



# State of Utah

DEPARTMENT OF COMMERCE  
DIVISION OF CONSUMER PROTECTION

## BUSINESS OPPORTUNITY PROOF OF DISCLOSURE FILING

**Annual Fee: \$200.00 (Non-refundable)**

Please make application fee check or money order payable to the **State of Utah**.

\_\_\_\_\_  
**Applicant's Name**

\_\_\_\_\_  
**Business Opportunity Name**

\_\_\_\_\_  
**Date of Application**

OFFICE USE ONLY
Date Issued: _____
Disclosure Filing Number: _____
Approved: _____
Expiration: _____
Receipt Number: _____

Initial Application

Renewal Application

**Important notice regarding business confidentiality claims pursuant to the Government Records Access and Management Act:** If you wish to make a claim of business confidentiality with respect to any information in this application or with respect to records you provide to the Division, please be aware of the following law: "Any person who provides to a governmental entity a record that the person believes should be protected under 63G-2-305(1) [trade secrets] or (2) [commercial information or non-individual financial information] or both Subsections 63G-2-305(1) and (2) shall provide with the record: (A) a written claim of business confidentiality; and (B) a concise statement of reasons supporting the claim of business confidentiality.

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

**Please make application fee payable to the State of Utah**

Please return the completed application form to:

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

**NOTE: Registration is required by law and is effective for one year. Renewal of this registration is due 30 days prior to its expiration.**

**INSTRUCTIONS**

**PLEASE SUBMIT THIS APPLICATION WITH YOUR PROOF OF DISCLOSURE FILING. YOU MUST ATTACH A DISCLOSURE STATEMENT TO THIS FILING, WHICH IS THE SAME DOCUMENT THAT MUST BE PROVIDED TO A PROSPECTIVE PURCHASER IN ACCORDANCE WITH UTAH CODE § 13-15-203(1).**

**WHEN COMPLETING THE “LOCATION IN FILING” FIELDS, INDICATE THE PAGE NUMBER OF THE DISCLOSURE STATEMENT WHERE THE REQUIRED INFORMATION APPEARS.**

**Please provide the name and contact information for the person the Division should contact regarding this filing:**

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Name

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Street Address

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City State Zip Code

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Telephone Number Fax Number Email Address

**Please provide the name and contact information for the applicant’s registered agent in the State of Utah:**

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Name

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Street Address

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City State Zip Code

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Telephone Number Fax Number Email Address

**DISCLOSURE STATEMENT CHECKLIST**

1. The name, address, and principal place of business of:

a. The applicant (Utah Code § 13-15-202(1)(a)(i)).

Location in filing: \_\_\_\_\_

b. Each parent, affiliate, or holding company of the applicant that is responsible for a statement the applicant makes (Utah Code § 13-15-202(1)(a)(ii)).

Location in filing: \_\_\_\_\_

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2. Provide an individual statement from each of the following detailing the person's business experience for the five-year period immediately before the day on which the applicant files this application (Utah Code § 13-15-202(1)(b)(i)-(iv)).

a. The applicant.

b. Each parent company of the applicant.

c. Each current director of the applicant.

d. Each current executive officer of the applicant.

Location in filing: \_\_\_\_\_

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3. For each type of business opportunity the applicant offers to enter into or enters into as a seller:

a. Provide an individual statement from the applicant and each parent company of the applicant that details the length of time, during the five-year period immediately before the day on which the applicant files this application:

i. the person has operated a business of the type the purchaser would operate using the business opportunity (Utah Code § 13-15-202(1)(c)(i)(A)); and

- ii. details the length of time the person has offered to sell or lease that type of business opportunity (Utah Code § 13-15-202(1)(c)(i)(B)).

Location in filing: \_\_\_\_\_

- b. Provide each trademark, trade name, service mark, advertisement, or other commercial symbol that identifies a product, equipment, a supply, or a service that the applicant sells or leases under the business opportunity (Utah Code § 13-15-202(1)(c)(ii)).

Location in filing: \_\_\_\_\_

- c. Provide a complete statement of:

- i. the total amount that a purchaser pays to obtain or commence the operation of the business under the business opportunity, and if all or part of this fee or deposit is refundable, the refund policy for the fee or deposit (Utah Code § 13-15-202(1)(c)(iii)(A) & (B)).

Location in filing: \_\_\_\_\_

- ii. the product, equipment, supply, or service that the applicant provides or performs for a purchaser under the business opportunity (Utah Code § 13-15-202(1)(c)(iii)(C)).

Location in filing: \_\_\_\_\_

- iii. each oral, written, visual, or other representation that the applicant makes to a prospective purchaser about specific levels of potential sales, income, or gross and net profits under the business opportunity (Utah Code § 13-15-202(1)(c)(iii)(D)).

Location in filing: \_\_\_\_\_

- d. Provide a complete description of:

- i. the type and length of training the applicant promises to a prospective purchaser, if any (Utah Code § 13-15-202(1)(c)(iv)(A)).

Location in filing: \_\_\_\_\_

- ii. each service the applicant promises to perform in connection with the placement of equipment, a product, or a supply at a location from which the equipment, product, or supply will be sold or used (Utah Code § 13-15-202(1)(c)(iv)(B)).

Location in filing: \_\_\_\_\_

- iii. each agreement the applicant makes with an owner or manager of a location where a purchaser's equipment, product, or supply is placed (Utah Code § 13-15-202(1)(c)(iv)(C)).

Location in filing: \_\_\_\_\_

- e. Provide a complete copy of each contract to which a purchaser under the business opportunity would be a party (Utah Code § 13-15-202(1)(c)(v)).

Location in filing: \_\_\_\_\_

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4. Provide the total number of business opportunities the applicant has entered into as a seller in each state (Utah Code § 13-15-202(1)(d)).

Location in filing: \_\_\_\_\_

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5. Provide the total number of business opportunities that the applicant has canceled within the 12 months before the day on which the applicant files this disclosure statement (Utah Code § 13-15-202(1)(e)).

Location in filing: \_\_\_\_\_

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6. Provide the total number of business opportunities, to which the applicant is a party, for which a purchaser has requested a refund or cancellation within 12 months before the day on which the applicant files this disclosure statement (Utah Code § 13-15-202(1)(f)).

Location in filing: \_\_\_\_\_

7. Provide a statement that discloses each person identified in Items 1.a and 1.b of this filing who:
- a. has been convicted of a felony or misdemeanor or pleaded no contest to a felony or misdemeanor charge, if the felony or misdemeanor involved fraud, embezzlement, fraudulent conversion, or misappropriation of property (Utah Code § 13-15-202(1)(g)(i)).
  - b. has been held liable or consented to entry of a stipulated judgment in an administrative or civil action based upon fraud, embezzlement, fraudulent conversion, misappropriation of property, use of untrue or misleading representations, or use of any unfair, unlawful, or deceptive business practice (Utah Code § 13-15-202(1)(g)(ii)(A)-(C)).
  - c. is subject to an injunction or restrictive order relating to business activity as the result of a government agency action (Utah Code § 13-15-202(1)(g)(iii)).

Location in filing: \_\_\_\_\_

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8. Provide a financial statement from the applicant that is fewer than 13 months old, and is signed by the applicant's officer, director, trustee, or general or limited partner under a declaration that certifies to the signatory's knowledge and belief the information in the financial statement is true and accurate (Utah Code § 13-15-202(1)(h)).
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9. Provide a cover sheet for the disclosure statement that will be provided by the applicant to purchasers of the business opportunity. All cover sheets must be attached to the front or appear at the beginning of the applicant's disclosure statement, and conspicuously state in at least 12-point upper- and lower-case boldface type the following notice:

**“INFORMATION FOR PURCHASE OF A BUSINESS OPPORTUNITY:**

To protect you, the State of Utah has required your seller to give you this disclosure statement. The State of Utah has not verified the accuracy of the information in the disclosure statement.”

Some cover sheets require an additional disclosure that must also appear on the cover sheet. This additional disclosure must be provided if:

a. the applicant represents that a buyer or lessee will or may derive income from the product, service, equipment, supply, or service the applicant sells to the buyer or lessee that exceeds the amount the buyer or lessee pays to buy or lease the product, equipment, supply or service; or

b. the applicant makes any oral, written, visual, or other representation to a prospective purchaser about specific levels of potential sales, income, or gross and net profits under the business opportunity.

This disclosure must read as follows (blank spaces must be filled by the applicant with data):

**“CAUTION**

The number of purchasers who have earned through this business opportunity an amount in excess of the amount the purchaser pays for the business opportunity is at least \_\_\_\_ which represents at least \_\_\_\_% of the total number of purchasers of this business opportunity.”

These two disclosure statements may not include any other material or information. Utah Code § 13-15-202(2).

Location in filing: \_\_\_\_\_

**SIGNATURE AND DECLARATION**

I declare under criminal penalty under the law of Utah that the foregoing application and exhibits are true and correct.

\_\_\_\_\_  
Applicant Printed Name

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
City, State

\_\_\_\_\_  
Date