

#001
STATEMENT
CLYDE DEWITT

I represent the ownership and management of Zebulon Enterprises, Inc., along with its business located at 24W777 Lake St, Roselle, IL 60172 in unincorporated DuPage County (collectively, "Zebulon"). However, I am only local counsel for Clyde DeWitt, who has represented Zebulon for decades.

Your letter about this hearing was dropped off at our client's business on Friday, March 29 and also received Monday, April 1, 2019 by mail. That was when our client first learned of the hearing. Materially, we had a week's notice of a proceeding that had been in place for some three months. Upon notification, there were tens of thousands of pages of documentation already in place.

Mr. DeWitt presently is in Los Angeles, receiving cancer treatment that commenced in late March and concludes in early May. Mr. Hoss has been made aware of that.

In light of the remarkably short notice and Mr. DeWitt's unavailability, he requested additional time to respond. Had your committee notified Zebulon of the existence of the ad hoc committee in January when the proceedings commenced, our client's input would have been timely forthcoming.

In *City of Erie v. Pap's A.M.*, 529 U.S. 277, 298, 120 S. Ct. 1382, 1396, 146 L. Ed. 2d 265 (2000), one of the cases identified in the submissions to the Committee, the Supreme Court stated,

"Here, Kandyland [the party challenging the adult ordinance] has had ample opportunity to contest the council's findings about secondary effects—before the council itself, throughout the state proceedings, and before this Court. Yet to this day, Kandyland has never challenged the city council's findings or cast any specific doubt on the validity of those findings. Instead, it has simply asserted that the council's evidentiary proof was lacking. In the absence of any reason to doubt it, the city's expert judgment should be credited."

As a practical matter, your ambush has foreclosed the ability of our client to effectively challenge what has been presented to the Committee. Why did the committee not send a notice to our client of this proceeding before it undertook its business, rather than a week before what I presume to be the final hearing?

As the representative of what apparently is the only legal adult business in DuPage County, we believe it only fair to afford it more time to respond to the tens of thousands of pages of materials that you have submitted.

Finally, apparently, a central concern of the Committee is human sex trafficking. We share that concern, although we fail to see how an adult bookstore could encourage that. Nonetheless, Mr. DeWitt is a member of the Legal Advisory Board to the Association of Club Executives ("ACE"), a trade organization for gentlemen's clubs (strip clubs, if you will). There was expression of concern that those clubs were encouraging trafficking. In response, the clubs and the organization were very concerned about that and, accordingly, set about to work with the federal government – in particular, ICE ("Immigration and Customs Enforcement," a division of the Department of Homeland Security) – to establish a program to train club employees to detect trafficking – COAST ("Club Owners against Sex Trafficking"). Working with ICE, COAST has trained over 14,000 club managers and employees across the country, teaching them how to detect and report potential trafficking.

Although it is difficult to imagine how a retail business could be involved in human trafficking, if the concern of the Committee earnestly is human trafficking, Mr. DeWitt would be pleased to work with the Committee to initiate a training program comparable to COAST.

Our client has no objection to closing down illegal businesses. But our client does not believe that the possible existence of illegal businesses justifies punishing the one legal one.