



# The Franchise Valuations Reporter



## Our Expertise

Within the franchise, distribution and dealership context, we are experts in:



- Finance, Accounting and Tax
- Damages, Valuations & Expert Testimony
- Cyber Security and E-discovery of Electronically Stored Information

We offer a free initial consultation. If any readers have questions, you are welcome to email or phone us and we will provide our best answer as quickly as possible.

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### DISCLAIMER

The information provided in this newsletter is for informational purposes only and should not be construed as legal or expert advice which can only be obtained from appropriate professionals. Franchise Valuations, Ltd. and Franchise Technology Risk Management provide such expert advice on the topics addressed herein.

Please visit our websites at  
[www.FranchiseValuations.com](http://www.FranchiseValuations.com)  
 and  
[www.ftm.biz](http://www.ftm.biz)

## Valuations in Divorce

*What is the Standard? Fair Market Value, Fair Value or Other?*

Valuing assets in divorce situations is generally done differently than the normal "fair market value" appraisal.

A review of three recent cases illustrates that value in divorce proceedings is not necessarily formulaic as much as it is a matter of the discretion of the court. [More . . .](#)

## Nexus Notes

*The Ohio Department of Taxation recently held that "physical presence" is not a requirement of income tax nexus.*

It held that L.L. Bean, Inc. was subject to the commercial activity tax due to the vendor's substantial economic nexus with Ohio by selling and shipping goods into the state (*In re L.L. Bean, Inc.*, Ohio Dept. of Taxation, August 10, 2010).

The taxpayer argued that these activities did not rise to taxable nexus principally relying on *Quill Corp. v. North Dakota*, 504 U.S. 298 (1992). [More . . .](#)

## ESI and E-Discovery

In the July issue of The Franchise Valuations Reporter [July issue of The Franchise Valuations Reporter](#) we discussed the challenges of complying with the latest requirements for e-discovery and the need for franchisors to prepare for litigation or regulatory investigations by having a plan in place to preserve and collect Electronically Stored Information (ESI).

In this issue we expand on that theme and examine the "litigation hold" process. [More . . .](#)

## CyberCrime

[Could Your Cell Phone Be Hacked?](#)

[Warning About Weak Link in "Secure" Web Sites](#)

[Defense Official Discloses Cyberattack](#)