Hospitality

Just as customer service is a driver in the Hospitality Industry, we strive to provide best-in-class service to our Hospitality clients. Trenam Law's Hospitality Industry Team has helped its clients navigate the many legal challenges in this industry, through its experienced, cross-disciplinary advice and counsel.

Trenam Law assists its hospitality clients from the initial stages of their business, counseling on issues such as entity selection, capital raising, land acquisition and leasing, financing, construction (including Leadership in Energy and Environmental Design certification), permitting, and licensing. Our assistance continues through to the operational stages of our clients' business, where we provide assistance on all aspects of employment law, drafting and enforcing contracts, intellectual property issues, and eminent domain, among others. We continue to assist our clients in their exit events, such as sale or turnover.

Trenam Law's Hospitality Industry Team is comprised of attorneys from multiple disciplines who are experienced in the legal intricacies involved with running a business in the hospitality industry. The Hospitality Industry Team assists a wide variety of hospitality clients, including:

- Restaurants
- Quick Service Restaurants
- Food Trucks
- Bars
- Hotels, Resorts and Timeshares
- Country Clubs
- Amusement parks
- Museums
- Theatres and Entertainment Venues
- Malls and Shopping Centers

What We Do

Our multidisciplinary approach allows us to understand the full picture of the business goals and challenges that our hospitality clients face, and we serve our hospitality industry clients in the following areas:

Employment & Benefits

- Employee handbooks, policies and procedures
- Employment agreements, including restrictive covenants and separation agreements
- Advice and training for management, as well as dispute resolution and litigation of all employment-related issues including:
  - Applications, Interviews and Hiring
  - Background Checks & Drug Testing
  - Wage & Hour (Minimum Wage, Tip Credit & Overtime)
  - Restrictive Covenants, Trade Secrets & Other Data Protection
  - Leaves of Absence & Accommodations
  - Discipline & Termination
  - Discrimination, Harassment & Retaliation / Wrongful Termination
  - Recordkeeping Obligations
  - Employment Practices Liability Insurance (EPLI) coverage
- Benefits including:
  - Health & welfare plans
  - COBRA planning
  - Executive compensation & deferred compensation
  - Benefits dispute resolution and litigation representation
  - Qualified plans

Business Transactions & Governance

- Business Formation and Entity Selection
- Mergers and Acquisitions
- Tax Advice and Structuring
- Financing
- Shareholder Agreements
- Operating Agreements
- Management and Consulting Agreements
- Distributorships and Business Opportunities
- Directors and Officers Indemnification and Insurance
- Shareholder Dispute Resolution

Contracts & Commercial Transactions

- Drafting, negotiation and enforcement of all types of contracts
- Advice, dispute resolution and litigation representation for all types of commercial transactions

Alcohol Beverage Licensing

- Assist clients with alcohol beverage licensing including land use approvals to licensure and regulatory compliance

Insurance

- Coverage analysis for all types of insurance
- Enforcement and dispute resolution of insurance issues

Intellectual Property

- Federal and Florida trademark protection and registration
- Copyright Protection and Registration
- License Agreements
- Non-Disclosure Agreements
- E-commerce
- Website Terms and Conditions and Privacy Policies
- Web Hosting, Linking and Advertising Agreements
- Enforcement of Intellectual Property Rights

Real Estate

- Acquisition, leasing and financing
- Green building and sustainability issues
- Zoning & Land Use
- Construction
- Americans with Disabilities Act, Title III, accessibility compliance
- Property Management
- Development and New Site Acquisition & Development

Construction

- Construction contracts
- Preventive strategies
- Lien and bond law
- Environmental risk regulations and laws
- SBA contracting
- Bid protests
- Dispute resolution and litigation of construction disputes

Debtors and Creditors Rights

- Debtors and creditors' rights and bankruptcy matters
- Telephone Consumer Protection Act
- Fair Credit Reporting Act
- Commercial Foreclosures
- Fraudulent transfers
- Uniform Commercial Code
- Unfair, Deceptive and Abusive Acts and Practices Statutes
- Workout, restructuring and distressed debts
- Judgment collections
- Garnishments, levy

Dispute Resolution/Litigation

- Dispute resolution and litigation in all of the above areas, as well as:
  - Americans with Disabilities Act, Title III accessibility compliance
  - Personal injury
  - Premises Liability
  - Slip and Falls
  - Negligent Security

Representative Matters

- Defended restaurant on misappropriation of trade secrets, conspiracy and tortious interference claims and obtained dismissal of claims against client without payment.
- Defended country club on wage (tip credit) and retaliation claims and obtained settlement of claims against client without payment.
- Drafted agreements for arrangements between equity owners of franchises and restaurants, such as limited liability

company operating agreements, corporate shareholders' agreements, and buy-sell agreements.
- Advised and represented numerous hospitality clients on employment-related issues, charges of discrimination and lawsuits.
- Represented numerous restaurant/tavern, hotel and other clients with respect to Regulation D private offerings.
- Represented restaurants and other related establishments in alcoholic beverages for all three tier issues ranging from land use approvals to licensure and regulatory compliance.
- Represented a national restaurant/tavern concept with respect to EB-5 based private offering.
- Represented malls, restaurants and other businesses in defense of various personal injury cases.
- Represented numerous Florida and southeastern United States stand-alone retail and fast food projects on issues concerning off-site drainage, density, environmental and permitting issues, and ingress, egress and parking easements.
- Drafted and negotiated multiple public and private construction agreements for complex and multi-phased construction and development projects ranging from $2 million to $195 million.
- Represented shopping center owner against partial eminent domain taking for elevated flyover road construction, recovering more than three times the initial offer.
- Represented landlords and tenants in leasing and leasehold financing of retail centers and restaurants.
- Represented sellers and buyers in sales and financing of shopping centers, restaurants, and hotel properties, including construction loans for new facilities.
- Prosecuted and defended trademark and copyright infringement claims on behalf of publicly traded and private companies.
- Advised on the availability and proper use of trademarks, and assisted in obtaining federal and Florida trademark registrations.
- Represented developer in the acquisition of numerous properties located throughout the southeastern United States in connection with development of build-to-suit quick service restaurants.

For more information please contact Co-Chairs Alicia H. Koepke or Diana L. Hayes.

Please click here to view news and publications related to our Hospitality Industry.