

THIS WEEK

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Focus

Mining
In this edition.

Bill calls for setup of financial fraud unit within Utah AG office

By Brice Wallace
The Enterprise

The Utah Attorney General's Office is expected to better combat mortgage and financial fraud under terms of a bill passed out by the Senate Revenue and Taxation Committee.

SB281 creates the Mortgage and Financial Fraud Unit in the AG's office to investigate and prosecute fraud and includes a one-time \$2 million appropriation. The money will come from the \$23 million in direct payments that Utah will receive as part of a recent settlement between most states and the federal government and the nation's five largest mortgage servicing companies regarding foreclosures.

The bill's sponsor, Sen. Ben McAdams, D-Salt Lake City, said the one-time allocation should

fund the unit's operations for three years and the legislature thereafter can decide whether it should be continued.

Kirk Torgensen, chief deputy in the AG's office, said a full-time prosecutor for mortgage fraud was in place for one year but the funding was lost at the height of the mortgage fraud crisis. He said he thinks the \$2 million can be stretched to four years or perhaps longer to fund two prosecutors and two investigators.

"We are going to continue to be in the top of the country and we're constantly listed in the top five states for financial fraud unless we do something more about going after this type of fraud. ... This [bill] is really going to make a significant effort in going after these cases,"

see FRAUD page 2



Building graphics on a scale not seen in Salt Lake City since the 2002 Winter Olympics will soon be on display at the City Creek Center in downtown Salt Lake City, which launches March 22. Ferrari Color, Salt Lake City, installed the last of five larger-than-life murals the week of Feb. 27. They are located on the east and west faces of the Key Bank Building and Marriott Hotel near the Salt Palace, in addition to the south face of the Zions Bank Building. The murals were printed using an advanced color-matching technology developed by Ferrari Color and printed on state-of-the-art adhesive vinyl material from 3M. The murals will remain in place for six weeks. They cover a total of 40,234 square feet in 2,034 panels. One mural, on the east side of the Key Bank building, pushes the edge for Ferrari Color's largest created graphic banner. Beating out a Sacramento Kings mural that appeared on the CalSTRS building in 2010, the piece measures 68 feet wide and 183 feet high, covering over 13,000 square feet.

Remodeling franchisee brings low-cost door replacement firm to Utah

By Barbara Rattle
The Enterprise

The Utah franchisees for the national bathroom remodeling chain Re-Bath have expanded their business by adding a HomeStory Doors franchise, the second in the nation for Sacramento-based HomeStory, a door replacement chain that uses a proprietary high-tech method to vastly decrease the cost of replacing both interior and exterior doors.

Jim Fitlow and Mike Allen have operated Re-Bath of Utah in Salt Lake City since 2001. The firm recently relocated to about 8,500 square feet at 2350 S. West Temple to accommodate not only a flourishing bathroom remodeling business, but the addition last year of a Floor Coverings International franchise and now a HomeStory operation. Fitlow said the partners have exclusive Utah rights to all three franchises.



homestory
doors & more

"We looked at the fact that we've been doing a great job at doing bathrooms for a long time and we have a huge customer base and a lot of those customers are still doing other things in their home," Fitlow said. "We've already built the trust with them, but the problem with bathrooms is if you do a great job they're not going to do it again for 20 years. We figured we have this great asset of a customer base, why not offer them more

see HOMESTORY page 2

Legislation aims to narrow susceptibility to liability

By Brice Wallace
The Enterprise

A bill backed by a House committee seeks to ensure that only the actual manufacturer of a product faces liability issues should it harm someone.

The bill's sponsor, Rep. Derek Brown, R-Salt Lake City, said HB413 "essentially stabilizes where Utah tort law currently is" and helps protect Utah from liability controversies popping up elsewhere in the country.

The House Health and Human Services passed out HB413, which would restrict liability to the person or organization that "designed, formulated, produced, constructed, created, assembled or rebuilt" the defective product.

Brown said that in some states, courts have broadened the question of a "manufacturer" in liability cases, sometimes allowing a designer to be named as a defendant despite another company picking up the designer's idea later and producing a defective

product. His bill is designed to exclude from liability "someone who never made the product and who has no financial interest in that product," he said.

Cary Silverman, co-counsel for the American Tort Reform Association, said HB413 "codifies what should be a completely uncontroversial aspect of product liability law, that a company is subject to liability for injuries resulting from its own products but it's not subject to liability for injuries resulting from someone else's products. ... It doesn't make sense from a product liability standpoint to impose liability on a company that didn't make, sell or otherwise profit from the product that harmed someone."

But some plaintiff lawyers have used "creative types of claims" to bring others into their cases, he said. They typically are companies that face the cost of defending themselves rather than using that money to expand their business and create jobs, and

see LIABILITY page 2



HOMESTORY

from page 1

things to do with us? We searched what we felt our team and company's core competencies were and tried to find other products that would work." Enter HomeStory.

HomeStory's proprietary technology generates custom replacement doors by taking precise digital measurements and capturing the geometry of the existing doorframe. It eliminates the need for time-consuming manual techniques, turning what is traditionally a three-day job into three hours.

"What this does is it takes the whole manual side out of the middle," Fitlow said. "We go out, look at it, figure out what the customer wants, price it for them, and if they want to proceed we set up a measure with the technology piece, which goes pretty quick, and from there the entire manufacturing piece happens at Jeld-Wen, which sends us a made-to-fit door, custom made to fit each opening, and it's factory finished. You take the old door off the hinges and put this one up. The prices are very comparable to the other ways of doing it because we pay for the technology piece to be in the middle of the process but we're not paying for a crew of guys to be in the back shop manufacturing and finishing these things. We're kind of swapping some labor dollars for technology dollars, but the technology allows us to have a virtually perfect fit every time. When we come back to the house we're there for a couple of hours, taking

out some screws, putting in some screws, versus tearing everything out. For \$2,000 to \$3,000 people can get eight, nine doors. One of the beauties of the door business is that every door you do affects two rooms. What is typically a remodeling project now becomes a redecorating project."

A variety of door types, factory finishes and hardware are available, ranging from as little as \$200 to about \$2,000. Fitlow said the time between placing the order with Oregon-based Jeld-Wen and receiving the ready-to-install door is about two weeks.

Luke Helm, vice president of business development for HomeStory, said another headache faced by owners of older homes is also removed by HomeStory: the existence of lead paint. Because HomeStory disturbs little if any of the paint on a door jamb, the Environmental Protection Agency has issued the firm a letter saying it need not comply with the agency's lead paint detection rules.

Eleven HomeStory territories have been spoken for, Helm said, and the sixth franchise will open soon. The HomeStory model is based on a door replacement firm founded in 1997 that still operates in Mountain View, Calif. The standard franchise fee is \$300,000; initial investment is about \$167,000, Helm said. Franchisees need not have any remodeling or contracting experience.

"We're probably not going to stop at this," Fitlow said of his expanding business. "There are a couple of other ideas we have in the fire."

LIABILITY

from page 1

often those defense costs result in higher product costs for their customers.

Among examples that Silverman cited are name-brand drug companies sued because a generic form of its medication made by another company produced harmful side effects and Chinese companies that reverse-engineered and produced copies of toys that injured children. In neither case did the original manufacturer make money from sales of the defective products.

Silverman said the bill is not designed to exempt from liability a designer, distributor, seller or licensor making money from a defective product.

Tom Bingham, president of the Utah Manufacturers Association, said liability is becoming a growing issue because of piracy and the remanufacturing and reselling of what is intended to be a single-use-application product. "We think it needs to be very clear that if it isn't the product that the manufacturer manufactured and designed, they shouldn't be liable for those," Bingham said.

Attorney Mitch Jensen said determining the actual manufac-

turer often "isn't as clean as it looks," citing drugs produced overseas but sold in the U.S. He said he worries that the bill "would invite manufacturers to separate themselves from the manufacturing process but still be involved some way and profit some way in the distribution of that drug, and Utah would be putting out the welcome mat for that."

Attorney Bob Gilchrist said current Utah liability law allows responsible parties to be held accountable on a percentage basis. "There's no reason to change it," he said. "It's fair as it is. It's fair to both sides. ... There's no reason to change a law that isn't broken."

But Brown insisted that HB413 would protect Utah from problems in the future. "What this does is essentially stabilizes where Utah tort law currently is," he said. "Our job as legislators is not to wait until something becomes a problem and then take an act. Our job is to look out on the horizon, anticipate problems and then create legislation that addresses those problems in advance."

Brown acknowledged that the bill language might need revision as it continued through the legislative process.

FRAUD

from page 1

Torgensen said.

"The amount of fraud we're seeing is staggering," he said, adding that his office is looking at one case that could involve \$225 million in fraud. "And to go into court and to see a courtroom filled with victims whose lives have really been ruined, that all these years they thought they were investing for retirement, and to see these people at the worst moment in time — their lives decimated, them not being able to afford to live — is absolutely atrocious."

McAdams noted that last year the FBI said it was investigating fraud in Utah totaling \$1.4 billion. "We do have an issue with fraud in Utah," he said, "and I believe that it's crucial that we fund mortgage and financial fraud investigation."

The recently announced settlement includes \$171.1 million in total benefits to Utah, which includes money for Utah homeowners affected by "foreclosure abuses and fraud and unacceptable nationwide mortgage servicing practices," according to the Utah AG's office. The overall settlement among the states and the federal government totals \$25 billion.

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Bill might reduce number of professional licenses required by state

A bill that potentially could reduce the number of professional state licenses stalled in a House committee.

HB186, sponsored by Rep. Daniel McCay, R-Riverton, was discussed but did not advance to

a vote by the House Workforce Services and Community and Economic Development Committee. It calls for legislative interim committees reviewing expiring licensing statutes, known as “sunsetting” statutes, to consid-

er whether the state licensing and its provisions are needed “for the health and safety of the public.” It would allow an interim committee to recommend that the state no longer license a profession or change the licensing statutes “to ensure the provisions are narrowly tailored to protect the health and safety of the public.”

Most sunseting state license statutes come before interim committees in a staggered way, with most needing renewal every few years. Those that most dramatically affect health and safety usually do not sunset at all, McCay said.

The Utah Division of Occupational and Professional Licensing currently regulates 174 professions. While some have many licensees — there are 25,000 registered nurses — many have only one.

“What’s really interesting about these, as you look at these lists, there are several as you go through these professions, that you argue ‘do they really need to be regulated by the state?’ And when you ask yourself that question, there’s no standard by which

you should judge and say, ‘Well, no, not this one but, yes, this one.’ So what this bill hopes to do is create a standard for that,” McCay said.

McCay noted that the bill would not affect industry requirements for licensing. But he said the state has “gone too far” in its requirements for some of its professional licenses.

“They [interim committees] will be reviewing the license and the requirements and then making sure they meet health and safety [standards] — the key things I think government belongs in — and then they’ll walk away from the rest of it,” he said.

As an example, he said that cosmetologists work with chemicals and products and “stuff on people’s heads,” which requires standards for health and safety. But a hair braider faces a 600-hour licensing requirement for something that “takes an hour to learn,” he said.

“You realize the sacrifice, that people put their lives on hold to get to a point where they can be qualified to do this thing that they

want to do for a profession, and, I’d argue, this is one of the scenarios where we’ve gone too far in the regulation,” McCay said.

McCay said government’s core functions do not include protecting people from financial loss or fraud or to prevent abuse “in the professional licensing context.” Crime laws protect people from those activities and criminals could lose their licenses as part of their legal penalties, he said. As for state licensing standards, “health and safety ... is as broad as it really ought to be,” he said.

Matthew Piccolo, policy analyst at the Sutherland Institute, spoke in support of the bill. “Despite good intentions, over time a lot of licensing regulations can begin to pile up and create onerous and burdensome regulations for those who are honest and skilled and trying to enter the workforce,” Piccolo said. “So we think it is a good idea to review these, to have a little bit more of a specific definition of what the government role should be in regulating these licenses.”



Mr. Electric already has three Utah franchisees, but more are needed to assure full area coverage.

Electrical installation chain seeking Utah franchisees

Mr. Electric, a Waco, Texas-based franchisor of roughly 230 residential and commercial electrical installation, upgrade and repair service businesses, is actively seeking additional franchisees in the Salt Lake City area.

Founded in 1994, the company already has three Utah franchisees, but more are needed to ensure full coverage of potential customers along both the I-80 and I-15 corridors, said company president Jeff Meyers. The firm has a goal of opening 33 new locations this year. The minimum franchise cost, for a protected territory of 100,000 people, is \$26,000, he said.

“One of the areas that’s fueling our growth is definitely what we call our national accounts program,” Meyers said. “That’s where we go after accounts that are not always national, sometimes they’re by state or region, but occasionally national, where

they need a network of electrical contractors to fulfill work they have. An example would be a retail store that has locations throughout the country and they want to be able to make one call for any electric issue they may have. We are a preferred installer for Home Depot; we also offer predictability of pricing. Another big area of opportunity is with electric vehicles. They all require a charging station in the garage of the home.”

Meyers said Mr. Electric has completed close to 1,000 charging station installations for cars such as the Chevy Volt, Ford Focus and Mitsubishi MiEv.

Franchisees need not be licensed electrical contractors; Mr. Electric will help franchisees locate one.

“You need a business expertise and an electrical expertise, and often it’s not the same person,” Meyers said.



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Bill seeks to insert 'common sense' into state's vehicle emissions inspection statutes

By Brice Wallace

The Enterprise

A bill loosening emissions testing requirements for new vehicles was substituted for one capping how much a station could charge for certain tests, but a House committee held the latter measure without a vote.

The original version of HB152 would have exempted from emissions testing any vehicle less than six years old. After that, they would have needed testing every four years. Electric and natural gas vehicles also would have been exempt. It also would have allowed some inspections to check only the vehicle's on-board diagnostics and, if necessary, the tailpipe.

Currently, vehicles must undergo emissions tests every other year the first six years and annually thereafter.

The bill's sponsor, Rep. Derek Brown, R-Salt Lake City, said emissions testing programs

need "a little bit of common sense" because current law requires even a 2011 Toyota Prius hybrid to get an emissions test.

He nonetheless substituted that bill with one that would affect only pricing. It would cap on-board diagnostic system emissions tests at \$20 and tailpipe emissions tests at \$25.

Still, several shop owners told the House Transportation Committee that caps are not needed.

"Frankly, we're just not sure why the caps are even put into place or why we're running a bill just for caps," said Dan Northrup of the Vehicle Emissions Testing Association. "This has already gone through all the counties that do emissions programs, and they've decided that free enterprise is the way to run this program. ... With the way the program runs right now, we're able to set our own prices. Competition really runs everything that we do."

Northrup said 76 new testing stations will begin operations in April and many will offer low prices as a way of luring customers. Many shops also offer coupons that bring the average price of a test to \$22 to \$23, he said. "So we're really running a bill and trying to regulate something that kind of regulates itself," he said.

D.J. Griffin of Jiffy Lube said caps might make sense in 2012 but might not in future years as shops face increased costs of labor and from inflation. Dave Griffin, also of Jiffy Lube, suggested one alternative could be rolling price increases.

Andrew Gibson, an employee at DJ Auto in Provo and also for the Carquest Technical Institute, said shops face high upfront and continuing costs to get into the emissions testing program but added that the free market works. He added that 1 percent of new cars are failing emissions tests and are relatively "huge" polluters compared with vehicles that pass.

The free-market talk convinced Rep. Todd Kiser, R-Sandy. "This seems to be price-driven," Kiser said. "The government has stepped in here and said you have to do this. There are expenses associated with this business and for us to be capping it, I'm uncomfortable. The free market drives it, [and] there are coupons out there that are available for consumers to use."

Kiser suggested the matter be discussed by an interim legislative committee.

Vertical construction to begin on eBay's Draper campus

Vertical construction at online auctioneer eBay's large new corporate campus in Draper is slated to begin this month. The first phase is expected to be complete next summer.

Architect on the project, to be located at 12880 S. Galena Park Blvd. (550 West), is Detroit-based SmithGroupJJR, the country's seventh largest architecture and engineering firm. According to Brad Hatch, a spokesperson for San Jose-based eBay, "design of our new facility will be done to high environmental standards and special care will be taken to minimize any effects on the surrounding environment during construction. We will design the facility to achieve LEED Gold certification."

The general contractor is Oakland Construction, based in

Salt Lake City.

The initial phase of the three-phase project will be built on 36.3 acres, although the majority of the development work will come with the first phase. The site has been designed to include four buildings clustered to the north end of the lot, closest to a planned Draper Frontrunner station. Two structures will be built in the first phase. The first will measure 186,650 square feet in three stories, the second about 52,000 square feet in a single story. The two structures will be connected by an enclosed walkway.

Last August, eBay accepted a \$38.2 million post-performance tax credit from the state to pursue Utah expansion, which will result in 2,200 new Utah jobs over the next 20 years.

Previously-owned home sales rose 30 percent in January

Sales of previously-owned homes in Salt Lake County in January rose 30 percent compared to January 2011, according to the Salt Lake Board of Realtors.

In January, there were 750 home sales (all housing types) compared to 575 home sales in January 2011. January was the eighth consecutive month of year-over-year home sales increases.

"The number of homes listed for sale is falling dramatically," said Donna Pozzuoli, president of the Salt Lake Board of Realtors. "In fact, in the fourth quarter of 2011 listings reached a 14-year low. With declining inventories, we expect home prices to stabilize this year."

The median home sales price (all housing types) in January fell to \$171,750, a 12 percent decrease compared to a median price of \$195,000 in January 2011.

The inventory of homes for sale in Salt Lake County in January fell to 5,245 units, down

29 percent compared to 7,410 units in January 2011. Based on current sales trends over the past year, there is a 5.4-month supply of housing inventory, down 37 percent compared to a 8.5-month supply of inventory in January 2011. A five- to six-month supply of housing inventory is considered a normal market.

In January, pending home sales (homes under contract) rose to 994 units, a 39 percent rise compared to 714 units last January.

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• Industry Briefs •

BANKING

• **TAB Bank**, Ogden, has hired **Valerie Swaner** as business development officer, equipment leasing. Previously, Swaner worked in Zions Bank's Leasing Division for eight years. Prior to working at Zions Bank, she was trained in the equipment finance and leasing industry while working at Amembal Capital Corp., working under Sudhir Amembal.

• **Bank of Utah** recently launched a significant **remodel and new construction for its Logan office**. The branch will remain open during construction, which is anticipated to be completed in mid-July. The project includes the construction of a new detached drive-through banking structure and the relocation of the main entry from the north side of the building to the east. More dedicated customer parking will be added to the east side of the building and the building exterior will receive repairs and updates. At the same time, the interior will undergo a major renovation and redecoration.

COMMUNICATIONS

• **AT&T** invested **more than \$140 million in its Utah wireless and wireline networks** from 2009 through 2011 with a focus on improving the company's mobile broadband coverage and overall performance of its networks. During 2011, AT&T made more than 375 wireless network upgrades in four key categories in Utah. The enhancements included activating eight cell sites or towers to improve network coverage, deploying faster fiber-optic connections to more than 200 cell sites, adding capacity or an extra layer of frequency to cell sites and upgrading more than 80 cell sites to provide fast mobile broadband speeds.

COMPUTERS/ SOFTWARE

• **SEO.com**, **Bluffdale**, was once again named the **top search marketing firm** in the new April edition of *Website* magazine. The company garnered the award twice in 2011. *Website* magazine calculates the rankings for the 50 best search marketing firms using a method focused on average daily unique visitors and page views over a specified period of time. The data is reported from multiple sources.

• **Richard D. Hanks** will retire as president of **Mindshare Technologies**, a Salt Lake City-based provider of customer feed-

back solutions, on March 31. He will remain chairman of the board and continue to be involved in strategic planning and business development as a senior advisor to the company. In addition to his board responsibilities with Mindshare and other companies, Hanks, who remains one of the company's largest investors, will continue writing and participating in trade and academic speaking engagements. Mindshare's co-founder, **John Sperry**, will continue as CEO of the company.

CONSTRUCTION

• Applications are now available for **Northrop Grumman Corp.'s annual Engineering Scholars competition**, which will provide a total of \$20,000 in college scholarships to promising Salt Lake City area high school seniors interested in studying engineering. Two individual scholarships of \$10,000 — payable in \$2,500 installments over four years, provided that continuing eligibility requirements are met — will be awarded by Northrop Grumman to qualified high school seniors residing in Davis, Salt Lake, Utah or Weber counties, near the company's Navigation Systems Division facility in Salt Lake City. Application deadline is March 31. More details are at <http://www.>

www.northropgrumman.com/community/engscholars.

• **Mountain States Fence Co.**, Salt Lake City, received an award from the **American Fence Association** for its continued support and dedication to the industry for the past 35 years. Mountain States Fence supplies and installs commercial, industrial and temporary fencing.

• Salt Lake City architecture firm, **MHTN Architects, Inc.** has received an Honorable Mention Award for outstanding educational facility design by *Learning By Design* magazine. Recognized for the innovative design of **Helen M. Knight Elementary** in Moab. MHTN Architects is one of only five firms to receive an Honorable Mention Award in the national

design competition. The school "resembles a contemporary cliff dwelling and has a nice visual connection to the environment," judges said. But the connection goes beyond regionally appropriate aesthetics: scuppers, or downspouts, collect scarce rainwater, and interior rock gardens allow students to study local plant life.

continued on next page

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• Houston-based **Waste Management** honored 10 companies at its inaugural Sustainability Circle of Excellence Award, one of them being **Big-D Construction**, Salt Lake City. The recognition, highlighting sustainable performances within the construction industry, looks to celebrate the builders who achieved important sustainability milestones in 2011 as determined by Waste Management's online Diversion

and Recycling Tracking Tool, which tracks information related to construction projects, including the amount of material diverted from a landfill to a recycling facility, as well as the types of materials put to reuse.

EDUCATION/TRAINING

• **Westminster College's** aviation program in the Bill and Vieve Gore School of Business has earned accreditation from the **Aviation Accreditation Board International (AABI)**. The

accreditation, along with a completely re-designed curriculum, will position Westminster's aviation students at the forefront of a changing industry. Westminster's flight operations program has incorporated additional training in crisis decision-making and has created two new capstone courses in anticipation of meeting the new requirements before the regulations are mandated.

• **Roseman University of Health Sciences** has appointed **Mark A. Penn, M.D., MBA**, as

chancellor of the University's South Jordan campus and special assistant to the president for program planning. He will assume the positions on July 1. Penn joins Roseman with more than 30 years of experience in health care and higher education. His early career experience was in private medical practice in a rural community in Ohio. Penn transitioned into health care education as the associate director of a family medicine residency program through the Northeastern Ohio

Universities College of Medicine, which changed its name in 2011 to Northeast Ohio Medical University (NEOMED). He went on to serve in a variety of academic roles at NEOMED.

INSURANCE

• **Regence BlueCross BlueShield of Utah** has appointed **David Lemperle** sales vice president. He has been serving as the manager of Health Care Services Projects in the Providers Services division, where he's been responsible for strategy, organizational development and process improvements. Prior to joining Regence, he was the COO for DriverTech, a provider of mobile communications solutions for the transportation industry.

LAW

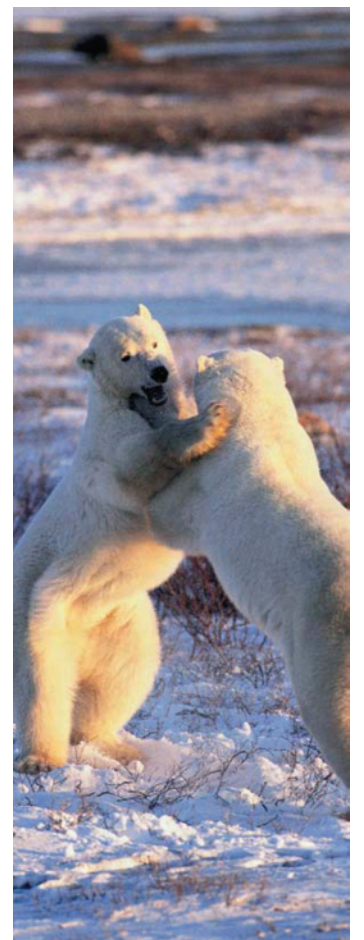
• **Aaron D. Lebenta**, an attorney at **Clyde Snow & Sessions**, was recently selected and voted a shareholder and director by the firm's board of directors. Lebenta brings a strong background in litigation and joins the firm's 19 other shareholders, which include Utah

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State Bar president Rodney G. Snow and several others in local and national leadership positions. Since coming to Clyde Snow, Lebenta has practiced within general litigation, having a primary focus on business, commercial, and real property litigation. He intends to remain focused on those areas as he continues to build his practice.

MANUFACTURING

• West Valley City-based **Augason Farms** is celebrating its 40th year as a manufacturer and marketer of food storage items. The company's products are available nationally at Walmart, Costco, Associated Foods, Kroger, Sam's, Rosauers and Overstock. The firm was founded by Phil Augason when he recognized the demand for a tasty dry milk substitute. He created a whey-based, low fat, powdered drink called "Morning Moo's, which allowed the acquisition of several other companies over the years. Augason's two sons, Mark and Jeff, now run the company, which has a line of more

than 200 products.

• **SansÉgal Sportswear Inc.**, Sandy, has launched a new **Greenbrand logo**. The new logo represents the company's specialty line of apparel and fabrics that are 100 percent pre-consumer recycled, made in the United States. Greenbrand garments offer a blend of recycled cotton and recycled polyester that is made from pre-consumer cotton remnants, scraps and clippings from large sewing factories that otherwise would have been discarded into the landfills.

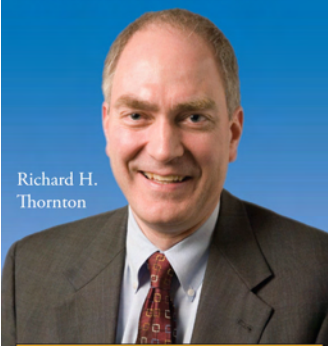
MEDIA/MARKETING

• Several Salt Lake City area companies were honored at the **Sixth Annual Stevie Awards for Sales and Customer Service** on Feb. 27 at Caesars Palace in Las Vegas. Those honored included **Clearlink, Salt Lake County Government, UPS, Zions First National Bank, BackCountry.com, InContact, Launch Leads, InterContinental Hotels Group** and **USANA Health Sciences Inc.**

REAL ESTATE

• **Red Ledges**, a recreational mountain golf community in the Heber Valley, **enjoyed record sales for homesites and new homes** in 2011. Sales increased by more than 40 percent from 2010 and the number of homes either built or under construction has tripled in the last year. Red Ledges offers a range of home ownership options from its collection of Mountain Villas, Cottage Homes, The Heights and estate homesites.

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The community's home ownership options start from \$495,000, with homesites priced from \$195,000.

• The Salt Lake City Office of **CBRE Group Inc.** has been selected by **Novell Inc.**, a global enterprise software leader and wholly owned subsidiary of the Attachmate Group, to **arrange the sale/leaseback of Novell Tower and the sale of six office buildings in the adjacent East Bay Business Park**. The campus includes nearly 900,000 square feet of office space. The sale/leaseback of Novell Tower will encompass Novell's eight-story, 379,346 square foot corporate headquarters building and a 26,353 square foot annex building that currently houses an employee cafeteria. Upon the sale of the property, Novell will lease both the Tower and the annex building from the new owner for an initial term of 10 years. Novell Tower will continue to serve as the corporate headquarters for Novell, and it will also continue to serve as a significant hub of global operations for Novell's parent company. Novell

will continue to operate and manage the day-to-day operations of the property without change after the sale.

• The **2012 Building Owners and Managers Association (BOMA Utah) Advocacy Committee** formed its new team in February. Chairman **Justin Farnsworth** called together a group of professionals within the commercial real estate industry to form tighter relationships and open dialog between key organizations within the industry, such as IREM, NAIOP, CCIM, Utah Apartment Association, Utah Association of Realtors, Uniform Code Commission and the Utah Legislature. The committee will follow House and Senate Bills, utilizing all forms of communication to ensure the commercial real estate industry is properly represented.

RESTAURANTS

• **Bambara**, a Kimpton restaurant in downtown Salt Lake

continued on page 11



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HR Matters

Hiring: 10 tips for employers — and for applicants

10 Tips for Hiring Employers

1. Know what you are looking for before you start. Take the time to outline the essential job functions and the key skills or competencies necessary to be successful.

2. Use multiple venues to advertise job openings. Online networking sites such as Twitter, Facebook or LinkedIn are great (FREE) venues to get the word out about job openings, but they can also have an adverse impact on the audience not receiving the message.

3. Gather key information on your application. Ask about the candidate's experience, certifications, licensing, education and other key elements for the position.

4. Go beyond "conventional" interviews. Implement behavioral interviewing techniques that move away from "the one right answer" or the canned response.

5. Be cautious of your "mindless chatter" while inter-

viewing. Oftentimes employers ask questions to learn more about an applicant's response or in between interview questions that can get them into trouble. You become responsible for any

information you acquire from an applicant; don't ask anything that could identify some form of protected class (age, race, religion, disability, pregnancy status, etc.), as it may lead to a lawsuit.

6. Do your due diligence. Conduct adequate background checks, check refer-

ences and call former employers with final candidates. Although they may be tedious tasks, you can learn a lot about the applicant's integrity and have fair expectations about his/her abilities.

7. Be cautious with using social media to conduct background checks. Ask yourself if you'd be comfortable with other people conducting similar searches on yourself and what legal risks

may be involved. Again, employers are responsible for everything they see regarding a candidate and should only engage in *appropriate* processes that are legally sound at federal, state and local levels.

8. Conduct pre-employment drug testing and have a random drug testing policy. There are high costs associated with on-the-job drug use and abuse. Let candidates know you do not tolerate drug abuse at your workplace and that you conduct random drug testing to keep your work environment drug-free.

9. Use assessment tests to understand job fit for personality, behavior, motivation and mental ability. Matching people with jobs that fit them in regards to capability, personality, behavior, motivation and aptitude creates a higher likelihood of them being successful top performers, and will save the company money in the long run for finding a suitable match.

10. Conduct medical exams and inquires. After a conditional offer of employment has been

made, conduct fitness for duty assessments or other dexterity evaluations (where appropriate) to make certain the employee can physically perform the essential functions of the job or to determine if the employee needs an accommodation.

tact.

3. Do your homework. Research the company before interviewing. Be prepared to explain how your skills/capabilities will align perfectly with all that you've learned about the company.

4. Include a cover letter. Convince the audience why they should hire you in the cover letter, highlighting things that separate you from the next candidate.

5. Provide accurate contact information. This might seem basic, but is problematic at all levels of employment when outdated phone numbers on old resumes are no longer functional. Teenagers applying for positions should particularly pay careful attention to their voicemail greetings. If a prospective employer has to leave a message and hears an immature greeting, it's unlikely you'll get your foot in the door for an interview (even for a fast food position).

6. Be punctual. Submit job applications/resumes on time and

see HR page 11



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• Calendar •

• 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 7, 8 a.m.-5:30 p.m.: **Third Annual Intermountain Sustainability Summit**, presented by the Utah chapter of Net Impact. The event will provide educational programs, networking and trade show opportunities for government representatives and those in the sustainable energy and solid waste professions. Location is the Shepherd Union Building at Weber State University, Ogden. Cost varies. For more information and to register, visit <http://www.intermountainsustainabilitysummit.com>.

• March 7, 8-9:15 a.m.: **“World-Wide Procurement Opportunities for Products, Services and Consulting (The**

World Bank Group Resources),” sponsored by the Utah Technology Council. Presenter will be Elizabeth Goryunova, U.S. private sector liaison officer to the World Bank Group and executive vice president and COO, World Trade Center Utah. In 2011 the Salt Lake Chamber formalized a relationship with the World Bank that will help Utah businesses and businesses throughout the Intermountain West gain access to projects funded by the World Bank in developing countries. The World Bank provides loans to developing countries for large-scale projects designed to improve living standards and reduce poverty. These projects — building health clinics or schools, investing in roads so farmers can get goods to market, or improving telecommunications or sanitation, for example — frequently involve International Competitive Bidding under guidelines established by the World Bank. Location is the Utah Technology Council, 2755 E. Cottonwood Parkway, Suite 500, Salt Lake City. Free for UTC members, nonmembers pay \$30. Register at www.utahtech.org.

• March 8, 11:30 a.m.: **The Building Owners and Managers**

Association (BOMA Utah) Commercial Real Estate Market Review. Guest speaker will be John G. Taylor, MAI, CCIM, who will discuss the Utah real estate market and the happenings within leasing, investments and marketing. Taylor currently serves as director of corporate services with Commerce Real Estate Solutions, a Cushman & Wakefield Alliance member. Location is the Little America Hotel, 500 S. Main St., Salt Lake City. Free for BOMA members, nonmembers pay \$45. Register at www.BOMAUtah.org.

• March 8, 11:30 a.m.: **“White Hats and Black Hats: An Ethics Conference on Computing, Search Engines and Security,”** presented by the Utah Valley University Center for the Study of Ethics and the College of Technology & Community. Keynote speaker will be Ash Buckle, president of Bluffdale-based SEO.com. Location is the Sorenson Student Center’s Ragan

Theater on the UVU campus. 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 13, 8-9 a.m.: **“The State of the Economy,”** sponsored by Bank of Utah and the Economic Development Corp. of Utah. Guest speaker will be Lt. Gov. Greg Bell. Bank of Utah president Douglas L. DeFries will host the event and provide his perspective on the economy. Location is the Marriott City Center, 220 S. State St., Salt Lake City. Free for Bank of Utah customers. Those who are not Bank of Utah customers pay \$20. A breakfast buffet will begin at 7:30 a.m. Self-parking will be free. Register at <https://www.bankofutah.com/economy>

see *CALENDAR* page 11



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Local First Utah is made up of a growing group of businesses identifying themselves as local and independent. There’s no membership fee and you’ll never be required to pay a dime to participate.

WHY JOIN LOCAL FIRST?

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- 2. FREE DIRECTORY LISTING:** Every Local First business receives a free listing on our on-line directory at LocalFirst.org. This directory provides a convenient resource for customers and businesses to locate locally owned businesses to patronize.
- 3. VALUABLE MARKETING:** All of Local First’s efforts focus on driving customers to locally owned businesses. Promotions, events, and advertising will all help bring new customers through your door.

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AIR FORCE RESERVE

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City, will host a **Sip & Savor Soiree**, featuring winemaker Kristin Belair from Honig Vineyard & Winery in Napa Valley, March 7 from 5:30 until 7 p.m. The cost for the small plates pairing menu includes \$5 for bites and \$15 for wine pairing selections, per person.

RETAIL

• Ground has been broken at 273 E. 1000 N. in Spanish Fork for a **new Costco store**. While company officials could not be reached for comment, a building permit valued the project at more than \$18 million. Late last year, Spanish Fork City approved an incentive that would rebate at least \$1 million in sales tax for the first year, as well as pay utility costs for the first four years the store is open.

SPORTS

• A House committee has endorsed a **bill designed to help Utah land large sporting events**. HB478, passed out by

HR

from page 8

arrive to the interview early. This shows you're dependable, enthusiastic and able to manage your life effectively.

7. Project positive energy. Be the person everyone wants to be around. Don't criticize former employers, even if you just came from a terrible work experience.

8. Be honest. If you are asked whether or not you have some specific skill set, answer the question honestly. Owning the fact that you have not yet become proficient in a particular software program is better than lying about it and being caught with follow-up questions.

9. Remember names. Whether you are interviewing with just one person or with multiple people, remember their names and use them while in dialogue. This will show you pay attention to details.

10. Send a follow-up message. Applicants who follow-up after an interview with a thank-you note show a genuine interest in the position and stand out more than those who neglect to do so.

Sharron Ngatikaura, SPHR, has over 10 years of human resources experience. She is currently the human resources director for Employer Solutions Group (ESG), a PEO that provides human resources consulting, payroll and administrative services, creative benefit offerings and employer liability reduction to its client companies. For more information, visit www.esghr.com or contact ESG at (801) 223-7007.

the House Workforce Services and Community and Economic Development Committee, creates an account of up to \$2.5 million annually to be used by the Utah Sports Commission for advertising, marketing, branding and promoting Utah in attracting sports events to the state. The bill is sponsored by House Majority Leader Brad Dee, R-Ogden. Rep. Val Peterson, R-Orem, told the committee that Utah has been successful in attracting Dew Tour, Ironman and other events but faces more competition from potential host sites. He added that the events provide a "tremendous economic impact" to Utah. Jeff Robbins, the commission's president and CEO, said the events provide a good return on investment and increased media exposure for Utah. "We can't go out and secure events long term — Ironman, Supercrosses, Dew Tours, we've had over 70 Olympic-related events — because we don't have the funds to do that," Robbins said. "It's been year to year, so this [account] helps us go out and contract. We're always at risk of losing these major events because every year we have to try to go re-sign them, so this allows us a little more flexibility to go in and sign a longer-term deal, negotiate a better deal and keep some of these major events going."

TRANSPORTATION

• Beginning June 7, **Delta Air Lines** will offer nonstop service between **Salt Lake City and Washington-Reagan National Airport (DCA)**. The flight will be one of just a handful of flights from DCA beyond the airport's 1,250-mile perimeter. Delta is able to operate the flight thanks to a small number of beyond-perimeter takeoff and landing slots at DCA that are becoming available.

CALENDAR

from page 9

[nomic_breakfast.html](#).

• March 13, 11 a.m.-1 p.m.: **The Building Owners and Managers Association (BOMA Utah) Utah Lien Law Class.** Utah's lien laws have seen extensive changes over recent years that may have significant impact on the real estate industry. This class will discuss the State Construction Registry and the protection it provides to the construction industry and property owners. This information could help to improve the advice and service provided by companies and clients. Location is 3 Triad Center, 345 W. North Temple, Salt Lake City. Cost is \$10 for BOMA members, \$20 for nonmembers. Register at www.bomautah.org.

• 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.

• March 21, 8 a.m.-4:30 p.m.: **ARC FLASH Compliance Training**, hosted by Hunt Electric. Participants will learn how to reduce the chances of violating OSHA rules when it comes to electrical safety. Instructor will be

Joseph Gierlach Jr., vice president of technical training and support at TEGG Corp. He will be available to answer questions. Location is the Hunt Electric Training Center, 1863 W. Alexander St. (2410 S.), West Valley City. Cost is \$140 if registered by March 14, \$160 thereafter. The cost is \$120 per person for groups of five or more from the same company. Sign-in begins at 7:20 a.m. A continental breakfast and lunch will be provided, along with a certificate of participation. Register at www.huntelectric.com/training.htm or by calling Cheri Holbrook at (801) 975-8844 ext. 8851.

• March 23, 7 a.m.-5 p.m.: **International Council of Shopping Centers 2012 Mountain States Idea Exchange.** Keynote speaker will be William Taubman,

COO of Taubman Properties, the Michigan firm that is developing the retail component of the new City Creek Center in downtown Salt Lake City. There will be a number of roundtables, a retail panel and a tour of City Creek Center. Location is the Sheraton Salt Lake City, 150 W. 500 S. Cost is \$190 for ICSC members in advance (by March 16), \$240 on site. Nonmembers pay \$420 in advance, \$525 on site. Register at www.icsc.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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Are you a true believer or just a salesperson?

What do you believe in? What are your real beliefs?

I'm asking you these questions so you can have a clearer picture as to why sales are made or lost.

"Jeffrey, you don't understand," you whine. "Our customers are price buyers!" No Jackson, YOU don't understand. You BELIEVE they're price buyers, and until you change your belief, they will continue to be that way.

SIMPLE RULE: Change your beliefs and you can change your outcomes.

SIMPLER RULE: Your beliefs control your sales performance.

SIMPLEST RULE: You can strengthen your beliefs with clear thoughts and deep commitment.

THINK ABOUT THIS: As you're preparing for a sale, your belief system is so powerful it will dominate your desire to get ready to win. Those beliefs have been present either consciously or subconsciously for as long as you have been employed by your present company – and they deepen with every sales call you make, every sale you achieve and every sale you lose.

You may look at belief as "faith." A common belief is, "I've lost faith in my company's ability to deliver as promised." Others are loss of faith in product, boss, ethics of company or even the economy.

But your belief and your belief system are the root of your sales success, or the bane of your failure.

There are five elements to belief, and in order to be a great salesperson you must be the master believer of all five. There's also a sixth that enables you to change or strengthen your beliefs:

1. You have to believe you work for the greatest company in the world.

2. You have to believe your products and services are the greatest in the world.

3. You have to believe in yourself. (NOTE: STOP here – if the above three beliefs – company, products and services, and self – are not present and deep. The next two will be impossible to comprehend, let alone master.)

4. You have to believe in your ability to differentiate from your competition in a way that the customer PERCEIVES as both different AND valuable. If the customer fails to perceive a difference between you and your competition, if they fail to perceive your value, then all that's left is price.

5. BIGGEST ASPECT OF

BELIEF: You must believe that the customer is BETTER OFF having purchased from you. Not just believing this in your head. Rather, believing it in your heart.

6. You control your belief with your thoughts and your attitude. And this understanding is critical to building and maintaining a positive belief for all you say and do. Once this belief begins to falter, it's time to go. Time to move on to something you believe in.

These six fundamental beliefs will drive your preparation, and thereby your presentation, to new heights, new sales and new success.

Take a moment and rate yourself on a scale of 1-10 (10 being best) for each of the six elements above. If your total is less than 40, you're losing sales due to lack of belief.

BEWARE: There are negative beliefs that will also limit your success, even if you possess the critical five.

- Belief that your prices are too high.
- Belief that your competition has a lock on the business you're trying to get.
- Belief that the sale is a bidding process and you'll lose without the lowest bid.
- Belief that the sale you're in the middle of won't happen.

And about 20 more beliefs that are completely alterable.

GREAT NEWS: The deeper you possess the big five beliefs, the bigger and faster your sales cycle will end – with an order.

KEY POINT OF UNDERSTANDING: Belief does not come in a day – it comes day-by-day – slowly over time. But once achieved at its highest level, it's virtually impenetrable, and it will put passion in your preparation, not to mention, money in your pocket.

Do you believe? I hope you do. Your success depends on it.

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 email him personally at salesman@gitomer.com.

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Jeffrey Gitomer

Property restoration and disaster recovery: soggy carpet and angry tenants

You never know when you're going to get the call, but odds are it will be on a weekend or a holiday. A major water line in your building has burst, flooding several floors, and your stairwells resemble something akin to Niagara Falls. How you respond in the next 24 to 36 hours will determine not only the extent of the damage to the property but also the possible erosion of confidence and sense of security of your tenants.

Any water loss that affects your tenants' ability to do business calls for quick action. If it's a major flood, it can quickly degenerate into chaos. By taking immediate steps to set up effective communications and to manage your tenants' expectations, you can inspire their tolerance and understanding during this difficult time.

Best case scenario, you have an emergency response restoration contractor predetermined in your contingency plan, who, upon arriving and giving you an accurate assessment of the situation, can implement an appropriate plan of action. Once you have the peace of mind that further damage has been mitigated and recovery is under way, you can immediately focus your attention on your tenants' comfort and satisfaction.

If the flood is after hours or on the weekend, call the tenants whose offices were impacted at home, and give them a thumbnail sketch of the situation. This allows them to work out some of their anxiety before arriving on the scene. If access is not restricted due to hazards, let them know they are free to come and check the damage themselves. This helps shift the perception of responsibility regarding their office contents away from you and your company.

A memo should be distributed as quickly as possible to all tenants, explaining what happened, what to anticipate and who is on-site handling the problem. Even if a tenant is not directly affected, how well you handle a building crisis will be vividly recalled at lease renewal time.

Probably the most effective thing you can do is visit each of the affected tenants, along with a lead manager from your restoration company, to tell them what to expect. This should be done in the first 24 to 36 hours. By coming to them promptly with answers and timeframes, and to address any of their specific concerns, they are much more likely to tolerate any short-lived discomforts. This will also quell the typical onslaught of phone calls

to the management office.

Things to cover are: what's been done, what will be done, how long chemicals will take, safety factors (tripping over equipment, MSDS sheet available for all chemicals in use, etc.). Explain that turning off or repositioning any drying equipment used will only prolong the process. You should call for help if this cannot be avoided.

Advise tenants to call their respective insurance carriers regarding impacted personal property, to notify them that there may be a claim. Even if your building insurance carrier steps forward to cover some of your tenants' losses, it will typically be done later, under subrogation, to expedite the immediate damage mitigation.

If you're working with a full-service restoration company that has the resources to restore contents as well (i.e. documents, electronics, furniture, etc.), the tenant can contract directly with them for these services. If space and expertise permit, the contractor can set up an on-site drying chamber. Any documents that the tenant wants dehumidified can be boxed and placed in the hallway for the contractor to pick up and take to the chamber, then redelivered when dry.

Keep the communication lines open. Give the contractor one of your radios so that any issue raised about services can be quickly responded to.

Make sure that the contractor or someone from your staff checks in with the impacted tenants daily to keep them apprised. Even if you do everything suggested and are viewed as heroes in the first day or two of a crisis, your tenants' tolerance will usually begin to wane around the third day, when the drone of machinery and the overly dry air starts to grate on their nerves.

A final walk-through should be done with the point teams to give closure to the event and ensure everyone's satisfaction with the results.

In summary, water losses are going to occur sometime — good communication and quick response can make all the difference.

Linn Griffith is the Utah marketing director for BELFOR Property Restoration, the world leader in disaster recovery and property restoration, with 110 offices across North America. He can be reached at linn.griffith@us.belfor.com.



Linn Griffith

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GDP bump and confidence boost

Fourth quarter performance of the U.S. economy was revised slightly higher last week, with one more revision to come in a month. Then, in coming years, the U.S. Commerce Department will revise the data anytime they want to ... but I digress.

The American economy grew at a 3 percent real (after inflation) annual rate during the October-December 2011 quarter, up slightly from the 2.8 percent rate initially reported. Ironically, 3 percent was the consensus forecast when the data first came out in late January. You just can't win.

The Best of '11

The 3 percent growth pace during 2011's final quarter was the best of the year, following real annual growth rates of 0.4 percent, 1.3 percent and 1.8 percent in the three prior quarters of 2011. The 3 percent fourth quarter 2011 growth pace was also the best since 2010's second quarter. Still, the economy's real growth place of 1.7 percent during 2011 badly trailed the 3 percent real growth pace of 2010.

Growth in the current quarter is likely to weaken, with most forecasts around a 1.8-2.4 percent real annual rate. Second quarter performance looks a bit better at this time.

In addition, the U.S. economy has averaged a 2.4 percent real annual growth pace since the current economic expansion officially began in July 2009. Such growth ranks as the weakest economic rebound from recession since the 1940s. Ouch.

Those Headwinds

It seems the "headwinds" of (1) weak housing markets across the country, with home values down roughly 35 percent since their 2006 peak; (2) still high unemployment (by two measures much higher than the currently reported official 8.3 percent rate); and (3) enormous anxiety about the size, growth and direction of the U.S. government (think \$1,300,000,000,000 annual budget deficits for four years now) have lessened corporate interest in expansion and new hiring, as well as pooh-poohed consumer interest in more aggressive spending.

Yes, the economy added more than 400,000 net new jobs during the past two months, only 5.5 million more net new jobs to go and we will be back to "square one" of 2007.

The What Ifs

A couple of reasons can be noted as to why the U.S. economy keeps growing, even if at a modest clip. Two full years of never-ending discussion and media attention about sovereign (national) debt stresses in Greece, Ireland, Portugal, Spain, Italy, etc. have yet to see those nations' slide into the Atlantic or the Mediterranean. The Europeans have simply become the world's best participants at kicking the can down the road. Second, a lot of discussion last summer about impending U.S. recession in 2012 (never my view or the consensus view) finally fell by the wayside.

Yes, threats to U.S. economic growth remain. Iran's nuclear ambitions and the likely Israeli or U.S. (or other) military response could upset the apple cart. Oil prices could jump much higher. European issues could become much more daunting.

At this juncture, however, the stock market is telling us that things have modestly improved. That is usually as good an indicator as we get.

Confidence Climbs

A key measure of how consumers feel about the economy and their prospects within it jumped

nicely in February. The Conference Board reported that its Consumer Confidence Index jumped from a revised 61.5 in January to a greater-than-forecast 70.8 in February.

Most forecasters predicted the index would rise to around 63, again showing you what we economists know. The 70.8 February measure was the highest since it reached 72.0 last February.

As one might expect, the rising availability of jobs in recent months contributed to the gain. At the same time, the impact of energy prices had, and will have, a material impact, both negative and positive.

Energy

Yes, oil prices are above \$100 per barrel. Gasoline prices have jumped roughly 35 cents per gallon during the past year, with much of the rise during the past month.

At the same time, however, two other energy developments have helped consumer pocketbooks. Natural gas prices are down 40 percent from a year ago. In addition, warm weather across much of the nation this winter has led to less demand for natural gas, saving consumers money in two ways.

The index has both a near-term and a six-months-out component, with both rising during February. The Present Situation Index rose to 45 in February from 38.8 the prior month. The Expectations Index rose sharply to 88 in February versus 76.7 in January.

The "major number" for either measure tends to be around 90, a level that typically suggests stronger economic growth. The index has been above 100 at times, while also at a painful low of 25.3 in February 2009.

The "Recession of Confidence"

When traveling and speaking a great deal around North America in many diverse industries, I have noted to audiences that the U.S. economy has officially been in growth mode for 32 months, following the Great Recession which ran from December 2007 to June 2009. When suggesting the 32 months of economic growth, it has been worthwhile to note that we have recorded such growth statistically, if not necessarily emotionally.

I have also talked of the "recession of confidence" that has engulfed the economy, tied to housing weakness, high unemployment and down-right fear in many circles of the size, growth and direction of the U.S. government. Unbelievable \$1 trillion-plus annual deficits of recent years, with similar deficits for as far as the eye can see, hasn't exactly inspired confidence either.

The recession of confidence appears to be fading, for reasons noted earlier in the GDP discussion. Also as noted earlier, major risks remain firmly in place.

The long-term correlation between consumer confidence levels and consumer spending has not always been as tight as one might expect. However, how consumers feel about their current situation and their expectations for what they will face down the road are important. After all, American consumers account for 70 percent of every dollar spent in the U.S. economy.

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.



Jeff Thredgold

An inspiring combination

Have you ever been in that situation where you didn't really appreciate the impact someone had on your life until they were gone? I'm experiencing that right now. Though I haven't seen this person in likely a decade, his recent passing has brought forth a stream of emotion and clarity that brings me to the message I'd like to share.

Think for a moment about a person who was or still is part of your life that really, truly has inspired you to be your very best. Someone who without hesitation would do anything they could to help you succeed. Let's add the caveat that this person is not a primary family member and has never been obligated to support your growth. I am hopeful that you have or have had someone like that in your life. If so, you should know that you are truly blessed. Sometimes we all need a little

push or a little lift or frankly, a little attitude adjustment. Some of us can push ourselves in a timely manner, but most all of us can gain from a friend or colleague or mentor offering that positive shove. Thank goodness for these people, for without them, we might not be as strong as we are.

Folks who have been around me enough have probably heard me say a time or two that my favorite definition of a great leader is someone "who helps others be great." I've written about this important characteristic and I have proclaimed its value to numerous audiences around the country, but why do I feel it is so important? Two reasons: our society, our country and our world sorely lacks great leaders, and leadership is the No. 1 trait I pray that my kids will develop to help them become highly respected and successful adults. The adage says "lead, follow, or get out of the way." What would you like your children to do? The most respected people over history have been either those who jumped up and with energy and sometimes major risk and made something positive happen, as well as those who have dedicated their lives to serving others with a moral, ethical and legal agenda guiding their path. Among others perhaps, these are the individuals we should not only look up to, but also strive to emulate.

What makes you the person you are today? Is it your upbringing as a child? Is it all the people you've engaged with over the years? Is it all the research you've done to form your own opinions on local, national and global issues? Is it your present personal environment and circumstances? Likely, it's all of the above. In a day where interpersonal communication seems to be forced into the back seat to electronic devices and digital dialogue, I hope you can take this moment to appreciate the people who have sat down with you and offered their complete attention to help you ... with anything! Those

who have the innate compassion to put someone else first for a while. Those who are caring and resourceful enough to find a way to make your life better. Again, these are the folks that we should look up to and strive to emulate.

The man I was referring to at the top of this piece is Ronald P. Socciaelli. This man hugely impacted the lives of hundreds of students at my alma mater, Ohio University in Athens, Ohio. From 1973 through 1989, "Mr. S." feverishly led a collection of young adults affectionately known as "the 110." This man was the epitome of confidence, passion and compassion. As these are the three primary attributes that I ask my colleagues every day to implement as they strive to learn, inspire and serve our clients, it has hit me right between the eyes where exactly I've gleaned this dedication from — Mr. S.

Like with so many others, Mr. S pushed me to my very limits to be the very best member of the 110 that I could be and also the most responsible person that I could be. He acknowledged my energy and spirit and saw in me someone who cared deeply about the organization. He encouraged me to take hold of leadership roles because he knew that I could do it. Just his way about him gave me the enthusiasm and desire to perform with every ounce I had every time I put on the uniform. Just his way about him made me sometimes even enjoy the pain and sweat that came from practice. Just his way about him made me know that I was part of something special. Just his way about him made me a better person.

On the other side of the personal value spectrum, it was Mr. S who was there to help me through the emotional and logistical issues that I had to fight through when I lost my sister right before my senior season. It was Mr. S who was there to make sure my focus was lined up appropriately. It was Mr. S who gave me solace when I had no family close by.

Over the last few days, I have read dozens of stories and sentiments similar to the ones I've just shared. This takes me to the ever-poetic line from the Tin Man, "a heart is not judged by how much you love, but by how much you are loved by others." Mr. S was and forever will be loved by hundreds of men and women because he was the truest essence of leadership and compassion — a most rare and inspiring combination.

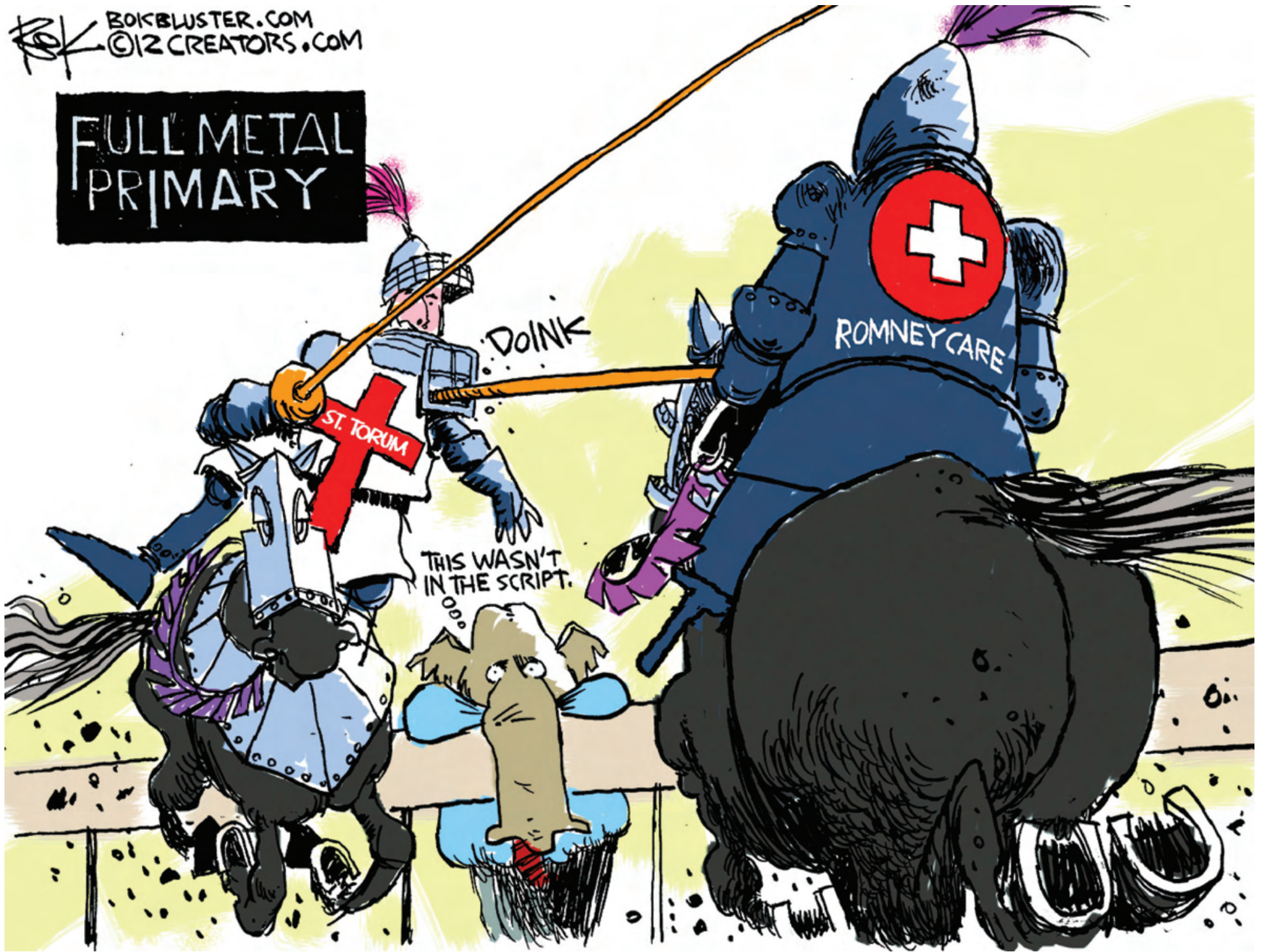
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Michael Buell

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FULL METAL PRIMARY



Desperate fantasy: Can Jeb Bush save the GOP?

Rumors and whispers of a late presidential bid by Jeb Bush are difficult to consider seriously — if only because the deadlines to enter primary contests have past, the necessary money and campaign staff are not in place, and the mechanisms for a “brokered convention” do not exist. And yet some worried Republicans are evidently imagining a rescue by the former Florida governor.

Such fantasies arise from the unappetizing choices that now confront Republican voters. But if

Jeb Bush were to enter the field, as he has wisely declined to do so far, the public scrutiny that has damaged the current candidates so badly would turn toward him — and swiftly reveal an enormous deadweight of political baggage. What Florida voters once accepted (or ignored) might well horrify the national electorate today.

The first obstacle that Jeb would have to surmount is that to most Americans outside the

Sunshine State, he is known only as the brother of George W. Bush, most recently named one of the two worst presidents in the past half-century by respondents to a Gallup poll — rated just above the late Richard M. Nixon, in fact. It’s a negative accomplishment that should not be “mis-underestimated,” as the former president himself might say.

Only a professional politician or a right-wing pundit — the sort of deep thinkers mulling a Jeb boomlet — could believe that most Americans would receive the idea of another Bush presidency with any emotion except loathing. Not much would have to be said or done to remind voters of this century’s catastrophic first decade, and why they might not wish to risk putting a third Bush in the Oval Office.

Leaving aside the historic burden of his family name, Jeb Bush carries a resume of dubious episodes that stretch back three decades, to his early days as a

Florida real estate developer and consultant, when he told reporters that he intended to become “very wealthy.”

Among the partners he encountered in that quest was one Miguel Recarey, whose International Medical Centers was accused of one of the largest Medicare swindles of all time. Before Recarey fled the country ahead of several federal indictments, Jeb had made a call on his behalf to Health and Human Services Secretary Margaret Heckler — a Cabinet secretary serving at the pleasure of his father, George Herbert Walker Bush, who was then president. Recarey paid him \$75,000 for that lobbying errand, which forestalled government action to stop Recarey’s skimming of millions in Medicare dollars. Although Jeb has denied that Recarey — a mob associate — paid him to call Heckler, both the fugitive and the former HHS secretary have since confirmed those circumstances.

Jeb soon did amass a fortune

in real estate, mostly with the assistance of the Cuban-American community in South Florida. He returned the favor by seeking a presidential pardon from George H.W. Bush for the late Orlando Bosch, a murderous anti-Castro militant denounced by his father’s own attorney general, Richard Thornburgh, as “an unreformed terrorist” responsible for killing dozens of innocent people.

Although he never hesitates to denounce government regulation and praise the unfettered free market, Jeb didn’t exactly reject the federal teat when one of his own investments went south during the savings-and-loan crisis. With an infusion of more than \$4.5 million from the Treasury, Jeb and his partners managed to hold onto a downtown Miami office building in 1989 that they soon sold for \$8.7 million. In other words, Bush benefited from a government “bailout.”

There is much more to the Jeb saga, including his vow to sign legislation that would have award-

ed Florida’s disputed electoral votes to his brother in November 2000 and his ill-advised attempts to intervene in the case of Terri Schiavo, the brain-dead woman whose husband and parents sued each other over whether to turn off her respirator and end her life. The public regarded interference in that sad matter by congressional leaders and other right-wing politicians as an opportunistic exploitation of tragedy — and the Schiavo affair became a turning point leading up to the 2006 Republican midterm debacle.

What Newt, Mitt and the rest of the Republican cohort have learned is how unflattering stories that faded years ago become suddenly vivid under the campaign’s glare. Unless he is truly the smarter Bush — and ignores all this presidential daydreaming — the same lesson awaits brother Jeb.

Joe Conason is the editor in chief of NationalMemo.com.

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Joe Conason



Pettiness and mud

The only good news for the Republicans coming out of the seemingly endless presidential candidate “debates” is that some Republican leaders are now belatedly thinking about how they can avoid a repetition of this debacle in future elections.

What could they possibly have been thinking about, in the first place, when they agreed to a format based on short sound bites for dealing with major complex issues, and with media journalists — 90 percent of them Democrats — picking the topics?

The conduct of the candidates made things worse. In a world with a record-breaking national debt and Iran moving toward creating nuclear weapons, they bickered over earmarks and condoms. I am against earmarks, but earmarks don't rank among the first hundred most serious problems facing this country.

Mud-slinging has replaced

rational discussions of differences on serious issues — not only during the debates themselves, where the moderators sic the candidates on each other, but even more so in the massive television character assassination ads in which Romney supporters seem to specialize.



Thomas Sowell

Groups supporting Mitt Romney have turned character assassination almost into a science. You take something that most people, outside of politics, do not understand and twist it to sound terrible to those who are unaware of the facts.

Blanketing Florida with misleading ads attacking Newt Gingrich won that state for Romney, after Gingrich scored an upset victory in South Carolina. The ads made a big deal out of charges that the former Speaker broke tax laws — charges that the Internal Revenue Service exonerated him of, after a long investigation.

When Rick Santorum suddenly surged after his upset victories in Minnesota, Missouri and Colorado, the Romney character assassination machine attacked him for having voted in the Senate for various things that conservatives don't like.

But, when it comes to voting in Congress, seldom do you get a pure bill that you can agree with in all its parts. If you never voted for bills containing anything you didn't like, you might get very little voting done.

But, if it is a bill to provide American soldiers with the equipment they need to fight a war, and somebody has put into it an earmark for a federal boondoggle in his district, are you going to vote against that bill and let American soldiers go into battle without all the equipment and supplies they need?

Taking advantage of the public's lack of knowledge is something that Barack Obama already does very effectively in his political propaganda. But is that some-

thing the Republicans want to imitate?

It has worked during the primary season, when the media are perfectly happy to see Republicans destroying each other. But it will not work in the general election campaign, when even truthful criticisms of the president will have a hard time getting out through the media, which hear no evil, see no evil and speak no evil when it comes to Obama.

The pettiness and mud-slinging during the Republican primary campaigns is especially irresponsible during a time when there are very serious problems, at home and abroad, that need to be addressed in a serious way.

Discussions of particular issues, one by one, often miss the larger point that goes beyond the issue at hand — namely, this administration's steady movement toward arbitrary government that circumvents the restrictions of the Constitution.

Nothing demonstrates this more starkly than the president's

arbitrary power to waive the requirement that employers have to provide ObamaCare coverage for their workers. That can be the difference between paying, or not paying, millions of dollars. What does that mean for anybody's other rights?

What does freedom of speech mean if criticizing the administration can mean you get no exemption, while your competitor who keeps quiet, or who praises the administration, gets a waiver? The Constitution requires “equal protection of the laws” for a reason.

And what about nuclear weapons in the hands of Iran, the world's leading sponsor of international terrorism? Is that not worth discussing in something other than sound bites?

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