

Poricanin

Practical Counsel. Industry Insight.

Hospitality Industry Practice



Overview of the Hospitality Industry Focus Group

We understand the demands, nuances, and pressures of companies that operate in the hospitality industry. With relatively high operating expenses and unpredictable profits, owners and operators of restaurants and other hospitality-focused businesses must manage the uncertain and ever-evolving demands of the law with never-ending business pressures. Poricanin actively represents companies in the hospitality sector and helps them to anticipate, prepare for, and tackle those business and legal pressures.



▷ Multidisciplinary Approach to Clients' Business Needs

Business Formation

We work with businesses in forming and establishing their operations, from the initial decision on the proper business structure, to registration with the State and federal authorities, to helping entities obtain a liquor license and other government approvals. But our work does not stop there. At Poricanin, we are with our hospitality clients from the first employee hire, to the first day of service. We guide clients through all aspects of their initial start-up.

Real Estate Matters

We provide business-focused legal advice to help her clients reach their real estate goals, from structuring acquisition of buildings and facilities, to leasing of spaces, and advising on best practices concerning the operations of real estate.

Audits, Investigations, and Appeals

We represent entities in the hospitality industry in all government audits, and investigations, including, but not limited to audits conducted pursuant to the Occupational Safety and Health Act ("OSHA"), Department of Labor audits and investigations, and Equal Employment Opportunity Commission.

Labor and Employment Matters

Poricanin works with entities in the hospitality industry with respect to all aspects of employment, including recruitment, retention, background and employee screening, contract negotiation, union avoidance, union management, wage and hour compliance, equal employment opportunities, and representation of employers before various federal and State agencies with oversight over employers (e.g., EEOC, NYC Department of Consumer Affairs, Department of Labor).

Government Relations

At Poricanin, we provide a modern, results-based government relations approach, grounded in relationships, insights and information, combined with legal expertise. We provide strategic insights and information to clients in the Hospitality industry on how to address legislative and legal challenges.

Wage and Hour

In view of some stringent rules applicable solely to employees in the hospitality industry, disputes and claims related to labor law violations can result in bet-the-company litigation and personal liability for owners and operators. With deep roots and experience in defending such claims in court and before government agencies, we work with entities in the hospitality space to ensure that they are in compliance with all the applicable labor law rules and regulations before problems arise. We assist employers in department of labor audits and, when needed, we defend employers in court from claims arising under the New York Labor Law or the Fair Labor Standards Act.

Franchising, Licensing and Distribution

Poricanin works with franchisors and/or franchisees to prepare and review franchise disclosure documents and contracts, enforce franchise rights and obligations, provide guidance regarding State registration processes and other regulatory filings, and negotiate and structure distribution and supply agreements.

Litigation and Dispute Resolution

When problems arise, Poricanin strives to bring parties to an amicable resolution without unnecessary costs of litigation. But should that fail, Poricanin vigorously and aggressively represents entities in the hospitality industry in federal and state court litigation, administrative challenges to governmental action, and arbitration proceedings.

Mergers, Acquisitions, and Joint Ventures

We structure mergers, acquisitions, reorganizations, and joint ventures to maximize managerial flexibility and promote growth, minimize organizational risk, and achieve tax savings. We work with entities from the initial phase of negotiating a purchase, to the close of an acquisition, and through each phase of the organization's growth.

Immigration

Poricanin provides handles a broad range of immigration issues for businesses and individuals. We represent employers in connection with the temporary employment of professionals and intra-company transfers; the periodic entry of business visitors; and the permanent employment of foreign workers.

Intellectual Property, Trademark, and Trade Secrets

At Poricanin, we keep an eye on your most valuable assets and counsel clients on how to protect those assets. Initially, we help businesses and entrepreneurs evaluate and identify assets, whether those assets are a new technology or human capital. We provide counsel regarding trademarks, trade secrets, and offensive and defensive litigation of IP rights.

Crisis Resolution

Crises can result from lawsuits, regulatory inquiries, employee grievances and adverse publicity. Poricanin counsels employers in the Hospitality industry on crisis management and responses, providing timely and strategic assistance with respect interaction with the media and the public in a manner designed to reduce any negative publicity.

Representative Matters and Work Experience in the Hospitality Industry Focus Group

- Representation of hospitality sector clients with respect to corporate formation and management
- Providing counsel regarding expansion, growth, and wrap-up operations
- Review and negotiation of franchise agreements and legal implications of being a franchisor and/or franchisee
- Assistance in securing key licenses and/or authorizations from State or local officials needed to operate the business
- Providing counsel regarding OSHA requirements in the Hospitality industry
- Representing businesses in the hospitality sector with respect to Department of Labor audits and lawsuits

- Counseling new and existing businesses concerning changes in employment law and policy, and how to implement the changes across all sectors of the workforce
- Providing outsourced human resources and labor counsel for employers in the hospitality sector
- Defending entities in EEOC and Division of Human Rights cases alleging retaliation, discrimination and harassment
- Responding to RFPs and any grant applications
- Counseling employers in the hospitality industry concerning advocacy and government relations, analyzing proposed legislation and evaluating the most strategic avenues of realizing change in laws
- Providing training to management concerning union avoidance and how to respond to a union organizing campaign
- Collectively bargaining with unions concerning the first and successor collective bargaining agreements
- Negotiating employment contracts for high-level executive employees
- Negotiating contracts with third parties and vendors
- Defending entities in audits alleging worker wage underpayment and worker misclassification in Department of Labor hearings and in federal and State court



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