CRA WORKING FOR YOU: ELECTION DAY – NOVEMBER 8
By Sonia Riggs, CRA President & CEO

Here we are! The election is nearly here and some Coloradans have already returned their ballots. We have been fighting diligently for restaurants in Colorado, trying to protect them and minimize the effects of the consequences of several proposed laws. In particular, the Keep Colorado Working efforts to defeat Amendment 70. It is vital that we stand together and educate our neighbors and fellow citizens about the damage that this out-of-state labor-union-backed, irresponsible ballot measure would inflict on our home state!

In this highly crucial time, when Coloradans are preparing to vote or have already mailed their vote in, several of the largest and most influential newspaper publications in the state of Colorado have added their voices to the opposition against Amendment 70. In recent weeks, The Denver Post, The Aurora Sentinel, The Greeley Tribune, and The Pueblo Chieftain have all released editorials appealing to local voters to vote No on Amendment 70.

With this much resounding opposition to Amendment 70, it is clear that the flaws to this irresponsible ballot measure are glaringly alarming. Even Amendment 70’s supporters Governor

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Hickenlooper and Mayor Hancock not only acknowledge this proposed measure's flaws, but have actually publicly condemned them. A proposed constitutional amendment this flawed simply cannot be written into the Colorado Constitution! Please, do what you can to keep Amendment 70 out of Colorado's Constitution! Before it's too late.

Please help the Keep Colorado Working campaign efforts and the hardworking people of Colorado by contributing to our campaign. Share information about the detrimental impact Amendment 70 will have on Colorado or your own business! Let your peers, employees, friends and family know why Amendment 70 is bad for your business, town, and Colorado. View our television ads on our Facebook page and please help us to keep them on the air by making a donation to our campaign!

COLORADO RESTAURANT ASSOCIATION BALLOT GUIDE

The November ballot will be long and daunting this year! The Colorado Restaurant Association and some of our local chapters have taken positions on ballot initiatives that will directly impact your business. We hope this will be of some help when you go to cast your vote. Ballots will be mailed in mid-October, and Election Day is November 8. REMEMBER TO VOTE!

STATEWIDE INITIATIVES

**Amendment 69: Government-Run Healthcare**

- **YES**
- **NO**

**Amendment 70: Increase to Minimum Wage**

- **YES**
- **NO**

**Amendment 71: Raise the Bar**

- **YES**
- **NO**

CITY & COUNTY OF DENVER

**Denver Initiated Ordinance 300: Public/Dual Consumption**

- **YES**
- **NO**

ADAMS, ARAPAHOE, BOULDER, BROOMFIELD, DENVER, DOUGLAS & JEFFERSON COUNTIES

**SCFD Ballot Issue 4B: Continue Cultural Tax**

- **YES**
- **NO**

CITY OF BOULDER

**Boulder Ballot Issue 2H: Sugary Beverage Tax**

- **YES**
- **NO**

Ballots for the 2016 election are already in the hands of many Colorado voters and some have already started turning them in. With 10 statewide ballot questions and a handful of local ballot questions on everyone’s ballot, many people are confused about how to vote.

The Colorado Restaurant Association has put together a ballot guide that includes all of the state and local ballot questions on which the CRA or a CRA chapter has taken a position.

You can get to that ballot guide by clicking here.
Steve Kanatzar is honored to become the CRA Chairman of the Board. Steve has been involved with the CRA for many years and has served on the Pikes Peak Chapter Board since 2005 and the Executive Committee since 2011. He has worked diligently to help the CRA and hospitality industry battle through some tough economic and political times. He is passionate about ProStart and is always amazed with ProStart’s positive impact on students. He anticipates this year to be challenging as we continue to endeavor to prevent legislation from negatively impacting our restaurants and establishments.

Steve worked for Specialty Restaurants, Sea Galley, and Red Robin before branching out into owning his own restaurant. He was able to establish a series of successful restaurants over the course of 35 years. Steve’s current concept, The Airplane Restaurant in Colorado Springs, has been an icon in El Paso County since 2002. That is when he was able to combine his experience of running restaurants with his love of aviation. His interest in cooking began while earning his degree in Chemistry at CSU. “My two housemates were food chemists so we were always experimenting with food and drink. Flying planes runs in my family so an aviation themed restaurant was a perfect fit.” Steve currently serves on the Boards of the Colorado Springs Convention and Visitors Bureau and the El Paso County Health Department, Food Safety Advisory Committee.

“The CRA is dedicated to the enhancement and success of Colorado’s foodservice industry. This year we will continue to focus our efforts on our five-year strategic plan through: conveying the positive impact of the restaurant industry throughout Colorado; establishing the CRA as the best resource to deliver industry benefits, services, and solutions; serving as the preferred knowledge resource for our members; and positioning the CRA as the leading trade association in Colorado.”
Our 5th Annual Drink Red, Wear Red Party is an exciting walk around event where guests dress with a Red flare, sample fine Red Wines and munch on heavy appetizers from some of Denver’s finest Restaurants, including the Palm, Panzano and Ocean Prime, just to name a few! There will be a great Silent Auction and dancing to the music of Tina Marx and the Millionaires! Proceeds from Drink Red, Wear Red benefit Work Options for Women, CRA Mile High Chapter’s Hardship Fund and the Colorado Restaurant Foundation Colorado ProStart Program.

Sunday
November 13, 2016
Seawell Grand Ballroom
950 13th St., Denver
6:00 PM

featuring
Tina Marx and the Millionaires

$75.00 per person
Purchase tickets @ drinkredwearred.com

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COLORADO RESTAURANT SHOW STARTS TODAY!

New Members

Arapahoe Fire Protection, Aurora | Chuck Windler
Bawarchi Indian Cuisine, Fort Collins | Vaish Karam
Brik on York, Denver | Travis Gee
The Buffet, Monarch Casino, Blackhawk | Chira Pagidi
Century Grill, Denver | Doug Haas
Cintas Corporation, Denver | Andrew Walz
The Eatery, Glendale | Linda Galindo
Essentria Financial Experience, Franktown | Lillie Ben
Firehouse Subs, Milliken | Matt Ward
Flat Foot Table Bases & Levelers, Castle Pines | Bruce Ringenberg
Hispanic Chamber of Commerce of Metro Denver, Denver | Norma King
Landry’s Seafood Restaurant/Corporate Office, Denver | Mary Hammers-Rose
Las Delicias, Denver, Littleton, Parker, Glendale | Luis Torres
Little India, Denver | Simeran Baidwan
The Lobby, Denver | Meg Batizy
Luigi’s Sport’s Bar & Pizzeria, Breckenridge | Louis Roselle
Open Blue Cobia, Miami FL | Scot Vaughn
The Overland, Denver | Matt Clark
Pagosa Brewing Company, Pagosa Springs | Julie Simmons
Pho Real, Breckenridge | Chad Washenfelder
Red Bird Farms, Englewood | Marquita Griego
Roadhouse Hospitality Group, Denver | Dillon Borders
State of Colorado - Business Enterprise Program | Jessy Gullatte
Straight Answers Consulting, Denver | Kat Carter
US Bank, Broomfield | Stephen McKanna
Via Perla, Boulder | Joe Romano
Village Inn, Fort Collins, Loveland | Brian Bau
Voicebox, Denver | Scott Lennartz

Fisher Phillips is proud to partner with the CRA for the Colorado Restaurant Show

Please join employment law attorney, Todd Fredrickson for a not to be missed presentation and workshop:

Nov. 1 Workshop:
To Handbook or Not to Handbook?: Employee Handbook 101
And
Nov. 2 Workshop:
Sex, Drugs and Tip-Pooling

Todd A. Fredrickson | tfredrickson@fisherphillips.com
1801 California Street, Suite 2700 | Denver, CO 80202
fisherphillips.com | 33 Locations

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That question is frequently asked when business owners look into securing a BMI music license and the answer is quite simple. All licensing fees, less BMI's operating expenses, are paid directly to our affiliates. Currently, 88 cents of every dollar brought in from licensing fees is distributed to BMI songwriters, composers, and music publishers in the form of royalties.

The U.S. Constitution gives Congress the power to grant patents and copyrights, giving copyright owners the exclusive right to publicly perform or authorize performances of their works. In most cases, that permission comes in the form of a music license. Besides the fact that it is the law for a business to obtain a music license if playing copyrighted music in a public setting, songwriters also deserve to be fairly compensated for their creative works. In many ways, a songwriter could be considered the smallest of small business owners. Just like restaurants and other businesses, some songwriters are extremely successful and highly celebrated in the media while the vast majority barely make ends meet. In fact, most songwriters are unknown to the people who use their music, and they depend on the money received from royalty checks to pay their bills.

"In today's music industry environment... the one thing keeping songwriters afloat is that performance royalty check," said BMI Songwriter Thomas Lee Miller who has written number one hits for Brad Paisley, Tim McGraw, Trace Adkins and Joe Nichols, to name a few.

Music royalties are often a songwriter’s lifeline to continue creating the music that we enjoy and often take for granted because it’s such a part of our everyday lives. We hear it on the radio, online, at the gym, grocery stores, and at our favorite restaurants or pubs. Music is everywhere.

According to a recent survey conducted by Leger, Nine-in-ten or 88% of Americans are more likely to enjoy their experience in a bar/restaurant when hearing music and 83% are more likely to return. Although just having music is an important component for any restaurateur to consider, live music is also another way to drive business. Out of those surveyed, 84% said that they enjoyed their experience more because of live music and 82% are more likely to return if live music is performed.

One way to reap the benefits that music brings is to hire local talent to perform on nights that tend to be a little slower. Not only does live music bring in customers, but it also brings enjoyment to the patrons, which raises revenue for you, the business owner, while supporting songwriters so they can continue with their craft of writing songs.

Proving this point, BMI recently took part in sponsoring the 3rd annual Island Hopper Festival in Southwest Florida which brought thousands to area hotels, restaurants, and bars during what is usually considered off-season. General Manager of Matanzas on the Bay and Petey’s Upper Deck, Glen Petrarca stated, “This unique opportunity for our guests to enjoy these premier songwriters in person was the talk of the town and drove in business to our restaurant and inn. This event is a great way to unite the interests of the songwriters and restaurants.”

For more information on how you can get licensed with BMI, please visit www.bmi.com.

WHERE DO MY BMI MUSIC LICENSING DOLLARS REALLY GO?
By Dan Spears- Vice President of Industry Relations and Licensing, BMI
The two most common injured areas of the body when manually handling materials are the low back and shoulders, and the average claims cost of a back injury from lifting exceeds $10,000. The following controls can help curb back and shoulder injuries at your workplace:

**Engineering Controls** – Change or modify tools, equipment or machinery to reduce the physical demands of the job. Use assistive devices (e.g., crane, forklift, conveyor) to handle materials.

**Work Practice Controls** – Change the way job tasks are performed to reduce the frequency and duration of risk exposure. For example, reorganize the order of job tasks to allow muscle recovery between tasks that require excessive force.

**Administrative Controls** – These include job rotation, job enlargement, gradual introduction to work and pre-shift warm-up and stretching programs. Another administrative control is team lifting for certain heavy or awkward materials.

**Training Controls** – Demonstrate these techniques when training employees on safe lifting:

- Get as close to the load as possible before lifting it, and keep the load close once you’ve lifted it. If possible, straddle the load or slide the load toward you before picking it up.
- Make sure your footing is secure. Do not lift objects that obscure vision and footing. Plan ahead, and make sure that your travel path is clear of obstructions and that there are no slip hazards, such as a wet floor.
- Do not twist while lifting! Move your feet so they point in the direction of the lift as you turn. A good phrase to teach is, “Keep the toes to the load.” Lift smoothly and slowly, and do not jerk the load.

**Pinnacol Resources**

For more information on safe lifting in the workplace, as well as a sample list of detailed lifting guidelines, visit the Resources web page at Pinnacol.com. Additional resources are available from the Occupational Safety & Health Administration’s ergonomics web page and the National Institute of Occupational Safety and Health (NIOSH). NIOSH and California OSHA also have an excellent booklet with guidelines on manual material handling. Or call Pinnacol’s Safety On Call hotline at 303-361-4700 or 888-501-4752. Our safety services team stands ready to answer questions and help you take next steps toward safe lifting in the workplace.

Mark your calendar for the Blue Ribbon Reception on opening day of the 2017 Legislative Session, Wednesday, January 11, 2017, 5:30-7:30 pm. This is the most popular event of the season among legislators and always gathers a large crowd. Don’t miss this opportunity to meet your legislators and discuss your concerns as we host them along with the CRA board and members. The evening is filled with amazing food, great friends and colleagues.

We are currently looking for restaurants interested in participating with 250 tastes at the History Colorado Center. To get involved please fill out this form. The Blue Ribbon reception benefits HOSTPAC, the CRA PAC dedicated to supporting candidates friendly to the foodservice and hospitality industry. Any questions contact Sara Nakon at (303) 830-2972 or snakon@corestaurant.org.
Chef Matt Vawter, Chef de Cuisine/Proprietor of Mercantile Dining & Provision hosted Colorado ProStart Summit High School in October. The students worked alongside the chef and his staff to create and practice the competition menu that they will be executing at the Colorado ProStart Invitational to be held on March 2-3, 2017 at Johnson & Wales University. To prepare for the Sysco Denver Hospitality Cup culinary competition, Summit High School started testing out their menu and working on techniques and skills needed for preparation.

When asked why he continues to dedicate time to mentor this program, Matt Vawter said “I truly enjoy giving back to Summit High School’s ProStart program because there were people who helped me progress in my career when I was at Summit. ProStart was incredibly rewarding for me and it’s even better now to watch these students succeed in the culinary competition. Last year this team took second and this year we are hoping to place first.”

Lorenzo Patti (Senior at Summit High School): “Working with Chef Matt today was amazing! After I graduate high school I am hopefully going to attend Johnson & Wales University Denver and major in either culinary or bakery and get my bachelor’s degree in Food Service Management. My ultimate goal is to own my own small restaurant or become a personal chef.”

Raymond Salazar (Senior at Summit High School): “After high school I am looking to pursue a bachelor’s degree in culinary arts. After college I will hopefully inherit my family restaurant and become an owner/operator. I truly enjoyed working with Chef Matt today, I think my favorite part was learning how to debone a duck.”
Earlier this year, the Federal Department of Labor issued a ruling updating the overtime pay rules for several exempt employees. There have been rumors that the implementation of this new rule will be delayed, but that is false. All employers will be required to follow this ruling beginning on December 1, 2016.

The Final Rule focuses primarily on updating the salary and compensation thresholds for exempt status for Executive, Administrative and Professional workers. Specifically, the Final Rule:

1. Sets the standard salary level at $913 per week or $47,476 annually for a full-year worker. (This is based on the 40th percentile of earnings of full-time salaried workers in the lowest-wage census region, currently the South)

2. Sets the total annual compensation requirement for highly compensated employees (HCE) subject to a minimal duties test to $134,004. (This is the annual equivalent of the 90th percentile of full-time salaried workers nationally); and

3. Establishes a mechanism for automatically updating the salary and compensation levels every three years to maintain the levels at the above percentiles and to ensure that they continue to provide useful and effective tests for exemption.

Additionally, the Final Rule amends the salary basis test to allow employers to use nondiscretionary bonuses and incentive payments (including commissions) to satisfy up to 10 percent of the new standard salary level.

The effective date of the final rule is December 1, 2016. The initial increases to the standard salary level (from $455 to $913 per week) and HCE total annual compensation requirement (from $100,000 to $134,004 per year) will be effective on that date. Future automatic updates to those thresholds will occur every three years, beginning on January 1, 2020.

If you have questions about this new ruling, please contact Nick Hoover by calling (303) 830-2972.
Clyde is a restaurant, wine bar and design store opening this month in the old Le Central building in Capitol Hill. The restaurant is run by Christopher Fehlinger and focused on pairing wines with shareable plates. The design store is run by his husband, Jon Lipshutz, and will sell modern affordable designs, some of which is used in the restaurant. The name comes from Chris and Jon's adorable French Bulldog.

**HOW DID YOU COME UP WITH THE CONCEPT OF CLYDE?**
I knew I wanted to do a wine bar, but I wanted to make my wine program really affordable and interactive. When we found this space it was great, but was so big for what was otherwise an intimate concept. Jon had wanted to do a design store so we decided to combine the two. There is also room to host curated artists' dinners and private parties. We already have holiday parties booked!

**WHAT WERE YOU DOING BEFORE THIS?**
I was the general manager at Coyote Café in Santa Fe for 2 plus years. I have been in the industry for 30 years, mostly in New York City and LA.

**HOW DID YOU FIND YOUR CHEF?**
Vic Arreola is our chef. He comes to us from Syntax and if you have ever eaten there you know how good his food is. He will be making shareable plates and we want people to come in and pair their meals with good, affordable wine. We have a $5 Happy Hour from 5-6 pm daily. We’re also happy to open almost any bottle to pour two glasses. We want our guests to have fun and a new experience with wine tasting.

**WHAT HAS BEEN YOUR BIGGEST CHALLENGE SO FAR?**
Cleaning. There was a lot of work we had to do but we wanted to leave the floor plan as it is. We have so much space here so it has taken a while. Vic and his team have been putting in a lot of time getting ready.

**WHAT WOULD BE YOUR BEST ADVICE FOR PEOPLE WHO WANT TO OPEN A RESTAURANT?**
Ask a lot of questions. We have such a supportive restaurant community in Denver that you can walk in to any restaurant to ask advice.

**DO YOU THINK IT IS IMPORTANT TO BE A PART OF THE CRA AND OTHER ASSOCIATIONS THAT SUPPORT YOU?**
Yes, the CRA was a great resource for us.
Last month we discussed the most common causes of Slip and Fall injuries, and how to prevent them. But even if your restaurant is in pristine condition and you diligently follow your written policies, accidents (and lawsuits) happen. Restaurants able to provide detailed documentation about an incident to their insurance claim professionals and attorneys can significantly bolster their own defense against a subsequent claim.

1. Offer Support/Sympathy to the Injured Customer
Let the customer know that you care. Many claims are the result of hard feelings from the injured party thinking that they are not being taken seriously by the restaurant employees. No matter how dubious the claim, make sure your employees take the time to listen to the customer.

2. Offer Medical Attention
Administer first aid. If the injury appears serious, and/or if a customer or employee asks for emergency medical services, do not hesitate to call an ambulance. Instruct employees in the procedures for assisting customers who may have slipped and fallen, including calling for emergency assistance where obvious, or when requested by injured customers.

3. Investigation
Conducting a proper investigation and documenting the facts and circumstances surrounding the fall is important. A manager should speak with the injured customer, witnesses, and employees about the incident. Additionally, a manager should complete an incident report form. This information is critical in addressing a claim that might not be brought for several years after the date of the incident. It should include the following information:
- Date, time, and exact location of the incident;
- Identification of witnesses, including contact information;
- Details with regard to post-incident inspection of the area, including (i) who inspected the area, (ii) when the inspection took place, and (iii) what was seen at the time of the inspection; and
- Identification of employees on duty at the time of the incident.

4. Secure Photographic Evidence
Be sure to preserve any videotape which may have been taken by your surveillance cameras. Take photographs of the slip and fall area, and photos of the injured person, if you are able to do so.

5. Report the Accident to Your Insurance Company
Whether you think the person who fell was seriously injured or not, contact your insurance company and advise them of the circumstances of the fall.

6. Follow Up With the Injured Customer
Within 24 hours after the slip and fall, contact the injured customer. Let them know you are concerned about their well-being and ask if medical care was needed. Injured customers that think you care are less likely to bring a claim.

7. Preserve Evidence
Preserve any evidence, such as a broken piece of machinery, tools, a broken tile, or torn floor mat. Do not attempt to conceal the evidence.
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