BUL2241 - Business Law Exam 2

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> The sections are in order from 1 to 4. There is a PDF table of contents to facilitate navigation between sections

Section 1: True/False

1. **True**
2. **True**
3. **True**
4. **True**
5. **False**
6. **True**
7. **True**
8. **True**
9. **False**
10. **True**
11. **False**
12. **True**
13. **False**
14. **True**
15. **True**

Section 2: Multiple Choice

16. B **Mona offered the bribe.**
17. D **a promise.**
18. D **is the consideration that creates Kingston's obligation to pay Melina.**
19. C **protected.**
20. B **misrepresentation of a fact knowing that it is false.**
21. C **illegally obtained evidence must be excluded from a trial.**
22. B **$10,000.**
23. D **$50, $500, or $5,000.**
24. D **puffery.**
25. B **Forgery**

Section 3: Extra Credit

Column A	Column B
Commerce Clause	**Foundation for federal regulation**
Cyber Crime	**Improper use of internet**
Capacity	**Legal standing to enter into a contract**
Conversion	**Wrongful possession of property for profit**
Counterclaim	**Filed by defendant against plaintiff**

Section 4: Essay Questions

1. What are the four (4) basic elements to the formation of a valid contract?

    The four basic elements in the formation of a valid contract are agreement, capacity, consideration, and intention. An agreement has itself two parts; the offer, and the acceptance. Capacity means that the people forming the contract must have the legal ability to understand the contract and any obligations it creates. Children and people suffering from certain medical issues are do not have the capacity to enter into a contract. Consideration is something of value that is exchanged to "seal the deal." Intention means that the parties involved in the contract all wanted to and intended to enter into the contract. Someone cannot be tricked into signing a contract.

2. What is the difference between an "exempt" and "non-exempt" employee under federal labor law?

    The biggest difference between exempt and non-exempt employees is that non-exempt employees qualify for overtime pay over 40 hours per workweek at 1.5 times their normal rate. Most non-exempt employees are paid hourly wages while most exempt employees are paid salaries.

3. Name and explain five (5) types of discriminatory protection that exist for workers in the USA under Title VII of the Civil Rights Act of 1964?

    The five types of discriminatory protection that exist for workers in the USA under Title VII of the Civil Rights Act of 1964 are race, color, religion, sex, and national origin.

    Definitions are from Oxford Languages unless otherwise stated

    Race: "each of the major groupings into which humankind is considered (in various theories or contexts) to be divided on the basis of physical characteristics or shared ancestry."

    Color: pigmentation of the skin, especially as an indication of someone's race.

    Religion: the belief in and worship of a superhuman controlling power, especially a personal God or gods.

> Sex: either of the two main categories (male and female) into which humans and most other living things are divided on the basis of their reproductive functions.
>
> National origin: The country in which a person was born
>
> With the exception of religion, all of these are inherent traits that cannot be changed.

4. What is the employment "at will" doctrine?

> "At-will" employment is employment that lasts an indefinite amount of time and employment can be terminated by the employer or employee at any time. All states in the United States have at-will employment except for Montana. Most other countries do not have at-will employment.

5. What is the difference between an employee and an independent contractor?

> An independent contractor and an employee can both do work for a company. The company witholds taxes, Medicare, and Social Security from wages paid for the employee but not the independent contractor. The independent contractor is also not subject to employment or labor laws. In addition, employees are paid on a regular schedule while independent contractors are only paid once they submit an invoice to their client.