

### **Good Neighbors Report**

To: Public Safety and Licensing Committee

From: Attorney Nhu H. Arn

RE: Lush Adult Entertainment, LLC., dba/Lush Ultra Lounge, Amarion James, Agent and Owner

Meeting date: Tuesday, April 16, 2024

Departments: Attorney, Building and Health

License(s) requested: Class "B" license (beer) and "Class B" (intoxicating liquor)

### **Issues Identified:**

#### **Amendment of operation and premises description:**

Mr. James states that he does not intend to promote the bar as a strip club, despite the name of the entity and his previous applications in 2021 to operate the same within the City of Madison. However, Mr. James states he would allow strippers when the premise is rented out for private parties. Attorney Arn informed him that city ordinance does not allow for an adult entertainment business at this location and that no strippers may be permitted on the premises regardless of whether it is a private party. That said, the current business plan indicates 10% of the bar's overall income from "other", i.e. private rentals. Attorney Arn explained that despite any "private rentals" or "members only" admittance policy, Mr. James is expected to follow all city and state alcohol regulations and will remain liable for any alcohol violations on the premises.

Mr. James plans to remodel the building in two phases: the lower level by June; and the first floor by the end of the summer. At this time, he is requesting that the premises description include only the lower level and basement storage, so that he may start operating as early as June. When the first floor is completely remodeled, he will amend the premises description to add the first floor.

The hours of operation were included as part of the amendment solely to clarify parts of the license application that were illegible, but the hours themselves have not changed.

Agent/manager experience. Mr. James does not have any relevant experience in either the food or alcohol industry and has never held an alcohol beverage license. Mr. James will primarily oversee the daily operations of the business. Attorney Arn briefly summarized a list of relevant local and state alcohol regulations and sent Mr. James a link to the Department of Revenue's Publication 302 for retailers.

#### **Police Department issues:**

There is some nuisance history associated with this particular location, which include but are not limited to lack of crowd control and loitering, particularly in the back parking lot. Sgt.

Thillemann was unable to make the good neighbors meeting but may provide additional information to the committee during its meeting.

With respect to the criminal background check, Mr. James did properly disclose his two misdemeanor convictions from 2016 and 2006, which do not disqualify him. It should be noted that he changed his name from Timothy James to Amarion James in 2018, which explains the initial discrepancy in the background check.

Status of building/health permit and license. Mr. James is in the process of applying for a license/permit from both the Health and Building Departments. No issues have been identified thus far that would affect his eligibility for a license.

### **Overall summary**

Mr. James is seeking to operate a bar, which he states will be part of a chain business under Lush Adult Entertainment. Due to the restrictions for an adult entertainment license in the city, he states that this location will not have any adult entertainment. Mr. James will lease the building from the current owners of the Fifteen-Eighteen, and states he intends to run the business “differently” given some of the nuisance issues associated with the current premises. Given his lack of experience in working/managing a bar, Attorney Arn stressed the importance of cooperating with the Racine Police Department to deal with any issues that may arise.