

Buchalter Nemer is one of the few full service law firms that has a practice group experienced in the issues of concern to multi-level marketing.

Franchises, Business Opportunities, and Investments Do you have questions about multi-level marketing? The FTC staff has guidance to help members of the MLM industry apply core consumer protection principles to their business practices. Multi-level marketing is a diverse and varied industry, employing many different structures and methods of selling. Although there may be significant differences in how multi-level marketers sell their products or services, core consumer protection principles are applicable to every member of the industry. The Commission staff offers this non-binding guidance to assist multi-level marketers in applying those core principles to their business practices. What is direct selling? What is multi-level marketing? Direct selling is a blanket term that encompasses a variety of business forms premised on person-to-person selling in locations other than a retail establishment, such as social media platforms or the home of the salesperson or prospective customer. Multi-level marketing is one form of direct selling. Generally, a multi-level marketer MLM distributes products or services through a network of salespeople who are not employees of the company and do not receive a salary or wage. How do MLMs with unfair or deceptive compensation structures harm consumers? An MLM compensation structure that incentivizes participants to buy product, and to recruit additional participants to buy product, to advance in the marketing program rather than in response to consumer demand in the marketplace, poses particular risks of injury. Where such an unlawful compensation structure exists, a participant is unlikely to be able to earn money or recover his or her costs through selling product to the public. In such circumstances, participants will often attempt to recruit new participants who will buy product, and pressure existing recruits to buy product, with little concern for consumer demand. At the most basic level, the law requires that an MLM pay compensation that is based on actual sales to real customers, rather than based on mere wholesale purchases or other payments by its participants. In evaluating MLM practices, the FTC, in accord with established case law, focuses on how the structure as a whole operates in practice, and considers factors including marketing representations, participant experiences, the compensation plan, and the incentives that the compensation structure creates. Product that is purchased and consumed by participants to satisfy their own genuine product demand “as distinct from all product purchased by participants that is not resold” is not in itself indicative of a problematic MLM compensation structure. For example, the final order entered in *FTC v. Herbalife* permits the payment of compensation based on personal consumption, subject to specific limitations and verification requirements. Second, the FTC staff is likely to consider information bearing on whether particular wholesale purchases by business opportunity participants were made to satisfy personal demand. The persuasiveness of this information in any particular case will depend on its reliability. *BurnLounge* argued that its participants bought product packages consisting of sales websites and music-related merchandise because they wanted to use the merchandise. At most, actual demand was responsible for only a small minority of package sales, and *BurnLounge* was found to have an unfair or deceptive compensation structure. When evaluating MLMs, the FTC focuses on how the structure as a whole operates in practice and considers factors including marketing representations, participant experiences, the compensation plan, and the incentives that the compensation structure creates. Do buyback provisions cure inventory loading? Just as MLMs involve a variety of structures and products, payments that participants make to advance in the marketing program rather than to purchase product to satisfy actual consumer demand can take many forms, such as expenditures to purchase inventory. As in any business opportunity, it can be a beneficial practice if an MLM allows participants to return unsold product to the MLM because the ability to return product can decrease the risk of losing money for participants who take advantage of that policy. Allowing participants to return product, however, does not in and of itself shield an unfair or deceptive compensation structure from law enforcement. As a general matter, money-back guarantees and refunds are not defenses for violations of the FTC Act. Even where such policies are offered, dissatisfied participants may not seek a refund for a number of reasons, including because they are

unaware of their right to a refund, the refund process is too complicated or obscure, or they blame themselves for not being able to sell the product. No, there is no such requirement. However, as discussed above, to comply with the FTC Act, the compensation structure of an MLM must be based on actual sales to real customers. There is no single method for creating and retaining such documentation. Other MLMs use other approaches or a combination of approaches. The most persuasive documentation is obtained through direct methods and used to verify that retail sales are made to real customers. Documentation obtained through indirect methods – such as policies requiring participants to attest they have sold a certain amount of product to qualify to receive reward payments – are less likely to be persuasive, with unsupported assertions being even less persuasive. Are there specific federal statutes or regulations enforced by the FTC that relate to multi-level marketing? The FTC enforces a variety of laws and regulations relating to advertising, marketing, sales, billing, privacy, data security, franchises, and business opportunities, among other topics, that apply or may apply to MLMs. It did so by tailoring the definition of business opportunity to exclude certain types of business assistance common to MLMs. It is important to note, however, that the Rule does not explicitly exempt MLMs from coverage. As with any other business entity, the determination whether an MLM would be a business opportunity to which the Rule applies would have to be made on a case-by-case basis. In many areas, the Commission undertakes case-by-case law enforcement, which can offer significant benefits when compared with prescriptive rulemaking or legislative action. For example, a case-by-case approach allows the FTC to address bad actors engaged in a specific harm, without directly affecting an entire industry. This approach also limits the potential unintended consequences that can result from one-size-fits-all industry standards in statutes or regulations. Herbalife and FTC v. Orders obtained through settlements of FTC law enforcement actions are not binding on the entire industry. Such orders, however, can be useful to MLMs that are not bound by them. Industry members may choose voluntarily to follow the provisions in these orders or to consider the provisions in developing their own practices and procedures. All industry members have an obligation to follow the law, and the provisions in FTC orders may provide guidance and insights to help them do so. How should an MLM approach representations to current and prospective participants? Although whether representations are deceptive is a fact-specific inquiry, below are some guiding principles. A company must have a reasonable basis for the claims it makes or disseminates to current or prospective participants about its business opportunity. If a company lacks such objective supporting evidence, the claims are likely deceptive. Some business opportunities may present themselves as a way for participants to get rich or lead a wealthy lifestyle. They may make such representations through words or through images such as expensive houses, luxury automobiles, and exotic vacations. If participants generally do not achieve such results, these representations likely would be false or misleading to current or prospective participants. Business opportunities may also claim that participants, while not necessarily becoming wealthy, can achieve career-level income. Even truthful testimonials from the very small minority of participants who do earn career-level income or more will likely be misleading unless the advertising or presentation also makes clear the amount earned or lost by most participants. If the assumptions are not, the earnings scenario likely would be false or misleading to consumers. What are some elements of a successful MLM compliance program? The FTC has long supported industry self-regulation as an efficient way to secure consumer benefits and promote a robust and competitive marketplace. MLM self-regulation may create these same types of benefits. Belonging to a self-regulatory organization, however, does not shield MLMs engaged in unfair and deceptive practices from FTC law enforcement action. Under appropriate circumstances, the FTC can and will bring law enforcement actions against companies that claim to follow self-regulatory guidelines but in practice do not. Similarly, the FTC can and will bring law enforcement actions against companies that, despite following such guidelines, nonetheless violate the FTC Act. Beyond law enforcement, what activities does the FTC undertake with respect to multi-level marketing? As in many other areas, the FTC periodically meets with consumer groups, industry representatives, and other stakeholders to learn more about evolving practices and concerns. Also, the FTC has issued and updates consumer and business educational materials. What should stakeholders do if they believe the claims or other conduct of multi-level marketers may be unlawful? The FTC welcomes complaints from any individuals who have concerns about the conduct of a multi-level marketer. Are the

answers in this document legally binding? No, this is an FTC staff business guidance document. It does not necessarily represent the views of the Commission or any Commissioner and is not intended to, and does not, create any rights or obligations with respect to the Commission, the FTC staff, or the public.

Chapter 2 : Multi-Level Marketing | Buchalter Law Firm

Reflecting on the foundations of private law in a context that can indeed be described as 'multi-level' is thus equally a normative reflection on attribution and distribution of powers, competences, tasks.

Business model[edit] Participant profits and losses[edit] The overwhelming majority of MLM participants most sources estimated to be over As noted, many MLM companies do generate billions of dollars in annual revenue and hundreds of millions of dollars in annual profit. Only some of the profit is then significantly shared with none but a few individual participants at the top of the MLM participant pyramid. The earnings of those top few participants then allows the creation of an illusion of how one can potentially become financially successful if one becomes a participant in the MLM. This is then emphasized and advertised by the MLM company to recruit more participants to participate in the MLM with a false anticipation of earning margins which are in reality merely theoretical and statistically improbable. Rather, the true sales pitch and emphasis is on a confidence given to participants of potential financial independence through participation in the MLM, luring with phrases like "the lifestyle you deserve" or "independent distributor. MLMs very rarely emphasize the extreme likelihood of failure, or the extreme likelihood of financial loss, from participation in MLM. MLMs are also seldom forthcoming about the fact that any significant success of the few individuals at the top of the MLM participant pyramid is in fact dependant on the continued financial loss and failure of all other participants below them in the MLM pyramid. Differences and similarities to pyramid schemes[edit] MLMs have been made illegal in some jurisdictions as a mere variation of the traditional pyramid scheme , including in mainland China. According to the U. Federal Trade Commission FTC , some MLM companies already constitute illegal pyramid schemes even by the narrower existing legislation, exploiting members of the organization. Jurisdictions that retain a legal distinction between MLM pyramid businesses versus illegal pyramid schemes retain said distinction on two key distinguishing features: Please help improve this section by adding citations to reliable sources. Unsourced material may be challenged and removed. The income of participants, if any income is made at all, is derived only from commissions on their personal sales or their share of the commissions on the personal sales of their downlines the MLM compensation structure. As non-employees, participants are not protected by legal rights of employment law provisions. Instead, salespeople are typically presented by the MLM company as "independent contractors" or "independent business owners". However, participants do not possess a business in the traditional legal sense, as the participants do not hold any tangible business assets or intangible business goodwill able to be sold or purchased in a sale or acquisition of a business. These are the property of the MLM company. Lawsuits[edit] Companies that use the MLM business model have been a frequent subject of criticism and lawsuits. Legal claims against MLMs have included, among other things: Critics have argued that the use of these and other different terms and " buzzwords " is an effort to distinguish multi-level marketing from illegal Ponzi schemes , chain letters , and consumer fraud scams. By , this had grown to However, they later introduced multi-level compensation plans, becoming MLMs. The blue individual will receive compensation from the sales of the downline red members. Independent non-salaried participants, referred to as distributors variously called "associates", "independent business owners", "independent agents", etc. They are awarded their own immediate retail profit from customers plus commission from the company, not downlines, through a multi-level marketing compensation plan, which is based upon the volume of products sold through their own sales efforts as well as that of their downline organization. Independent distributors develop their organizations by either building an active consumer network, who buy direct from the company, or by recruiting a downline of independent distributors who also build a consumer network base, thereby expanding the overall organization. And big money is what recruiters often allude to in their pitches. The strongest, most powerful motivational force today is false hope. Businesses may use terms such as "affiliate marketing" or "home-based business franchising". Many pyramid schemes attempt to present themselves as legitimate MLM businesses. Why is pyramiding dangerous? Because plans that pay commissions for recruiting new distributors inevitably collapse when no new distributors can be recruited. And when a plan collapses, most

people—except perhaps those at the very top of the pyramid—end up empty-handed. Much has been made of the personal, or internal, consumption issue in recent years. In fact, the amount of internal consumption in any multi-level compensation business does not determine whether or not the FTC will consider the plan a pyramid scheme. The critical question for the FTC is whether the revenues that primarily support the commissions paid to all participants are generated from purchases of goods and services that are not simply incidental to the purchase of the right to participate in a money-making venture. Some are pyramid schemes. However, Amway was found guilty of price fixing by effectively requiring "independent" distributors to sell at the same fixed price and making exaggerated income claims. The FTC also warns that the practice of getting commissions from recruiting new members is outlawed in most states as "pyramiding". MLM companies from the proposed Business Opportunity Rule, thus leaving MLM participants without the ability to make an informed choice of entering or not entering MLMs based on the disclosed likelihood of success and profitability: The revised proposal, however, would not reach multi-level marketing companies or certain companies that may have been swept inadvertently into scope of the April proposal. Based on available data from the companies themselves, the loss rate for recruiting MLMs is approximately 50%. FitzPatrick has called multi-level marketing "the Main Street bubble" that will eventually burst. Multi-level marketing was banned on the mainland by the government in 1979, citing social, economic, and taxation issues. The Direct Sales Regulations limit direct selling to cosmetics, health food, sanitary products, bodybuilding equipment and kitchen utensils. When direct selling is allowed, it will only be permitted under the most stringent requirements, in order to ensure the operations are not pyramid schemes, MLM, or fly-by-night operations.

Chapter 3 : Los Angeles Times - We are currently unavailable in your region

Abstract. It is a permanent challenge to realize the freedom of contract objective effectively, rather than merely guaranteeing it formally. Indeed, nineteenth century private law already provided certain mechanisms to guarantee the protection of this 'material' freedom of contract.

The first efforts to understand this were descriptive, spawning concepts that have generated an extensive literature. Multi-level, polycentric, and multi-layered governance emphasize the dispersion of decision making from the local to the global level. In recent years these concepts have cross-pollinated subfields of political science including European studies and decentralization , federalism and international organization , public policy e. Though scarcely recognized at the time, this research revives a rich tradition in political science represented by Karl Deutsch on the effect of societal transactions on government structure, Robert Dahl on the virtues and vices of multilevel democracy, and Stein Rokkan on identity and territorial politics. Application of the concept[edit] Multi-level governance and the European Union[edit] The study of the European Union has been characterized by two different theoretical phases. The first phase was dominated by studies from the field of international relations ; in the second phase these studies were revised and insights from among others, public policy were added. The most straightforward way of understanding this theoretical shift is to see it as a move away from treating the EU as an international organisation similar to others e. NATO to seeing it as something unique among international organisations. The uniqueness of the EU relates both to the nature and to the extent of its development. This means that in some areas of activity the EU displays more properties related to national political systems than to those of international organisations. The theory of multi-level governance belongs to the second phase. Multi-level governance characterizes the changing relationships between actors situated at different territorial levels, both from the public and the private sectors. The multi-level governance theory crosses the traditionally separate domains of domestic and international politics and highlights the increasingly fading distinction between these domains in the context of European integration. Multi-level governance was first developed from a study of EU policy and then applied to EU decision-making more generally. An early explanation referred to multi-level governance as a system of continuous negotiation among nested governments at several territorial tiers [3] and described how supranational, national, regional, and local governments are enmeshed in territorially overarching policy networks. As such, multi-level governance raised new and important questions about the role, power and authority of states. No other international form of cooperation is characterized by such far-reaching integration as the European Union. This becomes evident by the number and scope of policy areas covered by the European Union and the way policy is developed. The European Union can be characterised by a mix of classic intergovernmental cooperation between sovereign states and far-reaching supranational integration. Multi-level governance within the EU is understood as respecting competences, sharing responsibilities and cooperating between the various levels of governance: In this context, it refers to the principle of subsidiarity , which places decisions as close as possible to the citizens and ensures that that action at Union level is justified in light of the possibilities available at national, regional or local level. This entanglement is one of the basic principles of the multi-level governance theory. The multi-level governance theory describes the European Union as a political system with interconnected institutions that exist at multiple levels and that have unique policy features. These layers interact with each other in two ways: Concerning with the changes of the institutional design of the European Union, the current model governance has been shaped as a setup of constraints upon political margin of discretion, applying the central tenet of ordoliberalism with the aim to use strong rules in order to reduce the discretionary exercise of powers by institutions so as to avoid an arbitrary use of them. This principle has achieved an extreme effect at the European level, that one not to avoid arbitrary use of political powers but to keep political responsibility and participation out of the decision-making process. This means that there is a control exercised by rules over the European citizens rather than a control by the European citizens over rules and policies. Multilevel Governance in Practise Within the European Union nearly 95, local and regional authorities currently have significant powers in key

sectors such as education, the environment, economic development, town and country planning, transport, public services and social policies. They help ensure the exercise of European democracy and citizenship. Special rights and competences for regions, cities and communities are supposed to enable and preserve diversity of governance at local and regional level. In a broader sense, this concept also includes the participation of non-state players like economic and social partners and civil society in the decision making process of all levels of governance thus taking up the vertical and horizontal dimensions of multilevel governance. The Treaty of Lisbon as an important step towards Multilevel Governance The Treaty of Lisbon represents an important step towards institutional recognition of multi-level governance in the way the European Union operates. It strengthens the competences and influence of local and regional authorities in the Community decision-making process giving roles to national and regional parliaments and the Committee of the Regions and enshrines the territorial dimension of the European Union, notably territorial cohesion as part of the process of European integration. The Committee of the Regions has established a system to monitor the compliance with the subsidiarity thorough the whole EU policy and law making process. On 16 June the Committee of the Regions adopted a White Paper on multi-level governance which recommended specific mechanisms and instruments for stimulating all stages of the European decision-making process. As a follow up to the White paper on Multi-level Governance, the Committee developed a "Scoreboard on Multi-level Governance" to monitor on a yearly basis the development of multi-level governance at European Union level. Decentralization has been at least as marked in Latin America as in Europe over the past two decades, and several Asian countries have decentralized in the past decade. A recent survey counts 32 regional IGOs pooling authority over quite wide areas of policy and which cover all but a handful of states in the world today. Here, local capacity building and incentives for effectiveness of sub national levels of government are crucial issues for improving the quality and coherence of public policy. The "horizontal" dimension refers to co-operation arrangements between regions or between municipalities. These agreements are increasingly common as a means by which to improve the effectiveness of local public service delivery and implementation of development strategies. Consequences and practical relevance of multi-level governance[edit] There has been an intensification of research on the consequences as well as the character of multi-level governance. The concept was developed as a tool of pure research, but it now motivates policy makers. From the late s the European Commission began to refer to its own mission as one of achieving multilevel governance, especially in cohesion policy. However, the consequences of multilevel governance are debated. Research on both causes and consequences of multi-level governance is ongoing and more and more information about the subnational as well as the international dimension of multi-level governance is available in the context of larger data sets. It has become increasingly clear that nation-states will be unable to commit to and meet international targets and agreements for offsetting climate change without engaging with the activity of sub-national and local action. Greenhouse gas GHG emissions stem from certain activities that originate from specific places, bringing about thought that the local scale is the most appropriate political scale to produce necessary offsets in emissions. The levels of governance authority handed down to local governments within cities has been perceived to out-do policy goals within the national and international arena, [30] with some local governments taking on their own initiatives for tackling urban climate change. This sets an important stance to which the local scale of multi-level governance is important for tackling global climate change within the urban arena. Four distinct modes of governance exist within the dynamics of climate change in cities. Each stems from the local level with the ability of being implemented on multi-scales to mitigate and adapt to urban climate change. Self-governing is the capacity of local governments to govern its own activities [31] such as improving energy efficiency within a designated city, without the burdening pressure to meet targets of increased energy efficiencies set by national governments. A form of self-governing within multi-level systems is horizontal collaboration where cities may collaborate with regions demonstrating multi-levels of governance to tackle urban climate change, [32] imperative to the success of city climate change policy. Governing through enabling is the co-ordination and facilitation of partnerships with private organisations by the local government. Governing through provision, a form of vertical collaboration along with governing through enabling, applies itself to the multi-levels of governance. Climate

change in cities is tackled here through the shaping of and delivery of services and resources, with additional support aided to local governments from regional and national authorities. Such regulation characterises traditional forms of authoritative governance, exemplifying local to nation-state relations, [35] almost nearly covering the entirety of the multi-level governance scale. The SNI-WG realizes several activities at global and regional levels including organizing panels at multiple regional and global forums, hosting peer-learning discussions, publishing reports and case studies, along with facilitating technical workshops, webinars and providing advisory Remote Expert Assistance on LEDS REAL support upon request. This process has generated observations, feedback and insights on the potential of the vertical integration and coordination of subnational climate actions to accelerate and scale-up both local and global emission reductions. Improving coordination and integration between the different levels of authority in a country is critical in determining both national and global capacity to govern climate change. City and subnational governments require support from the national government, and vice versa, in order to design and implement intersectoral policies and actions for domestic decarbonization pathways. Scale up, as well as unlock, additional and new mitigation opportunities at the subnational level. Enable safe learning and strengthen domestic institutions. Address recognized challenges and limits to sub-national non-state actor NSA climate actions. Expand and accelerate the flow of international public and private climate finance to cities, urban infrastructure and local priorities. Help address some of the persistent collective action challenges to multilateral climate agreements. Membership consists of 40 large cities worldwide Large Cities Climate Leadership Group , with local governments often working in close connection with national governments. However, the CCP can overlook the activity of nation-states giving local governments the opportunity to amend positions of policy implementation and regulation for offsetting urban climate change, which may be of a controversial nature to national governments. Criticism on multi-level governance theory[edit] Many of the problems associated with multi-level governance revolve around the notion of levels. The very idea of levels and levels of analysis is imbued with hierarchical implications. However, different levels or social spaces often interact or cut across with one another in complex ways that are not strictly hierarchical. The notion that international bodies constitute a discrete level of authority and governance is contestable. International regulatory networks may not be separate sources of authority but instead represent the reconstitution of state authority and the pursuit of state-level governance by other means. While territorial levels make sense when we are referring to public forms of authority, they seem less compatible with private and market forms of authority. The main difference between multi-level governance and other theories of integration is that it gets rid of the continuum or grey area between intergovernmentalism and supranationalism and leaves in its place a descriptive structure. This theory does not address the sovereignty of states directly, but instead simply says that a multi-level structure is being created by subnational and supranational actors. One of the main questions of integration theory, namely, the transfer of loyalty and sovereignty between national and supranational entities and the future of this relationship in the EU is not specifically addressed in this theory. The identification of partial political measures and general macroeconomics is divided on diverse decisional levels. National governments maintain an important decisional role but the control unlocalizes at supranational level. Individual national sovereignty is diluted in this decisional process and the supranational institutions have an autonomic role. Arguments for multi-level governance[edit] Security[edit] The use of security as a means of instituting ideals of democracy. The shift to a multi-level governance perspective of enforcing the ideals prevents one nation from imposing its personal agenda or perception of what these ideals entail. Additionally, the use of supranational judgement creates a uniformity for the international portrayal and enforcement of democratic principles. The supranational level merely acts as a medium for allowing the promotion of mutually beneficial security. With the rise of transnational threats, a method for ensuring international security without the reliance on a single policing nation is required. Multi-level governance provides functional means of dealing with the deficiencies of merely national actors dealing with transnational issues on the international stage. Striving for the concept of European peace the nations sought to bind the nations through economic interdependence. It provided the European peace the nations sought, and would evolve into the European Union seen today. It was not a new concept as trade has historically been viewed as a catalyst for peace between nations. The linking of nations

through a sharing of capital creates an adhesiveness that deters the escalation of political conflict from reaching a state of war. On the international stage, political conflict leads to war as a result of perception of potential gains being larger than the opportunity costs. Interdependence created by multi-level governance is shown to greatly reduce the probability of war by increasing the opportunity costs. It is seen by noting that economic ties between participatory nations makes the cost of disruption to the system through the escalation of the political sphere towards war illogical. To elaborate, the establishment of a supranational institution can be used to set standards for the way cooperating nations run their environmental, industrial, and safety policies. Nations consent to the terms as they face a common issue of international policy that has to deal with collective-action problems making it nonsensical to attend to by themselves. Agreements between nations to form a multi-level government creates an efficiency gain that allows them to all share in the positive benefit.

Chapter 4 : Business Guidance Concerning Multi-Level Marketing | Federal Trade Commission

Learn the principles of MLM before you start a MLM with this article from MLM lawyers who specialize in multilevel marketing, direct sales, party plans and nutritional supplement marketing.

Nehra is an Attorney in private practice in Muskegon, Michigan. He is one of a very few attorneys nationwide whose practice is devoted exclusively to direct selling and multi-level marketing issues. His 46 years of legal experience includes 9 years at Amway Corporation where he was Director of the Legal Division. Michigan, ; New York, ; and Colorado, Federal Courts in Michigan, ; and New York, Sixth Circuit Court of Appeals, Private practice attorney, specifically focused on direct sales and multi-level marketing issues, August to date. Director of Legal Division, Amway Corporation. Have counseled and testified on many legal issues of direct selling, including comprehensive evaluations of business plans, and whether they meet the legal standards established in the landmark FTC v. Amway case and cases which followed. Have analyzed in detail the differences and legal significance of plan design, controlled by the company, and plan implementation, where distributor conduct is often the challenge. Gave testimony on direct selling legal issues in Herbalife v. Mary Kay, Florida v. Trek Alliance, and International Galleries Inc. Handled the legal and personnel issues for conversion of the single-level direct sales organization to a multi-level system at Fuller Brush. Issues included marketing plan legal review and necessary modification, sales force transition and conversion, literature review, sales training rules and ethics enforcement, advertising guidelines, product line selection and pricing, and creation of a distributor advisory board. Took immediate corrective action with a high ranking distributor for practices that put an entire program in jeopardy in the state of Florida. Meet and speak regularly with corporate officers and top distributors to evaluate progress of programs, listen to recommendations for adjustments and discuss and advise on future plans. Processed through to completion more than trademark applications for numerous clients. Directed the corporate legal function, including counsel to senior management and subsidiaries. Hired and managed outside counsel, and advised on legal issues associated with corporate operating and corporate planning decisions. As Corporate Secretary, attended to all matters of corporate governance and corporate structure for the parent corporation and over 70 subsidiaries. Reviewed and modified labels and literature to comply with regulatory requirements. Managed the patent function and over trademark registrations in over 31 countries. Built an in-house litigation capability by hiring and supervising two litigators and three paralegals, significantly reducing outside counsel expenses. Actively managed counsel outside Michigan and second-chaired two distributor related litigations, a two week trial to a successful jury verdict and a three day non-jury trial to favorable disposition. Resolved a serious challenge with Dominican Republic Customs regarding duty valuation on imports through personal negotiation and the creation of a sales and warehousing subsidiary in-country. Managed the government affairs function, including monitoring legislation and lobbying pending bills at the state and federal level. Implemented and administered the Conciliation and Enforcement Procedures for distributor to distributor and distributor to corporation disputes. Resolved favorably civil and criminal charges brought against the company and a distributor by the Canadian Government for claims made in sales literature. Frequent guest speaker on direct selling legal issues at seminars and forums, averaging over 10 per year for the last 10 years, at events hosted by clients and industry associations. Professional Association for Network Marketing. Distributor Rights Association, Support Member. In he began his private practice, and soon renewed a collaboration with Gerry Nehra first developed in the s while at Amway. Managed responses to numerous civil investigative demands and related actions by various state departments of justice; avoided findings of violation, civil or criminal penalties or significant negative publicity on virtually all files. Hired and managed outside counsel in coordinating simultaneous defense of separate class action lawsuits in two state courts and in federal court seeking compensatory and punitive damages for pyramiding, securities fraud, false advertising and civil RICO. Obtained very favorable settlements in all cases. Averted and resolved major regulatory challenges assisted in establishing financial controls and modern employment practices including adjustments to compensation plan. Established legal and government-relations functions for employer companies. Developed

key contacts with regulatory agencies. Consulted with corporate marketer of health services on its acquisition and development of a multilevel internet-based travel services venture – client avoided potential significant legal liability. Revised, rewrote and organized supplier contracts for large multi-million dollar companies. Significantly reduced frequency of adverse claims – substantially revised and rewrote operating procedures and rules of conduct applicable to distributor sales practices.

Chapter 5 : Government, Regulatory & Administrative Law | Buchalter Law Firm

The involvement of the EU in regulating private conduct and relationships between individuals is increasing. As a result, EU law affects the scope of private autonomy in ever wider contexts, sparking tensions with fundamental concepts of national private law systems. This volume offers a descriptive.

Chapter 6 : Multi-level governance - Wikipedia

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Chapter 7 : Multi-level marketing - Wikipedia

The Europeanisation of European Private Law (EPL) is an ongoing process that has gained momentum with the communitarisation of judicial cooperation in civil and commercial matters with the Amsterdam.

Chapter 8 : .net - Multi-level inheritance with Implements on properties in blog.quintoapp.com vs C# - Stack

This timely book explores the relationship between private law and globalization. It examines the consequences of the fact that law making now takes place in a globalized world which increasingly leads to questions of accountability and legitimacy of the law making process. Michael Faure 1