your adult establishment business submitted an application for renewal of its license to the City Treasurer on September 19, 2002, at which time you paid the renewal fee subject to an investigation by the Chattanooga Police Department concerning your renewal. I have been informed that the Chattanooga Police Department has conducted a series of undercover visits to your property within the past year which resulted in the padlocking of your establishment during the summer of 2002.

On July 3, 2002, the Office of the District Attorney General for Hamilton County entered into an Agreed Order with your business allowing it to reopen subject to abatement of unsanitary conditions in the establishment; requiring you to close off viewing booths within your establishment until such time as a video surveillance system was installed which allowed for continual monitoring of the conduct taking place within the booths themselves during business hours; requiring that all postings and signs inside the business premises which "encourage" unsafe physical contact inside the business be removed or modified; requiring that you agree to continue to meet with the officials of the Chattanooga-Hamilton County Health Department to establish a schedule of periodic inspections and controls; requiring that you meet with officials of the Fire Marshals and City Code Enforcement Divisions to insure compliance with the Code Provisions; requiring that you permanently close the areas within your business designated as privacy booths; requiring that you undertake reasonable streetscaping or beautification steps

Mr. David Franklin
November 7, 2002
Page 2

around the parking lot; requiring that you agree to employ adequate personnel to allow for appropriate monitoring of any surveillance system established for the viewing booths; and requiring that you undertake reasonable steps to control activities taking place inside the establishment.

The Special Investigations Division of the Chattanooga Police Department has now concluded a long-term undercover investigation of your establishment located at 4100 Rossville Boulevard. The Police Department has found that your business continues to remain in violation of the Adult Entertainment Ordinances due to the conduct which occurred on the premises. Sexual activity and unsanitary conditions within your establishment have been found to be blatant and common by the Police Department. The Police Department has recommended the revocation of your Adult Entertainment license in accordance with Section 11-432 of the Chattanooga City Code due to continued violations of the Ordinances of the City of Chattanooga, violations of Health Department rules; and due to your failure to maintain the premises in a clean, sanitary and safe condition. The investigation has established that your business continues to operate with private viewing booths in violation of the Order of Judge Rebecca Stern entered July 3, 2002 and that continuing unlawful sexual acts and sexual exposure has occurred within your establishment, in violation of Section 11-435 of the Chattanooga City Code.

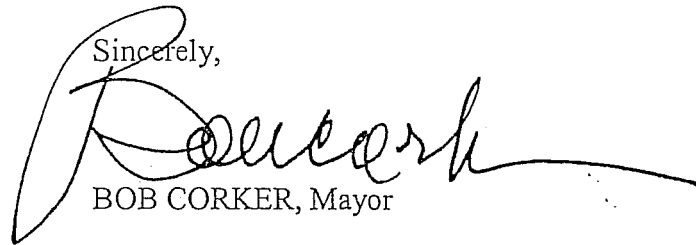
As such, this letter is to inform you that your Adult Establishment license is permanently revoked effective November 18, 2002. Based upon this revocation of your license renewal, you have the right to request a hearing before the Chattanooga City Council in accordance with Chattanooga City Code 11-432.

If you desire to request a hearing before the City Council to contest the revocation of your license, such request shall be made in writing to the Clerk of the City Council within ten (10) days of your receipt of this notification of revocation. If you timely request a hearing before the City Council, the effective date of your revocation shall be stayed pending the final outcome of your case. If you timely request such a hearing, the hearing shall be held within fifteen (15) days of the Clerk's receipt of such request before the City Council at which time you may present evidence as to why your revocation is improper or contrary to the City Code. The City Council shall hear evidence concerning the basis for your revocation and shall affirm or reverse your revocation at the conclusion of the hearing; any such hearing shall be concluded no later than twenty-two (22) days after your receipt of notification of this revocation unless an extension beyond such time period is requested by you and granted by the City Council.

Mr. David Franklin
November 7, 2002
Page 3

Based upon Chattanooga City Code Section 11-432(d), if your license is revoked, you will not be eligible to receive a license or permit from the City of Chattanooga for five (5) years after the date of revocation. No location or premises for which a license has been revoked shall be used as an adult-oriented establishment for two (2) years. You should consult with your attorney concerning your available options under the Chattanooga City Code.

Sincerely,

A handwritten signature in black ink, appearing to read "Bob Corker", with a long horizontal flourish extending to the right.

BOB CORKER, Mayor

BC/kac

cc: Gerald Dossett
Carol O'Neal



Chattanooga Council

1000 Lindsay Street

Chattanooga, Tennessee 37402

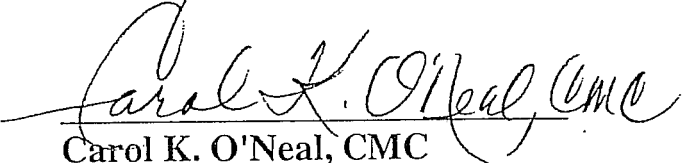
Telephone (423) 757-5196 / Fax (423) 757-4857

CAROL K. O'NEAL, CMC
Clerk of the Council

I. SHIRLEY CROWNOVER
Assistant Clerk of the Council

NOTICE OF CERTIFICATION

I, Carol K. O'Neal, CMC, Clerk of the City Council of Chattanooga, Tennessee, and as such keeper of the records of the City Council of said City, do hereby certify that the foregoing is a true, compared and correct copy of an excerpt from the Chattanooga City Code, Volume 1, Chapter 11, Article XIV, Adult-Oriented Establishments, Sections 11-421 – 11-438.


Carol K. O'Neal, CMC
Clerk of the City Council

WITNESS my hand and the Seal of the City of Chattanooga,
Tennessee on this 20th day of November, 2001.

BUSINESSES, TRADES AND OCCUPATIONS

Sec. 11-410. Suspension and/or revocation.

The treasurer shall have power to suspend or revoke at any time any license granted in accordance with this article.

(Code 1986, § 11-407; Ord. No. 9807, § 5, 11-2-92)

Sec. 11-411. Penalties.

Any individual violating the provisions of this chapter shall be subject to a penalty up to and including \$500.00 for each offense and a suspension or revocation of any license issued under this chapter. Each day of violation shall constitute a separate offense.

(Ord. No. 9807, § 5, 11-2-92)

Secs. 11-412 -- 11-420. Reserved.

ARTICLE XIV. ADULT-ORIENTED ESTABLISHMENTS¹⁰

Sec. 11-421. Findings and purpose.

- (a) The city council of the City of Chattanooga, Tennessee, finds:
- (1) That homogeneous and heterogeneous masturbatory acts and other sexual acts, including oral sex acts, are being done in adult-oriented establishments in the City of Chattanooga.
 - (2) That offering and providing such space, areas, and rooms where such activities may take place creates conditions that generate prostitution and other crimes.
 - (3) That several days and nights of the week such adult-oriented establishments, particularly adult book stores containing mini-motion picture facilities, are overcrowded and contain more persons than such structures can safely accommodate resulting in a definite fire hazard since in the event of fire such

¹⁰ Editor's note--The substantive provisions of Ord. No. 8601, enacted March 4, 1986, are codified herein at the request of the city; designation of such provisions as Art. XIV, §§ 11-421--11-437 was at the discretion of the editors.

Cross reference -- Variances and special exceptions for adult-oriented establishments in C-1, C-2, C-3 and M-1 zones, App. B, Art. VIII, § 106.2(n).

CHATTANOOGA CITY CODE

persons would not be able to safely leave all the cubicles, booths and rooms of such establishments.

- (4) That male prostitutes, particularly teenage males, frequent said establishments for the purpose of providing, within the premises of such establishments, sex-for-hire.
- (5) That the continued unregulated operation of adult-oriented establishments would be detrimental to the general welfare, health, and safety of the citizens of the City of Chattanooga.

(b) It is the purpose of this article to promote and secure the general welfare, health, and safety of the citizens of the City of Chattanooga.
(Code 1986, § 11-421; Ord. No. 9654, § 2, 1-6-92)

Sec. 11-422. Definitions.

For the purpose of this article, the words and phrases used herein shall have the following meanings, unless otherwise clearly indicated by the context:

- (a) *Adult-oriented establishment* shall include, but not be limited to, "adult bookstores," "adult motion picture theaters," "adult mini-motion picture establishments," or "adult cabaret" and further means any premises to which the public patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, when such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect. An "adult-oriented establishment" further includes, without being limited to, any "adult entertainment studio" or any premises that is physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term of like import.
- (b) *Adult bookstore* means an establishment having as a substantial or significant portion of its stock and trade in books, films, video cassettes, or magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined below, and in conjunction therewith have

BUSINESSES, TRADES AND OCCUPATIONS

facilities for the presentation of adult entertainment, as defined below, and including adult-oriented films, movies, or live entertainment, for observation by patrons therein.

- (c) *Adult motion picture theater* means an enclosed building with a capacity of fifty (50) or more persons regularly used for presenting material having as a dominant theme or presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined below, for observation by patrons therein.
- (d) *Adult mini-motion picture theater* means an enclosed building with a capacity of less than fifty (50) persons regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined below, for observation by patrons therein.
- (e) *Adult cabaret* is defined to mean an establishment which features as a principle use of its business, entertainers and/or waiters and/or bartenders who expose to public view of the patrons within said establishment, at any time, the bare female breast below a point immediately above the top of the areola, human genitals, pubic region, or buttocks, even if partially covered by opaque material or completely covered by translucent material; including swim suits, lingerie or latex covering. Adult cabarets shall include commercial establishments which feature entertainment of an erotic nature including exotic dancers, strippers, male or female impersonators, or similar entertainers.
- (f) *City Council* means the City Council of the City of Chattanooga, Tennessee.
- (g) *Employee* means any and all persons, including independent contractors, who work in or at or render any services directly related to the operation of an adult-oriented establishment.
- (h) *Entertainer* means any person who provides entertainment within an adult-oriented establishment as defined in this section, whether or not a fee is charged or accepted for entertainment and whether or not entertainment is provided as an employee or an independent contractor.
- (i) *Adult-entertainment* means any exhibition of any adult-oriented motion pictures, live performance, display or dance of any type, which has a significant or substantial portion of such performance any actual or simulated performance of

CHATTANOOGA CITY CODE

specified sexual activities or exhibition and viewing of specified anatomical areas, removal of articles of clothing or appearing unclothed, pantomime, modeling, or any other personal service offered customers.

(j) *Operator* means any person, partnership, or corporation operating, conducting or maintaining an adult-oriented establishment.

(k) *Specified sexual activities* means :

(1) Human genitals in a state of sexual stimulation or arousal;

(2) Acts of human masturbation, sexual intercourse or sodomy;

(3) Fondling or erotic touching of human genitals, pubic region, buttock or female breasts.

(l) *Specified anatomical areas* means:

(1) Less than completely and opaquely covered:

(i) Human genitals, pubic region;

(ii) Buttocks;

(iii) Female breasts below a point immediately above the top of the areola; and

(2) Human male genitals in a discernibly turgid state, even if completely opaquely covered.

(Code 1986, § 11-422; Ord. No. 9654, § 87, 1-6-92; Ord. No. 9982, § 2, 12-14-93; Ord. No. 10178; § 1, 3-7-95)

Sec. 11-423. License required.

(a) Except as provided in subsection (e) below, from and after the effective date of this article, no adult-oriented establishment shall be operated or maintained in the City of Chattanooga without first obtaining a license to operate issued by the City of Chattanooga.

BUSINESSES, TRADES AND OCCUPATIONS

(b) A license may be issued only for one (1) adult-oriented establishment located at a fixed and certain place. Any person, partnership, or corporation which desires to operate more than one (1) adult-oriented establishment must have a license for each.

(c) No license or interest in a license may be transferred to any person, partnership or corporation.

(d) It shall be unlawful for any entertainer, employee or operator to knowingly work in or about, or to knowingly perform any service directly related to the operation of any unlicensed adult-oriented establishment.

(e) All existing adult-oriented establishments at the time of the passage of this article must submit an application for a license within one hundred twenty (120) days of the passage of this article on third and final reading. If a license is not issued within said one-hundred-twenty-day period, then such existing adult-oriented establishment shall cease operations.

(Code 1986, § 11-423)

Sec. 11-424. Application for license.

(a) Any person, partnership, or corporation desiring to secure a license shall make application to the city treasurer. The application shall be filed in triplicate with and dated by the city treasurer. A copy of the application shall be distributed promptly by the city treasurer to the Chattanooga Police Department and to the applicant.

(b) The application for a license shall be upon a form provided by the city treasurer. An applicant for a license shall furnish the following information under oath:

- (1) Name and address, including all aliases.
- (2) Written proof that the individual is at least eighteen (18) years of age.
- (3) All residential addresses of the applicant for the past three (3) years.
- (4) The applicant's height, weight, color of eyes and hair.
- (5) The business, occupation or employment of the applicant for five (5) years immediately preceding the date of the application.
- (6) Whether the applicant previously operated in this or any other county, city or state under an adult-oriented establishment license or similar business license: whether the applicant has ever had such a license revoked or suspended. the

CHATTANOOGA CITY CODE

reason therefor, and the business entity or trade name under which the applicant operated that was subject to the suspension or revocation.

- (7) All criminal statutes, whether federal or state, or city ordinance violation convictions, forfeiture of bond and pleadings of nolo contendere on all charges, except minor traffic violations.
- (8) Fingerprints and two (2) portrait photographs at least two (2) inches by two (2) inches of the applicant.
- (9) The address of the adult-oriented establishment to be operated by the applicant.
- (10) The names and addresses of all persons, partnerships, or corporations holding any beneficial interest in the real estate upon which such adult-oriented establishment is to be operated, including but not limited to, contract purchasers or sellers, beneficiaries of land trust or lessees subletting to applicant.
- (11) If the premises are leased or being purchased under contract, a copy of such lease or contract shall accompany the application.
- (12) The length of time the applicant has been a resident of the City of Chattanooga, or its environs, immediately preceding the date of the application.
- (13) If the applicant is a corporation, the application shall specify the name, address and telephone number of the corporation, the date and state of incorporation, the name and address of the registered agent for service of process of the corporation, the names and addresses of the officers and directors of the corporation, and the names and addresses of any persons holding fifty percent (50%) or more of the stock of the corporation; if the applicant is a partnership, the application shall specify the name and address of the partnership, the name and address of all general partners of the partnership; if the partnership is a limited partnership, the application shall specify the name and address of all general partners who have a controlling interest in the partnership.
- (14) A statement by the applicant that he or she is familiar with the provisions of this article and is in compliance with them.
- (15) All inventory, equipment, or supplies which are to be leased, purchased, held in consignment or in any other fashion kept on the premises or any part or portion thereof for storage, display, any other use therein, or in connection with the

BUSINESSES, TRADES AND OCCUPATIONS

operation of said establishment, or for resale, shall be identified in writing accompanying the application specifically designating the distributor business name, address, phone number, and representative's name.

(c) Within ten (10) days of receiving the results of the investigation conducted by the Chattanooga Police Department, the city treasurer shall notify the applicant that his application is granted, denied or held for further investigation. Such additional investigation shall not exceed an additional thirty (30) days unless otherwise agreed to by the applicant. Upon conclusion of such additional investigation, the city treasurer shall advise the applicant in writing whether the application is granted or denied.

(d) Failure or refusal of the applicant to give any information relevant to the investigation of the application, or his or her refusal or failure to appear at any reasonable time and place for examination under oath regarding said application or his or her refusal to submit to or cooperate with any investigation required by this article, shall constitute an admission by the applicant that he or she is ineligible for such license and shall be grounds for denial thereof by the city treasurer.

(Code 1986, § 11-424; Ord. No. 9654, § 2, 1-6-92; Ord. No. 9980, § 1, 11-23-93; Ord. No. 10270, §§ 1, 2 & 4, 8-1-95)

Sec. 11-425. Standards for issuance of license.

(a) To receive a license to operate an adult-oriented establishment, an applicant must meet the following standards:

(1) If the applicant is an individual:

(i) The applicant shall be at least eighteen (18) years of age.

(ii) The applicant shall not have been convicted of or pleaded nolo contendere to a felony or any crime involving moral turpitude, prostitution, obscenity, or other crime of a sexual nature in any jurisdiction within five (5) years immediately preceding the date of the application.

(iii) The applicant shall not have been found to have previously violated this article within five (5) years immediately preceding the date of the application.

(2) If the applicant is a corporation:

CHATTANOOGA CITY CODE

- (i) All officers, directors and stockholders required to be named under section 11-424(b) shall be at least eighteen (18) years of age.
 - (ii) No officer, director or stockholder required to be named under section 11-424(b) shall have been convicted of or pleaded nolo contendere to a felony or any crime involving moral turpitude, prostitution, obscenity or other crime of a sexual nature in any jurisdiction within five (5) years immediately preceding the date of the application;
 - (iii) No officer, director, or stockholder required to be named under section 11-424(b) shall have been found to have previously violated this article within five (5) years immediately preceding the date of the application.
- (3) If the applicant is a partnership, joint venture, or any other type of organization where two (2) or more persons have a financial interest:
- (i) All persons having a financial interest in the partnership, joint venture or other type of organization shall be at least eighteen (18) years of age.
 - (ii) No persons having a financial interest in the partnership, joint venture or other type of organization shall have been convicted of or pleaded nolo contendere to a felony or any crime involving moral turpitude, prostitution, obscenity or other crime of a sexual nature in any jurisdiction within five (5) years immediately preceding the date of the application.
 - (iii) No persons having a financial interest in the partnership, joint venture or other type of organization shall have been found to have previously violated this article within five (5) years immediately preceding the date of the application.

(b) No license shall be issued unless the Chattanooga Police Department has investigated the applicant's qualifications to be licensed. The results of that investigation shall be filed in writing with the city treasurer no later than twenty (20) days after the date of the application.

(Code 1986, § 11-425)

BUSINESSES, TRADES AND OCCUPATIONS

Sec. 11-426. Permit required.

In addition to the license requirements previously set forth for owners and operators of "adult-oriented establishments," no person shall be an employee or entertainer in an adult-oriented establishment without first obtaining a valid permit issued by the city treasurer. (Code 1986, § 11-426; Ord. No. 10178, § 2, 3-7-95)

Sec. 11-427. Application for permit.

(a) Any person desiring to secure a permit shall make application to the city treasurer. The application shall be filed in triplicate with and dated by the city treasurer. A copy of the application shall be distributed promptly by the city treasurer to the Chattanooga Police Department and to the applicant.

(b) The application for a permit shall be upon a form provided by the city treasurer. An applicant for a permit shall furnish the following information under oath:

- (1) Name and address, including all aliases.
- (2) Written proof that the individual is at least eighteen (18) years of age.
- (3) All residential addresses of the applicant for the past three (3) years.
- (4) The applicant's height, weight, color of eyes, and hair.
- (5) The business, occupation or employment of the applicant for five (5) years immediately preceding the date of the application.
- (6) Whether the applicant, while previously operating in this or any other city or state under an adult-oriented establishment permit or similar business for whom applicant was employed or associated at the time, has ever had such a permit revoked or suspended, the reason therefor, and the business entity or trade name for whom the applicant was employed or associated at the time of such suspension or revocation.
- (7) All criminal statutes, whether federal, state or city ordinance violation, convictions, forfeiture of bond and pleadings of nolo contendere on all charges, except minor traffic violations.
- (8) Fingerprints and two (2) portrait photographs at least two (2) inches by two (2) inches of the applicant.

CHATTANOOGA CITY CODE

- (9) The length of time the applicant has been a resident of the City of Chattanooga, or its environs, immediately preceding the date of the application.
- (10) A statement by the applicant that he or she is familiar with the provisions of this article and is in compliance with them.

(c) Within ten (10) days of receiving the results of the investigation conducted by the Chattanooga Police Department, the city treasurer shall notify the applicant that his application is granted, denied, or held for further investigation. Such additional investigation shall not exceed an additional thirty (30) days unless otherwise agreed to by the applicant. Upon the conclusion of such additional investigations, the city treasurer shall advise the applicant in writing whether the application is granted or denied.

(d) Failure or refusal of the applicant to give any information relevant to the investigation of the application, or his or her refusal or failure to appear at any reasonable time and place for examination under oath regarding said application or his or her refusal to submit to or cooperate with any investigation required by this article, shall constitute an admission by the applicant that he or she is ineligible for such permit and shall be grounds for denial thereof by the board.

(Code 1986, § 11-427; Ord. No. 9654, § 2, 1-6-92; Ord. No. 10270, § 5, 8-1-95)

Sec. 11-428. Standards for issuance of permit.

(a) To receive a permit as an employee, an applicant must meet the following standards:

- (1) The applicant shall be at least eighteen (18) years of age.
- (2) The applicant shall not have been convicted of or pleaded no contest to a felony or any crime involving moral turpitude or prostitution, obscenity or other crime of a sexual nature in any jurisdiction within five (5) years immediately preceding the date of the application.
- (3) The applicant shall not have been found to violate any provision of this article within five (5) years immediately preceding the date of the application.

(b) No permit shall be issued until the Chattanooga Police Department has investigated the applicant's qualifications to receive a permit. The results of that investigation

BUSINESSES, TRADES AND OCCUPATIONS

shall be filed in writing with the city treasurer not later than twenty (20) days after the date of the application.

(Code 1986, § 11-428)

Sec. 11-429. Fees.

(a) A license fee of five hundred dollars (\$500.00) shall be submitted with the application for a license. If the application is denied, one-half (1/2) of the fee shall be returned.

(b) A permit fee of one hundred dollars (\$100.00) shall be submitted with the application for a permit. If the application is denied, one-half (1/2) of the fee shall be returned.
(Code 1986, § 11-429)

Sec. 11-430. Display of license or permit.

(a) The license shall be displayed in a conspicuous public place in the adult-oriented establishment.

(b) The permit shall be carried by an employee upon his or her person and shall be displayed upon request of a customer, any member of the Chattanooga Police Department, or any person designated by the city council.
(Code 1986, § 11-430; Ord. No. 9654, § 87, 1-6-92)

Sec. 11-431. Renewal of license or permit.

(a) Every license issued pursuant to this article will terminate at the expiration of one (1) 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 city treasurer. The application for renewal must be filed not later than sixty (60) days before the license expires. The application for renewal shall be filed in triplicate with and dated by the city treasurer. A copy of the application for renewal shall be filed in triplicate with and dated by the city treasurer. A copy of the application for renewal shall be distributed promptly by the city treasurer to the Chattanooga Police Department and to the operator. The application for renewal shall be upon a form provided by the city treasurer and shall contain such information and data, given under oath or affirmation, as may be required by the city council.

(b) A license renewal fee of five hundred dollars (\$500.00) shall be submitted with the application for renewal. In addition to the renewal fee, a late penalty of one hundred dollars (\$100.00) shall be assessed against the applicant who files for a renewal less than sixty (60) days before the license expires. If the application is denied, one-half (1/2) of the total fees collected shall be returned.

CHATTANOOGA CITY CODE

(c) If the Chattanooga Police Department is aware of any information bearing on the operator's qualifications, that information shall be filed in writing with the city treasurer.

(d) Every permit issued pursuant to this article will terminate at the expiration of one (1) year from the date of issuance unless sooner revoked, and must be renewed before an employee is allowed to continue employment in an adult-oriented establishment in the following calendar year. Any employee desiring to renew a permit shall make application to the city treasurer. The application for renewal must be filed not later than sixty (60) days before the permit expires. The application for renewal shall be filed in triplicate with and dated by the city treasurer. A copy of the application for renewal shall be distributed promptly by the city treasurer to the Chattanooga Police Department and to the employee. The application for renewal shall be upon a form provided by the city treasurer and shall contain such information and data, given under oath or affirmation, as may be required by the city treasurer.

(e) A permit renewal fee of one hundred dollars (\$100.00) shall be submitted with the application for renewal. In addition to said renewal fee, a late penalty of fifty dollars (\$50.00) shall be assessed against the applicant who files for renewal less than sixty (60) days before the license expires. If the application is denied, one-half (1/2) of the fee shall be returned.

(f) If the Chattanooga Police Department is aware of any information bearing on the employee's qualifications, that information shall be filed in writing with the city treasurer.

(g) Notwithstanding anything herein to the contrary, any application for renewal of a license or for renewal for a permit shall be handled, investigated and approved or denied within the same time periods as those established in this Article for original license applications and permit applications. In the event a license renewal application or permit renewal application is denied, the applicant shall have all rights of appeal to the City Council as set forth in § 11-438 of this Article.

(Code 1986, § 11-431; Ord. No. 9654, § 2, 1-6-92; Ord. No. 10270, § 6, 8-1-95)

Sec. 11-432. Revocation of license or permit.

(a) The mayor shall revoke a license or permit for any of the following reasons:

(1) Discovery that false or misleading information or data was given on any application or material facts were omitted from any application.

(2) The operator, entertainer, or any employee of the operator, violates any provision of this article or any rule or regulation adopted by the city council pursuant to

BUSINESSES, TRADES AND OCCUPATIONS

this article; provided, however, that in the case of a first offense by an operator where the conduct was solely that of an employee, the penalty shall not exceed a suspension of thirty (30) days if the city council shall find that the operator had no actual or constructive knowledge of such violation and could not by the exercise of due diligence have had such actual or constructive knowledge.

- (3) The operator or employee becomes ineligible to obtain a license or permit.
- (4) Any cost or fee required to be paid by this article is not paid.
- (5) An operator employs an employee who does not have a permit or provides space on the premises, whether by lease or otherwise, to an independent contractor who performs or works as an entertainer without a permit.
- (6) Any intoxicating liquor, cereal malt beverage, narcotic or controlled substance is allowed to be sold or consumed on the licensed premises.
- (7) Any operator, employee or entertainer sells, furnishes, gives or displays, or causes to be sold, furnished, given or displayed to any minor any adult-oriented entertainment or adult-oriented material.
- (8) Any operator, employee or entertainer denies access of law enforcement personnel to any portion of the licensed premises wherein adult-oriented entertainment is permitted or to any portion of the licensed premises wherein adult-oriented material is displayed or sold.
- (9) Any operator allows continuing violations of the rules and regulations of the Chattanooga-Hamilton County Health Department.
- (10) Any operator fails to maintain the licensed premises in a clean, sanitary and safe condition.

(b) Notwithstanding anything herein to the contrary, before revoking or suspending any license or permit, the Mayor shall give the license holder or permit holder not less than ten (10) nor more than twenty (20) days' written notice of the charges against such license holder or permit holder and of the revocation of such license or permit, or of the period of time such license or permit is to be suspended; such notice shall also advise the license holder or permit holder of the license holder's or permit holder's right to request a hearing before the City Council. In the event the license holder or permit holder does not request in writing a hearing before the City Council within the time set forth in such notice, the suspension or revocation shall be effective beginning the date set forth in such notice.

CHATTANOOGA CITY CODE

If the license holder or permit holder desires to request a hearing before the City Council to contest the suspension or revocation, such request shall be made in writing to the Clerk of the City Council within ten (10) days of the license holder's or permit holder's receipt of the notification from the Mayor. If the license holder or permit holder timely requests such a hearing, the effective date of a suspension or hearing shall be stayed pending the final outcome of judicial proceedings to determine whether such license or permit has been properly revoked or suspended under the law.

If the license holder or permit holder timely requests such a hearing, a public hearing shall be held within fifteen (15) days of the Clerk's receipt of such request before the City Council at which time the license holder or permit holder may present evidence as to why the suspension or revocation is improper or contrary to the provisions of this Article. The City Council shall hear evidence concerning the basis for such suspension or revocation and shall affirm or reverse the suspension or revocation at the conclusion of said hearing; any such hearing shall be concluded no later than twenty-two (22) days after the license holder's or permit holder's receipt of notification of the suspension or revocation, unless an extension beyond such time period is requested by the license holder or permit holder and granted by the City Council.

(c) If the City Council affirms the suspension or revocation, the Office of the City Attorney shall institute suit for declaratory judgment in a court of record in Hamilton County, Tennessee, within five (5) days of the date of any such affirmation seeking an immediate judicial determination of whether such license or permit has been properly revoked or suspended under the law.

(d) Any operator or employee whose license or permit is revoked shall not be eligible to receive a license or permit for five (5) years from the date of revocation. No location or premises for which a license has been issued shall be used as an adult-oriented establishment for two (2) years from the date of revocation of the license.
(Code 1986, § 11-432; Ord. No. 9654, §§ 2, 13, & 88, 1-6-92; Ord. No. 10270, § 7, 8-1-95)

Sec. 11-433. Hours of operation.

(a) No adult-oriented establishment shall be open between the hours of 3:00 a.m. and 8:00 a.m. on weekdays or between the hours of 3:00 a.m. and 12:00 noon on Sundays.

(b) All adult-oriented establishments shall be open to inspection at all reasonable times by the Chattanooga Police Department or such other persons as the city council may designate.

(Code 1986, § 11-433; Ord. No. 9654, § 2, 1-6-92)

BUSINESSES, TRADES AND OCCUPATIONS

Sec. 11-434. Responsibilities of the operator.

(a) The operator shall maintain a register of all employees, showing the name, and aliases used by the employee, home address, age, birthdate, sex, height, weight, color of hair and eyes, phone numbers, social security number, date of employment and termination, and duties of each employee and such other information as may be required by the city council. The above information on each employee shall be maintained in the register on the premises for a period of three (3) years following termination.

(b) The operator shall make the register of employees available immediately for inspection by police upon demand of a member of the Chattanooga Police Department at all reasonable times.

(c) Every act or omission by an employee constituting a violation of the provisions of this article 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.

(d) An operator shall be responsible for the conduct of all employees while on the licensed premises and any act or omission of any employee constituting a violation of the provisions of this article shall be deemed the act or omission of the operator for purposes of determining whether the operator's license shall be revoked, suspended or renewed.

(e) There shall be posted and conspicuously displayed in the common areas of each adult-oriented establishment a list of any and all entertainment provided on the premises. Such list shall further indicate the specific fee or charge in dollar amounts for each entertainment listed. Viewing adult-oriented motion pictures shall be considered as entertainment. The operator shall make the list available immediately upon demand of the Chattanooga Police Department at all reasonable times.

(f) No employee of an adult-oriented establishment shall allow any minor to loiter around or to frequent an adult-oriented establishment or to allow any minor to view adult entertainment as defined herein.

(g) Every adult-oriented establishment shall be physically arranged in such a manner that the entire interior portion of the booths, cubicles, rooms or stalls, wherein adult entertainment is provided, shall be visible from the common area of the premises. Visibility shall not be blocked or obscured by doors, curtains, partitions, drapes, or any other obstruction

CHATTANOOGA CITY CODE

whatsoever. It shall be unlawful to install booths, cubicles, rooms or stalls within adult-oriented establishments for whatever purpose, but especially for the purpose of secluded viewing of adult-oriented motion pictures or other types of adult entertainment.

(h) The operator shall be responsible for and shall provide that any room or area used for the purpose of viewing adult-oriented motion pictures or other types of live adult entertainment shall be readily accessible at all times and shall be continuously opened to view in its entirety.

(i) No operator, entertainer, or employee of an adult-oriented establishment shall demand or collect all or any portion of a fee for entertainment before its completion.

(j) A sign shall be conspicuously displayed in the common area of the premises, and shall read as follows:

This Adult-Oriented Establishment is Regulated by Chattanooga City Code, Part II [Chapter 11], Article XV, Section[s] 11-421 through 11-437. Entertainers Are:

- 1. Not permitted to engage in any type of sexual conduct;*
- 2. Not permitted to expose their sex organs;*
- 3. Not permitted to demand or collect all or any portion of a fee for entertainment before its completion.*

(Code 1986, § 11-434; Ord. No. 9654, § 2, 1-6-92)

Sec. 11-435. Prohibitions and unlawful sexual acts.

(a) No operator, entertainer, or employee of an adult-oriented establishment shall permit to be performed, offer to perform, perform or allow customers, employees or entertainers to perform sexual intercourse or oral or anal copulation or other contact stimulation of the genitalia.

(b) No operator, entertainer, or employee shall encourage or permit any person upon the premises to touch, caress, or fondle the breasts, buttocks, anus or genitals of any other person.

(c) No operator, entertainer, employee, or customer shall be unclothed or in such attire, costume, or clothing so as to expose to view any portion of the sex organs, breasts or

BUSINESSES, TRADES AND OCCUPATIONS

buttocks of said operator, entertainer, or employee with the intent to arouse or gratify the sexual desires of the operator, entertainer, employee, or customer.

(d) No entertainer, employee or customer shall be permitted to have any physical contact with any other on the premises during any performance and all performances shall only occur upon a stage at least eighteen inches (18") above the immediate floor level and removed at least six feet (6') from the nearest entertainer, employee and/or customer.
(Code 1986, § 11-435; Ord. No. 10178, §§ 3-4, 3-7-95)

Sec. 11-436. Penalties and prosecution.

(a) Any person, partnership, or corporation who is found to have violated this article shall be fined a definite sum not exceeding fifty dollars (\$50.00) and shall result in the suspension or revocation of any permit or license.

(b) Each violation of this article shall be considered a separate offense, and any violation continuing more than one (1) hour of time shall be considered a separate offense for each hour of violation.
(Code 1986, § 11-436)

Sec. 11-437. Invalidity of part.

Should any court of competent jurisdiction declare any section, clause, or provision of this article to be unconstitutional, such decision shall affect only such section, clause, or provision so declared unconstitutional, and shall not affect any other section, clause or provision of this article.
(Code 1986, § 11-437)

Sec. 11-438. Denial of applications or renewals.

(a) As used in this section, "application" shall mean (i) an application for a license, (ii) an application for a permit, (iii) an application for a license renewal, and (iv) an application for a permit renewal.

(b) Whenever an application is denied, the City Treasurer shall notify the applicant in writing of the reasons for such action; such notice shall also advise the applicant of the applicant's right to request a hearing before the City Council. If the applicant desires to request a hearing before the City Council to contest the denial of an application, such request shall be made in writing to the Clerk of the City Council within ten (10) days of the applicant's receipt of the notification of the denial of the application. If the applicant timely requests such a hearing, a public hearing shall be held within fifteen (15) days of the Clerk's receipt of such request before

CHATTANOOGA CITY CODE

the City Council at which time the applicant may present evidence as to why the application should not be denied. The City Council shall hear evidence concerning the basis for denial of the application and shall affirm or reverse the denial of an application at the conclusion of said hearing; any such hearing shall be concluded no later than twenty-two (22) days after the applicant's receipt of notification of denial of an application, unless an extension beyond such time period is requested by the applicant and granted by the City Council.

(c) If the City Council affirms the denial of an application, the Office of the City Attorney shall institute suit for declaratory judgment in a court of record in Hamilton County, Tennessee, within five (5) days of the date of any such denial seeking an immediate judicial determination of whether such application has been properly denied under the law. (Ord. No. 10270, § 3, 8-1-95)

Secs. 11-439 -- 11-449. Reserved.

ARTICLE XV. TEEN SOCIAL CLUBS

Sec. 11-450. Definitions.

For purposes of this Article, the words and phrases used herein shall have the following meanings, unless otherwise clearly indicated by the context:

(a) "Teen social club" shall mean any business establishment which advertises itself, holds itself out to the public as, or is operated primarily as a "Teen Club", "Teen Dance Club", and/or any business establishment which provides entertainment or social activities primarily to teenagers of the ages restricted by the Curfew Ordinance of the City of Chattanooga regardless of whether such establishment is conducted, operated or maintained for a profit; "teen social club" does not include movie theaters, amusement parks or a sporting event or facility.

(b) "Advertise" shall mean promotional signs on the premises, off-premise signs and any written, live, videotaped or audiotaped promotional presentations for the business establishment which feature or promote the attendance of teenagers.

(c) "Alcoholic beverages" shall mean beer or other beverages of like alcoholic content regulated by Chattanooga City Code, Chapter 5, and any establishment selling or serving liquor or wine regulated by the provisions of T.C.A. § 57-1-101, et seq.

(d) "Curfew Ordinance" shall mean Chattanooga City Code, Chapter 25, Sections 25-2 through 25-5.

STATE OF TENNESSEE

*

NOS. 240582

VS.

*

IN THE CRIMINAL COURT FOR

*

HAMILTON COUNTY, TENNESSEE

DAVID FRANKLIN

*

DAVID BOLES

*

DIVISION II

SARAH BOLES

*

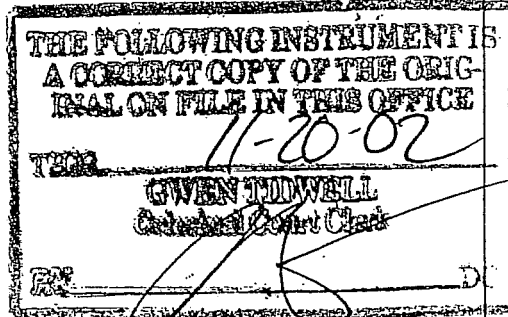
MOTION TO INCLUDE COSTS OF PADLOCK AS COURT COSTS

Comes now the State of Tennessee, by and through its District Attorney General, and moves the Court to file the attached documentation of costs incurred by Hamilton County as Court Costs in the above-styled case. The total expenses listed are as follows:

\$254.78 Total Material

\$282.45 Total Labor

Total \$537.23



Respectfully submitted,

WILLIAM H. COX, III
DISTRICT ATTORNEY GENERAL

By: *David W. Denny*
DAVE W. DENNY
ASSISTANT DISTRICT ATTORNEY GENERAL

AN EXACT COPY MAILED TO DEFENDANT'S ATTORNEY

ON *12th July 2002* BY *Shane L. Stepe*
OFFICE OF THE DISTRICT ATTORNEY GENERAL
HAMILTON COUNTY TENNESSEE

FILED IN OFFICE

02 JUL 13 AM 7:51

GWEN TIDWELL, CLERK

BY _____ D.C.

dad

OFFICE OF THE DISTRICT ATTORNEY
WILLIAM H. COX
DISTRICT ATTORNEY GENERAL
HAMILTON COUNTY
HANOOGA COURTS BUILDING
600 MARKET STREET
HAMILTON, TENNESSEE 37402

HAMILTON COUNTY
OFFICE OF THE CRIMINAL COURT CLERK

Gwen Tidwell

ROOM 102 COURTS BUILDING
600 MARKET STREET
CHATTANOOGA, TENNESSEE 37402
TELEPHONE (423) 209-7500 • FACSIMILE (423) 209-7501

July 3, 2002
Date

Mr. Arvin Reingold
1010 Market Street, Ste. 401
Chattanooga, TN 37402

Re: State of Tennessee v. David Franklin

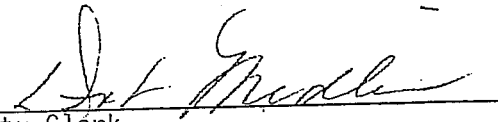
Case No: 240582

Dear Sir or Madam:

Please find enclosed the Order which
was filed in our office on July 3, 2002

If you should have any questions or need additional assistance, please let us know.

Very truly yours,


Deputy Clerk

HAMILTON COUNTY
OFFICE OF THE CRIMINAL COURT CLERK

Gwen Tidwell

ROOM 102 COURTS BUILDING
600 MARKET STREET
CHATTANOOGA, TENNESSEE 37402
TELEPHONE (423) 209-7500 • FACSIMILE (423) 209-7501

July 3, 2002
Date

David and Sarah Boles
4100 Rossville Blvd.
Chattanooga, TN 37403

Re: State of Tennessee v. Boles

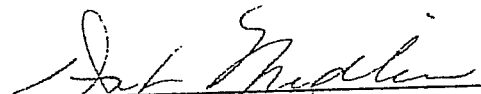
Case No: 240582

Dear Sir or Madam:

Please find enclosed the Order which
was filed in our office on July 3, 2002

If you should have any questions or need additional assistance, please let us know.

Very truly yours,


Deputy Clerk

HAMILTON COUNTY
OFFICE OF THE CRIMINAL COURT CLERK

Gwen Tidwell

ROOM 102 COURTS BUILDING
600 MARKET STREET
CHATTANOOGA, TENNESSEE 37402
TELEPHONE (423) 209-7500 • FACSIMILE (423) 209-7501

July 3, 2002
Date

Dexter Franklin
7522 Davis Mill Road
Harrison, TN 37341

Re: State of Tennessee v. Franklin

Case No: 240582

Dear Sir or Madam:

Please find enclosed the Order which
was filed in our office on July 3, 2002

If you should have any questions or need additional assistance, please let us know.

Very truly yours,

Gwen Tidwell
Deputy Clerk

STATE OF TENNESSEE

*

NO. 240582

VS.

*

IN THE CRIMINAL COURT FOR

*

HAMILTON COUNTY, TENNESSEE

*

DIVISION II

DEXTER EUGENE FRANKLIN
DAVID LAMAR FRANKLIN
DAVID BOLES AND SARAH BOLES

*

*

ORDER

This cause came on to be heard on the 3RD day of July 2002, and upon the representation to the Court that the following corrective measures have been agreed upon by the parties, the Court agrees to lift the temporary injunction and padlock previously in effect in the above-style matter.

Furthermore, the Court finds that the business premises as currently operated is a potential health hazard in that unsafe health conditions were allowed to persist at said premises which constituted a public nuisance.

Moreover, in an effort to allow the business owner to take corrective actions and abate this nuisance the following eight-point plan is submitted by the respondents.

330

1. The respondent will close off the viewing booths within the establishment until such time as a video surveillance system is installed which allows for continual monitoring of the conduct taking place within the booths themselves during business hours.
2. That all postings and signs inside the business premises which "encourage" unsafe physical contact inside the business be removed or modified.
3. That the respondents agree to continue to meet with officials of the Chattanooga/Hamilton County Health Department to establish a schedule of periodic inspections and controls.
4. That the respondents agree to meet with officials of the Fire Marshall's and City Code Enforcement Divisions to insure compliance with code provisions.
5. That the respondents will permanently close the areas within the business currently designated as privacy booths.


6. That the respondents will undertake reasonable streetscaping or beautification steps around the parking area.
7. That the respondents agree to employ adequate personnel to allow for appropriate monitoring of any surveillance system established for the viewing booths.
8. The respondents will undertake reasonable steps to control activities taking place inside the establishment.

It is further ordered, that upon evidence having been shown that the respondent Dexter Franklin has no proprietary interest in Cinema I; he is therefore ordered removed as a respondent in the cause

This order is docketed for 12th, day of August, 2002. for

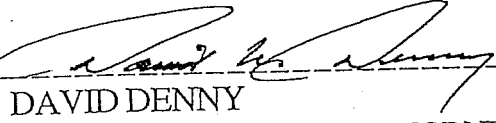
Review.

So ordered this 3RD, day of July,
2002.



Judge Rebecca Stern
Criminal Court Division II

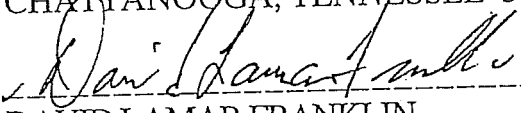
APPROVED FOR ENTRY:



DAVID DENNY
ASSISTANT DISTRICT ATTORNEY GENERAL
600 MARKET STREET, SUITE 310
CHATTANOOGA, TENNESSEE 37402



ARVIN REINGOLD
ATTORNEY FOR RESPONDENTS, ^{Franklin}
1010 MARKET STREE, SUITE 401
CHATTANOOGA, TENNESSEE 37402



DAVID LAMAR FRANKLIN
RESPONDENT

SARAH BOLES
RESPONDENT

DAVID BOLES
RESPONDENT

STATE OF TENNESSEE

* NO. 240582

VS.

* IN THE CRIMINAL COURT FOR

* HAMILTON COUNTY, TENNESSEE

DEXTER FRANKLIN
DAVID FRANKLIN
DAVID BOLES AND
SARAH BOLES

* DIVISION II

PETITION TO ABATE A PUBLIC NUISANCE BY PADLOCK

Comes now the Petitioner, and would respectfully show the Court the following:

1. That Petitioner is the duly elected and qualified District Attorney General for the 11th District of the State of Tennessee and is now actively engaged in the performance of his duties incumbent upon the office and brings this suit in the capacity of District Attorney General and under the provisions of TCA 29-3-101, et seq.
2. That the respondents, Dexter and David Franklin and David and Sarah Boles are the owners/operators, of a business known as "Cinema 1 Inc.", located at 4100 Rossville Boulevard, Chattanooga, Hamilton County, Tennessee, 37403. The ownership and operational control is based upon the City of Chattanooga Business License #7400 in the names of Dexter and David

Franklin. The respondents David and Sarah Boles are the owners of the real property located 4100 Rossville Boulevard, based upon the registered deed listed in Book #3420 Pages 317 through Page 322 in the Hamilton County Register of Deeds Office. Dexter Franklin lists his address as 7522 Davis Mill Road, Harrison, Tennessee 37341. David Franklin lists his address as 6204 County Road, Ider, Alabama 35981. David and Sarah Boles list their address as simply 4100 Rossville Boulevard on all Chattanooga City Tax Records since 1988 as well as on their Warranty Deed. Specifically, petitioner would show that it is the practice of the respondents to operate 4100 Rossville Boulevard in such a manner as to foster all manner of explicit and lewd sexual behavior thereby creating a health hazard and an unsafe environment for patrons and employees. This business premises has been the subject of complaints and is a blight upon the community and a public nuisance as defined in T.C.A. Section 29-3-101, et. Seq.

3. In support of these allegations, the Petitioner would show the Court the following:

a. In January of 2002 undercover Officers of the Chattanooga Police Department visited Cinema 1, Inc.

37

located at 4100 Rossville Boulevard on two separate occasions. Each visit lasted between thirty (30) and forty (40) minutes. During these periods the undercover operatives observed numerous male individuals inside the business masturbating themselves and others to the point of ejaculation. Body fluids from the individuals were exchanged and discriminately disposed of on furniture, walls, and floor coverings. Officers also observed males engaged in oral sex with other males.

b. In December of 2001 undercover Officers of the Chattanooga Police Department twice visited Cinema 1 Inc. located at 4100 Rossville Boulevard. Numerous males inside the business were observed openly engaged in masturbation and oral sex. Body fluids were exchanged and indiscriminately deposited on floors and walls. The business was dirty and left in an unsanitary condition given the activity observed above.

c. In November of 2001 undercover Officers of the Chattanooga Police Department visited Cinema 1 Inc. located 4100 Rossville Boulevard. Each visit lasted between thirty (30) and forty-five (45) minutes. During these periods, the undercover operatives observed numerous male individuals inside the business masturbating themselves and others to the point of ejaculation. Body fluids were exchanged between individuals engaged in oral sex. Body fluids were also indiscriminately disposed of on furniture, floors, and walls. The business itself showed evidence of the unsanitary conditions.

518

- d. On October 22, 2001, a private physician called to report that patients had reported "unsafe" sexual liaisons were occurring inside the business premises at 4100 Rossville Boulevard.
- e. In October of 2001 the Special Investigations Division of the Chattanooga Police Department received a complaint from the Chattanooga-Hamilton County Health Department that unprotected sexual activity was taking place inside the business at 4100 Rossville Boulevard.
- f. On October 20, 2000, the Chattanooga-Hamilton County Health Department issued a letter to respondent, David Franklin, citing numerous health and sanitation concerns with the business at 4100 Rossville Boulevard. (See Attached Letter).
- g. On November 30, 2000 the Chattanooga-Health Department issued another letter to respondent, David Franklin, indicating their intent to monitor the establishment at 4100 Rossville Boulevard on a periodic basis to ensure sanitary conditions are maintained (See Attached Letter).
- h. In September 1999 an undercover officer with the Chattanooga Police Department visited Cinema 1 Inc. located at 4100 Rossville Boulevard. He observed several males openly engaged in solitary acts of masturbation inside the cubicles within the business premises.
- i. In August 1999 an undercover officer with the Chattanooga Police Department twice visited Cinema 1 Inc. located at 4100 Rossville Boulevard. He observed numerous males actively engaged in solitary acts of masturbation. Unsanitary conditions were

SP9

observed as employees made half-hearted attempts to clean stalls where sexual activity was taking place.

j. In July of 1999 an undercover officer with the Chattanooga Police Department made two (2) separate visits to the Cinema 1 Inc. at 4100 Rossville Boulevard. On both visits the Officer witnessed numerous males actively engaged in solitary acts of masturbation. Also individuals were observed engaged in acts of fellatio upon one another. What appeared to be body fluids were observed on plexiglass coverings over television screens.

k. Between November 2, 1995 and June 17, 1994 the business establishment at 4100 Rossville Boulevard was cited six (6) times for violations of city ordinances relating to adult entertainment establishments. (See Attachments).

3. Petitioner would further show the Court that unless the

defendants are restrained from the illegal operation of

this nuisance, and the premises padlocked by this Honorable Court, the defendants will continue to operate and maintain this business in a manner that fosters and encourages the above stated unsanitary conditions and health hazards. The respondents maintain no or insufficient institutional control of the business premises. Consequently, unacceptable health hazards and unsanitary conditions continue to

520

persist unabated. Specifically, as the Chattanooga-Hamilton County Health Department cautioned in their letter of 20 October 2000, sexually transmitted diseases including the human acquired immune deficiency syndrome are a particular concern in adult oriented establishments. The present unsafe and unsanitary conditions and behaviors have continually persisted throughout the period of the investigation conducted by the Special Operations Division of the Chattanooga Police Department. In effect they have continued unabated between July of 1999 to the present, despite the Health Department's attempts to monitor the establishment to ensure that sanitary and safe conditions were maintained. All this is a violation of TCA 29-3-101, et seq., and constitutes a public nuisance in defiance of law and order.

WHEREFORE, PREMISES CONSIDERED, THE PETITIONER PRAYS:

1. That process issue and be served upon the defendants along with a copy of this petition and they be required to appear within the time allowed by law;

2. That a temporary restraining order issue enjoining and restraining the defendants from further continuation of such nuisance and that the Sheriff of Hamilton County, Tennessee, place locks upon the doors and windows of the said premises;

521

and that the Sheriff seize and safely keep the personal property of every kind and description now located on the said premises of which the defendants have made use of in connection with maintaining the nuisance complained of until further order of this Court. That the defendants be restrained from removing or allowing to be removed any items of property of any kind from the premises until further order of this Court;

3. That notice issue and be served upon the defendants to appear before this Honorable Court, and to then and there show cause, if there be any, why the temporary injunction and padlock heretofore prayed should not be continued in effect, and that the premises be closed.

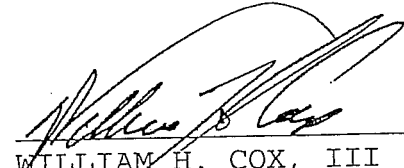
4. That at the final hearing on this petition that the respondents, Dexter Franklin, David Franklin, David Boles, and Sandra Boles, herein be declared guilty of maintaining a public nuisance and that all property seized under the temporary injunction may be legally sold and that all property that cannot be legally sold be destroyed; and that the nuisance be abated by ordering the Sheriff of Hamilton County, Tennessee to place locks upon the doors and windows and the defendants be perpetually enjoined from engaging in, conducting or maintaining said premises as a nuisance, directly or indirectly by himself or through agents or

S22

or representatives, and that he be permanently and perpetually enjoined from violating the law as herein complained of;

5. Such other, further and general relief as the proof may require.

THIS IS THE FIRST APPLICATION FOR EXTRAORDINARY PROCESS IN THIS CAUSE.



WILLIAM H. COX, III
DISTRICT ATTORNEY GENERAL

523

Becky T. Barnes
Administrator



Valerie A. Boaz, M.D.
Health Officer

Chattanooga-Hamilton County
Health Department

921 East Third Street
Chattanooga, TN 37403-2165

October 20, 2000

Phone (423) 209-8110 - Fax (423) 209-8111

CERTIFIED LETTER

Mr. David Franklin
Mr. Gene Franklin
4100 Rossville Boulevard
Chattanooga, TN 37407

Dear Sirs:

An inspection of the Cinema One Adult Theatre located at 4100 Rossville Boulevard in Chattanooga, Tennessee, on October 17, 2000, revealed unsanitary conditions that the Chattanooga Hamilton County Health Department find unacceptable. To abate any potential problems, this Department requests your cooperation in implementing the following improvements:

1. Re-finish or repair all floors in movie viewing areas with a solid floor covering that can be sanitized properly. Rough concrete cannot be sanitized or even cleaned adequately.
2. All floors, walls, furniture and other appropriate items should be sanitized at least twice daily in movie viewing booths. A daily log detailing the date and time of the cleaning should be maintained in the event of complaints or problems. The best sanitizing solution is a 1:10 dilution of bleach solution (e.g., one (1) cup of household bleach in ten (10) cups of water.
3. Adequate lighting must be provided for cleaning. A light level of twenty (20) footcandles must be available on command so that the private booth and movie areas can be properly sanitized.
4. Sexually transmitted diseases and AIDS posters and warnings in conspicuous places should be provided as a public service in adult oriented establishments. The Chattanooga Hamilton County Health Department will work with the management of each establishment to obtain posters that are appropriate.

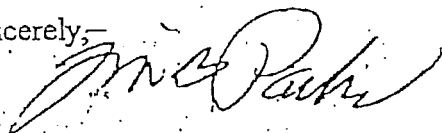
Please have the above actions completed by November 20, 2000. Once compliance is obtained, the Chattanooga Hamilton County Health Department will continue monitoring the establishment on a periodic basis in order to ensure that sanitary conditions are maintained. Health and sanitation complaints about the Cinema One Adult Theatre are referred to the Health Department in order that our Environmentalists

can investigate the alleged complaint and work with the management to abate any unsanitary conditions that might exist.

This Department looks forward to working with you in improving the sanitary environment in the Cinema One Adult Theatre. These efforts should reduce the public's exposure to potential health hazards, which currently exist as well as demonstrate a good faith effort by the owners of the establishments to provide a clean and sanitary environment for its customers.

Please contact my office at 209-8110 if you have any questions or need additional assistance in this matter.

Sincerely,



Jim B. Parks
Director
Environmental Health

JBP/csc

Becky T. Barnes
Administrator



Valerie A. Boaz, M.D.
Health Officer

Chattanooga-Hamilton County
Health Department

November 30, 2000

921 East Third Street
Chattanooga, TN 37403-2165
Phone (423) 209-8110 - Fax (423) 209-8111

Mr. David Franklin
Mr. Gene Franklin
4100 Rossville Boulevard
Chattanooga, TN 37407

CERTIFIED LETTER

Dear Sirs:

A re-inspection of the Cinema One Adult Theatre located at 4100 Rossville Boulevard in Chattanooga, Tennessee, on November 27, 2000, revealed the following improvements have been made:

1. New tiles that can be sanitized properly have been installed on the floors in the movie viewing areas and booths.
2. All floors, walls, furniture and other appropriate items are being sanitized at least twice daily in movie viewing booths. A daily log detailing the date and time of the cleaning is being maintained.
3. Appropriate new lighting has been installed.
4. Sexually transmitted diseases and AIDS posters and warnings have been posted in conspicuous places.

Per my conversation with Joe Franklin, there is still some furniture that needs to be replaced with new cleanable/maintainable furniture. Mr. Franklin indicated to me the furniture is on order and should be delivered in about two weeks. The Chattanooga Hamilton County Health Department will continue monitoring the establishment on a periodic basis in order to ensure that sanitary conditions are maintained.

Please contact my office at 209-8110 if you have any questions or need additional assistance in this matter.

Sincerely,

Jim B. Parks
Director, Environmental Health

JBP/csc
MVAadultfollowup

FIAT

TO THE CLERK OF CRIMINAL COURT FOR HAMILTON COUNTY, TENNESSEE:

Upon filing of the foregoing Petition, let process issue and be served upon the defendants herein named, restraining them, or any of their agents, servants or employees from continuing the operation of the premises 4100 Rossville Boulevard, Chattanooga, Tennessee, or removing from the premises at 4100 Rossville Boulevard, Chattanooga, Hamilton County, Tennessee, any item of personal property of any kind, or allowing any property of any kind to be removed from said premises pending the hearing on the temporary injunction as hereinafter provided and until further orders of this Court.


That the Sheriff of Hamilton County, Tennessee be instructed to immediately go tot the premises: 4100 Rossville Boulevard, Chattanooga, Hamilton County, Tennessee and to secure the said premises. That the Sheriff further seize and safely keep the personal property of every kind and description now located at the said premises.

Upon filing of the foregoing Petition, let further process issue and be serve upon the defendants that on 10th day of JUNE 2002, at 9:00 A.M. o'clock, that the foregoing Petition to have a temporary injunction and padlock order as prayed for in petition will be heard before me in the

II Division of Hamilton County Criminal Court, Hamilton

County, Tennessee, and that they and each of them shall appear and show cause, if there be any, as to why the said temporary injunction should not continue to effect permanently.

This the 7th day of June, 2002, at 9:25 A.M. o'clock.



JUDGE, Hamilton County Criminal
Hamilton County, Tennessee

6/24/02

STATE OF TENNESSEE, EX REL

NO: 240582

WILLIAM H. COX, District Attorney General

vs.

Petition to Abate
a Public Nuisance

DEXTER FRANKLIN
DAVID FRANKLIN
DAVID BOLES AND
SARAH BOLES

DIVISION II

NOTICE

TO THE SHERIFF OF HAMILTON COUNTY, TENNESSEE-

GREETINGS:

You are hereby commanded to notify Dexter Franklin,
David Franklin, David Boles and Sarah Boles to appear in the
_____ Division of Criminal Court, Hamilton County, Tennessee on
the _____ day of _____, 2002, at _____ a.m. and then
and there show cause if any there be, why the temporary
injunction prayed for in the accompanying bill should not be
granted and all personal property of any kind located on the
premises at 4100 Rossville Boulevard should not be forfeited to
the State of Tennessee.

Witness my hand this the 7th day of June,
2002.

OFFICE OF THE DISTRICT ATTORNEY
WILLIAM H. COX
DISTRICT ATTORNEY GENERAL
HAMILTON COUNTY
TANOOGA COURTS BUILDING
600 MARKET STREET
ATTANOOGA, TENNESSEE 37402

Executed By *[Signature]*
6-7-02

GWEN TIDWELL
Criminal Court Clerk

BY: *[Signature]* DC

STATE OF TENNESSEE EX REL
William Cox, District Attorney General

Case No: 240582

Petition to Abate a Public
Nuisance

vs.

CINEMA 1 Inc., Dexter and David
Franklin and David and Sarah Boles
Owners/Operators and David
and Sarah Boles Owners of Property

DIVISION II

TO THE SHERIFF OF HAMILTON COUNTY-GREETINGS:

Pursuant to a temporary restraining order this day granted, you are ordered by the Court to forthwith place locks on the doors and bar the windows of the building described in the petition in this cause, being a place known as Cinema 1 Inc., located at 4100 Rossville Boulevard, Chattanooga, Hamilton County, Tennessee.

You are instructed to seize and safely keep all personal property of every kind and description now located in or on said premises which the respondents have made use of in conducting and maintaining said Oasis, and safely keep the building locked until further orders of the Court.

You will make an inventory of said property found in or on said premises and make a report of the same to the Court with your return of this order.

You will further notify the respondents, Dexter and David Franklin and David and Sarah Boles that they are further enjoined from entering said premises which are padlocked, or from removing or attempting to remove any of the personal

property seized under this order, and they are enjoined from in any manner interfering with the execution of this order.

This 7th day of June, 2002.

GWEN TIDWELL
Criminal Court Clerk

By: *Eduard Lopez* DC

Att. App. 1340112-02
6-7-02, Agent with Hamilton
County Sheriff Department executed this
warrant order, as ordered on 6-7-02

Det. [Signature] 7534

HAMILTON COUNTY SHERIFF'S OFFICE
NARCOTIC & SPECIAL OPERATIONS DIVISION

INVENTORY LIST

DATE: 06-07-02

REFERENCE: PETITION TO ABATE A PUBLIC NUISANCE BY PADLOCK

LOCATION: Cinema 1 Inc. 4100 Rossville Blvd. Chattanooga, Tn 37403

Room # 1 / Front Video Rental Area

- 01. 1307 VHS Adult Videos
- 02. 141 DVD Adult Videos

Room # 2 / Side Room

- 01. Island basket container with 95 Adult VHS Videos
- 02. 13 blow up dolls
- 03. 5 female cyber skill
- 04. 11 pin on party favors
- 05. 1 penis pump
- 06. 2 double headed dildos
- 07. 4 condom hats
- 08. 1 donkey penis
- 09. 1 assortment of dildos
- 10. 1 sensual solitaire
- 11. 1 stimulation system
- 12. 1 persuader kit
- 13. 2 John Boy dolls
- 14. 1 love collection
- 15. 1 orgy kit
- 16. 1 fist
- 17. anal plugs
- 18. 152 rubber dildos (on wall)
- 19. 136 dildos (rack 1)

HAMILTON COUNTY SHERIFF'S OFFICE / INVENTORY / CONTINUATION
PAGE #2

20. 30 penis pumps (rack 2)
20. 50 fake vaginas (rack 2)
21. 26 dildos (rack 3)
22. 92 vibrators (rack 3)
23. 136 vibrators (rack 4)
24. 162 adult paperback books
25. 1312 adult magazines
26. 414 adult magazines (wall)
27. 24 anal plugs (wall)
28. 61 multi speed stimulators (wall)
29. 1 X-10 beads (wall)
30. 1 Alexas crystal wand (wall)
31. 1 pulsonic wand (wall)
32. 3 anal douche (wall)
33. 1 emerald probe (wall)
34. 6 electric vibrators (wall)
35. 2 electric jelly beads (wall)
36. 3 anal probes (wall)
37. 2 vibrators (wall)
38. 3 jelly climax maximizers (wall)

Room # 3 / Sales Counter and Sales Case

01. 2 stools
02. 5 surveillance monitors
03. Casio Cash Register PCR-365A
04. six hundred six dollars and eighty-seven cents (\$606.87)
05. 3 fire extinguishers
06. 12 edible underwear
07. 10 stay hard cream
08. 13 tight stuff oil
09. 4 anal lube
10. 55 sex pills

HAMILTON COUNTY SHERIFF'S OFFICE / INVENTORY / CONTINUATION

PAGE #3

11. 7 belly button rings
12. 2 nipple clamps
13. 10 boxes small vibrators
14. 2 boxes viva cream
15. 9 bottles orgasmic jell
16. 14 bottles Spanish fly
17. 2 bottles nipple lick-ems
18. 1 bottle of erection pills
19. 197 containers assorted bottle lotions and jells
20. 16 bottle of dietary supplement
21. 1 ice machine
22. 1 coke machine
23. Igloo cooler
24. 2 boxes Act popcorn
25. GE Microwave
26. Magnavox radio
27. Vtech cordless phone
28. 3 VHS adult movies
29. 1 Emerson VHS player
30. 1 GE DVD player
31. 2 Sony VHS players
32. Cannon printer calculator
33. 1 Verfone printer
34. 1 Verfone credit card reader
35. 2 DVD movies
36. 2 C.D.'s
37. 3 misc. sex toys
38. coffee can with misc. tools
39. 21 bags of chips
40. 6 honey buns
41. 19 Mr. Goodbars
42. 34 Hershey bars
43. 26 Almond Joys
44. 5 Zero bars
45. 7 salted peanuts

HAMILTON COUNTY SHERIFF'S OFFICE / INVENTORY / CONTINUATION
PAGE #4

46. 1 Musketeers bar
47. 1 Skittles
48. 31 Reeces cups
49. 31 cheddar cheese crackers
50. 1 container of personal wipes
51. 1 container of matches
52. jar of assorted coins
53. 1 Mossberg 12 ga. Shotgun ser#L460718 with 4 shells
54. Magnavox TV monitor
55. container with novelty condoms
56. 30 gummy sexual suckers
57. 128 rubbers glow
58. 38 gummy love rings
59. toy cleaner
60. 17 VHS adult videos
61. 8 exotic brushes
62. 4 leather straps
63. 1 porn cup
64. 6 thumb cuffs
65. 2 beads
66. 2 boob prizes
67. 10 multi stimulators
68. 4 set of chap sticks
69. 4 sperm banks
70. 4 pharts
71. 4 whip delights
72. 3 dolls
73. 4 erotic dice
74. 9 adult magazines
75. 8 erotic rings
76. 2 wireless vibrators
77. 1 exotic missile
78. 31 video head cleaners
79. 1 box condoms
80. 4 latex extensions

HAMILTON COUNTY SHERIFF'S OFFICE / INVENTORY / CONTINUATION
PAGE #5

81. 16 anal beads
82. 2 power points
83. 1 touch tone phone
84. 21 French ticklers
85. 1 auto coffee mate
86. 26 cups
87. 1 coffee pot
88. 2 spoons
89. several straws
90. 2 containers of sugar
91. 1 container of creamer
92. 1 container of oral jell
93. 1 container of French ticklers

Room # 3 Office

01. Computer CTX PL7A
02. Fellows Paper Shredder
03. Assorted books
04. Table Computer
05. 3 Adult videos
06. 7 music C.D.'s
07. 3 model cars
08. 2 phones
09. Casino Cash Register
10. Assorted computer hardware
11. Panasonic Fax Machine
12. HP Computer printer
13. 3 Vibrators
14. 2 Remington miniature video cameras
15. Box of assorted tools
16. EIKI movie projector
17. Sentry safe model 1100
18. tool set
19. Emerson VCR U43192326

HAMILTON COUNTY SHERIFF'S OFFICE / INVENTORY / CONTINUATION
PAGE #6

20. Emerson VCR U43182066
21. Fire Fighter safe
22. H/P Scanjet printer model 5200C
23. Gardall safe
24. Quick fill electric air pump
25. file cabinet with assorted papers
26. Pistol Ex Cam GT.380
27. Gray metal desk
28. Centerion safe
29. 10 adult 8mm videos
30. Exxis VCR
31. Exxis Monitor
32. eighteen thousand five hundred eighty-two dollars (\$18, 582)

Room # 5 LARGE STORAGE ROOM

01. .misc. boxes
03. 3 latter
04. 1 weed eater
05. 1 gas can
06. 2 boxes of air filters

Room # 7 Main THEATER

01. 1 large fan

Room #7 BACK GAME ROOM

01. 3 pinball machines
02. 1 Ms Pacman machine
03. 1 Galaga machine
04. 18 TV's
05. 43 VCR's

HAMILTON COUNTY SHERIFF'S OFFICE / INVENTORY / CONTINUATION
PAGE #7

Room # 8 PROJECTOR ROOM

01. Eika 350 # 66801289
02. Radio shack amp.
03. 2 fans
04. Royal paper shedder
05. Misc. office items
06. Microwave oven
07. 2 cases of bottle water
08. 13 soda containers
09. 3-CO2 containers

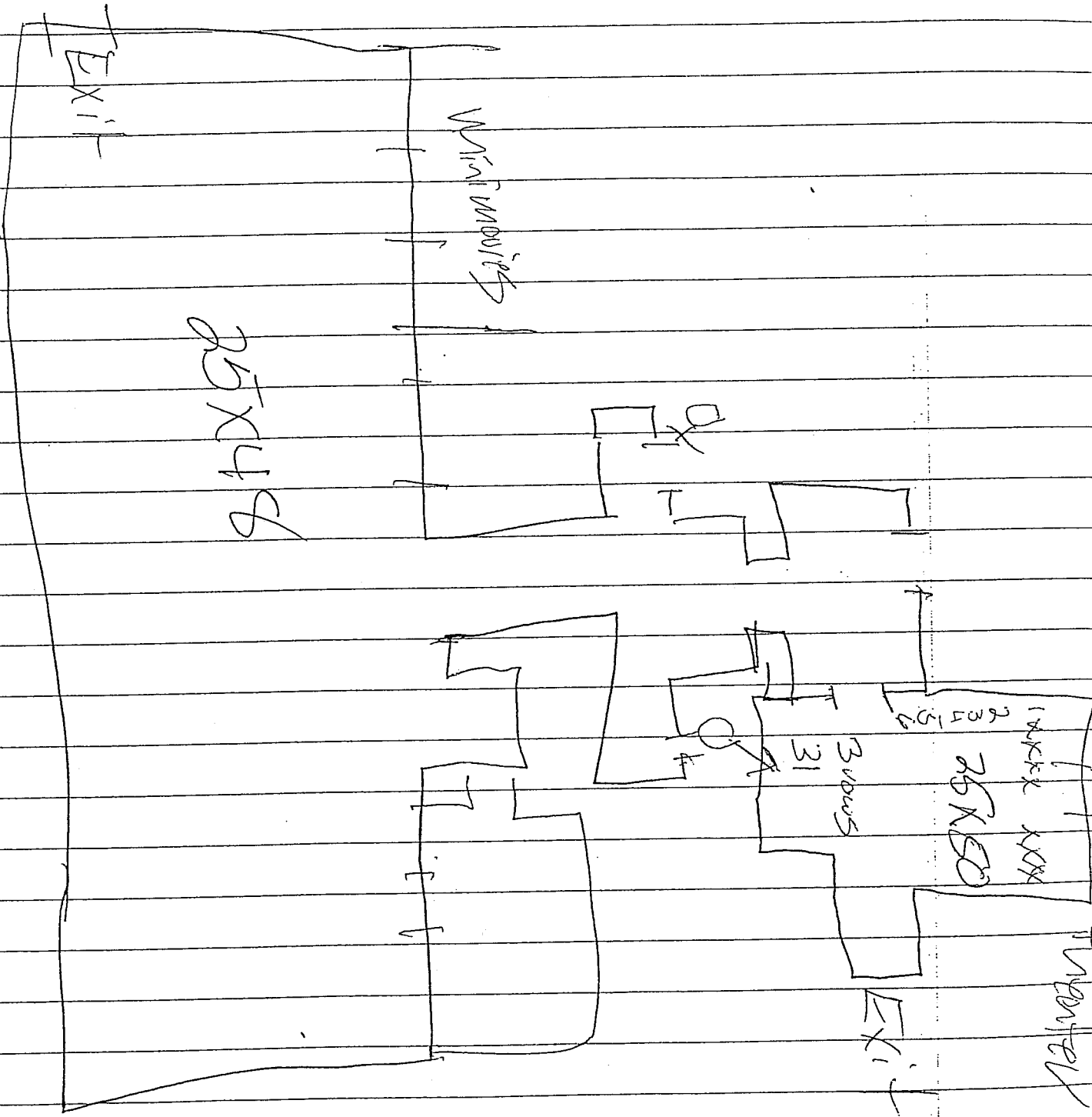
Room # 9 Supply Room

01. 24 rolls of paper towels
02. 12 sugars
03. 9 creamers
04. 76 rolls of paper
05. 2 boxes of envelopes
06. 1 box of latex gloves
07. 3 boxes of garbage bags
08. 38 packs of cups
09. 3 bundles of paper sacks
10. 1 box of sweet & low
11. 20 rolls of plastic cups
12. 23 Adult magazines
13. 4 boxes of chips
14. 3 heat guns
15. 1 latter
16. 1 extension cord
17. 1 mop bucket and mop
18. 1 floor buffer
19. 1 heater
20. 5 buckets of paint
21. 9 drain cleaner

HAMILTON COUNTY SHERIFF'S OFFICE / INVENTORY / CONTINUATION

PAGE #8

22. heat sealer and plastic papers
23. 8 odor eliminators
24. 8 bottles of cleaner
25. 50 rolls of toilet paper
26. old radio
27. misc. metal racks
28. 1 box of hangers -



EXIT

WASHROOMS

25X48

31

3 doors

25X50

10000

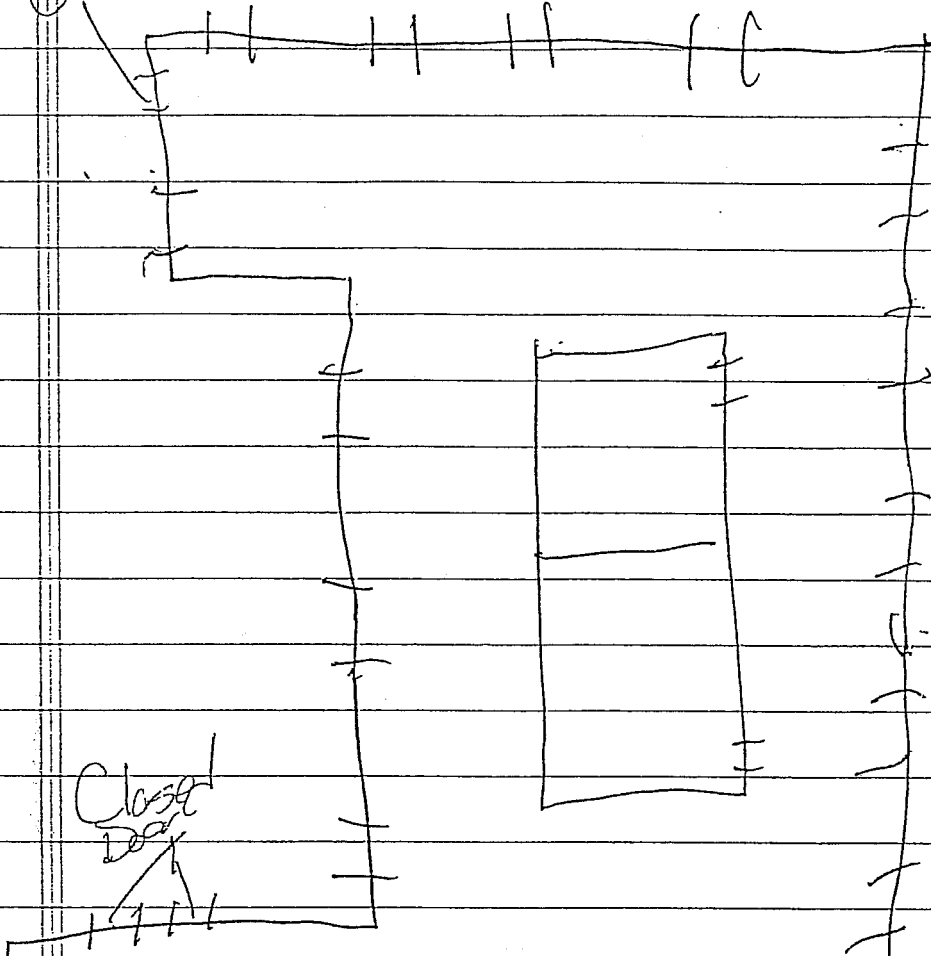
10000

10000

WASHROOMS

EXIT

Closed door



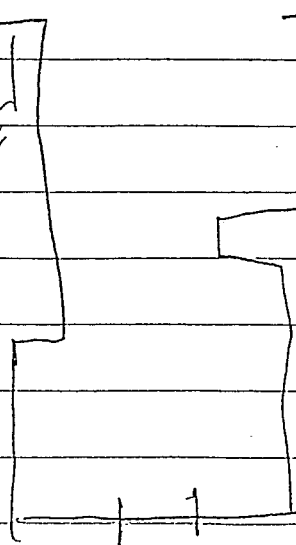
Closed Door

Exit

closed Door

Closed Door

closed Door



20F 3/13

Big 8945-95
1000000

28 B483B

clear

Ray X. Coy

8/31/12
New York
for film

Stuart and Mrs

OR 0065149
Gendron (B)

FOR

100

Don't
forget
to
send
me
the
film

Dave
Hankline
on phone

front room
25 wide
48 long

25 1/2 ft
wide
50 ft
long

48 side 6 rows 4 rack

32 rows 10
10

VIDEOTAPE
OF
SEXUAL ACTS
ON
JUNE 7, 2002

VIDEOTAPE
OF
WALKTHROUGH
ON
JUNE 7, 2002

500-00

11-27-01

**CITY OF CHATTANOOGA, TENNESSEE
APPLICATION FOR ADULT ENTERTAINMENT LICENSE**

***** WARNING *****

It is unlawful for any person to make a false statement on this application. Discovery of a false statement shall constitute grounds for denial of an application or revocation of a license. This license is not transferable to any other person, partnership, or corporation. This license is only valid for the adult-oriented establishment listed below on line 2 designated "Business Address" and for no other location.

Application No. _____ License No. _____

INSTRUCTIONS

All information must be printed or typed (do not use blue ink). The information contained in this application **MUST** be legible and complete in order for it to be processed. Only those applications that have been obtained through the City Business License Office will be processed.

YOUR FULL NAME: DAVID LAMAR FRANKLIN

YOUR SOCIAL SECURITY NUMBER: 254-11-8019

YOUR CURRENT ADDRESS: 6204 Co. Rd. 739 Ider AL. 35981

TELEPHONE NUMBER THAT YOU CAN BE CONTACTED AT: 423-867-8013

1) Business Name: CINEMA 1

2) Business Address: 4100 ROSSVILLE BLVD. CHATT. TN. 37407
(Give all addresses for the past three (3) years):
4100 ROSSVILLE BLVD. CHATT. TN. 37407

3) OWNER(S): List name(s) and address(es) of all persons who have any interest in the operation and ownership of this business. For purposes of this license application, anyone being directly interest in the ownership or operation of the business shall include any partner or limited partner of a partnership applicant, any officer or director of a corporate applicant, and any stockholder holding more than five (5%) percent of the stock of a corporate applicant. List all names, including all alias names, and addresses of any person listed hereunder.

Name and Alias

Address

DAVID LAMAR FRANKLIN

6204 Co. Rd. 739 Ider AL. 35981

4) Please state the business, occupation, or employment of each of the above-named owner(s) for five (5) years immediately preceding the date of this application:

DAVID CINEMA 1

5) State whether any of the above named owner(s) have previously obtained an adult-oriented establishment license or similar business license in any other county, city or state of the United States; whether any of the above named owner(s) have ever had such license revoked or suspended and if so, the reason therefore; and the business entity or trade name under which the above named owner(s) operated that was subject to the suspension or revocation:

Never Applied ANYWhere except CHATTANOOGA.
NONE REVOKED

6) State all convictions of federal or state criminal statutes, or any city ordinance or misdemeanor violations and pleading of nolo contendere on all charges, except minor traffic violations of any owner as defined in paragraph 3 above within the past five (5) years:

NONE

7) Attach two (2) recent photographs of at least 2 inches by 2 inches of all owners of this business as defined in paragraph above.

8) List the mailing addresses for the operation of this adult-oriented establishment if different from line 2 above:

9) Please give names and addresses of all persons, partnerships, or corporations holding any beneficial interest in the real estate upon which applicant's adult-oriented establishment is to be operated, including contract purchasers, contract sellers, beneficiaries of any land trust or lessee subletting to applicant:

DAVID B. BOLES RANDOM TERRACE RINGGOLD GA.

10) Are subject premises leased or subject to a contract of purchase? If so, please attach hereto a copy of said lease and/or contract for purchase: _____

11) Please state whether the applicant is a corporation: Yes. If so, please state:

Name of corporation: CINEMA 1, INC.

Date and State of Incorporation: 3-4-94 TENNESSEE

Name and address of Registered Agent: ARVIN Reingold

1010 MARKET Street CHATTANOOGA, TN 37402

Name and address of all directors and officers of the corporation:

DAVID L. FRANKLIN 6204 Co. Rd. 739 Ider AL. 35981

Designate the names and addresses of any person, partnership, limited partnership, corporation, or any other recognized legal entity holding more than five (5%) percent stock ownership in this corporation:

DAVID L. FRANKLIN 6204 Co. Rd. 739 Ider AL. 35981

12) Have you received a copy of the City of Chattanooga Ordinance No. 8601, are you familiar with the provisions of such, and do you agree to comply with all the terms and provisions therein? Yes

13) Attach hereto a list providing all inventory of adult entertainment material, equipment or supplies that are leased, purchased, or held in consignment or in any other fashion kept on the premises or any part or portion thereof for storage, display, or any other use therein, or in connection with the operation of said establishment, or for resale. For All such inventory of adult entertainment material, equipment and supplies specifically state and designate:

a) The business name of any distributor of any distributor of such inventory, equipment or supplies:

EAST COAST NEWS

b) Distributor's Address: 2801 SOUTH PARK Rd. PEMBROKE PARK FL. 33009
Telephone number: 954-986-4077

c) The name of Distributor's representative: MARLO

14) By applying for this license I am aware that the Chattanooga Police Department will conduct an investigation into my background and that the City Treasurer shall notify me whether my application

is granted, denied, or held for further investigation. My failure or refusal to give any information relevant to the investigation of this application or my refusal to appear at any reasonable time and place for examination under oath regarding this application or refusal to submit to or cooperate with any investigation required by Ordinance No. 8601, shall constitute an admission by me that I am ineligible for this license and can be grounds for denial thereof by the Chattanooga City Council. I further understand that the giving of any false information on this application may also constitute grounds for denial of an adult entertainment license by the Chattanooga City Council.

Signature of applicant: David James Smith 11-26-01

APPROVED:
CHIEF OF POLICE _____ DATE _____
CITY TREASURER _____ DATE _____

If this application is not approved the grounds for denial are:

INVENTORY - CINEMA I

- 3- GLASS SHOWCASES
- 1- WOODEN SALES COUNTER
- 3- WOODEN DISPLAY TABLES
- 2- WOODEN MAGAZINE RACKS
- 6- STEEL VIDEO RACKS
- 1- EIKI PROJECTOR
- 1- 10'X14' SCREEN
- 20- VIDEO RECORDERS
- 17- 13" TELEVISION SETS
- 2- 19" TELEVISION SETS
- 17- COIN BOXES
- 94- THEATRE SEATS
- 1- POPCORN POPPER
- 1- BUNN COFFEE MAKER



CITY OF CHATTANOOGA

DATE 11/27/01

RECEIPT NO. 96485

Received from David Lamar Franklin / Cinema

Amount of 5,000 Dollars and _____ Cents

For Adult Ent. owner

Cash \$ 5,000-

Check \$ _____

Department/Division

[Signature]
Signature



CITY OF CHATTANOOGA

DATE 11-27-01

RECEIPT NO. 96486

Received from Pamela Franklin Kilgore

Amount of 100 Dollars and _____ Cents

For Adult Ent

Cash \$ 100

Check \$ _____

Department/Division

[Signature]
Signature

CORPORATION ANNUAL REPORT

Please return completed form to: TENNESSEE SECRETARY OF STATE Attn: Annual Report 312 Eighth Ave. N, 6th Floor William R. Snodgrass Tower Nashville, TN. 37243

Annual Report Filing Fee Due

\$20. If no changes are made in block #6 to the registered agent/office or \$40. If any changes are made in block #6 to the registered agent/office

CURRENT FISCAL YEAR CLOSING MONTH: 03 IF DIFFERENT, CORRECT MONTH IS: December

THIS REPORT IS DUE ON OR BEFORE 07/01/01

SECRETARY OF STATE CONTROL NUMBER: 0276586

(A.) NAME AND MAILING ADDRESS OF CORPORATION: CINEMA D. INC. 4100 ROSSVILLE BLVD CHATTANOOGA, TN 37407 D 03/07/01 FOR PROFIT 215541

(2B.) STATE OR COUNTRY OF INCORPORATION: TENNESSEE (2C.) ADD OR CHANGE MAILING ADDRESS: FILED NOV 11 - 7 PM 12:50

A. PRINCIPAL ADDRESS INCLUDING CITY, STATE, ZIP CODE: 4100 ROSSVILLE BLVD CHATTANOOGA, TN 37407

B. CHANGE OF PRINCIPAL ADDRESS:

STREET CITY STATE ZIP CODE + 4

NAME AND BUSINESS ADDRESS INCLUDING ZIP CODE, OF THE PRESIDENT, SECRETARY AND OTHER PRINCIPAL OFFICERS. (ATTACH ADDITIONAL SHEET IF NECESSARY.)

Table with 4 columns: TITLE, NAME, BUSINESS ADDRESS, CITY, STATE, ZIP CODE + 4. Rows for David L. Franklin (President) and Pamela D. Kilgore (Secretary).

BOARD OF DIRECTORS (NAME OR LISTED BELOW: BUSINESS ADDRESS INCLUDING ZIP CODE). (ATTACH ADDITIONAL SHEET IF NECESSARY.) SAME AS ABOVE NONE

A. NAME OF REGISTERED AGENT AS APPEARS ON SECRETARY OF STATE RECORDS: DEXTER E. FRANKLIN

B. REGISTERED ADDRESS AS APPEARS ON SECRETARY OF STATE RECORDS: 4100 ROSSVILLE BLVD, CHATTANOOGA, TN 37407

C. INDICATE BELOW ANY CHANGES TO THE REGISTERED AGENT NAME AND/OR REGISTERED OFFICE.

(I). CHANGE OF REGISTERED AGENT: Arvin Reingold, Atty

(II). CHANGE OF REGISTERED OFFICE:

1010 Market Street Chattanooga, TN 37402 Hamilton

A. THIS BOX APPLIES ONLY TO NONPROFIT CORPORATIONS. OUR RECORDS REFLECT THAT YOUR NONPROFIT CORPORATION IS A PUBLIC BENEFIT OR A MUTUAL BENEFIT CORPORATION AS INDICATED: IF BLANK OR INCORRECT, PLEASE CHECK APPROPRIATE BOX: PUBLIC MUTUAL

B. IF A TENNESSEE RELIGIOUS CORPORATION, PLEASE CHECK BOX IF BLANK. RELIGIOUS

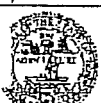
SIGNATURE: David L. Franklin

(9) DATE: 11-1-01

(10) TYPE PRINT NAME OF SIGNER: DAVID L. FRANKLIN

(11) TITLE OF SIGNER: President

** THIS REPORT MUST BE DATED AND SIGNED **



CITY OF CHATTANOOGA

COLLECTION REPORT

34618

DEPOSIT TO: FUND NO.	
FUND NAME:	1100 GENERAL FUND

FOR TREASURER'S USE ONLY
DOCUMENT # _____
TRANS. DATE _____
BANK CODE _____

PERIOD COVERED BY REPORT FROM: _____ TO: _____	OFFICE IN WHICH COLLECTED: TREASURER	REPORT PREPARED BY SHARON MORRIS	DATE OF REPORT: November 27, 2001
---	--	--	---

FUND (GRANT)	ORG. NO.	ACCOUNT NO.	ACTIVITY	LOCATION	+/-	DESCRIPTION (LIMITED TO 26 CHARACTERS)	AMOUNT
-	B00100	521203	-	-	+	ADULT ENTERTAINMENT	600.00

TOTAL \$ **600.00**

FROM WHOM COLLECTED	CHECK/WARRANT/CASH RECEIPT NO.
List Names and further description here DAVID FRANKLIN -OWNER CINEMA ONE PAMELA FRANKLIN KILGORE-EMPL	 REC#96485 REC #96486

DEPOSIT DISTRIBUTION	
CURRENCY	\$ _____ 600.00
COIN	\$ _____ 0.00
CHECKS	\$ _____ 0.00
DIRECT DEPOSIT	\$ _____ 0.00

S. Morris
DEPARTMENT SIGNATURE

TREASURER SIGNATURE

WHITE - FINANCE COPY
YELLOW - TREASURER COPY

9-14-04

CITY OF CHATTANOOGA, TENNESSEE
APPLICATION FOR ADULT ENTERTAINMENT LICENSE

***** WARNING *****

It is unlawful for any person to make a false statement on this application. Discovery of a false statement shall constitute grounds for denial of an application or revocation of a license. This license is not transferable to any other person, partnership, or corporation. This license is only valid for the adult-oriented establishment listed below on line 2 designated "Business Address" and for no other location.

Application No. _____ License No. _____

INSTRUCTIONS

All information must be printed or typed (do not use blue ink). The information contained in this application MUST be legible and complete in order for it to be processed. Only those applications that have been obtained through the City Business License Office will be processed.

YOUR FULL NAME: DAVID LAMAR FRANKLIN

YOUR SOCIAL SECURITY NUMBER: 254-11-8019

YOUR CURRENT ADDRESS: 6204 Co. Rd. 739 Ider AL 35981

TELEPHONE NUMBER THAT YOU CAN BE CONTACTED AT: 423-867-8013

1) Business Name: Cinema 1

2) Business Address: 4100 Rossville Blvd, CHATT, TN, 37407
(Give all addresses for the past three (3) years): _____

3) OWNER(S): List name(s) and address(es) of all persons who have any interest in the operation and ownership of this business. For purposes of this license application, anyone being directly interest in the ownership or operation of the business shall include any partner or limited partner of a partnership applicant, any officer or director of a corporate applicant, and any stockholder holding more than five (5%) percent of the stock of a corporate applicant. List all names, including all alias names, and addresses of any person listed hereunder.

Name and Alias	Address
<u>DAVID LAMAR FRANKLIN</u>	<u>6204 Co. Rd. 739 Ider AL 35981</u>
_____	_____
_____	_____
_____	_____

4) Please state the business, occupation, or employment of each of the above-named owner(s) for five (5) years immediately preceding the date of this application:

DAVID CINEMA I

5) State whether any of the above named owner(s) have previously obtained an adult-oriented establishment license or similar business license in any other county, city or state of the United States; whether any of the above named owner(s) have ever had such license revoked or suspended and if so, the reason therefore; and the business entity or trade name under which the above named owner(s) operated that was subject to the suspension or revocation:

Never APPLIED ANYWHERE except CHATTANOOGA
NONE Revoked

6) State all convictions of federal or state criminal statutes, or any city ordinance or misdemeanor violations and pleading of nolo contendere on all charges, except minor traffic violations of any owner as defined in paragraph 3 above within the past five (5) years:

NONE

7) Attach two (2) recent photographs of at least 2 inches by 2 inches of all owners of this business as defined in paragraph above.

8) List the mailing addresses for the operation of this adult-oriented establishment if different from line 2 above:

9) Please give names and addresses of all persons, partnerships, or corporations holding any beneficial interest in the real estate upon which applicant's adult-oriented establishment is to be operated, including contract purchasers, contract sellers, beneficiaries of any land trust or lessee subletting to applicant:

DAVID BOLES RANDOM TERRACE RINGGOLD GA.

10) Are subject premises leased or subject to a contract of purchase? If so, please attach hereto a copy of said lease and/or contract for purchase: _____

11) Please state whether the applicant is a corporation: Yes. If so, please state:

Name of corporation: CINEMA 1 INC.

Date and State of Incorporation: 3-4-94 TENNESSEE

Name and address of Registered Agent: ARVIN REINGOLD
1010 MARKET ST. CHATTANOOGA TN. 37402

Name and address of all directors and officers of the corporation: _____

Designate the names and addresses of any person, partnership, limited partnership, corporation, or any other recognized legal entity holding more than five (5%) percent stock ownership in this corporation:

DAVID L. FRANKLIN 6204 CO. RD. 739 #101 AL. 35981

12) Have you received a copy of the City of Chattanooga Ordinance No. 8601, are you familiar with the provisions of such, and do you agree to comply with all the terms and provisions therein? Yes

13) Attach hereto a list providing all inventory of adult entertainment material, equipment or supplies that are leased, purchased, or held in consignment or in any other fashion kept on the premises or any part or portion thereof for storage, display, or any other use therein, or in connection with the operation of said establishment, or for resale. For All such inventory of adult entertainment material, equipment and supplies specifically state and designate:

a) The business name of any distributor of any distributor of such inventory, equipment or supplies:

EAST COAST NEWS

b) Distributor's Address: 2801 S. PARK RD. PEMBROKE PARK FL. 33009
Telephone number: 954-986-4077

c) The name of Distributor's representative: MARLO JAFFEY

14) By applying for this license I am aware that the Chattanooga Police Department will conduct an investigation into my background and that the City Treasurer shall notify me whether my application

is granted, denied, or held for further investigation. My failure or refusal to give any information relevant to the investigation of this application or my refusal to appear at any reasonable time and place for examination under oath regarding this application or refusal to submit to or cooperate with any investigation required by Ordinance No. 8601, shall constitute an admission by me that I am ineligible for this license and can be grounds for denial thereof by the Chattanooga City Council. I further understand that the giving of any false information on this application may also constitute grounds for denial of an adult entertainment license by the Chattanooga City Council.

Signature of applicant: David J. Lusk

APPROVED:
CHIEF OF POLICE _____ DATE _____
CITY TREASURER _____ DATE _____

If this application is not approved the grounds for denial are:

Alabama Driver License

ISS. 10-14-1988
EXP. 11-18-2002

No: 8977509

Director of Public Safety
L. N. Hogan

DAVID L. FRANKLIN
6204 CO RD 739
IDER AL 35981

CLASS		ENDORSEMENTS		RESTRICTIONS	
DM					
D.O.B.		R.S.N.			
11-22-1956		254-11-8019			
SEX	HT	WT	EYES	HAIR	
M	5-10	160	BRO	BRN	

David L. Franklin

254-11-8019

DAVID L. FRANKLIN

David L. Franklin

INVENTORY - CINEMA 1

- 3 - GLASS SHOWCASES
- 1 - WOODEN SALES COUNTER
- 6 - STEEL VIDEO RACKS
- 2 - VIDEO DUMP BINS
- 3 - WOODEN DISPLAY TABLES
- 10 - SURVEILLANCE MONITORS
- 1 - DVD PLAYER
- 16 - VIDEO RECORDERS
- 1 - EIKI PROJECTOR
- 1 - 10x14 MOVIE SCREEN
- 3 - WOODEN DISPLAY RACKS
- 1 - BUNN COFFEE MAKER
- 18 - 19" COLOR TV'S

7-19-68

CITY OF CHATTANOOGA, TENNESSEE
APPLICATION FOR ADULT ENTERTAINMENT PERMIT

***** WARNING *****

It is unlawful for any person to make a false statement on this application. Discovery of a false state shall constitute grounds for denial of an application or revocation of a permit. This permit is not transferable to any other person.

Application No. _____ Permit No. _____

INSTRUCTIONS

All information must be printed or typed (do not use blue ink). The information contained in this application MUST be legible and complete in order for it to be processed. Only those applications that have been obtained through the City Business License Office will be processed.

YOUR FULL NAME: Pamela Franklin Kilgore

YOUR SOCIAL SECURITY NUMBER: 415-02-3292

YOUR CURRENT ADDRESS: 4816 Blue Bell Ave. Doltawah TN.

TELEPHONE NUMBER THAT YOU CAN BE CONTACTED AT: 894-9010 or 867-8013

1) List all names and aliases, including stage names, by which you have, within the past ten (10) years, been known by: _____

2) I have attached to this form is a copy of my birth certificate or other proof that I am at least (18) eighteen years of age: _____
My date of birth is: 11-16-51

3) List all residential addresses where you have lived during the past three (3) years: 718 Cherokee Tr Rossville GA.
4816 Blue Bell Ave. Doltawah, TN.

4) Designate your height 5'1", weight 160, color of eyes Brown, and color of hair Brown

5) List all businesses, employment or other occupation which you have had for the five (5) years immediately preceding the date of this application:
Richmond Cpt. Mill

6) List whether you, while previously operating in this or any

other city or state under an adult-oriented establishment permit or similar business for whom you were employed or associated at the time, have ever had such a permit revoked or suspended, the reason therefore, and the business entity or trade name for whom you were employed or associated with at the time of such suspension or revocation NONE

7) State all convictions of federal and/or criminal statutes, or any city ordinance or misdemeanor violation convictions, and pleadings of nolo contendere on all charges, except minor traffic violations, which you have received within the past five (5) years. NONE

8) Attach two (2) recent photographs of yourself which are at least 2 inches by 2 inches.

9) Have you received a copy of the City of Chattanooga Ordinance No. 8601, are you familiar with the provisions of such and do you agree to comply with all the terms and provisions therein? YES

10) By applying for this permit I am aware that the Chattanooga Police Department will conduct an investigation into my background from which the City Treasure shall notify me whether my application is granted, denied, or held for further investigation. My failure or refusal to give any information relevant to the investigation of this application or my refusal or failure to appear at any reasonable time and place for examination under oath regarding this application or refusal to submit to or cooperate with any investigation required by Ordinance No. 8601, shall constitute an admission by me that I am ineligible for this permit and can be grounds for denial thereof by the Chattanooga City Council. I further understand that the giving of any false information on this application may also constitute grounds for the denial of an adult entertainer permit by the Chattanooga City Council.

Signature of applicant: Ronnie Franklin Kilgore

APPROVED:
CHIEF OF POLICE _____ DATE _____
CITY TREASURER _____ DATE _____

If this application is not approved the grounds for denial are:

Tennessee
Driver License
99921986

Class D	Expires 11-16-2006
Endorsements ...	Issued 02-06-2002
Restrictions 01	
Birthdate 11-16-1951 Sex F HI 5'01" Eyes BR	
Soc Sec No 415-02-3292	

PAMELA DIANE KILGORE
4816 BLUE BELL AVENUE
COLTEWAH, TN 37363

Pamela Kilgore

SOCIAL SECURITY	
ACCOUNT	NUMBER
415-02-3292	
HAS BEEN ESTABLISHED FOR	
Pamela D. Kilgore	
SIGNATURE	<i>Pamela D. Kilgore</i>
FOR SOCIAL SECURITY AND TAX PURPOSES—NOT FOR IDENTIFICATION	

TECHNICAL LABORATORIES, INC.

515 CHEROKEE BLVD.
CHATTANOOGA, TENNESSEE 37405

423/265-4533

LEWIS E. CAIN
President

June 13, 2002

Account No. 1969-004
Laboratory No. 439,769

Chattanooga-Hamilton County Health Department
Environmental Health
921 East Third Street
Chattanooga, Tennessee 37403

Attention: Mr. Jim Parks

Re: Complaint No. 02-78225, 4100 Rossville Blvd., Cinema One, 06/09/02

The evidence in this case was received in a sealed brown paper bag. Inside the bag were seven separately sealed and marked bags. Inside each inner bag was a sealed and marked cardboard tube containing two swabs. All were dated 6/7/02 and all were marked as collected by DW 667. We were asked to determine the presence or absence of semen.

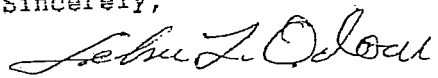
Only a few fibers from one of each of the pairs of swabs was used. Most of the material is still available for further testing if required. Under 15X magnification with a stereo microscope a few fibers were pulled from the visibly stained portion of each swab. These were transferred to a slide. There was a visible coating on some of the transferred fibers in each case. These fibers were then covered with a coverslip and wet with a drop of water while observing with approximately 40X magnification. The slide was then transferred to a phase contrast microscope and observed at 500X, looking for sperm or their identifiable parts.

We obtained the following results:

<u>No.</u>	<u>Location</u>	<u>Time</u>	<u>Result</u>
1.	Screen, Rm. 11	13:45	Sperm found
2.	Screen, Rm. 14	13:54	Sperm found
3.	Screen, Rm. 12	13:58	Sperm Found
4.	Wall by Screen Rm. 13	14:10	Sperm Found
5.	By Screen, Rm. 4	14:13	Sperm Found
6.	Wall by TV, 1st Rm. Left Hall	14:20	Sperm Found
7.	Wall by TV, 2nd Rm. Left Hall	14:22	Sperm found

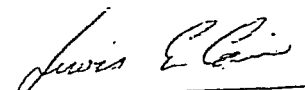
In every case we found visible and identifiable spermatozoa with the 500 power phase contrast microscope. This is conclusive evidence of the presence of semen. This test is only suitable for samples that are quite fresh. These samples were near the end of their suitability for this method. Some of the spermatozoa are severely degraded, and serological or DNA analysis will be required if further testing is done at a later date.

Sincerely,



John L. Odom
Senior Chemist/Microscopist

Reviewed by:



Lewis E. Cain

BUSINESSES, TRADES AND OCCUPATIONS

shall be filed in writing with the city treasurer not later than twenty (20) days after the date of the application.

(Code 1986, § 11-428)

Sec. 11-429. Fees.

(a) A license fee of five hundred dollars (\$500.00) shall be submitted with the application for a license. If the application is denied, one-half (1/2) of the fee shall be returned.

(b) A permit fee of one hundred dollars (\$100.00) shall be submitted with the application for a permit. If the application is denied, one-half (1/2) of the fee shall be returned.
(Code 1986, § 11-429)

Sec. 11-430. Display of license or permit.

(a) The license shall be displayed in a conspicuous public place in the adult-oriented establishment.

(b) The permit shall be carried by an employee upon his or her person and shall be displayed upon request of a customer, any member of the Chattanooga Police Department, or any person designated by the city council.
(Code 1986, § 11-430; Ord. No. 9654, § 87, 1-6-92)

Sec. 11-431. Renewal of license or permit.

(a) Every license issued pursuant to this article will terminate at the expiration of one (1) 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 city treasurer. The application for renewal must be filed not later than sixty (60) days before the license expires. The application for renewal shall be filed in triplicate with and dated by the city treasurer. A copy of the application for renewal shall be filed in triplicate with and dated by the city treasurer. A copy of the application for renewal shall be distributed promptly by the city treasurer to the Chattanooga Police Department and to the operator. The application for renewal shall be upon a form provided by the city treasurer and shall contain such information and data, given under oath or affirmation, as may be required by the city council.

(b) A license renewal fee of five hundred dollars (\$500.00) shall be submitted with the application for renewal. In addition to the renewal fee, a late penalty of one hundred dollars (\$100.00) shall be assessed against the applicant who files for a renewal less than sixty (60) days before the license expires. If the application is denied, one-half (1/2) of the total fees collected shall be returned.

CHATTANOOGA CITY CODE

(c) If the Chattanooga Police Department is aware of any information bearing on the operator's qualifications, that information shall be filed in writing with the city treasurer.

(d) Every permit issued pursuant to this article will terminate at the expiration of one (1) year from the date of issuance unless sooner revoked, and must be renewed before an employee is allowed to continue employment in an adult-oriented establishment in the following calendar year. Any employee desiring to renew a permit shall make application to the city treasurer. The application for renewal must be filed not later than sixty (60) days before the permit expires. The application for renewal shall be filed in triplicate with and dated by the city treasurer. A copy of the application for renewal shall be distributed promptly by the city treasurer to the Chattanooga Police Department and to the employee. The application for renewal shall be upon a form provided by the city treasurer and shall contain such information and data, given under oath or affirmation, as may be required by the city treasurer.

(e) A permit renewal fee of one hundred dollars (\$100.00) shall be submitted with the application for renewal. In addition to said renewal fee, a late penalty of fifty dollars (\$50.00) shall be assessed against the applicant who files for renewal less than sixty (60) days before the license expires. If the application is denied, one-half (1/2) of the fee shall be returned.

(f) If the Chattanooga Police Department is aware of any information bearing on the employee's qualifications, that information shall be filed in writing with the city treasurer.

(g) Notwithstanding anything herein to the contrary, any application for renewal of a license or for renewal for a permit shall be handled, investigated and approved or denied within the same time periods as those established in this Article for original license applications and permit applications. In the event a license renewal application or permit renewal application is denied, the applicant shall have all rights of appeal to the City Council as set forth in §11-438 of this Article.
(Code 1986, § 11-431; Ord. No. 9654, § 2, 1-6-92; Ord. No. 10270, § 6, 8-1-95)

Sec. 11-432. Revocation of license or permit.

- (a) The mayor shall revoke a license or permit for any of the following reasons:
- (1) Discovery that false or misleading information or data was given on any application or material facts were omitted from any application.
 - (2) The operator, entertainer, or any employee of the operator, violates any provision of this article or any rule or regulation adopted by the city council pursuant to this

BUSINESSES, TRADES AND OCCUPATIONS

article; provided, however, that in the case of a first offense by an operator where the conduct was solely that of an employee, the penalty shall not exceed a suspension of thirty (30) days if the city council shall find that the operator had no actual or constructive knowledge of such violation and could not by the exercise of due diligence have had such actual or constructive knowledge.

- (3) The operator or employee becomes ineligible to obtain a license or permit.
- (4) Any cost or fee required to be paid by this article is not paid.
- (5) An operator employs an employee who does not have a permit or provides space on the premises, whether by lease or otherwise, to an independent contractor who performs or works as an entertainer without a permit.
- (6) Any intoxicating liquor, cereal malt beverage, narcotic or controlled substance is allowed to be sold or consumed on the licensed premises.
- (7) Any operator, employee or entertainer sells, furnishes, gives or displays, or causes to be sold, furnished, given or displayed to any minor any adult-oriented entertainment or adult-oriented material.
- (8) Any operator, employee or entertainer denies access of law enforcement personnel to any portion of the licensed premises wherein adult-oriented entertainment is permitted or to any portion of the licensed premises wherein adult-oriented material is displayed or sold.
- (9) Any operator allows continuing violations of the rules and regulations of the Chattanooga-Hamilton County Health Department.
- (10) Any operator fails to maintain the licensed premises in a clean, sanitary and safe condition.

(b) Notwithstanding anything herein to the contrary, before revoking or suspending any license or permit, the Mayor shall give the license holder or permit holder not less than ten (10) nor more than twenty (20) days' written notice of the charges against such license holder or permit holder and of the revocation of such license or permit, or of the period of time such license or permit is to be suspended; such notice shall also advise the license holder or permit holder of the license holder's or permit holder's right to request a hearing before the City Council. In the event the license holder or permit holder does not request in writing a hearing before the City Council within the time set forth in such notice, the suspension or revocation shall be effective beginning the date set forth in such notice.

CHATTANOOGA CITY CODE

If the license holder or permit holder desires to request a hearing before the City Council to contest the suspension or revocation, such request shall be made in writing to the Clerk of the City Council within ten (10) days of the license holder's or permit holder's receipt of the notification from the Mayor. If the license holder or permit holder timely requests such a hearing, the effective date of a suspension or hearing shall be stayed pending the final outcome of judicial proceedings to determine whether such license or permit has been properly revoked or suspended under the law.

If the license holder or permit holder timely requests such a hearing, a public hearing shall be held within fifteen (15) days of the Clerk's receipt of such request before the City Council at which time the license holder or permit holder may present evidence as to why the suspension or revocation is improper or contrary to the provisions of this Article. The City Council shall hear evidence concerning the basis for such suspension or revocation and shall affirm or reverse the suspension or revocation at the conclusion of said hearing; any such hearing shall be concluded no later than twenty-two (22) days after the license holder's or permit holder's receipt of notification of the suspension or revocation, unless an extension beyond such time period is requested by the license holder or permit holder and granted by the City Council.

(c) If the City Council affirms the suspension or revocation, the Office of the City Attorney shall institute suit for declaratory judgment in a court of record in Hamilton County, Tennessee, within five (5) days of the date of any such affirmation seeking an immediate judicial determination of whether such license or permit has been properly revoked or suspended under the law.

(d) Any operator or employee whose license or permit is revoked shall not be eligible to receive a license or permit for five (5) years from the date of revocation. No location or premises for which a license has been issued shall be used as an adult-oriented establishment for two (2) years from the date of revocation of the license.
(Code 1986, § 11-432; Ord. No. 9654, §§ 2, 13, & 88, 1-6-92; Ord. No. 10270, § 7, 8-1-95)

Sec. 11-433. Hours of operation.

(a) No adult-oriented establishment shall be open between the hours of 3:00 a.m. and 8:00 a.m. on weekdays or between the hours of 3:00 a.m. and 12:00 noon on Sundays.

(b) All adult-oriented establishments shall be open to inspection at all reasonable times by the Chattanooga Police Department or such other persons as the city council may designate.
(Code 1986, § 11-433; Ord. No. 9654, § 2, 1-6-92)

BUSINESSES, TRADES AND OCCUPATIONS

Sec. 11-434. Responsibilities of the operator.

(a) The operator shall maintain a register of all employees, showing the name, and aliases used by the employee, home address, age, birthdate, sex, height, weight, color of hair and eyes, phone numbers, social security number, date of employment and termination, and duties of each employee and such other information as may be required by the city council. The above information on each employee shall be maintained in the register on the premises for a period of three (3) years following termination.

(b) The operator shall make the register of employees available immediately for inspection by police upon demand of a member of the Chattanooga Police Department at all reasonable times.

(c) Every act or omission by an employee constituting a violation of the provisions of this article 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.

(d) An operator shall be responsible for the conduct of all employees while on the licensed premises and any act or omission of any employee constituting a violation of the provisions of this article shall be deemed the act or omission of the operator for purposes of determining whether the operator's license shall be revoked, suspended or renewed.

(e) There shall be posted and conspicuously displayed in the common areas of each adult-oriented establishment a list of any and all entertainment provided on the premises. Such list shall further indicate the specific fee or charge in dollar amounts for each entertainment listed. Viewing adult-oriented motion pictures shall be considered as entertainment. The operator shall make the list available immediately upon demand of the Chattanooga Police Department at all reasonable times.

(f) No employee of an adult-oriented establishment shall allow any minor to loiter around or to frequent an adult-oriented establishment or to allow any minor to view adult entertainment as defined herein.

(g) Every adult-oriented establishment shall be physically arranged in such a manner that the entire interior portion of the booths, cubicles, rooms or stalls, wherein adult entertainment is provided, shall be visible from the common area of the premises. Visibility shall not be blocked or obscured by doors, curtains, partitions, drapes, or any other obstruction

CHATTANOOGA CITY CODE

whatsoever. It shall be unlawful to install booths, cubicles, rooms or stalls within adult-oriented establishments for whatever purpose, but especially for the purpose of secluded viewing of adult-oriented motion pictures or other types of adult entertainment.

(h) The operator shall be responsible for and shall provide that any room or area used for the purpose of viewing adult-oriented motion pictures or other types of live adult entertainment shall be readily accessible at all times and shall be continuously opened to view in its entirety.

(i) No operator, entertainer, or employee of an adult-oriented establishment shall demand or collect all or any portion of a fee for entertainment before its completion.

(j) A sign shall be conspicuously displayed in the common area of the premises, and shall read as follows:

This Adult-Oriented Establishment is Regulated by Chattanooga City Code, Part II [Chapter 11], Article XV, Section[s] 11-421 through 11-437. Entertainers Are:

1. *Not permitted to engage in any type of sexual conduct;*
2. *Not permitted to expose their sex organs;*
3. *Not permitted to demand or collect all or any portion of a fee for entertainment before its completion.*

(Code 1986, § 11-434; Ord. No. 9654, § 2, 1-6-92)

Sec. 11-435. Prohibitions and unlawful sexual acts.

(a) No operator, entertainer, or employee of an adult-oriented establishment shall permit to be performed, offer to perform, perform or allow customers, employees or entertainers to perform sexual intercourse or oral or anal copulation or other contact stimulation of the genitalia.

(b) No operator, entertainer, or employee shall encourage or permit any person upon the premises to touch, caress, or fondle the breasts, buttocks, anus or genitals of any other person.

(c) No operator, entertainer, employee, or customer shall be unclothed or in such attire, costume, or clothing so as to expose to view any portion of the sex organs, breasts or

BUSINESSES, TRADES AND OCCUPATIONS

buttocks of said operator, entertainer, or employee with the intent to arouse or gratify the sexual desires of the operator, entertainer, employee, or customer.

(d) No entertainer, employee or customer shall be permitted to have any physical contact with any other on the premises during any performance and all performances shall only occur upon a stage at least eighteen inches (18") above the immediate floor level and removed at least six feet (6') from the nearest entertainer, employee and/or customer.
(Code 1986, § 11-435; Ord. No. 10178, §§ 3-4, 3-7-95)

Sec. 11-436. Penalties and prosecution.

(a) Any person, partnership, or corporation who is found to have violated this article shall be fined a definite sum not exceeding fifty dollars (\$50.00) and shall result in the suspension or revocation of any permit or license.

(b) Each violation of this article shall be considered a separate offense, and any violation continuing more than one (1) hour of time shall be considered a separate offense for each hour of violation.
(Code 1986, § 11-436)

Sec. 11-437. Invalidity of part.

Should any court of competent jurisdiction declare any section, clause, or provision of this article to be unconstitutional, such decision shall affect only such section, clause, or provision so declared unconstitutional, and shall not affect any other section, clause or provision of this article.
(Code 1986, § 11-437)

Sec. 11-438. Denial of applications or renewals.

(a) As used in this section, "application" shall mean (i) an application for a license, (ii) an application for a permit, (iii) an application for a license renewal, and (iv) an application for a permit renewal.

(b) Whenever an application is denied, the City Treasurer shall notify the applicant in writing of the reasons for such action; such notice shall also advise the applicant of the applicant's right to request a hearing before the City Council. If the applicant desires to request a hearing before the City Council to contest the denial of an application, such request shall be made in writing to the Clerk of the City Council within ten (10) days of the applicant's receipt of the notification of the denial of the application. If the applicant timely requests such a hearing, a public hearing shall be held within fifteen (15) days of the Clerk's receipt of such request before

CHATTANOOGA CITY CODE

the City Council at which time the applicant may present evidence as to why the application should not be denied. The City Council shall hear evidence concerning the basis for denial of the application and shall affirm or reverse the denial of an application at the conclusion of said hearing; any such hearing shall be concluded no later than twenty-two (22) days after the applicant's receipt of notification of denial of an application, unless an extension beyond such time period is requested by the applicant and granted by the City Council.

(c) If the City Council affirms the denial of an application, the Office of the City Attorney shall institute suit for declaratory judgment in a court of record in Hamilton County, Tennessee, within five (5) days of the date of any such denial seeking an immediate judicial determination of whether such application has been properly denied under the law. (Ord. No. 10270, § 3, 8-1-95)

Secs. 11-439 -- 11-449. Reserved.

ARTICLE XV. TEEN SOCIAL CLUBS

Sec. 11-450. Definitions.

For purposes of this Article, the words and phrases used herein shall have the following meanings, unless otherwise clearly indicated by the context:

(a) "Teen social club" shall mean any business establishment which advertises itself, holds itself out to the public as, or is operated primarily as a "Teen Club", "Teen Dance Club", and/or any business establishment which provides entertainment or social activities primarily to teenagers of the ages restricted by the Curfew Ordinance of the City of Chattanooga regardless of whether such establishment is conducted, operated or maintained for a profit; "teen social club" does not include movie theaters, amusement parks or a sporting event or facility.

(b) "Advertise" shall mean promotional signs on the premises, off-premise signs and any written, live, videotaped or audiotaped promotional presentations for the business establishment which feature or promote the attendance of teenagers.

(c) "Alcoholic beverages" shall mean beer or other beverages of like alcoholic content regulated by Chattanooga City Code, Chapter 5, and any establishment selling or serving liquor or wine regulated by the provisions of T.C.A. § 57-1-101, et seq.

(d) "Curfew Ordinance" shall mean Chattanooga City Code, Chapter 25, Sections 25-2 through 25-5.



City of Chattanooga

Office of the Chief of Police

3300 Amnicola Highway
Chattanooga, Tennessee 37406

July 17, 2002

Mayor Bob Corker
City Hall
Chattanooga, Tennessee 37402

Re: Cinema One Adult Entertainment License

Dear Mayor Corker:

Attached is an application for an Adult Entertainment License from Mr. David Franklin, the owner/proprietor of Cinema One. Also attached is documentation outlining the Police Department's request that this application be denied.

I am in agreement that this application for a license should not be granted. By City Ordinance, the Mayor has to deny the application. The applicant may then seek a hearing before the City Council to redress the decision.

If you have questions concerning this matter or if additional information is needed, please contact me.

Sincerely,

Jimmie L. Dotson
Chief of Police

JLD/vl

c: Mayor Bob Corker - w/attach.



City of Chattanooga

DEPARTMENT OF POLICE
3300 AMNICOLA HIGHWAY

Chattanooga, Tennessee 37406

July 15, 2002

Chief J.L. Dotson
Chattanooga Police Department
3300 Amnicola Highway
Chattanooga, Tennessee 37406

Jimmie L. Dotson
approve to deny license
7-16-02

Re: Cinema One Adult Entertainment License

Dear Sir:

Reference is made to the attached memorandum from Officer Gerald Dossett of the Special Investigations Unit and an application for an Adult Entertainment License completed by David Franklin, the owner/proprietor of Cinema One.

Mr. Franklin applied for an Adult Entertainment License on 11-26-01. Unknown to him, members of the Special Investigations Unit were conducting and had conducted covert visits to the establishment. During the visits, detectives observed and documented numerous incidents of sexual acts by patrons that were in violation of the provisions of the City's Adult Entertainment Ordinances. Based on the long-term investigative observations, investigators with the Special Investigations Unit with the assistance of the Hamilton County Sheriff's Department, the Hamilton County District Attorneys Office and the department Civil Enforcement Officer executed a nuisance abatement padlock order on July 7, 2002. The provisions by which the business could temporarily open are being resolved in Criminal Court through discussions between Assistant District Attorney Dave Denny and attorney for the business, Arvin Reingold. The license issue is not inclusive in the negotiations between the District Attorney's office and counsel for Cinema One.

The chain of command for Major Investigations and Support Services recommends that the Adult Entertainment License for the applicant and/or Cinema One be denied. The Special Investigations personnel outlined that the business and/or operators were in violation of the Adult Entertainment Ordinances due to the following specific violations:

Page 2 of 2

No operator, entertainer, or employee of an adult-oriented establishment shall permit to be performed, offer to perform, perform or allow customers, employees or entertainers to perform sexual intercourse or oral or anal copulation or other contact stimulation of the genitalia.

Every adult-oriented establishment shall be physically arranged in such a manner that the entire interior portion of the booths, cubicles, rooms or stalls, wherein adult entertainment is provided, shall be visible from the common area of the premises. Visibility shall not be blocked or obscured by door, curtains, partition, drapes, or any other obstruction whatsoever. It shall be unlawful to install booth, cubicles, rooms or stalls within adult-oriented establishments for whatever purpose, but especially for the purpose of secluded viewing of adult-oriented motion pictures or other types of adult entertainment.

An operator employs an employee who does not have a permit or provides space of the premises, whether by lease or otherwise, to an independent contractor who performs or works as an entertainer without a permit.

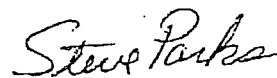
Any operator that allows continuing violations of the rules and regulations of the Chattanooga-Hamilton County Health Department.

Any operator fails to maintain the licensed premises in a clean, sanitary and safe condition.

We ask that upon reviewing this matter that you concur with our recommendation to deny the license application and forward the matter to the Mayor's Office. By City Ordinance, the Mayor will have to deny the application. The applicant may then seek a hearing before the City Council to redress the decision. We feel that there is more that adequate proof to deny the application based on the improper actions that have occurred within the business.

Please advise if you have any questions about this recommendation or if you require more information about the proof that has been documented to support the violations by the business.

Sincerely,



Steve Parks
Deputy Chief



Rebekah T. Barnes
Administrator

Valerie A. Boaz, M.D.
Health Officer

Chattanooga-Hamilton County
Health Department

921 East Third Street
Chattanooga, TN 37403-2165
Phone (423) 209-8110 - Fax (423) 209-8111

ENVIRONMENTAL HEALTH

FACSIMILE TRANSMITTAL COVER SHEET

TO: Sgt. Janice Atkinson FAX NUMBER 698-9571

FROM Carolyn - Environmental Health

DATE: Nov. 1, 2021 TIME: _____

Number of pages in transmission: 7 (including cover sheet)

Please telephone 209-8110 should you fail to receive all pages and/or fail to receive clear and complete copies of all pages.

COMMENT: _____

****IMPORTANT NOTICE****

This message is intended only for the use of the individual entity to which it is addressed, and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us at the above address via the U. S. Postal Service.

Thank You.

MWJaccovr

Working Toward A Healthy Community

DATE 10/12/00

SERVICE REQUEST FORM

COMPLAINT

VECTOR

RODENT

BIRDS

OTHER

NAME OF PERSON CALLING _____

ADDRESS AND PHONE _____

ADDRESS OF COMPLAINT 4100 Rossville Boulevard

OWNER AND PHONE Cinema One Adult Theatre
David and Gene Franklin

ADDITIONAL INFORMATION Physician called in complaint
re. Cinema One Adult Theatre located at 4100 Rossville
Boulevard. The physician had treated a
patient of his that had recently been in the Cinema
One Adult Theatre - the patient said there was
sexually activity going on inside & that it was
nasty & unsanitary.

PERSON TAKING CALL _____

DATE 10/17/00

ACTION BEING TAKEN Jim & Dr. Boaz did an insp.
regarding the sanitation.

10/20/00 - referred to Chatta Police Dept., Special
Investigations Division, Lt. Marks
Rawlston. 1-98-9740.
(Lt. Stumer)

I _____ have received a copy of the Adult Book Store letter
from the Health Department on _____.

Signature

Signature

Becky T. Barnes
Administrator



Valerie A. Boaz, M.D.
Health Officer

Chattanooga-Hamilton County
Health Department

921 East Third Street

Chattanooga, TN 37403-2165

October 20, 2000

Phone (423) 209-8110 - Fax (423) 209-8111

CERTIFIED LETTER

Mr. David Franklin
Mr. Gene Franklin
4100 Rossville Boulevard
Chattanooga, TN 37407

Dear Sirs:

An inspection of the Cinema One Adult Theatre located at 4100 Rossville Boulevard in Chattanooga, Tennessee, on October 17, 2000, revealed unsanitary conditions that the Chattanooga Hamilton County Health Department find unacceptable. To abate any potential problems, this Department requests your cooperation in implementing the following improvements:

1. Re-finish or repair all floors in movie viewing areas with a solid floor covering that can be sanitized properly. Rough concrete cannot be sanitized or even cleaned adequately.
2. All floors, walls, furniture and other appropriate items should be sanitized at least twice daily in movie viewing booths. A daily log detailing the date and time of the cleaning should be maintained in the event of complaints or problems. The best sanitizing solution is a 1:10 dilution of bleach solution (e.g., one (1) cup of household bleach in ten (10) cups of water.
3. Adequate lighting must be provided for cleaning. A light level of twenty (20) footcandles must be available on command so that the private booth and movie areas can be properly sanitized.
4. Sexually transmitted diseases and AIDS posters and warnings in conspicuous places should be provided as a public service in adult oriented establishments. The Chattanooga Hamilton County Health Department will work with the management of each establishment to obtain posters that are appropriate.

Please have the above actions completed by November 20, 2000. Once compliance is obtained, the Chattanooga Hamilton County Health Department will continue monitoring the establishment on a periodic basis in order to ensure that sanitary conditions are maintained. Health and sanitation complaints about the Cinema One Adult Theatre are referred to the Health Department in order that our Environmentalists

Working Toward A Healthy Community

can investigate the alleged complaint and work with the management to abate any unsanitary conditions that might exist.

This Department looks forward to working with you in improving the sanitary environment in the Cinema One Adult Theatre. These efforts should reduce the public's exposure to potential health hazards, which currently exist as well as demonstrate a good faith effort by the owners of the establishments to provide a clean and sanitary environment for its customers.

Please contact my office at 209-8110 if you have any questions or need additional assistance in this matter.

Sincerely,



Jim B. Parks
Director
Environmental Health

JBP/csc

Becky T. Barnes
Administrator



Valerie A. Boaz, M.D.
Health Officer

Chattanooga-Hamilton County
Health Department

November 30, 2000

921 East Third Street
Chattanooga, TN 37403-2165
Phone (423) 209-8110 - Fax (423) 209-8111

CERTIFIED LETTER

Mr. David Franklin
Mr. Gene Franklin
4100 Rossville Boulevard
Chattanooga, TN 37407

Dear Sirs:

A re-inspection of the Cinema One Adult Theatre located at 4100 Rossville Boulevard in Chattanooga, Tennessee, on November 27, 2000, revealed the following improvements have been made:

1. New tiles that can be sanitized properly have been installed on the floors in the movie viewing areas and booths.
2. All floors, walls, furniture and other appropriate items are being sanitized at least twice daily in movie viewing booths. A daily log detailing the date and time of the cleaning is being maintained.
3. Appropriate new lighting has been installed.
4. Sexually transmitted diseases and AIDS posters and warnings have been posted in conspicuous places.

Per my conversation with Joe Franklin, there is still some furniture that needs to be replaced with new cleanable/maintainable furniture. Mr. Franklin indicated to me the furniture is on order and should be delivered in about two weeks. The Chattanooga Hamilton County Health Department will continue monitoring the establishment on a periodic basis in order to ensure that sanitary conditions are maintained.

Please contact my office at 209-8110 if you have any questions or need additional assistance in this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jim B. Parks".

Jim B. Parks
Director, Environmental Health

JBP/csc
MVAadultfollowup

Working Toward A Healthy Community

Date 10-22-01

SERVICE REQUEST FORM

Complaint

Solid Waste

Rabies

Other

Vector

Rodent

Birds

Name of person calling _____

Address and phone _____

Address of complaint Cinema One Adult Theatre

owner and phone 4100 Rossville Blvd. 37407

Additional information A private physician called to report that one of his patients states that oral sex occurs at this establishment. I told the physician that we had inspected the store and forwarded the complaint to the local police. A repeat of this action (notifying the police) is requested.

REPORTED ANIMAL BITE

Person or agency reporting _____

Date of bite _____ Name of person bitten _____

Phone _____ Address _____

Owner of animal _____ Phone _____

Address _____

Type of animal _____ Where is animal? _____

Its condition _____ Last Rabies inoculation _____

Vet. _____ Was bite provoked? _____

Additional information _____



INVESTIGATORS

ROBERT T. BROWN
GARY LEGG
SANDRA K. LOFTIN
ED BATEMAN
ED HOOVER

PARALEGAL
ARTHUR D. WULFORST

VICTIM - WITNESS COORDINATORS
BEVERLY CLOUD
LOIS POLLARD
JANET RAMSEY
DENISE SCHENK
CINDY H. RICHARDSON

INFORMATION SYSTEMS MANAGER
TONY NASH

TELEPHONE
423/209-7400

FACSIMILE
423/209-7401

E-MAIL ADDRESS
DA@hcdatn.org

OFFICE OF DISTRICT ATTORNEY

BILL COX

HAMILTON COUNTY - CHATTANOOGA COURTS BUILDING

600 MARKET STREET - SUITE 310
CHATTANOOGA, TENNESSEE 37402

July 17, 2002

Jimmy L. Dotson
7/18/02

cc: Shelley Parker

EXECUTIVE ASSISTANT DISTRICT ATTORNEY
BARRY A. STEELMAN

ASSISTANT DISTRICT ATTORNEYS

WILLIAM F. WEST
RODNEY C. STRONG
H. C. BRIGHT
DAVID W. DENNY
BATES BRYAN, JR.
YOLANDA D. MITCHELL
JOHN W. MILLICAN
C. PARKE MASTERSON, JR.
JOSEPH A. REHYANSKY
DEAN C. FERRARO
JOHN LEE
LILA STATOM
CHRISTOPHER D. POOLE
RUSTON L. HILL
THOMAS E. KIMBALL
CARL T. HUSKINS
MARY SULLIVAN MOORE
BENJAMIN T. BOYER
SALLY D. SLOVER

Chief Jimmy Dotson #902
Chattanooga Police Department
3300 Annicola Highway
Chattanooga, Tennessee 37406

RE: Padlock -Adult Cinema One
4100 Rossville Boulevard
Chattanooga, Tennessee 37407

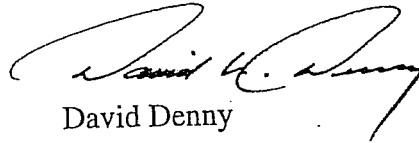
Dear Chief Dotson,

This letter is written to inform you of the results from our recent request for a Court Ordered Padlock of the Adult Cinema One on Rossville Boulevard. On the 3rd, day of July, 2002, our office signed the enclosed agreed order which set forth eight conditions for the reopening of the business. Our padlock request and subsequent agreement were and are solely directed to control the unsanitary conditions which posed a health hazard at the establishment. In accordance with the statute which allows for such a padlock to abate a public nuisance, we must afford the operators the opportunity to take reasonable steps to abate the nuisance.

By doing so we in no way purport to influence your decision on whether to recommend renewal of the operators adult entertainment license. In fact, this aspect of the business operation was specifically discussed between our office and Mr. Reingold who represents the operators. It was Mr. Reingold's position that the licensing issue was an entirely separate administrative issue not to be conjoined with our civil action.

Consequently, it was the specific intention of the parties to the civil action not to interfere with the city's future determination of the licensing issue.

With Regards,

A handwritten signature in black ink, appearing to read "David Denny". The signature is fluid and cursive, with a large initial "D" and a long, sweeping underline.

David Denny

Assistant District Attorney General

DD/sls

CC: Deputy Chief Parks CPD
Det. Janice Atkinson CPD
Arvin Reingold, Attorney at Law

STATE OF TENNESSEE

*
*
*
*
*
*
*

NO. 240582

VS.

IN THE CRIMINAL COURT FOR
HAMILTON COUNTY, TENNESSEE
DIVISION II

DEXTER EUGENE FRANKLIN
DAVID LAMAR FRANKLIN
DAVID BOLES AND SARAH BOLES

ORDER

This cause came on to be heard on the 3RD day of July 2002, and upon the representation to the Court that the following corrective measures have been agreed upon by the parties, the Court agrees to lift the temporary injunction and padlock previously in effect in the above-style matter.

Furthermore, the Court finds that the business premises as currently operated is a potential health hazard in that unsafe health conditions were allowed to persist at said premises which constituted a public nuisance.

Moreover, in an effort to allow the business owner to take corrective actions and abate this nuisance the following eight-point plan is submitted by the respondents.

330

1. The respondent will close off the viewing booths within the establishment until such time as a video surveillance system is installed which allows for continual monitoring of the conduct taking place within the booths themselves during business hours.
2. That all postings and signs inside the business premises which "encourage" unsafe physical contact inside the business be removed or modified.
3. That the respondents agree to continue to meet with officials of the Chattanooga/Hamilton County Health Department to establish a schedule of periodic inspections and controls.
4. That the respondents agree to meet with officials of the Fire Marshall's and City Code Enforcement Divisions to insure compliance with code provisions.
5. That the respondents will permanently close the areas within the business currently designated as privacy booths.

6. That the respondents will undertake reasonable streetscaping or beautification steps around the parking area.

7. That the respondents agree to employ adequate personnel to allow for appropriate monitoring of any surveillance system established for the viewing booths.

8. The respondents will undertake reasonable steps to control activities taking place inside the establishment.


It is further ordered, that upon evidence having been shown that the respondent Dexter Franklin has no proprietary interest in Cinema 1, he is therefore ordered removed as a respondent in the cause

This order is docketed for 12th, day of August, 2002. ~~for~~

Review.

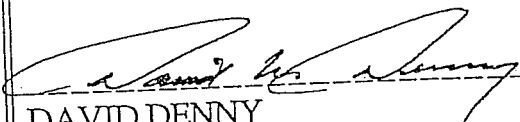
So ordered this 3RD, day of July,

2002.

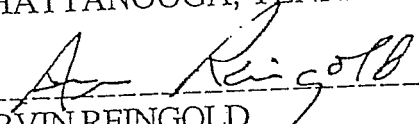


Judge Rebecca Stern
Criminal Court Division II

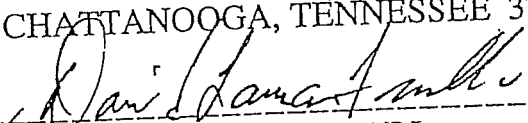
APPROVED FOR ENTRY:



DAVID DENNY
ASSISTANT DISTRICT ATTORNEY GENERAL
600 MARKET STREET, SUITE 310
CHATTANOOGA, TENNESSEE 37402



ARVIN REINGOLD
ATTORNEY FOR RESPONDENTS, *Franklin*
1010 MARKET STREE, SUITE 401
CHATTANOOGA, TENNESSEE 37402



DAVID LAMAR FRANKLIN
RESPONDENT

SARAH BOLES
RESPONDENT

DAVID BOLES
RESPONDENT

333

9-14-02

Post-it* Fax Note 7671

Date	11-7-02	# of pages	6
To	Phil Nobelett		
From	Beth Schenck		
Co./Dept.	Co.		
Phone #	Phone #		
Fax #	Fax #		

CITY OF CHATTANOOG
APPLICATION FOR ADULT EN

***** WARNING *****

It is unlawful for any person to make a false statement on this application. Discovery of a false statement shall constitute grounds for denial of an application or revocation of a license. This license is not transferable to any other person, partnership, or corporation. This license is only valid for the adult-oriented establishment listed below on line 2 designated "Business Address" and for no other location.

Application No. _____ License No. _____

INSTRUCTIONS

All information must be printed or typed (do not use blue ink). The information contained in this application MUST be legible and complete in order for it to be processed. Only those applications that have been obtained through the City Business License Office will be processed.

YOUR FULL NAME: DAVID LAMAR FRANKLIN

YOUR SOCIAL SECURITY NUMBER: 254-11-8019

YOUR CURRENT ADDRESS: 6204 Co. Rd. 739 Ider AL 35981

TELEPHONE NUMBER THAT YOU CAN BE CONTACTED AT: 423-867-8013

1) Business Name: Cinema 1

2) Business Address: 4100 Rossville Blvd. CHATT, TN, 37407
(Give all addresses for the past three (3) years): _____

3) OWNER(S): List name(s) and address(es) of all persons who have any interest in the operation and ownership of this business. For purposes of this license application, anyone being directly interest in the ownership or operation of the business shall include any partner or limited partner of a partnership applicant, any officer or director of a corporate applicant, and any stockholder holding more than five (5%) percent of the stock of a corporate applicant. List all names, including all alias names, and addresses of any person listed hereunder.

Name and Alias	Address
<u>DAVID LAMAR FRANKLIN</u>	<u>6204 Co. Rd. 739 Ider AL 35981</u>
_____	_____
_____	_____
_____	_____

4) Please state the business, occupation, or employment of each of the above-named owner(s) for five (5) years immediately preceding the date of this application:

DAVID CINEMA I

5) State whether any of the above named owner(s) have previously obtained an adult-oriented establishment license or similar business license in any other county, city or state of the United States; whether any of the above named owner(s) have ever had such license revoked or suspended and if so, the reason therefore; and the business entity or trade name under which the above named owner(s) operated that was subject to the suspension or revocation:

Never APPLIED ANYwhere except CHATTANOOGA
NONE Revoked

6) State all convictions of federal or state criminal statutes, or any city ordinance or misdemeanor violations and pleading of nolo contendere on all charges, except minor traffic violations of any owner as defined in paragraph 3 above within the past five (5) years:

NONE

7) Attach two (2) recent photographs of at least 2 inches by 2 inches of all owners of this business as defined in paragraph above.

8) List the mailing addresses for the operation of this adult-oriented establishment if different from line 2 above:

9) Please give names and addresses of all persons, partnerships, or corporations holding any beneficial interest in the real estate upon which applicant's adult-oriented establishment is to be operated, including contract purchasers, contract sellers, beneficiaries of any land trust or lessee subletting to applicant:

DAVID BOLES RANDOM TERRACE RINGGOLD GA.

10) Are subject premises leased or subject to a contract of purchase? If so, please attach hereto a copy of said lease and/or contract for purchase: _____

11) Please state whether the applicant is a corporation: Yes. If so, please state:

Name of corporation: Cinema 1 INC.

Date and State of Incorporation: 3-4-94 Tennessee

Name and address of Registered Agent: ARVIN BEINGOLD
1010 MARKET ST. CHATTANOOGA TN. 37402

Name and address of all directors and officers of the corporation: _____

Designate the names and addresses of any person, partnership, limited partnership, corporation, or any other recognized legal entity holding more than five (5%) percent stock ownership in this corporation:

DAVID L. FRANKLIN 6204 CO. RD. 739 #101 AL. 35981

12) Have you received a copy of the City of Chattanooga Ordinance No. 8601, are you familiar with the provisions of such, and do you agree to comply with all the terms and provisions therein? Yes

13) Attach hereto a list providing all inventory of adult entertainment material, equipment or supplies that are leased, purchased, or held in consignment or in any other fashion kept on the premises or any part or portion thereof for storage, display, or any other use therein, or in connection with the operation of said establishment, or for resale. For All such inventory of adult entertainment material, equipment and supplies specifically state and designate:

a) The business name of any distributor of any distributor of such inventory, equipment or supplies:

EAST COAST NEWS

b) Distributor's Address: 2801 S. PARK RD. PEMBROKE PARK FL. 33009
Telephone number: 954-986-4077

c) The name of Distributor's representative: MARLO JAFFEY

14) By applying for this license I am aware that the Chattanooga Police Department will conduct an investigation into my background and that the City Treasurer shall notify me whether my application

is granted, denied, or held for further investigation. My failure or refusal to give any information relevant to the investigation of this application or my refusal to appear at any reasonable time and place for examination under oath regarding this application or refusal to submit to or cooperate with any investigation required by Ordinance No. 8601, shall constitute an admission by me that I am ineligible for this license and can be grounds for denial thereof by the Chattanooga City Council. I further understand that the giving of any false information on this application may also constitute grounds for denial of an adult entertainment license by the Chattanooga City Council.

Signature of applicant: David J. Fink

APPROVED:
CHIEF OF POLICE _____ DATE _____
CITY TREASURER _____ DATE _____

If this application is not approved the grounds for denial are:



City of Chattanooga

Office of the Chief of Police

3300 Amnicola Highway
Chattanooga, Tennessee 37406



July 17, 2002

Mayor Bob Corker
City Hall
Chattanooga, Tennessee 37402

Re: Cinema One Adult Entertainment License

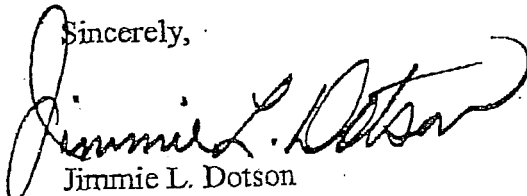
Dear Mayor Corker:

Attached is an application for an Adult Entertainment License from Mr. David Franklin, the owner/proprietor of Cinema One. Also attached is documentation outlining the Police Department's request that this application be denied.

I am in agreement that this application for a license should not be granted. By City Ordinance, the Mayor has to deny the application. The applicant may then seek a hearing before the City Council to redress the decision.

If you have questions concerning this matter or if additional information is needed, please contact me.

Sincerely,


Jimmie L. Dotson
Chief of Police

JLD/vl

c: Mayor Bob Corker - w/attach.