

Spring 2 Mid Term

The Mid-term is worth 250 points. There are 50 true/false worth 3 points each and 1 essay worth 100 points. For the essay you should write no less than 3 full pages (double spaced) but no more than 5 pages. You must use outside resources (at least 2). Use APA citations in the short essay.

****** IMPORTANT: PLEASE TURN THIS IN AS ONE DOCUMENT, SO YOU SHOULD UPLOAD THE ESSAYS ALONG WITH THE TRUE/FALSE. IF YOU TRY AND TURN IN THIS IN AS TWO DOCUMENTS THE SYSTEM WILL ONLY ACCEPT ONE DOCUMENT ***** If you accidentally do this email me.

ESSAY QUESTION: Price gouging is an issue with COVID-19. Research other times that price gouging has occurred and discuss what those situations were. In addition, discuss 1) the legal ramifications of price gouging and who prosecutes it (check your own state's Attorney General's web site and note what they are saying about it); 2) give examples of price gouging that is occurring now; 3) discuss the ethical issues with price gouging and what would cause a company to do this; and 4) discuss the difference between price gouging and pressures on the market that cause prices to go up that is not considered price gouging. You do not use the IRAC or Briefing method for this.

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Indicate whether the statement is true or false.

- ___ 1. An NPDES permit is issued only with only EPA approval.
 - a. True
 - b. False

- ___ 2. Negligence is available as a tort remedy only when the breach of duty is a statutory violation.
 - a. True
 - b. False

- ___ 3. Some of the most active pirates are from Cuba.
 - a. True
 - b. False

- ___ 4. Most insurers now include an exclusion policy on CERCLA exposure, but coverage is available as a policy rider.
 - a. True
 - b. False

- ___ 5. One state can impose a tax on a corporation's property if the corporation does any business in the state.
 - a. True
 - b. False

- ___ 6. Corporate political speech enjoys less First Amendment protection than individual political speech.
 - a. True
 - b. False

- ___ 7. An agency's withdrawal of a rule without factual support for its need for withdrawal has acted arbitrarily and capriciously.
 - a. True
 - b. False

- ___ 8. Comparative negligence reduces the plaintiff's recovery.
 - a. True
 - b. False

- ___ 9. Speeding is a breach of duty for negligence purposes.
 - a. True
 - b. False

- ___ 10. The act of state doctrine precludes outside interference in expropriation.
 - a. True
 - b. False

- ___ 11. In the *Parable of the Sadhu*, the hikers are certain the religious pilgrim survived.
 - a. True
 - b. False

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- ___ 12. Resale price maintenance is a *per se* violation of the Sherman Act.
 - a. True
 - b. False

- ___ 13. Monitors are often required by the Justice Department as part of a settlement of charges of corporate violations of criminal law.
 - a. True
 - b. False

- ___ 14. An *ex parte* contact is prohibited in administrative hearings.
 - a. True
 - b. False

- ___ 15. The U.S. courts can be used by citizens of foreign countries to recover for injuries occurring in their countries at the hands of U.S. companies.
 - a. True
 - b. False

- ___ 16. The implied warranty of merchantability requires proof that the buyer was relying on some language when he or she made the purchase of the good.
 - a. True
 - b. False

- ___ 17. An *ultra vires* challenge to an administrative regulation is one brought on the grounds of procedural error.
 - a. True
 - b. False

- ___ 18. Comparative negligence, if established, is a complete defense to negligence.
 - a. True
 - b. False

- ___ 19. Driving with brakes in need of replacement is not a breach of duty.
 - a. True
 - b. False

- ___ 20. The Code of Federal Regulations is published every business working day.
 - a. True
 - b. False

- ___ 21. Invasion of privacy is a tort of negligence.
 - a. True
 - b. False

- ___ 22. Proximate cause need not be established in negligence cases.
 - a. True
 - b. False

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- ___ 23. When a customer tells a pet store employee that she wants two female gerbils, but receives one male and one female gerbil who later have baby gerbils, the pet store has breached the implied warranty of fitness for a particular purpose.
 - a. True
 - b. False

- ___ 24. *Mens rea* is the particular mental state required to establish a crime.
 - a. True
 - b. False

- ___ 25. Corruption impedes economic development.
 - a. True
 - b. False

- ___ 26. The social-responsibility school holds that businesses profit by being responsive to society.
 - a. True
 - b. False

- ___ 27. The implied warranty of merchantability (unless disclaimed) is given in every sale of goods by a merchant.
 - a. True
 - b. False

- ___ 28. Employer privilege statutes apply even when there is intentional misrepresentation.
 - a. True
 - b. False

- ___ 29. Intrabusiness crime is internal or employee crime.
 - a. True
 - b. False

- ___ 30. Procedural due process rights exist in administrative, civil, and criminal proceedings.
 - a. True
 - b. False

- ___ 31. The Foreign Corrupt Practices Act applies to all companies doing business abroad.
 - a. True
 - b. False

- ___ 32. The Federal Register System includes the Federal Register, the Code of Federal Regulations, and the United States Code.
 - a. True
 - b. False

- ___ 33. The least corrupt countries have the most stable economies.
 - a. True
 - b. False

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- ___ 34. A grand jury issues an information.
 - a. True
 - b. False

- ___ 35. Assumption of risk is not a defense unless there was full information prior to the risk being assumed.
 - a. True
 - b. False

- ___ 36. Business self-regulation has been effective in solving social problems.
 - a. True
 - b. False

- ___ 37. Public figures must prove malice to establish a case of defamation against a newspaper.
 - a. True
 - b. False

- ___ 38. Formal rule making requires publication of proposed rules.
 - a. True
 - b. False

- ___ 39. The Fifth and Fourteenth Amendments provide procedural due process protections for corporations and individuals.
 - a. True
 - b. False

- ___ 40. Substantive laws provide the means and mechanisms for the enforcement of laws.
 - a. True
 - b. False

- ___ 41. The Uniform Commercial Code and the Uniform Partnership Act are both enactments of Congress.
 - a. True
 - b. False

- ___ 42. In those areas in which federal laws and regulations are extensive and detailed, the likelihood is that the Supremacy Clause precludes state regulation.
 - a. True
 - b. False

- ___ 43. Refusals to deal are a *per se* violation of the Sherman Act.
 - a. True
 - b. False

- ___ 44. The duty of a reasonable person extends beyond statutory duties.
 - a. True
 - b. False

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- ___ 45. The Sherman Act imposes fines and imprisonment for violations.
 - a. True
 - b. False

- ___ 46. The substantial evidence challenge cannot be used in cases where formal rule-making procedures were followed.
 - a. True
 - b. False

- ___ 47. Commercial bribery is only criminal for the recipient.
 - a. True
 - b. False

- ___ 48. A NIMBY is a property owner who opposes development or certain land uses.
 - a. True
 - b. False

- ___ 49. The disclosure of private but true facts is not an invasion of privacy.
 - a. True
 - b. False

- ___ 50. Taxes on sales across the Internet will be subject to constitutional protections and constraints.
 - a. True
 - b. False