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KEEPING YOUR VENUE GLAMOROUS

HOSPITALITY LAW 101

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PURCHASING AN OUTDOOR HOSPITALITY VENUE

- Use an Entity
- Purchase: One Agreement or Two
- Due Diligence
- Environmental Issues
- Zoning Compliance
- DMV Issues

Owning an Outdoor Hospitality Venue

T H E L E G A L S I D E

When you get started

Waivers & Liability

Contracts, Agreements, Licenses, Oh My!

Best Practices

Laws by State

Labor & Employment

YOU SHOULD:

- Have an Employee Handbook
- Might need a Sexual Harassment Policy (depending on State)
- Know the pros & cons of Employee Contracts

EMPLOYEE MISCLASSIFICATION

- Volunteers, Independent Contractors, Work Campers

FEDERAL ISSUES

- IRS: Behavioral Control, Financial Control, Relationship
- Independent Contractor: Control

WORKERS' COMPENSATION

- W/C vs. Paying Medical Bills

BACKGROUND CHECKS

- FCRA Concerns

OSHA

- Are you providing a safe environment?

HOSTILE WORK ENVIRONMENT

- Are you providing a safe place for workers of all backgrounds?

Releases & Waivers

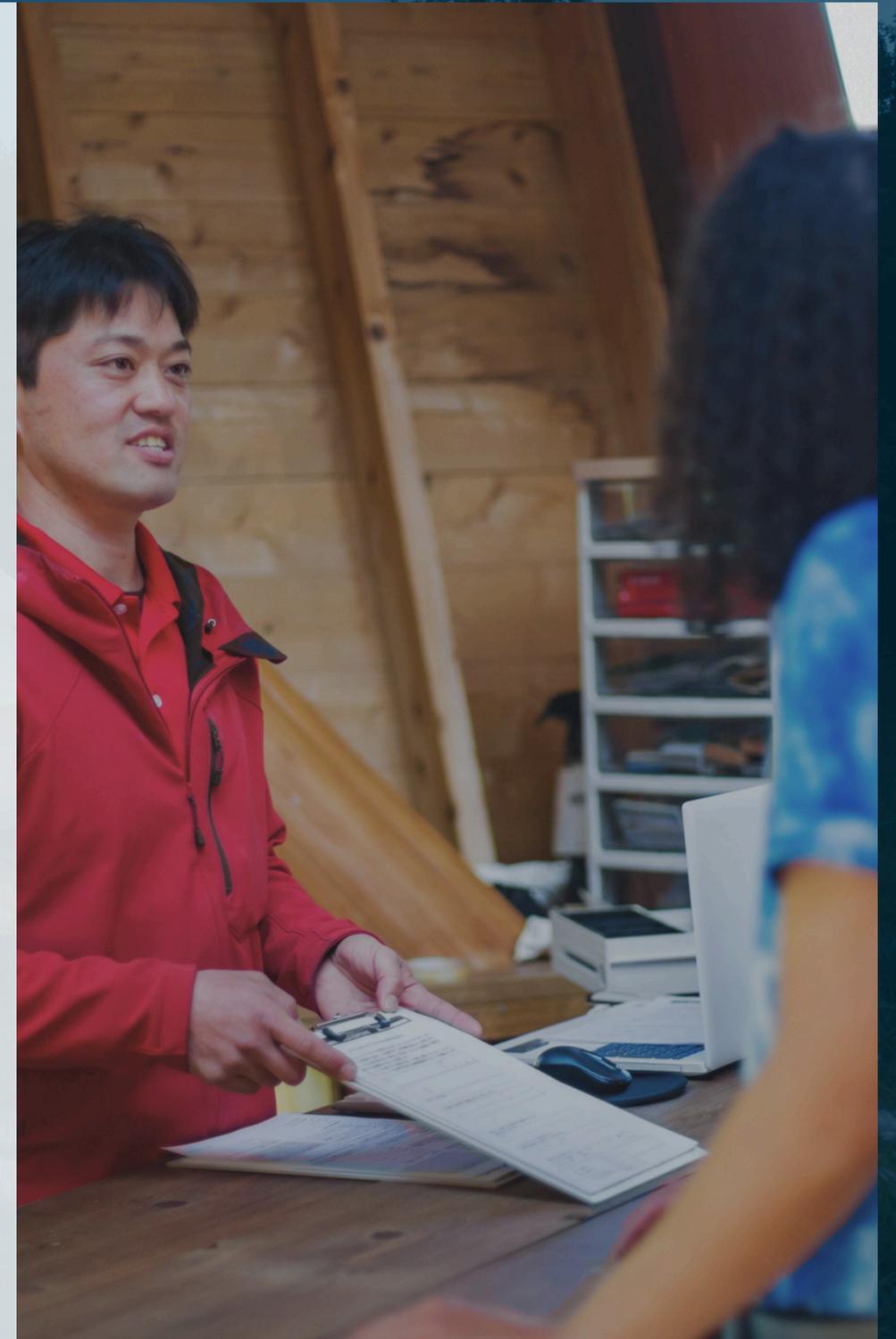
LIMIT YOUR LIABILITY

BUT IT IS STATE SPECIFIC: For example, Under New York General Obligations Law 5-326 waivers of liability are void and not enforceable if the person signing the clause did so in conjunction with some sort of payment to partake in recreational activities.

CAN'T HURT TO HAVE ONE

Although anyone can sue you for anything - it does act as a bit of a deterrent for a lot of general consumers. Further, some insurance companies require something!

At the very least, these documents outline the risks of the activity and in the event of a lawsuit it will help to prove that the consumer understood the risk of the activity that they were taking part in and it can help your case. We call this assumption of the risk. (There are specific assumption of risk documents as well)



Contracts You Sign

Look at a Couple Specific Provisions:

Termination:

- How do I get out of the contract if it is no longer working?
- Can they end it on me at anytime?

Pricing:

- Is it locked in?
- Can they increase it at anytime for any reason?

Entertainment Contracts:

Doesn't have to be formal - GET IT IN WRITING!

- Confirm the date or what happens regarding switching dates
- How long do they have to entertain?
- Can they sub in for other bands?
- Must they find a replacement?
- Did you lock in your pricing?

WHAT IF SOMEONE GETS HURT?



TAKE NOTES



TAKE PICTURES



FIND WITNESSES

Your insurance company might have some forms they like to use to compile this information.

They will ultimately be defending you in a lawsuit so do try to accommodate them.

ADA Compliance

Service Dogs:

- Can't refuse unless uncontrolled
- Can't charge damages unless would charge normally
- Can't make them only be in pet friendly accommodations
- DO NOT HAVE TO BE ALLOWED IN THE POOL

Websites:

- Hot button issue (very little precedent, no federal standard)
- Need to be navigable by assistive technology



Are You Being Taxed Fairly?

TAX ASSESSMENT CHALLENGES

File complaint (check town deadline: NY - May in most locations)

The complaint is made on the form provided by the state with an instruction guide

You will have to find like kind properties assessed lower than you (different assessment approaches - comparable sales and income producing)

If rejected - can choose to go to court to appeal it

CORPORATE TRANSPARENCY ACT

- The Corporate Transparency Act (CTA) requires that as of January 1, 2024 certain entities must file a Beneficial Ownership Information Report (BOIR) with the U.S. Department of Treasury's Financial Crimes Enforcement Network (FinCEN)
- Existing companies created or registered before January 1, 2024 must file by January 1, 2025
- New companies created or registered to do business in the U.S. this year or later have 90 days to file the report on FinCEN
- 23 Exemptions including large operating companies

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Creating **Value** with
Creative **Solutions.**

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SUBMIT YOUR CONTACT
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WILL REACH OUT TO YOU
TO SET UP A MEETING!

