



Jennifer A. Morgan

Partner

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Jennifer Morgan practices in regulatory and administrative law. She focuses her practice in alcoholic beverage distribution and regulation and regularly represents suppliers, importers, wineries, breweries, distilleries, brokers, wholesalers and retail permittees before the North Carolina Alcoholic Beverage Control (ABC) Commission, including matters involving supplier-wholesaler relationships; beer and wine distribution agreements; brand distribution disputes; distribution and sub-distribution contracts; trade practice investigations; requests for exemption; and compliance proceedings. Jennifer assists and advises clients in obtaining ABC permits and represents clients in drafting distribution agreements, sub-distribution agreements, franchise agreements, alternating proprietorships and other contracts. She assists and advises clients in obtaining permits, drafting agreements and advertising for beer and wine festivals in North Carolina. She assists clients with questions regarding advertising, labeling and other trade practice matters involving alcoholic beverages.

Jennifer also advises clients on utilities law and the representation of businesses and municipalities in various regulatory proceedings before the North Carolina Utilities Commission, including matters involving applications for and transfers of Certificates of Public Convenience and Necessity; applications for rate increases; and renewable energy, including representation of solar power producers in rulemaking proceedings, representation of wastewater and sewer utilities in regulatory compliance matters and representation of municipalities involving public utility issues.

Clients include commercial real estate developers, property owners, homeowners associations, manufacturers, banks, utilities and municipalities. Representative cases include the representation of a solar power producer in a rulemaking proceeding implementing new North Carolina renewable energy laws; the representation of a municipality before the North Carolina Utilities Commission and in appellate litigation involving the siting of electric transmission lines; the representation of a wastewater

sewer utility in an abandonment proceeding before the North Carolina Utilities Commission; and the representation of a utility regarding the applicability of renewable energy credits.

Jennifer is listed in *The Best Lawyers in America* for Administrative/Regulatory Law (2019-present), and she has been listed in *North Carolina Super Lawyers* for Administrative Law (2013-present) and in *Business North Carolina* magazine's "Legal Elite" Young Guns (under 40) section (2018-present). In 2018, the *Triangle Business Journal* named her to its annual "40 Under 40" list.

Jennifer is licensed to practice in North Carolina. She has served as chair of the North Carolina Bar Association's Administrative Law Section; is a past secretary of the Wake County Bar Association and the Tenth Judicial District Bar; and is a past president of the Wake County Bar Association's Young Lawyers Division.

Jennifer earned her Bachelor of Science degree, *magna cum laude*, from North Carolina State University, where she was a Park Scholar and was elected Student Body Chief Justice. She earned her law degree with honors from Campbell University, where she was a merit scholarship recipient. In law school, she was selected as a comments editor of the *Campbell Law Review*, was a member of the National Trial Team for two years and served as a student law clerk to the Honorable Alan Thornburg at the North Carolina Court of Appeals.

Representative Experience

ABC Regulation

- Represented winery in a precedential case involving the North Carolina Wine Distribution Agreements Act over a winery's primary American source rights to a wine brand.
- Represented suppliers in investigations by the North Carolina Alcohol Law Enforcement, the North Carolina ABC Commission and the Federal Bureau of Investigation regarding suppliers' activities with local ABC boards in North Carolina.
- Represented numerous wineries and wholesalers in disputes relating to termination of distribution agreements and/or dual designation of territories.
- Represented a supplier in connection with the termination of a distributor.
- Represented wineries and wholesalers in disputes involving the North Carolina Wine Distribution Agreements Act.
- Represented breweries and wholesalers in disputes involving the North Carolina Beer Franchise Law.
- Represented suppliers and wholesalers regarding terminations, cancellations, and non-renewals of distribution agreements.
- Represented suppliers and wholesalers regarding drafting and modifications of distribution agreements.
- Represented numerous wineries, wholesalers and retailers in obtaining ABC permits.

- Advised North Carolina wholesaler on issues involving the transfer of wine business under North Carolina Wine Distribution Agreements Act.
- Advised suppliers and wholesalers regarding asset purchase agreements and statutory approvals and objections to transfers of business.
- Represented brewery/restaurant in exemption request from tied house statutes and regulations.
- Represented winery in exemption request from tied house statutes and cooperative advertising regulations.
- Represented winery in obtaining licensure approvals, labeling approvals and brand registration reports.
- Reviewed statutory language for proposed changes to the North Carolina Wine Distribution Agreements Act.

Utilities Regulation

- Represented utilities, businesses and municipalities in various regulatory proceedings before the North Carolina Utilities Commission.
- Represented municipality in Superior Court and appellate litigation before the North Carolina Court of Appeals involving electric transmission lines dispute.
- Represented business in regulatory proceedings at the North Carolina Utilities Commission over ownership of wastewater pump station.
- Represented wastewater sewer utility in abandonment proceeding before the North Carolina Utilities Commission.
- Advised utility regarding renewable energy credits and matters involving renewable energy for a declaratory ruling request.
- Advised various utilities, businesses and municipalities in matters related to statutory and regulatory compliance.

Practice Areas

- Administrative and Regulatory Litigation
- Energy
- Litigation
- Franchise Litigation
- Alcoholic Beverage Control
- Solar & Energy Storage
- Renewable Energy
- Wind Energy
- Administrative and Regulatory Law

- Offshore Wind Energy

Experience

Representative Experience

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Education

- Campbell University School of Law (J.D.)
with honors, Merit Scholarship Recipient, Campbell Law Review, Comments Editor, National Trial Team, Student Law Clerk to Judge
- North Carolina State University (B.S.)
magna cum laude, Park Scholar, Student Body Chief Justice

Professional Affiliations

- American Bar Association
- North Carolina Association of Women Attorneys
- North Carolina Bar Association ? Administrative Law Section Council, 2009 - 2012
- Treasurer (2012-present)
- Wake County Bar Association and Tenth Judicial District Bar ? Secretary (2011-2012); President, Young Lawyers Division (2009); Strategic Planning Committee (2009-2012); Membership Committee (2010-2011); Nominations Committee (2010-2011)

Awards

- Listed in *North Carolina Super Lawyers Rising Stars* for Administrative Law (2021)
- Listed in *North Carolina Super Lawyers Rising* for Administrative Law (2022)
- *Business North Carolina's* - "Legal Elite," Young Guns (2018-present)
- Named to the *Triangle Business Journal's* "40 Under 40" List (2018)
- Listed in *The Best Lawyers in America*® for Administrative/Regulatory Law (2019-present)