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# ***7 Key Legal Ingredients to Succeed as a Restaurant Owner/Operator***



Presented by:  
**Andrew C. Kienle, Esq.**  
**Hart, King & Coldren**

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A Professional Law Corporation

# I. Setting Up Different Types of Business Entities

- Overview of different types of entities
  - General Partnerships
  - LP's
  - Corporations
  - LLC's
- Pros and cons of each type



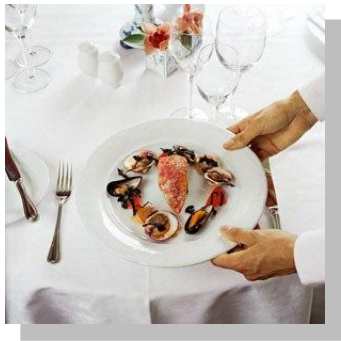
## II. Protecting Copyright and Trademarks

- Overview of types of protection available
  - Copyright
  - Trademark
  - Trade Dress
  - Trade secret



## II. Protecting Your Creativity Using Copyright and Trademark Laws (continued)

- What Can Be Protected?
  - Menus
  - Concepts
  - Signature dishes
  - Name/logo



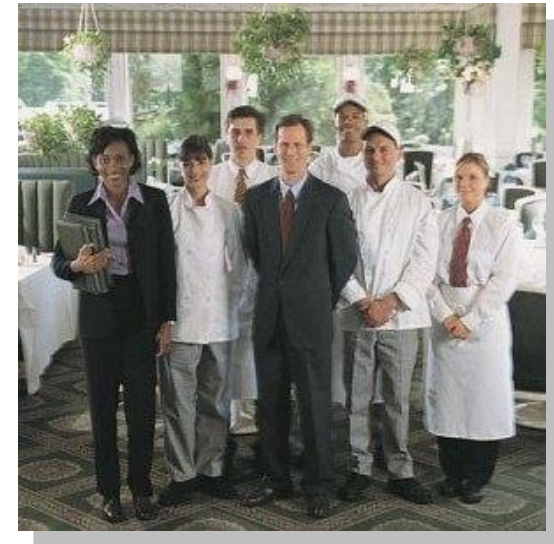
# III. Landlord/Tenant Relationships

- Key issues to consider in drafting the lease:
  - ADA compliance burdens
  - Exclusive Use
  - Assignability
  - Parking
  - Personal Guaranty



## IV. Employer/Employee Relationship and Issues

- Employee Categories
  - “Managerial”
  - “Rank and File”
  
- Employment Agreements for Managerial
  - Include non-disclosure provision



## IV. Employer/Employee Issues (continued)

- Employee Handbooks for “Rank and File”
  - Confirm in writing At Will Employee
  - Consider non-disclosure, sick leave policy, vacation and severance pay
  - Limiting post employment claims



## V. ADA Issues

- Fertile area for frivolous lawsuits
- When is retrofitting required?
- “An ounce of prevention is worth a pound of cure”
- Retain expert to “audit” restaurant
- If suit is filed – weigh cost of immediate “fix” and settlement for “nuisance value



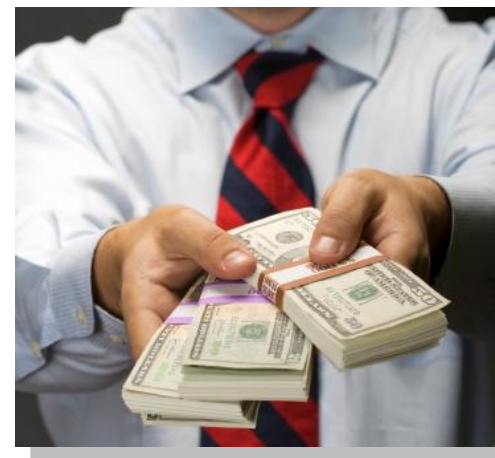
## VII. The Nuts and Bolts of Franchising

- Incentive for you to become a franchisee?
- Franchise agreements are “pro-franchisor”
- Consult with an attorney to understand your rights and obligations



## VII. The Pros and Cons of Investors

- Expanding business needs additional capital
- Investments from third parties.
- Know rights and obligations of the parties from the outset
- Be prepared for disputes when venture is profitable or not



*Thank you!*

**Andrew C. Kienle, Esq.  
Hart, King & Coldren**

**200 Sandpointe, 4<sup>th</sup> Floor  
Santa Ana, CA 92707**

**Email: [akienle@hkclaw.com](mailto:akienle@hkclaw.com)**

**Ph: 714.432.8700 x. 362**

**[www.hkclaw.com](http://www.hkclaw.com)**

