



The NYC Department of Health and Mental Hygiene's (DOHMH) recently passed Letter Grade system raises public safety, economic, image and legal concerns.

For more than 75 years the New York State Restaurant Association (NYSRA) has been dedicated to protecting, promoting, representing, and educating our members so that they can better serve the public. Despite NYSRA's success at negotiating a more responsible Letter Grade system than the one originally proposed by DOHMH, our mission now compels us to further investigate the Letter Grade system in order to fully evaluate the many expressed concerns, including the following:

- Letter Grades represent a snapshot in time and not the sanitary conditions of an establishment later the same day; much less conditions days and weeks following an inspection, yet the grade stays in the window for months. Will this mislead the public and unnecessarily dissuade customers from patronizing a perfectly sanitary establishment?
- The DOHMH inspects public school and hospital cafeterias but has exempted them from posting Letter Grades. If Letter Grades are intended to protect the public why are NYC's youth and sick not protected by this system?
- Why are Mobile Food Vendors who are exposed to the elements of NYC streets exempt from posting Letter Grades?
- There is a widespread concern about how these unscientific letter grades are issued; how they may unjustly hurt a restaurant's public image and the negative financial impact associated with having a B or C grade in their window for months on end.
- Why are violations that may not be related to food safety included in the calculation of Letter Grades?
- The Health Department deems a C graded restaurant safe to serve food to the public. So why give a safe & sanitary restaurant a scarlet letter?
- NYC's A, B & C letter grades are not issued in the traditional fashion (Los Angeles' more traditional letter grade system: 90% = A, 80% = B, 70 % = C) and will therefore mislead the public. For example, in NYC's complex system, restaurants that receive a 97% score on the inspection still receive a C grade.
- Several law firms have advised NYSRA that the Letter Grade system may be unconstitutional on First Amendment grounds & the Board of Health may not have the legal authority to implement or to enforce the system.

- We must better understand why the DOHMH claims that the NYC Letter Grade system is modeled after the Los Angeles (LA) system when there are drastic differences between the two. The Rules of the LA system make it considerably easier to obtain an A letter grade. Will this mean that similar letter graded restaurants in LA are less sanitary than NYC restaurants? Or does it mean that this well intentioned NYC system is unnecessarily complex and strict?

NYSRA is seeking financial contributions to fund this vital investigation and evaluation of the impact of the Letter Grading system on society. NYSRA supports rigorous sanitary inspections and wants to ensure that New York remains a safe, world class culinary city. Your contributions will help ensure that the Letter Grade system does not mislead the public, jeopardize American democracy and the livelihood of thousands of hard working businesses owners and hundreds of thousands of valued employees.

NYSRA wants to ensure that NYC restaurants remain among the safest & cleanest dining destinations in the world!

Contributions will fund:

- Scientific research of the affects & impact the Letter Grade system has on public safety and the economic impact to business.
- Legal research and *possible legal recourse* if determined that the Letter Grade system may pose legal challenges.
- Public and business outreach.

These studies, outreach, legal review & possible legal action will require considerable financial resources be raised immediately, as Letter Grades will begin to be issued in the coming weeks.

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If you would like to make a contribution, or would like more information regarding this matter, please feel free to contact Andrew Rigie at AndrewR@NYSRA.net or 212-398-9160.

Time is of the essence so please act IMMEDIATELY. PLEASE FORWARD THIS LETTER ON TO ALL PARTIES THAT MAY BE INTERESTED IN SUPPORTING THIS EFFORT, INCLUDING YOUR SUPPLIERS AND SERVICE PROVIDERS.



We serve you

The NYC Department of Health and Mental Hygiene's (DOHMH) recently passed Letter Grade system raises several public safety, economic, image and legal concerns.

NYSRA is asking restaurateurs who are interested in supporting this vital mission to make a *suggested \$2,000 contribution per establishment to this fund*, e.g. 2 establishments = \$4,000 contribution.

Contributions of any amount are welcome

***All unused contributions will be pro-rated and returned.**

Please make checks payable to:

New York State Restaurant Association
1001 Avenue of the Americas, 3rd Floor, New York, NY 10018
ATTN: Andrew Rigie

Total Establishments Owned: _____ x \$2,000 Total Contribution \$ _____
Other Amount: \$ _____

Establishment Name: _____ Location: _____

Establishment Name: _____ Location: _____

Establishment Name: _____ Location: _____

Establishment Name: _____ Location: _____

Name: _____ Business Name: _____

Mailing Address: _____

Work Phone: _____ Mobile Phone: _____

Email: _____

Card No. _ _ _ _ - _ _ _ - _ _ _ _ - _ _ _ _ Exp Date __ / __ Card Type: Visa MC Amex Discover

Contributor's Signature

Date of Contribution

* I hereby authorize NYSRA to charge my credit card for the amount indicate