

Ladies and Gentlemen:

My name is Sandee Wright and I have owned The Whiskey Ward bar(121 Essex St. 212-477-2998) located on the Lower Eastside for the past 3 years. I am here today to plead that you repeal the smoke-free air act before it goes into effect. Bars and restaurants, like so many other businesses in this city, have been seriously hurt by the events of September 11<sup>th</sup> and it's repercussions. It's amazing to me that our "so-called business mayor" and the City Council would push for a law that will have such catastrophic effects on our businesses, especially now, when most of us have barely recovered. Tourism is at an all time low and this measure will only push it lower. I know this first hand; my mother works in tourism and just had a \$150,000 European tour cancel. They were supposed to arrive in NY after this ban goes into effect. Instead Las Vegas will benefit due to our newly imposed bans. This is just the beginning.

I have eight employees; only one non-smoker (who by the way is against the ban). She is an intelligent adult that knows the hazards , if any, of secondhand smoke. So, for the sake of one person who CHOOSES to work in this environment, my business will be put at risk. I have put every penny I have into my bar and resent MY government's intrusion, when they have not made any provisions to help me nor inform the public adequately. There will be NO tax breaks, or incentives as there are when large corporations are asked to become more environmentally friendly.

Look into my future: On any given Friday or Saturday night, I will have 30-40 people outside my bar, smoking. What will my neighbors do? I'm sure my customers will not stand out there in silence, so the neighbors will call the police complaining of noise. Will I be expected to hire extra security, someone inside my place and someone to "Police" the street? What will this cost me? How soon before my customers get tired of smoking outside? No-one will want to leave their belongings inside, for fear of theft, which is on the rise in bars in my neighborhood. Something that every bar owner knows is that once someone goes out the door, they are essentially gone. My customers will end up in the smoking rooms of giant bars owned by millionaires or one of the seven cigar bars.

Next, as we all know, New York City nightlife is a major attraction for tourists and residents alike. When someone from abroad or a local for that matter, who is unfamiliar with our inane smoking rules, lights up and refuses to put it out, am I supposed to call the police? I would hate to have them respond to such a trivial call , possibly jeopardizing a real victim, but I'll be damned if I get fined. I can't afford to be known as the bar that calls the police on it's patrons.

They gave us the option to create separate smoking rooms. Ha! This is no real option, with all of the requirements it will cost me between \$25,000-\$50,000, for a room that only holds six people,legally. Then we are told that in 3 years smoking rooms will be banned too. How could I EVER recoup that money.

I take offense to the few exceptions to this law. The seven cigar bars and owner operated establishments are exempt, why? This will create an unlevel playing field in that the cigar bars will gain much of our business and receive no fines. Conservatively speaking, 90% of my clientele smoke. Cigarettes are AS integral to my bar's business as cigars are to a cigar bar. How is this fair? The owner operated exemption is a joke. I challenge you to name 10 bars in this city with only 3 people who own and operate with no employees.

Finally, this law puts ALL the responsibility on the business owner! According to Sandra Mullin, spokeswoman for the Health Dept, individuals will not be fined only the establishments. What makes you think patrons will care enough for my business to abstain from a legal form of enjoyment. I will always look like the bad guy. I have neither seen nor heard any Public Service announcements paving the way for the shift in social paradigm. Sending out literature just days before enactment is not sufficient. Smoking and drinking go hand in hand and always have .

This is New York City, I love this city, it's too bad this mayor doesn't!!!!