

October 3, 2017

Dear Mr. Slater,

I want to apologize for my emotional behavior at today's hearing. I am not typically one to wear my emotions on my sleeve. I blame it on complete and utter lack of sleep and overwork. Also, if I'm honest, on just plain frustration of the situation I find myself in. I was relieved to hear you say I would be able to write to you in addition to today's hearing. At least I know that while I can appear verbally awkward, nervous, confusing and perhaps somewhat defensive, I should be able to make up for it with my writing skills.

I opened Coca Café along with Jeannine Manint and Melanie Ritchey in March of 2004. At the time, Lawrenceville's business district was a compilation of nuisance bars, drug hotspots and some emerging artist studio's. This was combined with a salt of the earth, hard-working community of people that had long seen a thriving business district disappear along with the steel industry in Pittsburgh. We were young, naive and full of energy. Melanie and I were both in our late 20's and Jeannine was just 25 when we opened. Although I had worked in the industry since I was 14, I built a career in the health and human services field. I had an undergraduate degree from I.U.P. and masters from Duquesne. I worked for UPMC as a consultant for children with autism for about seven years. Although I loved working with children, I always dreamed of opening my own business in the food industry. I got that opportunity in the beginning of 2004. Jeannine met a woman named Janice Donatelli who owned then Coca Coffee Lounge. She was one of the original pioneers that began to develop the Lawrenceville business district. She had a coffee shop where she sold sandwiches, soups and antiques on the side. She knew (or at least said she knew) that Lawrenceville was going to take off in the coming years and that she was unable to take the business to where it needed to go. She passed over multiple buyers wanting to put in a pizza/sub place, a wing joint and bakery. She loved our idea of a breakfast/lunch spot (at the time there was only Pamela's and The Grand Concourse if you wanted to have breakfast out in the city). So for \$25,000 we bought the name and logo and not much else that was useful to us except her word of mouth which was considerable. We used all of our credit and savings between the three of us and built a commercial kitchen out of nothing but a residential studio apartment. Like I said, we were young and naive.

Between the three of us we had less than zero experience opening a business. There was the health department and building inspectors. There were taxes and accountants, EIN numbers and sales tax licenses. There was worker's compensation and so many more taxes...new taxes, old taxes, taxes that changed one year and changed again the next year. It was up to us to keep up with everything or get fined here, add interest there...penalties for paying late, penalties for paying early. Then there was the health department. Initially we were told that we should get a self-contained oven with a hood/ansel system like the ones that were used in the stadium. We complied and bought the \$16,000 unit. Six years later, the new health inspectors weren't sure they were able to pass the unit anymore. It produced too much heat and we needed to have a hood system installed. So, after begging (literally begging) the bank to give us a loan to put in a new kitchen with a hood system we were \$40,000 in the hole but had a brand new kitchen. All were happy and we were back to business as usual. It would have perhaps been nice to know at this time from the health department that we

were also not in compliance with the bathroom regulations. We could have had all the plumbing, construction and permits completed at the same time. We could have saved money and perhaps had the bank grant one construction loan for the bathroom and kitchen.

In the meantime, our first business partner, Jeannine, went on to have kids and we bought her out of the business. We took on another business partner, Jared Marran. During those initial 10 years, Lawrenceville did in fact take off just as Janice had promised. Apartments and condo's were being built. Young people were moving into the neighborhood. There were yoga studio's, wine bars, taco joints, boutiques and Children's Hospital. Property values skyrocketed. Everything that our naive selves thought might come true, did. We were busy pretty much right away. New business owners referred to Coca as the "anchor" of lower Lawrenceville. Some time in the early 2010's we were nominated for an award that rewards businesses for transforming a community. We were up against Children's Hospital for the award, so you can guess who received the award. I think that was one of those times when one can say they were just truly honored to be nominated. We were written up in the New York Times, the National Geographic Traveler and in multiple publications about businesses taking a risk by starting a business in an area that wasn't really suitable for business at the time.

Now, as I said in the hearing, we were told that we could use the second bathroom for emergencies for patrons. I don't specifically remember anything being stated about employee's vs. patrons using the bathroom. Or anything specifically about occupancy for that matter. At that time, one would have to pass through the kitchen dish area to get to the bathroom. So, no matter if there was storage there or prep counters at the time, there was always a dish room. Yet, this is still what was conveyed to us. You don't know me, but I am not a liar or one to make things up. This is the assumption that I have been under for the last 14 years. As time went on, there was never a need for the extra bathroom. No one ever requested it's use. There was never an emergency. Folks are spending 45-60 minutes eating breakfast or lunch at our establishment. During the week, there is hardly ever a time where there are more that 20 guests in the restaurant at one time. The only time the restaurant is full is on the weekend. Which I'm sure is true of most establishments.

Our previous health permits were submitted into evidence as proof that "they must have known their occupancy permit did not match the number of seats in the restaurant". This is true, I did know that the occupancy didn't match the seating. However, I thought that the occupancy had to do with the building inspectors who I hadn't seen from the time we remodeled the kitchen until just this year. The building inspectors have still yet to question the occupancy, which, prior to the 2016 notice, I truly thought had to do with the number of people allotted in a certain space. I had no idea it had to do with the bathrooms. I also knew what the original health inspectors said about using the bathroom in the back for emergencies. I don't think it was a case of willfully ignoring or purposeful disregard of regulations. It was just a matter of miscommunication and misunderstanding. Conversely, if we were expected to know to change our occupancy or number of bathrooms by the permit that was sent each year, I assume the person inspecting and signing the permit should have also been cognizant of the discrepancy. However, they weren't. Not for 11 years.

As a business owner, my ideals were always placed on the human element of owning a business. When we opened, "farm to table" was something that Alice Waters created on the west coast where Napa Valley was just around the corner and superior seasonal produce was a short walk across the field. Although "farm to table" was but a whisper in Pittsburgh in 2004, we always placed our emphasis on getting our meats, produce, dairy and coffee from local purveyors. We were happy to pay a bit extra knowing we were doing our part to decrease our carbon footprint. We never called it "farm to table", we just called it "doing business". Additionally, we have always paid our staff well and above the minimum wage. We paid what we considered a fair/living wage. It felt right, especially when we were such a small bunch, working day in and day out together, that everyone be treated/paid fairly.

Operating this way, while good for the spirit, hasn't been especially great for our profits. Don't get me wrong, we have always done well and been able to make a decent living for ourselves, especially from 2006 - 2015. In 2015, our business partner Jared, decided that he would like to be bought out of the business. As he is family, rather than compromise relationships, we agreed to buy him out at a price that was overly fair and against our better judgement, taking out loans to pay him the full price at one time rather than paying him off over time. We had to pay lawyers and additional accountant fees. Right around that same time, we were hit with back taxes from both our landlord (who had forgotten to charge us property tax increases for the last 10 years) and from the city after we found out that several of our taxes were not being taken out by the payroll company that we had hired. At this time we had been in business for almost 15 years, we had to get new coolers, a new ice machine, a new floor. In December of last year we lost 2 of our long-time chefs. What was once an easy position to fill seemed nearly impossible. Kids coming out of culinary school now want to start out working for the star chefs or they just want to go right into owning their own business. I guess this is why the health department has issued over 200 new licenses for restaurants in Allegheny County last year alone. So, more competition, more bills, less experienced staff has equalled less money. My business/life partner and I have just sold our house to pay off some of our bank and credit card loans. We still have more to pay off. We haven't paid ourselves in 6 months. We have been living off of our retirement savings. I am not relaying this for anyone's pity. Everyone knows the restaurant business is hard. You work hard and there are few rewards. I am only stating these things to let you know why we don't have the money to put in a new bathroom at this time. Had this come up 5...6...10 years ago, I don't think it would have been a problem. However, it didn't. We have had the exact same seating in our restaurant with the addition of the atrium since 2005. The discrepancy was first noted in 2016. That is eleven years of inspections that no one ever told us to put in an additional bathroom. We were given many a literary classic hand washing poster to hang in the bathroom, but never given the instruction to install another bathroom. We were told to put in a \$40,000 kitchen, but not an additional bathroom. We have been here a long time. One year we were told we could no longer use plastic containers, we obliged. One year we were told to get new flooring, we obliged. For two years we were told to get new cutting boards on our prep units, we never did and no one has said anything for about 8 years. We have never been fined nor given a citation that hasn't been fixed within a day or two if not on spot. Where I'm trying to go with this is....everything seems arbitrary. One year you would like to enforce this rule and the next a different rule. We have always tried to comply with everything we are told to do but now we are literally out of money.

If required to put in an additional bathroom at this time, I am afraid that would be a burden we are just not equipped to take on at this time. Additionally, the business could not survive taking out over half the seating to comply with the current occupancy. If I'm looking realistically into the future, I'm assuming we would have to shut down our restaurant and apply for bankruptcy. I'm not sure how that works with bank loans, credit cards, vendors etc...Our staff would be out jobs. Two of them have been working for us for over 7 years. One we hired through a program called City Connections. She is developmentally delayed but flourished working at our restaurant over the years. She was even just offered a part-time job working for a bakery that has no idea she even has a disability. You see, that is why I continue to do this. If everyone I employ leaves a little better prepared for life than when they started, I feel I have done my job for the community, if I am able to buy produce from the farmer up the street rather than a huge farm in the mid-west, I feel I have made a small impact for the community I live in. This is how I define what I do. How do you impact the community? How do you define what you do? Are there things that are bigger than rules and regulations? Or without them do we collapse as a society? Is everything a slippery slope? My problem is that I can see every side. Thankfully, those are the questions you must answer. I'm guessing you got to your position by lots of hard work as well. So I will leave it up to you to decide what is best. I am open to any suggestions or out of the box ideas that perhaps we haven't investigated.

Thanks for your time and consideration,
Carrie Rudolph, Owner, Coca Cafe

*I just wanted to add one more thing. The Allegheny Co. Health Department Rules and Regulations states in Section 316 of the code: Toilet Rooms:

"Toilet rooms, separate for each sex, shall be required for patrons in food facilities where seating is provided. Any food facility which was constructed prior to October 4, 1976 is exempt from this Section."

Coca Café was a food facility prior to October 4, 1976. It was a hot dog shop and a pizza parlor. If we are to strictly comply with the Rules and Regulations of the Code book then Coca should be exempt from this section of the code according to the health departments own regulations.

I see nothing in the code which talks about additions being added to cancel out that part of the code, I see nothing where the seating in the original facility has to match the current seating. In fact, the code only states that it had to be a food facility, it doesn't even mention anything about seating for the original facility. If we are to strictly adhere to what the code states, there should not be an issue. If on the other hand, we want to arbitrarily apply insight and seek meaning from the original authors intent where there may be none, then I suppose you may have to base your decision on more than just what is written in the handbook.