

Focus

THE WORKPLACE

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Legislature to hear ideas for solving skilled worker dearth

Brice Wallace
The Enterprise

A list of possible solutions to address the state's lack of skilled workers is in development, with the state legislature being the ultimate audience.

About 40 people from government, industry and academia gathered as a task force last week to formulate ways to improve the number and quality of workers in Utah. Attendees bounced around several ideas and many are expected to be included in a plan to present to the legislature during its upcoming general session.

"I think just taking some of these plans, getting a little more meat on them and taking them to the legislature with some solid numbers that are well-researched and that are sound, I think we could maybe make some headway," said Val Hale, executive director of the Governor's Office of Economic Development (GOED).

Hale and others said various entities in Utah are trying to address the workforce is-

sue but they need to present their ideas in a unified way.

"These issues, we all need to circle around and we need to approach the legislature with a common voice, and I think that's the value of this meeting," Hale told the group. "We have a common voice, we go as manufacturers, we go as UTC (Utah Technology Council), we go forward and we say, 'Here's some real problem-solving solutions that we think can help us improve our economy.'"

Among ideas discussed include refining data to better understand the scope of the issue; providing more funding for Custom Fit Training, which provides training and development to meet specific business needs, plus reviewing how those training funds are distributed; continuing an engineering initiative to boost the number and quality of engineering graduates at universities; hiring and training more high school guidance counselors; preserving career and technical education (CTE), which lets mid-

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This longwall mining machine cutter head, along with more than 180 coal miners, will be idled this spring when PacifiCorp's Energy West Mining shuts its Deer Creek Mine near Huntington.

Emery County mine closure will idle 180

John Rogers
The Enterprise

The workforce at Emery County's Deer Creek coal mine has received some holiday-season news it didn't want to hear. Energy West officials told its workers last week that the area's last union coal mine would be closed and sealed by May 2015.

During a meeting at the company's central warehouse near Orangeville with union and management employees, Energy West officials said that they would immediately begin work to close and seal the mine. The mine's closing will affect approximately 180 miner positions in Carbon and Emery counties.

The *Price Sun Advocate* reported that according to those in attendance, the meeting dealt largely with the fact that the mine could not be sold by Energy West's parent company, PacifiCorp, a subsidiary of Berkshire Hathaway Energy (formerly MidAmerica Energy), and would therefore

Gas prices fuel CPI decline

Consumers have gas prices to thank for a continuing drop in the cost of living along the Wasatch Front. The Zions Bank Wasatch Front Consumer Price Index (CPI) decreased 0.2 percent from October to November on a non-seasonally adjusted basis. The index has increased 0.5 percent since this same time last year.

Again leading the way were transportation prices, which dropped for the third month in a row, declining 1.2 percent from October to November. Gas prices alone decreased 7.2 percent in November. Gasoline has been the largest driver of the transportation price index decline for the past two months and has been declining for the past four months.

Gasoline prices have a major effect on inflation, in part because they are consistently a part of the average person's purchasing decisions. The average price per gallon of gasoline in November was \$3.11, down from \$3.35 the month prior and \$3.55 the month before. Utah gas prices are now

around \$2.60 per gallon compared with \$2.50 nationally.

The national Consumer Price Index, released last week by the Bureau of Labor Statistics, decreased 0.5 percent from October to November on a non-seasonally adjusted basis and has increased 1.3 percent over the past 12 months.

While a portion of the gasoline price change is due to typical seasonal declines, falling oil prices have also contributed. Global oil prices are hovering around \$60, down from \$105 a year ago, and are expected to continue to drop as global production remains steady and demand remains weak. With a weak Eurozone and Japanese recession, among other frail economies, oil purchases are not expected to increase in the short term. Oil prices began declining in June and have plunged since September. Lower prices have not encouraged equally higher consumption, although consumers

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Roger Christensen
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Miller to be honored as chamber's 'Giant'

Gail Miller, owner of the Larry H. Miller Group of Companies, will be honored as A Giant In Our City at ceremonies in March.



Gail Miller

The award is presented by the Salt Lake Chamber and is recognized as the most prestigious business award given in Utah. Miller will be the 36th person to receive the award in its 45-year history.

Miller oversees a business empire that is composed of more than 80 businesses and properties operating in 46 states and employing more than 10,000 people.

Miller has a strong legacy of giving back to the communities where the LHM Group conducts business. This includes financial contributions, as well as her time and service. She and her late husband founded the Larry H. Miller Education Foundation, which

awards college and trade school scholarships to children of her employees; the Driven 2 Teach program, which takes Utah high school American history teachers to important historical sites throughout the U.S.; Larry H. Miller Charities, which donates to nonprofit organizations; and the Larry H. and Gail Miller Family Foundation, which supports religious, charitable, scientific, literary and educational programs.

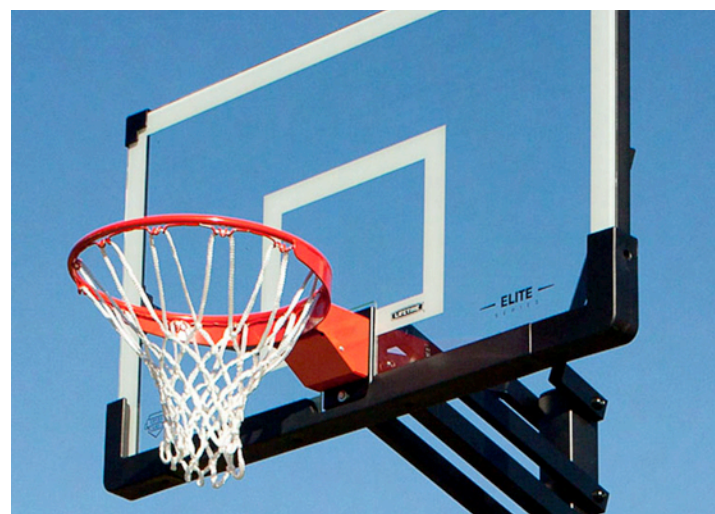
Her community involvement is extensive and includes her role as chair of the board of trustees of Salt Lake Community College, serving on the National Advisory Council at the University of Utah, and sitting on the board of trustees for Intermountain Healthcare. She is also a member of the Brigham Young University President's Leadership Council.

"There are many people in our community who are dedicat-

ed to improving our state, but Gail Miller has become a standout leader — even a 'giant' in our community," said Lane Beattie, president and CEO of the Salt Lake Chamber. "She has exhibited over and over again wisdom and leadership that has greatly blessed our community."

"Utah has benefited for decades from the quiet, confident leadership of Gail Miller," said Scott Anderson, president and CEO of Zions Bank and chair of the Salt Lake Chamber Giant nominating committee. "Her contributions to our business community are surpassed only by her dedication to issues important to her and her family. Gail and the Miller organizations have touched multiple aspects of our lives, and her fingerprints are all over our communities."

The event honoring Miller will be held at the Grand America, March 26, 2015.



Utah's Lifetime Products and Dick's Sporting Goods have teamed to make 100 Lifetime basketball standards available to needy organizations in the U.S.

Lifetime joins Dick's in nationwide effort

Clearfield-based Lifetime Products has partnered with The Dick's Sporting Goods Foundation to make 100 of the company's basketball standards available to more than 50 organizations in need across the U.S.

The program began with a surprise appearance by Cleveland Cavaliers star Kevin Love at a Cleveland-area elementary school where the first of the basketball standards was installed. Other hoops have been installed in five locations including, venues in New York City and Los Angeles.

"We are grateful for the opportunity to be involved with The Dick's Sporting Goods Foundation. It's a wonderful thing to be able to manufacture a product that brings communities and families together," said Richard Hendrickson, president and CEO of Lifetime Products. "That's what Lifetime was founded to do — bring people together."

Each day in December, two participating organizations will receive two hoops and then have the opportunity to pay it forward and gift two hoops to another deserving organization. The recipients of the hoops will be announced and tagged with #Holiday-Hoops on social media channels, including Facebook and Twitter, throughout the month.

Established in 1986, Lifetime Products Inc. is a privately-held company that employs 2,200 worldwide.

State launches ethics standards & procedures website

Utah citizens now have a place to go to find the ethics standards and complaint procedures for all four statewide ethics commissions. That place is the new website ethics.utah.gov. The Utah Legislature announced the new website recently. It was built in partnership with Utah Interactive and the three new Utah ethics commissions.

"This site provides clarity. It explains the work of each commission to Utah citizens," said

Senate President Wayne Niederhauser. "We hope we never have cause to receive an ethics complaint, but if we do the state now has independent mechanisms in place to investigate and handle the situation."

Speaker of the House Rebecca Lockhart said, "Utah's government works hard to earn high marks for management, performance and public satisfaction. Today's launch allows the public to

address concerns they may have with confidence, which will help guard against government hubris and safeguard the proper relationship between citizens and elected officials."

Utah's four statewide commissions include the Executive Branch Ethics Commission, the Legislative Ethics Commission, the Political Subdivisions Ethics Commission and the Judicial Conduct Commission.

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Osguthorpe is new Davis Chamber president & CEO

The Davis Chamber of Commerce will have a new executive leader starting Jan. 1.

The chamber's executive board has announced that Angie Osguthorpe will be the organization's president and chief executive officer.



Angie Osguthorpe

Osguthorpe has been director of sales and events at the chamber for the past five years. Her education includes two undergraduate business degrees from the University of Missouri and an MBA from Brigham Young University.

Osguthorpe succeeds Jim Smith, who was recently elected to the Davis County Commission.

"It has been a great pleasure

working with Angie for the past five years," Smith said. "She has been extremely instrumental in our success and I will be leaving the chamber in good hands. Angie is the perfect combination of strong vision, work ethic, leadership and positivity — all qualities vital for this position."

The chamber received applications from 60 candidates from across the nation.

"The selection committee and the executive board unanimously endorse Angie as president/CEO and have full confidence in her ability to lead the chamber," said Mike Jensen, chairman of the executive board.

The Davis Chamber of Commerce, a nonprofit organization, is the only chamber in Davis County and draws membership from the county's 15 cities.

TASK FORCE

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dle/junior high students explore career options; and marketing the state and careers to remove misperceptions that might exist.

While Lt. Gov. Spencer Cox attempted unsuccessfully to put an exact figure on the problem, several people cited numbers relating to their respective industries and used strong descriptions to express their concerns about the depth of the issue.

"This is a desperate time — not my words, it's industries'," said Richard Nelson, president and chief executive officer of the Utah Technology Council. "It's brutal."

"It's an issue where we end up stealing [workers] from each other," said Chet Linton, president and chief executive officer of School Improvement Network and chairman of the UTC board. "I joke with a lot of my CEO buddies about it, and it's just painful and it's created some additional challenges in the market, from inflated salaries as well as other issues, I think culturally and companies' instability just overall. ... It's almost laughable how big the problem is to those of us who are trying to hire people. ... It's a big national issue."

"It's a problem across the board," said Jeff Weber, vice president of people and places at Instructure. "I think what we're finding is, people are not able to grow their companies as fast as they'd like to, they can't produce the products on time to meet their sales plans because they can't find qualified enough people to fill the positions."

"And we're also experiencing some salary inflation very rapidly here, where people are just trading people from company to company here in this market and giving increases as they move back and forth among various companies, which increases our cost structure."

Linton said a recent gathering of officials from 49 UTC compa-

nies revealed they had 1,850 job openings. He said he suspects the tech industry sector in Utah has 3,000 to 4,000 open positions. Weber said another group of 25 UTC companies indicated they had a total of about 1,500 openings in engineering and technology positions.

Weber said his own company, Instructure, has hired about 300 people during the past 14 months. Unable to find enough Utahns to fill those roles, the company has hired at least half of that figure from outside the state and also had to open offices outside Utah.

Linton said School Improvement Network has been "dealing with this issue for three years now in a big way and not-so-big prior to that."

"As we travel the state," Cox said, "we meet with business leaders everywhere we go ... and we hear this recurring theme, that there is a workforce shortage, that we don't have enough people or enough of the right people, or the right people trained in the right ways."

Cox said it is a "very good problem to have" when you have an unemployment rate as low as Utah's, but added that it could hurt economic development and the state's reputation as a good place to do business.

Some of last week's discussion touched on whether low wages and misperceptions of the state and certain manufacturing positions might be keeping Utahns from being interested in open positions, and whether academic rigor in high school needs to be increased.

Todd Bingham, president of

the Utah Manufacturers Association, said the workforce situation is the top issue keeping companies from expanding. It is a national issue, but Utah's situation is being exacerbated by its low unemployment rate, he said.

David Buhler, commissioner of higher education in Utah, listed ways that higher education has worked to try to get and train students to meet the state's labor needs. But he cautioned that "students also have a say in this."

"It's not only what we think they need, but what they think they need," Buhler said. "And I'm a big believer in the free market economy and that, as the demands are there and that increases wages, the students say, 'Hey, that's a field I want to go into because it's very profitable.'"

Bingham said manufacturing's workforce problem is not a curriculum issue but rather a "pipeline" issue.

"This is an issue of getting a kid in seventh grade to decide that they want to go to work for a technology company," Bingham said. "We can't wait until they roll into your [university] campus and say, 'OK, what do you want to do?' That's way too late for my guys, way too late at that point."

Hale said he will work with several task force members to hone the message to be delivered to the legislature.

"Let's get this problem resolved," he told the group. "We'll probably never resolve it completely in this day and age, but let's make a dent in it anyway. Let's do something that can relieve some of the pain that our companies are feeling."

CPI

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appreciate the lower prices.

"Savings at the gasoline pump continue to make consumers more confident going into the holiday season," said Scott Anderson, Zions Bank president and CEO. "This should lead to increased holiday spending, which will be a boon to Utah's retail economy and have positive results for consumers and businesses alike."

In contrast to falling oil and gasoline prices, airfare increased significantly in November just in time for the holiday season, jumping 13.7 percent from October. Vehicle rental prices also increased in November, but only slightly. Prices of used vehicles dropped while new vehicles increased. Public transit, vehicle maintenance and car insurance experienced negligible changes.

Housing prices declined 0.3 percent from October to November. The housing price index reflects fluctuations in such areas as apartment rental prices, hotel and motel prices and maintenance prices. November's price decrease is reflective of lower hotel and motel prices, although they will likely increase slightly in December heading into the winter holiday season. Maintenance prices increased marginally.

Medical care decreased 0.2 percent from October to November. The drop in the medical care price index in November was

driven by changes in prescription drug prices as nursing home prices, eyeglasses and eye care, hospital services and others remained steady.

Food at home prices, which are comprised of food items purchased at the grocery store, accounted for the largest increase in the consumer price index last month and increased 0.7 percent from October to November. Fluctuations in food prices are often a result of seasonal food price changes. Prices of meat, beef, poultry and eggs, as well as some citrus fruits and produce, increased. Apple prices fell slightly while most other food prices remained steady.

Recreation prices increased 0.3 percent as a result of higher cable, satellite television and video rental prices. Several price indices did not change from October to November, including food away from home, utilities, clothing, education and communication, and other goods and services.

Analysis and data collection for the Zions Bank CPI and the Zions Bank Consumer Attitude Index are provided by the Cicero Group in Salt Lake City.

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825 North 300 West Ste. NE220
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PUBLISHER & EDITOR
R. George Gregersen

PRESIDENT
David G. Gregersen
david@slenterprise.com

VP/GENERAL SALES MANAGER
Dale Dimond
dale@slenterprise.com

MANAGING EDITOR
John M. Rogers
john@slenterprise.com

CONTROLLER
Richard Taylor
richard@slenterprise.com

OFFICE MANAGER
Dionne Halverson
dionne@slenterprise.com

REAL ESTATE SECTION
Rhonda Bachman
rhonda@slenterprise.com

CIRCULATION
Subscription inquiries:
subscribe@slenterprise.com

ADVERTISING INQUIRIES
david@slenterprise.com

TO CONTACT NEWSROOM
john@slenterprise.com

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There's a lot more opportunity for 'jolly' than just during the holidays

Let's see, there's summer, fall, winter, spring and, uh, jolly. For the uninformed, the jolly season started around Thanksgiving and goes all the way until Christmas. Or what used to be called Christmas. Now it's called the holiday season to make certain that no one is offended.

The jolly season or the holiday season is SUPPOSED to start the day AFTER Thanksgiving, but it now actually starts the day of Thanksgiving because people just can't seem to wait to be jolly.

And it seems as though, regardless of our current jolly directives, there are always a few spoilers: people who just refuse to be jolly no matter what. People like politicians, governments fighting one another, sending their soldiers or their armies to kill one another, employees that are having to work longer hours during the "jolly-days" — and then there are the people that don't have enough money to buy stuff on the jolly-days.

What constitutes jolly?

Shopping? Traveling in super-crowded airports? End of the year tax planning? Goals to lose weight or get in shape?

It's kind of a mixed jolly season when you think about it — one that presents from Santa and a family dinner may not fulfill.

Whatever the circumstances in your world, the likelihood is that there is not enough jolly. Or

the jolly is somewhat hypocritical. Or the jolly is somewhat contrived. Or the jolly is somewhat insincere. Regardless of the jolly type, there remains a root of jolly season and process.

Jolly is the happiness that springs forth eternally and creates a jolly attitude or a jolly mindset. Jolly is HERE (point to head), not here (jiggle belly).

So, here's my jolly message: I think jolly should be all the time. Why wait for Thanksgiving? Why wait for the holidays? And when the season is over, are you going to go back to being pissed off or are you going to try to maintain jolliness?

Do you think you could have a jolly year instead of just a jolly season? That kind of makes more sense doesn't it?

Why is the month of December the jolly month? When does jolly actually start? Why isn't May as jolly as December? Why isn't this the YEAR to be jolly, or for that matter, the lifetime to be jolly?

I'm asking because I have dedicated my life to being jolly and I challenge you to do the same.

Jolly is not just a gift, or a family dinner, or a holiday tree, or singing a few songs, or a season. Jolly is an attitude — and it's an attitude for all seasons.

Here are a few jolly things to consider as you look to "put" and "be" jolly in the new year:

- Jolly about yourself.

- Jolly about your life.
- Jolly about your relationships.

- Pride in what you're doing.
- Love of what you're doing.
- Desire to be the BEST at what you're doing.

- Knowing the purpose behind what you're doing (your REAL WHY).

These elements will give you the freedom to find internal jolly — also known as internal happiness.

Here's a short excerpt from *The Little Gold Book of YES! Attitude*. It substitutes the word HAPPY for the word JOLLY, but the meaning is the same. It explains the urgency of self-imposed happiness as it relates to your success. Please don't just read or listen, please apply it:

"The truth is, the fact is, the reality is, there's no better time to be happy than right now.

"If not now, when? After the economy gets better?

"You may not be able to wait that long.

Your life will always be filled with challenges, barriers and disappointments. It's best to admit this to yourself and decide to be happy anyway. Alfred Souza said, 'For a long, long time it had seemed to me that I was about to begin real life. But there was always some obstacle in the way, something to be gotten through first, some unfinished business, time still to be served, a debt to be paid. Then life would begin. At last it dawned on me that these

obstacles were my life.'

"There is no 'way' to happiness.

"Happiness is the way.

"There is no 'after' to happiness.

"Happiness is now.

"Here's the answer: It's inside your head FIRST and everywhere else second. Happiness is a treasure. Your (missed) opportunity is to treasure every moment that you

have."

I wish you the jolliest of seasons and the best jolly happy, healthy New Year possible.

Jeffrey Gitomer is the author of 12 best-selling books, including *The Sales Bible*, *The Little Red Book of Selling*, *The Little Gold Book of Yes! Attitude*, and *21.5 Unbreakable Laws of Selling*.

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Cabela's to open second Utah store

Cabela's Inc., the Nebraska-based retailer of hunting, fishing and outdoor gear, has announced plans to open a store in Farmington.

Construction is scheduled to begin in 2015, and Cabela's anticipates a spring 2016 opening for the 72,000-square-foot store. It will be located in the newly planned Park Lane Commons development adjacent to Station Park on the west side of Interstate 15 near the intersection of Station Parkway and Park Lane.

Cabela's expects to employ approximately 175 full-time, part-time and seasonal employees at the store, most of whom will

come from Farmington and the surrounding area.

The store will become Cabela's second retail location in Utah, joining the 150,000-square-foot Lehi store that opened in 2005. Additionally, Cabela's is constructing a new 600,000-square-foot distribution center in Tooele that is expected to begin full operations in summer 2015.

"Utah is a great place for the outdoors and for Cabela's," said Tommy Millner, Cabela's CEO. "We have a wonderful store in Lehi and are thrilled to be adding a second store location and state-of-the-art distribution center to better serve our loyal customers."

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be closed in order to meet company cost containment standards.

"We were told that they had been trying to sell the mine for 18 months and could not come to an agreement with anyone," one Deer Creek miner told the *Sun Advocate*. "Because they could not sell, we were told that the mine would be closed and the portal sealed starting now, finishing no later than May of next year."

Deer Creek employees were also informed that Bowie Resources had come to an agreement with PacifiCorp to supply the coal needed for the operation of both the Huntington and Hunter power plants over the next 15 years. The primary users of the Deer Creek coal had been the power plants.

"We have evaluated what is in the best interest of our customers and determined it no longer makes economic sense to keep the Deer Creek Mine open," Micheal Dunn, PacifiCorp Energy president and CEO, said in a prepared statement.

The mine closing decision came mostly from cost factors, said company officials. The Deer Creek Mine could be mined for up to five more years, but much of the remaining coal has higher ash and sulfur content that has made

mine production considerably more expensive and made it more costly to comply with mandated air quality standards, said Energy West spokesman Paul Murphy.

"The costs for operating the mine have escalated substantially and the amount of coal we've been able to retrieve has deteriorated, so right now the mine is no longer economically viable," Murphy said. He said that rising pension obligations for the unionized workforce was also a factor.

Bloomberg has reported that U.S. coal producers have been cutting costs and idling mines nationwide amid the deepest downturn for the sector in decades.

Thermal coal prices have slumped in the past three years as some power utilities switch to cheaper natural gas. Demand is also suffering from the effects of tighter government regulations on emissions mandated by the Obama administration, said Bloomberg.

Production has already slowed at Deer Creek. The mine produced 1.59 million tons of the power-plant fuel in 2014 through Sept. 30, down 30 percent from the same period in 2013, according to the Mine Safety and Health Administration.

The Deer Creek Mine, located near the Huntington power plant, has been operating since 1974. The mine closing is subject to regulatory approval.

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For more information, contact Makensie at (801) 456-5437 x119 or MP Pratt@DiscoveryGateway.org.

Industry Briefs

ARTS/ENTERTAINMENT

• **The Governor's Office of Economic Development (GOED)** board, at its December meeting, approved a pair of projects for funding from the state's Motion Picture Incentive Program. **Magic Christmas Productions LLC** was approved for a tax credit of between \$320,000 and \$400,000 for its production of "JL Ranch," a TV pilot/independent feature. The company is expecting to spend \$1.6 million in Utah, including during principal photography scheduled for Jan. 15-Feb. 14. **Fischer Productions LLC** was approved for a tax credit of up to \$317,955 for its production of "Kindig Customs," a reality TV series. The company is expecting to spend nearly \$1.6 million in Utah. Principal photography is scheduled for Jan. 8-Nov. 30.

ASSOCIATIONS

• **The Sandy Area Chamber of Commerce** is accepting online voting through Jan. 5 for its **2015 Peak Awards**. Winners will be celebrated at a Feb. 18 event, which will feature speaker Dave Sturt, executive vice president of marketing and business development at O.C. Tanner, discussing "Great Work: How to Make a Difference People Love." Nominees for Small Business Women of the Year are **April Wise**, Nothing Bundt Cakes; **Tracy Drage**, Brown Floral; and **Cristina Roller**, Pack-N-Wrap. Nominees for Small Business Man of the Year are **Kevin Taylor**, Anytime Fitness; **Wagner Ribeiro**, Tusher Brazilian Express; and **Craig Johnson** and **Lannie Scopes**, Hired Guns. Nominees for Small Business of the Year are **Performance Mobility**, **Webytes Media** and **Neuroworx**. Nominees for the Community Service Award are **WCF**, **Zions Bank** and **Sam's**. Nominees for the Clark & Barbara Stringham Volunteer of the Year award are **Doug Maxwell**, Simply Cool; **JaNel Snow**, Snowy Barn; and **Linda Saville**, Sandy Club for Boys & Girls. Nominees for the President's Excellence of the Year award are **Saxton Horne Communications**, **Mountain Medical** and **American United Federal Credit Union**. Nominees for the Chairman's Distinguished Corporate Partner Award are **BD Medical**, **Comcast** and **MediaOne**. Voters may also write in a nominee. Voting can be completed at <https://docs.google.com/a/sandy-chamber.com/forms/d/1RSTkv1NcaEWFjvLDLbpvaV22nCFjPdSn707Gv9n69SI/viewform>.

BANKING

• The Board of Governors of the Federal Reserve System has announced that **Patricia Richards** has been named a director of

the Salt Lake City branch of the **Federal Reserve Bank of San Francisco**. She begins a three-year term Jan. 1. Richards will replace **Patrick Keenan**, chief financial officer at Rio Tinto, Brisbane, Australia (formerly of Salt Lake City), who retired from the branch's board earlier this year. Richards is president and chief executive officer of **SelectHealth Inc.**, Murray. Prior to joining **SelectHealth**, she was executive vice president and chief operating officer of **Health Alliance Plan of Michigan**.



Patricia Richards



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CONSTRUCTION

• **Envision Engineering**, Salt Lake City, has hired **Ken Reynar** as senior lighting designer. Reynar has more than 25 years' experience designing lighting systems for a broad range of projects. He joins Envision with clients based in the Southwest, Midwest and California.



Ken Reynar

• **Jack B. Parson Cos.** has hired **Jon Groves** as Northern Utah general manager. He will replace **Hudd Hayes**, who recently accepted the position as the Mountain West division operational performance director. Groves began his career with



Jon Groves

Jack B. Parson Cos. in 1989 as a concrete mixer truck driver and later became plant operator, ready mix salesman, and most recently, operations manager for the company's South Region, where he supervised a team of more than 120 employees.

• **Staker Parson Cos.** has hired **Jeff Collard** as the Hales Sand and Gravel general manager. Collard will replace **Don Naser**, who will retire April 1. Collard began his career as a lab technician with **Staker Parson** in 1999 and later held positions of increasing responsibility, including **Beck Street Lab manager**, **asphalt quality control manager**, **Beck Street Asphalt Plant manager** and most recently **quality control manager of aggregates and asphalt for the southern Wasatch Front**. Prior to joining **Staker Parson**, he worked for the **Utah Department of Transportation** as an engineering intern. Collard graduated from the **University of Utah** with a bachelor's degree in civil engineering.



Jeff Collard



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EDUCATION/TRAINING

• **Jeremy Keele** has accepted the position of inaugural executive director of a new initiative, the **Policy Innovation Lab**, at the **Sorenson Global Impact Investing Center** at the **University of Utah's David Eccles School of Business**. Keele has served as **Salt Lake County Mayor Ben McAdams' senior advisor and director of government relations for the county since the start of McAdams' administration in 2013**. The lab follows a successful pilot program that expanded access to voluntary, high-quality preschool for economically disadvantaged children. As director, Keele will take the lead in advising policymakers and nonprofit service providers in the state and region on tackling challenges such as homelessness, recidivism and behavioral health.

LAW

• **Ballard Spahr** has rehired **Todd A. Reece** as a partner in the firm's Salt Lake City office. Reece assists clients with general business matters, mergers, acqui-

sitions, financings (including venture and private equity), securities, joint ventures, licensing matters, internal investigations and compliance matters. He will be a member of the firm's **Business and Finance Department** and the **Mergers and Acquisitions/Private Equity, Transactional Finance, and Life Sciences and Technology groups**. Reece was with **Ballard Spahr** for six years before taking a position as partner at a Salt Lake City law firm.

MANUFACTURING

• **Fastway Trailer Products**, Provo, has hired **Matt Darrington**



Matt Darrington

to its sales team. Darrington has 10 years of experience in the RV and automotive aftermarket industry, focusing on high-end aluminum ball mounts.

Fastway is a division of **Progress Manufacturing**, a Utah company that specializes in the production and manufacturing of sway control hitches, high-end aluminum ball mounts and trailer hitch accessories.

NONPROFITS

• **Children's Miracle Network Hospitals**, Salt Lake City, has announced that **Steve Weisz**, president and chief executive officer of **Marriott Vacation Worldwide Corp.**, has been appointed chairman of **CMN Hospital's Board of Trustees**. Weisz will replace **Jim Shmerling**, president and CEO of the **Children's Hospital**



Steve Weisz

Colorado, who served as **CMN Hospitals' board chairman for two years** and will continue to serve on the board. A member of the charity's board for seven years, Weisz becomes chairman Jan. 1. He has 42 years of experience with **Marriott**, including serving as president of **Marriott Vacation Club International**, overseeing the vacation ownership division and three brands: **Marriott Vacation Club**, **Grand Residences by Marriott** and the **Ritz-Carlton Destination Club**.

REAL ESTATE

• **Michael Jeppesen**, IPG president and managing broker, recently was presented the **SIOR of the Year** award from the **Utah SIOR (Society of Industrial and Office Realtors)** chapter during its annual awards luncheon. Jeppesen has been in the real estate business

for more than 20 years and started **IPG Commercial** 10 years ago. **IPG** is a boutique commercial real estate firm that specializes in industrial, office and investment real estate. Among his notable transaction in 2014 are a 439,381-square-foot multiphase transaction for **3form**; a 200,000-square-foot **Koll Salt Lake City investment portfolio sale to Industry Capital**; the sale of 3.18-acre former **Hostess Bakery property to Boyer Co.** and **Cowboy Partners at 700 East and 400 South for future mixed-use development**; and the **Zagg corporate headquarters 50,000-square-foot build-to-suit**.

• **MCS Valuations LLC**, Sandy and Plano, Texas, has made changes to its management team. **Mortgage Contracting Services senior vice president Marc Hinkle** will provide executive oversight of **MCSV**. **Katie Parkey**, currently a vice president at **MCSV**, will expand her role to include business development, client relations, new client onboarding and industry relations. She joined **MCSV** in September when the company, which had been a unit of **CoreLogic**, was acquired by **Plano-based Mortgage Contracting Services (MCS)**. **Parkey** had been with **CoreLogic** since 2007. **Ryan Sedgwick** has been promoted to vice president of operations at **MCSV** from director of business operations. He had been with **CoreLogic** since 2005. **Kimberly Drake-Loy** has been named associate general counsel and chief compliance officer. She had been with **CoreLogic** since 2009 and will be responsible for **MCSV's quality control and quality assurance process**, as well as legal initiatives for **MCSV**. She will be based in **MCS' Plano headquarters**.

RURAL UTAH

• **The Governor's Office of Economic Development (GOED)** board, at its December meeting, endorsed three **Rural Fast Track**

BRIEFS pg. 7



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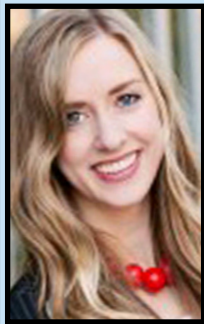
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Bliss Stinson



"I'm the communications director at City Launch in Holladay. My specialties are writing, editing and business organization. When not working, I enjoy my family, exercising and making plant-based meals."

Pamela Nebeker



"I'm the creator of TalkAbout Productions and my mission is to help other entrepreneurs, artists, Realtors, nonprofits, speakers, writers and others express their passion authentically with own words, voice and face."

Nicole Zeigler



"After 10 years in the design and remodeling industry, I founded enzy design in 2008. We specialize in residential interior design, kitchen and bathroom design, remodeling, new construction and space planning."

Lorraine Hough



"As a triple business owner, I use a plan A, B and C strategy and stress self-improvement, removing self-imposed limitations and networking. At the core is caring for human- and animal-kind and the Earth we live in."

Michelle Lewis



"I'm a licensed clinical social worker and own Salt Lake Weight Counseling. We specialize in emotional barriers to weight management, including emotional eating, binge eating, food addiction and patterns of self-sabotage."

Tannen Graham



"I am the founder and CEO of myPrediabetes LLC, a medical testing and wellness company that provides convenient home testing kits for pre-diabetes, diabetes and cardiovascular disease."

THE Enterprise WOMEN IN BUSINESS FORUM

Dealing with the millennial generation

Each month, The Enterprise, in conjunction with the Salt Lake City chapter of the National Association of Women Business Owners, conducts a forum session with local women who own and operate their own firms on topics of interest to business owners.

Bliss Stinson, Interviewer : What trends have you seen within the millennial generation, either negative or positive?

Tannen: They don't believe in hierarchy and they haven't learned mature business etiquette. They also have the gall to go straight to the top, the president or CEO. I've also noticed that there is no need to compete and win, unlike my generation. We wanted to be the best, climb the ladder, work longer hours, be the first in the doors of the office and the last out. It seems to me, millennials are OK with getting the job, doing the job and going home. I don't necessarily see it as a problem, but as a different way to be managed.

Michelle: They only do something as long as it's fun. As soon as it's not fun and they are not getting that reward, they don't have a problem leaving. They want praise for very little work and they don't value authority. They experience higher divorce and unemployment rates because they won't put in the work required to get the job that they want. Millennials change jobs more than any other generation. They don't pay their bills on time like other generations. There is just no sense of urgency.

Lorraine: On a positive note, I see this generation as a confident group. The parents have been centered on raising children who have a high self-esteem and a voice — children who feel like they can advocate for themselves. Millennials will

go from job to job and challenge their employer more, simply because they have been brought up that way. They want to be involved in something where they are making a difference.

Pamela: I've raised eight millennials and am sure I've learned more than them along the way. They want to slow down and they don't want to work as hard or as many hours as my generation. They want time in their lives to enjoy it while they are young. Money is not as high of a priority. They actually go home at 5 p.m. and have a fulfilling life. It's been an education for me, and ultimately I believe this way is a better way. It's for the health and benefit of our world. We don't all have to be super over-achievers.

Bliss: Some people have noticed a lack of maturity and a low level of commitment among millennials. What do you think is the cause of that?

Nicole: They want to do it on their timeline, not when society tells them they have to do it.

Lorraine: It's a "live for today" mentality. This is the generation that witnessed 9-11 and Columbine. You've got to enjoy today.

Tannen: I've had people's parents call me to get a job. I thought, "Are you going to show up for work for them too?" I've even had parents come interview with their child.

Pamela: We can solve this whole thing with our children — just by kicking them out. I had to launch some of mine because if I didn't, they were going to stay in my basement forever. They are doing great now. We have to trust this generation will succeed in time.

Bliss: What do millennials value? What makes them tick?

Lorraine: They don't want to work for all these years to gain retirement and then enjoy life. They want to condense a lifetime of work in two to seven years and then go do what they want to do.

Nicole: Gen Y has focused on work-life balance while keeping the separation, whereas the millennials focus on work-life integration. They like that the hours can be different, the freedom — you can be emailing late at night, etc.

Tannen: The millennial generation wants to be part of something purposeful. At the Living Planet Aquarium, that purpose was fulfilled in going green through water bottle collection. Purpose is not a race or a big goal, but each person who participated received recognition for their contributions. We drove the purpose; they showed up.

Michelle: They want to know why: "Why am I doing what you are asking me to do?" In previous generations, you could hand someone a task and just say, "Here is your assignment," and they didn't need to know the bigger picture. Millennials want to know exactly why — what is the benefit to me, to the world? If they feel like their effort isn't useful, they won't do it.

Pamela: The millennials are looking to build a team. They want to be a part of something meaningful. I see it with my own children. It doesn't have to be fancy or powerful for them personally, but if their contributions empower the masses or make a difference in this world, they are 100 percent in. My hat is off to them.

Bliss: What business trends or com-
see FORUM next page

FORUM

from previous page

panies have seen success with millennials?

Nicole: The corporate world is evolving. Office design is being reworked. The corner office and the hierarchy of getting to “there” don’t really exist. You’ll find presidents and CEOs on the same floor as the little guys who are just starting out. It’s making people more approachable. You really can go straight to the president of the company like you would any equal colleague. It’s interesting that the world of design is accommodating the millennials instead of trying to fight them.

Pamela: It’s sure working for companies like Zappos. They just went from nothing to sky-rocketing. Everybody is in a cubicle, they’re out in the open, they’re encouraged to show personality and have fun. It’s a company that has worked really well for this generation.

Tannen: There is value in showing the financials and the goals that have to be hit. In my day, it was “do your job, do your part,” and the people up top were the only ones who knew how all of the spokes fit in the wheel. I only had to worry about my job. But now in most companies, everything is out in the open. “This is the goal the entire company wants to hit. You do your part, we’ll get there. If you’re not doing your part, we won’t get there.” You can have your fun cubicle and your pingpong table; however, if you don’t hit goal, you don’t receive the rewards. The transparency that comes with this generation is liberating. Never before did the junior mail tech know whether or not the company is 28 percent above or 28 percent below goal.

Bliss: What can business owners do to motivate the millennial generation?

Lorraine: I think it depends on the business model you are working with. If you can show people how they can have just as much as you do, that’s where you are going to hook them — especially this generation.

Tannen: They need praise and praise is free. Put a plaque in

their cubical or send them an email or singing card. They’ll love working for an employer more because they received recognition.

Michelle: Praise is very important, but there is still the aspect of “show me the money.” If they don’t feel like their effort is equitable with what they are getting paid, they will find another job. Also, getting them tied into whatever you are doing — getting them to have buy-in. Ask them, “If you want the work place to be fun, what are you going to do to create that?” You have to figure out what is going to ignite their passion so they maintain a heightened level of engagement.

Bliss: How can business owners address different concerns millennials have about the business structure or policies?

Tannen: Give them clear expectations up front and don’t think you are overwhelming them by giving it to them straight. “Here is the organization, here is why we do what we do and here is how you fit with the team. We like ideas and suggestions, and if you have anything you think will further the company, any project to take on, any risk you want to take or any policy or procedure you want to change, take a moment and share your ideas.”

Michelle: If they don’t like what is going on in your company, put it back on them and say, “OK, what are some solutions you have?” The caveat on that is you have to be prepared to follow through with some of their suggestions because they get very frustrated when you give them an opportunity to provide input, then come back and say, “Oh, yeah, none of those ideas will work for us.” You have to be flexible, and try and see them on their level. See this group as creative, passionate, driven individuals who believe they have it within themselves to change big things and if you can harness that passion, you will have a happy employee who is willing to help drive the company.



BRIEFS

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grants. **AW Carter LLC**, Mount Pleasant, was approved for a \$50,000 grant to help pay for a \$109,000 project involving the construction of a 2,400-square-foot building to expand the company’s furniture manufacturing. The project is expected to result in five new full-time jobs. **Tamarisk Restaurant LLC**, Green River, was approved for a grant of up to \$19,763.60 to help pay for a \$29,527 project to build an outdoor covered deck onto the existing restaurant. The project is expected to result in two new full-time jobs. **Air Temp Heating, Price**, was approved for a grant of \$4,766 to help pay for a \$9,532 project that involves the purchase of special HVAC equipment for its growing fleet of trucks. The company expects the project to create

three full-time positions.

TECHNOLOGY/LIFE SCIENCES

• **EastGate Biotech Corp.**, Salt Lake City and Toronto, has announced that the Financial Industry Regulatory Authority has approved the pharmaceutical company’s changing of the corporate name from EastGate Acquisitions Corp to EastGate Biotech Corp. The company’s new trading symbol is ETBI.

• **Great Basin Scientific Inc.**, Salt Lake City, has named **Ronald K. Labrum** and **Sam Chawla** to its board of directors. The board now has five members. Both Labrum and Chawla will serve as independent directors. Labrum is chairman of Suture Express Inc. and an independent director at Wright Medical Group Inc. He also serves on the board of Ortho Clinical Diagnostics and served

on the board of Aptalis Pharma Inc. Labrum has more than 30 years of operating experience in the medical technology and supplies industry, including serving as president and chief executive officer of Fenwal Inc., chief executive officer of Cardinal Healthcare Supply Chain Services, and president of Allegiance Manufacturing & Distribution and Allegiance Healthcare Corp. (both subsidiaries of American Hospital Supply Corp.) and Baxter International Inc. He received his undergraduate degree from Utah State University. Chawla is a portfolio manager at Perceptive Advisors LLC and is on the board of directors at Response Genetics Inc. Prior to joining Perceptive Advisors in August 2013, Chawla was a managing director of the Healthcare Investment Banking Group at UBS Securities LLC.

COVERT

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mostats), as exemplars of design-thinking companies. He then lays out in a deliberate, practical fashion the steps any company, large or small, can take to arrive at design-driven products.

The four key elements of design-driven product management are: 1. Determine a product-market fit, 2. Identify behavioral insights, 3. Sketch a product strategy, and 4. Polish the product details. But as you might expect from a design-led book, it’s the details, the processes within the processes, the nitty-gritty that make these ideas pop, that help us re-analyze how we think and how we arrive at products. One of my favorite insights comes early in the book from Roger Martin, dean of the Rotman School of Management (and author of *The Opposable Mind*, *The Design of Business*, *Playing to Win* and *Fixing the Game*), about a key trait of design-driven product management’s early phases — integrative thinking:

“Over the past six years, I have interviewed more than 50 such leaders ... and found that most of them share a somewhat unusual trait: They have the predisposition and the capacity to hold in their heads two opposing ideas at once. And then, without panicking or simply settling for one alternative or the other, they’re able to creatively resolve the tension between those two ideas by generating a new one that contains elements of the others but is superior to both.”

I want that. I want to have that

in droves. And, I want everyone around me to want that and to have it in droves. *Well-Designed* is our roadmap to getting there.

Ryan Schleicher is 800-CEO-READ’s corporate learning accounts manager and PR director.

...

Information Doesn’t Want to Be Free: Laws for the Internet Age by Cory Doctorow, McSweeney’s, 192 pages, \$22, Hardcover, November 2014, ISBN 9781940450285. Reviewed by Dylan Schleicher.

Cory Doctorow is one of the leading thinkers on copyright, intellectual property and the economics of creative work. Perhaps best known for his young adult novels, he has also written many novels for adults and two other books, *Content* and *Context*, that could be considered the first two parts in a non-fiction trilogy with this new book that show the progression of his thinking on subjects he’s become a de facto spokesman for. This book, for artists and others in the “creative industries,” has implications for anybody in any business—and aren’t we all?

“This book is about the reality, today, of the Internet and the regulations that surround it, and the ways those regulations shape successful strategies for earning a creative wage. It is also a book about the profound pitfalls both creators ... and their investors ... fall prey to, when it comes to getting their work out into the world.

Along the way, you’ll also delve into larger issues that stretch your thinking — like what now constitutes a free press:

“A ‘free press’ means more than ‘You are free to hand-write your message in scraps of paper

and hand them to people’ — it requires access to the full range of press technologies and that includes the Internet.”

This is why “The UN, the EU, Finland and many other governmental entities describe Internet access as a human right.” And while that may not be directly relevant to your business if you’re not in the press or publishing fields, it provides fuel for a train of thought that can take you places that are very relevant to it.

But why am I recommending a book ostensibly for artists and their investors to a general business audience in the first place? As a spouse to a freelance photographer, I know first-hand that artists in business for themselves have to act as marketer, salespeople and the CEO of their work. Because of this, there are lessons in the reading that will be applicable to almost any aspect of a business — and very specifically to business in the Internet Age.

For that reason, we recently placed this book on the General Business shortlist of our 2014 800-CEO-READ Business Books Awards instead of on the Creativity & Innovation list. The book is not about how to be creative, after all, but how to navigate the current environment and earn a living in it. Salesman and marketers will find endless lessons in this book about how to market and sell their products, and the heads of companies of all sizes would do well to read this book, as well. Because, nowadays, whether we’re making “art,” widgets or writing code, we are *all* in creative industries.

Dylan Schleicher is 800-CEO-READ’s editorial and creative director.

Small Business Matters

When checking out a trademark, a Google search just isn't enough

After months of hard work and a substantial investment, you are about to open your small business called SAYYES!! After many, many hours (and writing many big checks), the branding is perfect and your vision is clear. Your name and logo are seamlessly integrated into every aspect of your expensive new website and your marketing materials are printed and ready to be deployed. Indeed, the \$10,000 pylon sign went up yesterday. This is it. The grand opening of SAYYES!!

A week later, and you receive the following letter:

“Dear SAYYES!!:
This law firm represents Company No, who has asked us to contact you concerning your use of the term SAYYES!!.

Company No owns and has prior long-standing exclusive rights in the trademark YES! In connection with a wide variety of goods and services including, but not limited to, the services

it appears SAYYES!! provides. Company No believes your use of the name SAYYES!! and accompanying logos is likely to confuse customers into wrongly believing that SAYYES!! is affiliated with or approved by Company No, or that it has some other connection. **Please immediately cease and desist the use of the name SAYYES!! and logo or Company No will initiate litigation.**

What? But, a few Google searches didn't turn up anything about YES! or that Company No had any right to use that phrase. What do you do now? What about all the thousands of dollars you've spent already to incorporate SAYYES!! into the website, print the marketing materials and the cost of the pylon sign.

This scenario is all too familiar to trademark expert Brandon Owen, of Ray Quinney & Nebeker. Given the uniquely high costs to litigate a trademark infringement dispute, Owen explains that most

small-business owners that receive a cease-and-desist are forced to rebrand their company at substantial cost on top of the loss of all the costs already expended.

This all can be avoided, however, by investing up front in a thorough analysis of the potential risks of adopting your proposed trademark.

What is a trademark?

In essence, a trademark is your company's brand name together with any symbols or other logo you develop. A trademark tells the consumer that the goods or services you provide come from your company (i.e., it is a “source-identifier”). There are two ways in which a company can acquire rights in the brand name it creates. First, a company that begins using a name and distinct logo may acquire some limited regional rights to that name pursuant to common law. Second, a company may apply for and obtain a trademark from the United States Patent and Trademark Office (USPTO).

Registering a trademark has many advantages. It provides the

trademark owner with the right to use the mark nationwide and gives you the exclusive right to use that mark in connection with your goods or services. Obtaining a trademark requires filing an application with the USPTO, which includes a filing fee.

What is trademark infringement?

Trademark infringement is a claim asserted by a trademark owner who has established rights in a brand name and logo that is similar to the brand name or logo you, the small-business owner, has selected. The central legal question is whether a consumer is likely to be confused as to where the goods and services come from. In our example above, will a consumer be confused as to whether or not the service offered by you (SAYYES!!) is actually a service offered by Company No, because the consumer is already familiar with Company No's brand name YES!?

There are a number of factors that courts consider as part of this analysis, including the similarity

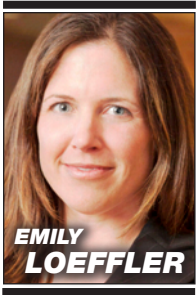
of the goods or services sold under the mark, the similarity of the trade channels through which the good or service will be sold, the extent to which common consumers are solicited by both businesses, the sophistication of these consumers, any actual confusion that has already occurred, the strength or distinctiveness of the original trademark and whether the new owner has intended to copy the original mark.

Most relevant here, however, is that any litigation for infringement is likely to be extremely expensive. In order to defend an infringement lawsuit, you will almost certainly be required to commission an expensive customer survey to assess actual and likelihood of consumer confusion. This cost is in addition to the standard litigation costs, which can often exceed \$100,000.

Why can't I just Google?

Many small-business owners believe they can simply do a few Google searches to deter-

see LOEFFLER next page



EMILY LOEFFLER

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Calendar

Dec. 22, 10 a.m.-noon

Utah Manufacturers Association (UMA) Safety Training. Session includes “NFPA 70E and Arc Flash Risk Assessment” and “Strain and Sprain Injury Prevention.” Session qualifies for credit with Workers Compensation Fund (WCF) Discount Program. Location is UMA office, 428 E. Winchester (6400 S.), Suite 135, Murray. RSVPs can be completed by contacting Annette Beckstrand at (801) 363-3885 or uma@umaweb.org.

January 6, 7-11:30 a.m.

2015 NAIOP Utah Commercial Real Estate Symposium. Event is an annual gathering of Utah’s commercial real estate executives and decision makers and features a keynote panel discussion. Panelists are Jeffrey DeBoer, president and chief executive officer of the Real Estate Roundtable; Rodney Richerson, KBS Western U.S. regional president; and Thomas Wang, principal at Exeter Property Group. Moderator is Michael Morris, Zions Bancorporation chief credit officer. Location is Hilton Salt Lake City Center, 256 S. West Temple, Salt Lake City. Cost is \$95 for members of the Appraisal Institute, BOMA, CCIM, CREW, EDCU, ICSC, IREM, SIOR, UAR and ULI; \$125 for nonmembers. Details are at www.naiop.org/Utah.

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

Thursday “Lunch & Learn,” a Murray Area Chamber of Commerce event. Speaker is Barry Moniak, End of Mind. Location to be announced. Cost is \$14 for members, \$19 for nonmembers. Details are at murraychamber.org.

January 8, 2-5 p.m.

Utah Manufacturers Association Open House at its new address, 428 E. Winchester St., Suite 135, Murray. Details are available by calling (801) 363-3885.

January 9, 7:30-9:30 a.m.

Utah Economic Review, an annual event hosted by the Salt Lake Chamber, in collaboration with the Governor’s Office of Management and Budget, the David Eccles School of Business at the University of Utah and the Economic Club of Utah. Event will feature Gov. Gary Herbert’s economic message and the Utah

Economic Council’s economic forecast. Location is Salt Lake City Marriott City Center, 220 S. State St., Salt Lake City. Cost is \$45. Details are at slchamber.com.

January 9, 9 a.m.-4 p.m.

IRS Exempt Organizations Workshop, offered by the IRS in cooperation with the University of Utah MPA program and UNA. Designed for small and medium-sized tax-exempt organizations, tax and legal professionals, and those who work and volunteer at 501(c)(3) organizations, to learn about important IRS regulations from IRS tax representatives. Location is the Gould Auditorium, University of Utah Marriott Library, 295 S. 1500 E., Salt Lake City. Details are available by contacting Brooke Dimond at (801) 596-1800 or bdimond@utahnonprofits.org.

January 13, 5-7 p.m.

Business After Hours Social, a Holladay Chamber of Commerce event. Location is Rice Basil Asian Cuisine and Sushi Bar, 2335 E. Murray Holladay Road, Holladay. Details are at <http://holladaychamberofcommerce.org/>.

January 14, 8-9:30 a.m.

“Working With Investors: How to 10X Your Odds of Success,” a Utah Technology Council (UTC) Tanner LLC clinic. Presenters include Ray Ellison, partner; Gary Vickrey, partner; and Dan Griffiths, director of strategic planning. Location is Tanner LLC, 36 S. State St., Suite 600, Salt Lake City. Free for UTC members, \$40 for nonmembers. Details are at utahtech.org.

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

Connect 4 Luncheon, a Sandy Area Chamber of Commerce networking event. Location is Asian Star, 7588 Union Park Ave., Midvale. Cost is \$15 for chamber members, \$20 for guests. Details are at sandychamber.com.

January 14, 3-5 p.m.

“Keep, Tweak or Scrap Your Business Idea,” a Salt Lake Chamber Women’s Business Center “Business Essentials” event. Event is designed to help prospective entrepreneurs test their ideas with business experts. Location is the Salt Lake Chamber, 175 E. University Blvd. (400 S.), Suite 600, Salt Lake City. Cost

is \$10. Details are at slchamber.com.

January 15

“What’s Up Down South” Economic Summit. Keynote speakers include Lt. Gov. Spencer Cox; Olympic athlete Noelle Pikus Pace; and Robert Grow, CEO of Envision Utah. Location is Dixie Center, St. George. Details are at <http://whatsupdownsouth.com/>.

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

Thursday “Lunch & Learn,” a Murray Area Chamber of Commerce event. Speaker is David James, Souper Bowl of Caring. Location is Buca di Beppo, 935 E. Fort Union Blvd., Midvale. Cost is \$14 for members, \$19 for nonmembers. Details are at murraychamber.org.

Jan. 16, 11:30 a.m.-1 p.m.

“How to Turn Your Website into a Money-Making Monster in 30 Days,” a Sandy Area Chamber of Commerce member-to-member workshop. Mitch Nelson, chief executive officer of Biz Ingenuity, will discuss the secrets of SEO and pay-per-click. Location is Salt Lake Community College’s Miller Campus, Miller Free Enterprise Center Building, Room 223, 9750 S. 300 W., Sandy. Free. Details are at sandychamber.com.

January 21, 7:45-9 a.m.

“Top 10 Tips Seminar: Take a Good Look in the Mirror,” a World Trade Center Utah (WTCU) event. WTCU staff will provide an overview of the international business assessment and then work with attendees on a specific section of the assessment. Location is World Trade Center Utah, 60 E. South Temple, No. 300, Salt Lake City. Free, but RSVPs are required. Details are at wtcutah.com or by emailing jnield@wtcutah.com.

Jan. 22, 11:30 a.m.-1 p.m.

Thursday “Lunch & Learn,” a Murray Area Chamber of Commerce event. Speaker is Susan Bond Ross, Plan Your Results. Location is Buca di Beppo, 935 E. Fort Union Blvd., Midvale. Cost is \$14 for members, \$19 for nonmembers. Details are at murraychamber.org.

January 22, 4-6 p.m.

Utah Technology Council (UTC) Annual Open House.

Location is UTC offices, 2755 E. Cottonwood Parkway, Salt Lake City. Free. Registration can be completed at utahtech.org.

January 23, 6 p.m.

Business Awards Banquet, a Davis Chamber of Commerce event. The Legacy Award will be presented to Vance and Louenda Downs. Location is Davis Conference Center, 1651 N. 700 W., Layton. Black-tie-optional event is open to the public, but RSVPs are required. RSVPs can be completed by contacting the chamber at (801) 593-2200. Details are at davischamberofcommerce.com.

January 27, 3-5 p.m.

Utah Technology Council (UTC) Clean Tech Roundtable. Location is Washakie Renewable Energy, 2950 S. 700 E., Suite 100, Salt Lake City. Free for UTC members, \$30 for nonmembers. Details are at utahtech.org.

February 11, 5:15-7 p.m.

“How to Start your Career in International Business,” a World Trade Center Utah student seminar featuring a panel includ-

ing representatives from large companies and a local business, plus an entrepreneur and a service provider. Location is World Trade Center Utah, 60 E. South Temple, No. 300, Salt Lake City. Free, but RSVPs are requested. RSVPs can be completed by emailing jnield@wtcutah.com.

March 3

2015 Intermountain Growth Conference, an Association for Corporate Growth (AGC) Utah event. Location is Marriott City Center, 220 S. State St., Salt Lake City. Early-bird registration (through Jan. 19) is \$225 for ACG members, \$275 for nonmembers. Details are at www.acg.org/utah.

March 18, 8:15-9:30 a.m.

“Identify Resources” Seminar, a World Center Utah event featuring a discussion about who and what can help you be successful in your international expansion. Location is World Trade Center Utah, 60 E. South Temple, No. 300, Salt Lake City. Free, but RSVPs are requested. RSVPs can be completed by emailing jnield@wtcutah.com.

LOEFFLER

from previous page

mine whether another company has already used the brand name that they have selected. If diligent Google searches do not turn up a competing brand name, then many small-business owners go ahead and invest substantial sums in their marketing material and websites, etc.

This is a highly risky approach that could expose the small-business owner to an infringement lawsuit and could result in minimal rights in the brand name in which the business owner has made such a substantial investment, especially if there are other similar marks being used in related industries.

The best protection for that investment is to retain counsel to do a comprehensive search of all related trademark uses and filings. This search includes not merely marks that are registered with the USPTO, but marks that are registered on a state level or simply have been used for a sufficient period of time to create common law rights to the mark. A mark does not need to be registered with the USPTO for its owner to

have trademark rights. Similarly, abandoned, cancelled or expired trademark registrations do not necessarily mean the owner of the mark has lost his legal rights to that mark, if they have continued to use the mark.

A comprehensive search will not only help a business owner assess the risk of an infringement suit, but also the likelihood of obtaining a registered trademark from the USPTO. As outlined above, a registered trademark has a number of advantages that will justify the substantial investment the small-business owner will inevitably make in developing his/her brand. Moreover, a small-business owner who successfully develops a trademark may have the opportunity to license that trademark in the future and obtain revenue from doing so.

In short, it makes sense to make a relatively small investment in ensuring your brand name is viable by retaining counsel early in the process. If nothing else, you will avoid tossing your marketing materials in the recycling bin.

Emily Loeffler is a shareholder in Ray Quinney & Nebeker’s Litigation and Winter Sports Practice Groups.

Opinion

If we can't see beyond the moment today, we may pay dearly tomorrow

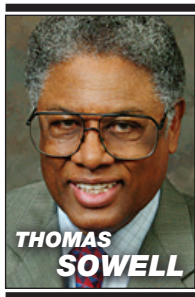
Critics and defenders of the harsh interrogation methods applied to captured terrorists can argue forever over whether those methods were “torture.” But any serious discussion of a serious issue — and surely terrorism qualifies as serious — has to move beyond semantics and confront the ultimate question: Compared to what alternative?

If you knew that there was a hidden nuclear time bomb planted somewhere in New York City — set to go off today — and you had a captured terrorist who knew where and when, would you not do anything whatever to make him tell you where and when? Would you pause to look up the definition of “torture”? Would you even care what the definition of “torture” was, when the alternative was seeing millions of innocent people murdered?

Senator Dianne Feinstein’s recent release of a massive report on the CIA’s severe interrogation methods, used against captured Islamic terrorists, has set off a firestorm of controversy. It is hard to see what benefit the United States of America gains from releasing that report. But it is painfully obvious what lasting damage has

been done to the security of Americans.

One of the most obscene acts of the Obama administration, when it first took office, was to launch a criminal investigation of CIA agents who had used harsh interrogation methods against captured terrorists in the wake of the devastating Sept. 11, 2001, aerial attacks on the World Trade Center and the Pentagon.



THOMAS SOWELL

Right after those terrorist attacks, when there were desperate fears of what might be coming next, these CIA agents were trying to spare fellow Americans another attack that could take thousands more lives, or perhaps millions more. To turn on these agents, years later, after they did what they were urged to do, as a patriotic duty in a time of crisis, is both a betrayal of those who acted in the past and a disincentive to those in the future who are charged with safeguarding the nation.

Other nations, whose cooperation we need in order to disrupt international terrorist networks, see how their involvement has now been revealed to the whole world — including terrorists — because supposedly responsible American officials, in the Congress of the United States, cannot keep

their mouths shut.

The public’s “right to know” has often been invoked to justify publicizing confidential information. But is there any evidence that the American public was clamoring to learn state secrets, which every government has? I don’t know where our nuclear weapons are located and I don’t want to know, certainly not at the cost of letting our enemies know.

The ease with which politicians are willing to pull the rug out from under people whose job is to safeguard our lives — whether they are CIA agents, the police or the military — is not only a betrayal of those people but a danger to us all.

People who are constantly denouncing the police, including with demonstrable lies, may think they are showing solidarity with people in the ghettos. But, when police hesitate to go beyond “kinder and gentler” policing, that leaves decent people in black communities at the mercy of hoodlums and thugs who have no mercy.

When conscientious young people, of any race, who would like to help maintain peace and order see that being a policeman means having race hustlers constantly whipping up mob hostility against you — and having opportunistic politicians and

the media joining the race hustlers — those young people may well decide that some other line of work would be better for them.

High crime areas need not only the most, but the best, police they can get. Taking cheap shots at cops is not the way to get the people who are needed.

When people who volunteer to put their lives on the line in the military to defend this country, at home and abroad, see their buddies killed on the battlefield, and sometimes themselves come back minus an arm or a leg, or with severe physical and mental damage that they may never get over — and then see some headstrong politician in the White House throw away everything they fought for, and see enemy forces take back places for which Americans shed their blood, that can be galling to them and a deterrent to others who might otherwise take their place in the future.

If we cannot see beyond the moment today, we will pay dearly tomorrow and in many more tomorrows.

Thomas Sowell is a senior fellow at the Hoover Institution, Stanford University. His website is www.tsowell.com.

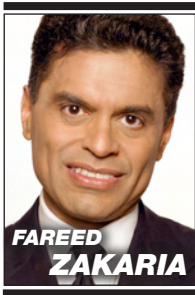
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Argument against releasing interrogation report reminds of Cold War

Even some of those who have supported the release of the Senate Intelligence Committee’s torture report agree that it could damage American interests abroad. And opponents of the report are sure that, in Sen. Ted Cruz’s words, it “will endanger lives, drive away our allies” and “undermine” national security. But will it really?

Cruz’s argument is similar to what we heard often during the Cold War. America was at a disadvantage compared with the Soviet Union, it was said, because it had to operate with its hands tied behind its back, with congressional interference, media exposure and all the other trappings

of a democracy. Moscow, on the other hand, could act speedily, effectively, lethally and in secret. Even a dove like George Kennan would lament that conducting foreign policy in a large, messy democracy was a handicap.



FAREED ZAKARIA

In fact, the Soviet Union pursued an utterly disastrous foreign policy. It so brutally suppressed its “allies” that by the 1980s, it was flanked by a group of countries in Eastern Europe that had become deeply hostile. It pursued an arms race with the United States that consumed by some

estimates 10 percent to nearly 20 percent of its GDP. It invaded Afghanistan and bled itself dry in a war it could not admit it had

lost.

All these flaws were a product of a closed system with no checks and balances. The Kremlin and the KGB had complete freedom of maneuver, no oversight, no requirement to ever reveal any operations, and no media that reported on them. The result was that errors persisted and ultimately broke the back of the entire enterprise.

America made its share of mistakes during the Cold War. But because of a democratic system of contestation, transparency, checks and balances, many of them were exposed early. New administrations could shift policy without losing face. Course correction was routine. Despite the nostalgia that many mandarins have for an old Metternichian model, it is the big, raucous, contentious democracies — Britain and the United States — that have prevailed in the world, not Nazi Germany, Imperial Japan or the Soviet Union.

“A case can be made ... that secrecy is for losers,” the late Sen. Daniel Patrick Moynihan wrote in his 1998 book on the subject, adding, “Openness is now a singular, and singularly American, advantage.” Closed systems work badly. Open systems have the great advantage of getting feedback — criticism, commentary, audits, reports. The CIA claims that its programs after 9/11 worked very well and suggests that the best judge of this should be itself. The Senate report provides an alternative view with substantial evidence and argumentation. This debate will make the CIA better, not worse. And the revelations of the NSA’s vast espionage will force it to refine its snooping to programs that are effective and justifiable.

What organization has ever benefited from being able to be the sole judge of its

own performance? Democratic accountability is almost like a market test for government agencies. It forces an outside check that is otherwise very difficult to come by.

The touchstone example of congressional revelations that are said to have damaged American foreign policy is the Church Committee. It became an article of faith for many that the committee, set up in 1975 in the wake of the Watergate scandal, destroyed the CIA and weakened America. But what were its revelations? That the CIA had attempted to assassinate a series of leaders across the Third World, often in ham-fisted and botched operations that provoked a nationalist backlash for decades. That it covered up its mistakes. That it had spied on American citizens.

The reforms of the era included a ban on assassinations, congressional and judicial oversight of intelligence agencies, the requirement that the president formally approve a covert action (to create accountability), and a term limit for the director of the FBI (so that no individual could amass and abuse power in the manner that J. Edgar Hoover had for four decades). It is a measure of how sensible these reforms are that they are today utterly uncontested.

As for the broader consequences, a few years after the Church Committee, the revolt in Afghanistan, dissent in Eastern Europe and dysfunction in the Soviet Union — all assisted by America’s intelligence agencies — caused the unraveling of the Soviet empire. Keep that in mind when you hear the same kinds of warnings today.

Fareed Zakaria’s email address is comments@fareedzakaria.com.

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UTAH'S BUSINESS JOURNAL

not Strictly Business

Business books for Christmas: Here are 3 good suggestions

Each month, 800-CEO-READ reviews the best new business books. Jack Covert, 800-CEO-READ's founder, long-time president, and coauthor of *The 100 Best Business Books of All Time*, began the series in 2000, and it is now penned by 800-CEO-READ's editorial staff and management. 800-CEO-READ is a leading direct supplier of book-related resources to corporations and organizations worldwide, and specializes in identifying trends in the changing business market. For more reviews, visit <http://blog.800ceoread.com/category/jack-covert-selects/>.

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Fail Better: Design Smart Mistakes and Succeed Sooner by Anjali Sastry and Kara Penn, Harvard Business Review Press, 318 pages, \$30, Hardcover, November 2014, ISBN 9781422193440. Reviewed by Sally Haldorson.

Anjali Sastry and Kara Penn admit that business failure is currently a very hot topic. (Simply Google the words, "learning from failure," and you'll be overwhelmed with the results.) However, the authors of *Fail Better: Design Smart Mistakes and Succeed Sooner* want to take the subject a bit further by offering a methodology for *constructing* mistakes (yes, deliberately), actually taking lessons from those mistakes ("to ensure that every failure is maximally useful") and then applying them to future iterations.

"Our starting point is the idea that the right kind of failure—small-scale, reversible, informative, linked to broader goals, and designed to illuminate key issues—paves the way to success."

The right kind of failure? Sure. "In the most laudable cases, failures emerge from planned exploration of unknowns." And more practically, every project you undertake—from development to launch to evolution — does exactly this.

Fail Better isn't a flashy book; it's not a tech industry book that lauds the failures of Silicon Valley giants nor is it a social science book that encourages you to change your perfectionist mindset. It's very specifically geared to a broad audience, *everyone*, because everyone who works is going to try something new, and, inevitably, fail at something. "The truth is, that to make something excellent happen, there's work, more work and then still more work. If you're fortunate, only *some* of it is inefficient."

And when you are launching a new project, failure shouldn't hold you back from acting on your good idea. Applying Sastry and Penn's methodology actually releases you from the pressure of perfect performance:

"You don't have to hone every plan, consider every possible scenario or option, or calculate every detail in advance. ... Rather than building your project around a one-shot effort, you can guide your team to an agile, responsive method of learning

by doing. It all hinges on *iteration* — in which repetition of a series of activities or steps yields results successively closer to a desired outcome."

With ample "Guiding Thought Questions" to get you started, "Fail Better Process Products," which aid your documentation before and during the process, and checklists that will help you prioritize and progress your team's work, Sastry and Penn truly evolve a common business idiom — fail better — into a practice.

Sally Haldorson is 800-CEO-READ's general manager and in-house editor of *The 100 Best Business Books of All Time*.

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Well-Designed: How to Use Empathy to Create Products People Love by Jon Kolko, Harvard Business Review, 224 pages, \$28, Hardcover, November 2014, ISBN 9781625274793. Reviewed by Ryan Schleicher.

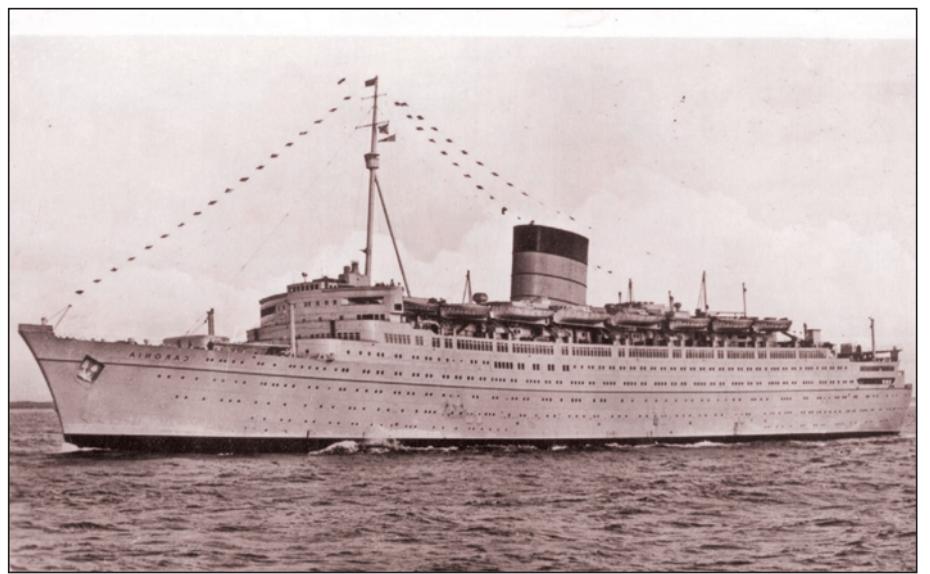
Customer-driven companies are nothing new. Nor are products designed with the customer in mind. But, there's an enormous difference between designing products with your customer in mind and designing products born from thoughtfully developed empathy *with* your customer. And there's an even bigger difference in how you arrive at the product — in other words, the product management process.

After fully explaining what design is and what it decidedly is not, *Well-Designed* introduces the emergence of a design-thinking product development philosophy, as opposed to the two more prevalent product development philosophies — market-driven and technology-driven — and design-thinking begins with empathy.

"At the core of design-focused product development is emotional engagement — the deep feelings a person forms about a product while using it. People tend to personify products — especially, increasingly, digital products — assigning them human characteristics and relating to them on an emotional, human level. To understand and design for this emotional appeal, it's critical not only to understand people, but to truly empathize with them in order to feel what they feel."

Critical to empathy's central role in design-thinking, and a notion not previously universally agreed upon, is that "empathy can be taught and learned." We can be taught how to navigate "the complexity of human and qualitative research in order to arrive at the simplicity of a new offering."

Jon Kolko uses well-known companies like Airbnb and Apple, and lesser-known shops like Nest (who managed to arrive at products reviewers described as "beautiful" and "revolutionary" in perhaps the "least exciting market segment ever" — heating and cooling — for their re-thinking of ther-



Cruising: Then and now

Back in the "good old days," people went on cruise ships as a means to cross an ocean. Compared to the present time, it was expensive, took a long time (think in terms of at least a week), there wasn't much to see other than ocean, and there really wasn't a lot to do.

Princess Cruise Lines is celebrating its golden anniversary. The company website says, "It all began 50 years ago with a cruise to Mexico ..." Princess was dubbed "The Love Boat," by the ABC Television series that ran from September 1977 through February 1987. It was a program revolving around the ship's captain and a handful of other crew members, plus various passengers played by different guest actors for each episode, all on romantic and humorous adventures.

Mark Faldmo, a friend of mine and one of the owners of a large Utah travel agency, recalls the days when his parents led Faldmo Tours to Hawaii aboard the *SS Lurline* operated in the 1940s and 50s by Matson Cruise Lines. When he was seven years old, he was made a "Junior Steward," meaning every morning he was allowed to help set up deck chairs. Then, at night, he helped take them down. That was the children's program.

My wife and I went on our first cruise about 23 years ago. It was a four-day affair from Los Angeles to Catalina Island; San Diego; Ensenada, Mexico and back to Los Angeles. There were no shore excursions. We just got off the boat and walked around at each stop.

My, how things have changed in the cruise industry. There was very little to do aboard "The Love Boat" compared with today's cruise ships — other than find romance. Entertainment was confined to cabaret acts and ballroom dancing, plus exciting times of shuffleboard, swimming and lounging in chairs around the pool and the deck.

Today's ships are three to five

times bigger. They don't just have pools, they have water parks. On the newest ships you will find simulated surfing on flow riders, bowling alleys, jogging tracks, basketball courts, exercise gyms and places to practice driving golf balls. Some even have rock climbing walls and zip lines. They all offer spa treatments — plus shopping malls, multiple restaurant and cuisine choices, casinos, full-fledged Broadway style shows, stand-up comedian shows and multiple music acts in various locations. Most of the major cruise lines — Carnival, Royal Caribbean, Norwegian, Princess and others — have extensive children's programs day and night for pre-schoolers, 5-to-8-year-olds, 9-to-12s and teenagers.

And as for shore excursions — every port of call will offer an array of opportunities for all kinds of sightseeing, diving, snorkeling and other activities — as well as shopping.

The truly amazing thing is the change in cost. Our four-day Baja cruise in 1991 cost \$499 per person. Seven-day cruises in the Caribbean — the most popular area of the world for American passengers — had starting prices over \$2,000 in the early 1990s. Today, those aforementioned mid-range cruise lines have seven-day Caribbean cruises starting at under \$300, and even the mega ships that are destinations unto themselves are priced under \$1,000 for an inside cabin for a week-long journey. When you consider inflation, today's prices are mind-bogglingly low.

Start adding up everything you get when you take a modern-day cruise vacation — nice accommodations on a floating hotel, fine dining as well as family-style buffets (as much as you want or can stand), lots of varied entertainment choices, all kinds of activities, opportunities for shopping, — for an all-inclusive price — it is far and away the greatest travel value possible.





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