



DENNIS J. HERRERA
City Attorney

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May 7, 2013

Michael Dellar
Fourth Floor Restaurant, LLC
Lark Creek Steak
1 Market Street, Suite 347
Spear Tower
San Francisco, CA 94105

Re: "Clean Bill of Health" from restaurant surcharge enforcement investigation

Dear Mr. Dellar:

I write to express my gratitude to you for voluntarily taking part in my office's Surcharge Enforcement and Amnesty Program, which is working to remedy apparent shortfalls between: (a) amounts collected from customers to cover the cost of complying with San Francisco's universal healthcare law; and (b) funds actually expended to provide health care benefits to employees.

Based on my office's review of the information you provided, it appears that Fourth Floor Restaurant, LLC d/b/a Lark Creek Steak did not commit surcharge-related consumer fraud during the years 2009-2011. Accordingly, your business has now been removed from our list of investigation targets, and my office intends to pursue no enforcement action with respect to your imposition or expenditure of health care surcharges during those years. No further action on your part is required at this time.

Please know I appreciate your good corporate citizenship, as reflected in your cooperative approach to my office's investigation. I look forward to recommending and patronizing your business in the future, and I hope other San Franciscans and visitors will join me in doing so.

Should you have further questions, please contact Deputy City Attorney Sara Eisenberg at (415) 554-3857.

Sincerely,

A handwritten signature in blue ink that reads "D.J. Herrera".

DENNIS J. HERRERA