RESTAURANT, FOOD AND BEVERAGE, AND LICENSING

We offer a full-service, focused approach to our restaurant, hotel, and off-premise food and alcohol retail clients as well as Georgia manufacturers and distributors. Located in Atlanta, the firm provides creative, high-value and cost-effective advocacy to national, regional and local retailers in multiple areas that impact their businesses including premises liability, alcohol licensing and compliance, dram shop litigation and more. Our attorneys provide tailored assessments and experienced assistance in navigating the complex tapestry of food and beverage law, including federal, state and local statutes, regulations and ordinances.

We also work with various local municipalities and trade associations, including the Georgia Restaurant Association, Georgia Food Industry Association, and Georgia Association of Convenience Stores. Our attorneys are leaders in alcohol licensing continuing education, having developed the Responsible Alcohol Sales & Service (RASS) workshops that are now required in many Georgia jurisdictions before obtaining an alcohol license.

The breadth of our firm allows us to service virtually any of our clients’ legal needs effectively and efficiently. Our practice group leaders work with our other practices to provide seamless service on a wide range of complex legal matters, including real estate, tax, employment and labor, corporate, finance, litigation, e-commerce and intellectual property. Our services include:

- Securing state and local alcohol licenses, permits and certifications, including representation before government agencies,
- Planning, forming and organizing business entities for restaurants, hotels, bars, nightclubs and event facilities,
- Real estate, including retail and commercial leasing and resolving land use and zoning issues,
- Purchasing and selling restaurant, hotel, bar and nightclub businesses as well as off premise retail businesses,
- Assisting with legal aspects of financing, drafting, negotiating and reviewing labor and employment and general business agreements,
- Planning, forming and organizing franchises, including preparation and review of franchise agreements and offering circulars for compliance with federal and state franchise laws and regulations,
- Intellectual property, including protection of trademarks and labels, and licensing,
- E-commerce,
- Litigation, including bankruptcy, alcohol licenses, alcohol violations, premises and product liability cases, and
- Employment and immigration issues.

BUSINESS ENTITY PLANNING, FORMING, AND ORGANIZING

Restaurants, Hotels and other food and beverage businesses often have multiple investors and cross ownership of projects, and we advise on structuring these entities for maximum flexibility, tax advantages and liability protection. This includes business formation, document preparation and succession planning.
E-COMMERCE

Websites and electronic transactions are essential to most restaurants, hotels and other retailers, and we provide the support that protects intellectual property and limits potential exposure. This includes advising on privacy and security issues in electronic transactions, domain name registration and protection, tax considerations of Internet transactions, software licensing and technology transfers.

EMPLOYMENT AND LABOR RELATIONS

The employee-intensive hospitality and food and beverage industries have a high potential for employment claims, including wage and hour, discrimination, harassment and retaliation actions. Our attorneys educate managers on best practices, draft handbooks and policy manuals and assist in implementing these policies. We mount aggressive defenses when matters escalate to litigation. If unions are part of the mix, we advise on labor contract negotiations and organization campaigns.

FRANCHISE

We assist with the formation of franchises, contracts, revenue sharing and intellectual property considerations in franchising arrangements. We have represented both franchisors and franchisees in disputes over contract obligations.

GENERAL BUSINESS AGREEMENTS

We prepare, review and negotiate commercial agreements in all types of transactions, from the sale of businesses to vendor services. Review with an understanding of your business often saves thousands of dollars and prevents future misunderstandings and litigation.

INTELLECTUAL PROPERTY

You invest heavily in trademarks and other intellectual property that distinguish your business from competitors and support promotions and branding. We provide a full range of intellectual property services, from auditing and registration of marks to aggressive enforcement.

LICENSING AND PERMITTING

We are a leader in licensing, permitting and education for businesses in the hospitality industry. Georgia is recognized as one of the most complex states for obtaining the licenses and permits necessary to operate a business, particularly alcohol licenses. Our attorneys and senior licensing consultants work closely with both local and state regulators on a daily basis. We have also worked with multiple jurisdictions to re-write their alcohol ordinances to simplify the licensing process, and create more certainty and fairness for the alcohol industry. We also work with businesses to educate owners and managers about the myriad of alcohol laws that apply to their particular locations. Our Responsible Alcohol Sales & Service (RASS) workshops are so highly regarded that they are now a prerequisite for obtaining an alcohol license in several Georgia jurisdictions. Georgia’s food and beverage trade associations, including the Georgia Restaurant Association, Georgia Food Industry Association and Georgia Association of Convenience Stores, regularly call on us for advice on alcohol matters. Whether it’s obtaining a license or mitigating an enforcement action, we have the knowledge and relationships necessary to navigate the complex laws that attach to alcohol licensing.
LITIGATION AND PRE-LITIGATION AUDITS

We have assisted our clients in successfully navigating every aspect of potential hotel, restaurant and retail litigation: premises liability, contract and lease disputes, negligent hiring/supervision, employment and discrimination claims, and dram shop actions. Our goal always is to resolve matters in early-stage litigation in order to limit costs, but for those cases that resist early resolutions we have a team of trial attorneys who have tried thousands of cases to verdict. We also offer litigation audits that assess potential exposure to torts, including surveys of employment practices, alcohol policies and training, and structural hazards.

PURCHASING AND SELLING BUSINESSES

We represent buyers and sellers in connection with the purchase and sale of hotels, restaurants and other retail businesses. Our lawyers assist with all legal-related aspects of these transactions, including transaction structuring, tax planning, negotiations, document preparation, due diligence, funding and post-closing matters.

REAL ESTATE AND LEASING

We know that your physical location is a key asset of your business, and we work on all aspects of leasing, sub-leasing, acquiring and selling real estate, as well as zoning and land use issues. We work on such matters as providing information on local governing laws to assist in site selection, the preparation of purchase and sale agreements, the negotiation of development and construction agreements, and the review of surveys and title commitments.

PRACTICE HIGHLIGHTS

Dram shop cases involving alcohol retailers. Obtained dismissals in favor of defendants in several cases involving alcohol retailers who had been sued for providing alcohol to minors or to individuals who were intoxicated.

Dismissal of environmental citations. Obtained dismissal of multiple environmental citations issued to a local restaurant and its owner.

Dram shop case involving serving alcohol to minor. Obtained defense verdict in lawsuit against alcohol retailer whose employee sold alcohol to a minor, in which the minor then was involved in a car accident, killing the other individual in the vehicle.

Restaurant leasing for franchisees, operators, tenants, and property owners. Extensive experience includes representation of franchisees of a national restaurant operator in over 200 leases, representation of tenants in ground leases throughout the United States for new build and renovated restaurant locations, representation of restaurant tenants in leases for new and renovated open market spaces and commercial developments in metro Atlanta, representation of numerous national and local restaurant, bar and entertainment venue operators including a coffee bar and a craft micro-brewery, and representation of a property owner in numerous restaurant leases in North Carolina.
**Restaurant, Food and Beverage, and Licensing**

**Licensing transaction for prominent southeastern private restaurant group.** Served as outside counsel for one of the leading private restaurant groups in the Southeast formerly helmed by one of a select group of certified Master Chefs in the United States and regularly listed in the Atlanta Business Chronicle as a Top 100 in Atlanta Hospitality. A recent hospitality related engagement includes the following: Representation of the licensor in a license arrangement with a joint venture for the Fly Burger restaurant concept in the Atlanta Hartsfield-Jackson International Airport. This was a first-of-its-kind fast casual burger concept and this restaurant is part of the local restaurant themed rebranding of the Atlanta Airport, which showcases the city’s deep culinary bench.

**Counsel to restaurateurs and restaurants.** Represents multiple restaurateurs and restaurants, in connection with all legal matters, such as entity structuring and formation, contracts, trademark registration and licensing, alcohol beverage and related licensing, acquisitions and other general corporate matters.

**Financing of the transfer of franchise ownership.** Represents two of the largest franchisees (with more than 100 combined locations) of a major national quick serve restaurant company in connection with the financing of the transfer of franchise ownership to new owners.