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City Commission Meeting

Hello my name is Robert Zeller, I have a bachelors Degree in Chemical Engineering and an MBA both from the University of Florida, I am married to a 5th Grade Teacher and I have a 3 year old girl and a 5 year old boy. I also own Grog House, Gator City, XS, and The Copper Monkey. I could talk about many reasons why this is an unjust law but due to time constraints I will limit it to what I feel are the most relevant points.

Talking Points

1. First and foremost, this law states that if a person enters my business and then commits fraud by presenting false identification, which is a crime, I become the criminal when in actuality I was the victim of this crime. I don't understand how any reasonable person could think this is just. Based on this logic, if a bank were to accept counterfeit money, which is also fraud committed by a customer, more than 5 times in any quarter then the bank should not be allowed to accept any cash deposits for the next 3 months. Does this sound reasonable. I could quote you more examples using nearly every industry but I will just ask you, if someone committed a crime against you, would you find it reasonable for the authorities to punish you for being the victim of that crime?
2. Second, This law allows for no defense for the business, which I believe makes this law unjust, if murderers and rapist are allowed to present a defense, why would an establishment with a liquor license be denied this basic right. This makes absolutely no sense. I feel the State of Florida has developed a reasonable defense to this exact situation when the state enacted Florida Statute 562.11. I will paraphrase this reasonable defense: if a person falsely evidenced that he or she is of legal age, the appearance of the person was such that an ordinary prudent person would believe him or her to be of legal age and if the licensee carefully checked the identification and acted in good faith in the belief that he or she was of legal age. Now, I would like to provide an extreme example. There are 2 sisters who resemble each other, one is 21-years old and one is 20-years old. The 21-year-old sister gives her real ID to her 20-year old sister. The younger sister fraudulently presents this ID to my bartender. The ID is real and the picture looks exactly like the girl presenting the real ID. My bartender serves her. With this law, I am now a criminal for serving a minor when there is no possible way for me to determine that this girl had just committed fraud against me and on top of it all, I am not even allowed to present this fraud as a defense against the city punishing me for doing what any reasonable and prudent person would do. Once again, would any of you find it reasonable to be punished for someone else's crime and not even have an opportunity to present this fraud as a defense?
3. Third, I would like to discuss the sliding scale the ordinance uses to determine compliance. You have started the scale at 5 violations per 200-person occupancy but then stopped at the 201 – 400 person occupancy. I don't feel this is fair to the larger establishments in town. No matter how hard we try, the number of

infractions will be directly proportional to the occupancy of an establishment, assuming all establishments are all doing the best. Therefore since you started with this scale of 5 violations per 200 person occupancy, I feel the only way to not penalize larger establishments is to have the ordinance be based on 5 violations per 200 person occupancy. Therefore, an establishment with occupancy of 401 – 600 would be allowed 15 violations per quarter, an establishment with occupancy of 601 – 800 would be allowed 20 violations per quarter, so on and so forth. If you have any intent to be fair and reasonable to all establishments, this should be an easy change to make to this ordinance.

4. Now, I would like to comment on some statements made by Commissioner Mastrodicasa. First, the commissioner said that the reason behind this ordinance is revenue, i.e. the increasing cost of policing the bars has put a financial strain on the city's budget. She also stated to me, "I can assure you that bar owner responsibility was a major part of this discussion and we view local regulation as a last resort. However, despite asking our local bars to monitor themselves--in the GRHP [Gainesville Responsible Hospitality Partnership]--we have not seen the results we seek". Well, considering the city increased the budget to enforce underage drinking 5 fold in the 3 years the GRHP has been around, it seems to me that a Vegas bookie could not have fixed the odds better than the commissioner. I think everyone can agree that if you increase the budget on the enforcement of anything by a factor of 5, you will certainly arrest many more violators. The GRHP was never really given a chance; this is more so a witch-hunt than a revenue problem.
5. Lastly, the Alligator Editorial board stated, "Take a look around Gainesville, and we bet you can't drive a block on University Avenue without coming across an abandoned or empty storefront. The harsh realities of the failed Bush economic policy has hit North Central Florida leading our local legislators to scour over the budget in search of potential cutbacks. There answer? Scaling down the number of Party Patrol officers roaming around Midtown." This is yet another Great idea, let's use this ordinance to place an undue burden on the businesses that have been able to survive this economic down turn, put them out of business and lower the city's revenue even more."
6. I have over 100 employees. The fact is, I am responsible, I do follow the law, I do fight underage drinking, and I do generate a heck of a lot of revenue for the city, the county, the state, and the country. How do I get repaid? By being demonized by the city I fell in love with 16 years ago. Me, my wife, who educates your children, and my partners are shocked that this city would vote in favor of such an unjust ordinance like this.

Thank you and God Bless