



# State of Utah

DEPARTMENT OF COMMERCE  
DIVISION OF CONSUMER PROTECTION

**SELLER NAME:**

**DATE OF FILING:**

**OFFICE USE ONLY**

**BSOE Number:** \_\_\_\_\_

**Date Receipt of Filing Issued:** \_\_\_\_\_

**Expiration:** \_\_\_\_\_

**Receipt Number:** \_\_\_\_\_

**I certify that I have submitted the items identified on the checklist and I understand that an incomplete filing could result in delays.**

**CONTACT PERSON NAME:**

**SIGNATURE:**

**DATE:**

**TELEPHONE:**

**EMAIL:**

If you have any questions, please contact the Division at (801) 530-6601.

Please return the completed checklist and filing to:

Department of Commerce  
Division of Consumer Protection  
160 East 300 South, Second Floor  
SM Box 146704  
Salt Lake City, Utah 84114-6704

## BUSINESS OPPORTUNITY/ASSISTED MARKETING PLAN FILING CHECKLIST

All of the following items are required and must be filed, along with this completed checklist, in order to obtain a proof of receipt of filing. Please provide a **specific** location (e.g., document name, page number, and paragraph number) where the Division may locate each item within your filing. Fees are nonrefundable and are due at the time of filing submission.

### ATTENTION: PLEASE SEE UTAH CODE § 13-15-5 FOR IMPORTANT INFORMATION ABOUT DISCLOSURES THAT MUST BE PROVIDED TO PROSPECTIVE PURCHASERS

1. Name, address, and principal place of business of the seller of the business opportunity/assisted marketing plan (*Please see Utah Code § 13-15-4(1)(a)*)

#### LOCATION IN FILING:

2. Name and address of the registered agent of the seller of the business opportunity/assisted marketing plan (*Please see Utah Admin. Code R152-15-2(1)(a)*)

#### LOCATION IN FILING:

3. Does the seller have a parent or holding company who is responsible for statements made by the seller? (*Please see Utah Code § 13-15-4(1)(a)*)

**YES→** Name, address, and principal place of business of the parent or holding company of the seller who is responsible for statements made by the seller

#### LOCATION IN FILING:

**NO→**Proceed to Item 4

4. Will prospective purchasers of the business opportunity/assisted marketing plan offer, sell, or distribute products, equipment, supplies, or services? (*Please see Utah Code § 13-15-4(1)(b)*)

**YES→** The trademarks, trade names, service marks, or advertising or other commercial symbols that identify the products, equipment, supplies, or services to be offered, sold, or distributed by the prospective purchaser

#### LOCATION IN FILING:

**NO→**Proceed to Item 5

5. An individual detailed statement covering the past five years of the business experience of each of the seller's current directors and executive officers AND an individual statement covering the same period for the seller and the seller's parent company, if any, including the length of time each:

Has conducted a business of the type advertised or solicited for operation by a prospective purchaser;

**Has offered or sold the assisted marketing plan; and**

**Has offered for sale or sold assisted marketing plans in other lines of business, together with a description of the other lines of business**

*(Please see Utah Code § 13-15-4(1)(c))*

**LOCATION IN FILING:**

**6. Statement of the total amount that shall be paid by the purchaser to obtain or commence the business opportunity (e.g. initial fees, deposits, down payments, prepaid rent, and equipment and inventory purchases). *(Please see Utah Code § 13-15-4(1)(d)(i))***

**LOCATION IN FILING:**

**7. Is any of the amount the purchaser must pay to obtain or commence the business opportunity returnable (i.e., refundable)? *(Please see Utah Code § 13-15-4(1)(d)(ii) & Utah Admin. Code R152-11-10)***

**YES→ The conditions under which the payment is returnable (i.e. the refund policy)**

**LOCATION IN FILING:**

**NO→Proceed to Item 8**

**8. A complete statement of the actual services the seller will perform for the purchaser *(Please see Utah Code § 13-15-4(1)(e))***

**LOCATION IN FILING:**

**9. Will representations be made to prospective purchasers about specific levels of potential sales, income, gross and net profits, or any other representations that suggest a specific level? *(Please see Utah Code § 13-15-4(1)(f))***

**YES→Proceed to Item 10**

**NO→Skip to Item 11**

**10. A complete statement of the oral, written, or visual representations\*\* that will be made to prospective purchasers about specific levels of potential sales, income, gross and net profits, or any other representations that suggest a specific level. *(Please see Utah Code § 13-15-4(1)(f))***

**LOCATION IN FILING:**

**\*\*When a representation as identified in Item 10 is made, a warning after the representation in not less than 12 point upper and lower case boldface type shall appear as follows:**

**"CAUTION**

No guarantee of earnings or ranges of earnings can be made. The number of purchasers who have earned through this business an amount in excess of the amount of their initial payment is at least \_\_\_\_\_ which represents \_\_\_\_\_% of the total number of purchasers of this business opportunity."

*(Please see Utah Code § 13-15-4(5))*

11. Will any training be promised to prospective purchasers? *(Please see Utah Code § 13-15-4(1)(g))*

**YES→** A complete description of the type and length of any training promised to prospective purchasers

**LOCATION IN FILING:**

**NO→**Proceed to Item 12

12. Will any services be performed by the seller in connection with the placement of equipment, products, or supplies at any location from which they will be sold or used? *(Please see Utah Code § 13-15-4(1)(h)(i))*

**YES→** A complete description of the services promised to be performed by the seller in connection with the placement of equipment, products, or supplies at any location from which they will be sold or used

**LOCATION IN FILING:**

**NO→**Proceed to Item 13

13. Will any agreements be made by the seller with the owner or manager of the location where the purchaser's equipment, products, or supplies will be placed? *(Please see Utah Code § 13-15-4(1)(h)(ii))*

**YES→** A complete description of the agreements that will be made by the seller with the owner or manager of the location where the purchaser's equipment, products, or supplies will be placed

**LOCATION IN FILING:**

**NO→**Proceed to Item 14

14. Has any person identified pursuant to Item 1 been convicted of a felony or misdemeanor or pleaded nolo contendere to a felony or misdemeanor charge if the felony or misdemeanor involved fraud, embezzlement, fraudulent conversion, or misappropriation of property? *(Please see Utah Code § 13-15-4(1)(i)(i))*

**YES→**Proceed to Item 15

**NO→**Proceed to Item 15

**15. Has any person identified pursuant to Item 1 been held liable or consented to the entry of a stipulated judgment in a civil action based upon fraud, embezzlement, fraudulent conversion, misappropriation of property, or the use of untrue or misleading representations in the sale or attempted sale of any real or personal property, or upon the use of any unfair, unlawful or deceptive business practice? (Please see Utah Code § 13-15-4(1)(i)(ii))**

**YES→Proceed to Item 16**

**NO→Proceed to Item 16**

**16. Is any person identified pursuant to Item 1 subject to an injunction or restrictive order relating to business activity as the result of an action brought by a public agency? (Please see Utah Code § 13-15-4(1)(i)(iii))**

**YES→Proceed to Item 17**

**NO→Proceed to Item 17**

**17. Was "YES" selected for Item 13, 14, and/or 15? (Please see Utah Code § 13-15-4(1)(i))**

**YES→ A statement that discloses the person(s)**

**LOCATION IN FILING:**

**NO→Proceed to Item 18**

**18. A financial statement that is:**

**Less than 13 months old of the seller**

**Signed by one of the seller's officers, directors, trustees, or general or limited partners under a declaration that certifies that to the signatory's knowledge and belief the information in the financial statement is true and accurate**

**(Please see Utah Code § 13-15-4(1)(j))**

**LOCATION IN FILING:**

**19. A copy of the entire marketing plan contract (Please see Utah Code § 13-15-4(1)(k))**

**LOCATION IN FILING:**

**20. The number of marketing plans sold to date (Please see Utah Code § 13-15-4(1)(l))**

**LOCATION IN FILING:**

**21. The number of marketing plans under negotiation (Please see Utah Code § 13-15-4(1)(l))**

**LOCATION IN FILING:**

22. Geographical information, including the states in which the seller's assisted marketing plans have been sold, and the number of plans in each state *(Please see Utah Code § 13-15-4(1)(m))*

**LOCATION IN FILING:**

23. The total number of marketing plans that were cancelled by the seller in the past 12 months *(Please see Utah Code § 13-15-4(1)(n))*

**LOCATION IN FILING:**

24. The number of marketing plans that were voluntarily terminated by purchasers within the past 12 months *(Please see Utah Code § 13-15-4(1)(o))*

**LOCATION IN FILING:**

25. The number of marketing plans voluntarily terminated by purchasers to date *(Please see Utah Code § 13-15-4(1)(o))*

**LOCATION IN FILING:**

26. Does the seller use any promotional materials, whether in writing or in any other form? *(Please see Utah Admin. Code R152-15-2(1)(b))*

**YES→** A copy of any promotional materials to be used by the seller, whether in writing or in any other form.

**LOCATION IN FILING:**

**NO→**Proceed to Item 27

27. Will the purchaser use any promotional materials, whether in writing or in any other form? *(Please see Utah Admin. Code R152-15-2(1)(b))*

**YES→** A copy of any promotional materials to be used by the purchaser, whether in writing or in any other form.

**LOCATION IN FILING:**

**NO→**Proceed to Item 28

28. The \$200 non-refundable filing fee *(Please see Utah Code § 13-15-4(2) & Utah Admin. Code R152-15-2(c)(i))*

**ATTENTION: PLEASE SEE UTAH CODE § 13-15-5 FOR IMPORTANT INFORMATION ABOUT DISCLOSURES THAT MUST BE PROVIDED TO PROSPECTIVE PURCHASERS**