

2015 HOSPITALITY LAW CONFERENCE

FEBRUARY 9-11, 2015,

HOSPITALITY FORUM I

Presented by:

Kendall Kelly Hayden of Cozen O'Connor



PRESENTERS



Kendall Kelly Hayden

Partner, Cozen O'Connor

- ❖ Emphasizes practice in hospitality and transportation law
- ❖ Represents hotels, restaurants, bars, clubs, spas, motor coach carriers, car service companies, and armored vehicles
- ❖ Advocates for clients through training, counseling, litigating, and ensuring government compliance



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SMOOTH CRIMINAL:

Smoothly progressing through a criminal or governmental investigation of your hospitality business while avoiding civil exposure



CRIMINAL ACTIVITY OR GOVERNMENTAL PENALTIES THAT CAN LEAD TO CIVIL EXPOSURE

- ❖ **Sexual assault by employee/contractor**
 - Unsafe premises
- ❖ **Assault by patron/guest**
 - Inadequate security
- ❖ **Intoxication of guest**
 - Inadequate security
- ❖ **DOT audits**
 - Negligent hiring/retention

STEPS TO MINIMIZING EXPOSURE

- ❖ Establish POC
- ❖ Be a good citizen
- ❖ Utilize local leaders
- ❖ Remain engaged




ESTABLISH POINT OF CONTACT

- ❖ Percentage: <10%
- ❖ One voice
- ❖ Counsel preferred



BE A GOOD CITIZEN


- ❖ Communication with victim
 - ❖ Presentation to public
 - ❖ Relation with law enforcement
 - ❖ Cooperation in future efforts
 - ❖ Protection of business
- 

UTILIZE LOCAL LEADERS



Liaise - Push - Station - Pressure

REMAIN ENGAGED

- ❖ Understand scope of cooperation
 - ❖ Explain rights
 - ❖ Attend interviews
 - ❖ Prepare for questions
 - ❖ Narrow scope of requests
 - ❖ Feed information
- 

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LEGIONELLA HOSPITALITY FORUM

Presented by:

Jeffrey H. Peters, P.E., CEICC, Vice President
Rimkus Consulting Group, Inc.



PRESENTER



Jeffrey H. Peters, P.E., CEICC

Vice President

Rimkus Consulting Group

- ❖ Forensic Engineering Consultant
- ❖ Licensed Professional Engineer with over 30 years of mechanical engineering design, construction, facilities management and forensic consulting experience as a testifying expert.
- ❖ Council-certified Environmental Infection Control Consultant
- ❖ Board Member of the Indoor Environmental Standards Organization (IESO) and American Council for Accredited Certification (ACAC)
- ❖ Member of American Society of Heating, Refrigeration and Air-conditioning Engineers (ASHRAE).



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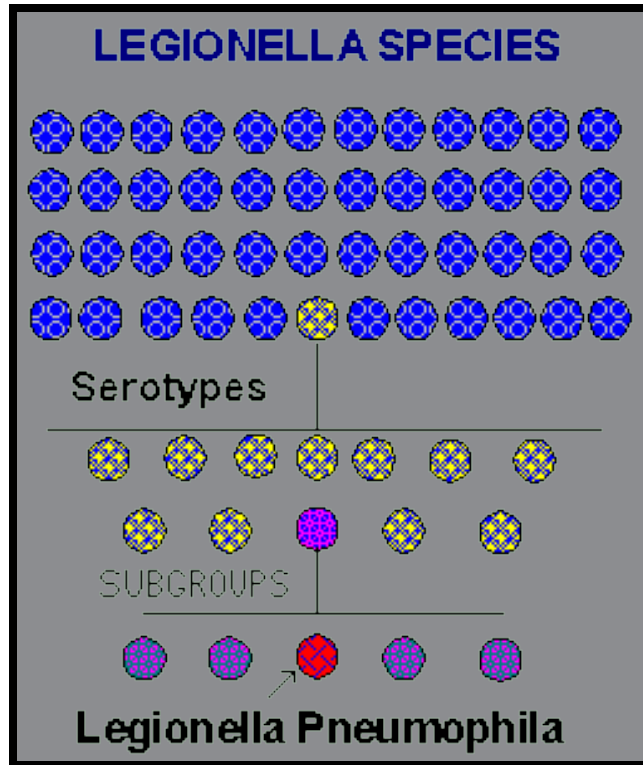
THIRSTY?



15,000X MAGNIFICATION



LEGIONELLA PNEUMOPHILA, SEROGROUP 1



PERSONAL RISK FACTORS:

OVER 50 YEARS OF AGE

CURRENT OR FORMER SMOKERS

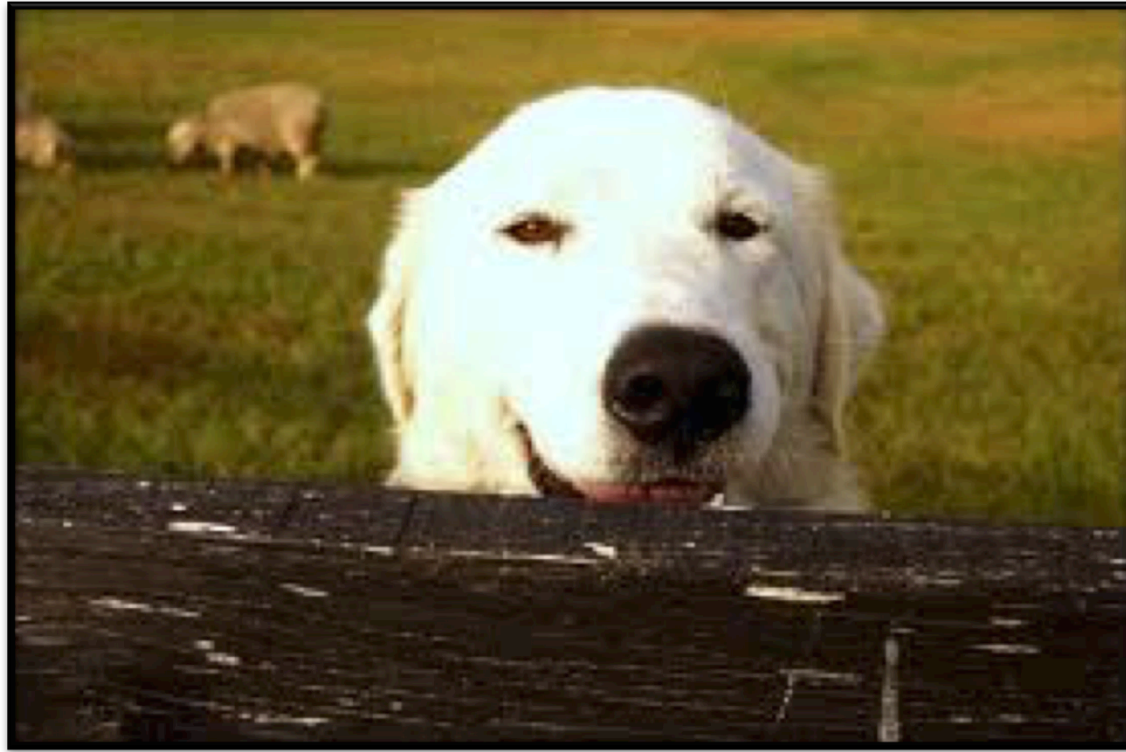
CHRONIC LUNG DISEASE

WEAK IMMUNE SYSTEM

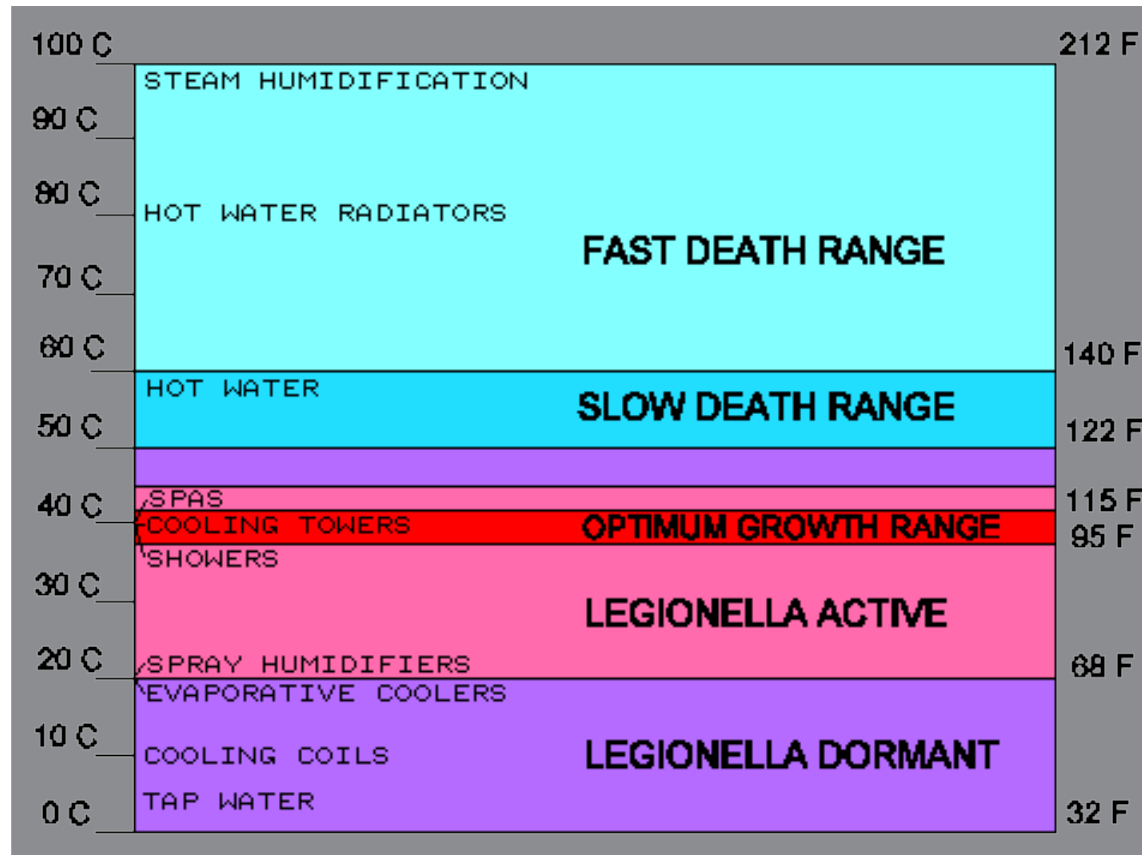
**PEOPLE WHO TAKE DRUGS THAT SUPPRESS
(WEAKEN) THE IMMUNE SYSTEM**



WHERE IS IT?



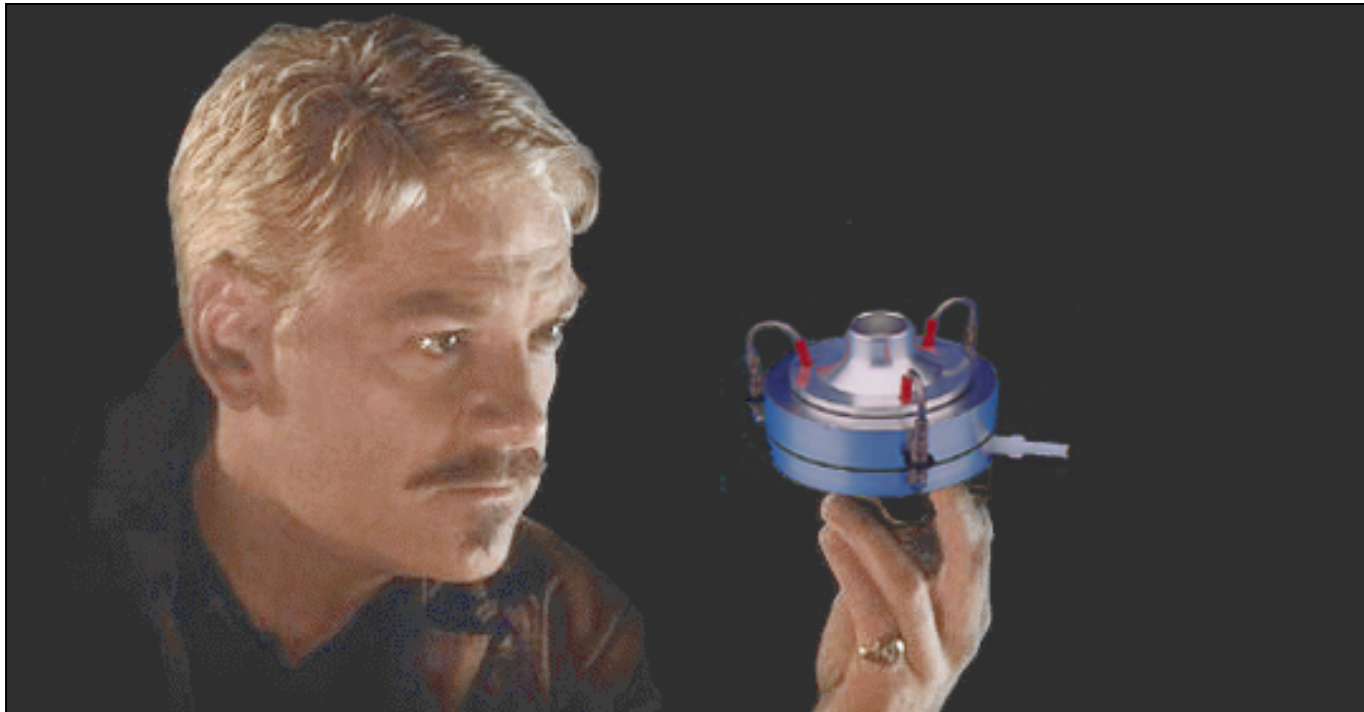
HOT WATER PIPING







TO SAMPLE, OR NOT?




TO TAKE ACTION, OR NOT?

Action	Cooling Tower	Potable Water	Humidifiers
Cleaning or biocide	100	10	1
Cleaning and biocide	1000	100	10



STANDARD OF CARE



BSR/ASHRAE Standard 188P

Fourth Full Publication Public Review Draft

**Legionellosis: Risk Management for
Building Water Systems**



TYPES OF TREATMENT:

SUPERHEAT TO OVER 160 DEGREES F.

HYPERCHLORINATION

COPPER SILVER (CUAG) IONIZATION

CHLORINE DIOXIDE

“POINT OF USE”

-ULTRA VIOLET LIGHT

-FILTRATION



2015 HOSPITALITY LAW CONFERENCE

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Hotel Sales and Interim Management Agreements

Presented by:

Grace Yang, Esq.

GrayRobinson, P.A.

PRESENTERS



Grace Yang

Shareholder, GrayRobinson, P.A.

- ❖ Based in Tampa, Florida
- ❖ Member of the firm's hospitality industry, alcohol beverage and food, and land use teams



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INTERIM MANAGEMENT AGREEMENTS

Interim management agreements are agreements formed out of necessity in a deal because the parties involved need more time to complete certain tasks.


Definition of interim: a period of time in between events

These agreements are meant to be *temporary*.




AREAS COVERED IN AN INTERIM AGREEMENT

An interim management agreement could cover one or more areas.

1. Management of lodging operations, such as handling of reservations, front desk, and guest services
 2. Housekeeping
 3. Hotel facilities (elevators and pools, for example)
 4. Food and beverages
- 

WHO ARE THE PARTIES TO THE AGREEMENT?

- Hotel or restaurant seller
 - Hotel or restaurant buyer
 - Lessee
 - Outgoing operator/management company
 - Incoming operator/management company
 - Franchisor
 - Franchisee
- 

CONTROLLING ELEMENTS

Is there an existing management agreement? If so, what are the terms for termination, assignment, or assumption?

Is there an existing franchise agreement? If so, what are the terms for termination, assignment, or assumption?

Interim management agreement terms are negotiable depending on given parameters of the hotel or restaurant deal.



KEY CONSIDERATIONS

Term of the agreement– how much time are the parties agreeing to operate under the agreement? Clearly define the interim period.

Financial arrangements– how will the parties be compensated in the interim period?

Labor and employment – managers and employees operating in the interim period.

Indemnification



ARE INTERIM AGREEMENTS FOR ALCOHOL SERVICE ALLOWED?

Determine based on state and/or local alcohol laws

Term of the agreement– how much time are the parties agreeing to operate under the agreement? Clearly define the interim period.

Financial arrangements– how will the parties be compensated in the interim period

Labor and employment – managers and employees operating in the interim period.

Responsible alcohol vendor training for managers and employees

Indemnification



SPECIAL REASONS THAT REQUIRE INTERIM AGREEMENTS

Foreclosure of a business

Bankruptcy of a business

Failure of a franchisee



TODAY FROM 1:30 PM TO 2:30 PM

**Please join us at
the roundtable!**



CONTACT INFORMATION

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Thank you for attending and listening!

