

February 1, 2018

Dear Hearing Officer Slater,

I will try to make this brief. Upon your suggestion, I spoke with Ms. Patel to get a better understanding of the Health Department's reasoning for the petition for reconsideration. Ms. Patel explained that the Health Department was dissatisfied with your ruling due to her belief that the Health Department had the right to interpret the handbook with certain leverages that are not necessarily defined in the handbook itself. I assume this is the case she cited in the petition for reconsideration although I did not take the time to look it up myself. She also explained that 1. The grandfather clause was put in the handbook as a way to eventually bring all of the exempted facilities up to code gradually with time and 2. Another restaurant had brought it to the attention of the health department that we have only one restroom. They brought this up because they were also instructed to install an additional bathroom.

It seems to me that the copy of the Rules and Regulations for the Health Department is actually quite small and if the plumbing code were so very important, it would have been quite simple to reprint another copy with the updated information, without the grandfather clause, by this time. I am unsure why the health department hasn't done so, considering this has become an issue. Of course I understand that it probably takes money and resources and time to put a revised version out. Just as conversely, it takes time and money and resources for us to put in an additional bathroom at this time. As for the restaurant that brought it to your attention that we had only one restroom. I am wondering if they fit the same criteria that we did to be grandfathered in? I also wonder if they spent the time to schedule a hearing and research their case and write position letters as we have? I do understand having consistency with regulations but we live in a world of exceptions. I just took five minutes to daydream about a world where we were all held to the same standard. It was just that, a daydream. Albeit a pleasant one. I don't really have anything new to present to you. I expressed my arguments in my last position letter.

I did find one thing somewhat discerning in my conversation with Ms. Patel. She stated that by adding the back area "that was almost as big as the front area"...I stopped her at this point to tell her that the back area is much much smaller than the front and was only added on (six months after we first opened) to alleviate the problem of traveling outside from the kitchen to the dining area. I then asked her if she had been in to the café. She stated that she had not. I was disappointed to learn she is basing a decision to appeal on a restaurant/space that she hasn't even seen for herself. Perhaps if this is to carry on beyond this appeal, might I suggest that a visit to the café would be appropriate. Even after our lengthy conversation, where I specifically asked how we are endangering the public health, I feel Ms. Patel was unable to give me a reasonable response to that question.

Again, I am sure you will make the best decision as this is definitely not my area of expertise. Thank you again for your time and consideration.

Best,
Carrie Rudolph, Owner, Coca Café