

Brewvies sues Utah alcohol department over threat to pull liquor license

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SALT LAKE CITY — A Salt Lake movie theater sued the state alcohol control department Tuesday after the agency threatened to revoke its liquor permit for serving drinks while screening "Deadpool," which features simulated sex scenes.

Brewvies Cinema Pub claims the Utah Department of Alcoholic Beverage Control is trying to impose disciplinary action under an unconstitutional state law that violates its free speech rights.

"The film 'Deadpool' is not obscene, and defendants and the DABC have not claimed the film is obscene, under applicable constitutional standards. Taken as a whole, the film has serious literary, artistic, political or scientific value," Brewvies attorney Rocky Anderson wrote in the federal lawsuit.

DABC spokeswoman Vickie Ashby said the agency had no comment. The lawsuit names DABC Executive Director Sal Petilos, other administrators and the seven-member state alcohol commission as defendants.

State alcohol regulators filed a complaint against Brewvies after three

undercover officers attended a screening of the R-rated movie "Deadpool" in February.

Investigators cited a state obscenity law that is generally used to regulate alcohol and nudity at strip clubs, which are required to have dancers wear G-strings and pasties if the club serves liquor.

The law also bans the showing of any film with sex acts or simulated sex acts, full-frontal nudity or the "caressing" of breasts or buttocks. It only applies to businesses with liquor licenses, so most Utah movie theaters, which are alcohol free, are not cited under the law.

Brewvies, which has been open since 1997, only allows people 21 and older to attend movies, and serves food and liquor to customers. It shows only movies rated PG, PG-13 and R.

In a notice sent to the theater on April 11, the DABC says it's seeking an order from the alcohol commission ranging from a 10-day license suspension to a revocation of its club license and/or a \$1,000 to \$25,000 fine. The agency scheduled a meeting in May to discuss or possibly settle the complaint.

The lawsuit says the DABC "coerced" Brewvies into a \$1,500 fine in 2011 for showing the movie "The Hangover Part II."

Brewvies also received a "threatening" email from the agency in 2015, saying it would not be allowed to show two films due to nudity and sexual content, according to the lawsuit. "Magic Mike" and "Ted 2" were playing at the time, neither of which the lawsuit says meet the state or federal definition of "obscene."

Reporters asked Gov. Gary Herbert about the Brewvies issue during the ceremonial signing of a resolution declaring pornography a public health crisis in Utah.

Herbert said it's a separate subject.

"We have a law on the books that does not allow you to serve alcohol while you actually show pornography, naked images," he said, adding he'll let the investigation run its course. "If it's a violation of law, then it's violation of law."

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