

# Business law questions

Law



Lecturer: Business Law Questions The U. S Department of Labor is the federal agency that issued the citation to Wal-Mart. Enabling Statute refers to the law that delegates new or extended powers to a corporation or a public official. Occupational Safety and Health Act of 1970 is the enabling statute that gives the U. S Department of Labor authority to enforce OSHA regulations. During the process of reviewing a judicial agency's rule, there are several steps that the U. S District Court has to follow. First, it must examine whether Wal-Mart has a legal right to bring the suit. Secondly, it must ascertain the ripeness of the dispute brought by the plaintiff. Thirdly, it must examine whether the agency went outside its authority. Fourthly, it must examine whether the agency followed the required procedures in making the decision. Fifthly, it must determine whether the decision is so clearly wrong that it deserves to be abandoned. It is uncertain arguing that the agency always wins or loses because the final decision of the U. S District Court is determined by the validity of the dispute and the degree of correctness or wrongness that the agency's decision was.

In 2 (a) there are three procedures that are available for FDA in making new rules. First, it has to provide a Notice for Proposed Rulemaking (NPRM) which is a proposal published in the Federal Register for members of public to review and comment on it. Secondly, it should consider the comments received on the rule during the comment period. Thirdly, it should comply with the " Effective Date" Rule that determines when the proposed rule will become effective. In 2 (b), a business engaged in importing food could participate in these procedures through reviewing the proposed rule and criticizing it, taking note of the final rule and complying with the " Effective Date" rule.

<https://assignbuster.com/business-law-questions/>

In 3 (a), there are three laws that affect the records of an administrative agency. First, the Freedom of Information Act renders agency records subject to disclosure and outlines the various procedures that ought to be followed. Secondly, the Administrative Procedure Act dictates the ways through which each agency should avail public information. Thirdly, the Public Records Act specifies that personal information maintained about an individual shall not be disclosed without the person's consent except for various explicit exceptions (Browne, 6). In 3 (b), the Freedom of Information Act would help my business to obtain information about the activities of my competitors. On the other hand, the Administrative Procedure Act would help my business to obtain information about the enacted laws that affect its line of duty. Nevertheless, the Public Records Act would help my business to get information about the private inspectors anticipated to be certified. The information about my competitors activity would be the most useful since it would help my business to gain competitive advantage.

In 4 (a), the purpose of JCARR is to review the proposed new, rescinded, and amended rules by more than 110 agencies to make sure that they do not exceed the rule-making authority granted by the General Assembly to them. JCARR adds a step of rule validating to the Ohio rulemaking process. In 4 (b), week 11th May, 2015 to 15th May, 2015 has a pending rule of Vocational Rehabilitation Counselling and Guidance, Referral that will affect real estate businesses.

#### Work Cited

Browne, Niel et. al. Dynamic Business Law: The Essentials. New York: McGraw-Hill, 2012.