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Posted: 7:00 a.m. Sunday, Jan. 20, 2013

# Five Guys calls it quits on Clematis

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By Alexandra Clough

Palm Beach Post Staff Writer

Dinner is no winner for some restaurants on Clematis Street in West Palm Beach.

That's the word from **Tom Tracy**, the Palm Beach County franchisee who quietly closed the Clematis location of **Five Guys Burgers and Fries** on Jan. 8, after less than a year in business there.

"We had a very good, loyal lunch business but no dinner business. From 4 p.m. on, it was dead," Tracy said. "It's disappointing. We never clicked down there."

Tracy opened the 330 Clematis St. location in March 2012. Together with his three sons, they own the Palm Beach, Martin and St. Lucie counties territory for the nationally popular Five Guys chain.

Tracy said their seven other restaurants are busy and successful, so much so that they are looking for new locations, particularly in Delray Beach and west of Boca Raton.

Of nine restaurants they have opened, only two have closed — and both were in West Palm Beach. (Tracy started out with a location near Palm Beach Lakes Boulevard that didn't pan out.)

Tracy had high expectations for Clematis Street, what with the area's seeming revival and increased downtown residents in condos and apartments. But the plethora of eateries downtown, combined with the fact that a number of people who work downtown during the weekday drive back to their homes in north, west and southern Palm Beach County, made for disappointing dinner numbers.

He's not alone in noticing the slim business for dinner. **Cleve Mash**, who owns **Bobby Sue BBQ**, agreed that lunch is busier than dinner for his Clematis eatery.

Certain restaurants, such as **Rocco's Tacos**, do heavy business all day long, Mash acknowledged. But unless the restaurant is a destination, such as **Bradley's** on the water, it's hard to get people to drive back to Clematis Street at night, he said.

"It's simply a matter of population," said Palm Beach Gardens restaurant broker **Richard Lackey**. "Right now, we don't have enough of a strong enough population base in the primary trade area."

Mash said he hopes the planned convention center hotel, plus the possible hotel on the old city hall site, will create more demand for nighttime dining. He also thinks parking costs, such as meters and garage fees, should go away to encourage customers to drive back to Clematis.

Even **Paul Emmett**, owner of **Duffy's Sports Grill**, admits the popular regional sports chain "has struggled somewhat" at dinnertime on Clematis Street, even though lunch always is booming.

Hurting the street's evening business is the latest resurgence of **CityPlace** into an entertainment destination that seems to be drawing people to the nearby center at night, Emmett said.

What saves Duffy's downtown, however, is its niche as a sports bar, with plenty of big screen TVs, Emmett said.

On most days, "there's something interesting happening in the sports world, and we have successfully gotten that niche. Anytime sports are on, we're the place to go," Emmett said. Duffy's is up to 24 restaurants and is looking for more locations in heavily populated areas in South Florida. "I would open three restaurants if I could find great locations," Emmett said.

Emmett said he was concerned Five Guys would hurt Duffy's, but that never happened. Of course, in addition to burgers, Duffy's has a broad menu selection, plus it serves alcohol.

So Emmett isn't particularly worried about the imminent opening of **Hamburger Heaven** on Clematis expected within weeks.

As for Five Guys' Tracy, he said he might consider a third try at a West Palm Beach store, but only if it were located in a more heavily populated area, such as farther west on Okeechobee Boulevard.

Remember when **Racks Downtown Eatery and Tavern** in Boca Raton was the scene of the **MSNBC** broadcast of *Morning Joe*, before and after presidential debate at **Lynn University** last October?

Now the restaurant company that was host to former U.S. Rep. **Joe Scarborough**, R-Fla., and **Mika Brzezinski** is the subject of a lawsuit alleging the owners harassed and then fired the company's pregnant human resources director.

It's ironic, considering Brzezinski is the author of the book *Knowing Your Value: Women, Money and Getting What You're Worth*, which helps women navigate employment, pay and advancement issues.

In a lawsuit filed Monday in U.S. District Court, **Rayna Samuels-Katz** says working for the Rack family of restaurant and construction businesses was no picnic.

In addition to the Rack's **Mizner Park** restaurant, Rack owns **Table 42** in Boca Raton. And tomorrow, the family business throws open the doors to its third restaurant, **Racks Fish House + Oyster Bar** in the former **VFW** building, on SE 2nd and Atlantic avenues in downtown Delray Beach.

In her lawsuit against **GR Restaurant Management, International Buildings LLC, U.s. Building Systems Corp.** and **U.S. Metal Buildings Corp.**, Samuels-Katz alleges she was the subject of gender and pregnancy discrimination.

"This is one of the most egregious cases of discrimination I've ever seen," said her attorney, **Dana Gallup** of Hollywood. Gallup said he has witnesses who have corroborated Samuels-Katz's allegations.

Samuels-Katz was hired in July 2011 as human resources director of the Deerfield Beach-based group of businesses. **Gary Rack** and his twin sons, **Anthony** and **Adam**, run the businesses.

Samuels-Katz suggested the company undergo sexual harassment training after noticing inappropriate comments made by Anthony to other female employees, the lawsuit said. She also was concerned because Gary Rack told her he did not want to hire a bookkeeper with children, and told her to look up applicants on **Facebook** to see if they were married, had children or were of child-bearing age, in violation of employment laws, the lawsuit says.

Still, Samuels-Katz said she she was treated well until she became pregnant and needed to attend doctors' appointments. By December, she told the Racks she was pregnant because she could no longer hide the appointments, morning sickness and eventually, pregnancy complications. At that point, she claims she was criticized for visiting the doctor, yelled at and told she needed to find a replacement for herself.

In April 2012, she was fired. She applied for and received unemployment compensation. During an appeals hearing, Anthony Rack admitted he recorded Samuels-Katz's telephone conversations without her knowledge or permission, a violation of Florida law, the lawsuit alleges. The lawsuit alleges he said he did it because he was concerned she was going to sue the company for "millions of dollars" claiming discrimination.

In December, the state issued an order affirming Samuels-Katz's right to unemployment compensation, according to documents.

In a telephone interview last week, Gary Rack said he had no comment on the lawsuit.

But Samuels-Katz is speaking out. She said she filed the lawsuit to recover lost pay and compensation. She also wants to send a message that women in today's workforce "should not be treated this way. I'm standing up for myself as well as other women out there."

Samuels-Katz, who gave birth to a healthy girl on July 1, said she is looking to return to the workforce.

Alexandra Clough writes about the economy, real estate and the law. Contact her at [aclough@pbpost.com](mailto:aclough@pbpost.com).

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- Posted by 41518305-ea4e-4809-96fc-5eafbc at 7:22 a.m. Jan. 20, 2013
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The problem with WPB is when the sun goes down it gets really dark and dangerous.



- Posted by ErnestAlleva at 7:34 a.m. Jan. 20, 2013
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Oddly, Clematis street has a reputation for the under 30 set who drink and have fun - not for the dinner crowd who drink and eat. The result is disappointing. Clematis street should have fabulous restaurants that people would drink in - and perhaps an area with great food trucks. Its really just a place where people have a few beers and nothing more. Perhaps that image can change? For now, Clematis is all about bars, drinking, and a burger when your "wasted".



- Posted by WillieBDare at 8:18 a.m. Jan. 20, 2013
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Is it a wonder why Clematis suffers? Try to park on the street and you could be driving around for hours fighting to get one of the 10-20 parking spaces on each block. Enough said.



- Posted by HardFactNoFlaccidFiction at 8:19 a.m. Jan. 20, 2013
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Why would anyone who evolved from carnivorous cave dwellers eat at FiveGuys when it is company policy to ignore the advice of chefs and gourmards from around the world and the wishes of intelligent, "tasteful" customers (who cook their family's burgers medium or rarer at home,... does 5Guys deny THAT?) and instead burn all their possibly originally OK beef into submission to corporate policy = well done? Fuddruckers or about any diner is better/tastier by a MILE ! Ethically worse, 5Guys are bald faced fat azd liars with their website cover story (below) for this hamburger heresy. Cooking well done is a requirement imposed by their sissyboy lawyers and fraidy cat insurers since JackInTheBox patties urped a few babies in the northwest over twenty years ago. Since then ALL meat producers follow HACCP and you have a better chance of being hit by lightning than killed by a commercial burger. The only rationale for these "high end" outlets is taste...not nutrition. There can be NONE of that at 5Guys. ANY aficionado or authority knows medium rare is overall best. Some prefer tartare. But well done? Moronic...and lying about it should generate FTC action:

"By cooking all of our burgers juicy and well done we are able to achieve two goals.

>Ensure a consistent product

>Meet or exceed health code standards for ground beef

>We understand that there are varying opinions on what level a burger should be cooked for optimal flavor and our opinion is that our burgers taste best cooked juicy and well done.

this sounds like old style cigarette ad "varying opinions" BS. Juicy and well done are contradictory.

Giving someone a 5Guys Gift Card is like telling them "I think you have no taste buds left."



- Posted by TheLongRun at 8:28 a.m. Jan. 20, 2013
- Report Abuse

@HardFactNoFlaccidFiction

And THAT my saturated fat eating friends, is what's called an informational BEATDOWN.

Hey Five Fat Guys, you just got Punk'd



- Posted by nocondocommandospleaz at 8:55 a.m. Jan. 20, 2013
- Report Abuse

No, the problem with five guys on Clematis was the price. \$10-\$12 bucks for a burger and fries? IF I'm paying that I'll go to Grease Bar. I'll have a waitress and a beer too!

That five guys never really had a lunch crowd either. At most there were three people in line at lunch time there. At least these guys knew when to cut and run instead of constantly pouring money down the drain.

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