

# Business entities, laws, and regulations paper essay sample



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This paper will analyze two concern scenarios and determine which concern entity is the best pick for each concern after taking in to consideration control, revenue enhancement, and liability issues.

In add-on Torahs and ordinances each concern must see in get downing the concern will be identified along with the hazards that each concern must protect itself against. Following this paper will analyze a building scenario and place the employment Torahs and ordinances with which the concern must follow in doing a determination in respects to which applier to engage. Restaurant/Bar Lou and Jose program to open a athleticss saloon and eating house where clients socialise and watch featuring events on large-screen Televisions that hang around the saloon. They do non hold much money, but they do hold Miriam.

a affluent investor who does non hold clip to take part in the concern, but wants to supply capital to get down the concern in return for a per centum ownership. Business Entity For this concern scenario the best concern entity is a limited partnership or particular partnership. There are two types of spouses in a limited partnership: general spouses and limited spouses.

General spouses invest capital, pull off the concern, and are personally apt for partnership debts. Limited spouses invest capital but do non assist with the direction facet and are non personally apt for debts beyond their capital part. Lou and Jose will be able to lend their money and be responsible for pull offing the concern.

Miriam will lend her money and that is all that is required of her. Often in a limited partnership, there is a limited partnership understanding that states <https://assignbuster.com/business-entities-laws-and-regulations-paper-essay-sample/>

the rights and responsibilities of both spouses. This papers will province the footings and conditions sing the operations. expiration. and disintegration of the partnership.

The limited partnership understanding may besides depict how net incomes and losingss broken down between the general and limited spouses ( Cheeseman. p. 261 ) . General spouses have unlimited liability for the debts and duties while limited spouses are apt merely for the debts and duties up to their capital parts. and they are non personally apt for the debts and duties of the limited partnership. In 2001 there was a alteration to the Revised Uniform Limited Partnership Act.

Cheeseman ( 2010 ) stated. " The limited liability partnership understanding can allow certain or all limited spouses a say in how the partnership's concern should be run. " A limited partnership has a revenue enhancement advantage in that it is a flow-through instrument. intending all net incomes and losingss flow straight to the person limited spouses.

The concern itself pays no revenue enhancements on the income ( Spaulding. 2005-2011 ) . Laws. Regulations. and RisksSome of the Torahs and ordinances the spouses need to see are the demand for an operating licence.

wellness license. and liquor licence. If the concern attempts to run without these licences or permits they take the hazard of being shut down. The spouses besides have to fix for every twenty-four hours hazards such as holding a safe environment. If there are Televisions hanging they should be installed by professionals and up to code to avoid the hazard of TVs falling  
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on clients or employees. The following concern scenario that will be examined is two persons that want to get down a concern in the medical field.

Professional Practice Akiva and Tara have merely completed all educational and experiential demands to be licensed as accoucheurs. They want to open a birth clinic together. They will take out a big loan to finance start-up costs. Akiva and Tara should get down a Limited Liability Partnership ( LLP ) concern entity.

In an LLP. all spouses are limited spouses who can merely lose their ain capital if the concern fails. No 1 is personally apt for the debts and duties of the partnership over his or her parts ( Cheeseman. p. 274 ) . Chessesman ( 2010 ) states “ many province Torahs require LLPs to transport a lower limit of \$ 1 million of liability insurance that covers carelessness.

unlawful Acts of the Apostless. and misconduct by spouses or employees of the LLP. ” LLPs are like many other partnerships in that they follow flow-through revenue enhancement. All financials are reported on the individual’s revenue enhancement returns. Laws. Regulations.

and RisksThe first thing Akiva and Tara need to make is look at the province ordinances as each province has different ordinances. The province ordinances will name things like definitions. staffing. installation. fire and edifice codifications.

and the services that are allowed. A perfect illustration is that no provinces allow cesarian subdivisions to be performed in delivering centres. These

ordinances besides provide information about services that are required. policies.

processs. organisation. quality confidence. and rating ( American Association of Birth Centers. 2007 ) .

One of the major hazards that Akiva and Tara will confront is the possibility of malpractice. They should already be covered with personal liability but should besides see taking out malpractice insurance for proper coverage. Another hazard they encounter with gap this concern is the possibility of the concern neglecting. They are funding their concern by taking out a big loan. This loan is required to be paid back whether the concern is successful or non.

The last scenario is a building scenario that will look at the employment Torahs and ordinances that need to be taken in to consideration when engaging employees. Construction Scenario Mei-Lin is the hiring director for Surebuild. Inc. . a new building company. She has advertised a place as a air hammer operator.

The position's description provinces that the successful applier must hold a high school sheepskin. The undermentioned people apply for the place: Michelle. 35. who appears to be pregnant. is a high school alumnus.

and was once employed as a air hammer operator ; Eric. 55. who is experienced with a air hammer. but has no high school sheepskin ; Felipe. who is 38.

speaks no English. has no high school sheepskin. but is experienced with a air hammer ; and Nick. 23. a college alumnus who is epileptic.

and has no experience with a air hammer. Get downing in the sixtiess.

Congress implementing a set of federal Torahs that eliminated employment favoritism. These Torahs were passed to vouch equal employment chance to all employees and occupation appliers. They have been loosely interpreted by the federal tribunals.

peculiarly the U. S. Supreme Court ( Cheeseman. p. 352 ) .

Title VII of the Civil Rights Act of 1964 was put in to put to extinguish favoritism by race. colour. national beginning. sex.

and faith. Cheeseman ( 2010 ) states “ Title VII applies to employers with 15 or more employees. all employment bureaus. labour brotherhoods with 15 or more members. province and local authoritiess and their bureaus.

and most federal authorities employment. ” Mei-Lin can non know apart against Michelle because she is pregnant. In 1978 the Pregnancy Discrimination Act was enacted as an amendment to Title VII. Mei-Lin could make up one’s mind to non engage anyone who is younger than 40 old ages old and that would non be favoritism harmonizing to Age Discrimination in Employment Act. This act enables employers to keep a hiring policy of engaging lone workers 40 old ages of age or older.

The Americans with Disabilities Act ( ADA ) protects Nick from non being hired due to his epilepsy. Mei-Lin would be able to turn down Eric and Felipe

because they do non hold a high school sheepskin. The advertizement did <https://assignbuster.com/business-entities-laws-and-regulations-paper-essay-sample/>

non state that jackhammer experience was required so she can non turn down appliers because they do non hold experience. Mei-Lin demands to be careful when sing appliers and how they are turned down. DecisionBefore get downing a concern it is of import to see all concern entities and the advantages and disadvantages of each.

In all concern scenarios there are regulations. ordinances. and hazards that need to be considered before get downing the concern and besides while running the concern. This paper explored two different types of partnerships and some advantages as to why they should be partnerships. The last scenario explored the different hazards with engaging employees and how to avoid favoritism instances. These are all of import factors to see if there is a concern merely get downing or a concern that has been up and running for 20 old ages.

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