

THIS WEEK

Iowa diner chain coming to Utah

See page 3.

Utah home sales highest since 2007

See page 7.



Legal Matters

See page 9.

• **Industry Briefs** •

Begin on page 15.

• **Calendar** •

See page 16.

Work to begin in \$90 million project in Cottonwood Heights



An artist's rendering of The Canyon Center, which has been in development for approximately two years.

By Barbara Rattle
The Enterprise

Ground could be broken as soon as late this year for the Canyon Center, a \$90 million commercial development on 11 acres at the mouth of Big Cottonwood Canyon on a site that once housed the Canyon Racquet Club.

The property is owned by Canyon Center Capital LLC. It is managed by local CW Management Corp., of which Chris McCandless is president.

The Cottonwood Heights City Council, acting as the Community Development and Renewal

Agency, last week approved several interlocal agreements with other taxing entities to create a Community Development Area for the Canyon Center.

Plans for the first phase of the development call for construction of a hotel, office building, two restaurant pad sites and a civic center with summer theater that would have the capacity for about 100 people, McCandless said, noting the project has been in the works for two years.

"We have a pretty good plan," he said. "The good news

see CANYON page 2

Machine tools manufacturer expanding in Spanish Fork



Precorp is constructing a 44,000 square foot building behind its existing 20,000 square foot headquarters.

By Barbara Rattle
The Enterprise

Precorp, a Spanish Fork-based firm that manufactures custom polycrystalline diamond and carbide tools, has broken ground for an expansion.

Currently located in about 20,000 square feet at 1962 N. Chappel Dr., the firm is constructing a 44,000 square foot building directly behind its current quarters. When complete, which is expected to be in July, the operations in a third building of about

20,000 square feet located three miles away from headquarters will be moved into the new building, which will provide another 24,000 square feet for growth and expansion, said Utah facilities general manager Mike Thompson.

Dating back to the early 1980s and privately owned, Precorp has about 85 Utah employees that specialize in diamond tools for the aerospace industry. Overall, the company has roughly 150 employees, as it maintains operations in

see PRECORP page 6

Page Brake Warehouse assets sold twice in a matter of days



Page Brake Warehouse's two-state assets have been sold to Texas-based FleetPride.

By Barbara Rattle
The Enterprise

The assets of Page Brake Warehouse, a Salt Lake City-based parts distributor serving the heavy-duty vehicle aftermarket in the Rocky Mountain region, have been sold for the second time in less than a month.

Fleet Brake, a Canadian firm, bought Page's assets in late January, then promptly decided to sell them to The Woodlands, Texas-based FleetPride on Feb.

2 in order to concentrate on its business in Canada. FleetPride bills itself as the nation's largest aftermarket distributor of heavy-duty truck and trailer parts.

Page Brake executives could not be reached for comment. Page Brake is now answering its telephone as "Page Brake FleetPride." Page's assets consisted of locations in Salt Lake City, Vernal, St. George, Idaho Falls, Twin Falls

see PAGE page 6

Bill requiring licensure of HVAC tech encounters hurdle

By Brice Wallace
The Enterprise

A legislative bill that would require heating, ventilation and air conditioning technicians to be licensed failed to advance to a vote in committee but could resurface later in the current session or during interim committee meetings later this year.

SB160 is sponsored by Senate Assistant Majority Whip Peter Knudson, R-Brigham City, who said advances in HVAC technology warrant licensing and training called for in the bill.

"Basically, it boils down to training, making sure those who service today's technology have the background, experience and education to do that which the

public expects," Knudson told the Senate Business and Labor Committee, which ultimately moved to its next agenda item without voting on SB160.

Among the supporters were members of the Rocky Mountain Gas Association, a trade association for residential and light commercial contractors. John Hill, the association's executive director, said 33 other states require HVAC licensing and that Utah's bill also calls for two years of formal training for licensed residential heating and air technicians. Like licensing laws for electricians and plumbers, it also calls for continuing education. SB160 grandfathers those who have been in the indus-

see HVAC page 4



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CANYON

from page 1

is we have several hotel operators that want to buy in, which is really exciting. When no one is calling you and you're doing a project, there's a problem. Lots of people are calling. We have more restaurants than we have pad sites for that want to be involved in this project. We've selected the ones we think we want and we're waiting for the monetization or the construction financing to become available, which we think we'll have without too much trouble. We're fairly confident the hotel will be 152 rooms, about 80,000 square feet. The first office building — there will eventually be three — will be a little bit north of the hotel, 80,000 square feet with 65,000 rentable and it's already 100 percent leased. It will have a rooftop garden. We'll be moving there. There's a 15,000 square foot restaurant site. The operator we've been talking to has a gift shop/bookstore and brewery."

McCandless said he envisions the civic center/amphitheater being home to the likes of farmers markets, small theatrical productions and small concerts. It will be surrounded by waterfalls, he said, and the entire project will be sprinkled with open-to-the-public plazas equipped with natural-gas powered firepits.

One of the project's major benefits, along with three phases of networked trails, he said, is the addition of parking facilities for skiers.

"That has been the plague I

think for Big Cottonwood Canyon for a long time. They park on surface streets, in subdivisions, every parking stall. The idea is to create kind of a gateway element into Big Cottonwood Canyon. We can welcome people to Big Cottonwood Canyon and Little Cottonwood Canyon in a pleasing manner instead of 'really, is this it? It's kind of beat up.' The whole project looks like a resort center and that's part of the deal. You're at the mouth of the canyon, a UTA bus leaves from this site every 15 minutes for all four ski areas all day long. You can't dream that stuff up. So we've got ski areas within 35 to 40 minutes of our front door using public mass transportation. That's a phenomenal benefit, especially as the canyon transportation systems come under scrutiny. How many cars can we put up a canyon? This gives is a place to park cars for skiers and guests, hotel visitors, residents who just want to meet there, get on the bus and take the impact away from the canyon. It's the first step. It's not a cure-all to the canyon transportation problem, but it certainly will help."

McCandless said site construction for a new roadway that will bisect the project site could begin in as few as four weeks. There is a tremendous amount of obsolete infrastructure that must be removed and replaced.

"We're really hoping we can be under construction with the phase one parking structure, the office/hotel and first restaurant or two by the end of the year," he said. "That's a very aggressive timeline because there's an awful lot of design work that needs to happen. We've been working with Layton Construction, a lot, and they've given us tremendous assistance in doing some estimating for some of the costs that are associated with this so we can see if it pencils financially, which it does very well. If we're really doing well, we hope to see some vertical construction start by the end of the year."

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86-year-old Iowa diner chain to enter Utah market in March



A typical Maid-Rite end cap site.

By Barbara Rattle

The Enterprise

Maid-Rite Corp., a Des Moines-based diner chain founded in 1926, is preparing to enter the Utah market.

Local franchisees Scott and Celina Shearer are planning to open an approximately 1,300 square foot location at 701 N. Main St., Layton, in an end cap location in the Layton Village shopping center. Company president and CEO Bradley Burt said the couple plan to open as many as 10 locations in Utah. Burt said Scott Shearer was formerly a banker, while Celina Shearer has a restaurant background.

Burt said the chain, which he billed as the oldest restaurant franchise chain in the country, has 70 franchised locations around the country, primarily in the Midwest, but has since been working westward, launching diners in Colorado and Texas.

“We have a diner style decor, tables and chairs and counter stools,” he said. “Our signature menu item is our fresh ground-beef made-to-order loose meat sandwiches, which would be akin to a sloppy joe. We’re also known for our tenderloins, wraps, gourmet salads, our own special malts and shakes, homemade onion rings and french fries and chips and soups. We’re affordable; our average customer’s ticket size is around \$6.75 and our order fulfillment time is three minutes or less, which is perfect for people who have a 30-minute lunch break. Everything is made to order. There is wait staff. We do take-out and we also do catering for businesses and for families for weddings and graduation parties. The nice

thing about our menu is it’s easy to prepare, it’s good for you, it tastes good and it’s affordable. Our employees are required to be very pleasant to people. We call it hometown friendly hospitality.”

Maid-Rite was founded by Fred Angell, a Muscatine, Iowa, butcher, and bills itself as having developed one of the first drive-up/walk-up windows for customer convenience.

Cost to open a Maid-Rite, including the franchise fee, equipment, millwork, inventory, furniture, fixtures and working capital, averages \$225,000 to \$350,000.

Art Coley is the new president of AlphaGraphics

Blackstreet Capital Partners II, an affiliate of a Maryland-based private equity fund, has promoted AlphaGraphics Inc.’s senior vice president of global development, Art Coley, to president of the Salt Lake City-based franchise organization with nearly 300 centers worldwide.

The appointment is effective immediately and follows the departure of Kevin Cushing as CEO.

Before joining AlphaGraphics, Coley was executive vice president of franchising for the International Center for Entrepreneurial Development. In addition, Coley is a Certified Franchise Executive and served as president of Computer Explorers for four years.

Blackstreet purchased AlphaGraphics on Jan. 11.

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HVAC

from page 1

try and can prove long-term training or its equivalency.

Currently, HVAC techs must pass a certification exam. The association offers a two-day exam-preparation class, but even home inspectors have enrolled and passed the certification test, he said. "We believe that more education and training are required and are of importance for both the public's safety and health," Hill said.

Many homeowners mistakenly believe HVAC techs are licensed, and having a more-educated, licensed workforce would protect homeowners and the techs themselves from such dangers as carbon monoxide poisoning, he said.

"It will improve the public health and safety, it's going to create a better educated workforce and improved work product, homeowners will save money and enjoy improved comfort, and it does promote the energy policy

of the state because an educated technician will size the equipment right, he will vent the flue gasses correctly and actually save money in the long term for the homeowner," Hill said.

Dean Dyatt, on the RMGA board and also a technical support employee for an HVAC distributor in Salt Lake, said such improvements would come years from now if the bill is passed. "We're not necessarily going to see an improvement tomorrow or next year or five years but the HVAC industry has tried for 20-30 years to have some form of licensure put in place and there's not been an improvement over that time," Dyatt said.

Clay Thornton, an owner of Thornton Plumbing & Heating and the RMGA board president, said problems with HVAC system installations are more prevalent than problems with plumbing. "I can't believe that the HVAC industry does not have to participate in a training program like the plumbers and electricians," Thornton said.

The bill is not a matter of "gatekeeping" to keep people out

of the industry, he said. "Proper training could teach contractors how to do better installations. ... I don't see that we want to keep good, qualified people out of this industry. We want them in there but we want them properly trained," he said.

"I think that it's a little unfortunate that we're the only trade that has no licensing requirement," said Ryan Snow, president of Western Heating & Air Conditioning and a member of the RMGA board. "We're not asking for very much to get our industry to be raised to a higher level."

But Taz Biesinger, executive vice president of the Home Builders Association of Utah, said his group opposes the bill. The association wants an educated and informed workforce, but SB160 "goes several steps too far." He suggested that a better route would be more specialized certifications for HVAC techs.

Biesinger said "turf wars" and "turf protecting" are big issues in the industry. An HVAC tech who finds a minor electrical problem is unable to fix it because

it's not within their work scope. The same is true for plumbing problems that are discovered. The association favors certification for cross-training in the different disciplines "and we can be assured that they are qualified to do those things we're asking them to do," he said. Instead, under SB160, an HVAC tech would face a four- to six-year commitment to advance from apprentice to master and attain the two years of required formal education, he said.

Currently, HVAC contractors are required to be licensed but individual techs are not, but the contractors want to hire qualified workers. "The representation that these [HVAC techs] are unqualified, untrained, unlicensed people is a little bit of a twist of reality what the reality is," Biesinger said.

"The home builders association sees this as really gatekeeping, an attempt to try and prohibit people from working in the industry and the business and would really, we think, increase costs over time," he said.

Biesinger said he favored

interim committee discussion because he believes there is room for compromise. Several committee members agreed that the bill needed further discussion by stakeholders. Two said they have concerns about the grandfathering component after seeing photos of poor installation work by some current HVAC techs.

"[In] the testimony, they said it would be 25 years before it would ever take effect," said Sen. Gene Davis, D-Salt Lake. "I think as we take a look at the health and safety of individuals between now and then, I think it's something that should be addressed in the next home that's built, not something that's built 25 years from now."



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Bill would give firms tax credits for employing homeless; measure passes out of committee

By Brice Wallace
The Enterprise

Companies would get tax credits for employing certain homeless people under a bill passed out by a legislative committee.

HB101, passed out by the House Revenue and Taxation Committee, calls for companies to get \$1,000 in corporate and individual income tax credits for employing a homeless person, defined as a person whose primary nighttime home is a permanent housing, permanent supportive or transitional facility.

To be eligible for the credit, the company would need to employ the person at least 80 hours per month for at least six months.

House Minority Assistant Whip Brian King, D-Salt Lake, said the bill would benefit homeless people and the business community by employing people "transitioning from experience as being homeless to a more permanent setting — a home, a rental unit, something where they can really get their feet under them and move forward with their lives."

Rep. Gage Froerer, R-Huntsville, lauded the bill's intent. "I think in today's world, this is a section of our society we really need to look at and strive to

give them opportunities that may not be available right now," he said.

Royce Van Tassell, vice president of the Utah Taxpayers Association, said his organization "gently" opposed the bill. "This is a wonderful idea. This is a group of people that absolutely need help," he said. "[But] it's not clear to the taxpayers association that social welfare is best conducted through the tax code."

The organization opposes benefiting one group because there is "a small but nonetheless real harm" imposed on everyone else. "The fact that there is a \$1,000 credit for each person that comes out, that money came from somebody else, and you can't ignore that," he told the committee.

Froerer disagreed with Van Tassell's assertion about the tax code. "I guess I would disagree with you there because as a businessperson, if I can go out and hire that person that's now not productive in society, put them on [and] also benefit my business, it will increase the revenue stream in my business, and that's a win-win situation," Froerer said.

Rep. David Butterfield, R-Logan, described HB101 as "an interesting" bill that "values the dignity of work." Rep. Merlynn

Newbold, R-South Jordan, initially commended King on "this novel approach to getting people back to work," but she ultimately voted against the bill, calling the credit amount "overly generous."

But other representatives said the amount is probably too low. Rep. Steve Eliason, R-Sandy, said tax incentives to benefit the homeless "will need to be high when you have multiple strikes against you, where there are so many other people out in the economy that could be hired."

Rep. Jim Nielson, R-Bountiful, noted that, at most, the credit under HB101 would be 25 percent — low when compared with other credits of 50 percent or 100 percent to incentivize other business behavior. "I believe the notion of extending employment to those who otherwise might not is a laudable goal," Nielson said. "I think that we will see very soon whether this is doing anything useful or whether people even avail themselves of this opportunity, in which case we would have to reevaluate the incentive amount."

The HB101 tax credits would cost the state an estimated \$144,000 in the first year of its implementation and \$287,000 in the second year.

American cuisine bistro to open downtown in March

The Pallet Bistro, a new American cuisine casual fine dining restaurant, is slated to open March 1 at 237 S. 400 W., Salt Lake City.

The eatery will be owned by Rocky Derrick and Drew Eastman, a pair of local entrepreneurs.

Derrick said Pallet Bistro will occupy about 1,500 square feet in a "pretty, small and quaint but great little spot in a cool building that was built in 1901." There will be seating for about 50 during inclement months, with outdoor deck seating for an additional 20 to 25 patrons on Pierpont Avenue during clement weather.

"Our chef will change the menu with the seasons. So we'll change the menu three or four times a year based on what's fresh and what's in season," Derrick said. "Prices for lunch will range from \$8 to \$13, dinner from \$16 to \$26."

Pallet Bistro's chef will be

Utah native Buzz Willey, who attended culinary school in San Diego and for the past seven years has worked at a variety of San Diego eating establishments, most recently the Del Mar Country Club.

"He's very talented and we're excited to have him back in Utah," Derrick said.

At the outset, Pallet Bistro will be open from 11 a.m. to 9 p.m. Tuesday through Thursday, and from 11 a.m. to 11 p.m. Friday and Saturday. It is anticipated that a Sunday brunch will soon be added. Pallet Bistro has already secured a full-service liquor license.

"For now we're starting slowly to make sure we get everything worked out before we expand our hours," Derrick said.

The name of the eatery was inspired by the building it will occupy.

"We spelled it like a wood

pallet and that goes back to the origins of the building, which was actually a meat packing factory in the early 1900s and in the 1930s was a creamery," Derrick said. "Our side of the building was always the loading dock and it's been converted into a restaurant space. We've really worked hard to keep the character of the building; it's all the original brick and we've done a lot with wood throughout the finishes with the tables and the bar."

Derrick and Eastman personally funded the new venture.

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64-unit Class A apartment building to be constructed in Murray

Development Associates Inc., a South Jordan real estate developer, plans to break ground this summer for The Center Street Apartments, a 64-unit Class A apartment structure with ground-level retail at 4916 S. Center St., Murray.

Bryan Flamm, one of the four partners at Development Associates, said the project site, right off State Street in downtown Murray, consists of two parcels. One is vacant; the other is home to an aging duplex that will be razed. It is hoped the project will be ready for occupancy in spring

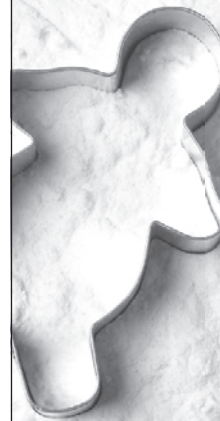
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Flamm said the development will consist of one and two bedroom apartments with interior courtyards and covered parking. The units will be located in a single five-story building atop about 8,000 square feet of retail space.

"We're right kitty corner from the Intermountain Medical Center so there's a lot of employment for us right around the area," said Flamm, who noted rental rates have not yet been finalized.

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Full-service bicycle shop opens at 15th and 15th in Salt Lake City

Beehive Bicycles, a full-service local bike shop, as opened for business in the so-called 15th and 15th micro-commerce area of Salt Lake City.

Proprietor and sole employee Greg Steele said the 1,670 square foot shop, located at 1510 S. 1500 E., does "everything from full customs all the way down to paint to off-the-shelf bikes for everybody." Steele said he worked in a bike shop for about 10 years in Dallas, then had a career as a

mechanical engineer and project manager but for the last nine-and-a-half years was a stay-at-home father.

"I needed to get back into the job market so this was a good opportunity and the location's ideal," he said. "I thought I'd throw my shingle out there and see if it sticks. I've always been a bike junkie."

Beehive Bicycles is the only dealer of Boos bicycles in the area. Boo bikes are made of bamboo

frames which, in terms of weight, compare nicely with the more traditional carbon frames but are more sustainable.

"They're all custom made so they're not inexpensive but they are made to measure," Steele said.

Beehive also carries clothing, helmets, gloves and other accessories and is striving to buy local and/or made in the United States.

THE Enterprise

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At Work Perk

Orem call center to double footprint with move to new building

Response Marketing Group, Orem, has received approval from Orem City to open a call center in approximately 28,000 square feet at 260 S. 1200 W.

The company's current location at 703 S. State St. is about half the size of the future location, which once was home to a Parley's Hardware store. Some homes south of the structure will be razed to accommodate parking.

Company spokesperson Josh Payne said Response Marketing, which hires a lot of college and high-school students from the area, serves as both an inbound and outbound call center that

primarily represents online education clients. The number of people on its payroll numbers between 150 and 200 and it is hoped the new location will allow for an increase in that total. The firm plans to relocate to the 1200 West building, which it owns, in the next four to six months. The fate of the firm's current location, which it also owns, has yet to be finalized, Payne said.

Locally owned, Response Marketing is approximately two years old. The firm's current call center is about half the size of what will become its new base of operations.

PAGE

from page 1

and Pocatello. Page was founded in 1946.

A trade publication account of the transaction reported that the asset sale to FleetPride was made pursuant to a court order issued by the District Court for the Third Judicial District in and for Salt Lake County and a definitive agreement signed by a state-appointed receiver. A spokesperson for Fleet Brake said she was unable to answer any questions about the deal. Hooveronline indicates Page has annual revenues of about \$14 million.

"We are excited to start 2012 off with a new acquisition. These five new locations are representative of our desire to establish presence in new markets, as well as our approach to strengthen existing networks," FleetPride president and CEO W.M. McGee said in a prepared statement. "In order to maintain our leadership position in the marketplace, we will continue to acquire independent operators who can significantly accelerate our growth plans and profitability. We are always monitoring the landscape for potential purchases in conjunction with our organic growth strategy."

FleetPride has more than 225 locations in 41 states, carrying heavy-duty parts for buses, tractor-trailers, waste disposal trucks and large off-road vehicles, as well as providing repair services. FleetPride's 400,000-plus SKUs (stock keeping units) are ArvinMeritor, Federal Signal, Ingersoll-Rand and Roadmaster. It also offers private-label products and rebuilt (in-house) parts. FleetPride is owned by the Bahrain-based investment firm Investcorp and other investors.

PRECORP

from page 1

South Carolina (specializing in carbide tools for the aerospace industry) and Michigan (specializing in both diamond and carbide tools for the automotive industry).

"We're looking at and starting to acquire more automated CNC driven equipment, so we're going to take our old manual processes and convert those into automated CNC driven, Thompson said. "Which means we should be able to increase our production two, three or four times without having to hire many more employees. Because we're buying better equipment that allows us to get more for the time we're spending."

CNC stands for computer numerical control. Computers convert a design into numbers; the numbers can be considered to be the coordinates of a graph and they control the movement of the cutting device.

Precorp sells its products globally.

"Our biggest customers here are Boeing, Airbus and Lockheed Martin," Thompson said. "That's who we do most of our business with. They're all in the phase of building and growing new age airplanes made of composite materials and that subsequently requires CNC cutting tools to drill those composite materials."

KBR Construction, Pleasant Grove, is the general contractor on the Precorp expansion.

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KEEP UTAH INDEPENDENT

2011 Utah home sales highest since 2007

Utah home sales in 2011 were the highest they've been since 2007, according to a new report from the Utah Association of Realtors. The report indicated that Utah Realtors sold nearly 33,000 homes last year, up from the final tallies in 2010, 2009 and 2008.

Compared to 2010, sales were up nearly 9 percent. They were 5 percent above 2009 levels and about 6 percent higher than the year-end total for 2008.

Since July, monthly home sales have recorded double-digit gains compared to the same month from the prior year. Including the 9 percent increase from June, statewide sales have been up for seven straight months. In December, sales were up nearly 12 percent compared to December 2010.

For the year as a whole, sales gains were particularly strong in several counties. Among the more populated areas, sales increases were in the double digits in the following counties: Uintah (up 33 percent), Wasatch (up 21.4 percent), Washington (up 11.9 percent) and Utah (up 10.9 percent).

Among property types, single-family homes had the highest sales increases for 2011, up more than 10 percent compared to 1 percent for condos and townhomes.

Pending sales, which measure contracts that have been signed to buy properties, were up more than 11 percent in 2011 compared to 2010.

Based on these figures, Salt Lake, homes sales are expected to rise 15 percent in 2012.

As home sales rose during 2011, housing supply was absorbed. At the end of December, inventory levels were down nearly 24 percent. For the past 10 months, inventory declines have been in the double digits, with levels falling for more than a year. The number of homes on the market has not been this low since March 2007.

The 20,243 homes listed for sale at the end of December represented a 7.2-month supply of inventory. That's down more than 31 percent from the 10.5-month level in 2010.

Supply was particularly tight in the low price ranges. For homes priced \$150,000 and below, the supply of inventory was at 5.9 months. For those in the \$150,001 to \$200,000 category, supply was at 6.1 months. Supply was also tighter in the single-family segment at 6.9 months compared to 8.9 months for townhomes/condos.

For 2011, prices were down about 8 percent compared to 2010.

The median sales price of homes sold was \$174,900. The average sales price also declined about 8 percent for the year. The average sales price for all closed transactions was \$224,526.

More Data

The Salt Lake and Provo metropolitan areas have been added to a national list that tracks housing markets that have shown "measurable improvement." The National Association of Home Builders (NAHB) has included Salt Lake and Provo on its Improving Markets Index, which tracks metropolitan areas that have had increases from their troughs in housing permits, employment and house prices for at least six consecutive months.

Since the trough in March 2009, the index says Salt Lake home-building permits have grown 2.3 percent. The index also says home prices have increased 0.4 percent since their trough in March 2011. Finally, the index says Salt Lake employment has grown 3.6 percent from its trough in February 2010.

The Provo statistics were even better. From their trough, building permits have grown 2.7 percent, prices have increased 1.1 percent and employment has risen 4.6 percent.

The Home Builders Association uses three sets of independent monthly data to track housing markets that are showing improvements in economic health. These include employment data from the Bureau of Labor Statistics, house price appreciation information from Freddie Mac and single-family housing permit growth from the U.S. Census Bureau.

A metropolitan area must see improvement in all three areas for at least six months following their respective troughs before they can be included on the list.

Nearly 100 metropolitan areas are on the list, which NAHB initially created in September 2011. Twenty-nine areas joined the list in February.

"The number of improving markets has risen for six consecutive months, and 36 states now have at least one metropolitan area on the list," said NAHB chairman Bob Nielsen in a press release about the February index. "This indicates that despite the many challenges that continue to drag on a housing recovery — including a tight lending environment for builders and buyers — improving conditions are slowly but surely spreading from one housing market to the next."

Utah's 242 tanning salons threatened by bill

Teenage minors would need either a doctor's order or be accompanied by a parent to be able to use tanning beds under a bill passed out by a Senate committee.

SB41 requires young people ages 14 to 18 to have either a written physician's order saying the tanning device is used as a medical treatment or be accompanied by a parent or guardian when they arrive in order for the parent to give written consent for tanning. Parents also would be required to certify that they have read posted health-risk information about tanning. A doctor's order would be needed for anyone under age 14. All tanners would receive the health-risk information.

The version of SB41 that passed out of the Senate Health and Human Services Committee was a substitute bill. The original version of SB41 banned anyone under age 18 from using a tanning facility unless they had a doctor's order.

Current law, passed in 2007, requires parents to sign a consent form annually for their minor children to use tanning beds. Some salons and county health department have stricter rules.

In committee testimony, supporters said SB41 would reduce the number of deaths from melanoma, a form of skin cancer. Opponents said that current laws need better enforcement.

SB41's sponsor, Senate Assistant Minority Whip Pat Jones, D-Salt Lake, said tanning beds use ultraviolet radiation, which damages skin and increases the risk of melanoma. Tanners usually get a higher doses of that radiation from a bed than from the sun, plus they usually expose more of their skin while in tanning beds, she said. Many young women using tanning beds and their parents are unaware of the health risks, she said.

Dr. Sandy Leachman, a Park City dermatologist, said tanning releases opiates produced by the body, and because of that, some people becoming "tanning addicts." Some tan daily. She encouraged the committee to "make a decision that is based on fact and data rather than being based on speculation, monetary gain and business."

Dr. Robert Andtbacka, a surgical oncologist specializing in melanoma, said Utah has a growing number of melanoma cases and that the average age of victims is declining. Utah has the fourth-highest rate of melanoma per capita in the U.S. and it is "a clearly preventable" disease, he said.

But Brian Moser, owner of Tanning Oasis, with locations in Layton and Roy, questioned medical proof linking tanning beds and melanoma. "I think for every medical report that I've received or been exposed to, there's always another opinion," he said. "There's always another side to the story."

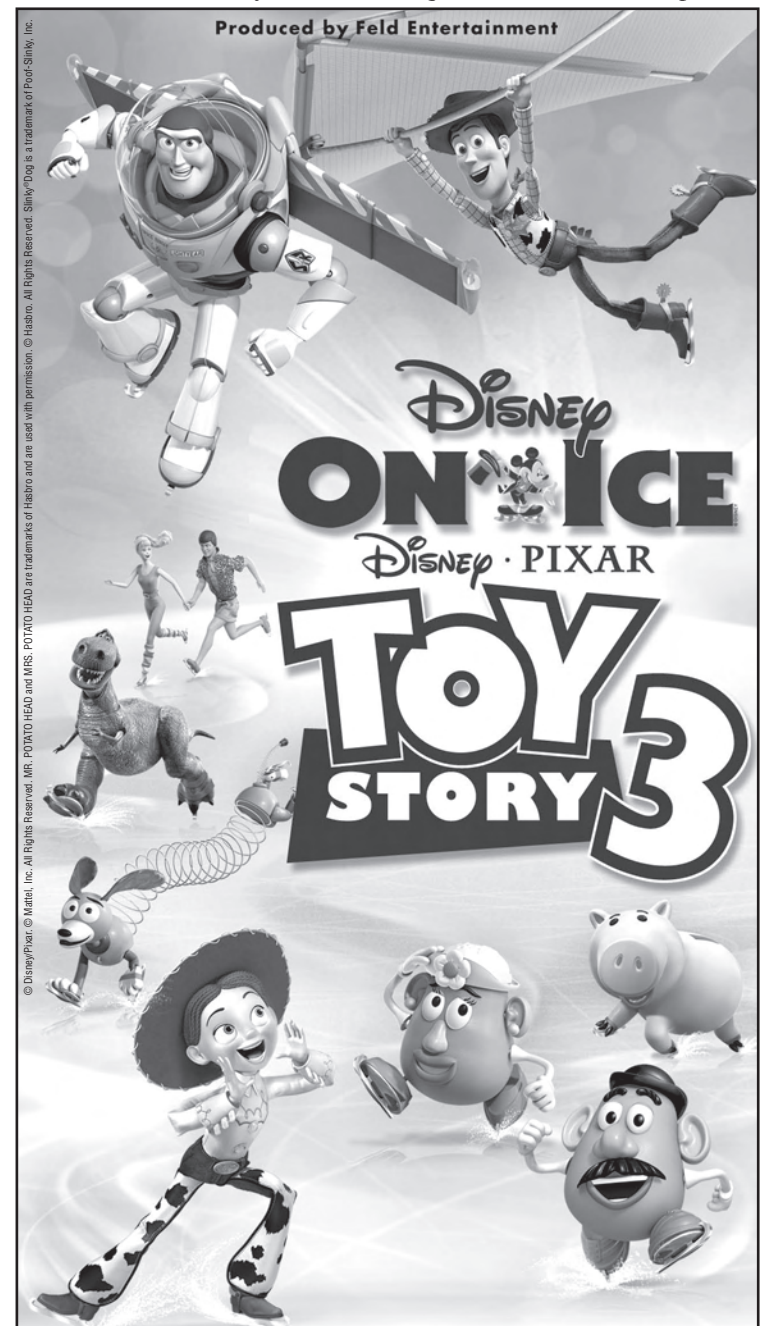
Moser said enforcing current statutes is needed rather than SB41. "Are there regulations that we can work together to come up with that would help salons do a better job of enforcing the rules that are in place themselves?" he asked. Without enforcement, "then I'm not sure any bill will

work," he added.

Jones said the state health department is supposed to inspect the state's 242 salons, but "it's spotty."

Teresa Garrett, deputy director of the Utah Department of Health, said there is an increased use of tanning facilities by young people and that regulating facilities is difficult.

Davis County's health director, Lewis Garrett, acknowledged that spot checks are inadequate for enforcement. His department's most recent check showed that 20 percent of tanning facilities required no consent from parents.



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Legal Matters

Utilizing the new Utah court rules to effectively manage your company's litigation

Although some debate whether it is possible to get a just resolution of civil disputes through the Utah state court system, few would claim that those determinations are reached in a quick or inexpensive fashion. To the contrary, most would argue that our state court cases take far too long to resolve, mired as they often are in expensive, drawn-out fact and expert discovery. Last fall, the Utah Supreme Court adopted a series of sweeping amendments to the Utah Rules of Civil Procedure designed to change that reality and to put “speedy” and “inexpensively” back on par with “justly” in the primary goals of the Utah state courts. More specifically, the amendments were designed to “restore balance” to the judicial system and to provide “the just, speedy and inexpensive determination of every action” by limiting parties to discovery that is proportional, curbing excessive expert discovery and requiring early disclosure of evidence. Whether

the amendments will achieve the objectives of their drafters remains to be seen, but one thing is for certain — the Rules have changed.

Pleading Requirements

The changes to the Rules are evident from the start. Under the old pleading standards, parties were not required to plead a specific amount of damages and, if they did, were typically not limited in their ability to recover damages in excess of the pleaded amounts. Under the 2011 amendments,



Marc Rasich

however, parties must plead a specific amount of damages in their initial pleadings or make an election under one of three new tiers found in Rule 26(c)(3). This election is significant for a number of reasons. First, although there may be an opportunity to amend, the election operates as a waiver of any right to recover amounts over the maximum for the pleaded tier. Second, it sets the amount of “standard discovery” that each

side will be allowed under the new Rule 26 scheme. Third, it determines the amount of time the parties will have to complete fact discovery.

Questions remain as to whether attorneys’ fees, punitive damages and interest will count toward the maximum under the new tiered structure. Neither Rule 26 nor the advisory committee notes directly addresses the issue. Consequently, parties are likely to plead up a tier or two both to avoid the possibility of waiver and to obtain more standard discovery.

Front-Loaded Disclosures

Initial disclosures are broader under the new Rules too. In addition to the disclosures already required, the new Rules require disclosure of each fact witness the party may call in its case in chief and a summary of the expected testimony; a copy of all documents, data compilations, electronically stored information and tangible things in the possession or control of the party that it may offer in its case in chief; a copy of all documents on which the dam-

ages computation is based; and a copy of all documents referred to in the pleadings. The periods for disclosure are also shorter. A plaintiff must serve its initial disclosures 14 days after service of the first answer, and a defendant must serve its initial disclosures 28 days after the plaintiff’s first disclosure or after the defendant’s appearance, whichever is later.

Proportionate Discovery

To ensure that the costs and time for discovery do not overtake the value of a particular case, the new Rules make “proportionality” the touchstone of discovery. Accordingly, “[p]arties may discover any matter, not privileged, which is relevant to the claim or defense of any party *if* the discovery satisfies” certain “standards of proportionality.” (Emphasis added). This change is significant. While the concept of proportionality was found in the old Rules, the burden was on the party seeking to avoid discovery to establish that it was not unduly burdensome or expensive given the stakes in the case. Under the new Rules, the

party seeking discovery always has the burden of establishing both proportionality and relevance.

Discovery is “proportional” if the discovery is reasonable, considering the needs of the case, the amount in controversy, the complexity of the case, the parties’ resources, and the importance of the issues and of the discovery in resolving the issues; the likely benefit outweighs the burden or expense; the discovery is consistent with the overall case management; the discovery is not unreasonably cumulative or duplicative; the information cannot be obtained from another source that is more convenient, less burdensome or less expensive; and the party seeking discovery has not already had sufficient opportunity to obtain the requested discovery.

The new Rule 26 includes the following chart, establishing both the amount of discovery that is presumptively proportional given the amount or issues at stake and the time within which that fact discovery must be completed:

see RULES page 11

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Transportation in Utah

There is a lot happening in Utah regarding transportation. Over the past few years, citizens of the state have driven through many orange cones and have seen a state-of-the-art transit system come to life. Construction projects have pumped billions of dollars into Utah's economy and have helped sustain us through the recent recession. That trend will soon be coming to a dramatic end. Both the I-15 CORE and the Mountain View Corridor projects are slated to be completed by year end and the UTA 2015 transit projects will see the finish line in early 2013. The transportation industry is at the top of a funding cliff and we are looking at a steep decline.

To meet the transportation needs of our state, we need to do more than we have in the past. The Salt Lake Chamber has organized a multi-year campaign to advocate investment and innovation in Utah's transportation system. The Utah Mobility Coalition is led by Robin Riggs and is supported by the business community of the state. The vision of the coalition is that Utah will have a 21st century transportation system that enables residents to enjoy remarkable life quality and prosperity. Convenience, choice, innovation, safety, efficiency and environmental leadership distinguish Utah's best-in-country mobility system.

To achieve this mission the coalition plans to accomplish three goals:

Maintenance — Protect Utah's nation-

leading transportation investment by preserving and maintaining our mobility system.

New capacity — Implement the next generation of priority transportation investments, including new and improved road (highway, local and carpool), public transit (light rail, commuter rail, streetcar, intercity rail, bus rapid transit and bus), active transportation (bicycle and pedestrian), freight and air transportation.



Abby Albrecht

Responsible funding —

Identify and secure stable sources to operate, maintain, improve and expand Utah's mobility system.

The state of Utah would certainly not be where it is today without the foresight of its elected officials and the citizens who realize the need for a robust transportation system. Projections show that by 2015 travel will increase by 85 to 90 percent and population by 70 to 80 percent. By 2050 more than five million people will call Utah home, making it one of the fastest-growing states in the country. We are at a point when we have to start thinking about the direction we want transportation to take in Utah. We must be prepared; we must start the plan.

Abby Albrecht is the Utah business development and public affairs manager for Granite Construction Co., one of the nation's largest diversified heavy civil contractors and construction materials producers. Albrecht currently chairs the Transportation Task Force Committee through the Salt Lake Chamber.

Utah to provide incentives for making of big-screen film

Utah will be getting some big-time star power, albeit brief, after the Governor's Office of Economic Development Board approved a film incentive for "After Earth."

The studio feature film is a science fiction story directed by M. Night Shyamalan and written by Shyamalan based on a story by Will Smith. Smith and son Jaden will star in the movie, which has a shooting schedule of April 21-27 in the Potash area of Moab.

"What we've learned by reading the script is the first 30 pages or so are Utah. This is going to be a big studio release," said Marshall Moore, director of the Utah Film Commission. Moore said the plot involves a father and son exploring an alien planet after a crash landing. "There's a twist

there. This time we don't play the alien planet."

The board incentive to Nova Prime Inc. is in the form of a tax credit ranging from \$959,339 to nearly \$1.2 million. The production is expected to spend \$4.8 million during its six days in Utah, part of a 65-day principal photography schedule.

The board also approved a tax credit of \$560,000 and \$700,000 to Dreams Film Studios LLC for the production of "Left Turn," an independent feature film. Principal photography is expected to start March 19 and continue through May 12. Production on the action film, directed by Mauricio Marin and produced by Daysi Marin, is expected to spend \$2.8 million while in Utah.

Committee to mull another bid for Winter Olympics

Should Utah bid for another Winter Olympics?

That question will be answered sometime this summer, after a 14-member exploratory committee formed by Gov. Gary Herbert assesses its merits.

Spencer P. Eccles, executive director of the Governor's Office of Economic Development, told the GOED board that the committee will evaluate over the next three to four months whether another Olympics bid "would be a viable solution, would be a good solution, and would be an acceptable solution, taking into account everything from the economics to the promotional to the public sentiment and also the environment."

"Clearly the question is not whether we can host another Olympics, because we can. We've proven that already at least once and we've been doing innumerable other events throughout the state. ... The question is, again, the feasibility."

Eccles said that by the time the study is completed, the U.S. Olympic Committee and the International Olympic Committee likely will have reached a decision about sharing the revenue of Olympics broadcasting rights. After that, the USOC would decide whether it would want to bid for another Games, whether the bid would be for summer or winter Games, and for what year.

Should Utah bid, Eccles said, it faces competition from Denver and from Reno, Nev., and the Reno bid would involve having some events in California. "Clearly out of those, if you want to take a biased opinion and I'm willing to go on record on this, we have the best location," Eccles said.

The 2002 Games "put us on the map and opened us up to the world," Eccles said. "The main point is that the promotional value of just opening the door to evaluating whether we want to do the Olympics is significant ..."

Jeff Edwards, president and CEO of the Economic Development Corp. of Utah, said Utah is "still harvesting the benefits of the Games."

"I believe that what we're all about here today in economic development and all the success that we've seen since 2002, I really believe that the Games was the turning point," Edwards said. "If you look back at where things were going and remember that there was a recession in the early part of 2002, especially here in the Intermountain West, and it carried over into 2003, we were kind of going, 'What effect?' We were kind of pulling out our hair, saying, 'Will this would do us any good?' Even today, we go places and 10 years later we hear from people who say the Games was such a great event. People bring it up, surprisingly or not."

Eccles noted that at every subsequent Olympics, people "always are harkening back to Salt Lake about how great we did" or talking about athletes who won Olympics events at the 2002 Games.

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1	\$50,000 or less	3	0	5	5	120
2	More than \$50,000 and less than \$300,000 in non-monetary relief	15	10	10	10	180
3	\$300,000 or more	30	20	20	20	210

RULES

from page 9

As reflected above, the new Rules place significant restrictions on all forms of fact discovery, from interrogatories to fact depositions, and the parties must exhaust the limits of this standard discovery before seeking extraordinary discovery. In other words, if a party in a tier-one dispute wants an additional five hours of depositions, it must first use the three hours of standard fact discovery depositions before seeking additional time.

Parties may obtain discovery beyond tier limits by stipulation or motion. In either case, the party seeking additional discovery must establish that the extraordinary discovery is “necessary and proportional,” and the party’s counsel must certify that his or her client has reviewed and approved a “discovery budget” for the extraordinary discovery. In addition, if a party is seeking extraordinary discovery by motion, the party must certify that it met and conferred with the opposing party before bringing the motion.

Streamlined Expert Discovery

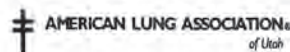
The new Rule 26 also seeks to curb the expense and speed the process of expert discovery. Under the new Rule, there is no automatic requirement that testifying experts provide a written report. Now, expert disclosures must be accompanied by the expert’s name; a brief summary of the opinions to which the expert is expected to testify; all data and other information that will be relied upon by the expert in forming those opinions, and the compensation to be paid for the expert’s study and testimony.

The party bearing the burden of proof must provide expert disclosures within seven days after the close of fact discovery. Then, within seven days after receiving the expert disclosure, the opposing party must elect either to take a deposition of the expert or to receive an expert report. Further, in a multi-party action, all parties opposing an expert must agree on either a report or a deposition. If they cannot agree or if no election is made, no further discovery of the expert is permitted. A report must be provided or the deposition must be conducted within 28 days after the election is made. Also, expert depositions, like all non-party depositions under the new Rules, are limited to four hours,

and the opposing party must pay the expert’s fees for attending the deposition. Finally, keep in mind that timing is expert-specific — each expert might be on a separate track.

The 2011 amendments to the Utah Rules of Civil Procedure in many respects represent a sea change in the way civil cases proceed through the state court system. Gone are the days of lengthy, expensive fact discovery followed by even more expensive expert discovery. Under the new Rules, cases could conceivably be brought and resolved through trial in as little as six months. Thus, counsel and their clients would be wise to front-load their efforts to assess the strengths and weaknesses in their case, to develop the facts and to set an early strategy for going forward. Failing to do so could leave counsel and their clients scrambling to catch up with little time and few formal discovery options with which to do so.

Marc Rasich is a partner in the litigation group of Stoel Rives LLP and serves as the groups’ associate training partner. Rasich concentrates his practice on intellectual property and other complex civil litigation. He represents individuals and organizations in a variety of matters, including patent, trademark, copyright, trade secret and trade dress, complex contract and business tort disputes. Rasich also has represented individuals and businesses in disputes involving antitrust, shareholder derivative, breach of fiduciary duty, license disputes, real estate, land use and product liability.



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But I am *sickest* when I scan the books and their hype. Their content is not only bogus, it's also dangerous.

You've seen the ads, the e-mails, the spam, the posts, the blogs, the Facebook pages, the tweets and all the other hypes: how you can be a success and cut your workload and hours in half. Work less. Earn more. Work less. Sell more.

Yeah, all you have to do to get the deep dark secret they want to share with you is give them some of your money, so **THEY** can work less and earn more. Funny — in a pathetic kind of way.

Yesterday I saw an e-mail from a purported sales expert. Part of his e-mail banner consists of the words "Work Less." OK, but the piece he wrote on how to be successful this year had a bullet point — *be prepared to start earlier*. Am I missing something? What part of "start earlier" is "work less"? Kinda sounds like "work more."

"Working less" and "selling more" are mutually exclusive words. So are "working less" and "success."

Let me get this straight. I can get to work at 10, leave around 2:30 and make more money? Uh, I doubt it. And I doubt all the "make millions from home" hype too. Ask any real millionaire if he or she just kicked back, cut their hours and watched the dollars roll in. Uh, I doubt it.

Early bird gets worm. That's my mantra.

Here's my quote: "The less you work, the less you'll sell, the less you'll earn, the more broke you'll be."

If you're REALLY interested in making more money, you'll have to decide how much, and be prepared to work for it. Work hard. Work long and hard.

Here are a few things to do that will work, if you're willing to work. And you don't have to give me any money or fill out any form to get them:

1. **Start early — stay late.** The early bird does not get the worm. He gets the order and the money. Expand hours and you'll expand income.

2. **Business social media.** Get involved in every aspect. Allocate two hours a day to get literate and attract followers.

3. **Stop wasting time.** Turn off your TV for one year. You'll

never miss it, and you'll gain at least 10 hours a week to invest in something you'll earn a return on. Start with attitude.

4. **Be available and accessible.** Your customers and prospects need you, not your voicemail.

5. **Be easy to do business with.** 24-7-365 is the new 9-5. Your customers and prospects need your products and services, not your computerized answering device.

6. **Network face-to-face.** Make a game plan to attend events and functions where customers and prospects might be. Allocate five to 10 hours a week.

7. **Build existing relationships.** Your present customers are the BEST place for more business and referrals *IF* they perceive you're helping them win.

8. **Earn referrals.** Not ask, earn. Referrals (better stated: unsolicited referrals) are given for superior product and service. Referrals are a report card that everything you did was great. And when you "ask" for them, you put the customer in an awkward position — especially if you ask too soon.

9. **Earn testimonials.** Testimonials will actually shorten a sales cycle if you use them as proof of your claims. And testimonials will increase volume. BUT testimonials come as a result

see *GITOMER* page 14



Jeffrey Gitomer



Mark Lund

RMD precautions and options — meeting your obligations and finding some opportunities

After you turn 70.5, the IRS requires you to withdraw some of the money in your retirement savings accounts each year. These withdrawals are officially called Required Minimum Distributions (RMDs). While you never have to make withdrawals from a Roth IRA, you must take annual RMDs from traditional, SEP and SIMPLE IRAs, pension and profit-sharing plans and 401(k), 403(b) and 457 retirement plans annually past a certain age. If you don't, severe financial penalties await.

If you are still working as an employee at age 70.5, you don't have to take RMDs from a profit-sharing plan, a pension plan, or a 401(k), 403(b) or 457 plan. Your initial RMDs from these accounts will only be required after you retire. However, you must take RMDs from these types of accounts if you own 5 percent or more of a business sponsoring such a retirement plan.

You must take RMDs from IRAs after you turn 70.5 regardless of whether you are still working or not.

The annual deadline is Dec. 31, right? Yes, with one notable exception. The IRS gives you 15 months instead of 12 to take your first RMD. Your first one must be taken in the calendar year after you turn 70.5. So if you turned 70.5 in 2011, you can take your initial RMD any time before April 1, 2012. However, if you put off your first RMD until next year you will still need to take your second RMD by Dec. 31, 2012.

Calculating RMDs can be complicated. You probably have more than one retirement savings account. You may have several. So this gets rather intricate.

- **Multiple IRAs.** Should you have more than one traditional, SEP or SIMPLE IRA, the annual RMDs for these accounts must be calculated separately. However, the IRS gives you some leeway about how to withdraw the money. You can withdraw 100 percent of your total yearly RMD amounts from just one IRA, or you can withdraw equal or unequal portions from each of the IRAs you own.

- **401(k)s and other qualified retirement plans.** A separate RMD must be calculated for each qualified retirement plan to which you have contributed. These RMD amounts must be paid out separately from the RMD(s) for your IRA(s).

- **Inherited IRAs.** The same applies — a separate RMD must be calculated for each inherited

IRA you have, and these RMD amounts must be paid out separately from RMD(s) for your other IRA(s).

This is why you should talk to your financial or tax advisor about your RMDs. It is really important to have your advisor review all of your retirement accounts to make sure you fulfill your RMD obligation. If you skip an RMD or withdraw less than what you should have, the IRS will find out and hit you with a stiff penalty — you will have to pay 50 percent of the amount not withdrawn.

Are RMDs taxable? Yes, the withdrawn amounts are characterized as taxable income under the Internal Revenue Code.

Should you be wondering, RMD amounts can't be rolled over into other tax-deferred accounts and excess RMD amounts can't be forwarded to apply toward next year's RMDs.

What if you don't need the money? If you are wealthy, you may come to see RMDs as an annual financial nuisance — but the withdrawal amounts may be redirected toward opportunities. While putting the money into a savings account or a CD is the usual route, there are other options with potentially better yields or objectives. That RMD amount could be used to:

- Start a grandchild's education fund.
- Fund a long term care insurance policy.
- Leverage your estate using life insurance.
- Diversify your portfolio through investment into stock market alternatives.

There are all kinds of things you could do with the money. The withdrawn funds could be linked to a new purpose.

So to recap, be vigilant and timely when it comes to calculating and making your RMD. Have a tax or financial professional help you, and have a conversation about the destiny of that money.

Mark Lund is a portfolio management specialist, investor coach, speaker and author of a book on investing titled *The Effective Investor*. To get a report titled "7 Myths Killing Portfolio Performance" go to www.StonecreekWealthAdvisors.com. Lund offers investment management services through Stonecreek Wealth Advisors Inc., a fee-only registered investment advisor firm in Utah. You can reach him at 11650 S. State St., Suite 360, Draper, UT 84020 or (801) 545-0696.

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Executives from Mountain America Credit Union handed over a jumbo check for \$250,000 to The Living Planet Aquarium founder and CEO, Brent Andersen, on the morning of Feb. 6. Mountain America has supported the aquarium since 2004 by sponsoring both the penguin exhibit and the shark tank. This most recent contribution will help build the aquarium's new 90,000-gallon penguin habitat, which is 10 times larger than the current one. Last year alone, the aquarium hosted nearly 400,000 visitors. The aquarium's new penguin habitat will be part of a new building, which will be located in Draper along I-15 and is slated to open in the spring of 2013. An artist's rendering of the facility is pictured.

O.C. Tanner leases SLC warehouse

Salt Lake City-based employee recognition products firm O.C. Tanner has leased and taken occupancy of an approximately 49,000 square foot warehouse and distribution center at 2455 W. 1500 S., Salt Lake City.

Spokesperson Whitney Smith Cripe said the new satellite distribution center is being used to inventory and ship larger items such as outdoor equipment, electronics, televisions and bicycles. Previously, those items were distributed from the firm's headquarters at 1930 S. State St.

"We're absolutely thrilled," Cripe said of the new facility. "The move is about a week ahead

of schedule. It's got a really lovely break room for our team members, it has more capacity, it's cleaner and brighter. We're very proud of our 99 percent on-time shipping guarantee."

O.C. Tanner leased the new facility with the assistance of Greg Hunter and Nancy Edwards of Commerce Real Estate Solutions.

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A good jobs report

After three years of essentially lousy employment reports, the January 2012 report was simply better. Job growth exceeded expectations. It occurred in almost every employment classification. Hours worked in various sectors rose and the unemployment rate ticked down for the fifth month in a row.

The U.S. economy added an estimated 243,000 net new jobs during January. In addition, previously estimated job gains of the two prior months were revised higher by 60,000 jobs.

The nation's unemployment rate declined again to 8.3 percent in January — the lowest in nearly three years — from 8.5 percent in December. The current 8.3 percent jobless rate compares to the 9.1 percent rate of one year ago, the 9.7 percent rate of January 2010, and the 7.8 percent rate during January 2009.

Please note that the consensus forecast of economists was for a rise of roughly 135,000 net new jobs in January, with the unemployment rate staying at 8.5 percent or moving higher to 8.6 percent. Just shows you what we know!

The Numbers

American goods-producing employment rose by 81,000 jobs in January, led by an estimated 50,000 gain in manufacturing jobs, a 21,000 rise in construction jobs and a 10,000 rise in mining and logging employment. The U.S. Department of Labor's Bureau of Labor Statistics reports that the majority of the manufacturing employment rise was in durable goods manufacturing (products designed to last more than three years), including fabricated metal products, machinery, motor vehicles and parts.

Assembly line workers put in an average of 41.9 hours of work during the January survey week, the most since January 1998 (www.bloomberg.com). The durable goods manufacturing sector has added 418,000 jobs over the past two years as auto sales have rebounded nicely.

The construction sector added an estimated 21,000 net new jobs in January, following a gain of 31,000 jobs the prior month. Good weather in much of the country during January likely played a part in the employment rise. The number of people unable to go to work because of bad weather, a proxy for the climate's effect on the labor market, was 206,000 last month, less than half the 424,000 average for the month since 1976 (www.bloomberg.com).

The mining and logging sector added another 10,000 jobs during the month. BLS reports that since a recent low in October 2009, mining employment alone has expanded by 172,000 jobs.

Private sector service providing employment rose by 176,000 jobs in January, led by an estimated 70,000 gain in professional and business service jobs. Leisure and hospitality added 44,000 jobs. The food services component of the sector has added 487,000 jobs since a recent low in February 2010.

Education and health services employment rose by an estimated 36,000 jobs during the month. Wholesale trade added 14,000 jobs during January, with sector employment rising by 144,000 jobs since May 2010. Retail trade added 10,000 jobs during the month, with employment rising 390,000 jobs since December 2009.

Overall government employment fell by another 14,000 jobs during the month. The sector has lost 276,000 jobs during the past year, with job eliminations in local government, state government (excluding education), and the U.S. Postal Service.

Trivia

The estimated number of unemployed people (those actively seeking jobs within the past 30

days but unable to find one) declined sharply to 12,758,000 in January versus 13,097,000 in December. Of the total, 5.5 million have been without a job for six months or more.

The "underemployment" rate, that which counts the formally unemployed, those working part-time who would prefer to work full-time, and those not seeking work but who would accept a job if one was offered, dipped to 15.1 percent in January versus 15.2 percent the prior month.

The annual benchmark revision to employment totals of the past 21 months noted that the U.S. economy added 1.82 million net new jobs in 2011, versus the initial estimate of 1.64 million jobs.

Still...

While the January data was clearly better than we have seen for some time, a reality check is necessary. This nation still has 5.6 million fewer workers than it did four years ago. In addition, we started 2012 with fewer people employed than in January 2001 ... zero job growth over the past 11 years (*The New York Times*).



Jeff Thredgold

The unemployment rate falls at times because of solid job gains, as in January. Other times it can decline as hundreds of thousands of discouraged people leave the labor market and are no longer counted as unemployed.

One measure of employment relative to the population remains worrisome, and distorts the unemployment rate. The closely-watched labor force participation rate, those of working age in the economy who are holding a job, declined to 63.7 percent in January, the lowest since May 1983, a period of 29 years!

One could make the case that if another three million people left the labor force, the reported unemployment rate could drop to the mid-6 percent range. But is that a good thing?

Hardly.

In Summary

Can one argue that the bigger government policies of the administration are finally working, as evidenced by the drop in the unemployment rate in recent months? Not exactly.

I would suggest that the issues of pent-up demand for new automobiles, some new home construction activity and limits to productivity gains in many sectors played a role in the recent job improvement. The economy is growing at a modest pace, which traditionally means greater demand for workers. One measure of advertised available jobs moved to a near three-year high in December (www.time.com).

I would also argue that while the administration and the Congress have yet to approach budget deficit containment in any meaningful way, the option of even larger increases in government spending as favored by many in Washington, is off the table. That is a good first step.

Finally, two other items come into play. We have heard for two solid years now that Europe was about to implode financially. It is still there, if still shaky. The other issue is that numerous dire forecasts of imminent U.S. recession last summer as the economy was weak (never my view) also fell by the wayside.

Jeff Thredgold is the only economist in the world to have ever earned the CSP (Certified Speaking Professional) international designation, the highest earned designation in professional speaking. He is the author of *econAmerica*, released by major publisher Wiley & Sons, and serves as economic consultant to Zions Bank.

GITOMER

from page 12

of solid relationships, which take time to build and nurture.

10. **Speak in public.** Give a 20-minute compelling talk at a civic organization. Leads and connections will follow.

11. **Ignore the lure of the light bulb.** Salespeople are like moths; they're easily attracted by bright lights and shiny objects.

12. **Random acts of kindness.** Do things for others and have no expectation of return. They take time. They don't fit into a four-hour workweek. But random acts of kindness feel GREAT. Try a few.

REALITY: The 50-hour workweek will earn you 10 times more money than the four-hour workweek. I promise.

I don't think that "work less" ever entered the mind of Steve Jobs, or Bill Gates, or Warren Buffett, or Steve Forbes, or Tom Brady, or anyone who has ever achieved real wealth in their cho-

sen profession.

Have you been outside working lately? It's not a take-it-easy world.

DO THIS: Make a list of the things you need to achieve in the next 30 days, and the things you want to achieve in the next six months. Post them one-by-one on your bathroom mirror. Then set your alarm for 5:30 a.m. tomorrow.

Jeffrey Gitomer is the author of *The Sales Bible*, *Customer Satisfaction is Worthless*, *Customer Loyalty is Priceless*, *The Little Red Book of Selling*, *The Little Red Book of Sales Answers*, *The Little Black Book of Connections*, *The Little Gold Book of YES! Attitude*, *The Little Green Book of Getting Your Way*, *The Little Platinum Book of Cha-Ching*, *The Little Teal Book of Trust*, *The Little Book of Leadership*, and *Social BOOM!* His website, www.gitomer.com, will lead you to more information about training and seminars, or e-mail him personally at salesman@gitomer.com.

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ARTS/ENTERTAINMENT

• **Seven Peaks**, a Utah operator of family entertainment and recreation facilities, has opened its newest fun center location in Sandy, after acquiring Karen Pullman's Pro Shop and Bowling Center in December of last year. The new **Seven Peaks Fun Center**, at 7984 S. 1300 E., is the company's fifth entertainment venue. Plans for the new fun center include a two-story laser tag floor, indoor miniature golf and a full arcade in addition to bowling once remodeling is complete. The fun center is open for business and will remain open during construction.

BANKING

• **Ryan Lewis** has joined **Brighton Bank**, Salt Lake City, as vice president and manager of its SBA Department. He specializes in SBA lending and comes to Brighton Bank with more than 11 years of banking experience in the Utah market. He has been directly involved in SBA lending seven of those years. Lewis will office out of the South Salt Lake branch, located at 93 W. 3300 S.

• **Bank of American Fork** operations manager **Marcia Clements** has been recognized

by the Independent Community Bankers of America as a "**Rising Star.**" The honor is bestowed upon the best and brightest in the community banking industry who exemplify professionalism, accomplishment and integrity. Clements is one of six bankers in the country to receive the award and is featured in the February 2012 issue of ICBA Independent Banker magazine. Clements swiftly climbed through the ranks of the bank to become the operations manager of the busiest branch of Utah's largest community bank at age 26 — the youngest manager to do so in the bank's 99-year history. Nine years later, Clements continues to manage the 20 operational employees at the bank's main office.

• **Goldenwest Credit Union**, Ogden, plans to open a **branch office in Lehi**. The full-service branch will be located inside Maceys grocery store at 760 E. Main St. This will be the second Goldenwest branch location in Utah County. In 2006, Goldenwest opened a branch inside Buy Low Market located at 2250 University Parkway in Provo. The Lehi office will be Goldenwest's 19th operating branch in Utah. The new branch is scheduled to open in

spring 2012.

• **Josh England**, president of England Logistics Inc., Salt Lake City, has been appointed a director of the Salt Lake City branch of the **Federal Reserve Bank of San Francisco**, which provides wholesale banking services to financial institutions in nine western states. England replaces Robert Hatch, president of Regence BlueCross Blueshield of Utah, Salt Lake City, who retired from the branch's board after serving as a director since 2009. England received a B.S. degree in business management from the University of Utah and an M.B.A. from the

University of Notre Dame.

CONSTRUCTION

• **H&E Equipment Services**, Salt Lake City, has promoted **John Brockway** to senior vice president of cranes, and Cary Burr to vice president of crane sales. Brockway will focus on manufacturer relationships and growth strategies, while Burr will concentrate on sales force management and key customer development.

EDUCATION/TRAINING

• On Feb. 2, the University of Utah's **J. Willard Marriott Library** unveiled **historic col-**

lections of photographs and manuscripts chronicling the first 100 years of what is now Rocky Mountain Power. Salt Lake City was the fifth city in the world to install central station electric street lighting, following New York, London, San Francisco and Cleveland. Rocky Mountain Power, formerly Utah Power and Light, brought electricity to the region around the turn of the century, which allowed for the rapid development of mining and other emerging industries, and played a big role in urban and residential planning. In celebrating its centennial, Rocky Mountain Power has contributed a vast collection of materials — vintage photographic materials such as glass negatives, albumen prints and "magic lantern slides," which were viewed through an antique projector with a candle for illumination. Accounting ledgers, work orders and blueprint planning documents of power houses and distribution lines (both above and below ground) will also be on display. The collection spans from 1885 through 1985, with a few images from the early 1990s.

• **Utah Valley University**

continued on page 17



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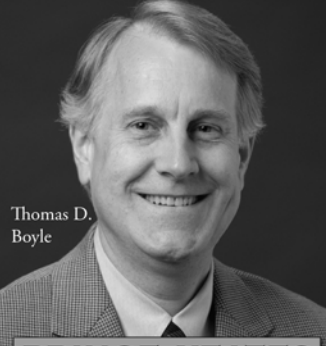
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• Calendar •

• Feb. 14, 7:15-9 a.m.: **Association for Corporate Growth February Breakfast Program.** Guest speaker will be Scott Tanner, president and CFO of Winder Farms. Before joining Winder Farms, Tanner served as the CEO of Juice-It, a wholesale distributor of healthier alternative fountain drinks, where he helped the newly recapitalized company double sales and bring the business back to profitability. He was the founder and president of 1-800-GOPHERS, which was formed to provide housekeeping, home delivery dry cleaning and concierge and errand services for individuals and businesses. Tanner

spent five years as COO and CFO of 1-800 CONTACTS, the world's largest direct marketer and distributor of contact lenses, and a company which he helped take public. While at 1-800 CONTACTS the company grew from just over \$20 million to about \$200 million in sales. Prior to 1-800 CONTACTS Tanner did turnaround work as CFO of Clover Club Foods, a \$100 million Utah-based manufacturer and distributor of salty snack foods in 16 western states. He also spent seven years as a senior manager at Apple Computer, doing pricing and strategic investments, and earned a CPA while working at the big eight accounting firm

Peat, Marwick & Mitchell (now KPMG). Location is the Little America Hotel, 500 S. Main St., Salt Lake City. Free to UCG members, nonmembers pay \$30 to \$45. Register at www.acgutah.org or by calling Linda Blake at (801) 359-8613.

• Feb. 15, 8 a.m.-4:30 p.m. with reception to follow: **Utah Governor's First Annual Energy Development Summit.** The event will provide an open forum for industry, academia and government officials to discuss Gov. Herbert's 10-Year Strategic Energy Plan. Location is the Salt Palace, 100 S. West Temple, Salt Lake City. Cost is \$85 for full-day attendance, \$50 for lunch only. For more information and to register, visit <http://www.energy.utah.gov/>.

• Feb. 16, 8-9 a.m.: **International Procurement and Intelligent Subcontracting Panel and Breakfast**, sponsored by the World Trade Association of Utah. Presenters will be Justin Davis, global procurement manager for WesTech; Elizabeth Goyunova, World Bank private sector liaison officer; and Jonnie Wilkinson of the Procurement Technical Assistance Center. Location is the Miller Professional Development Center, Room 213, at Salt Lake Community College, 9750 S. 300 W., Sandy. Registration begins at 7:30 a.m. Cost is \$12 for World Trade Association of Utah members, \$15 for nonmembers. Register by Feb. 13 by e-mailing wtaofutgah@gmail.com.

• Feb. 17, 9 a.m.-4 p.m.: **Meet the Generals Event**, presented by Mountainlands Area Plan Room and the American Society of Professional Estimators. The networking and vendor display event for those in the construction industry is free and will be held at the Embassy Suites, 110 W. 600

S., Salt Lake City. More more information, contact Mike Luke at (801) 288-1188. Sponsorships are available.

• Feb. 21, 11 a.m.-1:30 p.m.: **MountainWest Capital Networks 2012 Entrepreneur of the Year Awards Luncheon.** Josh James, Domo Technologies chairman and CEO and founder of Omniture, will be honored this year. Domo helps transform the way executives manage their business and get value from the tens of billions of dollars that are spent on business intelligence systems. Domo's founding team consists of some of the most sought after talent in the industry with experience that includes Amazon, American Express, Ancestry.com, eBay, Endeca, Facebook, Google, LinkedIn, MLB.com, Omniture, and Salesforce.com, among others. Location is the Little America Hotel, 500 S. Main St., Salt Lake City. Free to MWCN members, nonmembers pay \$55. Register at <http://www.mwcn.org/store/display/2093/37/entrepreneur-of-the-year-award-2012-josh-james>.

• March 6, 7 p.m.: **"What's Next? Unconventional Wisdom on the Future of the World Economy,"** presented by Westminster College and the Utah Council for Citizen Diplomacy. The lecture will be presented by Lyric Hughes Hale, an accomplished China analyst and speaker. She is the editor in chief of EconVue Inc. Location is the Vieve Gore Concert Hall in the Emma Eccles Jones Conservatory at Westminster College, 1840 S. 1300 E., Salt Lake City. Free.

• March 9, 7:15 a.m.-4:30 p.m.: **2012 Association for Corporate Growth Utah Intermountain Growth Conference and ACG Capital Connection.** Breakfast keynote speaker will be George Feiger of

Contango Capital Advisors. Lunch keynote speaker will be Urban Meyer, former Florida Gators and Utah Utes coach and two-time BCS National Championship winner (subject to Ohio State schedule.) The event will provide opportunity for business owners, executives, development officers, intermediaries and service providers in Utah to network, learn about how to maximize growth opportunities and to meet with the principals of more than 30 Utah-focused private equity groups and mezzanine lenders representing billions of dollars of growth and buyout capital, including Serent Capital, Sorenson Capital, Valor Equity Partners and Weston Presidio. There will be a number of workshops. Location is the Grand America Hotel, 500 S. Main St., Salt Lake City. Cost ranges from \$200 to \$250 based on early-bird registration and the registrant's affiliation with certain other industry groups. Register at <http://www.acg.org/utah/2012conferenceagenda.aspx>.

• March 21, 11:30 a.m.-1 p.m.: **Society of Marketing Professional Services Utah Chapter Networking Event.** Those in the architectural, engineering and construction industries are encouraged to attend. Speakers will include Todd Provost from the Utah Transit Authority and Terry Johnson from the Utah Department of Transportation. Location is the Little America Hotel, 500 S. Main St., Salt Lake City. For cost information and to register, visit www.smpsutah.org.

• April 8, 6 p.m.: **Salt Lake Chamber 125th Anniversary Gala.** Location is the Grand America Hotel, 555 S. Main St., Salt Lake City. Cost is \$100 per person. A reception will begin at 6 p.m. followed by dinner and a program at 7 p.m. For more information, visit www.slchamber.com.



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from page 15

president **Matthew S. Holland** was presented with the **Utah Valley Chamber of Commerce's Rising Star Award**. A native of Utah Valley, Holland became president of UVU in June 2009 and has taken an active role in moving the university forward while also seeking to create greater engagement and service opportunities with community organizations. From securing funding for much-needed campus growth to developing outreach programs that benefit students and the community, Holland is a contributor to the success of both UVU students and communities in the institution's service region.

FINANCE

- Sandy-based **BoomStartup**, which bills itself as one of the top 15 business accelerators in the country, kicked off its 2012 mentorship-driven investment program with an announcement that it is **increasing its seed investment** to \$20,000 and the value of its in-kind services such as tech infrastructure, office space and professional services from providers such as Rackspace, Paypal and Microsoft, to more than \$80,000. This brings the total benefit/investment to each company selected for the program to more than \$100,000, a 50 percent increase from last year. BoomStartup will select up to 10 companies to participate in its 2012 program, which runs from May to August. More than 50 mentors are supporting the program, including successful entrepreneurs, CEOs and investors.

HEALTH CARE

- **Physician Group of Utah** has opened the **Salt Lake Senior Clinic at Jordan Commons**, located at 9350 S. 150 E., Suite 150, Sandy. Doctors specializing in both geriatric and adult medicine staff the 3,800 square foot practice. This is Physician Group of Utah's second senior clinic location. The company's other practice is located at 82 S. 1100 E., Suite 204, on the campus of Salt Lake Regional Medical Center. In addition, **J. Bryant Freer, M.D.**, and **Erika Tse, Certified Physician Assistant**, have joined **Just Kids Pediatric and Adolescent Clinic** in West Valley City. The clinic is part of Physician Group of Utah. Freer is a board-certified pediatrician and Tse holds a master's degree in physician assistant studies.

- The **National Science Foundation** and the journal **Science** have awarded top honors to **Bryan William Jones, Ph.D.** of the **John Moran Eye Center** in the 2012 International Science

& Engineering Visualization Challenge. Jones received first place in the photography category for his image of a mammalian retina which will be featured in the upcoming issue of *Science and Science Online*, now available.

HUMAN RESOURCES

- Companies **employing a recently deployed veteran** would be eligible for a **new tax credit** under a bill advanced by the House Revenue and Taxation Committee. HB312, sponsored by Rep. Don Ipson, R-St. George, enacts corporate and individual income tax credits for employing a recent deployed veteran who is eligible to collect or has recently exhausted unemployment benefits. The veteran must work for the company at least 35 hours per week for at least 45 weeks of the year following the veteran's employment start date. The credit would be \$200 for each month of employment in the first tax year, for each veteran, and \$400 for each month the second tax year. The bill would be in effect for the tax year starting Jan. 1, 2012.

INSURANCE

- **The Buckner Co.**, a Salt Lake City insurance firm, has purchased **Leonardson Insurance** in Rexburg, Idaho. The Buckner Co.'s Rexburg office will consist of two seasoned account executives — Jason Nielson and Jason Littlefield. The support staff is made up of three experienced insurance professionals. Buckner specializes in insurance for the construction, agriculture and commercial sectors.

- **EMI Health**, a Salt Lake City-based medical, dental and life insurance provider, is experiencing strong growth in its client roster during the first quarter of 2012, with 10 groups selecting EMI Health as their benefits provider. Among the 10 companies and organizations are **Millard County, Teamworks** and **Action Target**, all of which selected EMI Health as their dental benefits provider. **Mollerup Glass** and **Reid Ashman Manufacturing** also selected EMI Health as their medical benefits provider.

MANUFACTURING

- **Compass Intelligence** and **NE2NE.com** honored St. George-based **Wilson Electronics**, manufacturer of North America's top-selling line of cellular signal boosters and antennas, with an award for **product excellence** in the Machine-to-Machine (M2M) communications market. Wilson was named winner of the A-List in M2M Award in the Antenna and Signal Amplification category. The

company's products boost signal strength in areas of weak cellular signal in fixed or mobile applications, including rural locations and inside concrete and metal structures where building materials can block signals.

- Three companies were honored recently with **Workplace Safety Awards** during the 107th annual **Utah Manufacturers Association** Membership Meeting. The winners were **Hunter Douglas Fabrication**, Salt Lake City, a manufacturer of window treatments; **Barnes Aerospace**, Ogden, a producer of machined and fabricated components and assemblies for aircraft engines and airframe manufacturers and land-based industrial gas turbines; and **Sapa**, Spanish Fork, a producer of aluminum products.

MEDIA/MARKETING

- Small-business owners in Utah are increasingly using a new **Postal Service** product known as **Every Door Direct Mail** to affordably reach customers in neighborhoods near their businesses, according to the U.S. Postal Service. In the past, small firms had to pay for a mailing permit, annual fees, mailing lists and print specific names and addresses on each direct mail piece, which could be cost prohibitive. Now they can register online, identify a neighborhood, print a mail piece and take it to a retail window at the Post Office that serves that neighborhood. Those interested are encouraged to visit www.usps.com/everydoordirectmail, where free online tools help small-business owners register, select a mailing route in the neighborhood of their choice, estimate postage and identify a local printer. Every Door Direct Mailings can be as small as 200 pieces or as large as 5,000. Payment can be made using cash, check or debit card.

- **Jakob Marketing Partners**, Holladay, has been named one of the **"Best and Brightest Companies to Work For"** by the **National Association for Business Resources**. The firm gained top honors from the national organization after being evaluated on several key measures including communication, community initiatives, compensation and benefits, diversity and multiculturalism, employee education and development, employee engagement and commitment, recognition and retention, recruitment and selection and small business and work-life balance.

OUTDOOR PRODUCTS/RECREATION

- **Lofty Peaks Snowmobiling** is now offering tours into **Snowbird sidecountry** for the

2012 season. Trips begin with a ride to 11,000-foot Hidden Peak aboard Snowbird's aerial tram, then continue down Mineral Basin Express chairlift to Lofty Peaks snowmobile base. From there, Lofty Peaks' professional guides take guests to both powder-filled meadows to play in and groomed trails to explore through the American Fork drainage. Lofty Peaks offers three trips. The first option is a ski and snowmobile combination, and includes a Snowbird Tram and lift ticket and a two-hour snowmobile trip. The other options include either a two- or three-hour snowmobile trip without skiing at the resort. Snowmobile drivers must be at least 16 years old, and passengers should be at least four years old. Helmets and transceivers are provided. Children age eight and under ride free with a paying adult on two- and three-hour trips. Rental clothing is available: suit \$5; boots \$3; gloves \$3; all three \$10. Guests must bring their own goggles or sunglasses.

REAL ESTATE

- **Coldwell Banker Residential Brokerage** has named veteran Utah Realtor **DeAnna Dipo** as sales manager of the company's Union Heights office in Midvale. Dipo started her career in 1997 with Chapman Richards and Associates. In 2001, she and her family opened their own brokerage, Distinctive Properties, where she served clients and the community for 10 years. Dipo also served as the president of the Salt Lake City Women's Council of Realtors in 2010 and president of the Salt Lake Board of Realtors in 2011. She is the recipient of the 2011 Utah Association of Realtors Presidents Award and the 2010-2011 Salt Lake Board of Realtors Distinguished Service Award. Dipo has earned the Certified Residential Specialists (CRS) and Graduate Real Estate Institute (GRI) designations.

RETAIL

- **Harmons** will unveil its **City Creek grocery store**, 135 E. 100 S., Salt Lake City, on Feb. 15 at 9 a.m. The nearly 70,000 square foot store was six years in the making and will include a modern, upscale décor and store configuration, multi-level parking and drive-and-load services, and custom shelving that displays a large variety of products in a more compact space. The 50,000 square foot ground level floor, that is accessible from 100 South off of Social Hall Avenue or via the elevator from the parking terrace, will house a large produce department plus meat and seafood counters. Artisan breads will

be made fresh daily. There will be full-service pharmacy and floral departments. An entrance on Social Hall Avenue will open to the 18,142 square foot mezzanine, which will offer a coffee bar serving freshly roasted Café Ibis coffee and Harmons' made-from-scratch pastries and gelato. Close by customers can find a large variety of freshly made sandwiches to grab and go. The mezzanine will also feature Harmons' Business Center and U.S. Post Office, a cooking school and a kitchenware boutique.

- More **building permits** have been issued for retail tenants at the **City Creek Center**, opening in downtown Salt Lake City in March. The most recent permits were for **Cotton On**, an Australian retailer of clothing, shoes and accessories with more than 800 stores worldwide; **Tricked Out**, a cell phone accessories firm that currently has a location at The Gateway; **Brighton Collectibles**, a Georgia-based accessories manufacturer with more than 140 U.S. stores; **77 Kids**, an American Eagle-affiliated clothing retailer; **Ann Taylor**; **Lenscrafters**; and **Gymboree**.

TRAVEL/TOURISM

- The **Utah Office of Tourism** is encouraging the public to use its social media channels to celebrate the 10-year anniversary of the 2002 Olympic Winter Games. The office's **"Share Your Olympic Memories"** campaign will run through Feb. 18. Participants are encouraged to share their experiences via stories, videos and photos on the office's "Visit Utah" Facebook page and will be eligible for a daily prize drawing. On Twitter, the "Top Tweet" that uses the hashtag #SL2002 will be awarded a prize at the end of the campaign. Prizes include ski passes to resorts that hosted Olympic events — Snowbasin, Deer Valley, and Park City Mountain Resort — as well as special event passes and more. The campaign will be used to promote commemorative events planned to mark the 10-year anniversary, including the Olympic Legacy Foundation's "A Tribute to Salt Lake 2002 featuring Stars On Ice" on Feb. 18. The office says that since 2002, tourism in Utah has surged, with total incoming travelers increasing 15 percent annually. Ski visitation alone is up 45 percent, with total skier days increasing from 2.9 million in 2002 to 4.2 million last winter season, according to Ski Utah. Total traveler spending is up as well, from \$4.6 billion to \$6.5 billion, an increase of 28 percent. Details are at www.visitutah.com.

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A defining moment

Gov. Mitt Romney's statement about not worrying about the poor has been treated as a gaffe in much of the media, and those in the Republican establishment who have been rushing toward endorsing his coronation as the GOP's nominee for president — with 90 percent of the delegates still not yet chosen — have been trying to sweep his statement under the rug.

But Romney's statement about not worrying about the poor — because they "have a very ample safety net" — was followed

by a statement that was not just a slip of the tongue, and should be a defining moment in telling us about this man's qualifications as a conservative and, more important, as a potential President of the United States.

Mitt Romney has come out in support of indexing the minimum wage law, to have it rise automatically to keep pace with inflation. To many people, that would seem

like a small thing that can be left for economists or statisticians to deal with.

But to people who call themselves conservatives, and aspire to public office, there is no excuse for not being aware of what a major social disaster the minimum wage law has been for the young, the poor and especially for young and poor blacks.

It is not written in the stars that young black males must have astronomical rates of unemployment. It is written implicitly in the minimum wage laws.

We have gotten so used to seeing unemployment rates of 30 or 40 percent for black teenage males that it might come as a shock to many people to learn that the unemployment rate for 16 and 17-year-old black males was just under 10 percent back in 1948. Moreover, it was slightly lower than the unemployment rate for white males of the same age.

How could this be?

The economic reason is quite plain. The inflation of the 1940s had pushed money wages for even unskilled, entry-level labor above the level specified in the minimum wage law passed 10 years earlier. In other words, there was in practical effect no national minimum wage law in the late 1940s.

My first full-time job, as a black teenage high-school dropout in 1946, was as a lowly messenger delivering telegrams. But my starting pay was more than 50 percent above the level specified in the Fair Labor Standards Act of 1938.

Liberals were of course appalled that the federal minimum wage law had lagged so far behind inflation — and, in 1950, they began a series of escalations of the minimum wage level over the years.

It was in the wake of these escalations that black teenage unemployment rose to levels that were three or four times the level in 1948. Even in the most prosper-

ous years of later times, the unemployment rate for black teenage males was some multiple of what it was even in the recession year of 1949. And now it was often double the unemployment rate for white males of the same ages.

This was not the first or the last time that liberals did something that made them feel good about themselves while leaving havoc in their wake, especially among the poor whom they were supposedly helping.

For those for whom "racism" is the explanation of all racial differences, let me assure them, from personal experience, that there was not less racism in the 1940s.

For those who want to check out the statistics — and I hope that would include Mitt Romney — they can be found detailed on pages 42 to 45 of *Race and Economics* by Walter Williams.

Nor are such consequences of minimum wage laws peculiar to blacks or to the United States. In Western European countries whose social policies liberals con-

sider more "advanced" than our own, including more generous minimum wage laws and other employer-mandated benefits, it has been common in even prosperous years for unemployment rates among young people to be 20 percent or higher.

The economic reason is not complicated. When you set minimum wage levels higher than many inexperienced young people are worth, they don't get hired. It is not rocket science.

Milton Friedman explained all this, half a century ago, in his popular little book for non-economists, *Capitalism and Freedom*. So have many other people. If a presidential candidate who calls himself "conservative" has still not heard of these facts, that simply shows that you can call yourself anything you want to.

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