

OF NOTE



Not so bad, after all

Utah has been found to be the No. 2 best state to live for millennials — those who reached adulthood early in this century — by the scholarship website Scholaroo. The “Best and Worst States for Millennials” study was based on 52 metrics organized into seven key indicators, including affordability, political and social environment, employment, quality of life, health, personal finance and safety. Minnesota topped all states in the report.

Innovate Utah
page 7

Industry Briefs
pages 10-11

Business Calendar
page 15

UIPA's Hedge announces surprise retirement

Brice Wallace
The Enterprise

The person who in three years advanced the Utah Inland Port from a startup to an institutional authority is retiring.

Jack Hedge was hired as executive director in June 2019 and, at his suggestion, in June of this year transitioned to the newly created role of president of the Utah Inland Port Authority. The port authority board on Sept. 7 terminated his employment due to retirement.

Board Chair Miles Hansen said before the vote that he was “a little bit surprised by, and also, frankly, disappointed.”

“I know that you have done incredible work over the past few years,” he told Hedge during the board meeting. “We’ve had many conversation about the next phase, and I appreciate your perspective,

your expertise, everything you’ve done for the inland port.”



Jack Hedge

Hansen noted that Hedge had helped new board members during the past few months as they worked on the authority’s next phase.

“And I think it’s absolutely critical for all of us to remember,” Hansen said, “when this thing started, when you came to Utah, there was nothing. There was an idea, there wasn’t a statute, there wasn’t an organization, there wasn’t a team, there wasn’t an office.”

The port authority’s goal is to improve the movement of goods into, out of and through Utah using a statewide, multimodal approach aimed at creating a robust supply chain and establishing a trade and logistics hub for the Intermountain West. Its

jurisdictional area includes 16,000 acres in Salt Lake City’s Northwest Quadrant, but it also has pushed for logistics improvements throughout the state. It says one-third of the state’s Utah’s GDP, employment and incomes depend on the logistics system.

In announcing Hedge’s retirement, the authority issued a news release crediting

see HEDGE page 17

Soon-to-open downtown hotel a convention 'game-changer'

Brice Wallace
The Enterprise

A gem on the Salt Lake City skyline. An architectural standout. A destination for locals and out-of-towners.

The leader of Visit Salt Lake has a succinct description: “game-changer.”

The soon-to-open Hyatt Regency Salt Lake City is expected to be all of those, including serving as a magnet for more and bigger conventions for Utah’s capital city.

“The Hyatt Regency is truly a game-changer when it comes to attracting and retaining new conventions and it will be a huge draw for both leisure and business travelers visiting Salt Lake,” Kaitlin Eskelson, president and CEO of Visit Salt Lake, said during a recent virtual tour of the hotel for news media.

The private nonprofit that promotes Salt Lake County as a convention and travel destination already is on track for a record year featuring the booking of 830,000



The Hyatt Regency Salt Lake City is almost ready to open and those who promote Utah's convention industry are calling the skyscraper a "game-changer" for attracting and retaining conventions for the capital city.

see NEW HOTEL page 18

Utah consumer sentiment shows August rebound

As inflation has moderated over the past several weeks, Utahns are feeling a little better about their economic situation, according to Kem C. Gardner Institute’s Consumer Sentiment Survey.

Utah’s consumer sentiment index increased from 62.9 in July to 66.0 in August after three consecutive months of decline, the survey found.

Meanwhile, a similar survey by the University of Michigan during the same period found an increase in sentiment among Americans as a whole, rising from 51.5 to 58.2.

Even though prices remain high, overall inflation has moderated, as notably seen with falling gas prices. This moderation coincides with consumer sentiment improvement in both Utah and the U.S. As expected, Utahns remain more optimistic about Utah’s economy than are Americans across the country about the nation’s economy. Even with ongoing economic challenges such as inflation and rising interest rates, jobs remain plentiful in the state, with more than two job openings for every officially unemployed person, the Gardner Institute reported. Utah’s labor market and economy have outperformed the U.S. economy for a number of years. The survey suggests Utahns expect this trend to continue.

“Utahns remain more optimistic about

see SENTIMENT page 8



New name, same commitment to You



Hybrid workers are as likely to have close work friendships as on-site workers

Workers in hybrid work environments are just as likely to have real friends at work as those who see their colleagues at work every day. Seventy percent of each of these employee groups have close work friends, according to research published by Provo-based experience management platform Qualtrics.

People who have strong enough work friendships that they would remain friends if they weren't coworkers are less likely to leave their jobs, according to the report. The study found that just 23 percent of workers with close friends at work are planning to leave within the next six months, compared to 29 percent of those who don't have close work friends. And 35 percent of employees said that the people they work with are part of their decision to stay — second only to being happy with their current responsibilities.

The new research sheds light

on one of the biggest questions about post-pandemic work-life: whether workers would form social connections without the water cooler friendships that have been a hallmark of office life. The research indicates that intentional efforts by leaders of remote and hybrid environments are paying off, and work remains a source of friendships. Just over half (51 percent) of workers say their workplace offers ways to find and connect with colleagues with similar interests, but this is more common among remote and hybrid workers, with 65 percent saying this is available. For on-site workers it's nearly reversed, with 63 percent saying their workplace does not have such offerings.

"The relationships we form at work play a very real role in our lives, whether it's commiserating over a tough challenge or celebrating a team win," said Dr. Benjamin Granger, chief workplace psychol-

ogist at Qualtrics. "Even as the way we work changes, the impact of having these social connections is clear. Fostering an environment that encourages and enables people to get to know one another makes for happier employees and can lessen turnover."

The survey found that among generations, Gen Z employees, 18-24 years old, are least likely to have friends they would stay in touch with (55 percent have such friends), while workers between 45 and 54 years old are most likely to have these enduring friendships (72 percent do).

More than half of remote and hybrid employees socialize with their coworkers both while at work as well as outside of work, the report said. Workers in hybrid environments are more likely to socialize outside the workplace, know what is going on in their coworkers' lives and be comfortable sharing information about their own

lives than those who see their coworkers in person every day.

Remote workers are significantly more likely to have daily check-ins with their team (25 percent), while on-site workers are significantly more likely to say they never have live meetings with their team (22 percent).

While remote work opens up opportunities for employees to be located across multiple time zones, it can also mean irregular working hours. Thirty-five percent

of employees have at least one recurring meeting scheduled outside of 8 a.m. to 5 p.m. This jumps to as high as 60 percent of workers with colleagues spread across five time zones.

The Qualtrics study was fielded in August and respondents were selected from a randomized panel and considered eligible if they live in the United States, are at least 18 years of age and working full-time. The total number of respondents was more than 1,000.

Shiplely has new ownership

Shiplely Associates, a Kaysville-based business development consulting and training company, has received a majority ownership investment from private equity firm Petra Capital Partners of Nashville, Tennessee, and Patriot Capital, a middle market investment firm with offices in Baltimore; Chicago; Dallas; and Charlotte, North Carolina.

The transfer of company ownership from its legacy owners to experienced investment partners positions the company to further pursue its domestic and global brand expansion, Shiplely said in a release. "The transition allows greater flexibility to meet growth requirements and provides both capital and resources to enable Shiplely to expand its global reach," the company said.

Founded in 1972, Shiplely has over 400 employees at offices worldwide.

"We are thrilled to have new investment partners who are focused on facilitating Shiplely's global growth, innovation, and leveraging of technology solutions while continuing our thought leadership role in the business-winning industry," said Todd Barnett, chairman & CEO of Shiplely. "Likewise, we appreciate the tremendous contribution of our previous ownership group and remain dedicated to providing the industry with exceptional talent through our skilled consultants, trainers and employees."

"Our operating mantra has always been one of high business ethics with an extreme focus on client success," said Brad Douglas, executive vice president of global strategy at Shiplely. "We will continue our forward-looking approach to global business-winning services to help clients succeed and win more business."

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Utah's share of Juul settlement is \$8.6 million

Utah's is set to receive \$8.6 million as its part of a nationwide settlement with e-cigarette manufacturer Juul Labs, according to an announcement from the Utah Department of Commerce and the office of Utah Attorney General Sean Reyes. The release said the agreement resolves a two-year, bipartisan investigation into Juul's marketing and sales practices.

Juul Labs has entered a \$438.5 million settlement with 34 states and territories — including Utah — over the plaintiffs' charge that Juul's marketing practices triggered the nation's teenage vaping crisis. Juul did not acknowledge any wrongdoing in the terms of the settlement. Utah's share will be paid out over six years, according to the agreement, which still has to be ratified by the court.

"Deceptive marketing tactics are never tolerated, but Juul's were especially despicable," said Utah Department of Commerce Executive Director Margaret Busse in a release. "This settlement represents a big win for Utah in the fight against those who purposely market dangerous products to youth. Juul will be held responsible for marketing addictive products to underage individuals."

According to the Department of Commerce press release, Juul was, for years, a main manufacturer of vaping products. This nationwide investigation revealed that Juul achieved its market leadership by willfully engaging in an advertising

campaign that appealed to youth, even though its e-cigarettes are both illegal for them to purchase and are unhealthy for youth to use.

The investigation determined that Juul marketed to underage users through launch parties, advertisements with trendy models, social media posts and free samples. It marketed a technology-focused, sleek design that could be easily concealed and sold its product in flavors known to attract underage users. The report also said Juul manipulated the chemical composition of its product to make the vapor less harsh on the throats of young and inexperienced users. The investigation also revealed that Juul's original packaging did not clearly disclose it contained nicotine and implied the concentration of it was lower than it actually was.

The New York Times reported that Juul wants to rebrand itself as a product that could help adults quit smoking in an effort to continue in business.

"The tentative settlement prohibits the company from marketing to youth, funding education in schools and misrepresenting the level of nicotine in its products," the newspaper reported. "But Juul had already discontinued several marketing practices and withdrawn many of its flavored pods that appealed to teenagers, under public pressure from lawmakers, parents and health experts a few years ago when the vaping crisis was at a peak."

BaseCamp names co-CEOs

BaseCamp Franchising LLC, a franchisor of clothing resale concepts based in North Salt Lake, has announced the appointment of Tyler Gordon and Zach Gordon as co-CEOs of the company.

BaseCamp Franchising operates clothing resale companies with over \$180 million in annual sales and over 200 stores across 31 states, Canada, Portugal and Spain. BaseCamp owns and operates two resale brands, Kid to Kid and Uptown Cheapskate.

The Gordons bring extensive leadership experience in corporate strategy and franchise management to BaseCamp. Tyler Gordon was previously a principal in private equity at Apollo Global Management, a large worldwide asset management company. Zach Gordon was previously a senior director at Restaurant Brands International, the global franchisor of Burger King, Tim Hortons, Popeyes and Firehouse Subs. More recently, the brothers have been managing partners of Horizon Point Capital, an investment firm that focuses on partnering with companies to support growth-oriented initiatives over a long-term horizon.

"Zach and I are honored and excited to be joining BaseCamp as co-CEOs," said Tyler Gordon. "Over the past 30 years, BaseCamp has built a phenomenal community of franchisees, employees and customers, which is supported by a best-in-class set of

systems the company has developed in-house. We feel privileged to be joining such a vibrant and growing ecosystem, especially one that has such a positive environmental impact."

Zach Gordon added, "We could not have asked for better partners in the Sloan family and look forward to building on the incredibly strong foundation they have laid at Kid to Kid and Uptown Cheapskate. We share the same set of core values and are excited to help BaseCamp continue its growth here in the U.S. and abroad."

"We are thrilled to bring Tyler and Zach on board as co-CEOs and feel our partnership will position BaseCamp to capitalize on the many exciting opportunities that lie ahead," said Brent and Shauna Sloan, who founded Kid to Kid in 1992, in a statement. "Tyler and Zach bring an impressive combination of capabilities and a true spirit of partnership, which is so vital in franchising."

Ski Butlers acquired by Alterra Mountain Co.

Park City-based Ski Butlers, a ski equipment rental and delivery service, has been acquired by Alterra Mountain Co., owner and operator of ski resorts in the western United States, including Utah's Deer Valley.

Ski Butlers will remain a standalone business with ongoing operations in 50 worldwide ski destinations, while maintaining its current staff and leadership.

"We've spent 18 years focused on building a service-oriented business that our customers absolutely love, and we've been successful in doing that," said Bryn Carey, founder and CEO of Ski Butlers. "We believe Alterra Mountain Co. can help us scale that business to reach as many skiers and riders as possible while staying true to the ethos of our team and the experience our customers expect."

"The Ski Butlers team has set the standard for guest satisfaction in the ski industry," said Jared Smith, president and CEO of Alterra Mountain Co. "As we continue to invest in building out a premier guest experience at each of our destinations, partnering with Ski Butlers is a natural addition."

Currently, Ski Butlers is available at Alterra Mountain destinations, Steamboat, Palisades Tahoe and Deer Valley, in addition to services in Lake Tahoe, Jackson Hole, Aspen

Snowmass, Sun Valley, Big Sky, Copper, Telluride, Vail, Beaver Creek, Breckenridge, Keystone, Park City, Whistler-Blackcomb and throughout France and Italy.

The company plans to expand operations into a number of North American destinations, starting at Mammoth Mountain for this winter.



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Policies critical for retaining working parents

Statewide survey results suggest there are a number of supportive policies employers could enact to recruit, support and retain working parents in Utah's competitive labor market. The survey, released recently by the Kem C. Gardner Policy Institute at the University of Utah in partnership with the Salt Lake Chamber, shows that while most are satisfied with their current work and childcare arrangement, many parents and guardians also think policies such as increased wages and salaries, paid family leave, flexible/stable hours and schedule, remote/hybrid work options, better part-time job opportunities and childcare assistance are important to achieving their ideal situation.

"With low unemployment and high labor force participation, Utah employers are competing to recruit and retain qualified employees," said Samantha Ball, Gardner Institute senior research associate and lead author of the report. "This survey highlights working parents as an important labor resource and who believe there are several policies employers could offer that would support them in getting closer to their ideal balance between paid work and childcare."

Key findings from the report include:

Supportive Employer Policies are Impor-

tant. Many parents or guardians said they would work more or change their job if they had supportive policies at work.

Wages/Salary are Important, but Not the Whole Story. An increased wage or salary is ranked as important to achieving the ideal work and childcare arrangement by the greatest number of respondents (86 percent), but it comes in sixth (6 percent) in policies that would be most influential in choosing to change jobs, employer or industry, behind more remote work opportunities (33 percent), more flexible/predictable hours (25 percent), more part-time opportunities for career advancement (11 percent), greater assistance with childcare subsidies (10 percent) and on-site childcare (9 percent).

Demographics Matter. Respondents' employer policy preferences differ significantly between respondents with different characteristics, such as age, gender, income, whether there are children under 6 in the household and level of satisfaction with current work and childcare arrangements.

The full report is now available online at <https://gardner.utah.edu/wp-content/uploads/Family-Friendly-Sep2022.pdf>.

Waldorf Astoria Park City sold

Wolfgramm Capital, a Shreveport, Louisiana, private equity firm that specializes in hospitality properties, has purchased the Waldorf Astoria Park City hotel in Park City, according to co-Founder and CEO of Wolfgramm Capital, Phil Wolfgramm. The property was acquired off-market and as part of an all-cash deal, Wolfgramm said. The resort will continue to be managed by Hilton.

Waldorf Astoria Park City is part of Waldorf Astoria Hotels & Resorts, one of Hilton's three luxury brands. Opened in 2009, the luxury hotel features slope-side and ski-in/ski-out access to

Park City Mountain Resort, a 16,000-square-foot Waldorf Astoria Spa and Powder, an all-day restaurant and bar.

"Wolfgramm Capital is delighted to be working with Hilton, the current lodging unit owners, the HOA, and their asset manager, CooperWynn Capital, in this endeavor. We are enthusiastic about taking this hotel to the next level and intend to infuse approximately \$60 million into the property. We look forward to sharing more about these enhancements at a later date," said Koloa Wolfgramm, chief operating officer at Wolfgramm Capital.

Go Utah, SBA offer networking events

The Governor's Office of Economic Opportunity (Go Utah) has announced a partnership with the Utah Small Business Administration to help small businesses navigate Utah's entrepreneurship ecosystem. The Utah Business Bridge is a series of quarterly virtual networking events connecting small-business owners with key resources available statewide.

The first event will feature resources for women entrepreneurs and will take place Oct. 25 from 10 a.m. to 11:30 a.m. Interested parties may register at the Go Utah website, <https://business.utah.gov/>.

In addition to the October event, future events will feature topics including launching a business; capital access; aerospace, defense and government contracting; and resources for diverse entrepreneurs. Small businesses participating in these events will receive information about the latest resources and have opportuni-

ties to network with providers in virtual breakout rooms, Go Utah said.

"Go Utah's excited about the Utah Business Bridge networking events where small businesses will have opportunities to connect with vital resources and helpful individuals," said Ryan Starks, managing director of business services. "This is an exciting opportunity for us to inform businesses statewide about resources that can help them prosper and thrive."

"The SBA Utah District Office has partnered for many years with Go Utah, and we're thrilled to bring this new initiative forward," said Marla Trollan, SBA Utah district director. "There are numerous organizations in the state that provide free support to businesses during various stages of development. The Business Bridge webinar series provides a much-needed platform to connect businesses throughout Utah to these valuable resources."

So. Utah real estate report published

St. George-based real estate company NAI Excel and its Nevada affiliate, NAI Vegas, have released their 2022 midyear commercial real estate market report, which covers commercial real estate activity along the I-15 corridor in Utah and Nevada. The report highlights recent trends in office, industrial, retail and multifamily markets in Southern Nevada, Southern Utah, and along the Wasatch Front. The latest release marks the 30th edition of the publication.

According to the report, buyers of commercial real estate continue to experience limited availability and historically high sales prices in the first half of 2022.

"Although cap rates have increased slightly since last year, lease rates are up for nearly every property type and vacancy rates are holding near de-

cade lows for most asset classes," said Jon Walter, chief operating officer at NAI Excel.

The report details that the Federal Reserve is undertaking a deliberate strategy to contract the money supply and slow demand to reduce inflation.

"We expect the Fed to continue tightening policy until they see a sustained slowdown in inflation," said Todd Manning, managing broker for NAI Vegas. "Once inflation returns to more neutral levels, and depending on the state of the economy, we may even see the Fed start to ease policy."

"Despite ongoing changes to fiscal policy, we are confident in the long-term opportunities along the I-15 corridor," report authors said.

The full report can be accessed at <https://excelcres.com/market-research/>.

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Succeeding in Your Business

Can I sell this stuff on eBay?

“What are the rules when it comes to selling trademarked or branded items, such as Gucci handbags or Tiffany & Co. jewelry, on eBay?”

eBay’s rules about trademarked items are simple to state but difficult as the Dickens to apply in practice. Even experienced eBay sellers make mistakes in this area. The rules are basically these:

- You cannot sell knockoff or counterfeit items on eBay — never, ever, ever, world without end, amen.
- It’s up to you to determine if an item is genuine or not. eBay won’t help you determine.
- If the manufacturer or owner of the brand or trademark wants your listing terminated because it thinks you are not selling genuine merchandise, eBay will shut down your listing, even if you are selling genuine merchandise. For repeated violations, eBay will kick you off.
- You cannot hold yourself out as an authorized reseller of a manufacturer unless you truly are one.
- If you have questions about whether an item is genuine or not, eBay wants you to talk directly to

the rights owner or manufacturer about it and has set up a program called VeRo (Verified Rights Owner) to help you do just that.

Details of eBay’s VeRo program can be found at <http://pages.ebay.com/help/tp/programs-vero-ov.html>. Many leading manufacturers participate in eBay’s VeRo program but offer little guidance to eBay sellers to determine whether or not an item is genuine.



CLIFF ENNICO

When you click on a manufacturer’s “About Me” page in the VeRo section, many just repeat eBay’s rules about not selling counterfeit or knockoff items with their brand names and trademarks on them and warn you of the perils of doing so.

eBay does require participants in the VeRo program to give you an email address where you can ask questions about the merchandise, but don’t hold your breath waiting for your messages to be answered. There are some very good business reasons why manufacturers and brand owners won’t go out of their way to help you sell their merchandise on eBay, among the following:

- Many luxury-goods makers view eBay as a liquidation or flea

market venue and do not want their brands sold there under any circumstances for fear of tainting the brands’ marketing image.

- Many manufacturers want to protect their distribution channels from low-cost competition of eBay sellers.
 - Many manufacturers, especially those of luxury goods, do not want to see an aftermarket in used (but genuine) merchandise competing with their new high-margin offerings.
 - Many manufacturers want to avoid lawsuits and negative publicity from buyers who are angry with their eBay purchases (because of irresponsible or inexperienced sellers) and claim that the manufacturers have aided and abetted the eBay seller’s actions by encouraging sales on eBay.
- There are also some very good business reasons why eBay won’t do more to help you sell branded merchandise on the site:
- eBay is viewed as a marketplace or platform on which transactions take place and is legitimately concerned about jeopardizing its neutral status by taking sides between sellers and trademark owners.
 - eBay is petrified (and rightly so) by the prospect of being sued by powerful Fortune 500

corporations (such as Gucci and Tiffany & Co.) with deep pockets and big-name law firms behind them. It will bend over backward to avoid offending these companies. Is it worried about lawsuits from little old you? Not so much.

To begin your education on eBay’s brand-name merchandise policies, begin with eBay’s Guidelines for Creating Legally Compliant Listings (<https://www.ebay.com/pages/br/help/sell/compliant-listings.html>). Next, review eBay’s VeRO page and read the guidelines posted there: <http://pages.ebay.com/help/policies/questions/vero-ended-item.html> (under “What Are the Guidelines?”). Finally, go to the list of VeRo Information Pages posted on eBay by individual manufacturers, <https://pages.ebay.com/seller-center/listing-and-marketing/verified-rights-owner-program.html#m17-1-tb3>, and search for the rules that apply to the specific item(s) you want to sell on eBay, keeping in mind that not all manufacturers have posted information pag-

es on eBay. You now know as much as anyone does about selling brand-name merchandise on eBay.

The bottom line is that when you sell brand-name merchandise on eBay without the manufacturer’s permission or authorization, you are taking a risk and have to expect that eBay will occasionally terminate one of your listings, even if you are convinced the item is genuine. If you bought the item yourself, post a photo of your purchase receipt on your listing (blacking out any personal information, of course). And remember, if a deal seems too good to be true, it probably is. That “genuine Gucci handbag” you bought from a store in a back alley in Rome for 50 euros (about \$55) is almost certainly not genuine. Don’t even think about selling it on eBay!

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

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Sack Lunch to acquire stake in Arowana Media Holdings

Sack Lunch Productions Inc., a publicly traded entertainment company with operations in event management and media productions based in Salt Lake City, has announced that it has agreed to acquire 45 percent interest in Arowana Media Holdings Inc. Based in Phoenix, Arowana is a media and entertainment company focused on acquisition, development and production of entertainment intellectual properties.

Sack Lunch acquires rights to events and trademarked media titles which it then licenses to event planners and promoters, or hosts and manages its own events utilizing widely known event banners across the U.S. and Canada. The company owns such titles as “Color Me Rad” and “Dirty Dash” under which third-party event producers and social media campaign operators now produce events and social media content.

“Following the public lockdown and cancellation of outdoor events in 2020 and 2021, it’s time for us to reopen but rethink how we monetize our properties,” said Sack Lunch CEO

Richard Surber. “The addition of Arowana Holdings, with its titles and other intellectual properties, is a good fit for us, and it comes at just the right time. In concert with Arowana we should be able to introduce our respective entertainment and event titles — novels, short stories/novellas, comic book-themed films and ‘forgotten’ film titles — and pursue, incubate and develop our collective properties for more diversified distribution.”

“Demand for compelling content has never been higher. The 2022 version of digitally driven media and entertainment has evolved, shifting power away from studios and back to the storytellers,” said Arowana Holdings CEO Mark B. Newbauer. “With some of the largest companies in the media and entertainment space — Apple, Amazon, Disney, Netflix, and others — competing for content, there are unprecedented opportunities for companies like ours and Sack Lunch together, to secure a sizable market stake positioning us for expedited growth toward becoming a contending mini-major studio.”

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Wellsville-based **RVLock**, a manufacturer of locks for recreational vehicles, has launched the **RVLock Atlas**, a keyless entry solution for Class A RVs.

"Customers have been asking us to develop this product for years," said RVLock inventor, founder and CEO **Cade Harris**. "Developing a universal handle that is simple to install for motorhome doors that vary from rig to rig is extremely complex. We created multiple prototypes before perfecting the Atlas and making it ready for customers to install themselves. RVLock has been America's preferred RV security solution since we invented the keyless handle in 2010."

The Atlas joins the existing Class C Charter as the first Class A entry handle of its kind, making locking and unlocking Class A rigs possible with the push of a button. RVers gain keyless access to their vehicle through an integrated keypad, a key fob or smartphone using RVLock's BT Pro+ for Bluetooth functionality with the RVLock app.

"To think the idea of RVLock all started when my tool trailer was broken into is remarkable," Harris said. "Every time we drive down the road and see our keyless handle on a family's trailer, we can't help but feel proud that we are helping protect what matters most to people."

The RVLock Atlas will be sold exclusively at RVLock.com and will start shipping to customers on Sept. 30, Harris said.

Salt Lake City startup **Balance Money** has launched its new **digital banking service**. The company said it has positioned itself at the intersection of banking and budgeting to provide real-time financial insights and control for its customers. Balance Money organizes finances into digital accounts and divides people's paycheck using the app's digital envelope budgeting system into bills, goals and budgets.



"In the age of digital transformation, nobody wants to do the mental gymnastics of looking at their bank account to figure out how much money is safe to spend. With Balance Money that is all a thing of the past. The app will calculate in real time what is safe to spend,"

a Balance Money release said. The experience is based on spending habits and provides a path to financial health.

Klymit, a Kaysville-based producer of outdoor sleep gear and camping accessories, has introduced its **Switchback Reclining Camp Chair**.



The new product features three adjustable reclining positions, a high back for optimal head and neck support, foam-lined armrests, a durable steel frame, mesh panels for temperature control, durable polyester fabric for easy cleaning, side pockets and a cup holder and an attached carry strap. "Infusing comfort into outdoor experiences drives innovation at Klymit," said **Cory Tholl**, president of Klymit. "Our new Switchback Reclining Camp Chair ensures outdoor enthusiasts are met with comfort and support even in the most rugged settings. From the three-position adjustability to the high-back head and neck support, each design decision was intentional, ensuring our customers never have to sacrifice comfort to enjoy their time in the outdoors."

Filevine, a legal documentation platform based in Salt Lake City, has added an online user community called **Filevine Innovators**. The product-focused forum is the official community for Filevine's more than 25,000 users, the company said. "Filevine is a powerful and robust platform that is being used in a multitude of ways across our vast user base. As a result, our customers are continuously seeking best practices and advice from others who use the platform. Until now, there



hasn't been a place to go to quickly and easily make those connections with other users," said **Alison Holmlund**, chief customer officer at Filevine. "Our hope is that Innovators becomes that place where people learn, evolve and grow their use of Filevine through the connections they make with our user community and with us."

South Jordan-based health food and supplement brand **Clean Simple Eats** has released two new supplements: **Energy** and **Hydrate**. "Elevating your health can be simple and delicious," said **Erika Peterson**, founder and CEO of Clean Simple Eats.



"Hydrate and Energy are perfect for anyone who wants to boost their performance and we're thrilled that our mouthwatering flavors make them so easy to enjoy." The Energy drink mix includes natural electrolytes, B vitamins and natural caffeine. It comes in four flavors and is added to eight to 12 ounces of water. When added to water, the Hydrate drink mix boosts hydration and aids in muscle recovery with a combination of natural electrolytes, trace minerals and branched-chain amino acids. Both of the new prod-

ucts are now available online at cleansimpleeats.com and at select retailers.

Rasa Legal, a tech-based legal service headquartered in Salt Lake City, has launched a **web application** to make criminal record expungement more accessible. The firm developed computer software that analyzes criminal record databases and streamlines many of the complex and time-consuming steps associated with determining eligibility



for expungement and offers real-time legal advice. "The heart of our mission is social justice through access to a simple and affordable way to clear criminal records," said **Noella Sudbury**, founder and CEO of Rasa Legal. "This, in turn, will clear a path for access to housing and jobs, higher wages and a better quality of life." Through the use of the new technology, individuals can use a simple web app to find out whether their records are eligible for expungement, the firm said.

Lehi-based mobile device protection products company **BodyGuardz** has released **Motus**, a low-profile case with multi-layer device protection designed for iPhone 14. The new product, made from sustainable products, has a clip that attaches to belts or straps, holds numerous credits



cards or cash and stands on end for more effective video calls. "For BodyGuardz, sustainability means finding ways throughout the entire organization to create more sustainable products and a more sustainable industry," said **Kirk Feller**, CEO of BodyGuardz. "Our team hand-selects sophisticated bioplastics and certified recycled materials that do not sacrifice any amount of device protection. Not only will users have peace of mind that their phone is protected by the best technology, they'll know that it was constructed with the most sustainable material available on the market."

Tafi, a Salt Lake City-based technology and graphic design software company and creator of 3D avatar creation engine **Astra**, has released its **Astra SDK**. With the update, developers have access to Astra to integrate it into their games and digital environments, the company said. "Astra is built to save developers time and money while giving its users a powerful tool to create a digital identity using Astra's 3D asset library," Tafi said.



Creators can also integrate their own 3D assets designed in various 3D modeling software for nearly infinite possibilities for their users' avatars. "The SDK's versatility, ease of integration and use and diverse high-quality assets allow users to truly represent themselves in virtual spaces exactly how they want to be represented," said **Ty Duperron**, chief product officer of Tafi.

Corporate Financial Reports

The following are recent financial reports as posted by selected Utah corporations:

Sportsman's Warehouse

Sportsman's Warehouse Holdings Inc., based in West Jordan, reported net income of \$14.6 million, or 35 cents per share, for the second quarter ended July 30. That compares with \$17.7 million, or 40 cents per share, for the same quarter a year earlier.

Sales in the most recent quarter totaled \$351 million, down from \$361.8 million in the year-earlier quarter.

Sportsman's Warehouse Holdings is an outdoor specialty retailer.

"We delivered another strong quarter of operating results despite the challenging eco-

nom ic environment, exceeding the high end of guidance," Jon Barker, president and CEO, said in announcing the results.

"Our core business fundamentals remain solid, with the team consistently responding with discipline and rigor, using data-driven metrics to drive decisions that best support changing consumer behaviors. We are confident in our competitive position within the outdoor sporting goods space, and believe we have the right team, strategies, and capabilities to successfully navigate through these challenging macro-economic conditions."

HealthEquity

HealthEquity Inc., based in Draper, reported a net loss of \$10.7 million, or 13 cents per

share, for the second quarter ended July 31. That compares with a loss of \$3.8 million, or 5 cents per share, for the same quarter a year earlier.

Revenue in the most recent quarter totaled \$206.1 million, up from \$189.1 million in the year-earlier quarter.

HealthEquity is a health savings account non-bank custodian.

"Team Purple' opened a record 196,000 new HSAs in Q2 and grew total HSA assets 33 percent year-over-year to an industry-leading \$20.5 billion," Jon Kessler, president and CEO, said in announcing the results. "Sales momentum, macro tailwinds, and a team focused on remarkable service position us for strong results in fiscal 2023 and beyond."

Lehi's Emmersion acquired by California-based IXL Learning

San Mateo, California-based IXL Learning has acquired Emmersion, a Lehi-based platform for certifying language ability through artificial intelligence. IXL Learning is a developer of personalized learning products. Terms were not disclosed.

Emmersion's platform has conducted millions of automated assessments for enterprise and educational institutions, including the World Bank, Randstad, Columbia University, Brown University and the University of Pennsylvania. Educational institutions use WebCAPE, Emmersion's adaptive placement exam, to measure learners' reading, grammar and listening skills. The multiple-choice test assesses learners' abilities levels in seven languages: English, French, German, Italian, Spanish, Mandarin and Russian.

The acquisition of Emmersion deepens IXL Learning's line of language and literacy products, the company said. IXL Learning markets language products such as the well-known Rosetta Stone, vocabulary.com, in-

glés.com and Fluencia.

Emmersion's cofounders, Brigham Tomco and Jacob Burdis, will remain with the company, IXL said.

"Emmersion's adaptive technology and automated exams are unrivaled," said Paul Mishkin, CEO of IXL Learning. "The Emmersion team will be a valuable addition to our family and we expect to make more investments in the company as we expand to additional languages and capabilities."

"Emmersion has striven to close the global communication gap through exceptional services that assess employees, check academic knowledge and certify language abilities. Joining IXL Learning is an incredible opportunity to continue advancing our mission and perfecting our products," said Tomco, CEO of Emmersion. "Our companies share the same ambitious vision for helping people build and evaluate their language skills, and we can't wait to contribute our expertise to this new venture."

SENTIMENT

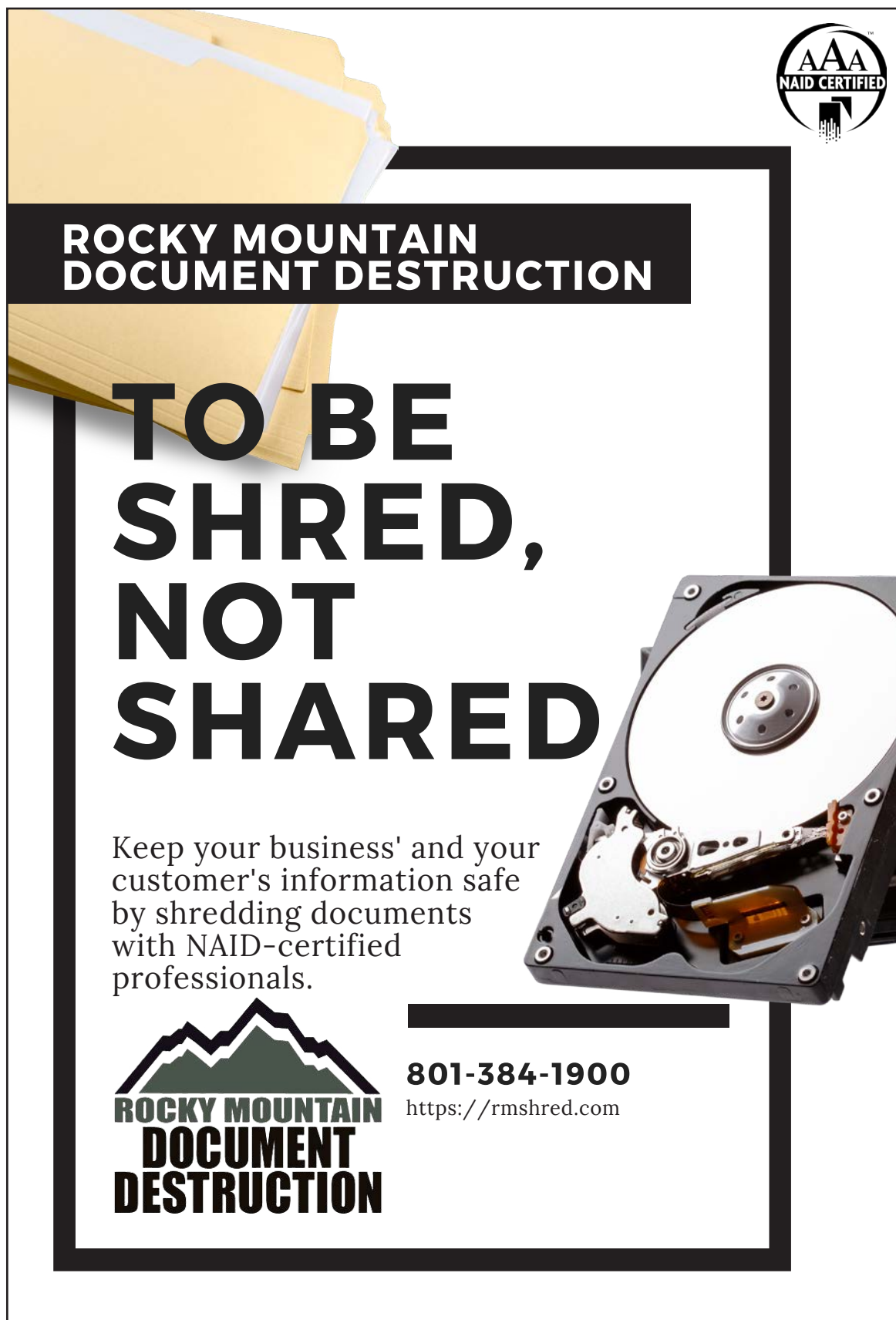
from page 1

Utah's economy than are Americans across the country about the nation's economy," said Phil Dean, chief economist for the Gardner Institute. "Utah's labor market and economy have outperformed the U.S. economy for many years. The survey suggests Utahns expect this trend to continue."

The Utah Consumer Sentiment Survey uses comparable questions to the University of Michigan's Survey of Consumers. These questions measure residents' views of present and future economic conditions. Both surveys include a random sample

of consumers, including demographic questions to assess the representativeness of the sample.

Questions comprising the Consumer Sentiment Survey includes five questions concerning current and expected future economic conditions. These questions are identical to those in the University of Michigan's survey. Two of the questions refer to business or economic conditions in the country as a whole (rather than in one's home state, for example). The Utah survey then supplements these two questions with alternative versions that refer to the state of Utah rather than the country as a whole. The questions measure residents' views of the present economic situation and their expectation for the economy in the future.



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Industry Briefs

Industry Briefs are provided as a free service to our readers. Company news information may be sent to brice@slenterprise.com. The submission deadline is one week before publication.

ARTS/ ENTERTAINMENT

• The Governor's Office of Economic Opportunity (Go Utah) board, at its September meeting, approved a motion picture production incentive of up to \$250,000 for **Salty Pictures Inc.** for its production of the fourth season of "High School Musical: The Musical: The Series." The first two seasons were shot in Utah and the third was shot in Los Angeles. It is expected to air on Disney+. The production is expected to spend nearly \$18 million in Utah, including during principal photography scheduled for Sept. 20-Dec. 21 in Salt Lake County. The production is expected to employ 15 cast, 275 crew and 1,500 extras. The director is Kimberly McCullough. The producer is Zack Lowenstein.

• The **Sundance Institute** has selected **Eugene Hernandez** as Sundance Film Festival director and head of public programming. Hernandez has spent much of his 25-year career leading and advising nonprofit arts organizations and is a leader in the film and media industry. He has been connected to the institute since the early days of his career, attending the festival in the mid-1990s to build Indiewire, an online community for independent film. Hernandez will join Sundance in November from Film at Lincoln Center, where he has spent the past 12 years, currently as senior vice president of FLC, executive director of the New York Film Festival, and publisher of *Film Comment*. He will be based in New York and Los Angeles offices while also working in Sundance's Park City office.



Eugene Hernandez

BANKING

• **D.L. Evans Bank** has appointed **Morris Smith** as vice president commercial loan officer at its South Ogden branch. Morris has over 32 years of banking experience, including serving as a branch manager for 10 years, construction and commercial loan officer for



Morris Smith

13 years, a dealer loan Idaho/Utah regional manager for four years and a dealer loan manager for Utah for five years. Smith's education includes receiving a two-year associate's degree from Weber State University.



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CONSTRUCTION

• **Pentalon Construction Inc.**, Salt Lake City, has hired **Lyle Kenney** and **Rich Davis** as project managers. Kenney has experience working in Salt Lake City and has 35 years of project management experience. He will lead Pentalon's Lotus Riverwalk project in Ogden, owned by the Lotus Co. Riverwalk consists of 101 units and nine townhomes.



Lyle Kenney



Rich Davis

Davis relocated from New York to the Utah County area and has 25 years of construction experience. He will lead the 4800 Lofts project in Murray, owned by IMH Cos. and Next Level Homes. 4800 Lofts has 371 apartment units and 18,000 square feet of ground-level retail space.

CONTESTS

• The **Small Business Administration's Utah District Office** is accepting nominations until 1 p.m. Dec. 8 for the **2023 National and District Small Business Week Awards**, including the annual Small Business Person of the Year Award. Categories include Small Business Person of the Year (national and district awards), Small Business Exporter (national and district awards), 8(a) Graduate of the Year (national and district awards), Utah Rural Business of the Year (district award only), Veteran-Owned Small Business of

the Year (district award only), and Women-Owned Small Business of the Year (district award only). Guidelines for national awards can be found at [sba.gov](https://www.sba.gov). Guidelines for district awards are at <https://www.sba.gov/document/support-utah-district-nsbw-award-guidelines>. The Utah District Office will be providing training for how to submit nominations via webinars Oct. 12 and Nov. 9, both at 10 a.m.

DIRECT SALES

• **Nature's Sunshine Products Inc.**, a Lehi-based producer of herbal and nutritional products, has announced the retirement of its chief financial officer, **Joseph Baty**, effective Sept. 30. **Jonathan Lanoy** will serve as interim CFO, principal financial officer and principal accounting officer until a full-time CFO has been appointed. Lanoy has been in the company's finance department since 2008 and has served as corporate controller and vice president of finance since February 2017. Prior to joining Nature's Sunshine, Lanoy was with public accounting firm Ernst & Young. Lanoy is a Certified Public Accountant and holds a Masters of Professional Accountancy and a Bachelor of Arts degree in accounting from Weber State University.

ECONOMIC INDICATORS

• Residents of **Summit County** are the **highest-earners** in Utah, according to a study by **SmartAsset**. It found that residents there have per capita income of \$156,537. Summit County was followed, in order, by Wasatch, Grand, Salt Lake, Morgan, Davis, Daggett, Piute, Weber and Utah counties. Details are at <https://smartasset.com/mortgage/cost-of-living-calculator#Utah/perCapitaIncome-2>.

• **Homes** in Salt Lake City, Provo-Orem and Ogden-Clearfield are affordable only for homebuyers from four groups of professions, namely lawyers and judges, air transport workers and managers in some sectors, according to research by **StorageCafe.com**. It matched the 58 fastest-growing careers with the cities where those people can obtain a nice home. It concluded that if you want to become a homeowner now in Utah, you need to earn six figures. Average salaries in the state's three largest metros are either slightly more or less than \$60,000, while average home prices are clustered around the \$500,000 mark. That translates into a qualifying income of \$91,254 on average and a period

needed to save up for down payment of 8.7 years. Between 2019 and 2021, average home prices in Salt Lake City rose 44 percent to \$556,000, above the nationwide increase of 30 percent. Incomes in Salt Lake City, meanwhile, rose just 9 percent during the same period. IT professionals earn an average of \$88,000 and will need an average of six years to save up for the down payment. Details are at <https://www.storagecafe.com/blog/the-us-metros-where-most-professionals-can-still-afford-a-home/>.

• The average **Utah household** pays \$1,910 a month for the 10 most common **household bills**, according to a study by **Doxo**. Utah ranks 26th among states in terms of average monthly spending. Utah's household expenses, on average, are 4.6 percent lower than the national average of \$2,003. Utah households spend 33 percent of their income on household bills. In total, Utah residents pay \$20 billion for household bills. Among 37 Utah cities and towns, residents of Park City pay the highest amount, an average of \$2,679 per month. Logan has the lowest, at \$1,497 on average. Salt Lake City pays \$1,813.

• **Utah** is ranked No. 10 on a list of places where **students are the most likely to drive the nation's tech future**, compiled by **CodeWizardsHQ**, a provider of coding classes for children and teens. Using data from Advocacy Coalition, it ranked the most and least progressive states when it comes to access and enrollment to computer science courses. The study revealed that Utah has a rural access rate of 77 percent and a minority access rate of 88 percent, with 74 percent of high schools offering computer science. The U.S. has a rural access rate of 49 percent for computer science studies and a minority student access rate of 72 percent. Across the country, 58 percent of high schools offer computer science as a subject. The top-ranked state is South

Carolina. The bottom-ranked state is Louisiana. Details are at <https://www.codewizardshq.com/it-index/>.

• **Salt Lake City** is ranked No. 41 on a list of "**2022's Best Cities for Chocolate Lovers**," compiled by **Lawn Love**. It studied the 190 biggest U.S. cities for abundant chocolate factories and high-quality shops selling chocolate, including chocolatiers, dessert shops and patisseries. It also considered chocolate-themed entertainment like museums, tours, theme parks and events. The top-ranked city is New York City. The No. 190 city is Sioux Falls, South Dakota. Details are at <https://lawnlove.com/blog/best-cities-chocolate-lovers/>.

EDUCATION/TRAINING

• **Joyce University of Nursing and Health Sciences**, Draper, has launched its **Associate of Science in Respiratory Care** program. The flexible degree blends online instruction with in-person skills training to help students earn ASRC while balancing school life with other priorities. The program requires no prerequisites and consists of 82 semester credit hours within six semesters. Graduates will be prepared to pass credentialing exams to obtain their credentials as certified and registered respiratory therapists. The program is seeking provisional accreditation from the Commission on Accreditation for Respiratory Care.

GOVERNMENT

• The Governor's Office of Economic Opportunity (Go Utah) board, at its September meeting, approved a one-time \$500,000 dispersal from the Industrial Assistance Account to support trade associations. Targeted associations include those focused on aerospace/defense, biotechnology and material processing. To be eli-

see BRIEFS next page



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Industry Briefs

from previous page

gible, the associations must have a significant amount of industry involved in their work. No more than \$250,000 will be awarded to any one association.

HEALTHCARE

• **PolarityTE Inc.**, a Salt Lake City-based biotechnology company developing regenerative tissue products and biomaterials, has announced that **Jeff Dyer** has resigned from its board of directors after 5 1/2 years.

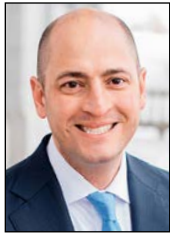
INVESTMENTS

• **Inherent Biosciences**, a Salt Lake City-based company focused on commercializing a diagnostic in the biotech field of epigenetics, has raised Series A funding from an investor group led by Los Angeles-based **Propel Bio Partners**. Numerous stakeholders from patients to physicians and reproductive healthcare executives also participated in the round, which included investments from **Portfolia's FemTech II Fund** as well as **Alliance of Angels**. The amount was not disclosed. Inherent is commercializing an epigenetic sperm quality test. The company said the funding will enable it to expand its pipeline, scale commercial operations and generate further data.

LOGISTICS

• The **Utah Inland Port Authority** board recently selected **Dan Hemmert** as the authority's treasurer. Hemmert is executive director of the Governor's Office of Economic Opportunity (Go Utah). Hemmert previously owned and operated Red Hanger Cleaners and was a partner in five

restaurants. Hemmert also served in the Utah Senate, where he was the Republican majority whip. Prior to dry cleaning and politics, Hemmert was a managing director of a private equity fund, the CFO of a family office/asset management firm, the CFO of a venture-backed technology company, and spent a year as an associate at a large international law firm.



Dan Hemmert

PHILANTHROPY

• **Big O Tires** has donated \$50,000 to sponsor **Shriners Children's "Walk for Love"** at Hogle Zoo in Salt Lake City. It took place Sept. 16, the same day of Shriners Children's 100-year anniversary. Big O Tires has nearly 400 independently owned and operated locations in 19 states.

REAL ESTATE

• **Square Mile Capital Management LLC**, a New York-based institutional real estate and investment management firm, has originated a construction loan of \$61.8 million to finance the ground-up development of **375 West Whitney Avenue** in Salt Lake City, a six-story, Class A, multifamily project with 264 units. The loan was made to the **Roers Cos.**, a real estate development firm based in Minnesota that has developed 50 properties totaling 5,400 units. The financing was arranged by Gary Sefcik and Phillip Gause from **Marcus & Millichap's** New York and Denver offices, respectively.

RECOGNITIONS

• The **Economic Development Corporation of Utah**, a private, nonprofit organization, during its recent annual meeting in Salt Lake City honored two individuals and one company for their leadership in economic development.



Mel Lavitt

Mel Lavitt, former chair of the Governor's Office of Economic Opportunity board, received the **Nick Rose Award for Leadership in Economic Development**. It is presented to a private-sector individual that has demonstrated exceptional dedication to EDCUtah and economic development throughout the state. **Danny Stewart**, Cedar City economic development director, received the **Thayne Robson Award for Leadership in Economic Development**. It is given to a public-sector individual that has demonstrated exceptional dedication to EDCUtah and economic development throughout the state. **Dominion Energy** received the **Larry H. and Gail Miller Family Cornerstone Award in Economic Development**. It is presented to associations, organizations or developments that have merit far beyond their own boundaries and have had profound and long-term positive impact on the state's economy.



Danny Stewart

• **Ultradent Products Inc.**, a South Jordan-based developer and manufacturer of high-tech dental materials, has been recognized for the second year in a row as a **"Top Large Workplace in Manufacturing and Production"** by *Fortune Magazine*. The company was No. 8 last year and No. 5 this year. It is the only company in Utah, as well as the dental industry, to ever make the list. Fortune bases its rankings on an evaluation of the company's culture, values, employee satisfaction and third-party employee surveys and feedback.

• **LUX Catering and Events**, Salt Lake City, is a finalist in the **Green/Sustainable Business Achievement Award** category of the **U.S. Chamber of Commerce's** annual **Dream Big Awards** program. The awards celebrate the achievements of small businesses and honor their contributions to America's economic growth. Twenty-seven finalists in

eight categories were selected from more than 3,000 applications. One finalist will be chosen as the Small Business of the Year Award winner for receiving the top score after several rounds of judging. The Dream Big Awards program includes eight Business Achievement Awards. Winners will be announced Oct. 18 at a virtual event.

RESTAURANTS

• **Café Rio Mexican Grill** will open three locations in Utah this fall: Salt Lake City at 2185 State Street on Sept. 23; Pleasant Grove at 875 S. North County Blvd. on Nov. 4; and Lone Peak at 9920 N. 4800 W., Cedar Hills, on Dec. 2. The first Cafe Rio Mexican Grill opened in 1997 in Southern Utah.

• **Celebrity's Soul Food** has opened a location at 487 E. 12300 S., Draper. It is the first company location in Utah and the first bistro-style concept for the brand. Franchise owners are **Scott and Anissa Hargraves**.

RETAIL

• **The Outlets at Traverse Mountain**, Lehi, has announced that **Puma**, **Claire's**, **Sunglass Hut**, **Janela Bay** and **Sweet Bath Co.** are all now open for business. Overall, more than 12,000 square feet of new retail is opening. It is the only Utah location for Puma, which is a global sportswear brand and the third-largest sportswear manufacturer in the world. Claire's offers jewelry and other fashion accessories for girls. Sunglass Hut offers a variety of sunglasses. Janela Bay, established in 2015 in St. George, offers flattering and modest swimsuits. Sweet Bath Co. was founded by two local mothers. It offers bath bombs, body scrubs, shower steamers and different kinds of soap.

TECHNOLOGY

• **Hh2 Cloud Services**, a Kaysville-based provider of construction industry software, has appointed **Norbert Orth** to its board of directors. Orth will work with the company's executive leadership team to help further define market and product strategy, and scale operations to meet industry demand.



Norbert Orth

Based in Seattle, Orth previously was chief operating officer of Viewpoint, a Portland-based construction software firm. He also was CEO of Dexter+Chaney, a

Seattle-based construction software firm, which Viewpoint acquired. Prior to that, he held a variety of executive leadership roles, including CEO of MessageGate, vice president of sales at WRQ, and regional director at Procter & Gamble. Orth is a board member and mentor for several software companies.

• **Experlogix**, a South Jordan-based company with European headquarters in Veenendaal, Netherlands, has hired **Mark Conway** as vice president of sales for EMEA and **Angie Cox** as vice president of sales for North America. Experlogix offers configure, price, quote and document automation software. Conway has over two decades of global experience in the software/IT services industry, managing clients across the U.S., U.K., Europe and Asia.



Mark Conway



Angie Cox

Before joining Experlogix, Conway was executive director of EMEA at Flintfox since 2019. Cox has more than 20 years of sales leadership experience, with an extensive background in building and developing business units and teams. Before joining Experlogix, Cox led the acquisition of a B2B software solution to a software company.

• **MX**, a Lehi-based company focused on open finance, has named **Nandita Gupta** as chief product officer. She will oversee the company's product and data science teams.

Gupta has more than 25 years of experience leading product and engineering teams, scaling payment platforms, developing open banking capabilities, and building a financial institution and fintech partnership network. She most recently spent 17 years at PayPal, where she was responsible for PayPal's internal "payment as a service" platforms and developed and managed the products and services responsible for PayPal's overall authorization rate. Prior to PayPal, she was a trained software engineer, successful tech startup founder, and product manager at various companies, including Excite at Home, Primus Knowledge Solutions and Sun Microsystems.



Nandita Gupta



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Legal Matters

Patent opinions: What are they and when should Utah businesses get them?

The law always seems to be changing, and patent law, with its constantly shifting legal standards and best practices, is certainly no exception. So-called patent opinions are a perfect example of the malleable legal standards and best practices in patent law. In the 1980s and 1990s, it was borderline malpractice for attorneys to *not* recommend getting such patent opinions as courts had established a “duty of care” to avoid infringement, and willfulness of patent infringement was found in nearly two-thirds of cases.

The *Seagate* decision in 2007 removed the previously established duty of care, but with the *Halo* decision from the Supreme Court in 2016 and subsequent decisions in 2018, the landscape shifted again to where willful infringement and the specter of enhanced damages were on the table. District courts are still in the soul-searching process of defining the boundaries and standards for willful infringement and “egregious” conduct to adhere to the principles set out by the Supreme Court, which has led to quite a bit of uncertainty for businesses embroiled in patent disputes. This article will consider the questions of whether and when patent opinions are still helpful.

Spoiler alert: Patent opinions definitely have their uses.

A patent opinion is a written legal analysis that typically comes in one of two varieties:

An opinion of non-infringement compares an existing patent for which the opinion is sought (which we will refer to as the patent-at-issue) to a product and provides reasons why the product does not infringe the patent-at-issue.

An opinion of invalidity compares the patent-at-issue to other

existing patents, or prior art, and provides reasons why the patent-at-issue is invalid in light of this prior art.

Typically, a patent opinion is sought to provide cover for possible litigation relating to a business’s products that may infringe the patent-at-issue. A rigorous assessment of non-infringement or invalidity with respect to the patent-at-issue can help show that the business that commissioned the patent opinion did not believe its actions (or the actions of its customers) infringed the patent-at-issue. This may help with avoiding willful or induced infringement of the patent-at-issue should litigation arise. If the business is found to have willfully infringed the patent-at-issue during litigation, the patent opinion may help to mitigate the amount of enhanced damages.

When Should a Party Seek a Patent Opinion?

Businesses should seek a patent opinion when they suspect a risk of patent litigation exists involving a new or existing product or service offered by the business, or in other words, once the business is “on notice” of the patent-at-issue. When a new product or service is being released, businesses could perform freedom-to-operate analyses, which may lead to identifying one or more patents that might read onto the new product or service for which patent opinions may be beneficial. This may be particularly applicable in a technology space that is known to be especially competitive or crowded with participants. Patents in such technology spaces, especially specific patents that could read onto new products or services, would be suitable subjects for patent opinions.

In What Ways are Patent Opinions Beneficial?

Patent opinions can be an

important tool when new products are launched, potential infringement is discovered or other times when the party might be “on notice” of potential infringement to avoid a finding of willful infringement or induced infringement. And while such an opinion may not avoid a finding of willfulness, it might still help to avoid enhanced damages anyway. In particular, the *Halo* decision separated the legal analysis of willfulness from the question of enhanced damages. Willfulness is a pre-requisite, but the court must find “egregious” conduct before enhanced damages are awarded.

A post-*Halo* empirical study of willful infringement and enhanced damages cases conducted by Karen Sandrik in the Michigan Technology Law Review indicates that 37.1 percent of cases before *Halo* included a finding of willful infringement and 64.9 percent of cases after *Halo* included a finding of willful infringement.

Before *Halo*, cases included enhanced damages 60.3 percent of the time, while 69.0 percent of cases included enhanced damages after *Halo*. In total, *Halo* has increased findings of willful infringement by 27.8 percent and findings of enhanced damages by 8.7 percent.

When considering enhanced damages, courts have almost universally applied the *Read* factors, which relate to whether an infringer acted in good faith. Two of the nine *Read* factors involve determining whether the infringer investigated the scope of the patent and formed a good-faith belief that it was invalid or that it was not infringed (Factor 2) and the infringer’s motivation for harm (Factor 8).

Securing a patent opinion before performing any potentially infringing acts or within a reasonable amount of time after being on notice of potentially problematic patents can have a substantial effect on these factors. Given

the significant impact on at least these two factors, having an opinion can give a judge good reason to decline to enhance damages for a party or decrease the magnitude of any enhanced damages.

Lastly, we note that a policy of burying your head in the sand to avoid discovering others’ patents has its risks, whether for willfulness or enhanced damages. For example, in *Motiva Patents LLC v. Sony Corp.*, HTC Corp. filed a motion dismiss the claim for willful infringement based on no pre-suit knowledge of the patent. However, because of a policy to not review the patents of others, the court found that “willful blindness” can supply the requisite knowledge to keep the motion in the suit.

Similarly, when addressing enhanced damages, the court in *Mestso Mins. Inc. v. Powerscreen Int’l Distrib. Ltd.* stated that “even if [defendant’s] belief of non-infringement was subjectively in good faith, this is negated by the Court’s finding that the defendants evinced ostrich-like, head-in-the-sand behavior.”

By working with your patent counsel and being proactive in addressing issues upfront rather than ignoring or avoiding knowledge of high-risk patents, your business can be better protected from claims of willful infringement and the associated potential for enhanced damages.

Adam Smoot is a shareholder in Maschoff Brennan’s Salt Lake City office. His practice focuses primarily on post-grant proceedings before the United States Patent and Trademark Office, patent prosecution and counseling and complex intellectual property litigation. He has handled numerous inter partes review proceedings, as well as inter partes reexamination proceedings. He has represented both petitioners and patent owners before the Patent Trial and Appeal Board.

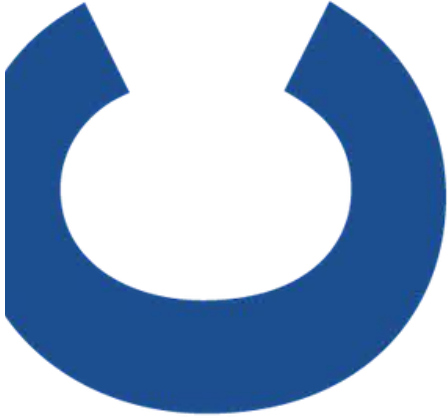
Antony Zhang is a registered patent attorney in Maschoff Brennan’s Salt Lake City office. His practice focuses on patent prosecution and intellectual property litigation support in a variety of technologies. He has also worked on office action responses, provisional applications, intellectual property due diligence and prior art searches in technical fields such as computer architecture, cybersecurity, chemical compositions and mechanical devices.



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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.

Sept. 20-22

MX Money Experience Summit, presented by MX Technologies Inc. Event features keynote speakers, breakout sessions from industry experts and practitioners, and networking opportunities. Keynote presenter is will.i.am, artist, founder of the Black Eyed Peas and tech entrepreneur. Location is Snowbird Resort. Details are at <https://www.mx.com/summit/>.

Sept. 20, 8:30-10 a.m.

"Better Your Business" Employer Seminar, presented by Utah Department of Workforce Services Workforce Development Division and the Wasatch Front South Employer Connection Advisory Board. "Finding Untapped Employees, Part I" features information about the benefits, resources and tax incentives for hiring veterans and formerly incarcerated individuals. Presenters are Steve Gehrke, director of operational excellence at the Utah Department of Corrections; Eric Barker, deputy region chief for adult probation and parole for the Utah Department of Corrections; and Lisa Duckworth, local veterans employer representative for the Utah Department of Workforce Services. Event takes place online. Free. RSVPs can be completed by emailing jlay@utah.gov.

Sept. 20, 8:30-11:30 a.m.

KeyBank Business Accelerator, a South Valley Chamber of Commerce event with sessions taking place through Dec. 13. Sept. 20 event is "Strategy." Presenter is Ralph Little, founder and CEO of a nationwide financial services company. Location is Salt Mine Productive Workspace, 7984 S. 1300 E., Sandy. Series cost is \$750 for chamber members, \$1,000 for nonmembers. Details are at southvalleychamber.com.

Sept. 20, 11 a.m.-1 p.m.

Business Women's Forum 2022: "Developing Resilience for Success." Speaker is Heidi Lund. Location is Hilton Garden Inn Downtown, 250 W. 600 S., Salt Lake City. Cost is \$35 for members, \$50 for nonmembers. Details are at slchamber.com.

Sept. 20, 11:25 a.m.-1 p.m.

Leadership Luncheon, a Cache Valley Chamber of

Commerce event. Location is The Riverwoods Conference Center, 615 Riverwoods Parkway, Logan. Cost is \$16 for members and \$17 for nonmembers preregistered, \$20 for members and \$22 for nonmembers not preregistered. Details are at cachechamber.com.

Sept. 20, 11:30 a.m.-1 p.m.

ChamberWest Professional Development Series. Speaker Steve Starks, CEO, The Larry H. Miller Co., will discuss "The Larry H. Miller Co. Transition: From Sports to Community Building." Location is Embassy Suites, 3524 S. Market St., West Valley City. Cost is \$35 for nonmembers and for members. Details are at chamberwest.com.

Sept. 20, 11:45 a.m.-1 p.m.

Smart Cities Luncheon, presented by the Point of the Mountain, Utah Valley, South Valley and American Fork chambers of commerce and the Business Resource Center at Utah Valley University. Speaker is Brad Anderson, who has spent his career providing "best practice" network product and service recommendations in Utah. Topics include AT&T's Smart Cities and IoT projects. Location is UVU Lehi Campus, 2912 Executive Parkway, Lehi. Registration can be completed at Eventbrite.com.

Sept. 21, 8 a.m.

2022 Intermountain CFO Summit, offering an opportunity for finance professionals and CFOs to learn from other professionals in the industry. Event features keynote speakers and nine workshops. Location is Utah Cultural Celebration Center, West Valley City. Details are at <https://events.eventgroove.com/event/Intermountain-Cfo-Summit-62904>.

Sept. 21, 9 a.m.-noon

"Culture That Attracts Talent," part of the Women's Business Center of Utah's "Next Step" Series, a nine-week, project-based program designed to help women business owners. Remaining sessions are Sept. 28, "Generating Revenue/Marketing"; Oct. 5, "Keeping Customers Happy"; Oct. 12, "Knowing Your Numbers"; Oct. 19, "Managing Your Cash Flow"; Oct. 26, "Cash Flow Projections Lab"; Nov. 2, "Planning for Continuity"; and Nov. 9, "Action Plan Presentation and Graduation." Event takes place online. Free. Details are at wbcutah.org.

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

Business Alliance Networking Luncheon. Location is

Boondocks Fun Center, 525 Deseret Drive, Kaysville. Registration is required. Details are at davischamberofcommerce.com.

Sept. 21, noon-1 p.m.

"Foundations of a Thriving Culture," a Silicon Slopes event. Speaker Michael Pacanowsky, former director of the Center for Innovative Cultures at Westminster College, will discuss what makes for thriving organizations. Location is Kiln, 2701 N. Thanksgiving Way, Suite 100, Lehi. Free. Details are at siliconslopes.com.

Sept. 21, noon-2 p.m.

"Workforce Readiness: External Perspective," a Cache Valley Chamber of Commerce "Lunch & Learn" event that is part of a five-session series on workforce readiness. Location is Bridgerland Technical College, Room 808, 1301 N. 600 W., Logan. Cost for the series is \$90. Details are at cachechamber.com.

Sept. 21, 4-6 p.m.

"Investor Perspectives on Startups Pitching for Capital," a VentureCapital.Org event that is part of its Women's Entrepreneurship Program and featuring four local investors. Panelists to be announced. Location is Utah Valley University, 2912 Executive Parkway, Lehi. Cost is \$25. Registration can be completed at Eventbrite.com.

Sept. 21, 4-6 p.m.

"Business After Hours" Mixer, a Park City Chamber/Bureau event. Location is Soaring Wings International Montessori School, 1580 Old Ranch Road, Park City. Details are at <https://www.visitparkcity.com/members/chamber-bureau-events/rsvp/>.

Sept. 21, 6-9 p.m.

"What's the Point?" a Utah Tech Leads event. Speakers are Utah Rep. Jeff Moss and Draper Mayor Troy Walker, who will discuss the Point of the Mountain development. Location is The Shop Salt Lake City, 350 E. 400 S., Salt Lake City. Free. Registration can be completed at Eventbrite.com.

Sept. 21, 6 p.m.

Summit Meetup Series, a casual gathering of people from the outdoor industry. Theme is "Restorative Body + Mind + Nature Retreat." Location is Swaner Preserve and EcoCenter, located in Newpark Town Center, 1258 Center Drive, Park City. Free. Registration can be completed at Eventbrite.com.

Sept. 22, noon-2 p.m.

15th Annual Women Tech Awards, a Women Tech Council event. Location is Grand America Hotel, 555 S. Main St., Salt Lake City. Cost is \$125. Details are at womentechcouncil.com.

Sept. 22, noon-2 p.m.

"Strictly Networking Luncheon," a West Jordan Chamber of Commerce event. Free (pay for food ordered). Location and other details to be announced at westjordanchamber.com.

Sept. 22, noon-1 p.m.

Women in Business, a Box Elder Chamber of Commerce event. Cost is \$10. Location and other details to be announced at boxelderchamber.com.

Sept. 22, 6-7 p.m.

Intellectual Property Clinic, a Small Business Development Center (SBDC) event that takes place online. Details are at <https://clients.utahsbdc.org/events.aspx>.

Sept. 26, 8 a.m.-3 p.m.

Executive Summit 2022, a Utah Valley Chamber event featuring rapid-fire updates from areas of importance to businesses and to the community, plus breakout sessions. Location is Sundance Resort, 8841 Alpine Loop Scenic Byway, Sundance. Cost is \$280 for members, \$310 for guests. Details are at thechamber.org.

Sept. 26, 8-9 a.m.

Town Hall, a Silicon Slopes event. Speaker is Gov. Spencer Cox. Location is Silicon Slopes, 2600 Executive Parkway, Suite 140, Lehi. Free. Details are at siliconslopes.com.

Sept. 27-30

2022 Utah Tourism Conference, presented by the Utah Tourism Industry Association, in cooperation with the Utah Office of Tourism. Event is open to local or nonlocal industry professionals or anyone who is interested in the current status and promising future of tourism in Utah. Event includes keynote speakers, including Gov. Spencer Cox; former Olympian Catherine Raney Norman, who chairs the Salt Lake City Utah Committee for the Games; and Stephen Barth, a hospitality lawyer. Attendees will also be invited to participate in Forever Mighty service projects throughout Vernal. Activities also include a breakfast induction ceremony for the Utah Tourism Hall of Fame on Sept. 30. Location is Uintah Conference Center, Vernal. Cost is \$379 for members, \$399

for nonmembers, \$210 for college students. Details are available at utahtourismconference.com.

Sept. 27, 8 a.m.-3:30 p.m.

"Women Empowered," an Ogden-Weber Chamber of Commerce Women in Business event. Location is Courtyard by Marriott, 247 24th St., Ogden. Cost is \$65 for WIB members, \$75 for nonmembers, with discounts for military and first responders. Details are at ogdenweberchamber.com.

Sept. 27, 11:30 a.m.-1 p.m.

Women in Business, a South Valley Chamber of Commerce event. Panelists are JulieAnn Caramel CEO Rowena Montoya, Bohme co-founder Fernanda Bohme, Fawn Design CEO Jenny Wecker, and Sharehouse founder Madelyn Van Hoff (moderator). Location is Alpha Warranty, 11456 Temple Drive, South Jordan. Cost is \$15 for members, \$20 for nonmembers. Details are at southvalleychamber.com.

Sept. 27, 4:30-6:30 p.m.

"Women in STEM Mingle," a BioHive event. Location is Slackwater Pizza, 650 S. 500 W., Salt Lake City. Details are at <https://biohive.com/events>.

Sept. 28, 11:30-1 p.m.

Small Business Development Series, a ChamberWest six-session program. Sept. 28 session is "Make My Business Famous" and featuring a marketing panel. Other sessions are Oct. 26, "How Do We Attract and Retain Employees?"; and Nov. 30, "Funding for Business" Panel. Location is Kearns Library, 4275 W. 5345 S., Kearns. Cost is \$25 for members per session and \$35 for nonmembers per session. Details are at chamberwest.com.

Sept. 28, noon-1 p.m.

"Walkable Wednesday," a ULI (Urban Land Institute) Utah event featuring Freedom Commons, the first new Class A office developed in downtown Provo since 2010. Location is Freedom Commons, 145 W. 200 N., Provo. Free for members, \$15 for nonmembers. Details are at utah.uli.org.

Sept. 28, 5-7 p.m.

"Business After Hours," a Salt Lake Chamber event. Location is Ken Garff Scholarship Club, Rice-Eccles Stadium, 451 S. 1400 E., Salt Lake City. Free for members before Sept. 26 and \$20 thereafter, \$30 for nonmem-

CALENDAR

from page 15

bers before Sept. 26 and \$40 thereafter. Details are at slchamber.com.

Sept. 29-30

Silicon Slopes Summit. Location is Vivint Arena, 301 S. Temple, Salt Lake City. Cost is \$295. Details are at <https://www.summit.siliconslopes.com/>.

Sept. 29, 9 a.m.-noon

"Design," part of the Women's Business Center of Utah's "Minding My Own Business" Series, a seven-week cohort program designed for solopreneurs. Remaining sessions are Oct. 6, "Niche"; Oct. 13, "Budget"; Oct. 20, "Systemize"; Oct. 27, "Generate"; Nov. 3, "Outsource" and Nov. 10, "Track." Event takes place online. Free. Details are at wbcutah.org.

Sept. 29, 10 a.m.-3 p.m.

"Witches on the Green," a Cache Valley Chamber of Commerce second annual fundraising scramble for the Dan Gyllenskog Veterans Center in North Logan. Details are at cachechamber.com.

Sept. 29, noon-1 p.m.

"Lunch & Learn: Mental Health in the Workplace," a Cache Valley Chamber of Commerce event that is part of a four-session series. Sept. 29 session is "Mental Health First-Aid (A Preview)." Remaining session is Oct. 6, "QPR (Question, Persuade, Refer) for Suicide Prevention." Location is CAPSA Training Room, 308 W. 1000 N., Logan. Details are at cachechamber.com.

Sept. 29, 6-9 p.m.

2022 Annual Business Awards Banquet, a Davis Chamber of Commerce event featuring awards for Business of the Year, Employer of the Year, Innovation Award and Small Business of the Year. Location is Davis Conference Center, 1651 N. 700 W., Layton. Cost is \$75. Details are at davischamberofcommerce.com.

Sept. 30, 5-8 p.m.

"Business After Hours," a Murray Area Chamber of Commerce event. Location is The Point After Sports Bar, 5445 S. 900 E., Murray. Details are at murrayareachamber.com.

Oct. 1, 6-10 p.m.

Annual Murray Area Chamber Gala, a charity event with proceeds going to Yellow for Life, Murray Area Children's food pantry and Elevated Mountain Guides. Location is Pierpont Place, 163 Pierpont Ave., Salt Lake City. Cost

is \$75 for members, \$85 for nonmembers. Details are at murrayareachamber.com.

Oct. 4, 8:30-11:30 a.m.

KeyBank Business Accelerator, a South Valley Chamber of Commerce event with sessions taking place through Dec. 13. Oct. 4 event is "Sales." Presenter is Ralph Little, founder and CEO of a nationwide financial services company. Location is Salt Mine Productive Workspace, 7984 S. 1300 E., Sandy. Series cost is \$750 for chamber members, \$1,000 for nonmembers. Details are at southvalleychamber.com.

Oct. 4, 9-10:30 a.m.

"Coffee Chat with the CEO," a Park City Chamber/Bureau event offering an informal conversation with chamber/bureau CEO Jennifer Wesselhoff. Location is Kimball Junction Visitor Information Center, 1794 Olympic Parkway Blvd., Park City. Details are at <https://www.visitparkcity.com/members/chamber-bureau-events/rsvp/>.

Oct. 4, 11:30 a.m.-1 p.m.

"State of the Economy: Economic Perspectives in Utah and Beyond," presented by ACG (Association for Corporate Growth) Utah and TMA (Turnaround Management Association) Rocky Mountain. Speaker is Natalie Gochnour, associate dean, Davis Eccles School of Business at the University of Utah and director of the Kem C. Gardner Policy Institute. Location is Salt Lake City Marriott City Center, 220 S. State St., Salt Lake City. Cost is \$30 for members, \$50 for nonmembers. Details are at <https://www.acg.org/utah/events/acg-utahtma-state-economy-economic-perspectives-utah-and-beyond>.

Oct. 5, 8 a.m.-5 p.m.

Wasatch Innovation Network Venture Summit, an invitation-only event that will gather the next generation of Utah entrepreneurs alongside mentors, investors and stakeholders from Utah's entrepreneur community. Location is Little America Hotel, 500 S. Main St., Salt Lake City. Cost is \$120. Details are at slchamber.com.

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

Business Alliance Networking Luncheon. Location is Boondocks Fun Center, 525 Deseret Drive, Kaysville. Registration is required. Details are at davischamberofcommerce.com.

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

Park City Business University, a Park City Chamber/Bureau event, in partnership with The Referral Community. Location

is Blair Education Center, Intermountain Park City Hospital, 900 Round Valley Drive, Park City. Details are at <https://www.visitparkcity.com/members/chamber-bureau-events/rsvp/>.

Oct. 5, noon-2 p.m.

"Workforce Readiness: The Hiring Process," a Cache Valley Chamber of Commerce "Lunch & Learn" event that is part of a five-session series on workforce readiness. Location is Bridgerland Technical College, Room 808, 1301 N. 600 W., Logan. Cost for the series is \$90. Details are at cachechamber.com.

Oct. 6-7

WeGOLF and WeROC Events, hosted by VentureCapital.Org. Inaugural WeGOLF nine-hole scramble, dinner and awards ceremony take place Oct. 6, 2-8 p.m. Dinner spokesperson is Utah Valley University President Astrid Tuminez. Location is Thanksgiving Point Golf Club, Lehi. Sixth annual WeROC (Women Entrepreneurs Realizing Opportunities for Capital) Conference takes place Oct. 7, 8 a.m.-5 p.m. Ten female-founded companies will pitch for funding and four panels will discuss relevant capital-related topics. Keynote speaker is Fernanda Bohme Birkeland, co-founder of clothing store Bohme. Location is Little America Hotel, 500 S. Main St., Salt Lake City. Details are at VentureCapital.Org.

Oct. 6, 9-10 a.m.

Morning Speaker Series, an Ogden-Weber Chamber of Commerce event that takes place online via Zoom. Free for chamber members and first-time guests. Details are at ogdenweberchamber.com.

Oct. 6, 9-10:30 a.m.

"Starting Your Business 101," a Small Business Development Center (SBDC) event that takes place online. Details are at <https://clients.utahsbdc.org/events.aspx>.

Oct. 6, noon-2 p.m.

"Lunch & Learn: Mental Health in the Workplace," a Cache Valley Chamber of Commerce event that is part of a four-session series. Oct. 6 event is "QPR (Question, Persuade, Refer) for Suicide Prevention." Location is CAPSA Training Room, 308 W. 1000 N., Logan. Details are at cachechamber.com.

Oct. 6, noon

Webconference, an IT Leaders Association event that is available live and both recorded and summarized for later viewing. Speaker is NJ Robinson, IT director, Air Force. Details are at <http://IT-Leaders.org>.

Oct. 6, noon-2 p.m.

"Strictly Networking Luncheon," a West Jordan Chamber of Commerce event. Free (pay for food ordered). Location and other details to be announced at westjordanchamber.com.

Oct. 6, 6-8 p.m.

"Entrepreneur 101," a Small Business Development Center (SBDC) event that takes place online. Details are at <https://clients.utahsbdc.org/events.aspx>.

Oct. 7, 8:30 a.m.-1 p.m.

2022 Business Economic Summit and Training (BEST), a Davis Chamber of Commerce event. Speakers include Troy Wood, CEO of Lakeview Hospital, discussing "Rock Your Culture"; Mallory Bateman, senior research analyst at the Kem C. Gardner Policy Institute, discussing "Utah's Ever-Changing Demographics and What It Means for Business"; and Mark Cook, author, innovator and speaker, discussing "Bold Breakthroughs: Unstick Priorities and Pivots." Location is Weber State University Davis Campus, Building D-2, Room 110, 2750 University Park Blvd., Layton. Cost is \$50 for members, \$75 for guests and at the door. Details are at davischamberofcommerce.com.

Oct. 7, noon-1:30 p.m.

Annual Meeting 2022, a Salt Lake Chamber event. Theme is "Reignite in the City Lights." Location is Salt Lake Marriott Downtown at City Creek, 75 S. West Temple, Salt Lake City. Cost is \$75 for members, \$85 for nonmembers. Details are at slchamber.com.

Oct. 11-13

Fall One Utah Summit 2022, presented by Utah's Center for Rural Life and hosted by Gov. Spencer Cox. Event will showcase why Utah is continually the country's most resilient state and how its rural communities are well-positioned to thrive domestically and internationally. Activities include networking opportunities, breakout sessions, an entrepreneurial business challenge and more. Leadership Day is Oct. 13 and includes a keynote address, breakout sessions focusing on leadership topics, and skills development opportunities hosted by the Southern Utah University Community and Professional Development team. Location is Southern Utah University, Cedar City. Summit cost is \$320, \$399 starting Oct. 1. Cost for Leadership Day is \$125. Details are at <https://oneutahsummit.com/>.

Oct. 11

Breakfast Meeting, an ACG (Association for Corporate

Growth) Utah event. Speaker is Robert Spendlove, economic and public policy officer at Zions Bank. Details to be announced.

Oct. 11, 9-10 a.m.

"Ask Ashly," a Women's Business Center of Utah event featuring tips to improve a website, SEO or social media. Presenter is Ashly Kulland, WBCUtah's digital media specialist. Event takes place online via Zoom. Free. Details are at wbcutah.org.

Oct. 11, 9-11 a.m.

"Pay the IRS Less Without Going to Jail," a Small Business Development Center (SBDC) event that takes place online. Cost is \$10. Details are at <https://clients.utahsbdc.org/events.aspx>.

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

Professional Growth Series, a ChamberWest event. Speaker Hillory Dahle, life design coach, will discuss "Five Steps to Stillness." Location is Residence Inn, 7558 S. Plaza Center Drive, West Jordan. Cost is \$25 for members with advance registration by Oct. 5, \$35 thereafter and for nonmembers. Details are at chamberwest.com.

Oct. 12, 9:55-11 a.m.

"Increase Your Holiday Sales with Google Tools," a Women's Business Center of Utah event, in partnership with Grow with Google. Event takes place online via Zoom. Free. Details are at wbcutah.org.

Oct. 12, 11:55 a.m.-1 p.m.

Women in Business, a Cache Valley Chamber of Commerce event. Location varies each month. Cost is \$16 for members, \$18 for nonmembers, \$20 at the door. Details are at cachechamber.com.

Oct. 12, 5-7 p.m.

"Business After Hours," an Ogden-Weber Chamber of Commerce event. Location is The Insurance Center, 1741 N. 2000 W., Farr West. Free for chamber members and first-time guests, \$10 for nonmembers. Details are at ogdenweberchamber.com.

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

"2022 Witches, Werewolves and Women in Business" Luncheon, a Davis Chamber of Commerce Women in Business event. Location is Lagoon, Canyon Terrace, 375 N. Lagoon Drive, Farmington. Cost is \$25 for members, \$35 for guests. Details are at davischamberofcommerce.com.

see **CALENDAR** next page

CALENDAR*from previous page***Oct. 13, 11:30 a.m.-1:30 p.m.**

“Lunch \$ Learn” Workshop, a Murray Area Chamber of Commerce event. Location is MACC Office, 5411 S. Vine St., No. 3A, Murray. Cost is \$15 for members, \$25 for nonmembers. Details are at murrayareachamber.com.

Oct. 18, 8 a.m.-1:30 p.m.

“SOURCE: South Valley Small Business Summit,” a South Valley Chamber of Commerce

event. Theme is “Supercharging Small Businesses.” Morning keynote speaker is Nicole Tanner, founder of Swig. Location is Mountain America Expo Center, 9575 S. State St., Sandy. Cost is \$75 for members, \$95 for nonmembers; cost at the door is \$100 for members, \$125 for nonmembers. Details are at southvalleychamber.com.

Oct. 18, 8:30-11:30 a.m.

KeyBank Business Accelerator, a South Valley Chamber of Commerce event with sessions taking place through Dec. 13. Oct. 18 event is “Financial Statements.” Presenter is Ralph

Little, founder and CEO of a nationwide financial services company. Location is Salt Mine Productive Workspace, 7984 S. 1300 E., Sandy. Series cost is \$750 for chamber members, \$1,000 for nonmembers. Details are at southvalleychamber.com.

Oct. 18, 9 a.m.-noon

“Cash Flow is King,” a Small Business Development Center (SBDC) event. Location is Salt Lake SBDC, Salt Lake Community College. Cost is \$29. Details are at <https://clients.utahsbdc.org/events.aspx>.

Oct. 18, 11 a.m.-1 p.m.

Business Women’s Forum 2022: “How to Build a Passion- and Purpose-Driven Career.” Presenters are Karra Porter, who has served as president or managing director, Christensen & Jensen; Leslie Titus Bryant, director of marketing and brand, Spectrum Solutions; and Daniel Hellwig, laboratory director, Intermountain Forensics. Location is Hilton

Garden Inn Downtown, 250 W. 600 S., Salt Lake City. Cost is \$35 for members, \$50 for nonmembers. Details are at slchamber.com.

Oct. 18, 11:25 a.m.-1 p.m.

Leadership Luncheon, a Cache Valley Chamber of Commerce event. Location is The Riverwoods Conference Center, 615 Riverwoods Parkway, Logan. Cost is \$16 for members and \$17 for nonmembers preregistered, \$20 for members and \$22 for nonmembers not preregistered. Details are at cachechamber.com.

Oct. 18, 11:30 a.m.-1 p.m.

Professional Development Series, a ChamberWest event. Speaker is Mary Crafts, founder of Culinary Crafts. Location is Jordan Valley Water Conservancy Garden Park, 8275 S. 1300 W., West Jordan. Cost is \$25 for members by Oct. 12, \$35 for nonmembers and members registering after Oct. 12. Details are at www.chamberwest.com.

Oct. 19-21

ImpartnerCON 2022, an Impartner event. Theme is “Odyssey.” Speakers include Maria Chien, vice president and research director at Forrester; Janet Schijns, CEO of JS Group; and Jared Fuller, founder of PartnerHacker. Location is Grand America Hotel, 555 S. Main St., Salt Lake City. Details are at <https://wow.impartner.com/impartnercon22-Splash.html>.

Oct. 19, 11:30 a.m.-1 p.m.

Business Alliance Networking Luncheon. Location is Boondocks Fun Center, 525 Deseret Drive, Kaysville. Registration is required. Details are at davischamberofcommerce.com.

Oct. 19, noon-2 p.m.

“Workforce Readiness: Relationship Management,”

see **CALENDAR** page 18

HEDGE*from page 1*

Hedge for, among other things, establishing the original policy, programs and protocols from a startup to a functioning state authority; establishing the authority’s strategic vision; envisioning and establishing a statewide model; creating necessary relationships; providing support in passing two pieces of landmark federal legislation; leading the creation of a strategic business plan; hosting Utah’s first-ever logistics forum; and establishing logistics/supply chain in Utah as a public policy discussion.

During the Sept. 7 meeting, Hansen praised Hedge’s vision, leadership, tenacity and “your willingness to shovel the whatever-needed-to-be-shoveled to get things done and move things forward.”

Hansen said it will be up to others to take “this little startup that you’ve created and fostered and nurtured, and then institutionalize it and move it forward in a way that’s going to continue to have a generational impact here in the state.”

Hedge’s last day at the authority will be Oct. 28. He said his retirement was “a tough decision to come to, but I do think the timing’s right.” The authority will need to “really step forward and step out into its next phase,” he said, adding that he will continue to champion the port authority.

Hedge was hired as the executive director of UIPA in June 2019, coming from the Port of Los Angeles. In June, the board decided that Hedge as president would focus on leading the authority’s external engagement with industry leaders across the country and around the world. The new UIPA executive director would be responsible for leading the development of the authority’s business strategy and plans, building and managing the UIPA team and overseeing the development of business cases for ongoing and future authority projects.

The board recently appointed Ben Hart as executive director. His experience includes working in the private sector and in local and state government, most recently serving as deputy director of the Governor’s Office of Economic Opportunity (Go Utah).

Since joining UIPA, Hedge has been the point man for much of the public’s criticism of the authority, including its very existence. Critics have opposed the authority’s creation and development based on their worries about heavier traffic congestion, air quality issues and possible long-term health concerns associated with them, and land-use authority issues, among others.

Board member Abby Osborne noted that board meetings had advanced from having Utah Highway Patrol officers deal with angry protestors “to a really calm process” because of Hedge’s vision and leadership and the team he created.

Board member Jerry Stevenson, a Republican state senator from Layton, said the state had created a political board when it needed a business board. “And you’re a business guy, and I think in some ways you’ve been put through a difficult situation,” Stevenson said.

The board meetings now are less-raucous but not without criticism. During the public comment portion of the Sept. 7 board meeting, speakers complained that the board was not following its own policies related to public participation, documentation and closed-door sessions, and raised environmental issues related to the Great Salt Lake. One commenter even chided Hansen for noting that a commenter timed her remarks to exactly the allotted two minutes.

Board member Dan Hemmert said he was “surprised and disappointed” to hear Hedge was retiring. Hemmert said he saw Hedge take “something that was nothing” and “turn it into something that it is today, and we’re optimistic for what it can be tomorrow, but it’s because of what you’ve done over the past few years.”

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CALENDAR

from page 17

a Cache Valley Chamber of Commerce "Lunch & Learn" event that is part of a five-session series on workforce readiness. Location is Bridgerland Technical College, Room 808, 1301 N. 600 W., Logan. Cost for the series is \$90. Details are at cachechamber.com.

Oct. 19, 5-7 p.m.

"Business After Hours Mixer," a Park City Chamber/Bureau event. Location is Wasatch Brew Pub, 250 Main St., Park City. Details are at <https://www.visitparkcity.com/members/chamber-bureau-events/rsvp/>.

Oct. 20, Nov. 3, 10 a.m.-1 p.m.

"The Utah Economy Master Class: Economic Fundamentals Outlook and Policy Insights," a two-day Kem C. Gardner Policy Institute event featuring information about Utah economic fundamentals, forecasts and policy insights. Location is Kem C.

Gardner Policy Institute, 411 E. South Temple, Salt Lake City. Details are at slchamber.com.

Oct. 20, 11:30 a.m.-1 p.m.

Chamber Luncheon, a Davis Chamber of Commerce event. Speakers are Kent Anderson, director of community and economic development for Davis County, and Jessica Merrill, tourism director for Davis County. Location is Business Resource Center, Davis Technical College, 450 S. Simmons Way, Kaysville. Cost is \$25 for members, \$35 for guests.

Oct. 20, 11:30 a.m.-1 p.m.

Women in Business, a Murray Area Chamber of Commerce event. Speaker is Dorie Oldes. Location is Home 2 Suites, 4927 S. State St., Murray. Details are at murrayareachamber.com.

Oct. 20, noon

Webconference, an IT Leaders Association event that is available live and both recorded and summarized for later

viewing. Speakers are Douglas Maulbetsch, worldwide leader of enterprise and SaaS solutions, DXC Technology; Kevin Grogg, assistive technologies service owner, EY; and Chad Heath, IT operations manager, Coca-Cola. Details are at <http://IT-Leaders.org>.

Oct. 21, 8:30-10 a.m.

Friday Connections Speed Networking, presented by ChamberWest and the Utah Black, Utah Hispanic and Magna chambers of commerce. Location is Valley Fair Megaplex Theatres Event Space, 3620 S. 2400 W., West Valley City. Cost is \$5 for chamber members, \$10 for nonmembers. Details are at chamberwest.com.

Oct. 25, 10-11:30 a.m.

Virtual Member Showcase, a Park City Chamber/Bureau event featuring chamber members discussing their businesses and the services they provide. Details are at <https://www.visitparkcity.com/members/chamber-bureau-events/rsvp/>.

Oct. 25, 10-11:30 a.m.

"Resources for Women Entrepreneurs," part of the Utah Business Bridge virtual networking series sponsored by the Governor's Office of Economic Opportunity and the Utah Small Business Administration. Details are at <https://business.utah.gov/usbci/utah-business-bridge/>.

Oct. 25, 11:30 a.m.-1 p.m.

Women in Business, an Ogden-Weber Chamber of Commerce event. Location is Jeremiah's Lodge & Garden, 1329 W. 12th St., Marriott-Slaterville. Cost is \$20 for members and first-time guests, \$30 for nonmembers.

Details are at ogdenweberchamber.com.

Oct. 25, 11:30 a.m.-1 p.m.

Women in Business, a South Valley Chamber of Commerce event. Details to be announced at southvalleychamber.com.

Oct. 26, 8:30-10 a.m.

Small Business Development Series, a ChamberWest six-session program. Oct. 26 session is "How Do We Attract and Retain Employees?" Nov. 30 session is "Funding for Business"

see CALENDAR next page

NEW HOTEL

from page 1

room nights. "I have to say that the Hyatt has played a huge role in attracting these groups," Eskelson said, adding the hotel adds vibrancy, jobs and incredible gathering places to Salt Lake City's hospitality ecosystem.

The idea of a large hotel connected to the Salt Palace Convention Center has been a dream for years as tourism and convention officials lamented that some conventions simply went elsewhere with more-convenient options for attendees. The Hyatt Regency will feature 60,000 square feet of meeting and event facilities, 700 guest rooms and suites, several dining options and a sixth-floor rooftop event terrace. The hotel lobby will have direct access to the convention center.

"This is a very, very exciting time in Salt Lake's history, and I think I can speak for everyone that we didn't know if this day would come," Eskelson said. "It's been a lot of years in the making, and we're just thrilled."

Pina Purpero, the hotel's general manager, said Salt Lake City had been working on such a hotel since 2005. The new facility "will blend Salt Lake City's eclectic style with modern design, tech-enabled conveniences and dynamic spaces," she said.

"We're really hoping to be that added inventory that can really capture larger groups, but also we're modern, we're sleek, we're new," Purpero said. "Hopefully we're just a place where people who are coming on vacation, who want to incorporate skiing or outdoors, or who are attending a convention, will want to be. We're adding a real vibrant, energetic piece to the city."

Eskelson said the hotel has "transitioned our conversations" as it has opened doors to conventions that otherwise did not view Salt Lake as a viable option. The expectation now is more, larger

and higher-quality conventions, she said.

One such convention will return to Utah after being in Denver for a few years. Outdoor Retailer, with its large twice-annual shows, has announced a return to Salt Lake City.

"Our convention center space when they left, it was not big enough, and our room blocks were also not big enough," Eskelson said. "So adding the 700-room inventory and additional meeting space was absolutely a game-changer for their decision to return."

Set to open in October, the 25-story hotel will be the first Hyatt Regency hotel in Utah. Glass is a prominent feature, providing sparkle on its exterior and city and mountain views from the interior.

Inside will be 60,000 square feet of indoor and outdoor meeting and event facilities. "This is going to be our bread-and-butter and is going to be a large focus for the hotel," said Jarrod Finley, the hotel's director of sales and marketing.

Anchoring the meeting space will be two large ballrooms, one of 23,000 square feet, making it the largest indoor ballroom in Salt Lake City outside the convention center, and another of 15,000 square feet. Thirty-one breakout rooms include some as small as 300 square feet for something as intimate as board meetings. Attendees needing a break can still connect with their meetings via video feeds streamed to a space called the Broadcast Lounge — a first for the Hyatt Regency brand.

Visitors looking for a bite to eat will have three lower-floor options: Contribution, an upscale, street-facing bar; The Salt Republic, a spacious open-kitchen American bistro; and Market, a local artisan grab-and-go store open around the clock. Spanish-inspired MarlMuntanya will be on the sixth floor.

The hotel also will contain locally inspired art, a fitness center and a rooftop pool with cabanas and firepits.

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CALENDAR

from previous page

Panel. Location is Kearns Library, 4275 W. 5345 S., Kearns. Cost is \$25 for members per session and \$35 for nonmembers per session. Details are at chamberwest.com.

Oct. 26, 10 a.m.-2 p.m.

NUME Conference. Location is Cache County Event Center, 490 S. 500 W., Logan. Cost is \$65, \$25 for each additional person in a group. Details are at cachechamber.com.

Oct. 27, noon-1 p.m.

Women in Business, a Box Elder Chamber of Commerce event. Cost is \$10. Location and other details to be announced at boxelderchamber.com.

Oct. 27, 8 a.m.-3 p.m.

Utah Valley Growth & Prosperity Summit II, offered by the Utah Valley Chamber of Commerce, the Utah Leadership Council and Utah Valley University and focusing on ensuring the future economic success of Utah County. Location is Utah Valley University, Sorensen Student Center, 800 W. University Parkway, Orem. Cost is \$50 (\$40 for early-bird admission), \$25 for virtual admission. Details are at thechamber.org.

Oct. 28, 7:30 a.m.-3:30 p.m.

Utah's Business Diversity Summit 2022, part of the One

Utah Summit Series and focusing on efforts to create more diverse and inclusive workplaces. Event features keynote speakers, breakout sessions, networking opportunities and resources. Presentations are targeted toward businesses with well-developed diversity and inclusion programs, as well as those businesses without current efforts but who want to engage. Location is Salt Lake Marriott Downtown at City Creek, 75 S. West Temple, Salt Lake City. Cost is \$120. Details are at slchamber.com.

Oct. 28, 5-8 p.m.

"Business After Hours," a Murray Area Chamber of Commerce event. Details to be announced at murrayareachamber.com.

Oct. 31, noon-1:30 p.m.

Chamber Connection Series Luncheon, a Utah Valley Chamber of Commerce event. Speaker is Brandon Fugal. Location is Experience Event Center, 1440 N. Moon River Drive, Provo. Cost is \$20 for members, \$30 for nonmembers. Details are at thechamber.org.

Nov. 1, 8 a.m.-4 p.m.

Annual Cache Business Women's Conference, a Cache Valley Chamber of Commerce event. Location is The Riverwoods Conference Center, 615 Riverwood Parkway, Logan. Virtual option at a discounted rate is available. Details are at cachechamber.com.

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

2022 Tourism Fall Forum, a Park City Chamber/Bureau event featuring an update on what the 2022/2023 ski season has in store for the Park City. Location is Stein Eriksen Lodge Deer Valley, 7700 Stein Way, Park City. Details are at <https://www.visitparkcity.com/members/chamber-bureau-events/rsvp/>.

Nov. 2, 11:30 a.m.-1 p.m.

Park City Business University, a Park City Chamber/Bureau event, in partnership with The Referral Community. Location is Blair Education Center, Intermountain Park City Hospital, 900 Round Valley Drive, Park City. Details are at <https://www.visitparkcity.com/members/chamber-bureau-events/rsvp/>.

Nov. 2, 11:30 a.m.-1 p.m.

Business Alliance Networking Luncheon. Location is Boondocks Fun Center, 525 Deseret Drive, Kaysville. Registration is required. Details are at davischamberofcommerce.com.

Nov. 2, noon-2 p.m.

"Workforce Readiness: Employee Growth," a Cache Valley Chamber of Commerce "Lunch & Learn" event that is part of a five-session series on workforce readiness. Location is Bridgerland Technical College, Room 808, 1301 N. 600 W., Logan. Cost for the series is \$90. Details are at cachechamber.com.



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Nov. 3, noon-2 p.m.

"Strictly Networking Luncheon," a West Jordan Chamber of Commerce event. Free (pay for food ordered). Location and other details to be announced at westjordanchamber.com.

Nov. 3, 6-9 p.m.

Titan Awards Gala, a South Valley Chamber event. Reception begins at 6 p.m., followed by dinner, entertainment and program at 7 p.m. Location is Little America Hotel, 500 S. Main St., Salt Lake City. Details are at southvalleychamber.com.

Nov. 4

2022 Fall Nubiz Symposium

on Sales. Details to be announced at ogdenweberchamber.com.

Nov. 4 and 9, 8 a.m.-12:30 p.m.

Government Affairs Boot Camp 2022, a Salt Lake Chamber event 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 \$750 for members, \$1,000 for nonmembers. Details are at slchamber.com.

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