

# UBLA Fall Conference 2010

**Wednesday, September 22, 2010**

**8:30 – 9:00 a.m.**

**Marla Winegar, Division of Consumer Protection: PROPRIETARY SCHOOL - REGISTRATION**

- Flight schools are considered “exempt” and are not required to register with the Division of Consumer Protection.
- The State requires a local business license to be able to be registered.
- Minimum Surety is \$250 and a bond of \$300,000.
- 1 to ½ of 1% is anywhere from \$100 to \$2000 for an application fee. There are approximately 70 registered and 325 are exempt.
- Schools can only collect fees every 4 months. That could be the reason for revocation if fees aren't paid. Also, on exempt or non-profit. They may send out an auditor.
- Some Montessori schools are registered.

**9:00 – 10:00 a.m.**

**Nicole Shepard, Bureau of Criminal Identification: BACKGROUND CHECK REQUIREMENTS (BCI)**

- Reasons for a background check are a Concealed Carry Permit, Federal Firearms License and a Background check for employment.
- There has to be a City or County Ordinance for “Criminal History Review,” or employees accessing their own records.
- BCI form 98-1-03 needs to be completed
- 53-10-108 is in regard to children who are over the money & healthcare that is vulnerable to the adults or parents. The general 06-01-10 form is then sent back to the agency.
- The purposes for each form are listed out differently, as well.
- If there is no statute or ordinance, they can give a 3<sup>rd</sup> party release for employees to fill out for themselves.
- There is also an employment BCI waiver for the purpose of audits. On a personal BCI, no waiver is required.
- Requirements for a BCI is the person's name & birth date with a \$15 check. They check the persons criminal history and arrests. It usually takes about 7 days.
- A Fingerprint based BCI: name & birth date with a \$20 check. Usually takes about 8 to 12 weeks.
- National BCI's include: Alaska, Idaho, Montana, Nevada, Oregon, Washington, Wyoming & Utah
- FBI checks (unknown response time) \$18; completed fingerprint card; the applicant is required to open the envelope in your presence \*\* of which may be required in combination of any other BCI's OR it may be required instead of any other BCI.
- The BCI just supplies the information but does not make any determination of eligibility
- CONTACT INFORMATION: Lauralee Blue (801) 965-4943 = DOB Qualifying Entity; Val Webster (801) 965-3858 Fingerprint Based; Melanie Monroe (801) 964-4571 Criminal History Based.

**10:15 – 11:30 a.m.**

**Linda Worthington, State of Utah Division of Health: CHILDCARE REGULATION UPDATE**

- There is a \$25 fee + other fees. The applicant does their own BCI (background check). Also, there is a BCI required for all those 12 and older for home childcare done in the home.
- 26-39-101 “Utah Child Care Licensing Act.” (1) “Child care” means continuous care and supervision of five or more (unrelated children under 4 yrs old) qualifying children, that is: (a) in lieu of care ordinarily provided by a parent in the parent’s home; (b) for less than 24 hours a day; and (c) for direct or indirect compensation (trading of services).
- (a) “Qualifying child” means a person who is: (i) under the age of 13; or (ii) under the age of 18, if the person has a disability; and (b) a child of: (i) a person other than the person providing care to the child;
- Types of Regulated Child Care: Child Care Center; Out of School Time Center; Hourly Child Care Center; Licensed Family Child Care; Residential Certificate Child Care
- Child Care Center: A person or persons must be licensed as a child care center under this rule if (a) They provide care in the absence of the child’s parent; (b) They provide care in a place other than the provider’s home or the child’s home; (c) They provide care for five or more children, for four or more hours per day; (d) They provide care for each individual child for less than 24 hours per day; (e) The program is open to children on an ongoing basis for four or more weeks in a year; (f) They provide care for direct or indirect compensation.
- Out of School Time Center: A person or persons must be licensed to provide child care if (a) They provide care in the absence of the child’s parent; (b) They provide care for five or more children; (c) They provide care in a place other than the provider’s home or the child’s home; (d) the program is open to children on an ongoing basis, on three or more days a week and for 30 or more days in a calendar year; and (e) They provide care for direct or indirect compensation. A person or persons may be license as an out of school time program under this rule if: They either provide care for two or more hours per day on days when school is in session for the child care, and four or more hours per day on days when school is not in session for the child in care or they provide care for four or more hours per day on days when school is not in session; and all of the children who attend the program are at least five years of age.
- Hourly Child Care Center: A person must obtain an hourly child care center license if he (a) provides child care not in a personal residence; (b) provides care for five or more children for less than 24 hours a day but not on a regular schedule; and (c) receives direct or indirect compensation.
- Licensed Family Child Care: A person must either be licensed under this rule or certified under 430-50, if he or she: (a) provides care in lieu of care ordinarily provided by a parent; (b) provides care for five more unrelated children; (c) provides care for four or more hours per day; (d) has a regularly scheduled, ongoing enrollment; and (e) provides care for direct or indirect compensation. The Department does not license, nor is a license required for: A person who cares for related children; OR a person who provides care on a sporadic basis only.
- Residential Certificate Child Care: A person must either be certified under this rule or licensed under R430-90, if he or she: (a) provides care in lieu of care ordinarily provided by a parent; (b) provides care for five or more unrelated children; (c) provides care for four or more hours per day; (d) has a regularly scheduled, ongoing enrollment; and (e) provides care for direct or indirect compensation. The Department does not issue

certificates, nor is a certificate required for: A person who cares for related children; OR a person who provides care on a sporadic basis only. (Sporadic meaning one day every other week or one day every week – then they would regulated them.)

- Inspections: Annual Announced/Annual Unannounced/ Complaint (of which cannot be anonymous but can be confidential)/ Follow-up/ Monitor/ Focus
- Areas of Inspection: Facility/ Cleaning & Maintenance (Health Inspections)/ Outdoor Environment/ Personnel/ Administration/ Records (Emergency Information = Immunizations)/Emergency Preparedness/ Supervision and Ratios (Teacher to child ratio)/ Injury Prevention/Parent Notification and Child/ Security/ Child Health/ Child Nutrition/ Infection Control/Medication/ Napping/ Child Discipline/ Activities/ Transportation/ Animals/ Diapering/ Infant & Toddler Care
- CONTACT INFORMATION: Linda Worthington & Simon Bolivar can be contacted at [www.health.uta.gov/licensing](http://www.health.uta.gov/licensing)

11:30 – 12:00 p.m.

**Julia Moore, Program Manager Central Region: CHILDCARE REGULATION UPDATE**

- GOAL: Safeguard Children Currently there is no state regulation or oversight of preschool businesses/ The only “regulation” is a city or county business license/ Preschool teachers have direct contact with children for a period of time usually no more than 4 hours at a time/ CCR&R agencies would like to encourage all cities and counties to require a criminal background check for people who apply for a business license to operate a preschool/ The Office of Child Care is now able to conduct an extensive criminal background check on relatives (aunts, uncles, grandmothers, and grandfathers) who are receiving DWS “Payment to Parent” child care subsidy (which is not regulated). Prior to this the relative only had to “self declare” that they did not have a criminal background. The first year (FY 09) that the BCI checks were done they found 17% of the relatives had a criminal background and the second year (FY 10) they found 16%. They would also be considered a “Relative Provider,” with no more than 4 hours at a time and no more than 4 children at a time).
- GOAL: Increase Parent Awareness of CCR&R Services Child Care Resource and Referral Agencies provide valuable services for parents/ Parents needing childcare can do a free web referral to locate a licensed child care provider in their area that has a vacancy with the hours that will fit the parent’s schedule. Parents can also call the CCR&R to get the information over the phone./ CCR&R agencies post resources on their websites that educate and assist parents with parenting skills. These resources may include preschool lists, newsletters that include community training classes, parenting classes, parenting tips, and the annual Summer Activity Guide/ CCR&R agencies would like to propose that each city provide a link to the CCR&R website that serves their city/ A follow up call from the CCR&R will be made to each of you to talk about the possibility of this link
- Utah Child Care Resource and Referral Agencies September 2010  
CCR&R Bridgerland (800) 670-1552 [www.usuchild.usu.edu](http://www.usuchild.usu.edu)  
SERVING: Cache, Rich & Box Elder Counties  
CCR&R Northern (888)970-0101 <http://programs.weber.edu/ccrr>  
SERVING: Weber, Davis & Morgan Counties  
CCR&R Metro (800)438-4847 [www.cssutah.org](http://www.cssutah.org)  
SERVING: Salt Lake & Tooele Counties  
CCR&R Mountainland (800) 952-8220 [www.uvu.edu/ccrr](http://www.uvu.edu/ccrr)

SERVING: Utah, Summit, Wasatch & Juab Counties

CCR&R Eastern (888)637-4786 [www.ceu.edu/childcare](http://www.ceu.edu/childcare)

SERVING: Daggett, Duchesne, Carbon, Uintah, Emery, Grand & San Juan Counties

CCR&R Western (800) 543-7527 [www.childcarehelp.org](http://www.childcarehelp.org)

SERVING: Sanpete, Sevier, Millard, Beaver, Piute, Wayne, Iron, Garfield, Washington & Kane Counties

**1:00 - 2:00 p.m.**

**Brent Halladay, State of Utah Fire Marshal: FIREWORK REGULATIONS**

- Brent had several handouts to include the COUNTY AND MUNICIPAL FIREWORKS ACT 11-3-1 that he referred to. Most all the information contained in that code everyone's local Fire Dept should be familiar with regarding fireworks and regulating them. One proposed legislation is that the dates to be able to buy fireworks be June 26<sup>th</sup> to July 26<sup>th</sup> and to set them off be June 26<sup>th</sup> to July 16<sup>th</sup>, as well. Just keep it easy.
- Brent also gave a copy of the PYROTECHNICIAN'S AFTER ACTION REPORT FOR FIREWORKS DISPLAY application and asking for a copy of the individual's state of Utah Fireworks License and making that copy on the back of the application.
- Brent gave a copy of the web page for the STATE FIRE MARSHAL along with information as to how to access the approved fireworks companies and approved firework operators in the State.
- Brent then referred to the NATIONAL FIRE PROTECTION AGENCY (1123) R710 law and went through that as well.
- All very good and useful information!!!!!!

**2:00 - 3:00 p.m.**

**Don Buckley, Draper City Fire Marshal: FIRE INSPECTIONS**

- Each section of the fire code stems from someone getting injured
- It is to protect people from others and to protect people from themselves. 90% of calls are medical related & 10% is fire related
- The fire code is a minimum standard that we follow and provides standards for firefighters
- You must adopt the fire code by jurisdiction
- INSPECTIONS: They mainly look for the minimum number of exits; address numbers on buildings and homes/ home access to buildings and homes
- Portable extinguishers need to be current and tagged. They must be placed within 30 feet of a commercial kitchen, flammable or combustible areas or special hazard areas
- Fire sprinkler systems should be inspected yearly and have a basic inspection for a fire alarm system

**3:15 - 4:00 p.m.**

**Steven Price, Deputy Director of the Utah District Office of SBA: SMALL BUSINESS ADMINISTRATION**

- You can go online with the Small Business Administration and look up an SBA loan. It will list the benefits of an SBA & short-term loan. An SBA guaranty will give 10 years maturity. Better rates and 100% collateral (99% are "under" collateral).
- Counseling & Training Area: SCORE - Offer business consulting for free [www.score](http://www.score) to ask business related questions. SMALL BUSINESS DEVELOPMENT CENTER – SBDC offers free counseling [www.Utah.sbdc.com](http://www.Utah.sbdc.com) OR [www.utah.sbdc.org](http://www.utah.sbdc.org). WOMENS BUSINESS CENTER – suggest small businesses to sell to the federal government and are

guaranteed money. 2/3 of the world's population is outside of the United States. We need to encourage exporting: used Levi's; railroad ties; shrimp. SBA offers a "small business person of the year."

CONTACT INFORMATION: [stevenprice@sba.gov](mailto:stevenprice@sba.gov)

4:00 - 5:00 p.m.

**Randy Tuckett, Post Office Investigator: POST OFFICE INVESTIGATIONS**

- USPS is the oldest agency: since 1737 Ben Franklin was the first Postmaster. They have had mail fraud statutes since 1871.
- Mail Fraud Trends: Technology may change but criminals remain the same/ Fraud increasingly targets the elderly/ Internet fraud doesn't mean there won't be mail fraud/ Contests & sweepstakes/ Foreign lotteries/ counterfeit financial instruments/ travel scams/ investments/internet auction fraud/ Advance fee loans/ Credit card fraud/ reshipping schemes/ 419 Scheme (google = 419) "Nigerian Scam," OR "fakechecks.org."
- Report Identity Theft Complaints to: (877)IDTHEFT – (877)438-4338
- Taking your name off Mailing lists: [www.dmaconsumers.org](http://www.dmaconsumers.org)
- Identity & Fraud (877)876-2455 option 5
- [www.annualcreditreport.com](http://www.annualcreditreport.com)
- [www.postalinspectors.uspis.gov](http://www.postalinspectors.uspis.gov) OR [www.usps.com](http://www.usps.com)

## Thursday, September 23, 2010

8:00 - 9:00 a.m.

**Rob Durfee, Sandy City & Robert Porter, Ogden, President of Utah Ordinance Compliance Association: CODE ENFORCEMENT**

- Biggest problem is yard maintenance: Animal control - goats, chickens (maximum amount allowed)/ Vehicles - parking on the street in weather/ Rentals – too many in a house create parking issues.
- Home Occupation Businesses: conducting business without a license/ no signs/ nothing visible from the street/ only 1 vehicle allowed for a business but must be parked behind a 6 ft fence & not seen from the street.
- Other issues: Garbage cans- not putting them away or tipping them over/ Fences - can be 4 foot high but see-through OR a 3 foot high solid fence (no use of shrubs)/ Home owners have 14 days to cut weeds or clean up yard/ Snow – none on the sidewalk at 6 a.m. or they start going door to door to have them clear sidewalks of snow/ Junk cars – cannot be parked on the grass.
- Their rule: In Season, meaning, "When the Tulips bloom, until the snow flies."
- They work with - Hoarding is just piling up "stuff!"/ Abatement of both animals and weeds.
- Citations are given when homes are a mess or when the Health Department has to get involved.

9:00 – 10:00 a.m.

**Wayne Holman, Division of Professional Licensing: CONTRACTOR/HANDYMAN REGULATIONS**

- "To Protect the Public and Enhance Licensing through Regulation."
- In 2009 there were 32,000 applications
- There are already 72,000 applications, so far, for 2010
- New Licenses for: Hunting Guides & Outfitters along with Elevator Contractors & Technicians
- They investigated 45,100 complaints and DO NOT get involved with lawsuits

- He referred to his handout, UTAH CONSTRUCTION TRADES LICENSING ACT, Title 58, Chapter 55 of which was 11 pages of VERY USEFUL and helpful information for all of us to refer back to.

**10:00 – 11:00 a.m.**

**Steve Jentzsch, Division of Consumer Protection: PAWN SHOP REGULATIONS**

- Utah Enforcement & Information Act 13-32a-101 thru 114 (Laws & Ordinances) which governs: Compliance/ Database/ Identification of Items/ Holding Periods/ Seizure of Property
- Concern with the purchasing of gold & silver at house parties =if more than 10 purchases are made, they need to be registered and a fee of \$250 needs to be paid.
- Central Database: Information retained on database for 5 years/ It is downloaded daily/ It is funded by the shops and law enforcement/ It is maintained by the Utah County IT Dept/ Enforced by Dept of Consumer Protection.
- Law Enforcement Searches by: Pawner name/ Date of Birth/ Ticket Number/ Date of Transaction/ Article Description/ Pawn or secondhand merchant shop name
- Database Message Board - Used to notify shops & law enforcement agencies of: Law changes/Property recently stolen/ Suspects to watch for. Database Features: Holds & Seizures = Initial holds 15 days upon initial purchase OR 30 days on contact with pawnshop.
- Second hand dealers will need licenses soon, too.
- CONTACT INFORMATION: [sjentzsch@utah.gov](mailto:sjentzsch@utah.gov) (801) 530-6443

**11:15 – 12:00 p.m.**

**Rosemary Cundiff, Local Government Records Analyst of Utah State Archives: GRAMA REGULATIONS**

- To promote the public's right to easy and reasonable access to unrestricted records.
- To provide guidelines for both disclosures and access. Records that must be disclosed are usually PUBLIC (UCA 636-2-301). Such as: business addresses, phone number and e-mail addresses, employees gross compensation, name, gender, job title and qualifications.
- Private Records (UCA 636-2-302): Medical Records (1)(b), employee records (1)(f), social security number (1)(h), anything that constitutes a clearly unwarranted invasion of personal privacy (2)(d).
- Protected Records: Test questions & answers to be used for future licenses certification registration employment or academic examination. Records maintained or created for licenses certificates or regulation if releasing the information interferes with investigations, enforcement, discipline, licensing certificate or regulatory purposes. The Individuals home address if he or she has a reasonable expectation the information will be kept confidential.
- Segregation of Records: If a governmental entity receives a request for records that contain information the requestor is entitled to and information he or she is not entitled to then allows access to the information the requestor is entitled to and denies access to information he or she is entitled to.
- Access to Public Records: Every person has the right to inspect a public record for free of charge and the right to make a copy. A record is public unless otherwise expressly provided by statute. In response to a request or governmental entity.
- Fee's 63g-2-203
- CONTACT INFORMATION: [archives@utah.gov](mailto:archives@utah.gov) [mspring@utah.gov](mailto:mspring@utah.gov) (801)531-3842

1:00 - 2:00 p.m.

**Susan Becker & Jeanette Harris, Lewis, Young, Robertson & Burningham: BUSINESS LICENSE FEE STUDY**

- Utah Code – Business License Fees: Utah code states that fees charged reflect the amount necessary to reasonably regulate business activity, including the costs of disproportionate or enhanced levels of municipal services required by some business classes, geographic locations, etc. §10-1-203. 1) Base Service Costs – Home occupations & Commercial, New applications & renewals 2) Disproportionate Service Costs – Increased Regulatory Services, Disproportionate Calls for service 3) Enhanced Service Costs – Higher service levels than basic services provided by City (additional patrols, higher level of fire coverage, signage, landscaping, etc.). Municipal Services include: Police/ Fire/ Storm water runoff/ Traffic control/ Parking/ Transportation/ Beautification/ Snow removal/ Public utilities.

- How we work with you:

I: Interviews – city business licensing process/ time & people involved in each process. Your priorities and concerns. Financial Information & GIS Information

II: Business Groupings/Analyze Call Data – Geo-code police, Fire and EMS calls for service/ Group businesses by type or location and calculate disproportionate call ratios/ Businesses in the same class must be charged the same fee.

III: Cost Calculations – Base Service Costs/ Disproportionate Service costs such as regulatory inspections and calls for service/ Enhanced Service Costs.

- Data Gathering - Base Service Costs: Business Licensing Procedures – business licensing, police, fire, code enforcement, building, health, wastewater & planning and zoning departments. Time Involved & Financial Information – Salaries & Benefits, Department Overhead, Building & Administrative Costs, Supplies.
- Also Involves: Direct Costs; Indirect Costs; Indirect Fixed Costs; Indirect Variable Costs; Total Per Minute Costs; Commercial Business Base Costs; Home Occupation Base Costs; Disproportionate Regulatory Costs; Disproportionate Regulatory Costs; Disproportionate Analysis Base Call Rate; Commercial Business Call/Cost Summary.
- Considerations – Business Groupings: True cost vs. recommended fee OR Business Type, Location /Employee Fees /On-line Renewals /Enhanced Services /Data Gathering .
- Utah Code – Good Landlord Program: The Good Landlord program is a program established by a municipality that provides a reduction in the disproportionate rental fee for a landlord who: 1) Completes a good landlord program training approved by the municipality 2) Implements measures to reduce crime in rental housing as specified in municipal ordinances 3) Operates and manages rental housing in accordance with applicable municipal ordinances 4) Utah Code states that the disproportionate rental fee may not exceed the “rental housing cost.” 5) A Disproportionate Municipal Services Study will calculate the “rental housing cost” and thereby establish the maximum disproportionate fee a City may charge to landlords who do not participate in the Good Landlord Program.
- Good Landlord Program Considerations: Include all rentals or only 3+ rentals? Include mobile homes? Financial incentive for program participation. Renewal dates for rentals and commercial licenses. Participation/suspension requirements.

QUESTION: How much is it for a fee study???? Anywhere from \$18,000 to \$25,000 on licensing ONLY. It really depends on the size of the City. A rental study is only \$6,000

CONTACT INFORMATION: Susie Becker & Jeanette Harris 41 N Rio Grande, Ste 101 SLC UT 84101 [susan@lewisyoung.com](mailto:susan@lewisyoung.com) & [Jeanette@lewisyoung.com](mailto:Jeanette@lewisyoung.com)

2:00 - 3:00 p.m.

**Joel Hoffman, Director of Health Facilities License and Certification: ASSISTED LIVING FACILITIES**

- R432-2 General Licensing Provisions: General Hospitals, specialty, psychiatric, chemical or long term. Healthy Facilities: Nursing care, mental or mental retardation, small health care facility.

Assisted Living, Ambulatory, Birthing, Dialysis, Home Health and Hospice.

- A person who offers or provides care to two or more unrelated individuals in a residential facility must be minimally licensed as an Assisted Living Facility. Which is for 24 hour care and arranges assistance or activities of daily living.

Levels of Care

- Type 1: (a) The individuals under care are capable of achieving mobility sufficient to exiting the facility without the assistance of another person: 24 hr 1 on 1 care
- Type 2: (b) An assisted living facility must be licensed as a type II facility if the individuals under care are capable of achieving mobility sufficient to exit facility only with the limited help of one person. They would need someone to help them exit the building or move around.

LEVEL 1 & 2 CAN BE IN THE SAME BUILDING LOCATION BUT IT HAS TO BE LICENSED SEPARATELY

- Licensing Process: Orientation; application; fees; business license; background screening; construction clearance and inspections; policies & procedures;
- Department of Health will accept business license application with receipt of payment
- Licensing is every two years for Assisted Living
- What type of training is needed? Limited nursing to cleaning for home health. Home Health is where a person goes into someone's home but it is not necessary for them to obtain a license. TWO people, however, is considered an "agency" and they would be required to be licensed.
- Survey Process Provisional: 6 mos. Probationary / provisional survey is required for a standard license/ annual surveys are to be renewed every two years
- Non-compliance Sanctions: Revocation /Conditional License /Civil Money Penalty is maximum \$10,000 / Monitors / Restriction of Admission
- A Secure Unit in a "Type 2" would be needed for people with dementia or Alzheimer's
- CONTACT INFORMATION: [www.health.utah.gov/hflcra](http://www.health.utah.gov/hflcra)

3:15 - 4:15 p.m.

**Dan Moore, Salt Lake Valley Health Department: HEALTH DEPARTMENT REGULATIONS**

- Why do we care about food safety & safe events? "PORTA POTTIES!"
- Mass gathering fees for the Salt Lake Valley: 2 – 999 people \$250 / 1000 – 4999 people \$350 / 5000 – 9999 people \$450 / 10,000 + people \$5000. This license is valid for 30 days. A license for 500+ people is valid for 2+ hours. There is a \$175 late fee.
- The First Aid Booth needs to provide: Privacy / Well marked and is easy to find / Must have 2 EMT's (must increase with crowd size) / Have radios or cell phones / Have ambulance access / Booth vs. ambulance vs. fire trucks / must have minimal equipment (an EMT "jump pack.")
- First Aid Station Staff (must have 2 at ALL times): Must be 18 yrs, old / Be an Emergency Medical Tech (EMT) / Have a paramedic / Have a nurse / Have a Physician's Assistant / Have a Physician / For every 5000 people at event, you must increase the # of EMT's by 2.

- Restrooms & Port A Potties: Must be 100 feet from food service / 1 hand wash station per 10 toilets (check water & soap, paper towels. Sanitizing gel cannot replace hand washing) / Count number of toilets / Check portables location / 5% should be ADA toilets
- There should be FREE water available; non-specific, any water will do / must have minimum of 4 stations (1 station for every 50 people)
- Examples of Events: Arts Festivals / Camping / Gallivan Center / SLC Marathon / Pioneer Day Parade = Parades can be exempt.....it is "moving" even though it is a gathering.
- Grey Water Tanks are required to be able to dispose of grease from food and wastewater from festivals/events
- Also, watch for tripping hazards, solid waste, petting zoos....PETTING ZOOS Need: Designate entry or ext / Signage/ Hand washing area or sanitizer/ nor food or drink / be able to clean up waste / watch for flies / SUPERVISION
- \$35 late fee of applications are received less than 12 days prior to event
- Temp Food Permits – Immediate Closures result in 1) No SLVHD permits 2) No hand wash Station 3) Food from an unapproved home 4) No temporary maintenance
- These permits are to promote healthy environments; educational events; participation and coordinators.
- CONTACT INFORMATION: [dmoore@slco.org](mailto:dmoore@slco.org) (801) 313-6629

4:15 - 5:00 p.m.

**Adam Anderson, State of Utah Project Coordinator: TOW TRUCK CERTIFICATION/PILOT ESCORT CERTIFICATION**

- Driving age is 18 years old
- RSA training is required here in Utah (New York will not accept our certification) RSA network is [www.uspilotcar.com](http://www.uspilotcar.com)
- All complaints are to be filed in writing
- 909-19 Administrative Rule: 3 types of certification – Driver, Truck & Carrier
- Driver Certification: 3 types of Acceptable certification – AAA, TRAA (free but cost \$150 for certificate), WRECKMASTER. The 4<sup>th</sup> is in "the works"
- Carrier Certification [www.utams.com](http://www.utams.com)
- Booting = maximum charge is \$75
- UDOT tow truck certification is good for two years

**Friday, September 24, 2010**

8:00 - 9:00 a.m.

**Keith Collier, Draper City Building Official : BUILDING INSPECTIONS FOR COMMERCIAL BUILDINGS**

The following is a brief list of items that are checked by the building department when doing a business license inspection:

Home Occupations:

The building department does not conduct business license inspections for home occupations that are "office only." Business license inspections are conducted by the building department when the home occupation has "customers" come to the home for services such as daycare, preschool, beauty or nail salon, any other type of business that may require health department approval or a business that would require selling to the public. This would include a cottage industry license.

Commercial:

When conducting a commercial business license inspection by the building department, Draper City requires that the business be open and conducting business or have all the necessary equipment in the space and be ready to be open. The following are some of the items that are checked on by the inspector:

- 1) Make sure that the type of use is allowed in the building. Draper City has a “data sheet” on each building that is consulted every time a business license application comes in at the counter to be sure that the type of use has been included when the building was first constructed. The use is entirely different from the zoning of the property as mentioned before.
- 2) Blocked exits – i.e. tables in restaurants, hallways or places of storage.
- 3) Illegal locks on doors (any door or entry that may be used as ingress and egress of the building). A sign “Doors to remain unlocked while building is occupied” is required to be on the entry door.
- 4) Any new racking system for which the owner may not have applied to obtain a building permit. This usually is for old racking with no engineering data available or a structural engineer to approve its installation.
- 5) Electrical cords for projectors being unplugged in above the ceiling grid. This occurs mostly in conference rooms.
- 6) Blocking the working space in front of electrical panels.
- 7) Exit signs not in working order.
- 8) Emergency lighting not in working order.
- 9) Dust collecting systems for cabinet shops (electrical equipment.)
- 10) Blocking of exit signs (Crowding of the floor and items hanging from the ceiling – usually found in furniture stores.)
- 11) Electrical panels or fillers (usually found in adjacent empty spaces). We check all the electrical for general safety.
- 12) Extension cords for premise wiring, through doorways, through ceilings, etc.
- 13) Spray booths (non-manufactured). Usually found in auto repair shops or cabinet shops.
- 14) Kitchens are checked for safety. I have found some very strange conditions with hoods over ranges.
- 15) Handrails for older buildings.

Daycare and Preschool:

- 1) What level for and what age group are the children?
- 2) Smoke detectors.
- 3) Egress from the area where the children are going to be instructed and sleep.
- 4) Any general safety items.

NOTE: Depending on the “use” of the location, building code comes into play and could get quite expensive.

**\*\*NOTE:** Keith Collier, being Nancy Bishop’s “Boss” and being present, we decided to take advantage of this opportunity and thank Nancy Bishop for her service!!!



UBLA Pres, Laura Woolsey thanking Nancy Bishop with an engraved clock for her service as Secretary of the UBLA



Nancy thanking everyone!!



Laura presenting CBLO certificates to: (L to R) Sherrie Wilden, Orem; Dona Haacke, Lindon; Connie Feil, Bountiful; Sally Anderson, Salt Lake County; & Piper Lever, Alta. Aaron Lyman, Orem, also received his CBLO but he was not present.



Laura then presented Karen Johnson with an engraved clock thanking her for her MANY YEARS of service in the UBLA.



Karen Thanking everyone!

9:00 - 10:00 a.m.

**Kelvin Thacker, Transport Safety Investigator: COMMERCIAL VEHICLE SAFETY REGULATIONS**  
[www.utahmc.com](http://www.utahmc.com)

- Over 10,000 lbs. = commercial vehicle & CDL is required
- More than 15 passenger vehicle
- Placard ◊ "flammable" with a # below
- Requirement for CDL depends on the weight of the vehicle you are driving
- Farmers are not required to get CDL's unless they travel outside of their 150 mile radius

- Regulations of trucks with a load that is loose (gravel, debris, etc) if it comes off and hits your windshield they are responsible & liable. Also, if they do not have mud flaps, they are in violation.
  - 65 foot long & 8 ½ foot wide = a permit is required. The permit tells them on the permit the route they are allowed to go. They cannot deviate from that route because there are highways & routes they are not allowed access on. They have access to certain roads only if they are permitted.
  - **Commercial**
  - **Motor**
  - **Vehicle**
  - **Safety**
  - **Administration**
- “DRIVE TRUCK SMART NOT SEMI-STUPID!”

10:15 - 11:15 a.m.

**Jody Stamback, Senior Stake Holder Liaison: INTERNAL REVENUE SERVICE BUSINESS REGULATIONS**

- They are eliminating how they do employment taxes (using a Federal Electronic System)
  - Federal Tax Deposit 8109-B takes about a month to get setup by January 1<sup>st</sup>, 2011.
  - Register with the IRS \$50 – fee to process application is also \$50 for testing & certification to do taxes
  - NO LONGER LEGAL = RAL (Refund Anticipation Loans)
  - They take a fee out of refund charging \$300 - \$400
  - Just file electronically - no longer file a RAL
- OPERATING A BUSINESS (Handout)

Business Activity:

- Reasonable expectation of earning a profit: Time & effort expended / Depends on Income / Losses from start-up or unusual circumstances / Changed method of operation / Taxpayer has needed knowledge / Made profit in past in similar activities / Made profit in some years with this activity / Can make profit in future form appreciated assets
- Deducting Business Expenses: Taxpayers may deduct ordinary and necessary expenses for conducting a trade or business
- Recordkeeping Uses: Monitor business activity / Prepare financial statements / Identify source of receipts / Keep track of deductible expenses / Prepare tax returns / Support items reported on tax returns
- Maintain Business Records: Income / Expenses / Recordkeeping System / Supporting Business Documents: Invoices, Receipts, Payroll, Sales, Canceled Checks
- Business Bank Account: Establish a Business Account / Reconcile Account Regularly / Retain Deposit Information and Receipts / Use Business account for all business transactions
- Expenses: Canceled checks / Cash register tapes / Account statements / credit card sales slips / Invoices / Petty cash slips for small cash payments
- Pub 463, Travel, Transportation, Entertainment, and Gift Expenses: Proof of Certain Business Expenses: Travel (mileage or gas), Entertainment, Gifts, Transportation
- Assets Records: Help figure – annual depreciation, gain or loss when the asset is sold; Record Information should include - purchase price, cost of improvements, depreciation deductions taken, use, disposition, selling price, sale expense

- Employment Taxes: Specific Employment Tax Records / Maintain for four (4) years / Resources – Publication 15, Publication 225, IRS.gov, Search recordkeeping
- Employment Tax Records: EIN / Employee Information / Employment dates / Wage, annuity, and pension payments / Tips reported / FMC of in-kind wages paid / Deposits
- Business Expenses:  
Business Expenses are the cost of carrying on a trade business. These expenses are usually deductible if the business is operated to make a profit.
- What Can I Deduct?  
To be deductible, a business expense must be both ordinary and necessary. An ordinary expense is one that is common and accepted in your trade or business. A necessary expense is one that is helpful and appropriate for your trade or business. An expense does not have to be indispensable to be considered necessary.  
It is important to separate business expenses from the following expenses:
  - 1) The expenses used to figure the cost of goods sold
  - 2) Capital expenses, and
  - 3) Personal expenses
- Cost of Goods Sold  
If your business manufactures products and purchases them for resale, you generally must value inventory at the beginning and end of each tax year to determine your cost of goods sold. Some of your expenses may be included in figuring the cost of goods sold. Cost of goods sold is deducted from your gross receipts to figure your gross profit for the year. If you include an expense in the cost of goods sold, you cannot deduct it again as a business expense.  
The following are types of expenses that go into figuring the cost of goods sold:
  - 1) The cost of products or raw materials, including freight
  - 2) Storage
  - 3) Direct labor costs (including contributions to pensions or annuity plans) for workers who produce the products
  - 4) Factory overhead

Under the uniform capitalization rules, you must capitalize the direct costs and part of the indirect costs for certain production or resale activities. Indirect costs include rent, interest, taxes, storage, purchasing, processing, repackaging, handling, and administrative costs. This rule does not apply to personal property you acquire for resale if your average annual gross receipts (or those of your predecessor) for the preceding 3 tax years are not more than \$10 million.

For additional information, refer to chapter on Cost of Goods Sold, Publication 334, Tax Guide for Small Businesses and the chapter on Inventories, Publication 538, Accounting Periods and Methods.
- Personal versus Business Expenses  
Generally you cannot deduct personal, living, or family expenses. However, if you have an expense for something that is used partly for business and partly for personal purposes, divide the total cost between the business and personal parts. You can deduct the business part.  
For example, if you borrow money and use 70% of it for business and the other 30% for a family vacation, you can deduct 70% of the interest as a business expense. The remaining

30% is personal interest and is not deductible. Refer to chapter 4 of Publication 535, Business Expenses, for information on deducting interest and the allocation rules.

- Business Use of Your Home

If you use part of your home for business, you may be able to deduct expenses for the business use of your home. These expenses may include mortgage interest, insurance, utilities, repairs, and depreciation. Refer to Home Office Deduction and Publication 587, Business Use of Your Home, for more information.

- Business Use of Your Car

If you use your car in your business, you can deduct car expenses. If you use your car for both business and personal purposes, you must divide your expenses based on actual mileage. Refer to Publication 463, Travel, Entertainment, Gift, and Car Expenses. For a list of current and prior year mileage rates see the Standard Mileage Rates.

- Other Types of Business Expenses

- Employees' Pay – You can generally deduct the pay you give your employees for the services they perform for your business.
- Retirement Plans – Retirement Plans are savings plans that offer you tax advantages to set aside money for your own, and your employees' retirement.
- Rent Expense – Rent is any amount you pay for the use of property you do not own. In general, you can deduct rent as an expense only if the rent is for property you use in your trade or business. If you have or will receive equity in or title to the property, the rent is not deductible.
- Interest – Business interest expense is an amount charged for the use of money you borrowed for business activities.
- Taxes – You can deduct various federal, state, local and foreign taxes directly attributable to your trade or business as business expenses.
- Insurance – Generally you can deduct the ordinary and necessary cost of insurance as a business expense, if it is for your trade, business, or profession.

\*\*This list is not all inclusive of the types of business expenses that you can deduct. For additional information, refer to Publication 535, Business Expenses.

11:15 - 12:00 p.m.

**Mark Arnold, Arnold and Wadsworth, PLLC: HOW LICENSING TRUMPS ZONING**

- CUP – Conditional Use Permit for regulating Zoning Requirements
- Non-Conforming Use – a use that was used before it was zoned
- Vested Right
- Licensing is “Regulatory” in Utah for the Health Safety & Welfare Powers

Mark referenced the 49 page handout he had. There was quite a bit of Case Law that he referenced, as well, specifically on pages 10, 29 & 49.

## ELECTIONS

- Aaron Lyman, Orem, was voted in as Vice-President
- Terianne Hill, Richfield, was voted in as Treasurer
- Nancy Leigh, Brian Head, was voted in as Secretary



Laura thanking our Election Committee for their service and hard work (headed by Darlene Hess): (L to R, 1<sup>st</sup> picture) Pam Stowe, Provo; Char Izatt, Smithfield; & Darlene Hess

## DISCUSSION PANEL



Karen Johnson put together a Q & A Discussion Panel consisting of: (L to R) Jim Benton, Salt Lake City; Kori Solorio, Cottonwood Heights; & Stacey Kesler, South Jordan

### Items Discussed:

Mobile Check Cashing	Reiki Massage	Fruit Stands
Escorts (non-SOB) Office	Solicitors/Itinerants	Mobile Businesses
Off-Premise Beer (they have their own mug)		Sales Tax Boundaries

### TOTAL Hours Earned

- Business License Enforcement	3
- Regulatory	10
- Interstate Commerce	4
- Taxation	1
- Case Law	1
- Ethics & Customer Service	1

### NEXT CONFERENCE:

Will be at the Abbey Inn in St. George, Utah, September 21<sup>st</sup>, 22<sup>nd</sup> & 23<sup>rd</sup>

**ANNOUNCEMENT:** Just a few weeks prior to the posting of this information to the UBLA website, Aaron Lyman informed the UBLA Executive Board that he no longer worked for the City of Orem and that he would not be able to fulfill his duties as UBLA Vice-President. The board then appointed APRIL TOUCHIN of CLINTON CITY as Vice-President and she accepted that responsibility. Please be sure to welcome April by contacting her at [atouchin@clintoncity.com](mailto:atouchin@clintoncity.com). We were quite sad to hear of Aaron but are VERY excited to have April on the Board.