

Levy & Droney Launches New Web Site

We are pleased to announce the launch of our new Levy & Droney web site, available 24/7 worldwide at www.ldlaw.com. The site was created to provide an introduction and overview of the firm, and to accurately convey its experience and capabilities.

"Today more than ever, people are using the web to gather business information," said Coleman B. Levy, Chairman. "We felt it was imperative to develop a site that has relevant information and suitably represents the firm."

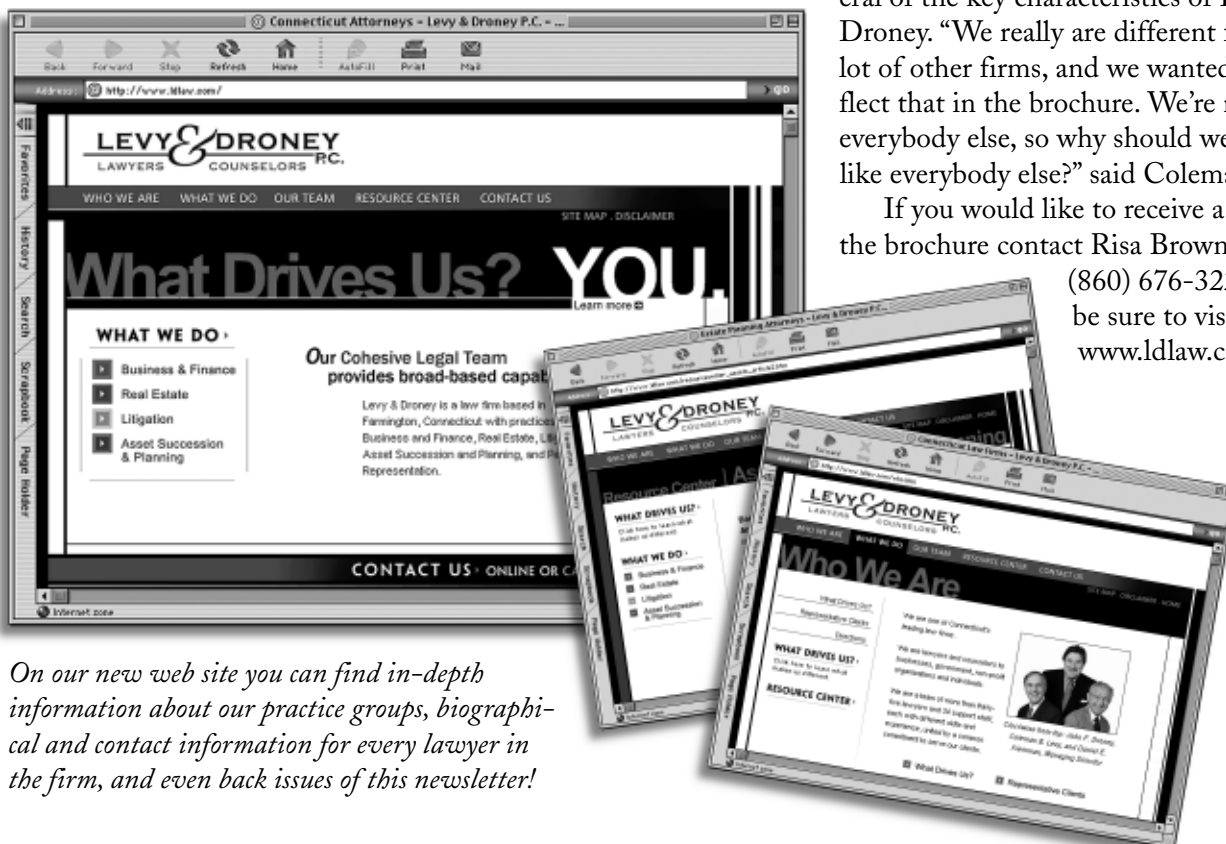
Charged with the challenging task of creating a site for a dynamic and eclectic firm, a small committee began the process of defining what the new site should be. The group immediately decided to put the needs of a typical site visitor first. They determined the site should be comprehensive yet visually compelling and easy to navigate.

The site is structured around Levy & Droney's four major practice groups: Business & Finance, Litigation, Real Estate, and Asset Planning and Succession. Individual sections contain information about the services offered as well as the lawyers who work in those areas. A newly established Resource Center contains helpful and informative articles and other materials organized in a way that makes browsing and finding information a snap.

The process of building the site went smoothly, spearheaded by Bob Zelinger and managed with aplomb by Risa Brownstein. Literally every lawyer in the firm participated in developing the site, as each provided up-to-date biographical information and was photographed for the "Our Team" section.

The firm has also produced a new marketing brochure. The brochure presents the evocative question "What Drives Us?" and goes on to highlight several of the key characteristics of Levy & Droney. "We really are different from a lot of other firms, and we wanted to reflect that in the brochure. We're not like everybody else, so why should we look like everybody else?" said Coleman Levy.

If you would like to receive a copy of the brochure contact Risa Brownstein at (860) 676-3220, and be sure to visit us at www.ldlaw.com. **LD**



On our new web site you can find in-depth information about our practice groups, biographical and contact information for every lawyer in the firm, and even back issues of this newsletter!

Connecticut's Most Significant New Laws of 2003

by Monique Rubb

Every year, the Connecticut General Assembly is hard at work generating new legislation. The following summaries are intended to briefly describe the most significant laws adopted by the 2003 General Assembly. All of the new laws went into effect on or before October 1, 2003, and are arranged by subject matter: Business and Labor, Children and Families, Education, Public Health and Safety, and Taxes.

Business and Labor

■ **SPAM Restrictions**

Unsolicited advertising material or "SPAM" will be restricted in the following manner: 1) the email's subject line must include the letters "ADV" and 2) the text of the email must include the advertising company's contact information. This second requirement is essential to allow the recipients of SPAM to "unsubscribe" or in other words, notify the soliciting company to stop sending any unwanted and unsolicited material via the Internet. The law provides a means for people to sue companies if they are in violation of the Act.

■ **Liquor Seller's Liability**

This law, referred to as the Dram Shop Act, essentially holds the person that sells alcohol to an intoxicated individual responsible for any injuries or damages incurred by the intoxicated person while under the influence. An injured party can recover up to \$250,000 for personal or property damages. However, the new act eliminates an injured person's right to sue a seller of alcohol under the theory of negligence if the intoxicated person that injured them was at least 21 years of age.

Notably, the Connecticut Supreme Court recently established a common law (judge made) right for a person to file a negligence lawsuit against the seller of alcohol to an intoxicated person. This recent decision creates a potential disconnect in the law; the effects of which remains to be determined.

■ **Business Mergers**

Connecticut now permits a stock corporation to merge with partnerships, limited partnerships, limited liability partnerships, limited liability companies, joint stock companies, business trusts, statutory trusts, and real estate trusts.

Children and Families

■ **Drivers Licenses and Learning Permits for 16-17 Year Olds**

The new law expands the mandatory safe driving practices course that all 16- and 17-year-olds must complete from five to eight hours and its alcohol and drug impact component from two to four hours.

New 16- or 17-year-old drivers will have greater restrictions placed on them during the first six months after attaining their licenses. For the first three months, a new driver is limited to transporting only one passenger, who must be at least 20 years of age with a clean driving record, his parent or guardian, or a driving instructor. For the remaining three months, the new licensee may only transport immediate family members.

The new act allows the Commissioner of the Department of Motor Vehicles to suspend a driver's license for multiple offenses until the licensee reaches the age of 18.

■ **Using Sick Time For Family and Medical Leave**

This act allows private-sector employees the right to use up to two weeks of sick time while under the state's Family Medical Leave Act ("FMLA"). The new act prohibits employers from denying such use or firing, threatening to fire, suspending, or discriminating against an employee who uses or tries to use sick leave for FMLA purposes. The act now allows an employee to use sick time 1) to attend to the serious health condition of a child, spouse, or parent; or 2) for the birth or adoption of a child.

Previously, employers could, but were not required
(continued next page)

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Value Is in the Eyes of the Beholder

by Robert B. Katz

A recent matrimonial law case *Weinstein vs. Weinstein*, 79 Conn. App. 638 (9/23/03) places a spotlight on the “art” of business valuation of closely held businesses. A closely held business is a business where the stock is not freely traded on the open market, held by only a few shareholders, with the shareholders often being within the same family. Very often the owner or owners of a closely held business started out on the kitchen table a number of years ago and have watched their business grow into something substantial. In the divorce context, I often meet owners of closely held businesses who are self-made individuals who look upon their business as their “baby,” and rightly so. Many of these owners have started out with nothing but a dream and a few dollars and have had the success of watching their baby grow from infancy to multi-million dollars sales and a building or factory that is the source of great pride. Often the owner has been able to make a nice life for his or her family while devoting many, many hours to the success of the business. Then a divorce occurs. The significant asset of the marriage is the business and therefore a valuation of the business becomes a critical element of the case.

In the *Weinstein* matter, the valuation of the business completed during the case indicated that the ownership interest of the particular individual

was approximately \$40,000. After the divorce was completed, the business was sold for significantly more (\$6 million dollars). The valuation of businesses in the divorce context is not a science but an art. It is an art which can result in significant variance between hired experts, the value placed upon a business by the owner, or ultimately, the value determined by the court. There are many different methods to value businesses. Suffice it to say that the terms “fair market value,” “fair value,” “investment value,” “intrinsic or fundamental value,” “acquisition value,” “book value,” “going-concern value,” or “liquidation value” are enough to create real difficulty for the owner, the lawyers, the accounting experts, and the court. The goal of this article is to simply point out the issue and note there is not one satisfactory answer. Judges in divorce court are given great latitude regarding the value of businesses and can accept one expert’s opinion or another or disregard the opinions of both. The court can determine a value not recommended by either. This is an extremely difficult area of the law given the significant discretion of the court and the wide differences of opinion among the experts themselves. **L&D**

For more information on this subject, please contact Robert B. Katz at (860) 676-3182 or by email at rkatz@ldlaw.com.

Significant New Laws (cont’d)

to, allow employees the right to use accumulated sick time to attend to the aforementioned matters.

As before, the law only applies to private employers with more than 75 employees and who maintain written policies to pay employees who miss work due to illness. Furthermore, the act allows an aggrieved employee to file a complaint with the labor commissioner, who must then hold a hearing on the matter and to provide each party with a written notification of his decision.

■ Ignition Interlock Device

This act allows a court to order that anyone arrested for certain alcohol-related motor vehicle violations be allowed to drive an automobile if it has been equipped with an ignition interlock device. This device prevents

the automobile from being driven if the driver’s blood alcohol content is greater than .025%. The offender will be required to bear the cost of installing and maintaining the device.

Education

■ Indoor Air Quality in Schools

This act improves and protects the indoor air quality in Connecticut schools in several ways. First, all schools are now required to conduct Phase I environmental site assessments of proposed school construction sites. Second, all schools are required to operate and maintain heating, ventilating and air conditioning systems in accordance with current standards. Third, the education commissioner can now approve school construction projects for certified school

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Significant New Laws (cont'd)

indoor air quality emergencies without the General Assembly's consent. Fourth, school districts are now required to implement an inspection and evaluation program of schools within their district. Lastly, the board of education is now permitted to establish indoor air quality committees to increase student and staff awareness of potential health risks that arise from poor air quality.

Public Health and Safety

■ Statewide Smoking Ban

This act bans smoking in most workplaces; inside restaurants, taverns, cafes, and other establishments with liquor permits; and in state and municipal buildings; most health care institutions; and private college and university dorms. Notably, the ban was already in effect for public college and university dorms.

The ban on smoking in taverns and cafes does not go into effective until April 1, 2004. Further-

more, the ban does not apply to private clubs whose liquor permits were issued before May 1, 2003.

■ Expanding State Employee Health Plan Coverage to Small Employers

This act enables employees of small employers, described as companies with less than 50 employees with more than half employed in the state, to attain group hospital, medical and surgical health insurance under the state employee health plan.

Taxes

■ Sales and Use Taxes

Connecticut has gone through several changes concerning the state sales and use taxes, including: The sales tax exemption for clothing and footwear has been changed from \$75.00 to \$50.00 dollars. The cigarette tax has been increased by 40 cents a pack to \$1.51. The last-week-in-August sales tax holiday for clothing and footwear costing less than \$300.00 dollars was repealed. *L&D*

Firm Happenings

COLEMAN B. LEVY has been elected to the Board of Directors of Juvenile Diabetes National Foundation and the Hartford Jewish Community Center of Greater Hartford. Attorney Levy has also been appointed Chairman of the Long-Range Planning Committee of the New Britain Museum of American Art.

DANIEL E. KLEINMAN has been elected President of the Farmington Chamber of Commerce. He also serves as Chairman of the Management Committee of the Buick Championship golf tournament, formerly Greater Hartford Open. Attorney Kleinman also served as Moderator for the Town Council Candidates Debate prior the Farmington Town Elections.

ROBIN MESSIER PEARSON will speak on the procedural aspects of a land use decision as part of the faculty for a seminar on Zoning and Land Use In Connecticut sponsored by Lorman Education Services in Trumbull, Connecticut on March 19, 2004. Attorney Pearson will also moderate a public forum panel of experts on balanced growth issues, sponsored by The Real Estate Exchange. It will be held at the Hartford Club, Hartford, Connecticut on November 20, 2003.

LAWRENCE MARKS spoke about Limited Liability Companies and Limited Liability Partnerships in Connecticut, National Business Institute, August 21, 2003.

JOE SAPPINGTON has been elected to the Executive Committee of the American Bar Association's Young Lawyers Division Environment, Energy & Resource Law Committee. Attorney Sappington was also named as one of the 2003 New Leaders of the Law award recipients.

BOB ZELINGER was one of the featured speakers at a workshop held on October 28, 2003 at Gateway Community Technical College on "Protecting and Profiting from Intellectual Property." The workshop was sponsored by the Connecticut Small Business Development Center and co-sponsored by McCormick, Paulding & Huber, Business New Haven, Levy & Droney, P.C., and the Greater New Haven Chamber of Commerce.

MARVIN H. LAPUK was recently honored with the Ralph A. Hart Award, given periodically by the Past Chairman's Association of the ICO/GHO for dedicated support and loyalty over the years to the ICO/GHO.