

Valley rallies around calzones

Sometimes you don't realize how loved and appreciated you are until you face a crisis, word spreads, and people come out of the woodwork with support. It's almost like a chance to view your own funeral before you die.

Something like that is happening at Mac and Bob's Restaurant in Salem — but on steroids.

Last week, owners Bob Rotanz and Joe Dishaw were worrying about potential financial ruin. But as news of their legal and financial troubles began spreading Wednesday, the Roanoke Valley responded with an outpouring.

■ By Friday, donors had contributed more than \$100,000 to the restaurant's legal defense fund, on a GoFundMe page that has garnered more than 100,774 page views.

■ Saturday, some sympathetic kids in Salem raised \$111.84 with a lemonade stand to "Save the Calzone," one of Mac and Bob's most popular menu items. Drivers lined up on Cleveland Avenue to give the kids money, a mother of one of the kids said.

■ Sunday, spurred by one customer's Facebook plea, 999 people showed up to eat at Mac and Bob's. That was almost double the 530 diners the previous Sunday. Many lined up before the restaurant opened. The customers added at least \$4,310 to the legal fund and tipped dishwasher Miguel Matos \$210.

Thursday's column detailed the financial travails owners Rotanz and Dishaw faced. It happened because of a tip-sharing policy at Mac and Bob's that Rotanz said went back to the late 1990s, maybe even earlier.

Mac and Bob's policy required servers to share a small portion of their tips with



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dishwashers. But in 2011, the U.S. Department of Labor ruled that kind of tip-sharing was illegal.

Rotanz said he and Dishaw were unaware the law had changed until May, when a former server hired a lawyer from Texas and sued Mac and Bob's in federal court.

Settling that lawsuit cost the restaurant more than \$34,000 — not counting Mac and Bob's legal fees. Meanwhile, there are at least 150 additional current or former servers who could potentially sue. So last week, in an effort to limit potential damages, the restaurant declared Chapter 11 bankruptcy.

The result was an outpouring of customer appreciation. It began Wednesday as news of the bankruptcy spread.

By Monday afternoon, the total raised on GoFundMe exceeded \$134,000. One woman donated \$5,000, and "at least 10" people donated \$1,000 each, said Frank Cotter, the friend of Rotanz's who launched the page. Cotter said he wasn't surprised.

"I think I had a pretty good feel for the depth and breadth of the passion for Bob Rotanz and Joe Dishaw, that maybe even they didn't see," Cotter told me Monday. "Bob was a little incredulous."

Over on Cleveland Avenue, 9-year-old Reed Grochowski told his mother, Madeline, "We have to help save the calzone!"

Reed is one of eight kids in the family. Four are foster children, Madeline Grochowski said. The size

of her brood means they eat out infrequently.

"But when we go out, it's to Mac and Bob's. [The calzone] is their favorite thing to eat," she told me.

The kids raised more than \$111 in about two hours, she said.

"I was surprised people were just handing them \$20 and \$10 bills and not wanting any lemonade," Madeline Grochowski said.

The online version of the story also racked up a larger than normal share of reader comments. Among those were certain people who view Mac and Bob's legal troubles far more cynically.

Some of the comments argued the blame rests squarely with Rotanz and Dishaw, because if they didn't know tip-sharing with dishwashers was illegal, they should have.

Others suggested more nefarious motives and argued the owners must have known they were in violation of the law. They viewed it as Mac and Bob's supplementing dishwashers' salaries out of servers' pockets.

Attorney Todd Leeson, who specializes in employment law and represented Mac and Bob's in the lawsuit, said he's worked on behalf of at least two dozen restaurants over the years, and the law can be a minefield.

"The problem with these wage/hour lawsuits is, it is not difficult for an

employer or a restaurant to have some sort of violation. Especially restaurants — when you talk about the tip rules, it's a convoluted mess," Leeson said.

"In my experience, it's rare that you're asked to proactively audit all of an employer's [human resources] policies and pay policies," Leeson said. "I hear about it when there's a problem or a claim."

The tip rules are hardly set in stone. Congress clarified them again this past March.

For me, the issue boiled down to two questions: Did Mac and Bob's deliberately violate the law? Or did they do it unintentionally?

In researching the story, I didn't see a scintilla of evidence Rotanz and Dishaw broke the law deliberately. The tips policy was legal when it went into effect. It became a violation years later. The law changed on them — and they missed it.

The violation already has cost them more than \$34,000. They're going to pay a boatload more amid the bankruptcy proceedings.

But should an oversight cost Rotanz and Dishaw their business? Should they have to close and lay off 40 full- and 60 part-time employees?

In the past half-week, the Roanoke Valley addressed those questions resoundingly. And the answer was a big fat "No."



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