

PHILIP MORRIS USA

INTER-OFFICE CORRESPONDENCE

120 PARK AVENUE, NEW YORK, NY 10017-5592

TO: Ellen Merlo

DATE: 10/19/95

FROM: Barbara Trach

SUBJECT: Background for Meeting on 10/20/95

Re: Industry Leaders and The Accommodation Program

As you know, while The Accommodation Program has met with success in appealing to independent restaurant owners and managers nationwide, we have been less successful in gaining participation among industry leaders and chain operations. We've reached a point where we'd like to try an alternate approach to this audience to see if we can improve our results by gaining greater program participation and awareness of accommodation policies among high profile participants.

We have been looking for a consultant who is both a hospitality industry insider as well as a legislatively astute individual. We believe we have found a worthy candidate who can help us to test these waters and ultimately succeed in achieving our goal.

Rick Berman is the principal of Berman and Company based in Washington, DC. He is also the General Counsel to The American Beverage Institute (A.B.I.). The ABI is an organization of restaurateurs and beverage industry leaders whose goal is to inform government officials and the public on issues involving adult beverages. The primary issue of the ABI is opposing the lowering of the legal Blood Alcohol Content (BAC) level. Berman's current client list is a virtual who's who in the chain restaurant industry. The ABI membership numbers over 300 companies and individuals representing more than 2,000 establishments.

We have been acquainted with Berman for nearly a year now. Our colleagues at Miller made the initial introduction -- and he was highly recommended by them. Through his editorial writing and personal agenda, we've had an opportunity over this past year to witness his commitment to the issue of over-regulation and personal freedoms. Berman's relationships and reputation in the hospitality industry offers us a strong opportunity for numerous pre-qualified introductions. He has extensive experience working on controversial issues and has a great understanding of the dynamics of grassroots and grasstops programs.

Attached for your background are some brief biographical highlights on Rick Berman in addition to some recent editorials he's written in the A.B.I. and other hospitality industry publications.

Berman has spent considerable time thinking about our issue and its relevance to the hospitality industry. He's done some informal "research" among his peers and has written a proposal for our review which takes a slightly different approach to the accommodation issue among chain operations. He approached our challenge of gaining participation in The Accommodation Program from a different angle, and arrived at a somewhat different solution which he believes would be more appropriate for the industry leader mentality. His proposed solution would broaden the focus of the "smoking issue," and expand into the bigger picture of over-regulation. We believe his proposal is worthy of testing and we'd like to highlight some of the elements for you tomorrow. We look forward to discussing in greater detail with you at 10 a.m.

cc: J. McDaniel
J. Spector

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Richard B. Berman

Professional affiliations:

Berman and Company

Chairman and President
Washington consulting firm.

The Employment Policies Institute

Executive Director
Created in 1991, the group argued the importance of minimum wage jobs for the poor and uneducated.

The Minimum Wage Coalition to Save Jobs *Consultant*

Beverage Retailers Against Drunk Driving
(B.R.A.D.D.)

President
Formed in response to M.A.D.D. to argue for tolerance of social drinking.

S&A Restaurant Corp.

Senior Vice President
Owned and operated Bennigan's units.

U.S. Chamber of Commerce

Director of Labor Law
Argued against unnecessary regulation of hospitality industry.

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