TABLE OF CONTENTS

I. STATEMENT OF ISSUES PRESENTED 3

II. STATEMENT OF THE CASE 4

III. STATEMENT OF FACTS 7

IV. SUMMMARY OF ARGUMENT 9

V. ARGUMENT 10

A. Standard of Review 10

B. The Tips Law Prohibits An Employer of Service Employees from Maintaining a No-Tipping Policy 10

1. The Plain language of the Tips Statute Requires a Finding That Scrivanos' No-Tipping Policy Violates the Law. 11

2. The Public Policy Behind the Tips Law Also Supports a Finding That a No-Tipping Policy for Wait Staff is Illegal. 14

C. Even Were the Court to Find That a No-Tipping Policy is Permitted Under the Tips Law, This Employer's Conduct Still Violated the Statute 19

VI. CONCLUSION 22