

HELLO, THANK YOU TO CHAIRMAN PHIL MENDESON AND THE COUNCIL AS A WHOLE FOR YOUR TIME TODAY AS YOU HEAR TESTIMONY FROM SO MANY IN OUR COMMUNITY ON SUCH AN IMPORTANT ISSUE.

MY NAME IS JASON BERRY AND I'M A SMALL BUSINESS OWNER IN WASHINGTON DC. I OWN TWO RESTAURANTS IN THE DISTRICT, SUCCOTASH AND MI VIDA, AS WELL AS SUCCOTASH IN MARYLAND AT NATIONAL HARBOR. I ALSO RESIDE IN WARD 2. I'VE BEEN IN THE HOSPITALITY INDUSTRY FOR 30 OF MY 46 YEARS AND I LOVE WHAT I DO.

I MOVED TO WASHINGTON DC FIVE YEARS AGO TO START MY OWN COMPANY BECAUSE THE REGION WAS WELCOMING TO BUSINESS, OFFERED A TALENTED, DIVERSE WORKFORCE AND BECAUSE THE RESTAURANT BUSINESS HERE WAS AND IS GROWING BY LEAPS AND BOUNDS.

SMALL BUSINESS IS THE DRIVER OF THE DC ECONOMY. UNLIKE STATES SUCH AS CALIFORNIA OR NEW YORK, DC IS WITHIN AN EASY COMMUTABLE DISTANCE TO THE BUSINESS WELCOMING STATES OF MARYLAND AND VIRGINIA. MAKING THIS CHANGE TO THE WAY TIPPED WORKERS ARE TREATED WILL DESTROY THE RESTAURANT BUSINESS IN DC AND CAUSE CUSTOMERS, TIPPED EMPLOYEES AND NEW BUSINESS TO MOVE TO OTHER, MORE WELCOMING PARTS OF THE DMV AREA OR LEAVE THE REGION ALTOGETHER.

PERSONALLY, I HAVE TWO SIGNED LEASES FOR TWO NEW RESTAURANTS IN DC: ONE AT THE WHARF AND ONE IN THE BALLPARK NEIGHBORHOOD. I'M SERIOUSLY CONSIDERING THE TERMINATION OF THOSE LEASES BEFORE I START CONSTRUCTION BECAUSE INVESTING IN DC RESTAURANTS IS NO LONGER ATTRACTIVE WITHOUT THE TIP CREDIT. THE 300 JOBS I PLAN TO CREATE WITH THESE TWO NEW RESTAURANTS ARE IN JEOPARDY.

RESTAURANTS ARE VERY SMALL MARGIN BUSINESSES. I'VE RUN THE NUMBERS AND MY 5-7 PERCENT MARGIN WILL AT BEST BECOME A BREAK EVEN BUSINESS, IF FORCED TO PAY MY STAFF THE FULL MINIMUM WAGE WITH NO TIP CREDIT.

THE CHALLENGE OF THIS LAW IS THAT IT'S SIMPLY UNFAIR. WHY?:

1. IT'S PUNISHING ALL OF THE GOOD EMPLOYERS LIKE ME THAT FOLLOW THE LETTER OF THE LAW AND ENSURE EVERYONE IS PAID AT LEAST THE MINIMUM WAGE WITH THEIR EARNED TIPS. WHILE I DON'T MAKE MY LIVING FROM TIPS, I CAN CONFIDENTLY SAY THAT I PAY 100% OF TIPS COLLECTED TO MY HOURLY TEAMMATES. WE SUBMIT OUR QUARTERLY TIP REPORTS AND DO SO PROUDLY. NOBODY SHOULD MAKE UNDER THE MINIMUM WAGE AND WE SUPPORT THAT.
2. PAYING OUR TEAMMATES THE MINIMUM WAGE IS ALREADY THE LAW. IF SOME BUSINESS OWNERS AREN'T FOLLOWING THE LAW, PUNISH THEM. IT MAKES NO SENSE TO PUNISH EVERYONE FOR THE TRANSGRESSIONS OF THE FEW. THIS IS NOT HOW GOVERNMENT SHOULD WORK.
3. THIS LAW DOES NOT CEASE THE HARRASSMENT OF WOMEN OR MINORITIES. IF THAT IS THE GOAL, THIS WILL DO NOTHING TO STOP THE BAD BEHAVIOR OF THE FEW GUESTS THAT ACT INAPPRORIATELY. PROTECTING OUR TEAMMATES AND PROVIDING A SAFE AND WELCOMING ENVIRONMENT IS UP TO ME AND MY MANAGEMENT TEAM. INITIATIVE 77 WILL NOT SOLVE THAT PROBLEM.

DC IS AN UP AND COMING POWERHOUSE RESTAURANT COMMUNITY WHICH HELPS TO DRIVE EMPLOYMENT AND OUR ECONOMY. THIS LAW SPECIFICALLY TARGETS RESTAURANTS FOR NO LOGICAL REASON. IT WAS DISHONESTLY WORDED ON THE BALLOT TO FIX A PROBLEM THAT DOESN'T EXIST. ROC IS NOT PART OF THE DC COMMUNITY AND ONE OF THEIR KEY GOALS WHENEVER THEY PLANT A TEMPORARY FLAG IS TO DISRUPT CAPITALISM AND FURTHER DESTROY THE ENTREPRENEURIAL SPIRIT THAT HAS MADE OUR COUNTRY WHAT IT IS TODAY.

WE SEEK A CLEAR REPEAL OF INITIATIVE 77 AND I URGE YOU TO VOTE WITH EVERY SINGLE TIPPED EMPLOYEE AND SMALL BUSINESS OWNERS TO PROTECT OUR TIPS AND OUR RESTAURANT COMMUNITY'S SURVIVAL. AND I I DO MEAN SURVIVAL, AS PASSING THIS INITIATIVE WILL DESTROY JOBS AND GUT THE RESTAURANT COMMUNITY IN DC.

THERE IS PRECEDENT FOR REPEALING BAD LAW AND IT'S THE CITY COUNCIL'S JOB TO PROTECT OUR COMMUNITY.

I APPRECIATE THE CITY COUNCIL'S OPENNESS TO REPEAL THIS BILL AND THANK YOU FOR YOUR TIME TODAY!