

**STUDENT
SUPPLEMENT**
FOR USE WITH

UCC
Comprehensive Volume

Business Law

Eleventh Edition

IMPORTANT BUSINESS LAW TERMS
STUDY GUIDE QUESTIONS
CASE PROBLEMS

Ronald A. Anderson

Prepared by Ivan Fox

Contributing Author
David P. Twomey

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Suggestions to the Student

The general plan of this student supplement is to provide two pages of material for each chapter in the textbook. The first page usually consists of important business law terms and 20 "true-false" questions that cover the entire chapter. The second page usually includes 5 case problems or practical applications of the principles of law that are discussed in the textbook.

STUDY GUIDES. It is recommended that the "true-false" questions for each chapter be used as a study guide. The following procedure is suggested for best results:

1. Study the assigned textbook chapter carefully. Many students underline important points or make marginal notations in the textbook as they read. If you find it helpful to outline the textbook discussion, the printed topic headings will provide the skeleton of an outline for you. The freestanding headings that are flush with the left margin constitute the main headings of the outline; numbered headings constitute the first subheadings, and the indented, lettered headings constitute the second subdivisions.
2. Without referring to the textbook, answer as many of the "true-false" questions as you can. Do not guess. Leave unanswered those items about which you are in doubt.
3. Refer to the textbook for the discussion of the points about which you are uncertain. Keep in mind that an understanding of the reason for your answer is more important than the answer.
4. If your instructor has supplied you with a copy of a pamphlet containing the answers to these questions, check your answers. For each item that you have missed, check the textbook to determine the reason for your difficulty.
5. If time permits, restate each "false" item so that it can be answered "true." Use a separate sheet of paper for this purpose.
6. Mark those items about which you want to obtain additional information from your instructor during the class hour.

By following the suggested procedure you should be able (a) to use your preparation time more efficiently, (b) to reduce your study time, and (c) to improve your scores on tests and examinations. It is possible to achieve such results because these materials serve as a quick check of your understanding of the textbook discussion after your first reading and indicate which portions of the text need further study. Furthermore, a study of the important points in a different form should help to fix those points more firmly in mind.

CASE PROBLEMS. If the case problems which usually appear on the second page of the materials for most chapters are scored, 4 points may be allowed for each problem: 1 point for the correct yes or no answer, and 3 points for the rule of law—ranging from 0 for an incorrect answer to 3 points for an answer that is complete as well as accurate.

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PART 1 LEGAL RIGHTS AND SOCIAL FORCES

Law and Law Enforcement Agencies

Name _____

Total Score (32) _____

STUDY GUIDE

Directions: 1. Read "Suggestions to the Student" on page iii of this supplement.

2. Review the important business law terms defined in this chapter. The number in parentheses following each term in the following list indicates the number of the textbook page where the term is defined or explained.

3. Indicate whether the statements following the business law terms are true or false by encircling the appropriate letter at the right of the statement.

Important Business Law Terms

administrative regulation (3)	court (5)	equity (4)	precedent (3)
arbitration (6)	common law (4)	jurisdiction (5)	procedural law (4)
case law (3)	constitutional law (3)	law (1)	statutory law (3)
civil law (4)	doctrine of <i>stare decisis</i> (3)	law merchant (4)	substantive law (4)

	ANSWERS	FOR SCORING
1. Law consists of principles of conduct that can be enforced in courts.	T F	1. _____
2. The area of law based on enactments of a legislative body is common law. .	T F	2. _____
3. Administrative agencies receive their power from the state constitution.	T F	3. _____
4. The rule that a court decision becomes a precedent to be followed in similar cases is known as the doctrine of <i>stare decisis</i>	T F	4. _____
5. Constitutional law includes statutes adopted by the lawmakers.	T F	5. _____
6. The Uniform Commercial Code regulates the field of consumer credit.	T F	6. _____
7. National uniformity in some areas of consumer credit is the objective of the UCCC.	T F	7. _____
8. Law that defines the substance of legal rights and liabilities is procedural law.	T F	8. _____
9. Equity principles were developed to grant relief when the ordinary courts of law could not do so.	T F	9. _____
10. The law merchant is part of the Roman civil law.	T F	10. _____
11. Modern business law has developed from the law merchant and common law.	T F	11. _____
Questions 12-14 are based upon the following information: Smith and Randall sign a contract agreeing to submit any dispute to arbitration.		
12. Arbitration will be more expensive for Smith and Randall than taking their dispute to court.	T F	12. _____
13. Smith and Randall could not legally agree in advance to arbitration.	T F	13. _____
14. Smith and Randall may select their own arbitrator.	T F	14. _____
15. A court of record having original jurisdiction generally reviews the judgment of an inferior court.	T F	15. _____
16. A criminal court will ordinarily hear issues involving private rights.	T F	16. _____
17. A probate court is an example of a court with limited jurisdiction.	T F	17. _____
18. A person who violates a rule necessary for preserving order in the court may be punished for contempt of court.	T F	18. _____
19. Bankruptcy proceedings are brought into the state court system.	T F	19. _____
20. A motion for summary judgment cannot be used when there is a substantial dispute of fact.	T F	20. _____

Score (20) _____

CASE PROBLEMS

Directions: Answer the question at the end of each problem by encircling "Yes" or "No." Then state the reason for your answer.

	ANSWERS	FOR SCORING
1. Beth and Davis agree to submit a dispute to arbitration. After the hearing, the arbitrator has decided in favor of Beth. Davis wishes to appeal the decision to a court of law. May he do so?	Yes No	1. _____
2-4. Why or why not? _____ _____ _____		2-4. _____
5. Daniel is a minor. He is concerned whether he can make a binding contract for necessities. Will the procedural law determine his legal rights in regard to necessities?	Yes No	5. _____
6-8. Why or why not? _____ _____ _____		6-8. _____
9. Landers had commenced an action against Marks for trespass to property. Landers during the trial became dissatisfied with its progress. Would Landers be correct in taking a compulsory nonsuit? ...	Yes No	9. _____
10-12. Why or why not? _____ _____ _____		10-12. _____
		Score (12) _____

Chapter 2

Law as an Expression of Social Forces

Name _____

Total Score (30) _____

STUDY GUIDE

	ANSWERS	FOR SCORING
1. Law is an instrumentality for attaining social justice.	T F	1. _____
2. Justice is a universal value in the sense that it means the same to different persons at different times.	T F	2. _____
3. The purpose of each law is specifically stated.	T F	3. _____
4. A law against treason is designed primarily to serve the objective of personal freedom.	T F	4. _____
5. The principal objective of a tax revenue law is to protect the property of individuals.	T F	5. _____
6. Laws prohibiting the sale of obscenity illustrate the objective of protecting public morals.	T F	6. _____
Questions 7-9 are based upon the following information: A thief steals an automobile from the garage of Jones.		
7. The thief is civilly liable to Jones.	T F	7. _____
8. The thief is criminally liable to the state.	T F	8. _____
9. Jones may not recover the automobile from Young who purchased it in good faith from the thief.	T F	9. _____
10. The law usually seeks to enforce the intent that the parties have expressed in their contract.	T F	10. _____
11. Consumers of goods packaged in tin cans have rights only against the retail store from which they bought the goods.	T F	11. _____
12. The objective of furthering trade is served by legislation that gives special rights to those who accept checks in payment.	T F	12. _____
13. Bankruptcy laws are designed to protect creditors, not to rehabilitate the debtor.	T F	13. _____
14. The courts will ordinarily follow former decisions because of the objective of stability.	T F	14. _____
15. The procedure for the amendment of federal and state constitutions is designed primarily to make the law flexible.	T F	15. _____
16. The law is sometimes stated in terms of what a reasonable or prudent person would do under the circumstances.	T F	16. _____
17. A signature must be handwritten.	T F	17. _____
18. The objective of protecting title may conflict with the objective of furthering trade.	T F	18. _____
19. Courts will never enforce an oral contract for the sale of land.	T F	19. _____
20. A requirement of a statute may be "eroded" by court decisions.	T F	20. _____

Score (20) _____

COMPLETION

Directions: One objective of the law is the protection of the state. In the spaces below, list ten other objectives of the law.

- | | |
|-----------|-----------|
| 1. _____ | 1. _____ |
| 2. _____ | 2. _____ |
| 3. _____ | 3. _____ |
| 4. _____ | 4. _____ |
| 5. _____ | 5. _____ |
| 6. _____ | 6. _____ |
| 7. _____ | 7. _____ |
| 8. _____ | 8. _____ |
| 9. _____ | 9. _____ |
| 10. _____ | 10. _____ |

Score (10) _____

Chapter 3

Criminal Law and Business

Name _____

Total Score (40) _____

STUDY GUIDE

Important Business Law Terms

accessory (30)	crimes <i>mala in se</i> (29)	felony (28)	misdemeanor (29)
arson (33)	crimes <i>mala prohibita</i> (29)	forgery (35)	principal (30)
burglary (32)	criminal libel (35)	irresistible impulse test (31)	robbery (32)
conspiracy (36)	embezzlement (33)	larceny (31)	treason (28)

	ANSWERS	FOR SCORING
1. A crime punishable by imprisonment is classified as a felony.	T F	1. _____
2. An act may be a felony in one state and a misdemeanor in another.	T F	2. _____
3. A sells liquor to B believing B to be an adult, but B is a minor. A is guilty of a <i>mala in se</i> crime.	T F	3. _____
4. As an element of a crime, the mental state of the accused requires an awareness or knowledge of guilt.	T F	4. _____
5. A principal in the first degree is a person who actually engages in the perpetration of a crime.	T F	5. _____
6. Capacity to commit a crime is presumed from the commission of the act.	T F	6. _____
7. Voluntary intoxication generally relieves a person from criminal responsibility.	T F	7. _____
8. A corporation may be held criminally responsible for its acts.	T F	8. _____
Questions 9-11 are based upon the following information: Roger enters the home of Gregg with the intent to commit burglary while Gregg is away on vacation.		
9. Roger has committed a crime.	T F	9. _____
10. Roger has committed the crime of robbery.	T F	10. _____
11. Roger could only commit larceny by removing property belonging to Gregg.	T F	11. _____
12. You burn your own property to collect on your fire insurance. You have committed arson.	T F	12. _____
13. The fraudulent conversion of another's property or money by a person to whom it has been entrusted is known as embezzlement.	T F	13. _____
14. An embezzler who returns what was taken has committed a crime.	T F	14. _____
15. Federal and state statutes prohibit the making and passing of counterfeit coins.	T F	15. _____
16. The use of a telegram to defraud another is a crime.	T F	16. _____
17. Fraudulent use of a credit card can constitute a violation of a forgery statute. .	T F	17. _____
18. Publication to a third person is necessary in the case of criminal libel.	T F	18. _____
19. Truth is a complete defense in an action for criminal libel.	T F	19. _____
20. The intended crime must be committed for the participants to be guilty of conspiracy.	T F	20. _____

Score (20) _____

CASE PROBLEMS

Directions: Answer the question at the end of each problem by encircling "Yes" or "No." Then state the rule of law that applies to the case in the space provided.

	ANSWERS	FOR SCORING
1. Gold walked into an office of ABC Stationery Company, took a pistol from his coat pocket and ordered Debbie, a clerk and employee of the company, into another room. With no one in the room to observe him, Gold then proceeded to take the money from the cash register. Has Gold committed the crime of robbery? Yes No		1. _____
2-4. Rule of law _____ _____ _____		2-4. _____
5. Latham was stopped by a police officer for passing a red light and failing to signal a right turn. Latham was also exceeding the speed limit. Has Latham committed a felony? Yes No		5. _____
6-8. Rule of law _____ _____ _____		6-8. _____
9. Paul was charged with larceny for picking the pocket of Pat at a professional basketball game. Was Paul properly charged? Yes No		9. _____
10-12. Rule of law _____ _____ _____		10-12. _____
13. Mary asked Kent to keep her stock in a vault while she went on an extended vacation. Kent placed Mary's stock in his vault at the First Bank. While Mary was gone, Kent sold the stock to Jones without the knowledge or consent of Mary. Has Kent committed larceny? Yes No		13. _____
14-16. Rule of law _____ _____ _____		14-16. _____
17. Evans was a holder of a note made out in his favor by Joan. By mistake Evans changed the rate of interest on the note from 6 percent to 8 percent, which was the maximum allowed in that state. Was Evans guilty of committing a forgery? Yes No		17. _____
18-20. Rule of law _____ _____ _____		18-20. _____
		Score (20) _____

The Law of Torts and Business

Name _____

Total Score (40) _____

STUDY GUIDE

Important Business Law Terms

absolute privilege (48)	doctrine of last clear chance (42)	qualified or conditional privilege (48)	tort (39)
conversion (54)	libel (48)	<i>res ipsa loquitur</i> (43)	trademark (49)
copyright (50)	negligence (41)	right of privacy (53)	trespass to land (54)
defamation (47)	patent (49)	slander (47)	trespass to personal property (54)
defamation by computer (49)			trespass to the person (53)

	ANSWERS	FOR SCORING
1. Tort law relates to offenses against the state.	T F	1. _____
2. Smith steals Henry's watch. Smith has committed both a tort and a crime.	T F	2. _____
3. A person may be innocent of a wrong yet be held liable for the tort committed by another person.	T F	3. _____
4. Liability for harm only exists when there is either negligence or intention to cause harm.	T F	4. _____
5. As a general rule, a plaintiff who was guilty of contributory negligence can recover damages if the defendant was negligent.	T F	5. _____
6. Under the doctrine of last clear chance, the defendant is liable if the defendant had the last clear chance to avoid the injury even though the plaintiff was negligent.	T F	6. _____
7. A husband is generally not allowed to sue for an injury to his wife.	T F	7. _____
8. Dunn points a pistol at Sheila and demands all her money. Dunn has committed the tort of false imprisonment.	T F	8. _____
9. A person is entitled to recover damages for harm caused by fraud.	T F	9. _____
10. Slander consists of the publication or communication of defamatory written words.	T F	10. _____
11. A picture defaming a person may be the basis for a libel action.	T F	11. _____
12. A conditional privilege arises in the case of a public officer who, in the performance of a public duty, publishes defamatory words.	T F	12. _____
13. A person's credit standing may be damaged because a computer contains erroneous information.	T F	13. _____
14. A copyright may be obtained for a unique idea.	T F	14. _____
15. Imitation of a store front is a form of unfair competition.	T F	15. _____
Questions 16-17 are based upon the following information: Craig holds a knife over the head of Dennis and demands Dennis's money.		
16. Craig has committed the tort of battery.	T F	16. _____
17. Craig has committed the torts of assault and false imprisonment.	T F	17. _____
18. Any flight of aircraft over private property constitutes a trespass to land. ..	T F	18. _____
19. Good faith is a valid defense in an action for trespass to land.	T F	19. _____
20. An innocent buyer of stolen goods may be guilty of conversion.	T F	20. _____

Score (20) _____

CASE PROBLEMS

ANSWERS
FOR
SCORING

1. Rita was engaged in selling orange drinks. The fronts of several stores owned by her were painted an orange color. The picture of an orange and the word *Goldrink* appeared on the windows of each store. Sandy engaged in the same business, and adopted the same plan for her store front. Is Rita entitled to any remedy? Yes No 1._____

2-4. Rule of law _____

_____ 2-4._____

5. Marsh was cutting down trees on his land. Contrary to his intention, he caused one of the trees to fall upon the adjoining land of Walton. Did this act constitute a trespass on Walton's land? Yes No 5._____

6-8. Rule of law _____

_____ 6-8._____

9. David was driving his car at a speed of 60 mph in a 30 mph zone. Allen was crossing against the light and was struck by David's car. Allen sued David for damages. May David be held liable to Allen for damages? Yes No 9._____

10-12. Rule of law _____

_____ 10-12._____

13. Ross knows that Quest is negotiating for the sale of Quest's property to Jeff. Ross maliciously and with intent to prevent the sale, falsely tells Jeff that Quest does not own the property and has no power to sell the property. Does Quest have any cause of action against Ross? Yes No 13._____

14-16. Rule of law _____

_____ 14-16._____

17. Patterson uses Graham's photograph in a promotional campaign for cosmetics, without Graham's permission. Is Patterson liable to Graham for damages? Yes No 17._____

18-20. Rule of law _____

_____ 18-20._____

Score (20)_____

Government Regulation

Name _____

Total Score (40) _____

STUDY GUIDE

Important Business Law Terms

exclusive dealer agreements (61)
horizontal price fixing (60)

tie-in sale or tie-in lease (61)
vertical price fixing (60)

	ANSWERS	FOR SCORING
1. A state may regulate all aspects of interstate transportation within the state.	T F	1. _____
2. The federal government may impose any regulation upon any phase of business that is required by the economic needs of the nation.	T F	2. _____
3. Government may not engage in competition with private enterprise.	T F	3. _____
4. The Federal Trade Commission has condemned as an unfair method of competition misrepresentation by simulating the appearance of a competitor's product.	T F	4. _____
5. The Robinson-Patman Act allows a seller to select its own customer.	T F	5. _____
6. The Sherman Act is applicable to both seller and buyer.	T F	6. _____
7. An agreement is automatically condemned as a restraint of interstate commerce merely because it creates a power or a potential to monopolize interstate commerce.	T F	7. _____
8. The Sherman Antitrust Act prohibits bigness of an enterprise.	T F	8. _____
9. Horizontal price fixing of reasonable prices is legal.	T F	9. _____
10. Vertical price agreements are generally illegal.	T F	10. _____
11. The Clayton Act prohibits the holding of stock in competing corporations by the same person.	T F	11. _____
12. The Clayton Act prohibits certain tie-in sales and leases in interstate commerce.	T F	12. _____
13. An agreement that the lessee of office machines should use only paper sold by the lessor of the machines is illegal when no other seller could supply paper of suitable quality.	T F	13. _____
14. Price discrimination is expressly permitted when it can be justified on the basis of similarities in the grade, quality, or quantity involved of goods.	T F	14. _____
15. The Fair Labor Standards Act permits the employment of children under 16 years of age.	T F	15. _____
16. A union can use its position as representative of all workers to further its interest as a union.	T F	16. _____
17. Federal law declares that it is an unfair labor practice for an employer to interfere with unionization.	T F	17. _____
18. Unemployment compensation laws generally deny the payment of benefits when the unemployment was the result of a labor dispute.	T F	18. _____
19. The states possess a general power to adopt laws to protect the general welfare, health, safety and morals.	T F	19. _____
20. A state law can conflict with a federal law or regulation on the same subject matter.	T F	20. _____

Score (20) _____

CASE PROBLEMS

	ANSWERS	FOR SCORING
1. Richard, who was a director of the Winston Corporation, was elected a director of a competing corporation. Both companies were engaged in interstate trade. Both had assets in excess of \$1 million. Was Richard's holding of office in the two companies a violation of the Clayton Act?	Yes No	1. _____
2-4. Rule of law _____		2-4. _____
5. Allen is not a member of the union that is the bargaining representative of Rand's employees. Can Rand independently execute a contract of employment with Allen?	Yes No	5. _____
6-8. Rule of law _____		6-8. _____
9. A manufacturer of business machines agrees to sell certain machines to a bank on the condition that the forms to be used in the machines will be purchased only from that manufacturer, although competitors of the manufacturer also make forms that are usable in such machines. Is this agreement a violation of the antitrust laws? .	Yes No	9. _____
10-12. Rule of law _____		10-12. _____
13. Star Industries manufactures dolls which it sells throughout the United States and Europe. Among its 3000 employees were 200 children aged 14 and 15 who are paid the specified minimum wage. Is Star Industries violating the Fair Labor Standards Act?	Yes No	13. _____
14-16. Rule of law _____		14-16. _____
17. List four (4) situations when price discrimination is expressly permitted. Each correct answer counts one point.		17. _____
18. _____		18. _____
19. _____		19. _____
20. _____		20. _____
		Score (20) _____

Administrative Agencies

Name _____

Score (20) _____

STUDY GUIDE

	ANSWERS	FOR SCORING
1. An appeal to the courts may be taken from the action of an administrative agency.	T F	1. _____
2. The modern administrator has the power to make the laws that regulate industry entrusted to his or her care.	T F	2. _____
3. An administrative agency determines its policies, goals, or objectives.	T F	3. _____
4. An administrator may prohibit unfair methods of competition.	T F	4. _____
5. The power of an administrative agency to investigate empowers it to require a party to submit periodic reports to determine whether that party has complied with a regulation of the agency.	T F	5. _____
6. The Constitution imposes significant limitations on the power of an administrator to conduct an investigation.	T F	6. _____
7. An administrator has no power to sit as a court and to determine whether there have been any violations of the law or of its regulations.	T F	7. _____
8. The trend is in the direction of greater preliminary examination by an administrative agency upon the basis of an informal complaint.	T F	8. _____
9. An administrator is generally bound by the rules of evidence used in courts.	T F	9. _____
10. It is quite common today for an administrative agency to exercise summary powers.	T F	10. _____
11. The absence of a jury in administrative hearing constitutes a denial of due process.	T F	11. _____
12. A hearing must first be held before an administrator may be authorized to make a determination.	T F	12. _____
13. A subpoena to testify or to produce records can be opposed on the basis that the administrator is in violation of the constitutional guaranty against unreasonable search and seizure.	T F	13. _____
14. It is common for rulings of administrative agencies to be reversed by the courts.	T F	14. _____
15. The meetings of most of the major administrative agencies are required to be open to the public.	T F	15. _____
16. The fact that a court disagrees with a conclusion of an administrator makes the conclusion arbitrary and capricious and subject to review.	T F	16. _____
17. A person has the same protection against unreasonable search and seizure by an administrative officer as that person has against unreasonable search and seizure by a police officer.	T F	17. _____
18. The Federal Trade Commission will enforce compliance of its affirmatively approved rules.	T F	18. _____
19. An administrative regulation is binding prior to being printed in the Federal Register.	T F	19. _____
20. The printing of an administrative regulation in the Federal Register is sufficient to give notice of the contents of the regulation to any person affected thereby.	T F	20. _____

Score (20) _____