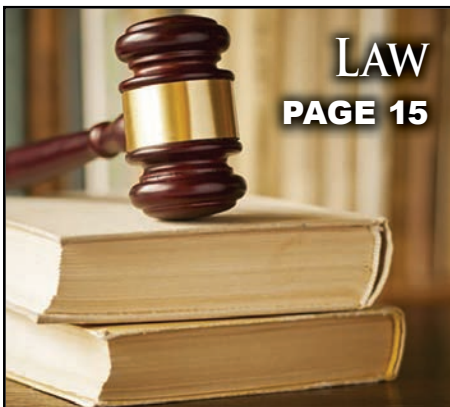


Focus



LAW
PAGE 15

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Miller: Utah not exempt from business blaming

Brice Wallace
The Enterprise

The leader of Utah's largest business association last week decried a widespread theme of business being the source of societal problems rather than a driver of solutions.

Derek Miller, president and CEO of the Salt Lake Chamber and the Downtown Alliance, said that while Utah "stands in stark contrast" to what is happening in many other places in the U.S., the scapegoating of business is starting to occur here.

Speaking at the chamber's annual meeting, Miller said that earlier this year, colleagues from other chambers told him

about "growing opposition to business, opposition to economic growth and even opposition to free enterprise."

"Increasingly, in those places, business is viewed as part of or often even the source of problems, rather than a driver of solutions that we really are. ... Here in Utah, we adhere to the principles of collaboration. It is part of the founding our state, it is part of our community-building, it is part of our heritage, it's part of our culture, it's part of our DNA."

But he cautioned that "we cannot take for granted that we live on this island of tranquility."

"The truth is, we see some of the contention and fighting against business creeping into our own communities. We see an

increase in efforts to disrupt and to obstruct, rather than work together for the common good," he said.

Rather than suggesting preparation for battle, he stressed the opposite approach. "If anything, now is the time to double-down in a spirit of collaboration and working together," he said, adding that addressing issues will require "our best efforts, our best collective efforts."

Utah's spirit of collaboration has yielded "remarkable" results, he said. They include the state having the nation's fastest-growing economy for three years, the fastest-growing population, the most-diverse economy and the highest rate of upward mobility. All of that success has brought challenges, all tied to growth, and the chamber is taking an active leadership

see CHAMBER page 5



Val Hale, executive director of the Governor's Office of Economic Development, comes face-to-face with a robot named Sophia at the Hong Kong Science and Technology Park during the recent trade mission to Asia led by Utah Gov. Gary Herbert. The Utah delegation visited the park to learn best practices in small business and technology incubation.

Herbert leads Utah trade mission delegation on trip to China, Japan

A delegation representing 22 Utah-based businesses and organizations recently returned from a trade mission to Japan where the representatives participated in more than 60 meetings with business and government leaders. Led by Gov. Gary Herbert, the trip was sponsored by World Trade Center Utah (WTC Utah).

Before joining Herbert in Japan, Justin Harding, the governor's chief of staff, and Val Hale, executive director of the Utah Governor's Office of Economic Development, led the Utah business delegation to Hong Kong, where the delegation expanded Utah's trade and investment relationships with important businesses and institutions,

according to a WTC Utah release.

"Connecting Utah companies with businesses in Hong Kong and Japan was the purpose of this trade mission," Hale said. "The relationships participants made will help create more Utah jobs and help Utah companies have more international success."

In Hong Kong, the delegation visited Modern Terminals, a company that owns and operates container terminals at Kwai Tsing Container Port and DaChan Bay Terminals in the Pearl River Delta. The delegation gained valuable insight into Modern

Health insurance rates keep rising, survey reveals

The average Utah premium for health-care insurance for a single employee has risen 16 percent since 2016 to \$567 per month, according to a new survey conducted by the Employers Council. The employee-only premium is an average of all types of plans, including health maintenance organizations, preferred provider organizations, point-of-service plans (POS) and high-deductible health plans (HDHP), along with traditional insurance programs.

The "2019 Utah Health, Welfare & Plans Survey" includes data segregated by private, public and nonprofit sectors for health, dental, life, short-term disability and long-term disability insurance. The council said that the study is designed to help Utah employers determine how their benefit offerings compare to the marketplace.

"Overall, the survey reveals that Utah employers continue to see increasing costs to their health insurance plans," said Ryan D. Nelson, president of Employers Council's Utah office. "The survey reveals valuable data to help Utah employers determine how their benefit offerings compare to the marketplace. This data enables employers to make strategic decisions with certainty

see MISSION page 7

see SURVEY page 7



MWCN releases Utah 100 list of fastest-growing companies in the state

MountainWest Capital Network (MWCN) has released its 2019 Utah 100, its annual list of the fastest-growing companies in Utah.

MWCN is a business networking organization devoted to supporting entrepreneurial suc-

cess and dedicated to the flow of financial, entrepreneurial and intellectual capital. It will release the rankings of the 25th annual Utah 100 Awards in numerical order at a luncheon Oct. 30 at the Grand America Hotel in Salt Lake City. Companies recog-

nized in the Top 15 Revenue and Emerging Elite categories also will be announced at the event.

“It’s thrilling to see how fast Utah companies are growing, and watching these companies change and mature through the years has been especially reward-

ing,” said Ryan J. Dent, chairman of the MWCN Utah 100 committee. “In addition to our ranking of the top 100, we also rank the 15 companies with the largest dollar revenue growth, as well as a select group of newer companies on our Emerging Elite list, which

helps us recognize exceptional companies in every stage of development.”

Honorees in the Utah 100 are ranked according to a weighted average revenue calculation of percentage and dollar growth over a five-year period, while those in the Top 15 Revenue category are ranked based on highest total dollar growth over the same five-year period. Companies are allowed to be recognized in only one category.

In alphabetical order, the 2019 Utah 100 are:

- 360 Electrical, Abode LLC, Advice Media, AllFilters.com, Alpha Warranty Services, American Business Brokers, Andina Family Offices, Assurance Services, Avetta, Beauty Industry Group, Beddy’s, Big Leap, Biomerics LLC, Blue Eye Corp., Bonneville Builders, Campman, Cariloah, Castle Country RV, Century 21 Everest, Cingo Solutions, Circus-Trix, Clinical Innovations, Collective Medical Technologies Inc., Complete Recovery Corp., Conservice, Control4,

- Cookie Cutters Franchising Inc., Dental Intelligence, DHM Industries Inc., Discovery Hydrovac LLC, Disruptive Advertising, Dynatronics, E Simplified, EAssist Inc., Easy Storage Solutions, ELearning Brothers, Executech, Fire-Fly Automatix Inc., FirstMile, Flex Fleet Rental LLC, Foresight Wealth Management, Four Foods Group, Foursight Capital, Freeus LLC, Freezing Point LLC,

- G&A Partners, GoReact, Grant Victor, Health Catalyst, HealthEquity, Huge Brands, HZO Inc, Incorporate Massage, Innovecture LLC, Instasize, Instructure Inc., Investview Inc., InXpress LLC, JP Electrical LC, Klymit, Launch Leads, Lawn Butler, Legacy Tree Genealogists Inc., Lendio, Lucid, Lume Technologies Inc., Morgan Asphalt Inc., Moto United, My Hearing Centers, Nena and Co., Nu Skin, ObservePoint, Osmond Marketing, Packsize International,

- Peak Capital Partners, People’s Utah Bancorp., Pluralsight, Podium, Prestman Auto, PrinterLogic, Prodata-Key, Qualtry, Rain Retail Software, Rock Solid Internet Systems Inc., Saniderm Medical, Scalar LLC, Security National Financial, SEO Werkz, Shopper Approved, Signs.com, SimpleNexus, Sportsman’s Warehouse, Strike Visuals, Strong Connections, Tranont, Walker Edison, Weave, Workfront, Xyngular and Zulu Marketing.

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7:30 to 8:00 a.m.	Registration
8:00 a.m.	Welcome & Introduction
8:15 a.m.	Lt. Gov. Spencer Cox
8:30 a.m.	Keynote Speaker: Joshua Frank
9:30 a.m.	1st Breakout Session
	A: PTAC 101
	B: How Award Decisions Are Made
10:30 a.m.	2nd Breakout Session
	A: Pathways To Success
11:15 am to 1:00 pm	Vendor Booths & Networking



Lieutenant Governor Spencer Cox



Keynote Speaker: Joshua Frank

In addition to a keynote speaker and breakout sessions, this year’s PTAC Symposium will feature 50 exhibitors from the Department of Defense, federal, state, city, county and local school districts and prime defense contractors.

Exhibitors

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Register at: bit.ly/ptac_symposium2019

Utahns want lower sales tax but favor tax on services not now subject to tax

Half of Utah voters support a lower sales tax rate and a strong majority favor taxing services currently not subject to a sales tax, according to a new survey undertaken by AARP.

The survey of Utah registered

voters 18 and older indicates that 50 percent support a sales tax of 3.1 percent, down from the current 4.85 percent. It also shows that while 84 percent of those surveyed oppose a new sales tax on medical insurance premiums and

79 percent oppose such a tax on rent, at least three of five voters would tolerate the state taxing elective medical services such as plastic surgery (67 percent), dry cleaning services (66 percent), lodging services like hotels

or home/accommodation sharing (65 percent) and professional consulting services (60 percent).

Survey respondents also showed support for increasing sales taxes on certain products, often referred to as "sin taxes." They include e-cigarettes and vaping devices (83 percent), tobacco (80 percent), and beer and alcohol (79 percent). Sixty-six percent "strongly support" a tax on e-cigarettes and vaping products, and 64 percent strongly support increasing the tobacco tax.

In contrast, 51 percent of respondents strongly oppose increasing the gasoline tax, while 20 percent somewhat oppose it. Thirty-two percent strongly oppose and 22 percent somewhat oppose increasing state licensing/user fees, and 30 percent strongly oppose and 14 percent somewhat oppose creating a statewide tax on sugary drinks.

Seven in 10 survey respondents support eliminating the existing tax on Social Security benefits and 72 percent would support — strongly or somewhat — keeping the existing tax on Social Security benefits, but only if there is an offsetting tax credit for both existing and future retirees.

Utah is one of only 13 states that still tax Social Security benefits. Lower-income retirees receive a small tax credit each year for the Social Security tax-

es they pay, but that credit is being phased out for future retirees. According to the Social Security Administration, the average Social Security benefit in Utah is just over \$1,400 a month, and 45 percent of unmarried persons nationwide rely on Social Security for 90 percent or more of their income.

The survey also considered tax earmarks. All state income tax revenue is used for public education. Sixty-seven percent of respondents want to maintain that constitutional requirement, but 40 percent want that funding dedicated to only K-12 education and 57 percent prefer to see it used for both K-12 and state colleges and universities.

The survey was conducted in August by Alan Newman Research. Details are at <https://states.aarp.org/utah/>.

Report: Employees spend just 43 percent of work week on the jobs they were hired to do

Average employees spend only about 43 percent of their work week doing the jobs they were hired to do, according to a new report release last week by Lehi-based Workfront. Workfront develops and markets work management applications for enterprise.

Workfront's sixth annual global "State of Work" report found enterprise business leaders still have plenty of opportunities to help their employees focus on strategic, high-value work by implementing the right technologies, practices and leadership. The study surveyed 3,750 workers across the United States, the United Kingdom, Germany and the Netherlands.

On the positive side, the survey found that most employees are engaged and interested in positive results from the work they do. The research revealed an invested and technically astute global workforce, where employees want to

do purposeful work, take pride in what they do and crave modern technologies that help them work more strategically and efficiently. Ninety-one percent of respondents said they are proud of the work they do and 78 percent said their job represents more than a paycheck.

Results also pointed to technology being helpful in job performance, but only if it is the right technology. Adding more technology solutions doesn't necessarily make for better work. And 42 percent of respondents said the number of software applications their companies provide actually makes them less productive.

When asked to consider the idea of a "chief work officer," a person to coordinate people, work, content, process and performance and oversee the complete experience of working for the company, 67 percent of respondents said it would be important to them to

have a person like that in their company. A similar number — 66 percent — reported their company has yet to have that person in place.

"The 2020 Workfront 'State of Work' survey shows us that today's knowledge workers want to do important work that makes a difference for their teams and accomplishes strategic business objectives for their companies," said Steven ZoBell, chief product and technology officer at Workfront. "This research provides vital insight for enterprise leaders, demonstrating the importance of modern work management as companies work to strategically align and equip their people to accomplish extraordinary goals."

Workfront was founded in Lehi in 2001 and employs about 1,000 workers in its worldwide operations. The full "State of Work" report can be downloaded at www.workfront.com/campaigns/state-of-work.



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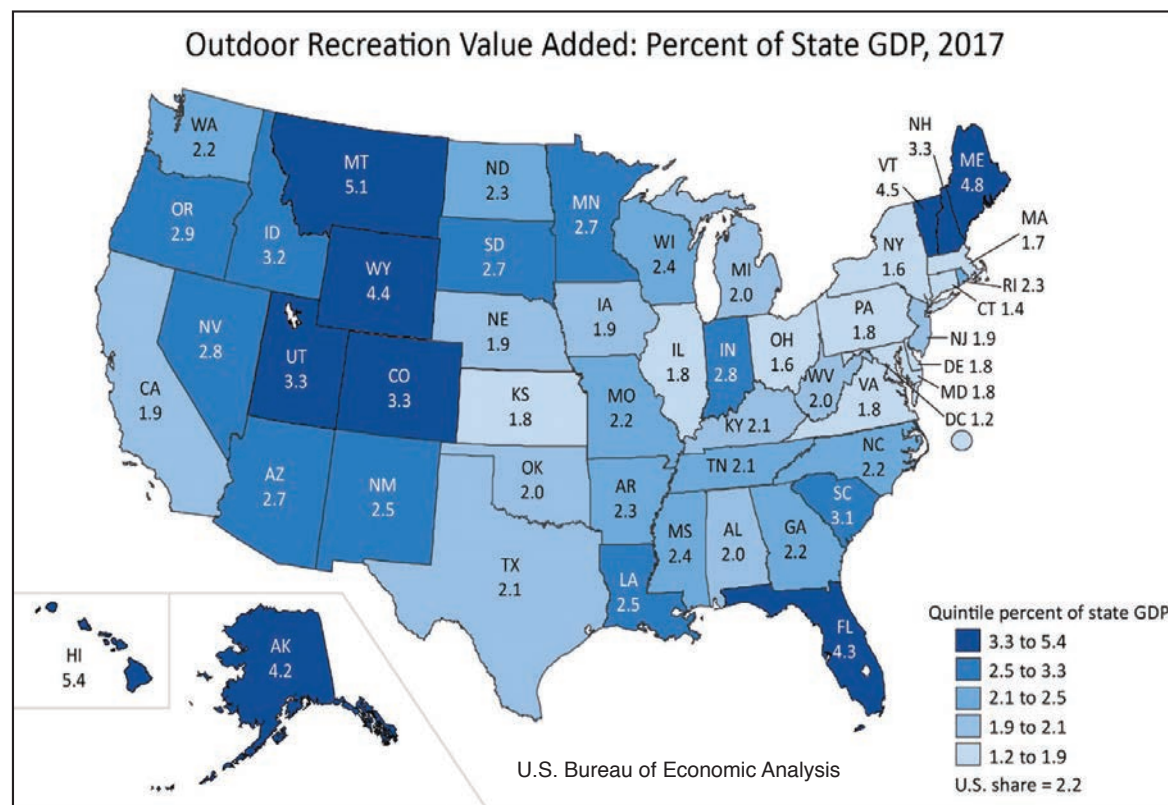
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Outdoor recreation accounts for 3.3 percent of Utah GDP

People taking advantage of Utah's great outdoors contribute a huge chunk to the state's economy, according to a new report released by the U.S. Bureau of Economic Analysis. The agency found outdoor recreation in Utah accounted for a full 3.3 percent of Utah's total economic output in 2017 — about \$5.5 billion. Tourism's total contribution to the state economy was \$9 billion that year.

Those directly employed by the outdoor recreation industry totaled 75,143, according to the report, accounting for 4.9 percent of all jobs in the state. Those employees earned nearly \$14.3 million.

Outdoor recreation was defined by the bureau as boating/fishing, RVing, snow activities, amusement parks/water parks, festivals/sporting events, game areas (golf or tennis) along with any other outdoor activities that don't show up in the major categories. Utah's snow sports, such as skiing, snowboarding and snowmobiling, accounted for \$549.2 million in economic contribution in 2017 — second only to Colorado in the U.S.

Nationwide, the bureau found outdoor recreation contributed to about \$778 billion in gross economic output in 2017, which was about 2.2 percent of the entire U.S. gross domestic product that year. It also led to 5.2 million jobs nationwide. Although Utah's gross economic impact from outdoor activities ranked 24th among the states, its contribution as a percentage of GDP was ranked eighth.

The map above shows the state-by-state economic impact of outdoor recreation as a percentage of GDP.

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NYC firm buys VitalSmarts

Leeds Equity Partners LLC, a New York-based private equity firm has acquired VitalSmarts LC from investment firm TwentyEighty Inc. Founded in 1989 in Provo, VitalSmarts is a provider of communication, execution and leadership development training. Terms of the transaction were not disclosed.

"Leeds Equity has a proven track record of success in the training sector," said Andrew Shimberg, CEO of VitalSmarts. "We are confident that Leeds Equity is the right partner for us and shares our vision of providing best-in-class experiences and outcomes for corporate clients and learners. With Leeds Equity's help, we aim to train more than 1 million people annually with crucial workplace advancement skills."

"Companies increasingly appreciate the importance of creating and fostering cultures that

drive performance. Communication, execution and leadership skills need to be taught and practiced," said Scott VanHoy, a partner at Leeds Equity. "VitalSmarts is the gold standard in training employees with these critical, 21st century foundational skills such as resolving disagreements, building acceptance and overcoming resistance, speaking persuasively and fostering teamwork."

Eric Geveda, managing director of Leeds Equity, said, "We are excited to have completed our investment in VitalSmarts and look forward to working closely with Andy and the VitalSmarts team as they continue to build on their successes across the corporate training market. The commitment they have shown to excellence in all of their training is reflected in the outstanding learning outcomes they help produce."



SLC-based Simply Mac bought by Cool Holdings

Salt Lake City-based Simply Mac Inc. has been acquired by Cool Holdings Inc. of Miami. Simply Mac operates 41 retail stores in 18 states as an authorized reseller of Apple products and accessories.

Cool Holdings previously owned 16 OneClick stores that offer Apple products and service in the U.S., Argentina and the Dominican Republic. The combined operation is now the largest Apple Premier Partner in the U.S., according to a Cool Holdings release.

"We have been working on the Simply Mac acquisition for some time, and are extremely pleased to have it completed as a critical milestone as part of our retail expansion plans," said Rein Voigt, president and CEO of Cool Holdings. "Simply Mac is of great strategic importance to our company, and we expect it will be

the foundation for us to achieve profitability in the future. We intend to adopt the vision, values and mission statement upon which Simply Mac was founded in all our existing stores and in those we may acquire in the future."

"Customer satisfaction is paramount, and our vision is to be America's premier technology retailer," Voigt continued. "One of the most important segments of Simply Mac's business is service and the support of Apple products in cities where Apple has no presence. Located primarily in smaller cities close to a university, Simply Mac is an important provider of Apple authorized service in the U.S. We welcome the dedicated employees of Simply Mac to our team, and look forward to working with them to extend the Simply Mac name to more cities across the U.S."

Sportsman's buys eight Field & Stream stores

Sportsman's Warehouse Holdings Inc. of Sandy has agreed to buy eight Field & Stream stores from Dick's Sporting Goods Inc. The acquired stores will be operated as Sportsman's Warehouse stores and are located in Pennsylvania, New York, North Carolina and Michigan. The total purchase price of \$28 million for inventory and assets will be funded through borrowings under Sportsman's re-

volving credit facility, the company said. Sportsman's will sublease the eight locations from Dick's. The transaction is expected to close on Oct. 11.

Sportsman's Warehouse owns and operates 95 outdoor sporting goods stores in 25 states. Founded in 1986, the company employed 5,100 prior to its latest acquisition.

"We are very pleased to announce this opportunistic expan-

sion of our current 95-store base through the acquisition of these eight Field & Stream locations," said Jon Barker, Sportsman's Warehouse CEO. "Each of these stores operate in strong markets, with well-established customer bases. We look forward to serving these communities with our continued strong commitment to provide outstanding gear and exceptional service to inspire outdoor memories."

CHAMBER from page 1

role in addressing them, he said.

Miller provided an update on efforts to address three issues broached during the chamber's annual meeting last year.

One is Utah's gender wage gap. Utah, despite its strong economy, has the largest disparity among states for what men earn and what women earn. The chamber and the Women's Leadership Institute have produced a guide to provide pointers that businesses can use to close that gap.

"Many of you have already started and are using it in your own business; however, there is still more that needs to be done," Miller said.

Linda Wardell, incoming chairman of the chamber board, said she will focus on building upon the chamber's diversity and inclusion initiatives.

"We believe that members of Utah's business community are

ready, willing and able to not only take the necessary steps to ensure the work of women in Utah is valued fairly, but also to prove that we can be leaders in creating solutions that result in an equitable pay environment," Wardell said.

Another issue from last year is relationship-building with the next generation of leaders. A group of about 50, dubbed "The Hive," gather quarterly and this year will try to expand their reach, Miller said.

The third issue is closing the economic gap between urban and rural areas of the state. The chamber, the Utah Department of Workforce Services and the Economic Development Corporation of Utah recently announced a partnership on a new initiative called the Chamber Rural Workforce Network to help further Utah's rural development.

"Together, we believe this initiative will provide the opportunity for companies to partner with rural Utah to find innovative solutions to their workforce needs,"

Miller said, adding that next year will feature an announcement about the number of participating employers and the number of jobs added to rural Utah by urban employers.

At the meeting, the chamber also presented its annual awards:

- Corporate Partner of the Year: Clyde Companies Inc.
- Community Partner of the Year: World Trade Center Utah.
- President's Award for Excellence: Lew Cramer, Utah CEO for Colliers International.
- Chamber Champions: Amanda Covington, executive vice president of communications and government affairs, Larry H. Miller Group of Companies; Bart Davis, Utah transition assistance advisor, Utah National Guard; Greg M. Johnson, vice president of finance, Intermountain Healthcare; Sara Jones, CEO of InclusionPro and co-founder and chief operating officer, Women Tech Council; and Nancy Pearce, financial center manager and vice president, Zions Bank.

SEPTEMBER Utah Employment Trends

Unemployment Rate - County

Cache.....	2.2%	National Unemployment Rate 3.7%
Davis.....	2.5%	
Salt Lake.....	2.6%	
Utah.....	2.5%	
Washington.....	3.1%	
Weber.....	3.0%	

Employment Change - County (Month)

Cache.....	446	National Total Nonfarm Employment Change Month over Month -29,000
Davis.....	-207	
Salt Lake.....	3,662	
Utah.....	4,620	
Washington.....	1,708	
Weber.....	257	

Employment Change - County (Year)

Cache.....	2,033	National Total Nonfarm Employment Change Year over Year -152,000
Davis.....	3,082	
Salt Lake.....	17,091	
Utah.....	10,014	
Washington.....	2,557	
Weber.....	2,867	

Source: U.S. Bureau of Labor Statistics Courtesy Kelly Services

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CONSTRUCTION

• **HNTB Corp.** has hired **E. Gregory Thorpe** as rail and transit senior project manager and associate vice president. He is based in the firm's Salt Lake City office and serves clients throughout the eight-state Northwest Division.



E. Gregory Thorpe

Thorpe has more than four decades of experience in project management, engineering and executive leadership. Primarily, he supports HNTB transit projects in Utah, Colorado and the Puget Sound region. Thorpe brings extensive expertise in light rail and other high-profile transit projects. For the past 17 years, he worked at the Utah Transit Authority, serving as project manager for many significant projects. Thorpe earned a Bachelor of Science in civil and environmental engineering from Utah State University. At the University of Utah, he completed post-graduate studies in civil and structural engineering.

ECONOMIC INDICATORS

• **Utah** has the 21st-lowest medium income in the U.S., at \$36,790, according to a study compiled by **SafeHome.org** using data from the U.S. Census Bureau through 2017. The study shows that since the 2008 financial crisis, Utah has seen the 17th-largest increase in median income, with 4.4 percent growth. The national median annual wage has grown by just 2 percent since 2008, from \$37,896 to \$38,640. The largest group of income-earners in Utah, 20.5 percent, make between \$35,000 and \$49,999. Those making \$100,000 or more account for 12.4 percent of Utah residents.

EXPANSIONS

• **DoTerra**, a Pleasant Grove-based essential oils company, is expanding its global presence with a new corporate office and locally registered products in Bogotá, Colombia. The new Colombia office will support the expanding needs of the market. **Oreste Moscarella**, who helped the company open the Ecuador market in 2018, will serve as Colombia's general manager.

• **Brainwire Infotech Inc.**, a South Jordan-based digital enabler and IT consulting firm,

has expanded with a new office in Dallas. **Sachin Bakhai**, who has more than 30 years of experience in Oracle consulting, will lead the business operations of the region.

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GOVERNMENT

• The **Utah State Tax Commission** has named **Tammy Kikuchi** as its new public information officer, replacing **Charlie Roberts**, who retired Oct. 1. Kikuchi's career includes serving as marketing director for Hughes General Contractors in North Salt Lake, working at KSL Radio, serving as communications director for Gov. Jon M. Huntsman, and serving as public information officer for Utah Department of Natural Resources.

HEALTHCARE

• **Forum Health LLC**, a Salt Lake City-based provider of personalized healthcare, has announced that **Erica Lemke-Pembroke** has joined the company as a life and vitality coach to help patients increase their sexual health and confidence. Her most recent book is *Feel Sexy Again: The Ultimate Guide to Reclaiming Your Sexual Confidence*.



Erica Lemke-Pembroke

INVESTMENT

• **Wasatch Advisors**, a Salt Lake City-based independent investment manager, has rebranded as **Wasatch Global Investors** to better reflect its global investment management business. There are no changes in ownership, employees, philosophy or process. Wasatch offers 16 strategies that span market caps and geographies. As of June 30, it had \$18.5 billion in assets under management.

PHILANTHROPY

• **Walmart** associates and managers recently raised \$387,000

to support **Utah Food Bank**. The employees also sorted food at Utah Food Bank in South Salt Lake. The event was in honor of Feeding America's Hunger Action Month, as well as to commemorate Walmart and Sam's Club reaching their goal of securing over 1 billion charitable meals nationwide during their "Fight Hunger, Spark Change" campaign, held in partnership with Feeding America and 18 of Walmart's supplier partners. Since 2014, the campaign has helped secure more than 1 billion meals for Feeding America food banks nationwide. In addition to that campaign, the Walmart Foundation provides grants to local food banks and Walmart stores to donate millions of pounds of food to food banks each year. This fiscal year, Walmart, Sam's Club and distribution center locations in Utah donated 9 million pounds of food to Feeding America food banks and affiliated pantries.

• **Nav**, a Salt Lake City-based financing site and app, has announced that Alex and Jennifer Morton, founders and owners of **Junk Star Handcrafted Furniture** in San Antonio, are the grand prize winners of the company's \$10,000 quarterly Small Business Grant. Junk Star specializes in designing and building handcrafted, custom furniture. In this round, Nav also presented \$2,000 to **Russo's Ravioli** in Cincinnati and \$1,000 to **Center Stage Clothier** in Vancouver, Washington. Nav has awarded more than \$60,000 to small businesses across the country since launching the grant program in 2018.

REAL ESTATE

• **Century Communities Inc.** has announced that **Wood Hollow** is open for sales. The West Valley City community features ramblers and two-story single-family homes with 10 floor plans ranging in size from 1,405 to 2,903 square feet.

RECOGNITIONS

• **Finicity**, a Salt Lake City-based company focused on financial tools, won the **LendingTree Innovation Challenge "Best in Show"** award at Source Media's Digital Mortgage Conference 2019 for its verification of income and employment (VOIE) with TXVerify. The challenge, in Las Vegas, featured 36 live demos showcasing the mortgage industry's most innovative digital technologies. Sharing the Best in Show award this year was CoreLogic.

RESTAURANTS

• The 17th annual **Downtown**

Dine O'Round will take place Oct. 18-Nov. 3, allowing diners to enjoy two-item lunches or three-course dinners at special prices at select downtown Salt Lake City restaurants. Participating restaurants' lunch specials are priced at \$10, \$15 or \$20 and dinner specials are just \$20, \$30 or \$40. The event is coordinated each year by the **Downtown Alliance** and is made possible with partnerships and sponsorships with **Sysco Intermountain**, **Smithfield Culinary** and **Salt Lake Chamber**. Newcomer restaurants this year include **Campos Coffee**, **CoreLife Eatery**, **Ginger Street**, **Honest Eatery** and **Maize**. Sample menus and participating locations can be found at www.dineoround.com.

based operating system company, has announced that **Jeff Kearl** has joined its board of directors. He will fill the seat of **Nehal Raj**, partner at TPG, who served on Domo's board for more than five years. Kearl is co-founder and chairman of Stance. Kearl also served on the board of directors for SkullCandy for almost a dozen years and is an active investor, having invested in approximately 50 private companies.



Jeff Kearl

• **HireVue**, a Salt Lake City-based talent assessment suite and video interviewing solutions company, has announced that **Tomas Chamorro-Premuzic** has joined its Expert Advisory Board. Chamorro-Premuzic is an



Tomas Chamorro-Premuzic

authority in psychological profiling, talent management, people analytics and science-based tools that improve an organization's ability to predict performance as well as people's ability to understand themselves. He is currently the chief talent scientist at ManpowerGroup and co-founder of Deeper Signals and META Profiling. Chamorro-Premuzic is also a professor of business psychology at Columbia University, is the founding director of University College London's industrial-organizational and business psychology program, and serves as the chief psychometric advisor to Harvard's Entrepreneurial Finance Lab. He has written 10 books and more than 150 scientific papers on the psychology of talent, leadership, innovation and AI.



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RETAIL

• **U-Haul Company of Utah Inc.** has announced that **Jeffrey P. Davis Automotive**, 4707 S. Commerce Drive, Murray, has signed on as a U-Haul dealer. It will offer U-Haul trucks and moving supplies.

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MISSION

from page 1

Terminals' business model and the critical role ports play in the global trade market in anticipation of the building of the Utah Inland Port. State representatives and WTC Utah officials also met with executives from Orient Overseas Container Line (OOCL). They discussed ways for Utah to increase its participation in trans-Pacific trade via Utah's inland port.

"The business community in Utah has always been very supportive of OOCL from day one when we decided to open our strategic office in Salt Lake City," said Andy Tung, co-chief executive officer of OOCL. "That is why we are very happy with the opportunity to reciprocate with our hospitality to them during their trade mission to Hong Kong. We had many productive and helpful discussions on wide-ranging topics from transportation infrastructure, new partnership opportunities, to challenges we face in the digitization of the industry. The level of cooperation among the public and private sectors is simply outstanding, and we certainly look forward to continuing our dialogues to facilitate trade and grow our businesses together."

In Japan, Herbert and the delegation met with Rakuten, the largest e-commerce site in Japan and among the world's largest by sales. The company has more than 150 employees in Utah and operates Japan's biggest Internet bank and No. 1 credit card company by transaction value. Delegates discussed new trade opportunities and learned about the growing e-commerce market in Asia. They were also able to build relationships and learn how Rakuten could help Utah businesses grow and expand, the release said.

Herbert met with two newly appointed ministers in Japanese President Shinzo Abe's administration: Keisuke Suzuki, the minister of foreign affairs, and Hideki Makiyama, vice minister of economy, trade and industry development. They discussed how Utah and Japan could strengthen economic ties.

In Tokyo, Herbert also met with Japanese business leaders at the U.S. deputy chief of mission's residence, including a senior executive from SoftBank, a large investment fund that has invested more than \$50 billion in U.S. technology companies. Herbert shared with these leaders the explosive growth of Utah's tech industry and discussed why Utah is an attractive investment destination.

"Under Gov. Herbert's leadership, Utah's economy has out-

performed every other state in the country," said Miles Hansen, president and CEO of WTC Utah. "This is particularly true in Utah's tech industry, and international investors and business leaders are taking note. The real work for this trade mission is just beginning as we channel the momentum and connections generated in Hong Kong and Japan during this trip to support the growth of Utah companies in Asia and attract investment to Utah."

SURVEY

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and accuracy."

Other key findings from the survey include:

- The average percentage of health coverage paid by employers is 80 percent for single (employee-only) coverage, no change since last year.
- The average employer contribution to an employee's health saving account when enrolled in

a single (employee-only) high-deductible health plan is \$633 per year, up \$18 since last year.

- 95 percent of respondents offer incentives for employees to participate in wellness programs.

- 79 percent of Utah respondents offer a PPO plan and 83 percent offer a HDHP.

The survey also includes monthly premium amounts for health and dental insurance, cost sharing for those insured benefits, as well as retirement benefits and part-time employee insurance ben-

efits. The survey includes responses from 76 Utah organizations. Data breakouts include company size, geographic area and industry type. The full survey can be seen at www.employerscouncil.org.

"Employers Council strives to provide the most current, relevant and helpful information to employers in Utah. We pride ourselves on the quality and breadth of our full collection of survey reports, and offer the most comprehensive data specific to Utah," said Nelson.



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Succeeding in Your Business

What to do when a business you're buying has two sets of books

"My spouse and I have been looking to buy a business for some time. We've found a good local business with a great location and lots of existing customers. The seller wants us to pay one and one-half times his gross sales last year, which our accountant says is a fair price. The seller has also agreed to let us pay him 40 percent of the purchase price over the next five years, which we think is also a good deal.

"The problem is that the seller told us he carries two sets of books — 'one for the government, the other for real' — and that he wants us to pay one and one-half times his gross sales as reported on his private set of books, which, naturally, shows much higher gross sales.

"Of course, we're nervous about doing business with this seller. Still, the business is an attractive one and we have no intention of playing any games once we take over. Everything will be on the up and up.

"Is there any way we can

still do this deal and avoid being caught up in the seller's web if the government should ever go after him?"

Many small businesses — too many, in my opinion — play these sorts of games. My initial reaction is to say, "Well, if this seller is lying to the government and others, what are the odds he's being straight up with you about other things?"

Still, it may not always be practical to walk away, especially in a situation like this where the business may actually be doing quite well and has the potential for significant growth down the road.

When a client of mine is buying a business with less-than-reliable books, I have three rules:

- Do lots of due diligence before you buy, and make sure the private set of books is for real.

- Always base the purchase price on the seller's public set of books.

- Make sure the government, the seller's creditors and others

can't come after you for money the seller owes them (what lawyers call "transferee liability").

Rule No. 1: Do your diligence. You need to hire a good lawyer AND a good accountant. Make sure you have both. Get the seller to give you both sets of books for the last three years, and have your professional team tear them apart.

Next, go to work in the business as an unpaid employee. Make sure you are the one standing behind the cash register and recording sales. See how his actual sales stack up against both sets of books. That will tell you which one is more likely to be the truth.

Rule No. 2: Base your price on public records. Your purchase price should be based on the lower, more conservative books he is using to pay his taxes, show to creditors, etc. If he protests — and he will — offer him an equity kicker on the 40 percent you would be paying him over time.

Here's how an equity kicker works: You would pay the seller interest on the 40 percent each month at a commercial rate (5

percent to 6 percent per annum right now). Then, on top of that, you would calculate the seller's average monthly sales as recorded on his public books for the last three years and agree to pay him 10 percent to 20 percent of the amount by which your gross sales each month exceed 110 percent of the seller's figure. That way, if the seller has been lying about the business generating more sales than reported, he doesn't get a penny more from you than he is due.

Rule No. 3: Protect yourself against the seller's problems. You should buy the assets of this business, not stock in the seller's company. That way, you assume only those of the seller's liabilities (such as his current lease) that you want to assume. He's stuck with everything else. If there is a lien (called a "UCC security interest") on any of the assets you are buying, pay that creditor off in full at the closing, and get the lien released.

Next, find out from your attorney if you will be liable for any taxes the seller owes. Many

states hold buyers of business assets accountable for sales, payroll and other taxes owed by a seller when the business changes hands. If this is the case, you may be able to ask the state tax authority for a clearance letter — basically a promise that if the state ever finds out the seller owed them money when you bought the business, they will go after the seller and not you. If the state issues the clearance letter, then you can buy the business with a clear conscience.

The seller won't like this, as the state may use your request as an excuse to audit his books, in which case it will probably find out about his creative accounting and come down on him hard. If you ask for a clearance letter and the seller refuses to do the deal, or if there is no way to get a clearance letter for a particular tax, walk away.

Cliff Ennico (crennico@gmail.com) is a syndicated columnist, author and former host of the PBS television series "Money Hunt."

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Calendar

Calendar listings are provided as a free service to our readers. Information about upcoming events may be sent to brice@slenterprise.com. The submission deadline is one week before publication.

Oct. 7, 5:30 p.m.

50th Anniversary Event, hosted by the University of Utah's School of Computing to mark the 50th anniversary of the UofU's involvement in the birth of the Internet and to look forward at the future tech advancements in store for the university and the state of Utah. Speakers include Lt. Gov. Spencer J. Cox; Damien Patton, CEO of Banjo; and University of Utah School of Computing associate professor Kobus Van der Merwe, who leads the POWDER wireless communications test bed recently launched in Salt Lake City. Opening remarks will be given by UofU President Ruth V. Watkins; Daniel A. Reed, senior vice president of academic affairs; and Richard B. Brown, dean of the College of Engineering. Location is the Robert H. and Katharine B. Garff Building, 1731 E. Campus Center Drive, Salt Lake City. Details are at unews.utah.edu.

Oct. 7, 6-7:30 p.m.

"Start Smart," a Small Business Development Center (SBDC) event. Location is the Orem/Provo SBDC, Utah Valley University, 815 W. 1250 S., Orem. Details are at <https://clients.utahsbdc.org/events.aspx>.

Oct. 8, 8 a.m.-4 p.m.

"Project Management Essentials," a Frontline Leader workshop presented by Salt Lake Community College. Location is SLCC's Miller Campus in Sandy. Also offered Oct. 15, 8 a.m.-4 p.m., at the Westpointe Campus in Salt Lake City. Cost is \$250. Details are at slcc.edu/workforce.

Oct. 8, 8:30-11 a.m.

"Pay the IRS Less Without Going to Jail," a Small Business Development Center (SBDC) event. Speaker is Merrill Taylor, a partner at Clark Rasmussen Taylor CPAs. Location is the Salt Lake SBDC, Salt Lake Community College's Miller Campus, Corporate Partnership Center, Building 5, 9690 S. 300 West, Sandy. Cost is \$19.95. Details are at <https://clients.utahsbdc.org/events.aspx>.

Oct. 8, 10-11:30 a.m.

"How to Become a Leader People Will Follow," a West Jordan Chamber of Commerce event. Location is Mountain America Credit Union, 3065 W.

5400 S., Taylorsville. Free for chamber members, \$10 for nonmembers. Details are at westjordanchamber.com.

Oct. 9, 7:30-10:30 a.m.

"Designing Corporate Women's Networks, Initiatives and Leadership Programs: A Research-Based Workshop," a Silicon Slopes event. Speaker is Susan R. Madsen, the Orin R. Woodbury Professor of Leadership and Ethics at the Woodbury School of Business at Utah Valley University and founding director of the Utah Women & Leadership Project. Location is SolutionReach, 2600 N. Ashton Blvd., Lehi. Cost is \$55. Registration can be completed at Eventbrite.com.

Oct. 9, 9-11 a.m.

"Finding Your Audience and Building Your Brand to Increase Your Customer Base," a Women's Business Center of Utah event and part of the three-part "Master Your Social Media and Brand" series. Location is the Women's Business Center of Utah, 175 E. 400 S., Suite 600, Salt Lake City. Other parts are "How to Build an Effective Business Instagram and Facebook," Oct. 16, and "How to Drive Traffic to Your Social Media Platforms," Oct. 23. Cost is \$20 for one course, \$50 for all three. Details are at wbcutah.org.

Oct. 9, 11:30 a.m.-1 p.m.

"Let's Do Lunch," a South Valley Chamber event. Location is The Sushi Japanese Cuisine, 684 E. 11400 S., Draper. Cost is \$20 for members, \$25 for nonmembers. Registration can be completed at Eventbrite.com.

Oct. 9, noon-1:30 p.m.

12th Annual Women Tech Awards, a Women Tech Council event. Keynote speaker is Tami Erwin, executive vice president and group CEO at Verizon Business Group. Location is Grand America Hotel, 555 S. Main St., Salt Lake City. Cost is \$135 for members, \$150 for nonmembers. Registration can be completed at Eventbrite.com.

Oct. 9, 5-7 p.m.

Business After Hours, an Ogden-Weber Chamber of Commerce event. Location is Earl's Lodge, Snowbasin Resort, 3925 E. Snowbasin Road, Huntsville. Free for chamber members and first-time guests, \$10 for nonmember guests. Details are at ogdenweberchamber.com.

Oct. 9, 6:30-8 p.m.

"Understanding Religious Biases in Reporting on National

and International Conflicts," an International Association of Religion Journalists event in collaboration with the Association of Religion Data Archives. Panelists are moderator Davis Briggs, founding executive director, International Association of Religion Journalists; Roger Finke, professor of sociology, religious studies and international affairs at Pennsylvania State University and director of the Association of Religion Data Archives; Prince Charles Dickson, syndicated writer for several national dailies in Nigeria; Indeewari Amuwatte, journalist for *English News* in Sri Lanka; and Elizabeth Dias, national religion correspondent for *The New York Times*. Location is the Kem C. Gardner Policy Institute, 411 S. Temple, Salt Lake City.

Oct. 10-11

2019 White Collar Crime Conference, a Utah Area Chamber of Certified Fraud Examiner event with the theme "Fraud Matters." Location is Mountain America Credit Union, Tanner Building, 7167 Center Park Drive, West Jordan. Cost is \$425. Registration can be completed at Eventbrite.com.

Oct. 10, 7:30 a.m.-5 p.m.

"Trends" Conference, an Urban Land Institute (ULI) Utah event with the theme "To 2020 & Beyond." Location is Grand America, 555 S. Main St., Salt Lake City. Cost is \$205 for private-sector ULI members; \$175 for public-sector, young leaders and student ULI members; \$280 for nonmembers; \$325 day of event (if available). Details are at utah.uli.org/events.

Oct. 10, 8 a.m.-2 p.m.

UHCC Annual Convention, a Utah Hispanic Chamber of Commerce event. Location is Salt Lake Marriott Downtown at City Creek, 75 S. West Temple, Salt Lake City. Cost is \$60 for members, \$80 for nonmembers. Details are at www.utahhcc.com/convention.

Oct. 10, 8 a.m.-4 p.m.

"Supervisory Skills Program," an Employers Council event over four consecutive Thursdays and providing a foundation of critical skills necessary to become an effective workplace leader. Location is Employers Council, Utah office, 175 W. 200 S., Suite 2005, Salt Lake City. Cost is \$740. Details are at employerscouncil.org.

Oct. 10, 9-10 a.m.

"Coffee With Clancy: Step-By-Step Guide on How to Create

an Impactful Brand," a Women's Business Center of Utah event featuring Clancy Stone, business advisor for the northern region for the Women's Business Center of Utah; and Kamea Johnson, founder of Chosen Creative. Location is Campos Coffee Roastery & Kitchen, 228 S. Edison St., Salt Lake City. Free. Details are at www.wbcutah.org.

Oct. 10, 9-11 a.m.

"Save Money by Not Wasting Money on Mistakes in 2020," a Hays Cos. event. Presenter is Nicholas Karls, associate director in the Employee Benefits division of Hays Benefits Group LLC. Location is Salt Lake Marriott Downtown at City Creek, 75 S. West Temple, Salt Lake City. Details are available by calling (801) 505-6507 or emailing cflower@hayscompanies.com.

Oct. 10, 11:30 a.m.-1 p.m.

WIB Luncheon, a Davis Chamber of Commerce event. Location is Lagoon, 375 N. Lagoon Drive, Farmington. Cost is \$20. Details are at davischamberofcommerce.com.

Oct. 10, 11:30 a.m.-1 p.m.

Lunch & Learn, a Murray Area Chamber of Commerce event. Speakers are Stephanie Barrick and Kevin Ruth of Jaybird Promotional. Location to be determined. Cost is \$20 for members, \$25 for guests. Details are at murraychamber.org.

Oct. 10, 11:30 a.m.

Strictly Networking Luncheon, a West Jordan Chamber of Commerce event. Location is Wingers, 9175 Redwood Road, West Jordan. Cost is whatever is ordered off the menu. Details are at westjordanchamber.com.

Oct. 10, 11:30 a.m.-1 p.m.

October Luncheon, a Davis Chamber of Commerce event with the theme "Witches, Werewolves and Women in Business." Location is Lagoon, 375 N. Lagoon Drive, Farmington. Cost is \$20. Details are at davischamberofcommerce.com.

Oct. 10, noon-1 p.m.

"National Cybersecurity Awareness Month: National Perspective with Congressman Chris Stewart," part of the Cybersecurity Lunch & Learn Series presented by the Salt Lake Chamber. Location is the Salt Lake Chamber, 175 E. 400 S., Suite 600, Salt Lake City. Free. Details are at slchamber.com.

Oct. 10, 6-8 p.m.

Business Essentials Training,

a Small Business Development Center (SBDC) event. Location is the Orem/Provo SBDC, Utah Valley University, 815 W. 1250 S., Orem. Details are at <https://clients.utahsbdc.org/events.aspx>.

Oct. 11, 7:30-8:30 a.m.

Eggs & Issues, a Murray Area Chamber of Commerce event. Speaker is Greg Bellon, assistant department manager, Murray Power Department. Location is Anna's Restaurant, 4700 S. 900 E., Murray. Free unless ordering from the menu. Open to everyone. Details are at murraychamber.org.

Oct. 11, 7:45-9 a.m.

Women in Business Networking, an Ogden-Weber Chamber of Commerce event. Location is Weber Center, 2380 Washington Blvd., Ogden. Free for WIB members. Details are at ogdenweberchamber.com.

Oct. 11, 8-9:30 a.m.

"What's Next for the Point of the Mountain," part of the South Valley Chamber "In the Know" Series. Speakers include Alan Matheson, executive director of the Point of the Mountain State Land Authority, and Draper Mayor Troy Walker. Location is Summit Sotheby's, 13696 S. 200 W., Suite 100, Draper. Free. Registration can be completed at Eventbrite.com.

Oct. 11, 8:30 a.m.-1 p.m.

BEST (Business and Economic Summit and Training), a Davis Chamber of Commerce event. Location is Weber State University's Davis Campus, 2750 University Park Blvd., Building D-2, Room 110-111, Layton. Cost is \$50 for chamber members, \$70 for nonmembers. Details are at davischamberofcommerce.com.

Oct. 11, 8:30-11:30 a.m.

"Grow Your Business," a Small Business Development Center (SBDC) event. Location is the Orem/Provo SBDC, Utah Valley University, 815 W. 1250 S., Orem. Details are at <https://clients.utahsbdc.org/events.aspx>.

Oct. 11, 11:30 a.m.

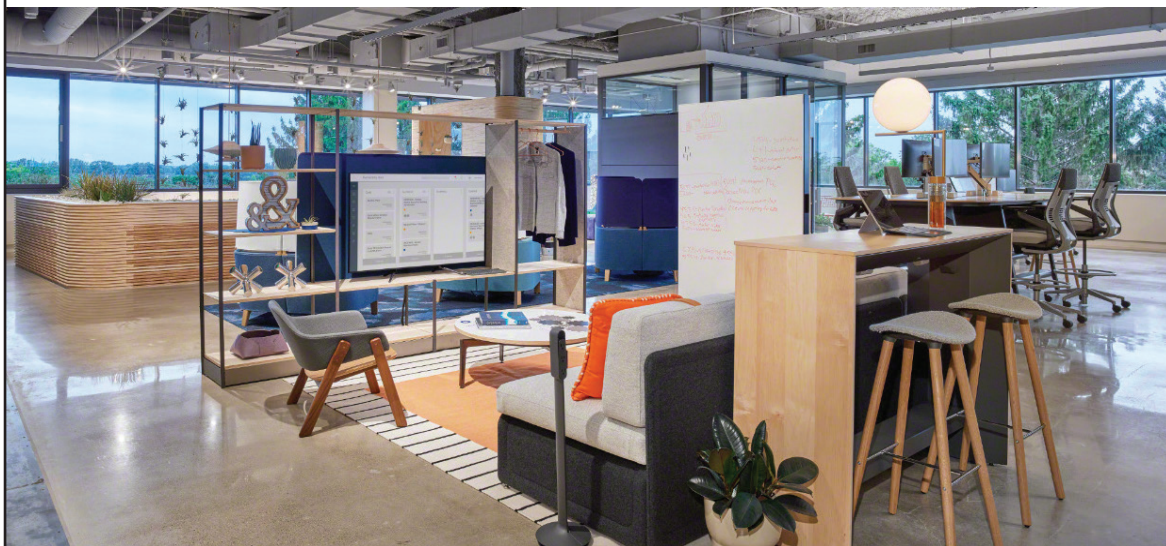
Second Friday Casual Lunch, a ChamberWest event. Location is Applebee's, 3736 W. 7800 S., West Jordan. Details are at chamberwest.com.

Oct. 11, noon-1 p.m.

Silicon Slopes Town Hall: Medtech Panel, a Silicon Slopes event. Panelists are



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CALENDAR

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Chris Klomp, CEO, Collective Medical; Tina Larson, COO, Recursion Pharmaceuticals; and Steve Neeleman, founder and vice chairman, HealthEquity. Location is Silicon Slopes, 2600 W. Executive Parkway, Suite 140, Lehi. Free. Details are at silicon-slopes.com.

Oct. 15, 7:30 a.m.-noon

Business & Health Care Summit 2019, a Salt Lake Chamber event designed to help employers become more actively engaged in the conversations around healthcare policy on a state and national level and ensure attendees leave with actionable steps they can implement at their organizations. Location is the Salt Lake Chamber, 175 E. 400 S., Suite 600, Salt Lake City. Cost is \$45. Details are at slchamber.com.

Oct. 15, 8-10 a.m.

Business Women's Forum Breakfast, with the theme "Embody the Intangibles" and focusing on "soft skills." Presenter is Alison Flynn Gaffney of University of Utah Health. Location is Sugar House Health Center, 1280 E. Stringham Ave., Salt Lake City. Cost is \$27 for members, \$35 for nonmembers. Details are at slchamber.com.

Oct. 15, 8-11 a.m.

"Harassment Prevention for Managers and Supervisors," an Employers Council event. Location is Employers Council, Utah office, 175 W. 200 S., Suite 2005, Salt Lake City. Cost is \$145. Details are at employerscouncil.org.

Oct. 15, 8:30-11 a.m.

"Customers for Life," a Salt Lake Small Business Development Center (SBDC) event. Speakers are Rai Chowdhary and Bryce Jansen. Location is Salt Lake SBDC, Salt Lake Community College, Building 5, MCPC 101, 9750 S. 300 W., Sandy. Cost is \$19.97. Details are at <https://clients.utahsbdc.org/events.aspx>.

Oct. 15, 9 a.m.-4 p.m.

"Employment Law for Managers," an Employee Development program offered by Salt Lake Community College. Open to the public. Location is SLCC's Miller Campus, Sandy. Cost is \$200. Details are at <http://www.slcc.edu/workforce/courses/index.aspx>.

Oct. 15, 11:30 a.m.-1 p.m.

Business Alliance Networking Luncheon, a Davis Chamber of Commerce event. Location is Boondocks Fun Center, 525

Deseret Drive, Kaysville. Free. No RSVP required. Details are at davischamberofcommerce.com.

Oct. 16, 7:30 a.m.-1 p.m.

2019 PTAC Symposium, presented by the Procurement Technical Assistance Center in the Governor's Office of Economic Development and featuring information about winning government contracts. Location is Salt Lake Community College's Miller Campus, 9750 S. 300 W., Sandy. Details are at <https://business.utah.gov/ptac/>.

Oct. 16, 8-10 a.m.

M.A.C.H. Speed Networking, a Murray Area Chamber of Commerce event. Location is Urban Arts Factory, 116 S. Rio Grande St., Salt Lake City. Free (pre-registration is required). Details are at murraychamber.org.

Oct. 16, 8:30-11:30 a.m.

"Grow Your Business," a Small Business Development Center (SBDC) event. Location is the Orem/Provo SBDC, Utah Valley University, 815 W. 1250 S., Orem. Details are at <https://clients.utahsbdc.org/events.aspx>.

Oct. 16

Small Business Development Center (SBDC) Clinics, including "QuickBooks Workshop" and "Tax Planning Clinic." Both are 5:30-6:30 p.m. Location is the Orem/Provo SBDC, Utah Valley University, 815 W. 1250 S., Orem. Details are at <https://clients.utahsbdc.org/events.aspx>.

Oct. 17, 11:30 a.m.-1 p.m.

"Multiplying Lasting Profitable Relationships," a West Jordan Chamber of Commerce event. Presenter is Clay Neves of Personal Sales Dynamics. Location is Mountain America Credit Union, 3065 W. 5400 S., Taylorsville. Free for members, \$10 for nonmembers. Details are at westjordanchamber.com.

Oct. 17, 11:30 a.m.-1:30 p.m.

Teacher Appreciation Luncheon, a South Jordan Chamber of Commerce event. Location is Sagewood at Daybreak, 11289 Oakmond Road, South Jordan. Details are at southjordanchamber.org.

Oct. 17, 11:30 a.m.-1 p.m.

Lunch & Learn, a Murray Area Chamber of Commerce event. Speaker is Rulon Gardner, Olympic athlete. Location to be determined. Cost is \$20 for members, \$25 for guests. Details are at murraychamber.org.

Oct. 17, 3-5 p.m.

"Jump Start: Intro to Ent-

see CALENDAR next page

CALENDAR

from previous page

repreneurship,” a Women’s Business Center of Utah event. Location is the Women’s Business Center of Utah, 175 E. 400 S., Suite 600, Salt Lake City. Free. Details are at wbcutah.org.

Oct. 17, 7-8:30 p.m.

Contactos, a Utah Hispanic Chamber of Commerce networking event. Location to be announced. Free for UHCC members, \$10 for nonmembers. Details are at utahhcc.com.

Oct. 18, 8-10 a.m.

Utah County Speednet, a Utah Valley Chamber speed networking event. Location is SCERA Center for the Arts, 745 S. State St., Orem. Free. Details are at thechamber.org.

Oct. 18, 8-10 a.m.

Third Fridays Speed Networking, a South Jordan Chamber of Commerce event. Location is Megaplex 20, 3761 W. Parkway Plaza Drive, South Jordan. Details are at southjordanchamber.org.

Oct. 18, noon-1 p.m.

Silicon Slopes Live, a lunch and live recording of a Silicon Slopes podcast featuring Landon Ainge, senior vice president

at Gabb Wireless. Location is Silicon Slopes, 2600 W. Executive Parkway, Suite 140, Lehi. Free. Details are at siliconslopes.com.

Oct. 19, 7:30-8:30 a.m.

Eggs & Issues, a Murray Area Chamber of Commerce event. Location is Anna’s Restaurant, 4700 S. 900 E., Murray. Free unless ordering from the menu. Open to everyone. Details are at murraychamber.org.

Oct. 21, 11:30 a.m.-1 p.m.

Business Coaching, a West Jordan Chamber of Commerce event. Speaker is Greg Cassat of Zions Bank. Location is West Jordan Chamber office, Mountain America Credit Union, 3065 W. 5400 S., Taylorsville. Free. Details are at westjordanchamber.com.

Oct. 22-24

Utah Outdoor Recreation Summit, with the theme “Roots & Routes: Preserving Our Past and Forging Our Future.” Location is Dixie Center, 1835 S. Convention Center Drive, St. George. Cost is \$155. Details are utahoutdoor-summit.com.

Oct. 22, 7:30 a.m.-2:30 p.m.

2019 Women Empowered Conference, with the theme “Rise Up,” an Ogden-Weber Chamber of Commerce event. Location is Ogden Eccles Conference Center, 2415 Washington Blvd., Ogden.

Cost is \$65 for WIB members, \$75 for general attendees. Details are at ogdenweberchamber.com.

Oct. 22, 8 a.m.-2:30 p.m.

Intermountain CFO Summit, hosted by Advanced CFO. Location is Utah Cultural Celebration Center, 1355 W. 3100 S., West Valley City. Cost is \$299. Registration can be completed at Eventbrite.com.

Oct. 22, 8-11:30 a.m.

“Performance Management Essentials,” an Employers Council event. Location is Employers Council, Utah office, 175 W. 200 S., Suite 2005, Salt Lake City. Cost is \$145. Details are at employerscouncil.org.

Oct. 23, 7:30-8:30 a.m.

Coffee Connection, a Holladay Chamber of Commerce event. Location is 3 Cups, 4670 Holladay Village Plaza, Suite 104, Holladay. Details are at holladaychamber.com.

Oct. 23, 8-9:30 a.m.

Chamber Launch, a Salt Lake Chamber networking event. Location is Maud’s Café, 422 W. 900 S., Salt Lake City. Free. Details are at slchamber.com.

Oct. 23, 11:30 a.m.-1 p.m.

“Why Your Business Should be Certified as Woman-Owned,” a Women’s Business Center of

Utah event. Presenter is Elly Bacon, director of community development and engagement for the Women’s Business Enterprise Council-West. Location is the Women’s Business Center of Utah, 175 E. 400 S., Suite 600, Salt Lake City. Free for NAWBO member and WBCUtah clients, \$15 for nonmembers and nonclients. Details are at wbcutah.org.

Oct. 23, 3-5 p.m.

“Purchasing a Business or Franchise,” a Utah Microloan Fund event. Speaker is Diane Hartz Warsoff, CEO/co-owner of Transworld Business Advisors of Utah County. Location is Utah Microloan Fund, 154 E. Ford Ave., Suite A, Salt Lake City. Free. Registration can be completed at Eventbrite.com.

Oct. 24, 8 a.m.-3 p.m.

“2019 WeROC (Women Entrepreneurs Realizing Opportunities for Capital),” a VentureCapital.org event. Keynote speakers are Mary-Lou Smulders, chief marketing officer, 9th Gear; and Doreen Benson of Benson Funds. Location is Salt Lake Community College’s Miller Conference Center, 9750 S. 300 W., Sandy. Cost is \$95, \$25 for students, \$50 for kickoff reception Oct. 23. Registration can be completed at Eventbrite.com.

Oct. 24, 11:30 a.m.-1 p.m.

Fall Monthly Lunch, a

Murray Area Chamber of Commerce event. Location is Brio Tuscan Grill, Fashion Place Mall, 6173 State St., Murray. Cost is \$25, \$30 after Oct. 22 and at the door. Details are at murraychamber.org.

Oct. 24, 5-7 p.m.

Business After Hours, a Salt Lake Chamber event. Location is Sheraton Salt Lake City Hotel, 150 W. 500 S. Salt Lake City. Cost is \$7 for members before Oct. 17, \$10 for members the week of the event, \$15 for nonmembers. Details are at slchamber.com.

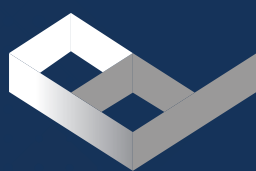
Oct. 24, 6-9 p.m.

Titan Awards, a South Valley Chamber event. Honorees are Gov. Gary Herbert; Natalie Gochnour, director of the Kem C. Gardner Policy Institute and associate dean of the David Eccles School of Business at the University of Utah; and Nick Rimando of Real Salt Lake. Location is Little America Hotel, 500 S. Main St., Salt Lake City. Cost is \$300. Registration can be completed at Eventbrite.com.

Oct. 24

Small Business Development Center (SBDC) Clinics, including “Legal Clinic,”

see CALENDAR page 13



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Opinion

Cronyism yields bumper crop farm bailouts; Where's the outrage?

Stan Veuger of the American Enterprise Institute recently complained on Twitter that those who cared about cronyism when Barack Obama was president are suddenly very quiet about Pres. Donald Trump's bailout of farmers. There is some truth to his complaint.

But first, it's wrong to say that everyone has been silent. The National Taxpayers Union, the Cato Institute and others have complained and written against the bailouts. It's also wrong to assume that those, like me, who haven't made the bailouts a central focus of their work in spite of their past opposition to cronyism are silent for political reasons. Many of us are simply overextended, fighting the multi-front attacks against freedom launched by Trump, the Democratic House, the Republican Senate and the Democratic presidential candidates.

Cronyism is the unhealthy marriage between corporations, or other special interests, and the government. And farmers have been willing participants in this relationship for decades, at the expense of taxpayers and good economic policy. They've received subsidies and other government-granted

privileges despite being relatively well-off and part of an industry that's not more subjected to adversity than many others. Conservative, free market and even left-wing advocates have used buckets of ink complaining about the handouts.

On closer inspection, it's obvious that these farm bailouts are the culmination of everything that is wrong with cronyism. They came about after the president imposed duties on steel and aluminum in order to protect those industries from competition, which is cronyism. Then China, the European Union, Canada and Mexico retaliated by targeting U.S. agricultural exports. From soybean to corn farms, from steel nails to bicycles, this trade war is hurting many businesses, some of which are closing their doors.

But none of Trump's trade war victims are as powerful and important a voting bloc as farmers, who secured two agriculture bailouts over the past two years, totaling \$28 billion — so far. For perspective, Bloomberg reminds us that this "farm rescue is more than twice as expensive as the 2009 bailout of Detroit's Big Three automakers, which cost taxpayers \$12 billion."

Many Republicans at the time rightfully decried the auto bailout, yet most have nothing to say about the farm bailouts. Many have even joined in and demanded more for the farmers in their states.

Like regular farm subsidies, these bailouts are designed to shower largesse on the biggest farms. According to the Environmental Working Group, an outfit that has long opposed farm subsidies, one-tenth of the bailout recipients last year have received over half of the bailout payments, and 82 farmers have each received more than \$500,000. Their report also notes that the top 1 percent of recipients of trade relief received \$183,331 on average. The bottom 80 percent received less than \$5,000 on average. It doesn't sound right, because smaller farms must be hurting the most. But it's naive to expect sensible policies from those who tried plugging a hole created by the trade war by paying out farmers rather than lifting the tariffs.

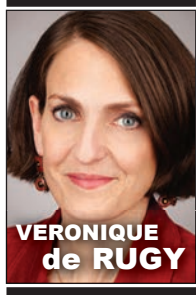
But that's precisely what's so disgusting about cronyism. It is, at its core, an exchange of government favors for loyalty in the voting booth. Nowhere is that more obvious than here. In fact, Trump almost seems proud of it, as he demonstrated during a recent call with farmers when he reminded

them of the bailouts, saying, "I hope you like me even better than you did in '16." It's likely no coincidence that Midwestern states such as Indiana and Iowa, which backed Trump in 2016, will receive large payments just before the midterm elections. It could also explain why fruit growers in California or lobster farmers in Maine, both victims of the trade war but in Democratic territories, are receiving little to no bailout.

To recap: Trump started a trade war to protect his friends in the steel industry. That triggered severe retaliatory tariffs from our trade partners. Then the president, rather than lift all the tariffs, decided to extend two bailouts to farmers and farmers alone in order to ease their pain in time for the next election. And most Republicans now appear to be OK with — or silent about — this crony solution to protectionism. Paired with the fact that some of us haven't given the issue the attention it deserves, I can see why others, like Veuger, would think that conservatives are acting hypocritically. So much for principles.

Veronique de Rugy is a senior research fellow at the Mercatus Center at George Mason University in Fairfax, Virginia.

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VERONIQUE de RUGY



MARC THIESSEN

Once again the Democrats' conclusions are ahead of the evidence

Fareed Zakaria is off this week. Marc A. Thiessen is filling in.

Remember when Democrats insisted that Pres. Trump was "working on behalf of the Russians," only to have special counsel Robert Mueller declare he "did not establish that members of the Trump Campaign conspired or coordinated with the Russian government in its election interference activities"?

Well, we now have the rough transcript for Trump's call with Ukrainian Pres. Volodymyr Zelensky and it's clear that, once again, Democrats got ahead of the evidence.

Keep in mind, when this story broke, *The Washington Post* reported that "two former U.S. officials" said "Trump's interaction with the foreign leader included a 'promise' that was regarded as so troubling that it prompted an official in the U.S. intelligence community to file a formal whistleblower complaint" (emphasis added). Well, it turns out Trump makes no "promise" anywhere in the transcript. He makes no threats, either. Indeed, it was Zelensky who raised the issue of investigating corruption, not Trump. "We wanted to drain the swamp here in our country ... You are a great teacher for us and in that," he told the president.

NBC's Katy Tur claimed that the transcript shows Trump said, "Will you do me a favor and investigate Vice President Biden's son?" No, he didn't. When Trump asked Zelensky to "do us a favor," it had nothing to do with Biden. According to the

transcript, he was asking Zelensky to cooperate with an official Justice Department investigation into the origins of the Mueller probe that is being led by U.S. Attorney John Durham, a career prosecutor. A Justice Department spokesman says Durham is "exploring the extent to which a number of countries, including Ukraine, played a role in the counterintelligence investigation directed at the Trump campaign during the 2016 election."

In his complaint, the whistleblower (who admits "I was not a direct witness to most of the events described") describes Trump asking Zelensky to cooperate with this investigation as an effort "to advance his personal interests." That is ridiculous. Since when is it inappropriate for the president of the United States to ask a foreign leader to cooperate with an official Justice Department investigation?

The transcript also backs up Trump's claim that he put a temporary hold on some U.S. military aid to Ukraine because he was concerned that the European allies were not doing enough. During the call, Trump tells Zelensky the United States is doing "much more than the European countries are doing and they should be helping you more than they are." Zelensky responds: "Yes you are absolutely right. Not only 100 percent, but actually 1000 percent." He tells Trump that German Chancellor Angela Merkel and French President Emmanuel Macron "are not working as much as they should work for Ukraine," and says that "the European

Union should be our biggest partner but technically the United States is a much bigger partner than the European Union." The whistleblower offers no evidence that Trump had any other motivation.

What about Biden? Multiple news reports suggested Trump "repeatedly pressured the president of Ukraine to investigate Joe Biden's son." Turns out Trump only mentions Biden by name toward the end of the call. He tells Zelensky, "The other thing, there's a lot of talk about Biden's son, that Biden stopped the pros-

ecution and a lot of people want to find out about that so whatever you can do with the attorney general would be great.

"Biden went around bragging that he stopped the prosecution so if you can look into it. ... It sounds horrible to me."

Should Trump have done this? Absolutely not. But the reality of this call is a far cry from overheated charges that Trump used U.S. aid to repeatedly

see THIESSEN page 23



CALENDAR

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"Intellectual Property Seminar," "Health Insurance Clinic" and "Accounting Clinic." All are 6-7 p.m. Location is the Orem/Provo SBDC, Utah Valley University, 815 W. 1250 S., Orem. Details are at <https://clients.utahsbdc.org/events.aspx>.

Oct. 25, 7:30-8:30 a.m.

Eggs & Issues, a Murray Area Chamber of Commerce event. Speaker is Carlton Christenson, chairman of the board of trustees at UTA. Location is Anna's Restaurant, 4700 S. 900 E., Murray. Free unless ordering from the menu. Open to everyone. Details are at murraychamber.org.

Oct. 25, 8-9 a.m.

CFO Forum, a Silicon Slopes event focusing on hot tax topics and what has been learned after one year of tax reform. Speaker is Doug Meyers, partner at WSRP. Location is Silicon Slopes, 2600 W. Executive Parkway, Suite 140, Lehi. Free. Details are at siliconslopes.com.

Oct. 25, 9-10 a.m.

Pitch Clinic, a West Jordan Chamber of Commerce event for business development professionals to hone their skills in delivering a powerful elevator pitch. Location is Mountain America Credit Union, 3065 W. 5400 S., Taylorsville. Free for chamber members, \$10 for nonmembers. Details are at westjordanchamber.com.

Oct. 25, noon-1 p.m.

Women in Business Brown Bag Lunch, a West Jordan Chamber of Commerce event. Location is Residence Inn, 7558 S. Plaza Center Drive, West Jordan. Free. Details are at westjordanchamber.com.

Oct. 25, noon-1 p.m.

"Startup Conversation," a Silicon Slopes event featuring Todd Pedersen, CEO and founder of Vivint. Location is Kiln Lehi, 2701 N. Thanksgiving Way, Suite 100, Lehi. Free. Details are at siliconslopes.com.

Oct. 29, 6:30-9 p.m.

"Instagram: A Beginner's Guide to Winning on the Platform," a Small Business Development Center (SBDC) event. Location is the Salt Lake SBDC, Salt Lake Community College's Miller Campus, Corporate Partnership Center, Building 5, 9690 S. 300 West, Sandy. Cost is \$19.95. Details are at <https://clients.utahsbdc.org/events.aspx>.

Oct. 30, 8 a.m.-noon

"Fair Labor Standards Act Essentials," an Employers Council event. Location is Employers Council, Utah office, 175 W. 200 S., Suite 2005, Salt Lake City. Cost is \$145. Details are at employerscouncil.org.

Oct. 30, noon-1:30 p.m.

"Education & Workforce Forum: Utah's Dual Mission Universities," a Salt Lake Chamber event. Presidents of three universities will discuss their dual-mission model to provide more flexibility, access to quality education and options for transfer/stackable credentials for students. Panelists are Astrid Tuminez, Utah Valley University; Brad Mortensen, Weber State University; and Richard Williams, Dixie State University. Location is the Salt Lake Chamber, 175 E. 400 S., Suite 600, Salt Lake City. Cost is \$20. Details are at slchamber.com.

Oct. 31, 11:30 a.m.-1 p.m.

Lunch & Learn, a Murray Area Chamber of Commerce event. Location to be announced. Cost is \$20 for members, \$25 for guests. Details are at murraychamber.org.

Nov. 1, 8

Government Affairs Bootcamp 2019, a Salt Lake Chamber event. Activities take place 8 a.m.-noon each day. Activities are designed for new and experienced government affairs professionals, company executives and public policy advocates to learn how to improve their effectiveness and understanding of advocating in the state of Utah. Location is State Capitol Board Room, 350 State St., Salt Lake City. Cost is \$500 for chamber members, \$750 for nonmembers. Details are at slchamber.com.

Nov. 1, 8-9 a.m.

Silicon Slopes Breakfast with Ryan Napierski, president, and Ritch Wood, CEO, both from Nu Skin. Location is Silicon Slopes, 2600 W. Executive Parkway, Suite 140, Lehi. Free. Details are at siliconslopes.com.

Nov. 1, 8-10 a.m.

First Friday Face-to-Face, a West Jordan Chamber of Commerce business-to-business networking event. Location is the Megaplex Theatres at The District, 3761 W. Parkway Plaza Drive, South Jordan. Free. Details are at <http://firstfridaysnetworking.com/>.

Nov. 1, 8-10 a.m.

Business and Education Partnership Awards/Friday Forum, a Utah Valley Chamber event with the theme "How Are Utah County Businesses Partnering with Education?" Location is Utah Valley Convention Center, 220 W. Center St., No. 200, Provo. Cost is \$30 for chamber members. Details are at thechamber.org.

Nov. 5, 8:30 a.m.-12:30 p.m.

"Unemployment Insurance Essentials," an Employers Council event. Location is Employers Council, Utah office, 175 W. 200 S., Suite 2005, Salt Lake City. Cost is \$145. Details are at employerscouncil.org.

Nov. 5, 9-11 a.m.

"Jump Start: Intro to Entrepreneurship," a Women's Business Center of Utah event. Location is the Women's Business Center of Utah, 175 E. 400 S., Suite 600, Salt Lake City. Free. Details are at wbcutah.org.

Nov. 5, 11 a.m.-1 p.m.

"Best of the West," recognizing businesses on the west side of Salt Lake County. Location is Conservation Garden Park, 8275 S. 1300 W., West Jordan. Details are at saltlakesbestofthewest.com.

Nov. 5, 11:30 a.m.-1 p.m.

"Let's Do Lunch," a South Jordan Chamber of Commerce event. Location is Holiday Inn, 10499 S. Jordan Gateway, South Jordan. Details are at southjordanchamber.org.

Nov. 5, 11:30 a.m.-1 p.m.

Business Alliance Networking Luncheon, a Davis Chamber of Commerce event. Location is Boondocks Fun Center, 525 Deseret Drive, Kaysville. Free. No RSVP required. Details are at davischamberofcommerce.com.

Nov. 7, 7:30 a.m.-4 p.m.

2019 Utah Life Sciences Summit, a BioUtah event. Location is Marriott Downtown at City Creek, 75 S. West Temple, Salt Lake City. Details are at <https://members.bioutah.org/events/details/2019-utah-life-sciences-summit-attendee-registration-5015>.

Nov. 7, 8 a.m.-noon

"Employment Law Essentials for Supervisors and Managers," an Employers Council event. Location is Employers Council, Utah office,

see **CALENDAR** page 22

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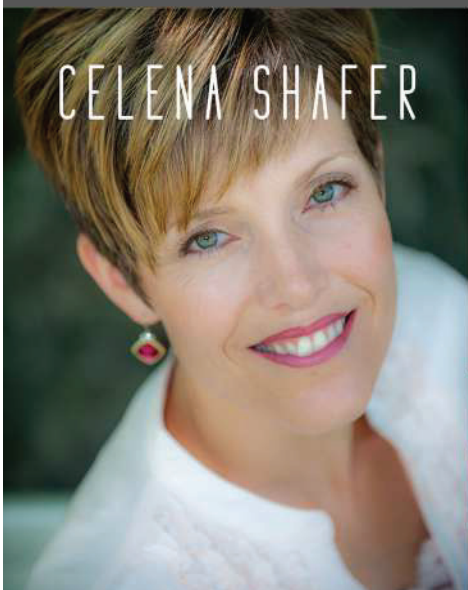
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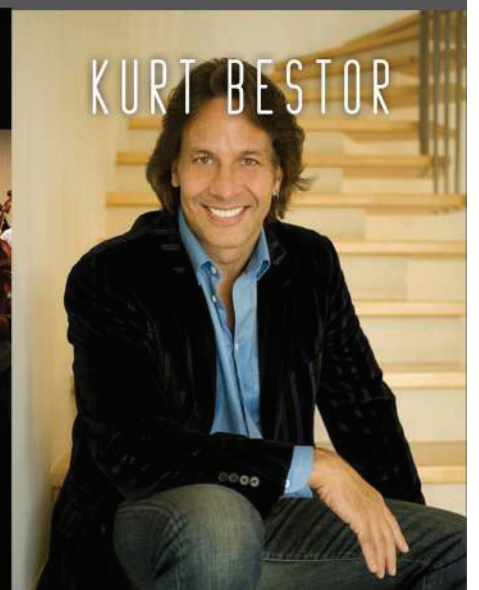


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INSIDE



Google as a reference?

Social media is a good way to check up on potential employees, but attorney Michael Stanger says there are some important boxes to check before you rely on Facebook or Instagram to qualify — or disqualify — a candidate.

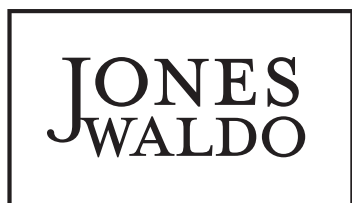
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Law List

Utah Law Firms

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BIG CHANGES COMING?

The Utah Work Group on Regulatory Reform has released its recommendations to the Utah Supreme Court - and that could mean changes like client solicitation and nonlawyer ownership are on the way

In late 2018, the Utah Supreme Court organized the Utah Work Group on Regulatory Reform and tasked that Work Group with finding ways to change the regulations governing the practice of law to encourage innovation and expand the legal market. The goal of these changes was straightforward: increase access to affordable legal services.

The Work Group, headed by Supreme Court Justice Deno Himonas and John Lund, past president of the Utah Bar Association, issued its report and recommendations in August, proposing reforms that, if adopted, could dramatically change the practice of law in Utah and, hopefully, provide people with access to quality, affordable legal services.

The foundation of the Work

Group's report is a driving concern that many people in Utah cannot find affordable legal services. Citing national statistics, the Work Group noted that low-income Americans are the ones most likely to go it alone in dealing with legal issues. It appears to be that way in Utah, too.

Pointing to cases in Utah's 3rd District Court (the trial court network that handles cases in Salt Lake, Summit and Tooele counties), the Work Group

observed that "the idealized adversarial system in which both parties are represented by competent attorneys is not flourishing in Utah. At least one party was unrepresented throughout the entirety of the suit in 93 percent of all civil and family law disputes disposed of in the 3rd District in 2018."



CORY TALBOT

Against that backdrop, the Work Group made two sweeping recommendations to increase access to affordable legal services. First, the Work Group proposed that the Utah Supreme Court "substantially loosen restrictions on the corporate practice of law, lawyer advertising, solicitation, and fee arrangements, including referrals and fee sharing." These loosened restrictions would, among other things, allow lawyers to directly solicit people needing legal assistance, to enter into partnerships with nonlawyers and to share fees with nonlawyers.

These changes are already underway, as a separate committee is currently working through amendments to the Utah Rules of Professional

see WORK GROUP page 17



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WORK GROUP

from page 15

Conduct, the rules that govern lawyers in the practice of law.

Second, the Work Group recommends the creation of a new regulatory body to oversee legal services in Utah under the direction of the Utah Supreme Court. One very interesting role the Work Group envisions for the regulatory body would be to oversee a “regulatory sandbox,” that is, “a policy structure that creates a controlled environment in which new consumer-centered innovations, which may be illegal (or unethical) under current regulations, can be piloted and evaluated.” In other words, the regulatory body would, in part, provide a testing ground for new types of legal services. The regulatory body would then evaluate how these services worked (or didn’t work) with a focus on risk to the consuming public and use that data to recommend policy changes to the Utah Supreme Court.

Based on its report, the Work Group seems to believe that these changes will allow for “disruptive innovation,” or simply “disruption,” in the Utah legal market. The key to this disruption is technology. Put simply, the Work Group believes that its recommendations will provide incentives for companies to invest in technology that will make legal services — currently out of reach for many people in Utah — much more affordable and accessible.

So, what impact will this have on legal services in Utah? It’s not entirely clear. Decades ago, the District of Columbia loosened restrictions on the practice of law with similar goals of expanding legal services, and the impact was virtually nonexistent. One concern is that the same result will follow here.

Because other states have the traditional restrictions on the practice of law that Utah has, it’s very possible that technology companies will not be willing to invest significantly for services that can only be used in Utah. One answer to this problem is that, while Utah is at the forefront in loosening its restrictions on the practice of law, it may not be alone for long. Organizations in Arizona and California are considering similar changes, and state supreme courts throughout the western United States will be considering the issue over the next year. Beyond that, the success of disruption in Utah could pave the way for more states to loosen their restrictions on the practice of law.

One thing that cannot be ignored is that the changes to the Utah Rules of Professional Conduct will almost certainly have impacts in the legal market beyond efforts to address a

shortage of affordable legal services. For example, an accountant, business consultant and lawyer could form a partnership, allowing businesses to consolidate some of their outside professional services.

The Work Group’s report also shows that it is sensitive to a concern that many lawyers have about loosening restrictions on the practice of law. For example, what happens when a lawyer partners with a nonlawyer who is concerned more about profits than professional obligations?

To be clear, the changes proposed by the Work Group would not allow a nonlawyer to practice law — that still could only be done by a lawyer or other professional authorized by the Utah Supreme Court.

Here’s an example: A technology company could invest in artificial intelligence to provide estate planning

services with the assistance of lawyers who work for the technology company and advise customers of the legal impacts of their estate planning decisions. How will those lawyers respond to directions from the company to limit the time spent with customers or to purchase additional products or services regardless of the lawyers’ professional judgment about the need for those products or services? The Work Group proposes to address these concerns through robust regulatory oversight, but it’s too early to analyze whether this is, or can be, effective to address these types of situations.

One last concern to note: Utah courts are already significantly backlogged. Civil cases routinely take years from filing to trial. If the Work Group’s recommendations do create significantly greater access to legal services, will our court system be

overwhelmed? Or will it save time and resources as people can more efficiently address their legal needs? Or both?

Whatever the answers to these and other concerns, one thing is clear at this point: The recommendations in the Work Group’s report are going to be put into effect in some form, and this will happen quickly. The Utah Supreme Court’s Advisory Committee on the Rules of Professional Conduct is drafting amended rules now to address the Work Group’s recommendations.

Over the next year, we’ll all step into uncharted territory when it comes to the practice of law in Utah.

Cory Talbot is a partner at the law firm of Holland & Hart in Salt Lake City where his practice focuses on commercial litigation, antitrust and competition counseling, and healthcare matters.



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USING GOOGLE AS A REFERENCE

Should employers review applicants' social media profiles?

The ease with which information can be obtained about a job applicant through an online search means more employers are reviewing this information in the hiring process. Surveys indicate over 70 percent of employers are reviewing some portion of an applicant's social media footprint.

But, as a case involving the University of Kentucky (UK) shows, it is not without risk. Martin Gaskell was initially the leading candidate for the position of founding director of UK's MacAdam Observatory. During the search process, a member of the search committee conducted an Internet search for information about Gaskell and found his personal website containing an article titled "Modern Astronomy, the Bible and Creation." Gaskell was not hired and sued UK for religious discrimination. While the parties heavily disputed what role Gaskell's religious beliefs played in the decision not to hire him, Gaskell was able to present sufficient evidence to survive a summary judgment motion and the case ultimately settled, highlighting the risks that come with incorporating such research into the hiring process.

Those in favor of social media screening argue that it provides invaluable insight into a candidate's informal life, as opposed to the best foot a candidate may put forward in an interview. Discovery of questionable content or behavior is one of the primary reasons hiring managers say they

perform such searches. Bad matches for an employer's corporate culture can be identified and eliminated early in the process. Next, an Internet search is certainly less expensive than a formal background check, particu-

larly when screening a large candidate pool. Reviewing a candidate's LinkedIn recommendations may provide helpful information not available through a resume.



MICHAEL STANGER

Employers using social media screening reveal that they have disqualified candidates for a number of reasons:

- Provocative or inappropriate photos or videos.
- Information about the candidate drinking or using drugs.
- Discriminatory comments on race, gender, religion, etc.
- The applicant was linked to criminal behavior.
- The applicant made negative remarks about a previous employer.
- The candidate lied about an absence and bragged about this on social media.

While social media can yield valuable hiring information, there are significant negatives to consider as well. Will the candidate view the search as an unreasonable invasion of privacy? Some candidates may be alienated and withdraw from the process rather than consent to a search. Will the search yield false positives, with the candidate being confused with another person of the same name? Perhaps most concerning, the search may provide

the employer with information that could be the basis an unlawful decision. Social media may reveal a candidate's religion, sexual orientation, the year she graduated from high school (and thus her likely age) and a whole universe of information related to protected classes she may belong to. This information could potentially taint a hiring decision and render it subject to later legal challenges.

Finally, employers using social media screening may subject themselves to a negligent hiring lawsuit. Consider, for example, a company that hires a driver who is later involved in a serious accident, when the same employee had posted videos on Facebook highlighting his reckless driving. Will the employer be held liable for negligence for not using this readily available information when deciding to hire the driver?

Employers who decide that the pros of social media screening outweigh the cons can implement a number of helpful best practices to help minimize the risk that an unfavorable hiring decision is later challenged as having been tainted by a social media search. These include:

- Informing applicants that a search may be conducted and obtaining written consent for the search. Ideally, this will include informing the candidate about the scope of the search.
- Establishing uniform guidelines for Internet/social media screening. Employers should establish a fixed set of social media sites for all applicants,

along with a list of lawful information/criteria to be included in each search, focusing on the candidate's fitness for the job. The results of the search should be documented in writing and screenshots containing information that may be relevant to the hiring decision saved.

- To avoid the taint that may arise if the search yields information that could be the basis of an unlawful decision, the search should be conducted by a non-decision-maker. This could include outsourcing the screening work to a third party. In this way, only job-related information is passed on to the decision-maker and protected characteristics are scrubbed.

- Where possible, negative information discovered during the search should be independently verified from other sources, including the applicant themselves.

- Focus on candidates' professional lives. While some off-the-job behavior is clearly disqualifying, the primary focus should be on how candidates interact in their professional communities.

- The search should not involve "friending" applicants in order to gain access to nonpublic portions of their social networking profiles.

By following these guidelines, employers can minimize the risk that their use of social media screening leads to a later legal challenge.

Michael D. Stanger is a shareholder at the Salt Lake City law firm Strong & Hanni. He specializes in commercial litigation along with construction and employment law.

IMPORTANT POINTS TO CONSIDER WHEN YOU OWE THE IRS MONEY

Navigating tax controversy and the Internal Revenue Service (IRS) can be daunting. It is important to consider specific factors when dealing with the IRS and, in some cases, to seek the advice of a legal expert. The following are key points to consider when dealing with the IRS:

Make sure it isn't a scam. The first thing to do when you receive notice that you owe the IRS money is to verify that it is not a scam. You can go online to locate the correct official IRS phone number to confirm that you in fact owe money. You will have to wait on hold, but it is better to wait on hold than to fall victim to a scammer. Tax attorneys have access to a practitioner priority phone line — not available to the layperson — that can expedite the process.

Gather information. It is crucial to figure out how much you owe, whether all of your tax returns have been filed and whether you have any upcoming compliance or appeal deadlines. Once you are in communication with the IRS, you can ask these questions and determine everything the IRS expects you to do to get back into full compliance.

Come into current compliance. Aside from dealing with taxes you may owe for the past, you should make sure you are in current compliance with tax withholding, filing returns and other requirements. This is important because if you are not in compliance, the IRS will not allow you to get on a payment plan and will not accept an "offer in compromise" (an agreement between a taxpayer and the IRS that settles the taxpayer's tax liabilities for less than the full amount owed). If you remain out of compliance, the IRS might resort to seizing your bank accounts, wages or other assets.

If the IRS is wrong, challenge the tax assessment. The IRS might say you owe them money, but that doesn't mean they are right. Every individual has a unique situation with the IRS. It is often helpful to find a professional who is well-versed in tax law to look at the IRS documents you receive and verify that the tax assessment is correct. For instance, if you are audited, it is important to make sure that the IRS gives you all the deductions and credits you are entitled to. You should challenge the IRS if the tax assessment is incorrect.

Seek to get penalties reduced or removed. Even if the IRS assessed the right amount of tax, in many circumstances you can file a request to remove or reduce penalties. Sometimes there are really good reasons why someone was not able to file returns

or pay taxes on time, such as illness or a death in the family. The IRS may reduce or remove penalties if they receive a proper penalty abatement request.



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If you can afford to pay the debt, set up a payment plan. If you think that you have the ability to pay the debt, even if it might take a few years, you can set up a payment plan and pay in increments over time. Setting up a payment plan keeps the IRS from continuing to threaten you and from seizing your assets.

If you cannot afford to pay the debt, file an offer in compromise. If

the amount you owe is so big that you do not think you can pay it in full, you can file an offer in compromise. The goal of an offer in compromise is to get the IRS to accept a full settlement based on your ability to pay. In this scenario, the offer in compromise is not based on how much you owe, but on how much money you have and currently earn.

If applicable, request innocent spouse relief. Sometimes the IRS comes after a person because that person's spouse was hiding income. A common situation is that one spouse is making money but not reporting the extra income.

If the couple filed a joint tax

return, this can leave the innocent spouse responsible for the other spouse's misconduct. In this situation, a request for innocent spouse relief can free the innocent spouse from tax liability.

In rare cases, bankruptcy, a lawsuit or another strategy may be appropriate. Not every situation fits neatly into one of the usual boxes. Some circumstances require a unique approach, which is why it is helpful to get the advice of a tax law practitioner. Doing so can cut costs and eliminate the anxiety of trying to deal with the IRS by yourself.

Do you also owe taxes to your state? A lot of times, people overlook state tax obligations because they are relatively small compared to federal taxes. However, it can make sense to resolve both state and federal taxes at the same time.

Samuel A. Lambert is an attorney with the firm of Ray Quinney & Nebeker in Salt Lake City. He helps clients resolve audits, appeals and collection issues with the IRS, the Utah State Tax Commission, and county boards of equalization.



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LAW FIRMS

Ranked by Number of Utah Attorneys



	Company Name Address	Phone Web	No. of Utah Attorneys	No. National Attorneys	No. of Utah Partners	No. of Utah Paralegals	No. Utah F/T Employees	No. National Locations	Areas of Specialty	Year Est.	Managing Partner
1	Kirton McConkie Kirton McConkie Bldg. 50 E. South Temple, SLC, UT 84111	801-328-3600 kmclaw.com	146	146	81	20	254	1	Corporate, real estate, IP, litigation, employment & labor, tax & estate planning, international, First Amendment, franchising, construction, gov. & utilities, bankruptcy	1964	Lee A. Wright
2	Parsons Behle & Latimer 201 S. Main St., Ste. 1800 SLC, UT 84111	801-532-1234 parsonsbehle.com	112	155	79	7	190	5	Full-service corporate law firm	1882	Hal J. Pos
3	Ray Quinney & Nebeker PC 36 S. State St., Ste. 1400 SLC, UT 84111	801-532-1500 rqn.com	102	102	66	6	176	1	Full-service law firm	1940	Arthur B. Berger
4	Durham Jones & Pinegar 111 S. Main St., Ste. 2400 SLC, UT 84111	801-415-3000 djplaw.com	93	93	60	14	123	4	Corporate, estate planning, real estate, intellectual property, litigation	1991	N. Todd Leishman
5	Holland & Hart LLP 222 S. Main St., Ste. 2200 SLC, UT 84111	801-799-5800 hollandandhart.com	77	428	44	8	128	16	Corporate, environmental, healthcare, labor & employment, litigation, real estate	1947	Thomas R. O'Donnell
6	Parr Brown Gee & Loveless PC 101 S. 200 E., Ste. 700 SLC, UT 84111	801-532-7840 parrbrown.com	76	76	54	8	111	1	Business & finance, commercial litigation, bankruptcy, workouts & creditors' rights, construction law services, employment law, international services, natural resources law, real estate law, tax, technology	1975	Robert A. McConnell
7	Stoel Rives LLP 201 S. Main St., Ste. 1100 SLC, UT 84111	801-328-3131 stoel.com	75	350	35	11	82	10	Energy and natural resources, litigation, corporate and intellectual property	1907	Matt Moscon (UT), Jim Torgerson (Companywide)
8	Strong & Hanni Law Firm 102 S. 200 E., Ste. 800 SLC, UT 84111	801-532-7080 strongandhanni.com	71	71	56	20	136	2	Business and litigation	1888	Braden P. Jackson
9	Dorsey & Whitney LLP 111 S. Main St., 21st Floor SLC, UT 84111	801-933-7360 dorsey.com	67	587	31	12	113	19	Corporate, securities, M&A, private equity, bankruptcy, financial restructuring, litigation, natural resources, environment, IP, international, white collar defense	1912	Nolan S. Taylor
9	Snell & Wilmer , Gateway Tower West 15 W. South Temple, Ste. 1200 SLC, UT 84101	801-257-1900 swlaw.com	67	433	24	5	115	11	*	1938	Wade R. Budge Brian D. Cunningham
11	Fabian VanCott PC 215 S. State St., Ste. 1200 SLC, UT 84111	801-531-8900 fabianvancott.com	66	73	30	4	88	2	*	1874	Kyle C. Jones
12	Jones Waldo Holbrook & McDonough 170 S. Main St., Ste. 1500 SLC, UT 84101	801-521-3200 joneswaldo.com	63	64	31	7	99	4	Real estate, litigation, corporate and securities	1875	Keven Rowe
13	Snow Christensen & Martineau 10 Exchange Place, 11th Floor SLC, UT 84111	801-521-9000 scmlaw.com	55	55	34	14	110	2	Corp. and bus. planning, commercial disputes, commercial RE, construction, employment, estate planning, family law, gov. defense, healthcare, insurance, professional liability, taxation, transportation, white collar defense	1886	Rodney R. Parker (President)
14	Workman Nydegger PC 60 E. South Temple, Ste. 1000 SLC, UT 84111	801-533-9800 wnlaw.com	46	46	31	7	94	2	Intellectual property prosecution & litigation	1984	Thomas R. Vuksinick
15	Maschoff Brennan 111 S. Main St., Ste. 600 SLC, UT 84111	801-297-1850 mbr.com	40	50	26	4	82	5	Intellectual property & complex litigation	2011	Eric L. Maschoff
15	Richards Brandt Miller Nelson 299 S. Main St., Ste. 1500 SLC, UT 84111	801-531-2000 rbmn.com	40	40	24	9	80	1	Litigation, business, construction, family, estate planning and immigration	1978	Mark Sumsion
17	Clyde Snow & Sessions 201 S. Main St., Ste. 1300 SLC, UT 84111	801-322-2516 clydesnow.com	37	38	23	3	53	2	Business, NR, labor & employment law, gov./ independent, WCC & regulatory defense, civil litigation, banking, family law, trusts/estates	1951	Edwin C. Barnes President
18	Thorpe North & Western LLP 8180 S. 700 E., Ste. 350 Sandy, UT 84070	801-566-6633 tnw.com	27	28	13	5	38	2	Intellectual property, patents, trademarks and copyright, including prosecution and litigation	1979	Garron Hobson
19	Ballard Spahr LLP One Utah Center, Ste. 800 201 S. Main St., SLC, UT 84111	801-531-3000 ballardspahr.com	26	645	10	4	47	15	Real estate, complex litigation, employment, corporate, emerging growth, government relations, consumer financial services	1885	Mark Gaylord,
19	Cohne Kinghorn PC 111 E. Broadway, 11th Floor SLC, UT 84111	801-363-4300 cohnekinghorn.com	26	26	22	2	34	1	Business, bankruptcy, real estate, litigation, healthcare, divorce	1975	John Bradley
21	TraskBritt PC 230 S. 500 E., Ste. 300 SLC, UT 84102	801-532-1922 traskbritt.com	21	21	6	6	50	1	Intellectual property	1973	H. Dickson Burton
22	Smith Hartvigsen PLLC 257 E. 200 S., Ste. 500 SLC, UT 84111	801-413-1600 smithhartvigsen.com	12	12	7	2	25	1	Water law, environmental law, redevelopment law and contract law	2002	J. Craig Smith
23	Babcock Scott & Babcock 370 E. South Temple, Ste. 400 SLC, UT 84111	801-531-7000 babcockscott.com	10	10	7	1	12	1	Construction law	2000	Robert F. Babcock



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CALENDAR

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175 W. 200 S., Suite 2005, Salt Lake City. Cost is \$145. Details are at employerscouncil.org.

Nov. 7, 9-10 a.m.

"Coffee With Clancy: Growing a Successful Workforce and Retention," a Women's Business Center of Utah event featuring Clancy Stone, business advisor for the northern region for the Women's Business Center of Utah; and Teri Nielsen, director of sales for TalentTeam. Location is Delice Bakery & Café, 2747 State St., Salt Lake City. Free. Details are at www.wbcutah.org.

Nov. 7, 11:30 a.m.-1 p.m.

Lunch & Learn, a Murray Area Chamber of Commerce event. Speaker is from Platinum HR. Location to be announced. Cost is \$20 for members, \$25

for guests. Details are at murraychamber.org.

Nov. 8, 7:30 a.m.-noon

Fall 2019 Nubiz Symposium. Location is Weber State University, Shepherd Union Building, 3910 W. Campus Drive, Ogden. Cost is \$49 (two-for-one admission for chamber members). Details are at ogdenweberchamber.com.

Nov. 8, 7:45-9 a.m.

Women in Business Networking, an Ogden-Weber Chamber of Commerce event. Location is Weber Center, 2380 Washington Blvd., Ogden. Free for WIB members. Details are at ogdenweberchamber.com.

Nov. 12, 8 a.m.-3 p.m.

43rd Annual Women & Business Conference and Athena Awards Luncheon, a Salt Lake Chamber event. Location is Grand America Hotel, 555 S. Main St., Salt Lake City. Cost is \$85 for

members, \$100 for nonmembers; \$20 for members and \$5 for nonmembers for conference only; \$65 for members and \$75 for nonmembers for lunch only. Details are at slchamber.com.

Nov. 12, 8:30-11 a.m.

"Patents: Everything a Business Owner Needs to Know," a Small Business Development Center (SBDC) event. Location is the Salt Lake SBDC, Salt Lake Community College's Miller Campus, Corporate Partnership Center, Building 5, 9690 S. 300 West, Sandy. Cost is \$19.95. Details are at <https://clients.utahsbdc.org/events.aspx>.

Nov. 12, 10-11:30 a.m.

"How to Become a Leader People Will Follow," a West Jordan Chamber of Commerce event. Location is Mountain America Credit Union, 3065 W. 5400 S., Taylorsville. Free for chamber members, \$10 for nonmembers. Details are at westjordanchamber.com.

Nov. 13, 8-9:30 a.m.

"Expect the Unexpected: Emerging Issues in Employment Law," part of the Legal Breakfast Briefing Series offered by Employers Council. Location is Employers Council, Utah office, 175 W. 200 S., Suite 2005, Salt Lake City. Cost is \$99. Details are at employerscouncil.org.

Nov. 13, 11:30 a.m.-1 p.m.

Lunch & Learn, a South Jordan Chamber of Commerce event. Discussion is "Six Fraud Lessons." Location is Brick Oven, 10622 S. River Front Parkway, South Jordan. Cost is \$25 for members, \$30 for nonmembers. Details are at southjordanchamber.org.

Nov. 13, 5-7 p.m.

Business After Hours, an Ogden-Weber Chamber of Commerce networking event. Location is McKay-Dee Hospital, 4401 Harrison Blvd., Ogden. Free for chamber members and first-time guests, \$10 for nonmember

guests. Details are at ogdenweberchamber.com.

Nov. 13, 6-8 p.m.

"Starting Your Business 101," a Small Business Development Center (SBDC) event. Location is the Salt Lake SBDC, Salt Lake Community College's Miller Campus, Corporate Partnership Center, Building 5, 9690 S. 300 West, Sandy. Free. Details are at <https://clients.utahsbdc.org/events.aspx>.

Nov. 14, 8-11:30 a.m.

"Performance Documentation Skills," an Employers Council event. Location is Employers Council, Utah office, 175 W. 200 S., Suite 2005, Salt Lake City. Cost is \$145. Details are at employerscouncil.org.

Nov. 14, 11:30 a.m.-1 p.m.

Lunch & Learn, a Murray

see **CALENDAR** next page



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THIESSEN

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pressure Zelensky to investigate Hunter Biden. At a news conference with Trump at the United Nations, Zelensky said the call was "normal" and "nobody pushed me."

In the complaint, the whistleblower alleges that efforts by White House officials to "lock down" the transcript are evidence of presidential wrongdoing. Or maybe they are evidence officials did not want yet another presidential conversation to leak. No president in modern times has seen more of his conversations with foreign leaders leak than Trump, including calls with Australian then-Prime Minister Malcolm Turnbull, Philippine President Rodrigo Duterte, British then-Prime Minister Theresa May and Russian President Vladimir Putin. Little wonder the administration takes measures to restrict access to transcripts of those conversations.

The irony is, thanks to the Democrats' impeachment push, the president is going to get his investigation of Joe Biden's son — except it won't be carried out by Ukraine but by the U.S. Congress.

Marc A. Thiessen is an American author and weekly columnist for *The Washington Post*. He served as a speechwriter for Pres. George W. Bush. Follow him on Twitter, @marcthiessen.

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CALENDAR

from previous page

Area Chamber of Commerce event. Speaker is Marika Roby of Residence Inn. Location to be announced. Cost is \$20 for members, \$25 for guests. Details are at murraychamber.org.

Nov. 14, 3-5 p.m.

"Jump Start: Intro to Entrepreneurship," a Women's Business Center of Utah event. Location is the Women's Business Center of Utah, 175 E. 400 S., Suite 600, Salt Lake City. Free. Details are at wbcutah.org.

Nov. 15, 8-10 a.m.

Utah County Speednet, a Utah Valley Chamber speed networking event. Location is SCERA Center for the Arts, 745 S. State St., Orem. Free. Details are at thechamber.org.

Nov. 15, 8-10 a.m.

Third Fridays Speed Networking, a South Jordan Chamber of Commerce event. Location is Megaplex 20, 3761 W. Parkway Plaza Drive, South Jordan. Details are at southjordanchamber.org.

Nov. 15, 11:30 a.m.-1 p.m.

Lunch & Discussion, a Holladay Chamber of Commerce event. Location is Fav Bistro, 1984 E. Murray Holladay Road, Holladay. Details are at holladaychamber.com.

Nov. 19, 8:30 a.m.-12:30 p.m.

"Family and Medical Leave Act Advanced Practice," an Employers Council event. Location is Employers Council, Utah office, 175 W. 200 S., Suite 2005, Salt Lake City. Cost is \$145. Details are at employerscouncil.org.

VOLUNTEERS



International Relief Teams Seeks Skilled Construction Volunteers

International Relief Teams (IRT) is seeking volunteers with construction skills (handypersons or licensed contractors) for one week deployments to U.S. flood affected areas to help those families who cannot financially recover on their own, get back into their homes. Our construction teams are currently working in Louisiana in the aftermath of last year's record floods, and anticipate we will be needed in Texas in the near future.

Although skilled construction volunteers are our first priority, we will be adding a limited number of unskilled volunteers to each team. All volunteers accepted for this assignment will be flown commercially from an airport near their home to an airport near the job site, leaving on a Sunday and returning the following Sunday. IRT will provide minivans for volunteers to use to for local transportation to and from the arrival airport and to and from the job site.

Teams will be housed at local churches or other suitable facilities. Volunteers are responsible for bringing their own bedding, towels, and toiletries. There is a \$150 volunteer participation fee to help cover airfare and local transportation costs, and volunteers are responsible for their own meals while on assignment.

Work is performed Monday through Friday (full days) and a half day on Saturday. Job assignments generally include installing windows, doors, kitchen cabinets; laying tile, linoleum, or wood flooring; building handicap ramps to the home; roofing; drywall and mudding; finish carpentry work, finishing plumbing; and other related tasks. We ask each volunteer to bring basic hand tools, such as a tool belt, hammer, pliers, putty knives, tape measure, etc. Power tools, generators, compressors, and other large specialty tools are provided by IRT and our local agency partners.

For more information, contact Brett Schwemmer (bschwemmer@irteams.org), or to apply for an assignment, fill out an online volunteer application (www.irteams.org).

About IRT: Since 1988, IRT has been actively involved in helping families in need in 68 international disasters, and 24 U.S. disasters. IRT construction teams worked for more than six years repairing and rebuilding homes in Mississippi after Hurricane Katrina, and four years in New Jersey after Superstorm Sandy, and is now working in Louisiana after last year's record floods.



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