

Business law essay

[Business](#), [Company](#)



-3: Title VII Violations. Discuss fully whether either of the following actions would constitute a violation of Title VII of the 1964 Civil Rights Act, as amended.

1. Tennington, Inc., is a consulting firm and has ten employees. These employees travel on consulting jobs in seven states. Tennington has an employment record of hiring only white males.

2. Novo Films, Inc., is making a film about Africa and needs to employ approximately one hundred extras for this picture. To hire these extras, Novo advertises in all major newspapers in

Southern California. The ad states that only African Americans need apply.

In this case, since Novo Films, Inc. is intending to make a film about Africa, it become inevitable for the firm to only hire African Americans because of their characteristic black color. The black color, therefore, becomes a Bona Fide Occupation Qualification for anyone wanting to be included in the film. It follows therefore that the firm will not be violating Title VII of the 1964 Civil Rights Act and its amendments by hiring only African Americans.

18-6: Sexual Harassment. The Metropolitan Government of Nashville and Davidson County, Tennessee (Metro), began looking into rumors of sexual harassment by the Metro School District's employee relations director, Gene Hughes. Veronica Frazier, a Metro human resources officer, asked Vicky Crawford, a Metro employee, whether she had witnessed " inappropriate behavior " by Hughes. Crawford described several instances of sexually harassing behavior. Two other employees also reported being sexually

harassed by Hughes. Metro took no action against Hughes, but soon after completing the investigation, Metro accused Crawford of embezzlement and fired her. The other two employees were also fired. Crawford filed a suit in a federal district court against Metro, claiming retaliation under Title VII. What arguments can be made that Crawford's situation does or does not qualify as a retaliation claim under Title VII? Discuss. [Crawford v. Metropolitan Government of Nashville and Davidson County, Tennessee, __ U. S. __, 129 S. Ct. 846, 172 L. Ed. 2d 650 (2009)]

Crawford's situation does not qualify as a retaliation claim under Title VII since Crawford was fired because of embezzlement. In this case, the plaintiff cannot conclusively prove that Hughes fired Crawford in retaliation. The Supreme Court demands that the plaintiff proves that the firing can be related to Crawford witness against Hughes which is very hard.

19-1 Forms of Business Organization. In each of the following situations, determine whether Georgio's Fashions is a sole proprietorship, a partnership, a limited partnership, or a corporation.

1. Georgio's defaults on a payment to supplier Dee Creations. Dee sues Georgio's and each of the owners of Georgio's personally for payment of the debt.

A partnership; Dee sues Georgio's and each of the owners of Georgio's personally for payment of the debt (Miller & Jentz, 2010).

2. Georgio's raises \$200, 000 through the sale of shares of its stock.

A corporation: By selling some of shares of its stocks, it means that Georgio's is owned by shareholders which further implies that it is a Corporation;

Corporation are owned by shareholders (Miller & Jentz, 2010).

3. At tax time, Georgio's files a tax return with the IRS and pays taxes on the firm's net profits.

Sole proprietorship: it is only a sole proprietor who is allowed to pay income tax in the firm's net profits (Miller & Jentz, 2010).

4. Georgio's is owned by three persons, two of whom are not allowed to participate in the firm's management.

Limited partnership; it is obvious that one of the partners is a general partner hence allowed to participate in the firm's management while the other two are limited partners hence not allowed to participate in the firm's management (Miller & Jentz, 2010).

19-2: Choice of Business Form. Jorge, Marta, and Jocelyn are college graduates, and Jorge has come up with an idea for a new product that he believes could make the three of them very rich. His idea is to manufacture soft-drink dispensers for home use and market them to consumers throughout the Midwest. Jorge's personal experience qualifies him to be both first-line supervisor and general manager of the new firm. Marta is a born salesperson. Jocelyn has little interest in sales or management but would like to invest a large sum of money that she has inherited from her aunt. What factors should Jorge, Marta, and Jocelyn consider in deciding which form of business organization to adopt?

Jorge, Marta, and Jocelyn should first consider tax issues. The manner in which Jorge, Marta, and Jocelyn want to be taxed is one of the key factors that should govern their choice of business form. For instance, if the three want a business that will be taxed on corporate level, a corporation becomes

a preferable choice. Again, if the three want their share of capital to be taxable, a partnership would be the best option.

The three should also take into account simplicity issues while choosing their preferred form of business. Setting up a partnership is far much easier than setting up a limited company or a corporation. Similarly, if the partners will want to bring more people on board, a business with a corporate structure become the best choice.

Liability issue is yet another principal factor that the three should take into consideration while trying to decide the form of business suits them. For instance, if the three are willing to be liable to any loss that to a third party emanating from the business then a partnership is preferable. Other issues that might be of importance to the three in their bid to chose a form of business include the amount if capital required for starting the business.

20-8: A Question of Ethics New Orleans Paddlewheels, Inc. (NOP), is a Louisiana corporation formed in 1982, when James Smith, Sr., and Warren Reuther were its only shareholders, with each holding 50 percent of the stock. NOP is part of a sprawling enterprise of tourism and hospitality companies in New Orleans. The positions on the board of each company were split equally between the Smith and Reuther families. At Smith's request, his son James Smith, Jr. (JES), became involved in the businesses. In 1999, NOP's board elected JES as president, in charge of day-to-day operations, and Reuther as chief executive officer (CEO), in charge of marketing and development. Over the next few years, animosity developed between Reuther and JES. In October 2001, JES terminated Reuther as CEO and denied him access to the offices and books of NOP and the other

companies, literally changing the locks on the doors. At the next meetings of the boards of NOP and the overall enterprise, deadlock ensued, with the directors voting along family lines on every issue. Complaining that the meetings were a “waste of time,” JES began to run the entire enterprise by taking advantage of an unequal balance of power on the companies’ executive committees. In NOP’s subsequent bankruptcy proceeding, Reuther filed a motion for the appointment of a trustee to formulate a plan for the firm’s reorganization, alleging, among other things, misconduct by NOP’s management. [In re New Orleans Paddlewheels, Inc., 350 Bankr. 667 (E. D. La. 2006)]

1. Was Reuther legally entitled to have access to the books and records of NOP and the other companies? JES maintained, among other things, that NOP’s books were “a mess.” Was JES’s denial of that access unethical? Explain.

Reuther is legally entitled to access the books and records of NOP (and the other companies) because he is a shareholder of the company. According to Miller & Jentz (2010), as a shareholder, Reuther enjoys both common law and statutory inspection rights only if the inspection is for a proper purpose. It follows, therefore, that JES’s denial of access of to NOP’s books was unethical.

2. How would you describe JES’s attempt to gain control of NOP and the other companies? Were his actions deceptive and self-serving in the pursuit of personal gain or legitimate and reasonable in the pursuit of a business goal? Discuss.

JES’s attempt to gain control of NOP and the other companies was by all

means deceptive and self-serving in the pursuit of personal gain. The dismissal of Reuther as the CEO was occasioned by the animosity that ensued between him and JES. Besides he is described to running the enterprise by taking advantage of the imbalance between his family and Reuther's family (with Reuther out of the picture, the imbalance is in his favor).

Response to a classmates post

Since Bankruptcy Code included in Title 11 of the United States Code (U. S. C.) makes it very hard for anyone to file a false bankruptcy petition, it is unnecessary to suggest that “ bankruptcy should be more difficult in certain situations” (Miller & Jentz, 2010). Again, the contention that “ it is too easy for someone that has spent years of overspending to file bankruptcy and rid them of the debt” may not be correct on the ground that any consumer-debtor's bankruptcy petition and schedules should be duly verified by an attorney representing the debtor. The law requires the attorney to also file an affidavit that indicates that the debtor filing a voluntary bankruptcy petition had been duly advised. In addition, The Bankruptcy Reform Act of 2005 highlights a means through which a bankruptcy petition can be validated (Miller & Jentz, 2010). On the issue of filing bankruptcy over medical bills, I am opinionative that medical bills just like any other debts fall in the category of unsecured debts that can be considered when filing bankruptcy. I however agree that people who file bankruptcy because of medical bills should not be sanctioned in the same manner as people who overspend even though the penalty being described by the respondent is by all means not clear. Apparently, bankruptcy applied to all the debtors

businesses and properties with the only exception being the debtor's homestead (The Homestead Exemption) which is only exempted under special conditions described in The Bankruptcy Reform Act of 2005 (Miller & Jentz, 2010). This means that a debtor cannot " file bankruptcy on some of their businesses but still be able to operate their other business".

Reference

Miller, R. L. & Jentz, G. A. (2010). *Business Law Today: The Essentials*, 9th ed. Mason, OH: South Western Cengage Learning.