

INDEX

A

Abandoned property, 332
Abdulrahman Al-zamil v. British Airways, Inc., 362
Ability to pay, guest, 301
Acceptance
 contract, 98–100
 deposit, 99
 partial or full payment, 99
Accident response, 284–289
Accidents, guests, 315
Activity safety, amusement park operations and, 398–399
Actuary, 455
Adhesion contracts, 382
Admiralty law, 388
Admission, guest, 300–302
Advertisements, classified, 202
Advertising, online travel sales and, 403–405
Affirmative action, 203–204
Affordable Care Act, 459
Age Discrimination in Employment Act (ADEA), 207, 261
Age requirements, guests, 301
Agency relationship, 82–86
 agent-principal relationship, 83–84
 independent contractors, 84–86
 master-servant relationship, 82–83
Agency relationship clause, 138
Agent-principal relationship, 83–84
Agents, 83–84
Aggregate amounts, insurance and, 463
Agreement in writing, 99–100
Airline Deregulation Act of 1978, 385
Airlines
 Aviation Disaster Family Assistance Act, 392
 baggage responsibility and, 391
 overbooking and, 390–391
 service provider relationship and, 385
 tariffs and, 385
Alcohol service
 blood alcohol concentration and, 352
 dram shop laws and, 356–357
 happy-hour laws and, 353
 international perspective on, 362
 intoxication and, 352
 liability associated with, 354–357
 licensing and, 34–35, 352–353
 privilege of, 351–354
 revoked license and, 354
 social host standards and, 355–356
 third-party liability and, 355
 training for responsible service, 358–360
Alcoholic Beverage Commission (ABC), 34–35
Allegheny Airlines, 109–110
Allen v. Greenville Hotel Partners, Inc., 87–88
Allergic reactions, food service and, 344–345
Allowable attrition, 122–123
Alternative dispute resolution, 104, 283
American Dietetic Association (ADA), 62
American Hotel and Lodging Association (AH&LA), 62
American Hotel and Motel Association, 358
American Society of Travel Agents (ASTA), 370, 376
Americans with Disabilities Act (ADA), 5, 33, 205–207
Americans with Disabilities Act (ADA), Title III, 308–310
Amtrak, 386
Amusement park operations, 392, 397–399
 activity safety and, 398–399
 employee training litigation and, 399
 industry history and, 398
 performance expectations and, 399
 potential liability issues and, 398–399
Annuity, 455
Appeals, personal injury lawsuits and, 282
Applicant screenings, 194–202
 applications and, 194–197
 background checks and, 200
 classified advertisement wording and, 202
 defamation cases and, 201
 interviews and, 197–198
 negligent hiring and, 200
 preemployment testing and, 199
 references and, 200–202
Applications, employee, 194–197
Arbitration, 104
Association of Corporate Travel Executives, 383
At-will employment, 213–214
Attorney General, 36–37
Attorneys, 3
Attractions and activities, travel industry and, 371
Authorization to modify contracts, 121

Automated external defibrillators, 308
Automobiles, guests', 329–330
Aviation Disaster Family Assistance Act, 392

B

Background checks, 200
Baggage, transportation industry and, 391
Bailee, 327
Bailments, 326–331
 bailment relationship, 326–327
 detained property and, 330
 innkeeper's lien and, 330–331
 liability under bailment relationship, 328–330
 types of, 327
Bailor, 327
Bedbugs, 307–308
Berko v. Canada Safeway Ltd., 362
Bill of sale, 162–163
Blackstone, William, 4
Blood alcohol concentration, 352
Bona fide occupational qualification, 193
Breach of contract
 alternative dispute resolution and, 104
 basics of, 102–103
 economic loss and, 104
 liquidated damages and, 103
 preventing, 104–108
 statute of limitations and, 104
 suit for specific performance, 103
Broadcast rights, 182
Building and zoning agencies, 39–41
Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), 30–31
Buses, 388
Business operating structures
 condo hotels, 80–82
 franchise, 77–79
 management contracts, 79
 owner-operator, 76–77
 REITs, 80
Business organization structures
 C corporations, 72–73
 general partnerships, 70–71
 importance of, 68–69
 limited liability companies, 74–75
 limited partnerships, 71
 operating structure, 69
 organizational structure, 69
 S corporations, 73–74

- Business organization structures (*continued*)
sole proprietorships, 70
summary chart, 75–76
Buy vs. lease decisions, 176–178
- C**
- C corporations, 72–73
Canadian employment laws, 217–218
Canadian innkeepers limited liability, 334–335
Cancellation policies, 121–122
Capacity and legality, 96–100
acceptance and, 98–100
consideration and, 97–98
offer and, 96–97
Capital improvements, leasing property and, 177
Car rentals, 389
Cardiac Arrest Survival Act, 308
Carrier selection, insurance, 462
Caveat emptor, 101
Centers for Disease Control and Prevention (CDC), 43
Chattel, 160
Checks
fraudulent, 434–435
verification of, 435
China, hotel industry entities and, 86
Civil law, 4
Civil Rights Act of 1964, Title VII, 202–204
Claims, insurance, 455
Class action lawsuits, travel agents and, 379
Classified advertisements, employee hiring and, 202
Clause (contract), 120
Club Managers Association of America code of ethics, 12
Club Mediterranee NZ v. Wendell, 362
Codes of ethics, 11–16
Collateral, 168
Collective bargaining agreements, 214–215
Commercial lease, 178
Committees, safety, 425
Common carriers, 384. *See also* Transportation and common carriers
Common law, 4–6
Common law liability, 323–325
Communicable diseases, guest, 301
Company property theft, 436–437
Comparative negligence, 275–276
Compensation. *See* Employee compensation
Compensatory damages, 278
Competing tenants, leasing property and, 176
Complaint investigations, employee, 233–235
Complaint resolution, employee, 235–236
Complaint resolution form, 236
Completion dates, contractors and, 125–126
Con artists, 323
Condo hotels, 80–82
Condominium homeowners' association (CHOA), 81–82
Condominiums, 80
Coney Island, 398
Conference services contracts, 143–149
cut-off dates and, 148
group lodging contracts, 144–149
master bill and, 143
meeting space contracts, 143–147
Confirmed reservation, 110
Consideration, contracts and, 97–98
Consolidated Omnibus Budget Reconciliation Act (COBRA), 32, 459
Consumer theft of services, 431–433
Contingency fee, 281
Contract parties, online travel sales and, 401
Contracts. *See also* Breach of contract
allowable attrition and, 122–123
business contracts, 93
capacity and legality, 96–100
clauses for providing products and services to guests, 121–124
clauses for purchasing products and services, 124–128
completion dates and, 125–126
conference services contracts, 143–149
defendants, 93
delivery or start dates and, 125
deposit and cancellation policies, 121–122
dispute resolution terms and, 128
educating and sharing information on, 108
ensuring third party performance and, 107
exculpatory clauses and, 128–129
forecasting contract capacity, 109–110
franchise-related contracts, 119, 129–138
getting in writing, 105
good faith and, 107
group lodging contracts, 120–121
identification who is authorized to modify contract, 121
indemnification and, 123, 126–127
international, 113
keeping copies of, 106–107
length of time the contract price term exists, 121
licenses and permits and, 126
management contracts, 138–143
management operating agreements, 119
meeting space contracts, 119–120
nonperformance clauses, 127
note and calendar time deadlines, 107
payment terms and, 124, 125
performance standards and, 124, 126
plaintiffs and, 93
reading thoroughly, 105–106
resolving ambiguities and, 108
specific contract clauses, 118–129
verbal and written contracts, 93–96
Contributory negligence, 275
Copyright, 179–180
Copyright Act of 1976, 179
Copyright owner, 179
Corporate travel, 382–383
Counterfeit money, 434
Counteroffers, 98
Courts, local, 41
Credit cards
fraudulent use of, 431, 433
guidelines for handling of, 434
lost, 314
Crimes against guests, 277
Crisis management, 414–415
Crisis management programs, 437–448
crisis response and, 441–445
emergency plan development, 438–439
emergency plan practice, 440–441
guest response and, 444–445
management response and, 441–442
media relations and, 445–446
postcrisis assessment and, 447–448
precrisis planning and, 437–438
staff response and, 442–444
Cruise Lines International Association (CLIA), 387
Cruise ships, 387–388
Customs and Border Protection (CBP), 33
Cut-off dates, 148
- D**
- Damages
indemnification and, 123
leasing property and, 176
liquidated, 103
Data interface issues, online travel sales and, 402
Data security, online travel sales and, 402
Date stamp, 58
Deaths, guests, 315
Debtor and creditor relationships, property purchases and, 168
Deceptive advertising, online travel sales and, 403–404
Deceptive sales tactics, resort/timeshare operations and, 396–397
Decker v. Circus Circus Hotel, 406–408
Deductibles, insurance, 463
Deeds, 162
Deeds of trust, 168–169
Defamation cases, applicant screenings and, 201
Default, resort/timeshare operations and, 397
Defendants, 93
Defibrillators, 308
Delaware business laws, 69
Delivery or start dates, 125
Deluxe motor coach, 388
Demand letter, personal injury lawsuits and, 279–281
Department of Commerce, 43
Department of Homeland Security (DHS), 33, 50–51, 208
Department of Interior (DOI), 47
Department of Justice (DOJ), 32–33
Department of Labor (DOL), 31–32
Department of Labor (DOL) records, 259–260
on employee meals and lodging, 259
on family and medical leave, 260
for tipped employees, 260
Department of State, 47–49
Department of Transportation (DOT), 39, 51–54, 403
Deposit acceptance, 99
Deposit and cancellation policies, 121–122
Depositions, 281
Deposits, leasing property and, 176
Depreciation, 177
Depressants, 351–352
Detained property, 330
Digital Millennium Copyright Act (DMCA), 179
Directorate for Management, 50
Directorate for National Protection and Programs, 50
Directorate for Science and Technology, 50

- Disabled guests, 308–310
 - Discipline, employee, 247–249
 - Disclosure requirements, franchises and, 150–151
 - Discovery and disclosure, travel agents and, 378
 - Discovery phase, personal injury lawsuits and, 281
 - Discrimination in selection process, 202–207
 - Age Discrimination in Employment Act, 207
 - Americans with Disabilities Act, 205–207
 - Civil Rights Act of 1964, Title VII, 202–204
 - Discrimination prevention, workplace, 228
 - Disneyland, 398
 - Dispute resolution programs, 253–254
 - Dispute resolution terms, 128
 - Disruptive guests, 314–315
 - Diversity management, 228–229
 - Dividends, 73
 - Domestic Nuclear Detection Office, 51
 - Dram shop insurance, 459
 - Dram shop laws, 34, 356–357
 - Drug screening tests, 199
 - Duties of care, 270–272
- E**
- Earned Income Credit (EIC), 243–247
 - Economic impact, resort/timeshare operations and, 396
 - Economic loss, breach of contract and, 104
 - Economy buses, 388
 - EEOC v. Sage Realty Corporation*, 236
 - Eligibility verification, employment, 208–213
 - Fair Labor Standards Act of 1938, 212–213
 - Immigration Reform and Control Act, 208
 - qualifying documents and, 212
 - Embezzlement, 436
 - Emergency plan development, 438–439
 - Emergency plan practice, 440–441
 - Emergency telephone list, 439
 - Emerson v. Super 8 Motel*, 335–337
 - Employee compensation, 238–247
 - minimum wage and overtime, 238–239
 - taxes and credits, 243–247
 - tip pooling, 241–242
 - tipped employees and, 240–241
 - Employee consent form for background checks and application verification, 201
 - Employee consent form for drug testing, 199
 - Employee liability insurance, 458–459
 - Employee management
 - compensation and, 238–247
 - complaint investigations, 233–235
 - complaint resolution, 235–236
 - diversity management, 228–229
 - employee manuals, 225–227
 - employee records, 259–261
 - employment posters, 261
 - employment relationships, 225–227
 - Family and Medical Leave Act, 237–238
 - liability insurance, 237
 - managing employees abroad, 264–265
 - offer letter and, 225
 - performance management, 247–254
 - preventing discrimination and, 228
 - sexual harassment, 229, 231–232
 - significant laws impacting, 264
 - third-party harassment, 236
 - unemployment claims, 254–258
 - vicarious liability and, 229–230
 - workplace surveillance, 261–264
 - zero tolerance and, 230–232
 - Employee manual, 225–227
 - Employee motivation, 8
 - Employee Polygraph Protection Act of 1988, 32
 - Employee records
 - ADEA-required records, 261
 - Department of Labor records, 259–260
 - immigration-related records, 260
 - Employee Retirement Income Security Act (ERISA), 32
 - Employee selection
 - applicant screenings, 194–202
 - at-will employment, 213–214
 - discrimination in selection process, 202–207
 - eligibility verification, 208–213
 - job descriptions and, 191–192
 - job qualifications and, 192–193
 - labor unions and collective bargaining, 214–215
 - selection practices, 191–202
 - Employee training, amusement park operations and, 399
 - Employee working conditions, gaming industry and, 395
 - Employer liability, 85
 - Employment Security Agency, 34
 - Entertainer nonperformance clause, 128
 - Environmental Protection Agency (EPA), 27–29
 - Equal Employment Opportunity Commission (EEOC), 29–30, 32, 197, 228, 235
 - Ethics, 9–16
 - codes of ethics, 11–16
 - free champagne example and, 10–11
 - guidelines and, 9
 - European Community Trade Mark (ECTM), 183
 - Evaluation, employee, 247
 - Evictions, 173, 314
 - Exceptions, insurance policy, 464
 - Exclusions, insurance policy, 464
 - Exculpatory clauses, 128–129
 - Executive motor coach, 388
 - Expectations, travel law and, 374
 - Express contract, 98
 - Eyster, James, 139
- F**
- Face sheet, insurance policy, 464
 - Facility evaluation steps, 311
 - Facility maintenance, 305–311
 - bedbugs and, 307–308
 - defibrillators and, 308
 - safe environment and, 305–307
 - spas and, 306–307
 - swimming pools and, 306
 - workout areas and, 307–308
 - Facility management, disabled guests and, 308–310
 - Facility modifications, safety and security and, 422
 - Fair Labor Standards Act (FLSA), 32, 212–213, 238–240
 - Fairness in Music Licensing Amendment, 182
 - Family and Medical Leave Act (FMLA), 32, 237–238, 260, 262
 - Faragher v. City of Boca Raton*, 230
 - Faverty v. McDonald's Rests. of Oregon*, 291–292
 - Federal Aviation Act of 1958, 385
 - Federal Aviation Administration (FAA), 52
 - Federal Civil Rights Act of 1964, 300
 - Federal Emergency Management Agency (FEMA), 51
 - Federal Highway Administration (FHWA), 53
 - Federal Insurance Contribution Act (FICA), 243
 - Federal Law Enforcement Training Center, 50
 - Federal Railroad Administration, 53
 - Federal regulatory and administrative agencies
 - Bureau of Alcohol, Tobacco, Firearms, and Explosives, 30–31
 - Department of Justice, 32–33
 - Department of Labor, 31–32
 - Environmental Protection Agency (EPA), 27–29
 - Equal Employment Opportunity Commission, 29–30
 - Food and Drug Administration, 29
 - Internal Revenue Service, 21–23
 - Occupational Safety and Health Administration, 24–27
 - U.S. Citizenship and Immigration Services, 33
 - Federal Trade Commission (FTC), 42–43, 130, 403
 - Federal Unemployment Tax Act (FUTA), 243
 - Fiduciary responsibility, 84, 275–276
 - Financing property purchases, 168–171
 - collateral and liens, 168
 - debtor and creditor relationship, 168
 - financing statements and, 169–171
 - mortgages and deeds of trust, 168–169
 - security agreements and, 169
 - Financing statements, 169–171
 - Fire crisis emergency plan, 440
 - Fire departments, 41
 - Fixtures, 159–160
 - Food Allergen Labeling and Consumer Protection Act, 344
 - Food and beverages. *See also* Alcohol service; Truth in menu laws
 - allergic reactions and, 344–345
 - foodborne illness, 341, 343
 - general nutrition and obesity, 350
 - guest safety and, 342–345
 - merchantable food, 341
 - reasonable expectation test, 341
 - serving alcohol, 351–362
 - serving food, 340–345
 - truth in menu laws, 345–351
 - Uniform Commercial Code warranty and, 341
 - Food and Drug Administration (FDA), 29, 349
 - Foodborne illness, 341, 343
 - Foodservices, travel industry and, 371
 - Force majeure, 102–103

Forum (venue) selection issues, online travel sales and, 403

Fractional ownership, 80

Franchise contracts, 129–138
 agency relationship clause, 138
 franchise agreements, 135–137
 franchise offering circular, 134–135
 the franchise rule, 130
 franchise warning statement, 132
 FTC franchise rule excerpt, 132–133
 purchasing a franchise, 130–135
 revised franchise rule, 130–134
 right of first refusal clause, 137
 selling a franchise, 137–138

Franchise rule, 130

Franchisee, 77

Franchises, 77–79
 contracts and, 119, 129–138
 international disclosure requirements and, 150–151
 management contracts for, 141–143
 offering circulars, 134–135
 sales, 137–138
 warning statements, 132

Franchising Trade Regulation Rule, 130–134

Franchisor, 77

Fraudulent payments, 433–435
 cash and, 434
 credit cards and, 433
 personal checks and, 434–435

Full facilities, potential guests and, 302

Full payment acceptance, 99

G

Gaming industry, 392–395
 employee working conditions and, 395
 government approved, 393
 history of, 392–393
 Internet gambling, 395
 potential liability issues and, 394–395
 reckless gaming behavior and, 394–395
 regulation and control and, 393–394

Garnishment, 41

General (or managing) partner, 71

General partnerships, 70–71

Global Business Travel Association, 383

Global distribution system, online travel sales and, 402

Government agency inquiries and complaints, 57–60

Government travel, 382–383

Gratuitous bailment, 327

Greytrails Bus Lines, 388

Gross negligence, 274

Group lodging contracts, 120–121, 144–149

Guaranteed reservation, 110–111

Guards, safety and security, 424

Guest crisis response, 444–445

Guestroom lock policy, 426–428

Guests. *See also* Facility maintenance;
 Nonguest responsibilities
 accidents and, 315
 accommodating, 297–302
 admitting, 300–301
 crimes against, 277
 deaths and, 315
 definition of, 297–298

denying admission to, 301–302

food service safety and, 342–345

health emergency response and, 316

illness and, 315

inappropriate conduct and, 314–315

lack of payment and, 314

overstays and, 315

privacy and, 303–305

records privacy and, 303–305

registration cards and, 95

removal of, 314–315

tenant, 298

transient guest, 298

Guests of guests, 312

Guests' property
 abandoned property, 332
 bailments, 326–331
 common law liability and, 323–325
 liability for, 322–325
 lost-and-found ticket, 333
 lost property, 332
 luggage replacement value limits and, 325
 mislaid property, 331–332
 negligence penalty and, 325
 posting liability notice and, 324
 property with unknown ownership, 331–333
 required possession limits and, 325
 secure safe and, 324–325
 suitable locks on doors and windows and, 325
 unclaimed property disposal, 332, 334

H

Halterman v. Radisson Hotel Corp., 65

Hanks v. Powder Ridge Restaurant Corp., 114–115

Happy-hour laws, 353

Harrah's Project 21, 395

Health and sanitation agencies, 39

Health benefits, food laws and, 349–350

Health codes and regulations, 37–39

Health/dental/vision insurance, 459–460

Health emergency response, guests, 316

Historical preservation, 41

Holshouser v. Shaner Hotel Group, 449–451

Hospitality industry web addresses, 60–62

Hospitality manager
 future and, 2–3
 legal management and, 3–9

Hospitality operator
 duties of care and, 270–272
 standards of care and, 272

Hostile environment harassment, 229

Hotel and Motel Fire Safety Act of 1990, 57

Hotel room "walks," 432

House rules statement, 302

Hyatt Corporation ethical standards, 13–16

I

Illness, guests, 315

Immigration, 63–64

Immigration and Customs Enforcement (ICE), 33

Immigration Reform and Control Act (IRCA), 208, 260

Immigration-related records, 260

Implied warranty, 166

Improvements, 159

In-house dispute resolution, 253–254

In-room videos or movies, 182

Inappropriate conduct, guests and, 314–315

Incident reporting form, 288–289

Incident response, 284–289

Income tax, 243

Indemnification, 123, 126–127, 455

Independent contractors, 84–86

Indian Gaming Regulatory Act of 1988 (IGRA), 394

Infra hospitium, 329

Ingredients, food, 348

Injury or accident, tour operators and, 382

Innkeeper's lien, 330–331

Inquiries, regulatory, 57–60

Inspection provisions (OSHA), 24

Institute of Certified Travel Agents (ICTA), 376

Insurance
 actuarial and, 455
 aggregate amount and, 463
 annuity and, 455
 carrier selection and, 462
 claims and, 455
 coverage types and, 457–461
 deductibles and, 463
 dram shop insurance, 459
 employee liability insurance, 458–459
 exceptions and, 464
 exclusions and, 464
 face sheet and, 464
 health/dental/vision insurance, 459–460
 indemnification and, 455
 insured and, 455
 insurer and, 455
 international companies and, 466–467
 introduction to, 454–457
 language and, 464–465
 leasing property and, 173
 liability insurance, 458
 per occurrence maximums and, 463
 policies and, 455
 policy analysis and, 464–465
 policy selection and, 463–464
 premiums and, 455
 primary policy and, 463
 property-casualty insurance, 457–458
 umbrella coverage and, 463
 workers' compensation and, 460–461

Insured, 455

Insurer, 455

Intangible property, 161

Intellectual property rights, 178–182
 copyright, 179–180
 international, 183
 patents, 178–179
 preventing infringement and, 180–182
 public domain and, 180–181
 trade dress, 180
 trademarks, 178

Intentional acts, 276–277

Interconnectivity, travel law and, 374

Interdiction programs, 426

Internal Revenue Service (IRS), 21–23

Internal theft of assets, 436–437

International Air Transport Association (IATA), 389

- International Civil Aviation Organization (ICAO), 54–55
 - International contracts, 113
 - International disclosure requirements, franchises and, 150–151
 - International Franchise Association, 77–79
 - International insurance, 466–467
 - International trademark protection, 183
 - Internet
 - gambling, 395
 - online travel sales, 400–405
 - travel sales advertising checklist, 404–405
 - Interrogatories, 281
 - Interstate commerce, 165, 202
 - Interviews, applicant, 197–198
 - Intoxication, 301, 352
 - Investigation consent forms, 233
 - Invitees, responsibility towards, 312
 - Itinerary changes, unplanned, 391
- J**
- Job descriptions, 191–192
 - Job interviews, 197–198
 - Job qualifications, 192–193
 - Jukeboxes, 182
 - Jurisdiction, travel law and, 374
- K**
- Kickbacks, 141
 - Kroc, Ray, 78
- L**
- Labor unions, 214–215
 - Landlord, 171
 - Landlord expenses, 174–175
 - Landlord representation and default, 174
 - Landlord rights, leasing property and, 176
 - Law
 - civil law, 4
 - common law, 4
 - evolutionary nature of, 5–6
 - historical origins of, 4
 - Law enforcement
 - guest privacy and, 304–305
 - regulatory role and, 41–42
 - relationships with, 425–426
 - Leasing property, 171–178
 - buy-*vs.*-lease decision, 176–178
 - capital improvements and, 177
 - commercial lease, 178
 - competing tenants and, 176
 - deposits, damages, and normal wear and tear, 176
 - depreciation and, 177
 - essential lease terms as a lessee, 173–176
 - essential lease terms as a lessor, 171–173
 - eviction and, 173
 - expenses paid by landlord, 174–175
 - insurance and, 173
 - landlord representation and default, 174
 - landlord rights and, 176
 - length of lease and, 172
 - renewal terms and, 175–176
 - rent amount and, 172
 - subleasing rights of tenant and, 172–173
 - termination rights and, 173
 - Legal assistance for employees, 254
 - Legal damages, 278
 - Legal environment, 2–3
 - Legal jurisdiction, transportation industry and, 390
 - Lessee, 171
 - Lessor, 171
 - Liability
 - alcohol service and, 354–357
 - amusement park operations and, 398–399
 - under a bailment relationship, 328–330
 - Canadian innkeepers limited liability, 334–335
 - common law liability, 323–325
 - comparative negligence, 275–276
 - contributory negligence, 275
 - crimes against guests, 277
 - employer, 85
 - gaming industry and, 394–395
 - gross negligence, 274
 - guests' property and, 322–325
 - intentional acts, 276–277
 - liability insurance, 237, 458
 - negligence, 273–274
 - negligence per se, 277–278
 - online travel sales and, 401–404
 - reasonable care and, 272–273
 - resort/timeshare operations and, 396–397
 - strict liability, 276
 - theories regarding, 272–278
 - third-party liability, 355
 - torts, 273
 - tour operators and, 381–382
 - transportation industry and, 389–392
 - travel agents and, 377–379
 - Liabile, 7
 - License, 78
 - Licensee, 78
 - Licenses and permits, 126
 - Licensing agreements, 78
 - Licensor, 78
 - Liens, 168
 - Limited liability, 334–335
 - Limited liability companies (LLC), 74–75
 - Limited partner, 71
 - Limited partnerships, 71
 - Liquidated damages, 103
 - Liquor bottles disposition, 31
 - Liquor liability, 459
 - Liquor licenses, 34–35, 352–353
 - Livingston v. Marie Callender's Inc.*, 362–364
 - Local economies, travel industry and, 372–373
 - Local regulatory and administrative agencies
 - building and zoning, 39–41
 - courts and garnishment, 41
 - fire department, 41
 - health and sanitation, 39
 - historical preservation, 41
 - law enforcement, 41–42
 - tax assessor/collector, 42
 - Lock policy, guestroom, 426–428
 - Lockett v. A & M Charles Ltd.*, 362
 - Locks on doors and windows, 325
 - Lodging, travel industry and, 370–371
 - Lost-and-found ticket, 333
 - Lost property, 332
 - Lottery control, 37–38
 - Luggage replacement values, 325
- M**
- Madrid Protocol, 183
 - Management agreement, 138
 - Management companies, 79, 138–139
 - Management contracts, 79, 138–143
 - for franchised properties, 141–143
 - kickbacks and, 141
 - management agreements and, 138
 - management companies and, 138–139
 - types of, 139–141
 - Management crisis response, 441–442
 - Management operating agreements, 119
 - Manufacturer's warranty, 167
 - Maritime Administration, 387
 - Maritime laws, 388
 - Marriott Hotel Services, Inc. v. National Vacation Resorts*, 152–153
 - Master bill, 143
 - Master-servant relationship, 82–83
 - MasterCard guaranteed reservations best practices, 112
 - Material safety data sheet (OSHA), 25–27
 - McDonald's, 77–79
 - McNeil v. Airport Hotel (Halifax) Ltd.*, 362
 - Media crisis relations, 445–446
 - Mediation, 104, 283
 - Mediators, 254
 - Medical field lessons, 6
 - Meeting planners, 119–120
 - Meeting space contracts, 119–120, 143–147
 - Merchantable food, 341
 - Minimum wage, 238–239
 - Mislaid property, 331–332
 - Misrepresentation
 - tour operators and, 382
 - travel agents and, 378
 - Montreal Convention, 384
 - Mortgages, 168–169
 - Music rights, 182
- N**
- Nader, Ralph, 109–110
 - Nader v. Allegheny Airlines, Inc.*, 109
 - National Football League v. McBee & Bruno's, Inc.*, 184–186
 - National Highway Traffic Safety Administration (NHTSA), 53–54
 - National Labor Relations Board (NLRB), 32, 214–215
 - National Park Service, 47
 - National Railroad Passenger Corporation, 386
 - National Restaurant Association (NRA), 62, 342, 358
 - National Tourism Policy Act of 1981, 43
 - Negligence
 - liability and, 273–274
 - negligence per se, 277–278
 - negligent hiring, 200
 - overseas, 290
 - penalties, 325
 - travel agents and, 378
 - Neighborhood business watch programs, 425
 - No-show reservations, 112
 - Noncompliance penalties (OSHA), 25–26
 - Nondisturbance clauses, 397
 - Nonguaranteed reservation, 110

- Nonguest responsibilities, 312–313
 guests of guests, 312
 invitees, 312–313
 trespassers, 313
- Nonperformance clauses, 127
- Nonverbal agreements, 99
- North American Gaming Regulators Association (NAGRA), 394
- Nutrient claims, food laws and, 349
- Nutrition Labeling and Education Act (NLEA), 349
- O**
- Obesity, general nutrition and, 350
- Occupational Safety and Health Administration (OSHA), 24–27
 inspection provisions, 24
 material safety data sheet, 25–27
 penalties for noncompliance, 25–26
- Off the record comments, media and, 446
- Offer letters, 225
- Offers, 96–97
- Office of Health Affairs (DHS), 50
- Office of Intelligence and Analysis (DHS), 50
- Office of Operations Coordination and Planning (DHS), 50
- Office of Policy (DHS), 50
- Ombudsperson, 254
- Omnibus Appropriation Act, 43
- Online travel sales, 400–405
 background of, 400–401
 data interface issues and, 402
 data security/ownership issues and, 402–403
 forum (venue) selection issues and, 403
 global distribution system and, 402
 lawful advertising and, 403–405
 legal issues and, 401–404
 parties to the contract and, 401
- Ontario Restaurant Hotel & Motel Association v. Toronto*, 362
- Operating agreements, 119
- Operating structure, 69
- Operation Bet Smart, 395
- Organizational structure, 69
- Origin of product, food laws and, 348–349
- Overbooking, transportation industry and, 390–391
- Overstays, 315
- Overtime pay, 238–239
- Owner-operator, 76–77
- Ownership issues, online travel sales and, 402
- P**
- Partial payment acceptance, 99
- Patents, 178–179
- Patriot Act, 316–317
- Patrols, safety, 419
- Payment, lack of, 314
- Payment terms, 124, 125
- Pensions and welfare benefits, 32
- Per occurrence maximums, insurance, 463
- Perfecting a lien, 168
- Performance expectations, amusement park operations and, 399
- Performance management, 247–254
 discipline and, 247–249
 employee evaluation, 247
- employee terminations, 249–253
 in-house dispute resolution, 253–254
 whistle-blowers protection acts, 250
- Performance standards, 126
- Permits, 126
- Personal checks. *See* Checks
- Personal injury lawsuits, 278–283
 alternative dispute resolution and, 283
 demand letter and, 279–281
 discovery phase and, 281
 manager's role in, 282–283
 personal injury, 279
 petition filing and, 281
 trial and appeal and, 281–282
- Personal property, 159–161
 bill of sale and, 162–163
 purchasing, 162–167
 stolen property, 164–165
 warranty and, 165–167
- Petition filing, personal injury lawsuits and, 281
- Plaintiffs, 93
- Plant closing and layoffs, 32
- Policies, insurance, 455
- Policy analysis, insurance, 464–465
- Policy selection, insurance, 463–464
- Polygraphs, 32
- Post-traumatic stress disorder (PTSD), 444
- Postcrisis assessment, 447–448
- Posters, employment, 261
- Posting notice, guests' property liability and, 324
- Prearranged services nonpayment, tour operators and, 381
- Pre-crisis planning, 437–438
- Preemployment testing, 199
- Premiums, insurance, 455
- Preparation style, food, 347–348
- Preplanning services, travel industry and, 370
- Press releases, crisis management and, 445
- Preventative legal management, 6–9
 medical field lessons and, 6
 motivating techniques and, 8
 STEM process and, 6–9
- Price terms, 121
- Priceline.com, 401
- Pricing agreements, travel agents and, 378
- Primary policy, insurance, 463
- Principal, 83–84
- Privacy, guest, 303–305
- Privacy policy, 261–264
- Product size, food and, 349
- Progressive discipline, 248–249
- Progressive discipline form, 250
- Promised services
 tour operators and, 381–382
 travel agents and, 377–378
- Property. *See also* Guests' property; Personal property; Real property
 financing purchase of, 168–171
 fixtures and, 159–160
 intangible property, 161
 intellectual property rights, 178–182
 leasing property, 171–178
 personal property, 159–161, 162–167
 purchasing real property, 161–162
- real property, 159
 tangible property, 161
- Property-casualty insurance, 457–458
- Proximate cause, 274
- Prytania Park Hotel v. General Star Indem.*, 468–469
- Psychological tests, 199
- Public accommodation, 300
- Public domain, 180–181
- Public Health Department, 37–39
- Puffing, online travel sales and, 403–404
- Punitive damages, 278
- Q**
- Quantity, performance standards related to, 124
- Quick-change artists, 434
- Quid pro quo sexual harassment, 229
- Quitclaim deeds, 162
- R**
- Real estate investment trusts (REIT), 80
- Real property
 deeds and, 162
 defined, 159
 purchasing, 161–162
 title and, 161
 title insurance and, 162
- Reasonable care, 272–273
- Reasonable expectation test, food service and, 341
- Reckless gaming behavior, 394–395
- Records, employee, 259–261
- Records privacy, guests, 303–305
- References, applicant screenings and, 200–202
- Regulation, transportation industry and, 389
- Regulation and control, gaming industry and, 393–394
- Regulation conflicts, 55–57
- Regulation violation inquiries, 57–60
- Regulatory agencies. *See* Federal, State, and Local regulation
- Regulatory change, monitoring, 60–63
- Regulatory interaction impacting travel and tourism, 42–55
 Centers for Disease Control and Prevention, 43
 Department of Commerce, 43
 Department of Homeland Security, 50–51
 Department of Interior, 47
 Department of State, 47–49
 Department of Transportation, 51–54
 Federal Trade Commission, 42–43
 International Civil Aviation Organization, 54–55
 international organizations, 54–55
 Tourism Policy Council, 54
 Treasury Department, 51
 U.S. government agencies, 42–54
 World Health Organization, 55
 World Tourism Organization, 54
- Regulatory structure
 tour operators and, 380–381
 travel agents and, 376–377
- Renewal terms, leasing property and, 175–176
- Rent amount, 172
- Rental cars, 389

- Request for no further action form, 234
 - Required possession limits, 325
 - Reservation policy, 110–112
 - confirmed reservation, 110
 - guaranteed reservation, 110–111
 - MasterCard guaranteed reservations best practices, 112
 - nonguaranteed reservation, 110
 - reducing no-show reservations, 112
 - Resort/timeshare operations, 392, 395–397
 - deceptive sales tactics and, 396–397
 - economic impact of, 396
 - industry background, 396
 - liability issues and, 396–397
 - nondisturbance clauses and, 397
 - rights in event of default, 397
 - types of, 395
 - Respondent superior, 83
 - Revised franchise rule, 130–134
 - Rhodes v. American Airlines*, 362
 - Right of first refusal clause, 137
 - Robbery, 323
 - Romero v. Howard Johnson Plaza Hotel*, 266–267
- S**
- S corporations, 73–74
 - Safes, guests' property and, 324–325
 - Safety and security. *See also* Crisis management programs
 - areas of concern and, 418
 - checklist for, 420–422
 - consumer theft of services and, 431–433
 - crisis management and, 414–415
 - crisis management programs and, 437–448
 - embezzlement and, 436
 - establishing standard procedures and, 422–423
 - facility, 305–307
 - facility modifications and, 422
 - four-step management method and, 417–430
 - fraudulent payment and, 433–435
 - guestroom lock policy and, 426–428
 - hospitality business and, 431–437
 - internal theft of assets and, 436–437
 - law enforcement relationships and, 425–426
 - management of, 413–414
 - monitoring program results and, 428–429
 - planning advantages and, 415–417
 - program development and, 418–423
 - program implementation and, 424–426
 - safety and security departments, 424
 - safety and security guards, 424
 - safety committees, 425
 - surveillance and/or patrols and, 419
 - systematic inspections and, 419–422
 - theft of company property, 436–437
 - threat prevention training and, 418–419
 - threat recognition and, 418
 - Sanitation agencies, 39
 - Schurr v. Resorts Int'l Hotel*, 219–220
 - Security. *See* Safety and security
 - Security agreements, 169
 - Security interest, 169
 - Segregating guests, 300
 - Self-renewing contacts, 126
 - Service charge, 241
 - Service provider identification, travel law and, 374
 - ServSafe program, 342
 - Sexual harassment, 229, 231–232
 - Shandloff v. City Dairy Ltd. and Moscoe*, 362
 - Shares, 73
 - Sign permit ordinance, 40
 - Signatory, 385
 - Skills tests, 199
 - Small claims court, 314
 - Social host standards, alcohol service and, 355–356
 - Society of Government Travel Professionals, 383
 - Sole proprietorship, 70
 - Spas, 306–307
 - Specialty buses, 388
 - Staff crisis response, 442–444
 - Standards of care, 272
 - Stare decisis, 4
 - Start dates, 125
 - State of Michigan Food Service Sanitation ordinance, 56
 - State of Ohio limitations on innkeeper liability, 324
 - State regulatory and administrative agencies
 - Alcoholic Beverage Commission, 34–35
 - Attorney General, 36–37
 - Department of Transportation, 39
 - Employment Security Agency, 34
 - Public Health Department, 37–39
 - Treasury Department/Controller, 36
 - Statute of limitations, 104
 - STEM process, 6–9
 - Stewart v. J.M. Investment Ltd.*, 362
 - Stolen property, 164–165
 - Strict liability, 276
 - Strikes, 215
 - Subleasing rights, 172–173
 - Sublet, 173
 - Subpoenas, 281
 - Suit for specific performance, 103
 - Surveillance activities, 419
 - Suspension, employee, 249
 - Swimming pools, 306
 - Systematic safety and security inspections, 419–422
- T**
- Taft-Hartley Act, 32
 - Tangible property, 161
 - Tariffs, 385
 - Tax accessor/collector, 42
 - Tax-exempt notice, 36
 - Telephone list, emergency, 439
 - Tenants, 171, 298
 - Termination, employee, 249–253
 - Termination rights, leasing property and, 173
 - Terrorist acts, 316–317
 - Testing, preemployment, 199
 - Theft, 323
 - Theft of internal assets, 436–437
 - Theft of services, consumer, 431–433
 - Third-party harassment, 236
 - Third-party liability, 355
 - Threat prevention training, 418–419
 - Threat recognition, safety and security and, 418
 - Threats, guest, 301
 - Timeshares. *See* Resort/timeshare operations
 - Tip credit, 240
 - Tip income, reporting, 23
 - Tip pooling, 241–242
 - Tip-pooling consent form, 242
 - Tipped employees, 240–241, 260
 - Title, 161
 - Title insurance, 162
 - Title search, 162
 - Title VII of the Civil Rights Act of 1964, 30
 - Torts, 273
 - Tour operators, 379–382
 - adhesion contracts and, 382
 - liability for injury or accident and, 382
 - misrepresentation and, 382
 - nondelivery of promised services and, 381–382
 - nonpayment for prearranged services and, 381
 - potential liability issues and, 381–382
 - regulatory structure and, 380–381
 - service offerings and, 380
 - travel agencies dual role, 379
 - Tourism, 392–399
 - amusement park operations and, 392, 397–399
 - gaming industry and, 392–395
 - resort/timeshares and, 392, 395–397
 - Tourism Policy Council (TPC), 54
 - Trade dress, 180
 - Trademarks, 178, 183
 - Training for Intervention Procedures (TIPS), 358
 - Training programs
 - alcohol service and, 358–360
 - security, 426
 - sexual harassment and, 231–232
 - Trains, 386
 - Transient guest, 298
 - Transportation and common carriers, 384–392
 - airlines, 385
 - baggage responsibility and, 391
 - buses, 388
 - car rentals, 389
 - cruise ships, 387–388
 - industry-specific issues and, 391–392
 - legal jurisdiction and, 390
 - overbooking and, 390–391
 - potential liability issues, 389–392
 - regulation and, 389
 - tariffs and, 385
 - trains, 386
 - transportation industry and, 384–389
 - travel industry and, 370
 - unplanned itinerary changes and, 391
 - Warsaw Convention and, 384–385
 - Transportation Security Administration (TSA), 51
 - Travel Agent Proficiency (TAP) test, 376
 - Travel agents, 375–379
 - class action lawsuits and, 379
 - compensation and, 375–376
 - failure to discover and disclose and, 378

- Travel agents (*continued*)
 failure to honor agreed-upon pricing and, 378
 failure to provide promised services and, 377–378
 fiduciary responsibility and, 375–376
 misrepresentation and, 378
 negligence and, 378
 potential liability issues and, 377–379
 regulatory structure and, 376–377
 responsibilities and, 376
- Travel and tourism. *See also* Regulatory interaction impacting travel and tourism attractions and activities and, 371 corporate and government travel, 382–383 economic breadth and impact, 371–373 expectations and, 374 foodservices and, 371 interconnectivity and, 374 jurisdiction and, 374 legal issue complexity and, 373–375 local economies and, 372–373 lodging and, 370–371 online travel sales, 400–405 preplanning services and, 370 service provider identification and, 374 tour operators, 379–382 tourism, 392–399 transportation and common carriers, 370, 384–392 travel agents, 375–379 travel industry, 369–371 uncontrollable forces and, 374 U.S. domestic travel and, 372
- Travel and Tourism Promotion Advisory Board, 43–46
- Travel warnings, 48–49
- Travelers checks, lost, 314
- Treasury Department, 36, 51
- Trespassers, 313
- Trial, personal injury lawsuits and, 281–282
- Tribal Gaming Commissions (TGC), 394
- Truth in menu laws, 345–351
 accuracy in menu, 347
 health benefit claims and, 350
 health benefits and, 349–350
 ingredients and, 348
 nutrient claims and, 349
 origin and, 348–349
 preparation style and, 347–348
 product size and, 349
- U**
- Umbrella coverage, insurance, 463
- Unclaimed property disposal, 332, 334
- Uncontrollable forces, travel law and, 374
- Underwriters, 462
- Unemployment benefits, 34
- Unemployment claims, 254–258
 claims and appeals and, 257
 criteria for granting or denying, 256
- Unemployment insurance, 254
- Uniform Commercial Code (UCC), 100–102, 126, 169–171, 341, 344
- United States Shipping Board Emergency Fleet Corp. v. Greenwald*, 362
- U.S. Citizenship and Immigration Services, 33, 51
- U.S. Coast Guard, 51
- U.S. Code Title 17, Section 504, 181
- U.S. Customs and Border Protection, 51
- U.S. Immigration and Customs Enforcement, 51
- U.S. legal system, 5
- U.S. Patent and Trademark Office, 179
- U.S. Secret Service, 51
- USA PATRIOT Act, 316–317
- V**
- Valet parking, 329–330
- Verbal agreements, 99
- Verbal contracts, 93–96
- Verbal warnings, employee, 249
- Vicarious liability, 229–230
- W**
- W-5 form, 243–247
- Wage and hours standards, 32
- Warnings, employee, 249
- Warranty, 165–167
- Warranty deeds, 162
- Warsaw Convention, 384–385
- Weapons policy, 301
- Wear and tear, leasing property and, 176
- Whistle-blowers protection acts, 250
- WIPO Performances and Phonograms Treaty, 179
- Work Opportunity Tax Credit (WOTC), 247
- Work permits, 265
- Worker Adjustment and Retraining Notification Act (WARN), 32, 251
- Workers' compensation, 34, 460–461
- Workmen's Compensation Act of 1908, 460–461
- Workout areas, 307–308
- Workplace surveillance, 261–264
- World Health Organization (WHO), 55
- World Intellectual Property Organization (WIPO) Copyright Treaty, 179
- World Tourism Organization (UNWTO), 54
- World Travel and Tourism Council (WTTC), 372
- Written contracts, 93–96
- Written warnings, employee, 249
- Wrongful termination, 247
- Y**
- Young v. Rushmore Plaza Holiday Inn*, 318–319
- Z**
- Zero tolerance policies, 230–232
- Zoning, 39–41