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The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
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July 24th, 2017

PROPOSED PERMIT FEES FOR THE DEPARTMENT OF PUBLIC HEALTH

Honorable Board of Supervisors,

On Friday, July 21st 2017, we became aware that a public hearing was scheduled regarding proposed permit fees for the Department of Public Health, as a result of amendments to Measure B, County of Los Angeles Safer Sex in the Adult Film Industry Act for the Board of Supervisors Meeting on July 25th under agenda item III. 2.

We request that this agenda item be rescheduled, and that prior to that public hearing Dr. Ferrer, the LA County Department of Public Health, and the Health Deputies engage with the stakeholders who will be directly affected by the permitting structure, process, and pricing.

After first meeting Dr. Ferrer following her introduction at the LA County HIV Commission meeting on April 13 2017 in my role as an appointed HIV Commissioner for LA County, I reached out to her by email on May 5th in my role as the Executive Director of the U.S. national trade association for the adult industry. My email went unanswered. This was an unfortunate lost opportunity for her and her department.

Dr. Ferrer has published research and articles regarding community engagement as an essential component in addressing the systemic injustice that produces health disparities¹, therefore I felt certain that we could start a productive dialogue to build bridges and better engage the stakeholder community. However, in contradiction to these identified best practices Dr. Ferrer's department neglected to include our community in the regulatory process, leading our community to doubt the department's willingness to diligently produce solutions that address our specific health needs.

Measure B is an ordinance that was passed in 2012 without meaningful stakeholder input and based on now outdated prevention science. Since then three statewide legislative proposals

¹ Ferrer B. Building Health Equity: A Community-Driven Approach to Confront Racism, Promote Racial Healing, and Sustain Equitable Opportunities for Optimal Health. Journal of public health management and practice : JPHMP. 2016;22 Suppl 1:S110-S111.

failed, and in November 2016 California voters defeated a similar proposal, known as CA Proposition 60, by over one million votes. Meanwhile, in June 2015 the Board of Supervisors endorsed Pre-Exposure Prophylaxis for HIV prevention, recognizing the evolution of prevention science².

This proposed permit structure, process, and pricing were produced without any knowledge of the adult entertainment industry, without engaging the true stakeholders, and without recognizing the evolution of the industry, prevention science, and regulatory processes. This is the hallmark of bad policy, and it puts our workers in harm's way.

There are many questions that this proposal leaves unanswered:

- Who would be expected to pull these permits? Most shoots in LA County are now webcam based, and performer-owned and produced, as most large studios moved production outside the county or state.
- Would single webcam performers, or married couples, be expected to pay for a permit?
- Since these permit fees are based on enforcement, while the 9th Circuit Court upheld that the enforcement as proposed in the legislation is unconstitutional and permits must be revenue neutral, how were the permit fees calculated?
- Since the County does not know the number of the shoots in LA County, how were permit fees calculated?
- In the analysis, the department projects that one in four shoots will feature a complaint. How was this number determined?

LA County is a globally recognized leader in HIV/STI prevention and treatment. Exclusion of stakeholder communities from these processes weakens our county's commitments, and puts in question whether Dr. Ferrer's Department rather relies on a bias against this local industry over effective health policy.

It is axiomatic that regulation without the input of those to be regulated cannot succeed. It is unimaginable that the Board would entertain a permitting scheme without any participation of the affected companies, whether it be commercial drivers, recyclers, drone operators, let alone producers of entertainment. Why would the Board consider imposing a permitting scheme developed without participation of the thousands of individuals and businesses who contribute to the vitality of our economy through constitutionally protected speech?

The adult industry was not the only stakeholder which was denied participation. It is noteworthy that L.A. Film, the Sheriff's Department and other County agencies were also excluded from the process. How can we adopt a regulatory scheme without knowledge of how it will affect other agencies? What would motivate such a closed process?

We hope that the Board of Supervisors will reschedule a hearing at a time after Dr. Ferrer and her Department have meaningfully engaged with the stakeholder community and report such engagement within their proposed permit fee schedule. This kind of regressive, exclusionary, and

² <http://www.latimes.com/local/california/la-me-truvada-supervisors-20150611-story.html>



systemic injustice have no place in our county, if we are to fulfill our commitments to our communities.

Respectfully,

A handwritten signature in black ink, appearing to read 'Eric Paul Leue', with a period at the end.

Eric Paul Leue
Executive Director

cc:
Barbara Ferrer, PhD, MPH, MEd, Director
Chief Executive Officer
County Counsel
Executive Officer, Board of Supervisors
Auditor-Controller
Treasurer and Tax Collector