

PROMPT

John Smith, an Entrepreneurial Management major at CSUSB, has written his business plan to start an on-line service to sell class notes for many classes at both private and public universities in California. While researching his business plan, he read Section 66450 of the California Education Code which reads in part: "66450. (a) . . . no business, agency, or person, including, but not necessarily limited to, an enrolled student, shall prepare, cause to be prepared, give, sell, transfer, or otherwise distribute or publish, for any commercial purpose, any contemporaneous recording of an academic presentation in a classroom or equivalent site of instruction by an instructor of record. This prohibition applies to a recording made in any medium, including, but not necessarily limited to, handwritten or typewritten class notes." His attorney has advised him that when John, or any other student, summarizes information given in class, he is creating a new work. John is necessarily cautious about spending significant time and money into developing and marketing this enterprise if he might have to fight state officials for his right to sell what he believes is his work or the work of other students he plans to hire to take notes in various classes. John trusts your opinion and has asked for your advice.

In a properly formatted business memorandum, advise John whether you believe he should pursue his enterprise or not. Support your opinion with sound advice. If you have other ideas John might consider, please let him know those as well.