

July 18, 2018

Dear Officer Slater,

The purpose of this letter is to follow up on the appeal filed by Polish on Penn, LLC, dba S&D Polish Deli (your client #201611290003) which was filed in response to the February 9, 2018 inspection report of our facility at 2204 Penn Avenue in Pittsburgh.

First, please accept my apologies for the timing of this communication. I planned to communicate sooner, but I failed to do so.

We have incorporated changes to our operations on the items your report noted, but the finding from the report that I would like to appeal relates to the toilet room and the related number of seats that our lunch counter service provides to customers.

Background: In 2016 I purchased this business under the impression that all necessary permits and licenses were obtained and current. This impression was confirmed to me when I examined the establishment's ACHD permit which listed a capacity of 27 seats. With that in mind, I have continued to operate the business without substantial changes from the date of purchase. My background is as a CPA, so over the last couple of years I have learned quite a bit about the effective operation of this business, but I would in no way hold myself out as an expert at this time.

Update and Appeal: Given the history and the specifications of the permit, it came as a significant surprise to me that an inspection would result in a finding about the toilet room, an item that has not changed since long before we purchased the business. Since the purchase of the business, we have had several successful inspections with no mention of the number of seats compared with the number of toilet rooms. My appeal is based on two considerations: 1) The relatively low traffic level in the facility on a daily basis and the sufficiency of the toilet room already established and 2) The enormous financial and operational burden that adding toilet rooms would cause to the business.

- 1) During an average day, the lunch counter serves between 25 and 35 customers, some of which are considered "take out customers" and do not stay in the facility to eat. This relatively low level of traffic does not require more than one toilet room on a practical basis. From observation, it is extremely rare that the current toilet room is utilized by customers.
- 2) The financial burden that adding additional toilet rooms would create is enormous. The current layout of the facility is already more cramped than ideal for our work flow and adding additional toilet rooms would impair the workers ability to be effective in their work. The reduced sales from reallocating space away from retail sales efforts is unknown, but the current financial performance of the store is not far above break even. My fear is that the lost sales from a transitional construction period and also from the permanent reassignment of space would drive the business to start losing money, something that I cannot personally afford. If this business loses money, I would be forced to cease operations, something that would be an awful reality for my family and the families that the employees support.

In light of the items listed, I am asking for a waiver that would allow us to continue with the current toilet room situation given the practical reality that it is not needed and due to the undue financial burden that changes would cause to the business. The employees of our store and I appreciate your consideration on this matter.

Best,

*Matthew McDaniel*

Matthew McDaniel, Owner of Polish on Penn