HALL BOOTH SMITH, P.C.

scole@hallboothsmith.com

Partner

912.400.5193

BIOGRAPHY | EXPERIENCE | CREDENTIALS | MEMBERSHIPS | PRESENTATIONS | PUBLICATIONS | IN THE PRESS

Biography

Scott Cole is a Partner in the Brunswick office and works with several of the firm's practice groups. A native of Atlanta, Georgia, Scott has a Civil Engineering degree from Vanderbilt University and a Law degree from Mercer University's Walter F. George School of Law.

Scott is a senior member of the Business Transactions practice group. He focuses his energy on the sale of medical offices, including dental offices, to larger groups. In connection with this, he has worked with many of the larger national and regional DSOs.

He represents clients such as technology, communications, and energy companies on a variety of matters ranging from entity selection, organizational structuring, transaction structuring, and working through both day-to-day and extraordinary business transactions. Scott works with corporate clients to identify strategic goals and assists them through initial planning, negotiations, and project completion.

More +
Scott worked as outside counsel to a suburban Atlanta county and

Services

Business Transactions

Construction

Corporate & Partnership

Dental

Energy, Regulatory, & Utilities

Entertainment

Environmental, Mass Torts, & Land Use

Government Affairs

Governmental Liability

Real Estate

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a local water authority, and he currently serves as city attorney for Mansfield, Georgia. In those capacities, he drafted and reviewed various contracts, including GDOT and multi-million dollar construction contracts; drafted various ordinances and resolutions; and advised local officials on land acquisition, policy, and other matters.

Scott is the Chair of the Environmental, Mass Torts, & Land Use practice group. He has over 17 years' experience handling water supply, environmental, and local government matters with a focus on acquiring permits under Section 404 of the federal Clean Water Act. In this arena, Scott has been involved in nearly 20 water supply reservoirs and numerous private developments, representing those clients in front of the U.S. Army Corps of Engineers, the U.S. Environmental Protection Agency, the U.S. Fish & Wildlife Service, and the Georgia Environmental Protection Division. Scott has been a member of the Metropolitan North Georgia Water Planning District's Basin Advisory Council for both the Ocmulgee and Chattahoochee River Basins.

Experience

Business Transactions

Scott focuses his attention on the representation of dentists selling their practice to larger groups and DSOs. In addition, he represents clients, including technology, communications, and energy companies, on a variety of matters and works with them through both day-to-day and extraordinary business transactions. His experiences consist of working with nondisclosure agreements, master development agreements, licensing agreements, financing agreements, due diligence investigations, mergers and acquisitions, and negotiating corporate severances.

In addition to numerous corporate formations, Scott's representative projects include the corporate reorganization of an international mining company, the sale and licensing of technology copyrights, several multi-location franchise development agreements, and M&A representing both buyers and

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sellers.

Construction

Scott focuses his construction activities on the representation of clients in cases involving the transport of soil and/or water from construction sites. In addition, Scott has represented governmental entities, private owners, construction managers, contractors, subcontractors, engineers, and architects at all stages of construction. He works with AIA and EJOCC documents to achieve an agreed upon balance of risk and reward.

Corporate & Partnership

Scott serves as outside general counsel to numerous private companies and nonprofit entities. Scott works with corporate clients to identify strategic goals and assists them through initial planning, negotiations, and project completion.

He has counseled real estate, environmental, and technology companies through entity formation, project and product development, financing, and the acquisitions and disposition of assets. As general counsel, Scott has advised clients on employment agreements, stock option agreements, non-disclosure agreements, master consulting agreements, and a host of day-to-day and extraordinary situations that arise when consulting businesses.

Dental

Scott’s transactional experience and corporate government experience comes together in the successful representation of dental practice groups. Scott’s experience is grounded in provided sound legal advice to professionals concerning the day-to-day legal matters encountered by a practice including corporate organization and structure, employment agreements, lease

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agreements, and business agreements.

Representative projects include:

- Restructuring the corporate organization of a multi-office dental practice
- Drafting the corporate structure for a multi-office orthodontics practice to include a dental support organization (DSO)
- Drafting the documents for a new regional DSO
- Serving as Sellers' counsel in the sale of a single and multi-office practices to regional and national DSOs
- Serving as Seller's counsel in the sale of a multi-office orthodontist practice to a national DSO
- Serving as Buyer's counsel in the purchase of a minority share of an existing practice
- Serving as Buyer's counsel in the purchase of an existing practice

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Energy, Regulatory, & Utilities

Scott has experience in matters involving the financing, acquiring, and permitting of renewable energy projects, including solar and hydropower projects. Scott represents numerous companies in matters before the Georgia Public Service Commission.

In 2019, he successfully represented several regional solar providers in efforts to have 100s of MW of distributed generation projects added to Georgia Power's Integrated Resource Plan.

Environmental, Mass Torts, & Land Use

Scott understands the current water, land, and green technology issues the facing the Southeast. He works with local government entities to plan, permit and implement solutions to provide long-term reliable water resources to the citizens of those communities.

His representative public water supply projects include:

- *Hickory Log Creek Reservoir* (City of Canton and Cobb

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County-Marietta Water Authority, Cherokee County, Georgia). Primary client contact during implementation of the permit conditions. Handled preparation of permit documentation, negotiated permit conditions and permit modifications, prepared land acquisition documents and assisted permitees with land acquisition and permit compliance. Section 404 permit granted in 2004.

- *Bear Creek Reservoir* (Newton County, Georgia). Primary client contact. Handled development of the permit application, drafted analysis of water supply alternatives, managed acquisition of property for the reservoir and for the compensatory mitigation. (permit pending)
- *Hard Labor Creek Reservoir* (Walton County Water & Sewerage Authority, Walton County, Georgia). Drafted regional analysis of project alternatives, negotiated permit conditions and handled land acquisition matters. Section 404 permit granted in 2004.
- *Lake McIntosh* (Fayette County, Georgia). Handled permit preparation and acquired compensatory mitigation property. Section 404 permit granted in 2007.

Government Affairs

Scott routinely represents clients in front of local, state, and federal government agencies. His knowledge of different water, energy, and technology issues facing the state's metropolitan and rural areas makes him a valued addition to the Government Affairs practice group.

He has the ability and experience to represent the client's interest in local, regional, state, and federal issues, fighting for the best possible outcome for his clients. Representative clients in this arena include engineering, environmental, and technology firms.

Governmental Liability

Scott has experience advising local government officials on policy and other issues, drafting ordinances and resolutions, drafting and

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reviewing contracts and acquiring land for public purposes. Scott currently serves as the city attorney for Mansfield, Georgia.

Credentials

Admitted

State Courts:

- Georgia
  - Court of Appeals, Supreme Court

U.S. District Courts:

- U.S. District Court for the Northern District of Georgia
  - U.S. Bankruptcy Court for the Northern District of Georgia
- U.S. District Court for the Middle District of Georgia
  - U.S. Bankruptcy Court for the Middle District of Georgia

Education

- J.D., Mercer University
- B.S., Civil Engineering, Vanderbilt University

Memberships

- Conservative Policy Leadership Institution, 2014
- Covington Redevelopment Authority
- Georgia Association of Water Professionals
- Institute for Georgia Environmental Leadership, 2015
- Smart Growth Newton County, Board of Directors
- Republican Leadership for Georgia, Treasurer, 2012

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Presentations

- **Open Meetings Act: What You Should Know**
  National Business Institute, 2018
- **Buying a Dental Practice**
  Georgia Dental Association, 2018
- **Augmentation of Flows in the ACF Basin**
  Georgia Water Resources Conference, 2017
- **Buying a Dental Practice**
  Dental College of Georgia, Augusta University, 2017

More +

- **Surface Water Law in Georgia**
  Water Laws and Regulations, Half Moon Education, 2017
- **Anatomy of a Lawsuit**
  Claims and Litigation Management Alliance, 2016
- **Buying and Selling a Dental Practice**
  2013
- **The Role of Reservoirs**
  Coosa River Basin Initiative's Annual Meeting, Panel Speaker, 2012
- **Alabama Water Resources**
  Conference, 2012
- **Interbasin Transfers of Water**
  Georgia Water Resources Conference, 2011
- **Water Supply Reservoirs in Georgia**
  Georgia Chamber of Commerce Environmental Conference, Panel Speaker, 2011
- **ACCG County Attorneys Breakfast**
  Update on the Statewide Comprehensive Regional Water Planning Process, 2010
- **Interbasin Transfers of Water**
  Spring Conference for the American Bar Association's Local Government Section, Panel Speaker, 2010
- **Georgia Water Supply**
  Update, 2010

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Publications

- **Construction Law Compendium**
  2015
- **Interbasin Transfers of Water**
  Georgia Water Resources Conference, 2011
- **A year after ruling, our water future is now bright**
  Atlanta Journal-Constitution; July 14, 2010
- **Interbasin Transfers of Water**
  Georgia State Bar Environmental Law Section, Summer 2010

More +

- **Interbasin Transfers of Water**
  Local Government Section Journal, American Bar Association, 2010

In the Press

Florida vs Georgia "Water Wars" November 7th Hearing Recap

November 14, 2019

Written by Scott Cole, Esq.
The Georgia/Florida Water Wars were the topic of a hearing before U. S. District Court Circuit Judge Paul Kelly, Jr. on November 7, 2019. Kelly replaced replaced Ralph Lancaster as the Supreme Court of the United States'

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Special Master for the case after the Supreme Courts decision in June 2018.

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Hall Booth Smith Names Ten New Partners

August 1, 2019

ATLANTA – August 1, 2019 – Hall Booth Smith, P.C. is pleased to announce that 10 attorneys have been named Partner as the firm recognizes the talent and dedication of leaders across numerous practice groups. The new Partners are: Laura Hall Cartner is member of the firm's aging services and professional liability practice groups. She

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Hall Booth Smith Creates Alcohol Beverage Law Practice

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Group

August 20, 2018

Hall Booth Smith, P.C. has created a new practice group to help clients navigate the complex and frequently changing federal, state and local laws governing alcoholic beverages. The Alcohol Beverage Law Practice Group will help ensure that clients are in compliance with all rules surrounding the sale, distribution, importation, marketing and manufacturing of beer, wine, spirits

Read Full Article

Scott Cole spoke at the GA Chamber's Environmental Conference

August 31, 2011

Scott Cole, of Counsiel with over 15 years' experience handling water supply, environmental and local government matters with a focus on acquiring permits under Section 404 of the federal Clean Water Act, spoke at the GA Chamber's Environmental Conference

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concerning Water Supply-Reservoirs in Georgia on August 25, 2011. (Presentation download)

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HBS on History Channel

May 4, 2011

HBS attorneys, Brad Carver and Scott Cole, escorted the History Channel Network to the Camack Stone site at the Alabama-Tennessee-Georgia boundary location alongside the Tennessee River. The modern day boundary dispute was profiled as part of the History Channel special, “How the States Got Their Shapes” and aired on May 3rd.

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Scott Cole presents at a special-called meeting to Auburn City Council

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members and other city officials on water supply and reservoir planning

December 7, 2010

On November 16, 2010 Hall Booth Smith's Scott Cole spoke to the Auburn City Council on water supply and reservoir planning. Addressing the multiple issues concerning water resources and responses, the City of Auburn was able to consider what options were available in order to attend to some of the water issues the area and

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A Year After Ruling, Our Water Future Is Now Bright

July 15, 2010

In a recent article for the Atlanta Journal-Constitution, HBS Partner Brad Carver and Of Counsel

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Scott Cole discuss the latest developments in the Georgia water ruling. The Georgia Comprehensive State-Wide Water Management Plan is highlighted along with its correlation to the continued legislation for Lake Lanier.

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Scott Cole Featured in ABC Article

July 2, 2010

Of Counsel Scott Cole was recently featured in an article written by the Atlanta Business Chronicle discussing the current status of the water debate involving Lake Lanier. The article stated that the three main political figures involved in the water debate are all leaving their offices at the end of this year and the issues have not

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Scott Cole featured in Southeast Green Article

April 27, 2010

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Recently, Attorney Scott Cole was featured in a press release featured on Southeast Green, which highlights his experience in the environmental and water industry. Mr. Cole joins HBS as Of Counsel and will work with several of the firm's practice groups including Energy, Regulatory & Utilities; Government Affairs; Environmental, Mass Torts & Land Use and Governmental Liability.

Read Full Article

HBS featured in Citybizlist Article

March 29, 2010

Recently Hall Booth Smith, P.C. was featured in a press release submitted to the Atlanta Citybizlist. HBS continues to grow and make additions to our team, even in tough economic times. The article focuses on the recent additions of Scott Cole and Matt Landreau to the firm, highlighting their past achievements and the areas they will be

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