



FLORIDA KEYS

Strip club owner settles suit over dancer wages for \$1.2 million

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The owner of a Key West strip club has agreed to pay up to \$1.2 million to settle a class-action lawsuit with dancers who went after him for not paying minimum wage or overtime to women he treated as employees although they worked for tips only.

The settlement, filed April 8, awaits a federal judge's approval but was signed March 31 by Mark Rossi, a former Key West city commissioner who owns the Red Garter Saloon along with a complex of bars on Duval Street.

"No comment on advice of counsel," Rossi said when asked about the payout for an estimated 122 dancers.

The agreement also requests \$295,900 in attorney fees for the plaintiffs, who were represented by the Atherton Law Group from West Palm Beach and the Fort Lauderdale-based Levy and Levy law firm. None of the attorneys returned calls for comment.

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Strippers are deemed independent contractors at the local clubs. But the lawsuit, filed in December in U.S. District Court in Key West, argued that the Red Garter Saloon's practices treated the women as employees — setting schedules, telling them what they could wear and how they could perform — but without the benefit of a minimum wage or overtime.

At the Garter, like most strip clubs, strippers may be the main attraction but they actually pay the club to perform on stage — a house fee set higher for prime times — and tip out the bartender, DJ and doormen.

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“The dancers were totally economically dependent on Red Garter,” the lawsuit states.

Rossi, whose Keys Productions company owns the Red Garter, 208 Duval St., admits no wrongdoing in the settlement, which includes a list of legal defenses, including that dancers made more money as contractors than they would have as employees.

Still, the strippers, led by Christina Demaria-Dominguez and 10 other named plaintiffs, said the club violated the federal Fair Labor Standards Act and Florida's minimum wage law.

The women say the Red Garter “has a long-standing policy of misclassifying its employees as purported independent contractors” in an effort to evade having to pay them fair wages.

“These dancers’ only compensation was in the form of tips from club patrons — Red Garter paid these dancers nothing,” the 14-page complaint states.

Demaria-Dominguez, who may receive a \$15,000 award for signing onto the lawsuit, no longer works at the Garter and has agreed not to reapply for work there, according to the settlement.

The settlement filing, a 60-page document, recommends a payment formula for strippers who worked at least one week at Rossi's club between Nov. 1, 2010, and Feb. 29, 2016.

Payments would range from \$150 to a stripper who worked there for one month up to \$9,450 to one who worked there for a little over five years.

The Garter doesn't have time sheets or records of the hours dancers worked between 2010 and 2016, but does keep copies of their driver's licenses.

After final approval by U.S. District Court Judge Jose Martinez, the settlement will be advertised in the Miami Herald and run by a claims administrator — costs for which Rossi has agreed to pay an estimated \$35,000.

An identical lawsuit was filed April 5 against another Key West strip club, Bare Assets, by the same attorneys who brokered this settlement with Rossi. Three of the same dancers in the Garter suit, led by Ashley Mansel, are the plaintiffs.

Another federal lawsuit against Rossi's strip club filed in November by Michea Dixon, who has a Miami attorney, remains pending.

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