

MIAMI CODE ENFORCEMENT PORN HOUSE ILLEGAL, CITY RULES

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• Abstract: A porn producer argued that male models performing sex acts for the Web in an Edge- water home don't represent an adult entertainment business. Code enforcers didn't buy it. The residents of Northeast 27th Street in Edgewater may not have neighbors like Pretty Ricky, Jerzey Flyrt and Nick Da Kannon for much longer.

After 10 hours of listening to evidence and arguments, Miami's Code Enforcement Board ruled late Monday that Phillip Bleicher's Flava Works, an Internet porn production and distribution company, is illegally running an adult entertainment business out of a single-family home at 503 NE 27th St. -- zoned for residential use -- and ordered that those operations cease.

"I think the city has met its burden of showing a link between the house on 27th Street and the website," board member Oscar Rodriguez Fonts said before moving to deny a motion, made by Flava Works attorney James Benjamin, to dismiss citations posted by city code inspectors in May.

The website is CocoDorm.com, where visitors can, for a fee, watch live video streams from the Edgewater house, where chiseled young males are paid \$1,200, plus room, board and meals, to live in the two-story home for a month and have sex with each other on schedule.

Monday's hearing was the third in the sex-house case. Assistant City Attorney Victoria Mendez argued that Bleicher also was running an illegal rooming house, but that violation was dismissed.

Benjamin argued that the house, leased by Flava Works from owner Angel Barrios, was not part of the adult entertainment operation. He cited a Tampa case where the 11th Circuit Court of Appeals ruled that VoyeurDorm.com, a female version of CocoDorm, was not guilty of similar violations.

He also argued that business transactions don't happen at the house and that all sales and distribution take place at Flava Works' office at 2610 N. Miami Ave.

"No member of the public came to the location to view, buy, trade or obtain any adult entertainment," Benjamin said.

But Mariano Loret de Mola, the city's director of code enforcement, testified that, on one occasion, he saw a man he recognized as "Dorm Dude" Breion, who is prominently featured on the website's main page, walk up to the Edgewater house and punch in a code to let himself in.

That, and the differences between Miami's and Tampa's laws, scuttled Benjamin's argument.

"Miami's adult entertainment ordinance encompasses Internet activity in a way the Tampa ordinance did not," Rodriguez Fonts said.

Benjamin said he intends to file an appeal within the next few days. "But we're not sure where we're going to file the appeal yet," he said. "We're not going to put our tail between our legs and go away. The activity is protected by the First Amendment."

Mendez said the decision would not be enforced immediately.

"The city has no problem with giving them two weeks to get their business affairs in order," she said.

- Caption: JOHN VANBEEKUM/MIAMI HERALD STAFF BEHIND CLOSED DOORS: Miami officials say an Internet porn company is illegally running an adult entertainment business at 503 NE 27th St.

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MIAMI: Miami fights to shutter house where online porn is filmed - Miami's yearlong quest to close down a house used by an adult website has prompted a federal court battle -- while the site continues to operate.

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A stroll down Northeast 27th Street doesn't feel X-rated, but it's here -- along a quiet, bayfront residential street -- that Miami has declared war against Internet porn.

For about a year, Miami city leaders have tried to evict "Khali Kreme," "Sincere Luv" and the other "dorm dudes" of Cocodorm.com, a gay porn site that films out of a red-brick colonial-style house.

From the outside, nothing about the home's appearance suggests it's different from its neighbors. But inside, multiple webcams capture occupants' almost every move -- from household chores to regularly scheduled sexual encounters.

Miami's Code Enforcement Board last year declared the home an adult business, one operating illegally in a residential area. The city ordered it shut down.

Cocodorm responded by suing in federal court, alleging Miami violated the website's First Amendment rights. One expert says it's a lawsuit Cocodorm has a shot at winning, as case law is on the website's side.

Cocodorm argues its Edgewater home can't be called an adult business because, unlike a run-of-the-mill strip club, the public is not invited in. Those who want to see Cocodorm's "hottest and horniest" do so via the Internet, with a credit card.

Avoiding the adult-business label is key, because Miami's zoning code limits such establishments to industrial areas and requires they obtain city approval. Should the courts agree with Miami, the operation would likely be closed.

'NOT GOOD'

"What they are doing is not good for the neighborhood," laments Miami Code Enforcement Director Mariano Loret de Mola.

That conclusion is far from certain, and U.S. District Court Judge Marcia Cooke recently rejected a city effort to dismiss Cocodorm's suit.

Cocodorm's legal position rests on a 2001 federal appeals-court case involving Voyeurdorm.com, a similar website operating in Tampa.

Like Miami, Tampa tried to use its adult-business zoning laws to shut down a webcam-filled house, in this case occupied by women.

But the appeals court, ruling in the website's favor, found that Voyeurdorm's customers weren't gathering at the Tampa home -- or anywhere else in Tampa.

"As a practical matter, zoning restrictions are indelibly anchored in particular geographic locations," the court wrote. With Voyeurdorm, the court added, 'the public offering occurs over the Internet in 'virtual space.' "

Last year, Miami's legal staff persuaded the city's Code Enforcement Board to classify Cocodorm as an adult business -- despite the Tampa decision. Assistant City Attorney Victoria Méndez told the board that wording differences between the Miami and Tampa laws meant the situations weren't identical, and Miami's law was stronger.

Evans Anyanwu, a New Jersey Internet attorney who followed the Voyeurdorm case, isn't convinced. Anyanwu reviewed both Miami and Tampa's laws after speaking with a reporter.

"To me, it's the same exact case," he said. "The city of Miami has an uphill fight."

Miami's legal team declined to comment, but in court filings the city argues it has a right to determine appropriate locations for an enterprise it describes as "sex-for-money open to the world."

A jury trial is set for December, but Cocodorm's attorneys are hoping to settle matters sooner. The website plans to file legal arguments Thursday asking the judge to grant summary judgment in its favor.

Cocodorm offers its young, muscular males \$1,200 a month -- along with free room and board -- while requiring they masturbate and

have group sex in front of the cameras.

Models enjoy complimentary groceries, cable TV and use of an X-Box 360, the website promises.

Those over 25 aren't welcome, but education is. "Models should have some smarts," the website says. "You should AT LEAST have a high school diploma or GED."

Mail-order DVD sales are handled not from the home, but at a warehouse space on North Miami Avenue -- further proof, Cocodorm said, that there's no "business" being run at the house.

Phillip Bleicher -- director of Flava Works, the company behind Cocodorm -- came to the door at that warehouse location but declined to speak with a reporter, referring questions to his attorneys.

The models at Cocodorm were also mum. "I don't do interviews. Sorry, babe," said one.

Attorney Jamie Benjamin, who represents Cocodorm, is confident Miami will have trouble proving webcams constitute a business.

"There is no adult entertainment there," he said. "Nobody goes to a brick-and-mortar place and buys something. There's no customers there."

Bleicher has had legal tangles in the past.

In 2006, Illinois Attorney General Lisa Madigan got a judge to freeze the assets of a Bleicher-affiliated Chicago charity, Student Leadership Network. The attorney general accused the charity of scamming more than \$3 million from schools across the nation.

Instead of financing youth-leadership efforts, the charity allegedly spent its money at a liposuction clinic and a custom wig store and to pay for a trip to Rio de Janeiro. A criminal investigation is ongoing.

Benjamin said Bleicher was one of many members on the board, and that the allegations are just that. No charges have been filed, he said, "because there's nothing that was done that was improper, whatsoever."

UNDER SCRUTINY

A dorm-style porn website Bleicher ran in Chicago also came under scrutiny. The all-male, black and Latino site -- essentially the same business model as Cocodorm -- was shut down by the Chicago Department of Public Health after the agency uncovered high rates of sexually transmitted diseases among the "models."

Benjamin said the health issues have been mischaracterized.

"Everybody that was a prospective employee was tested," Benjamin said. "And yes, some came back positive, but the people who came back positive never worked there."

Christopher Brown, assistant commissioner at the Chicago health department, tells a different story. "They were active patients being seen for HIV, and then they could be seen on this website," he said. "So the doctors, I think, were concerned."

In Miami, the Cocodorm website tells those wishing to live at the house that they must bring health test results with them and that safe sex must be practiced at all times.

Cocodorm's neighbors along Northeast 27th Street voiced mixed opinions about whether the city should shut the house down.

Several said as long as Cocodorm's activities stay behind closed doors, it's not a problem, but one complained of dorm residents partying outside the house.

Meanwhile, only steps away from Cocodorm, where the street meets the bay, another dorm -- of a different kind -- is poised to open.

It's the Residencia Jesús Maestro, a male Catholic dorm. Acting Director Efrain Zabala said the dorm will house those pursuing the priesthood, but also local college students who have other careers in mind but want to live in a dorm that nurtures faith.

Daily personal prayer and annual spiritual exercises are a requirement, and "female companions" are off-limits in some parts of the building. "It offers a more wholesome environment," Zabala said.

What does Zabala think of his soon-to-be neighbor? "I'm not at liberty to speak about it," the church official said.

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