

SMILE letter to OLCC
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May 20, 2011

Dear OLCC,

On Wednesday, May 18, the Sellwood Moreland Improvement League (SMILE) had a board meeting at which the liquor license application of Carol Lee and Casa Diablo was discussed. Ms. Lee was invited to this meeting, ... After a full discussion, it was decided by the board to strongly recommend that the OLCC deny the applicant this liquor license.

The SMILE board would like to make clear that this comment submission regarding this liquor license application is not regarding the legality of nude dancing, strip clubs, freedom of expression or the morality of these issues. Instead these comments are regarding the criminal activity related to adult and alcohol oriented establishments. Our comments specifically focus upon the criminal problems that have already been demonstrated under the applicant's existing liquor license. The current management and functioning of the existing Casa Diablo club on NW St Helens Rd raises extreme concerns of serious and persistent problems that will likely follow the applicant to a new location.

First, there is a documented nuisance complaint regarding litter, garbage, broken glass, drug needles, condoms, and diapers that were not cleaned up in more than 6 months' time (Permit/Case Number 2010-101282-000-00-NU for 2839 NW St Helens Rd). The presence of IV drug needles on the property is direct evidence that there is illegal drug possession, use and possibly dealing on the property. The presence of condoms on the property is direct evidence that there is public nudity and sexual activity on the property.

Second, there are two documented complaints regarding noise of loud music coming from the club that rises above the legal threshold between 10 pm and 2:30 am (permit/case numbers 2007-108460-000-00-NC & 2008-166497-000-00-NC). Third, we understand that the club owners and managers, Carol Lee and Johnny Zukle have been given verbal instruction regarding drinking in an unlicensed area. These three issues combined give us a high level of concern that these types concerns will become serious and persistent problems at the new location.

We wish to also articulate our concern that this club is proposed at a location in close proximity to a private preschool, Uno, Dos, Tres, located at 8718 SE 17th Avenue, approximately 10 blocks from the applicant at 8445 SE McLoughlin Blvd. The children from this preschool are taken each day to Johnson Creek Park for recreation, a 5 block walk from the club, but less than a 2 block distance as the crow flies (across Johnson Creek). The club is also located close to Sellwood Middle School at 8300 SE 15th Avenue, 7 blocks from the proposed site of this club.

Finally, SMILE is extremely concerned of an overall increase in crime. The over-service of alcohol and drunkenness at the existing Casa Diablo on NW St Helens Road appears to be a serious and persistent problem. Vomiting and urinating in and around the parking lot are activities that occur in conjunction with this. It also appears that motorcycle gang members frequent the club. Carry-over of drunkenness and/or biker gang activity to the proposed site on McLoughlin Blvd is of high concern to SMILE. Prostitution also.. The legal literature documents that there are multiple secondary effects of these types of businesses on neighborhoods [insert cite].

The owner of the property where Casa Diablo is proposed, 8445 SE McLoughlin Blvd, is Tracy Blakeslee. In the early to mid-1990's there was a fire in a Fantasy Video store on Barbur Blvd owned by Tracy Blakeslee. A patron using a private booth on Mr. Blakeslee's property died in the fire. For this reason, we believe it is reasonable and proper, in the interest of health and safety for patrons of the proposed Casa Diablo club, that no interior walls or designations of private booths should allowed to be built.

Casa Diablo had a time, place & manner violation in 2008 under Johnny Zukle (aka Johnny Diablo) who was the full-owner at that time. After this he transferred majority ownership of the business to Carol Lee, who is a resident of California. It is our understanding from the club's website and from discussions with neighbors that Johnny Zukle continues to manage the club first-hand as he did prior to the transfer of majority ownership. It is our position that any background checks performed in reference to the liquor license in question be done for Carol Lee as applicant, as well as Johnny Zukle as part-owner or club manager.

With all of the apparent illegal activity surrounding this club, SMILE strongly opposes the liquor license application for the opening of a second Casa Diablo club. If denial of the license is somehow not executed, it is our positions that numerous restrictions be made on the licensee.