

Strip club agenda item refused, official says | Councilman says colleague, aides lobbied him on issue

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In the months before the FBI raided City Hall offices and strip clubs, aides for three San Diego city councilmen and a councilman himself lobbied to have adult-entertainment regulations publicly discussed.

Requests to get strip club matters on the agenda of the Public Safety and Neighborhood Services Committee were made to Councilman Brian Maienschein, the committee's chair, and John Rivera, the panel's consultant. The committee is where new laws are reviewed before they go to the full City Council.

Maienschein said he refused to put strip club issues on the agenda despite two requests from Councilman Ralph Inzunza and less- direct attempts by staffers to raise the subject.

"I said no, we are not docketing this," Maienschein recalled, when asked about the requests. "I have an aversion to that industry. I just don't think it's good for our city. I thought it was wrong. I didn't want to do anything related to strip clubs."

The City Hall offices of Inzunza and Councilmen Michael Zucchet and Charles Lewis were searched by the FBI on May 14, along with the Cheetahs strip club in San Diego and two other clubs in Las Vegas owned by Michael Galardi.

Parallel investigations here and in Las Vegas center on whether public officials or others were bribed with tens of thousands of dollars in an attempt to change laws regulating strip clubs. Federal grand juries began meeting in San Diego and Las Vegas after the raids. Jurors must decide whether to issue indictments on bribery, extortion and conspiracy charges.

Zucchet, Inzunza and Lewis have denied any wrongdoing.

After the raids, bewildered city staff members grappled with grand jury subpoenas, scrambled to hire lawyers and traded rumors during late-night phone calls. Maienschein and Rivera, however, began to piece things together.

"I realized what the FBI was looking for," Maienschein said.

Calendars for Inzunza, Zucchet and Lewis show they all met with Lance Malone, a Las Vegas lobbyist for Galardi, who owns the three strip clubs that were raided. Two of the meetings were close in time to an April 30 committee meeting in which changing San Diego's adult-entertainment ordinance was proposed.

Zucchet's calendar shows he met Malone for breakfast two weeks before that meeting. And Inzunza's calendar shows he had a 90- minute breakfast scheduled with Malone at the Hob Nob Hill the day after. The councilmen's calendars also record a lunch meeting with Malone in February.

Lewis had a breakfast meeting scheduled with Malone in February, according to his calendar.

Law enforcement officials are investigating whether the lobbying was an effort to abolish touching restrictions, said sources familiar with the grand jury investigation. The law forbids dancers and patrons from touching. Some of the 17 staffers testifying before the grand jury have been questioned about the lobbying, the sources said.

At least five times, David Cowan from Lewis' office, Patrick Schott from Inzunza's office, Anthony Wagner from Zucchet's office and Inzunza spoke to Maienschein or Rivera about bringing adult-entertainment matters to the committee.

"On two occasions, Inzunza approached me, asking me to docket a strip club ordinance regarding touching," Maienschein said. "But he didn't say why he wanted me to docket it."

Maienschein said he refused.

Inzunza's attorney, Michael Pancer, and Zucchet's attorney, Jerry Coughlan, could not be reached for comment yesterday. Lewis' attorney, Frank Ragen, declined to comment. Wagner and Schott could not be reached for comment.

Cowan's attorney, Michael L. Crowley, declined to discuss Cowan's actions, but said his client didn't do anything inappropriate.

"My understanding of the procedure is it would be normal course to go to someone that is the staff person for a particular committee to find out how it would be handled. The bottom line is there would be nothing unusual about going to the staff person to inquire about any kind of legislation," Crowley said.

The months leading up to the raids were confusing and strange for Maienschein and Rivera, they said. Schott, Wagner and Cowan discussed adult entertainment issues "directly and indirectly" with Rivera, he said. Mostly they asked questions about ways to docket such items.

"At first, the process was typical, and everyone was professional and thorough," Rivera said.

But something seemed odd.

"The fact that there was interest in docketing this and yet no one was stepping forward to take ownership for docketing seemed unusual," Rivera said. "By the time I was last approached on this, I became increasingly aware of the need to make sure I carefully managed the process."

Rivera had taken the requests to Maienschein, who said no.

The issue wound up being raised another way: by a member of the public at an April 30 committee meeting. Zucchet and Lewis are committee members.

Tom Waddel, a man who claimed to live in Zucchet's district, asked the committee to consider tighter zoning restrictions on strip clubs. It turned out Waddel was really a Las Vegas resident, employed by a Las Vegas strip club -- one of the clubs raided by the FBI at the same time City Hall was being searched.

Maienschein and Rivera said they were unaware of Waddel's true identity at the time and were taken aback by the whole exchange. Typically, council members make few if any remarks after a member of the public comments on a matter that is not on the agenda, but Zucchet responded to Waddel, requesting the issue be referred to the City Attorney's Office for analysis. It was.

"I thought he was being a little persistent," Maienschein said of Zucchet. "It was very obvious from my comments I did

not want to docket it."

Sources close to the investigation said after the committee meeting Zucchet's staff asked for a meeting with the City Attorney's Office to discuss adult entertainment. Zucchet attended the meeting himself, an unusual move, the sources said.

Also after the committee met, Inzunza twice asked Maienschein that the touching issue be put on the agenda.

Meanwhile, there was confusion between Rivera, who wasn't sure how to proceed, and Elmer Heap Jr., a deputy city attorney, who tried to sort it out in an e-mail exchange five days after the meeting:

" . . . could you provide me the language you are following to act on Councilmember Zucchet's referral to you at PS&NS last week?" Rivera wrote in the e-mail released by the City Attorney's Office.

Heap's response: "I want to make sure that I understand the referral and thus myself along with (Deputy City Attorney) Jim Chapin of our office are meeting with Anthony Wagner of District 2 to discuss referral and how we could be responsive to Councilmember Zucchet. Jim Chapin and (Executive Assistant City Attorney) Leslie Devaney believe that our office has already responded on this issue. I will let you know the result of the meeting and what, if anything, our office will be doing."

Heap wouldn't comment to clarify the issue he referred to in the memo. However, the council had passed an ordinance in October 2000 that forbids touching between patrons and the partially clad dancers. The rule -- complementing a law prohibiting nude dancers from being within 6 feet of patrons -- essentially outlawed table and lap dancing.

Rivera declined to discuss further details of the docketing effort, saying he was uncomfortable revealing details of his grand jury testimony and interfering with the legal process and the presumption of innocence.

Wagner, Zucchet's representative to the public safety committee, has resigned his job and declined to comment on the investigation; Cowan is the only one of the three aides so far to testify before the grand jury.

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Abstract (Document Summary)

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