

DECLARATION OF LAURA DOMINGUEZ

1. My name is Laura Dominguez. I have been a resident of Miami Beach for 4 years.
2. On March 25, 2019, Commissioner Samuelian and I dined at the restaurant "Ilov305" located at 1060 Ocean Drive, Miami Beach, Florida. I am the type of person who likes to try new restaurants once they open, and we went here to try it. I made a reservation for dinner.
3. We were seated right next to the sidewalk menu board outside. The sign outside advertised a 25% discount. We asked for clarification if there were any limitations on the discount offer, and we were told that it applied to all food on the menu, but not the drinks. Neither the menu board nor the menu disclosed anything about a 20% non-gratuity service charge, nor did our server mention it.
4. When we received the bill, there was a 20% non-gratuity service charge on the total amount we ordered (both food and drinks). We were expected to pay a tip on top of this. The server circled the tip line on the receipt. I've never seen anything like that before. We asked the server if we could cut or eliminate this non-gratuity charge and we were told that this was a mandatory charge by the restaurant for the restaurant's benefit and that we were expected to leave a tip in addition to this amount. It makes it seem like they are playing games with their advertising and with their customers. With a charge like that, it makes whatever discount they advertised a wash and is false advertising. We were so confused.
5. City of Miami Beach Code section 82-381(i) requires that restaurants disclose any automatic service charge on the menu and on the face of the customer's bill. We kept copies of the receipts and I pursued the matter as a resident with Code Compliance. Code followed up with the restaurant and issued a \$500 citation.



6. There was no mention of this service charge on the menu board we were seated next to and I do not recall seeing it on the menu either. The 25% discount was mentioned on the menu board.

7. The night of this dinner we went straight to the restaurant, however it is well known that it is difficult to walk on Ocean Drive. The way the sidewalk cafes set up their tables outside and then have staff hawking pedestrians creates a sandwiching effect where as a pedestrian you have a difficult time getting by. The host staff at these cafes almost physically do not let you get by with the way they situate themselves.

8. On June 5, 2019, I had a bad experience at Gianni's located at 1116 Ocean Drive. The service was absolutely terrible and the bill came with an automatic 22% gratuity charge included. I asked if I could change the percentage amount of automatic gratuity and was told no. Apparently restaurants can charge a 22% automatic gratuity. I have heard of an automatic gratuity of 15% or 18%, but never 22%.

I verify under penalty of perjury that the foregoing is true and correct.

Executed on June 25, 2019.



Laura Dominguez