

Newsletter of the California Plumbing and Mechanical Contractors Association

Spring 2015

Warm Hearts and Cold Weather at MCAA Convention in Hawaii • Story and photos begin on page 4



200+ CPMCA Guests Attend Annual Dinner at Lakeside Golf Club • Story and photos begin on page 7

• Story and photos on page 17

The Hawaiian islands awaken to a spectacular rainbow at the MCAA Convention.

CPMCA Board and 2015 Schedule

CPMCA Executive Committee 2014/2015

Rick Moreno, President Astro Mechanical Contractors, Inc.

Tim Healy, Vice President ARB, Inc.

Steve Cornelius, Secretary University Mechanical and Engineering Contractors

David Quirk, Advisor Performance Mechanical, Inc.

Steve Klaus, Treasurer Performance Mechanical, Inc.

Don Chase, Past President Muir-Chase Plumbing Co., Inc.

CPMCA Board of Directors – Term Ending 12/31/2015

Mark Felio Paul Hansen Equipment, Inc.

Steve Felix, Jr. All Area Plumbing, Inc.

Steve Fosdick Murray Company

Jay Lusita All Area Services, Inc.

Les Osterberger A.O. Reed and Company

Larry Verne Verne's Plumbing, Inc.

Russ Wilson Special Service Contractors

Board of Directors – Term Ending 12/31/2016

Scott Baker University Mechanical and Engineering Contractors – Los Angeles

Scott Burson Xcel Mechanical Systems, Inc.

Mike Cables Kinetic Systems, Inc.

Michael C. Davis H.L. Moe Company, Inc.

Jim DeFlavio Murray Company

Bryan Suttles Suttles Plumbing and Mechanical Corporation

2015 CPMCA Schedule of Meetings and Special Events

June 22, 2015

CPMCA Annual Career Development Scholarship Golf Tournament The Newport Beach Country Club, Newport Beach, CA

July 16 – 19, 2015 CPMCA Annual Retreat Hotel Del Coronado, Coronado, CA

September, 2015 (TBD) CPMCA Board & Membership Meeting *Contractors Only* Date and Location to be determined

October 8 – 10, 2015 Labor & Management Retreat The Lodge at Torrey Pines, La Jolla, CA

December 10, 2015 CPMCA Annual Meeting & Dinner Lakeside Golf Club, Burbank, CA

For Further Details Please Contact Dana Giambalvo (818) 275-2890 or e-mail dana@cpmca.org

President's Message

Change is In the Air

By Rick Moreno, Astro Mechanical Contractors, Inc., CPMCA President

S PRING IS A SEASON OF CHANGE AND NEW BEGINNINGS. This is not only true in the landscape and in our environment, but is being demonstrated in our Association and in our relationships as well. Although we are seeing these changes take place all around us today, in some cases their genesis began months ago...just after I began serving as CPMCA President on July 1st of last year.

Business Manager Retirements

Two major changes have to do with the retirement of two of our Union

friends, Sid Stolper and Kirk Crosswhite. Late last year, Sid Stolper retired as Business Manager of District Council 16, and we now welcome Mike Layton as the new District Council 16 Business Manager. Kirk Crosswhite of Local 230 has also retired from his post as

Business Manager, and we now welcome Mike Hartley as the new Business Manager of Local 230. Also, retiring on May 1st was Walt French, Business Manager at San Luis Obispo Local 403. The acting Business Manager is Jeff Thomas.

It is said that change doesn't always come easy. That may be true in some cases, but because of the solid relationship we have built with our Labor Partners over several years, these Unions' recent changes in leadership has not affected our effectiveness nor our resolve as we continue to work together to improve our industry. This is because the solid relationship we have developed between Labor and Management is not based on individuals, but on Trust, Integrity and Vision.

I am happy to say that CPMCA and our Labor Partners are continuing to pursue and achieve the goals we jointly set in previous years, including those that came out of our last Labor / Management retreat in Las Vegas. Sub Committees are meeting on a regular basis, and through the participation and collaboration of the committee members, we are receiving valuable input on what we need to be doing to improve our market share and hopefully put many people back to work.

New CPMCA Corporate Offices

Closer to home, another major change has to do with the relocation of the CPMCA Corporate Offices from Downtown Los Angeles to Burbank. The new offices are now housed in a true business setting, are much roomier, offer a larger conference room, and feature on-site parking and less traffic. Give them a call and come by and visit the first chance you get.

Convention Weather Report

As many of you that attended the 2015 MCAA Convention know, when the weather changes, we need to be prepared to deal with it. I was one of those who had to adjust for the unusually colder temperatures in Maui. Change doesn't always come easy, but I'm glad to report that because Labor and Management have been proactive for many years in developing a solid relationship based on Trust, Integrity and the common Vision for improving our industry, we have weathered the storm and



haven't missed a beat. We are continuing to pursue and achieve the goals we jointly set in the past years.

Educational Success

Our Education Department is experiencing

changes also – it just keeps getting better and better. Training remains at the forefront of our plans and programs as we continue to provide

outstanding educational seminars for our contractors. Our Education Committee consistently provides well-attended classes with superior training from some of the most knowledgeable presenters in the nation. With the future needs in our industry in mind, it is imperative that we continue to train our new and existing employees to be the best they can be. Doing so will not only help us retain

current market share, but should also help us get back some of what we have lost.

Final Thoughts

I look forward to finishing the year strong and also look forward to our upcoming events, some of which I hope you will be able to attend. Our Association staff always does a great job of organizing and promoting our activities and programs. Put them in your calendar as soon as they are announced. You don't want to miss any of them. CPMCA events are perfect for inviting friends and business associates who may want to join or serve in our Association. We need the input of fresh minds that want to meet great people, and for great people to continue to accomplish great things.

In closing, I would like to thank our entire CPMCA staff for their hard work and dedication, and our Affiliate Members for their continued support. I look forward to seeing you all at the next event. Thank you for the privilege of serving as your President. ■

We've Moved! CPMCA's New Digs, New Digits!

S OF JANUARY 2015, CPMCA is headquartered in Burbank, California. Be sure to make note of our new address and contact information.

3500 West Olive Avenue Suite 860 Burbank, CA 91505 Phone: 818-275-2890 Fax: 818-306-3881





The 2015 MCAA Convention; Education, Sunsets, Whale Watching and more!

N A PERFECT WORLD, "COOL, RAINY, windy and below 80 degrees" are not the most desirable adjectives to describe the Hawaiian Islands! These are the conditions, however, depicting the weather during the 2015 MCAA Convention held March 8-12 at the Grand Wailea, Wailea Marriott in Maui.

Nonetheless, the Convention was terrific! The Mechanical Contractors Association of America is a premier organization of which many CPMCA contractors and vendors are members. Over two thousand mainlanders attended this year's event. The program was packed with trending educational sessions and a variety of captivating speakers amongst the likes of former Secretary of Defense Leon Panetta, CBS Sportscaster James "JB" Brown, and author of The Fault in Our Stars, John Green. Recording artist and Academy and Grammy Award winner Jennifer Hudson put on an entertaining show.

Over the course of the Convention, CPMCA members and Union Partners actively participated in MCAA's eventpacked itinerary and CPMCA-exclusive events. They enjoyed the always hospitable CPMCA Hospitality Suite and an offsite group dinner. The al fresco dining experience was at *Sarento's On the Beach* offering spectacular ocean views, the shore within reach. A memorable outing is our standard, so CPMCA arranged for an exclusive whale watching experience! These beautiful animals leaped out of the Pacific, reaching far greater heights than physics should seemingly allow. As dinner was served, guests soaked in the splendor of a glorious Hawaiian sunset.

At the March 11 Annual Awards Breakfast, winners of the 5K Fun/Run Walk, Tennis Tournament and Golf Tournament were recognized. CPMCA's very own Irvin Pike of Pike Plumbing, Inc. received first place (yet again) in the One Mile Walk. We interviewed Mr. Pike regarding his victory. He shared, "I've been training for this event all year!" Bryan Suttles of Suttles Plumbing and Mechanical Corp. was recognized for his "Closest to the Pin" in the Annual Golf Tournament. Little did we know that CPMCA had such stellar athletes! But wait, there's more! Also, Tom Duddy of Elmco Duddy took home the gold at the MCAA Tennis Tournament!



The winners of the 2014-2015 Student Chapter Competition were announced. Taking first place and \$10,000 was Canada's team at McMaster University. The second place prize of \$5,000 was awarded to the project team from University of Washington. At the closing sessions, Indiana's Steve Dawson of Harrell-Fish, Inc. was inaugurated as MCAA's 2015/2016 President, taking on the role from outgoing President, Mr. Chuck Fell of Houston, TX (CFI Mechanical, Inc.).

MCAA News



Diane and John Koontz with the Shirley trio, Theresa, Evan and Steve.



CPMCA's Dana Giambalvo with Christine and Jay Lusita mingle in the Hospitality Suite.



Chip Martin and Tim Healy of ARB, Inc. attend MCAA's Opening Reception.



CPMCA President Rick Moreno with fellow San Diego contractor Carl Ladda/West CPM.



Whales put on a private show at CPMCA's Dinner at Sarento's on the Beach.



Grant Muir of Muir-Chase Plumbing and Bryan Suttles prefer mai-tais to ties!



Whale watching over appetizers are John and Karen Odom, Judi Giarratano, and the Castaldos.



Larry and Barbara Verne of Verne's Plumbing, Inc. soak up the setting sun's rays.



UMEC's John Ellis and Steve Shirley are accompanied by their beautiful spouses, Robin and Theresa.



Ron Bohannon of Express Pipe & Supply, Dave and Lynette Heinemann of Charlotte Pipe and Foundry Company.





Ken and Christine Jenkins of UA Local 761 in Burbank capture the stunning backdrop.

More photos on next page!

MCAA News



Steve and Stacy Gomez (Union Local 460) with Walter and Lisa French (Union Local 403).



Lisa Tighe and Russ Wilson of Special Service Contractors like all things Hawaiian.



Jordan Moreno and Nathan Felix deliberate over...Minecraft maybe?



Bakersfield contractors Kellie and Glenn Black of Taft Plumbing with Pamela Elisheva and Irvin Pike/Pike Plumbing.



A beach wedding!? No, just Shy and Bryan Suttles radiating their infectious smiles.



"Opportunities are like sunsets, grab them before they're gone," interpreted by Ray and Ann LeVangie of Local Union 398.



Mike Cables of Kinetics with bride Jennifer Cables, Bryce Meyer and Nick Agho of Milwaukee Electric Tool.



Judi Giarratano, Karen Odom and Candy Layton attend "A Morning with John Green."



Shy Suttles with CPMCA's First Lady, Jenny Moreno.



Sisters (mother and daughter rather), Madelynn and Cristi Felix.



John Odom and Chip Martin stop-n-pose in route to the Grand Wailea Golf Club.



A statuesque pack; Randy Stewart/ Pan-Pacific with Ed Ismert/ Jay R. Smith Mfg. Co. and Chip Martin.

CPMCA Annual Dinner – CPMCA Members in the Spirit of Giving

THE BEAUTIFULLY FESTIVE CHRISTMAS DÉCOR OF Lakeside Golf Club in Toluca Lake surrounded 200+ guests at CPMCA's Annual Dinner on December 11, 2014. The star-studded guest list included CPMCA vendors, contractor members and spouses, Student Chapter members, retired Business Manager Sid Stolper, U.S. Marines Corporal Miles Huser and First Sergeant Patrick S. McClellan, and many other VIPs.

The Toys for Tots program was a tremendous success. The attending Marines shed light on the evolution of the program when Major Bill Henricks founded the USMCR program right here in Los Angeles in 1947. At that time 5,000 toys were collected during a campaign before Christmas '47. The first toy was a handmade doll. By 1996 Marine Service Units distributed over 7.2M toys and by 2012 nearly 16.8M toys brightening the Christmas of more than seven million children. CPMCA is a supporter of this joy-bringing campaign and we thank our members for having a hand in delivering hundreds of smiles to underprivileged children.

"Give what you have. To someone it may be better than you dare to think." – Henry Wadsworth Longfellow (1807-1882)



Executive Committee member Steve Cornelius with Southland's Tom Finell and Carla.



Denice Klaus, John Fitzgerald, PMI's Dave Quirk and Steve Klaus are ready to greet 2015!



Corporal Miles Huser, Christine Lusita and Marta Martin.



John Sherman, Doug Wilson, Armando Pulido, Don Tanaka, Laurie and Jeff Thomas of UA Local Union 403.



District Council 16's Mike Layton and Candy Layton are grateful for the holidays.



Tammy and Bob Felix with gorgeous daughter, Vanessa.



Karen Odom and CPMCA's Chip Martin are all smiles.



Janet Blake, Brian Hodges of Laquer, Urban, Clifford and Hodge and Greg O'Hara/Loomis Sales.



UMEC's Scott Baker and Victaulic reps Lance Williams and Ryan Bullard compare Christmas wish-lists.



George Kent of K-C Insurance, John Duenay and Beni Monaco of All Area Services.



Ira Schumer of Howard C. Fletcher Co. and Richard Root of Elmco Duddy attend the Annual Dinner.



Mark and Jean Felio of Paul Hansen Equipment arrive from San Diego.

More photos on next page!

2014 Annual Dinner



Larry Burchill of Delco Sales with CPMCA's President Rick Moreno of Astro Plumbing, Inc.



John Sherman, Kristina Rice of IAPMO with Doug Marian of UA Local 78.



The Fergusons and Vernes of Verne's Plumbing compare New Year's resolutions.



Russ Wilson of Special Service Contractors and Jeff Thomas of UA Local 403.



Sid Stolper and Don Chase exchange holiday wishes.



Irvin Pike/Pike Plumbing and Kyle Whittmore of Lindquist engage in a witty repartee.



Larry Burchill with the alwayscheery Jim and April Simpson of Charlotte Pipe and Supply.



Eddy Van Geisen of BRAE Rainwater Harvesting, William Neal of M.E./Trek Engineering with Jim Muir of Muir-Chase Plumbing and Jeff Discount of Delco Sales.



Annual Dinner faithfuls, Ken and Christine Jenkins of UA Local 761.



The festive ladies of Marking Services, Cheryl Coenen and Jennifer Riding.



It's date night for Andrea and Travis Chase of Muir-Chase Plumbing!



George Hamori and Cindy Snyder recap the year with Sid Stolper of UA District 5.



Santa's helpers are showstoppers; Shy Suttles and Stephanie Aguilar.



Likeable, friendly and awesome are Jay and Christine Lusita.



Chip Martin and Marta welcome CPMCA guests.



Enjoying the festivities are John Odom with Sarah Carr.



2014 Annual Dinner



Cristi Felix, Breawn Oliver and Bryan Felix of AAP in the house!



Suttles Plumbing strong with George Hamori of City Commercial (far right).



Jay and Michele Madison take in Lakeside's atmosphere.



Steve and Nina Fosdick with Ron Bradford made it on Santa's "good" list.



A photo op by Bob and Carmen Routledge of Express Pipe and Supply.



Milwaukee Electric Tool reps Jared Jackson and Nick Agho make an appearance.



Student Chapter members Amanda Lopez, Chuck Kirschner/Control Air, Colin Fowler and Antonio Garcia.

2015 CPMCA Education Schedule of Classes & Seminars

JULY

- 9 Putting the Super in Superintendent
- 30 Managing Change Orders and Documenting Construction Disputes

AUGUST

- 21-22 Foreman Training 1 & 2
- 28 Boosting Profits Through Employee Cost Awareness

SEPTEMBER

- 18 Closing the Communication Gap & Project Pre-Planning
- 18-19 Foreman Training 3 & 4
- 24 2013 California Mechanical and 2013 California Plumbing Code Update Training
- 26 First Aid & Adult/Infant CPR Training

Program subject to updates, revisions and additional seminars.

OCTOBER

- 2 Change Requests and Change Order Management
- 17 First Aid & Adult/Infant CPR Training
- 23 Balancing Work and More Work; Becoming a Better Project Manager
- 23-24 Foreman Training 5 & 6
- 29 Front Line Project Profitability Advanced Supervisory Seminar

NOVEMBER

- 3 Bank Fraud, Cyber Security and Internet Liability
- 5 2013 CMC Essentials Workshop (Mechanical Codes) & 2013 CPC Essentials Workshop (Plumbing Codes)
- 13 Project Schedule Management for the Subcontractor

DECEMBER

3 Claims Prevention & Management

CPMCA Education

Attendance Soars in CPMCA's 2015 Education Program

E WRAPPED UP THE RECORDsetting 2014 calendar year with 43 days of face-to-face training and filling nearly 1,300 seats in CPMCA seminars! We take this opportunity to thank all of our faithful contractor members and their staff for the fervid support of CPMCA's education initiative. CPMCA offers its members an expansive and diverse educational program. The key component to the program's development and implementation over many years now has



Assistant Professor at Auburn University, Keith Rahn, delivers a seminar on MCAA's Labor Estimating Manual.

been a group of progressive, forward-thinking contractors who see the tremendous value in continued education, in equipping their staff with the resources and tools they need to thrive professionally and personally.



AAP's Franklin Le, Students Colin Fowler and James Selfridge, with Francisco Obregon of Suttles Plumbing and Brian Michaud/ Xcel Mechanical at Estimating and Blueprint Reading on December 4th.



On November 15, 2014, the day kicks off

with an icebreaker at "Introduction to

Weblem" with Laptop training.

On February 6, Kevin Dougherty delivered an entertaining presentation on productivity.



Alfred J. Landegger of Landegger Baron Law Group presents "Sexual Harassment Prevention Training" in February.



Foremen and PMs attend "Creating Highly Effective FMIPM Partnerships" with John Koontz on April 9, 2015.



John Koontz addresses an audience of 40 CPMCA members at the April 9th Batman/Robin Partnerships seminar.



Tim Verne (center) attends "Bluebeam Technology Training" with colleague Joshua Maloney and Jeff Crone of Limbach on May 1.



Personnel from Suttles Plumbing, H.L. Moe Plumbing, Limbach and many more attend "Bluebeam Technology Training" in Orange.

Bluebeam specialist Lilian Magallanes shows off the software's functionalities to Murray Company's Mike Bogroff and Willie Kendrick.





Bernando Sinisterra/Suttles, Mark Shaffer and Michael Opela of ACCO are eager to learn about Bluebeam's features.

The 12-Day Leadership Program 'Yearbook'; a Program for the Construction Industry

ROM AUGUST THROUGH NOVEMber 2014 C. Richard Barnes of C. Richard Barnes and Associates LLC presented the 12-Day Leadership Access Institute; a Program for the Construction Industry. The program facilitated in-depth discussion and group exercises essential for effective leadership in a construction organization. Richard has structured this program based on his humble resume. Richard Barnes was the Executive Director of the Center for the Workplace at Georgia State University in Atlanta, Georgia. For seventeen years preceding his tenure at Georgia State, Richard served as a Federal Mediator with the Federal Mediation and Conciliation Service (FMCS), with seven of those years in executive management. Richard had served as an Alternative Dispute Resolution Coordinator, Preventive Mediation Coordinator for the Southern Region of the U.S, as a 16-year International Representative with the Laborers' International Union of North America, AFL-CIO, and last but certainly not least, as a labor representative who negotiated

in excess of 300 labor agreements spanning 35 separate industries. Abridge this extraordinary knowledge, experience and the product is a 12-Day Leadership Program. Some of the program topics included: Organizational Culture and Change, Communication Skills and Theory, Communication - Critical Conversations, Strategic Negotiation Skills and many more. Twenty-two graduated. Here's a glimpse into their journey.



Richard Herrera of H.L. Moe with Willie Kendrick of Murray and Mario Barroto/ Muir-Chase sort out a domino exercise.



James Adamson of Murray Co. speaks on jobsite safety.



Scott Baker guides Katie Tunnicliffe over an armed mousetrap. Onlookers Tim Allinson and Bob Felix watch intently.



Bob Francis, Travis Craven, Damon Premer, Nathaniel Walker and Scott Baker ponder over a brain teaser.



Michael Davis of H.L. Moe Plumbing



Jaclyn Santiago of HL Moe orchestrates a group activity promoting teamwork and meticulous coordination.



The graduating class of 2014!



Filmmaker Martin Scorsese disguised as Richard Barnes captures presentations.





Proud graduate, Jeff Hachey of H.L. Moe Plumbing with Marta Martin, CPMCA.

Online registration for most CPMCA seminars opens around 4 weeks prior to each session. If you wish to receive class announcements via email, please contact Marta Martin at marta@cpmca.org or 818-275-2893. To register for a course, you may also visit the Training Schedule at www.cpmca.org.

Southern California Pipe Trades Administrative Corporation Reemphasizing Customer Service By Joel Brick, CEO, Trust Fund Administrator

Trades Administrative Corporation (SCPTAC) serves a diverse range of customers, including:

- U.A. Members who receive benefits from ten Union trust funds in Southern California;
- Local Unions and other industry-related organizations who count on us to collect and allocate Member dues and employer contributions; and
- Trustees of the benefit trust funds who rely on us to keep the trusts operating in accordance with complex laws and regulations.

What is sometimes overlooked is that among our most important customers are the employers who, by making contributions to our Union trust funds, outsource employee benefit services to us. By pooling resources in the Union trust funds, CPMCA employers get more bang for their benefit buck.

Accounting

It might seem strange to start a discussion about customer service with the Accounting Department but, especially for employers, the staff of 14, managed by CFO Marcus Chin (mchin@scptac.org), constitute frontline customer service representatives. Contribution Processors ensure that the money employers send us ends up in the right place each and every month. Employer Services staff Members assist employers in reporting contributions properly and understanding their rights and obligations, and assuring that Trustees meet their obligations with regard to financial reporting, collecting delinquent contributions, and complying with government regulation. Accounting assists with compliance efforts throughout D.C. #16, helping to protect good Union employers from unscrupulous non-union competition. In addition, among many other things, Accounting also administers the Southern California Pipe Trades Vacation and Holiday Fund.

Customer Service and Communication

Perhaps the most obvious indication of our recommitment to customer service is our reorganization to create a new Customer Service and Communications Department, with a staff of 13. Long-time Call Center Unit Leader Sylvea Allington (sallington@scptac.org) was promoted to manage this new Depart-



ment, which focuses on direct services to U.A. Members and their families, and the methods we use to communicate with Members and their employers. This service-dedicated unit relieves employers of the responsibility to communicate benefit issues to employees. Our Call Center Agents have an average tenure of over 10 years and speak English and Spanish.

Health Funds

Dan Vela (dvela@scptac.org) manages the Southern California Pipe Trades health funds for Active Members and Retirees. Twenty-five employees pay claims for more than 14,000 covered U.A. Members and their families. Despite increased costs due to the Affordable Care Act and substantial benefit improvements, the funds are exceptionally wellfunded, despite one of the lowest per-hour employer contribution rates in the country. Mr. Vela and Ms. Allington regularly attend employer and Local Union meeting and events, presenting benefit information, answering Member questions and resolving problems. If you would like us to attend a meeting or event, just let us know.

Retirement Funds

Armine Hovhanessian (ahovhanessian@ scptac.org) manages the eight staff members of the Retirement Funds Department, ensuring that employers' retirement income promises to Members are kept, and that Members have the opportunity to save for retirement to the maximum extent possible.

The Southern California Pipe Trades **Retirement Fund**, a defined benefit pension plan, continues to be well funded (in the Pension Protection Act's "Green Zone").

The Southern California Pipe Trades **Defined Contribution Fund,** a 401(k) plan, instituted automatic enrollment in 2014, substantially increasing the contributions Members make to help secure their own retirement income.

Active Members help to support their retired brothers and sisters by maintaining the Southern California Pipe Trades **Christmas Bonus Fund.** Over the past few years, Active Members have allocated additional contributions from their wage and benefit package to improve this benefit paid annually to retirees.

These plans, along with the Plumbers and Pipefitters National Pension Fund, ensure that employers can offer a superior benefit package, enabling employees to be prepared for a comfortable retirement.

Human Resources and Information Systems

Raquel Gallardo (rgallardo@scptac.org), H.R. and Administrative Manager, and her staff of three, ensures that our staff of 70 employees, represented by the Office and Professional Employees International Union, are professionally managed, that we hire the right people, and maintain an appropriate disciplinary environment. She also makes sure that the meetings of our Trustee-customers are well organized and efficiently run.

Continued on next page

It's the Law!

'Moore' Is Less: How The Moorefield Decision

Impairs Lien Rights By Dale Ortmann and Kathlynn Smith

VERYONE IN THE CONSTRUCTION industry agrees that mechanic's liens are among the most sacred rights granted to contractors. And, by and large, this position has been universally upheld time and time again in the Courts. Recently, however, a Court of Appeal decision calls into question a fundamental principle of California's Lien Laws; namely, that contractors cannot be required to subordinate or waive

their mechanic's liens rights.

In Moorefield Construction, Inc. v. Intervest-Mortgage Investment Co., the Court of Appeals

reviewed a waiver and subrogation clause in an assignment agreement required by a construction lender, which was signed after work on the project had already begun. When the ownerdeveloper failed to pay the contractor and defaulted on the construction loan, a dispute arose over the priority of the contractor's mechanic's lien. While the trial court ruled that this subrogation clause was void, the Court of Appeal interpreted former Civil Code section 3262 to allow such agreements when the agreements are between an "owner" and "original contractor."

Former Civil Code section 3262 provided that neither the "owner nor original contractor by any term of a contract, or otherwise,

shall waive, affect, or impair the claims and liens of other persons" The Court in Moorefield interpreted this language to mean that an "original contractor" was not within the group of "other persons" that section 3262 aimed to protect. Instead, the Court found that section 3262 identified "original contractors" only as a party from whom "other persons" needed protection.

> The Moorefield Court's interpretation of former section 3262 could have potentially significant negative impacts on contractors of all tiers for several reasons. First,

the Moorefield decision appears to create different levels of protections among lien claimants. Second, this decision creates a divergence in case law that previously - and uniformly held that mechanic's lien rights are waivable only after materials are delivered or work is performed, and, even then, only in accordance with the specifically-worded mechanic's lien waiver forms set forth in Civil Code § 3262 (now Civil Code § 8132 - 8138).

Third, the *Moorefield* decision could have an unintended – and disastrous – impact on the interpretation of Civil Code section 8122, which replaced section 3262's ban on prospective lien waivers. Section 8122 was an attempt to expand the protections under former section 3262 to include any prospec-

tive waivers of lien rights insisted on by a "subcontractor." Under the reasoning of Moorefield, however, the express identification of "subcontractor" in the statute would eliminate lien waiver protections to subcontractors as they no longer qualify as "other claimants" under the statutory language. This result would virtually destroy constitutionally-protected mechanic's lien rights for critical segments of the construction industry, effectively leaving only material suppliers, equip-

ment vendors and laborers with statutory protection against contractual mechanic's lien waivers.

The full impact and the extent of the consequences of the decision in *Moorefield* are yet to be known or felt by those who these laws were intended to protect. And although the Supreme Court denied review of the Moore*field* decision, there is a growing chorus calling for immediate and decisive legislative action to clearly state that contractors of all tiers are to receive the same protection against contractual waiver or impairment of their mechanic's lien rights.



Dale Ortmann



Kathlvnn Smith

SCPTAC News, continued

Norma Jean Diaz (normajean@scptac.org), Information Systems Manager, backed by a staff of just four, keeps our system hardware and software up-to-date, reliable and secure, so that we all have the tools we need to serve our diverse customers.

Other Trusts

In addition to the six Southern California Pipe Trades trust funds discussed above, the Southern California Pipe Trades Administrative Corporation also handles several other trusts related to the industry in Southern California. The Landscape, Irrigation and Lawn **Sprinkler Industry Defined Contribution** Pension Fund and Health and Welfare Fund provide benefits to U.A. Members in that industry. The Inland Refrigeration and Air **Conditioning Retirement Fund and Health**

and Welfare Fund provide benefits to coldside Members in the Inland Empire.

Please contact us to ask questions, make suggestions or arrange a tour of our offices. We can be found online at www.scptac.org, or at (800) 595-7473.





I Should've Married a Plumber! By Timothy Allinson, Murray Company

T IS TEMPTING TO ASSUME THAT everyone reading this piece has heard the age old expression, "I should've married a plumber," but I might be dating myself in making that assumption. As an old-fashioned expression, it could very well be that our younger readers have never heard these words uttered.

It is a dear expression; one which embraces our industry. But from where does it come? Plumbers carry a double-edged sword as their image. On one hand, plumbing is not a very sexy industry, rife with negative imagery, like plumber's crack and perceived hygiene issues. On the other hand, plumbers are reputed to be of solid stock – great can-do "get-er done" kind of men (and women) who are reliable, dependable, and resourceful. One of my favorite plumbers from my company, Steve Gonzales, typifies this stereotype – he can fix anything. As I like to say, give him a bone and a feather and he can make a chicken.

So what does it mean, *I should've married a plumber*? Many women (and some men) are prone to hold out on marriage until they find the doctor, stockbroker, or lawyer who typifies the ideal mate and provider. But as Julia Stephenson of DailyMail.com points out, "It is ridiculous that women are still judging men on the size of their bank accounts. Just because a chap is high up on the rich list, he is seen as eligible. What about personality, a sense of humor and good looks as well as vital skills – like being handy with a drill?"

Julia Stephenson is spot on (and a Brit by the way – which you can probably tell by her use of the word "chap"). She sees plumbers, builders, and mechanics as a gift "for my man-starved girlfriends to whom a spanner-wielding, superhandy chap would be a manna from heaven."

Stephenson goes on to point out that the economic climate affects our views on what is attractive, and tycoons are losing their luster. Thrift rather than flash has become much more attractive, having lived through many years of economic sluggishness. Plumbers (and fitters alike) are rarely in want of good stable work, which is quite different from the soar and crash volatility of many economy driven professions like stock traders, investment bankers, and hedge fund managers.

And Stephenson puts her money where her mouth is, so to speak. She married a builder, after three long years of enjoying her taps being fixed, stoves installed, and peeling wallpaper replaced. She spared no time in telling her Prada suit wearing girlfriends that dating a plumber, mechanic, or builder is "an unmitigated joy." There is "nothing more attractive than a man wielding a drill and sorting out one's long list of household trouble spots."

On another blog I read regarding this subject, one of the women posted anonymously about the ill-perceived female stigma of marrying a tradesman: "Perhaps the stigma is related to snobbery, a guy who doesn't wear a suit and doesn't sit at a desk all day, a guy who hasn't got smooth hands because he actually uses them. I want a guy who isn't afraid of hard work regardless of what he does."

In my search for information on this subject I found that eHarmony (honestly, I am not a member) posts dating tips with "15 reasons you should date a plumber," as follows:

- 1. Plumbers are refreshingly pretention-free. No snobs here.
- 2. Your date offers an essential service. There's job security in that. (Plumbers are rarely affected by economic changes.)
- 3. Because of the point above, plumbers can make a great living. Never underestimate the trades.
- 4. Plumbers are great with their hands.
- 5. They're handy in general. You'll have your very own handyman/woman.
- 6. Plumber's crack is cute when it's YOUR plumber's crack.
- 7. Plumbers have a great work ethic and demand quality of their work.
- 8. Plumbers handle a lot of responsibility. They have to create lasting quality systems for buildings and businesses of all kinds.
- 9. If the plumber you're dating is successful, it's because he/she is respected by other tradespersons.
- 10. Plumbers have great (and gross) stories to tell. No two job sites are alike.
- 11. Plumbers are problem-solvers, overhauling

unfortunate situations and not settling for an incomplete job.

- 12. Plumbers have strong stomachs and are not easily grossed out.
- 13. Plumbers have some control over their schedules, allowing for a little flexibility when needed.
- 14. Plumbers often work for themselves. Small business owners are sexy.
- 15. Plumbers are good teachers, often operating as mentors for young apprentices.

And of course, my personal favorite, plumbers lay more pipe – but eHarmony didn't take it that far. Boo to them.

In fact, a survey conducted in Europe indicated that more people would choose to marry a plumber than a movie star. How's that for tradesmen cred?

So who actually coined the phrase, "I should have married a plumber?" The earliest reference I could find was printed in *The Evening Review* from East Liverpool (Ohio, not England) on May 12, 1969. They noted, "Plumbers striking for a wage hike which could bring them \$19,000 a year caused wives all over the district to tell their husbands, "I should have married a plumber." This, it seems is the answer to the question.

Several months ago I was the lucky spectator to a perfect example of why a plumber makes such a great spouse during a seminar I took with the CPMCA on leadership. As part of the seminar we had to do exercises in public speaking, the topic being of our choice. One of our two dozen participants was a member of my own Murray Company, James Adamson. James happens to be a very unassuming but charismatic guy - a very attractive pairing of qualities. The kind of pairing that makes plumbers so attractive. Anyway, James spoke during his presentation about how he met his wife, how they got engaged, married, and started a family. Not a terribly unique story, but one that was told with so much heart and sincerity that there was hardly a dry eye in the group (of plumbers no less). It was a perfect example of why plumbers hold so much marital value.

Two Strategies Used by Master Negotiators

By Michael Geraghty, taken from his award-winning book: Anyone Can Negotiate – Even You!

1. Use the Strategy of Reluctance

Play the role of the reluctant buyer or the reluctant seller and see what happens.

Many people are very surprised when I tell them that reluctance can sometimes be a fabulous power tactic in negotiations. Let's explore for a moment the psychology of its power. We all know the concept of reverse psychology –

you persuade your young son or daughter to do something, by telling them to do the opposite. It works for children – how can it work with adults?

Let's suppose you go into a car dealership, and you are enthusiastic about buying a

car. What have you just done? You have given away one of your buyer powers. The salesperson comes along and says, "Isn't this a lovely car? Are you interested?" And you say, "You bet I'm interested." Guess who has more of an advantage – the seller or the buyer? Obvious isn't it? Great negotiators never give away an advantage for free.

Let's change the dialogue. Seller says, "Lovely car, are you interested?" Buyer says, "Not really. I'm just looking around. I may buy a car this month, or this quarter, but only if and when the price is right." Notice how the buyer is playing the role of the reluctant buyer. What is going on inside the head of the salesperson? As a seller you always want to show enthusiasm. As a buyer you never want to show enthusiasm.

Are you beginning to see how certain things you thought were weaknesses can in negotiations become your strength? Many people regard reluctance as a weakness – sure it is in certain situations, but not while you are negotiating. Asians are fabulous at turning seeming strengths into weaknesses. I happen to think that the famous American impatience is a wonderful strength for American business. It makes Americans strong in business, getting things done quickly and efficiently. However, that same impatience can be made a weakness in negotiations, when you have the famous Asian patience meeting the famous American impatience.

Remember the U.S.-Vietnamese negotiations in Paris in the 1960s? International negotiation experts felt that the Vietnamese outfoxed the

U.S. negotiators, who were under intense time pressures. The U.S. negotiators came to Paris and rented a villa for two months. The Vietnamese came and took out a twoyear lease! They also spent weeks discussing the shape of the negotiation table.

A good friend of mine owns some properties in San Francisco. He never has them for sale, but sometimes he is asked to sell. "John, that property you own on Clement Street – how much do you want for it?" (John has told me privately that he likes to play the role of the reluctant seller.) "Oh, I wish you hadn't asked me about that property – it's my favorite one. I'm not very interested in selling. Make me a great offer and I might consider it, but I really don't want to sell."

Now let's suppose the buyer really is keen on buying the house. Some people will pay more than they bargained for, precisely because what they want is not available. It is all reverse psychology, and sometimes it works powerfully. Will it work every time? No. But all you need is one time to make it work for you.

Play the role of the reluctant buyer or the reluctant seller and see what happens.

2. Use the Strategy of Language

Mom was right: "Son, always watch your language because you'll get far more from honey than you'll ever get from vinegar."

One thing I have always noticed about worldclass negotiators – they are Fred Astaire and Ginger Rogers when it comes to language. They understand that what you say is important, but how you say it is terribly important. They waltz and dance their way



around the English language. I am a winter professor at San Jose State University, and I teach negotiation courses there. Sometimes, I ask students to go to garage sales to practice some tactics. Whatever is on sale they are going to ask for a 50 percent discount, and always use the phrase "Would you consider?" For example, a nice table has a price of \$40. Students who are practicing their negotiation skills must do two things – (1) "Would you consider" and (2) "\$20?"

They have to report their experiments to the class – invariably they are amazed at how powerful this simple use of language works. They come back boasting about how this works like a charm. Consider what would be likely to happen if a student said this – "\$20, take it or leave it." Chances are good that a deal will not happen. Most people appreciate courtesy. Conversely, rudeness can kill many good deals.

The ability to say unpleasant things pleasantly is a terrific skill, isn't it? Some people are great at this, while others are a disaster – they say unpleasant things unpleasantly, and then wonder why there are divorces, breakdowns in relationships, and breakdowns in negotiations.

Here are some other examples of this strategy:

"Thank you."

"I appreciate your help."

"I apologize. I made a mistake and I am sorry." "Please forgive me."

"I need your help in understanding this better." "Let me repeat what you said and please tell me if I am wrong."

"Let me summarize what I think I heard you say."

Mom was right, "Son, always watch your language. You'll get far more from honey than from vinegar." ■



Presentation Skills



The Separation is in the Preparation By David Ashcraft

AM A SEATTLE SEAHAWK SEASON TICKET holder and one of my favorite players on the team is Russell Wilson. Russell saying, "The separation is in the preparation" prior to every game is as predictable as him doing something unpredictable. If part of your job requires you to make presentations then you should follow Russell's mantra. Investing time

in proper preparation will separate you from your unengaging, unprepared and forgettable competition. If you have to present for interviews, apply the following to win more: **Presentation Creation:** Use the information gleaned about your audience to focus on the points that you should emphasize most during the interview. Identify and practice relevant stories/examples to support your expertise. Oftentimes people identify points, but then don't practice the stories. Making the story up during the presentation will create an endless verbal maze that the point can never escape from. A picture is worth a thousand words but a great story is worth a thousand pictures.

Practice! People love talking about the presentation, but not practicing it. Chances are likely, that you have been part of an interview preparation meeting where everyone talks about building the PowerPoint

Know Your Audience: (personalities and irritants) If you compete to win business in an interview process it is critical you learn as much as possible about the likes, dislikes and style/s of your audience. I encourage clients to exhaust every avenue to learn as much as possible about who will be in the room for their interview. If you have not met your audience before, call or email their assistants or peers and ask them what person*ality style* the person is and what irritants they have about people presenting to them. If you know the irritants ahead of time you will know what NOT to do during the interview. If you are dealing with a fast paced dominate style they will want to drive your presentation. Analytic styles may try to ask "trap" questions and throw you off during



Investing time in proper preparation will separate you from your unengaging, unprepared and forgettable competition

who the competition is and what matters most to the client (See Know Your Audience paragraph above), talking about the last pitch, etc. Everyone is stalling and hoping the meeting will end before they have to practice. I have yet to work with a team that does not suffer from presentation procrastination. The team leader has to drive the pace of the meeting. This can be a problem because oftentimes the team leader is running in and out of the meeting leaving no one at the wheel to drive the group forward when they are stalling. Practicing is the most important part of preparation. It is where ideas, stories, the opening and the close get crystalized. If you don't have a lot of time then focus on the opening and the close. A slow start or never-ending

deck, support materials, guessing

a presentation. Extroverts are good at reading audiences, but not great at listening to questions and answering them clearly and concisely. Often the irritants will provide insight into your audience's *personality style*.

Know Your Team: If you present as a team, get on the same page and be aware of each team member's strengths and weaknesses. During preparation is the time to remind people to avoid the following behaviors: *Under Miner* – Corrects team members in front of the client to look good. Save the corrections for post presentation. *Thunder Stealer* – This person steals other team member's lines and stories during the presentation leaving team members looking for something to new to say. *Stern Parent* – Repeatedly uses the following phrases to start thoughts, "Like I said earlier," "As I mentioned before," "Obviously," "Like I talked about on the previous slide." All of these phrases make your audience feel like their parent is in the room lecturing to them.

close kills your chances of connecting with the audience for a win.

Proper Preparation will put you in the position to win even the big interview even before you present.

David Ashcraft specializes in building and delivering customized training for clients. His expertise is taking normally torturous subject matter and converting the content to be educational, engaging, and entertaining. For over 15 years David has been custom designing and delivering training for business networks, associations, corporations and banks. In addition to delivering presentations, David provides presentation classes and coaching for his clients preparing to win interviews. He can be contacted at (206) 383-7030 or dave@als-seattle. com.

CPMCA Hockey Night – A Battle for the Puck at Staples Center!

N APRIL 2, 2015 CPMCA hosted its first Hockey night at Staples Center in Downtown, LA! The 2012 and 2014 Stanley Cup Champs, yes, our very own LA Kings, rivaled Canada's Edmonton Oilers. With three goals in the first 10 minutes, the Los Angeles Kings demonstrated that they're taking their playoff push seriously. In their highest-scoring performance in a half-decade, the Kings scored three addi-





tional goals in the third period, reminding everyone that they know how to finish strong. CPMCA contractors and union partners enjoyed an evening of socializing, thematic raffle prizes all awhile watching the "best show on ice". Diehard hockey fans in the CPMCA Suite cheered on the Kings as they moved up in the playoff chase with an

8-2 victory against the Oilers. Despite the Kings' ultimately not making it to the play-offs, we can continue to support a local team, chanting, "Go, Ducks, Go", instead! ■



Kings' mascot Bailey makes a guest appearance in CPMCA's Suite.



Brian Quirk and Executive Committee Members Dave Quirk, Steve Cornelius and Steve Klaus.



Mark and Jean Felio with CPMCA's First Lady Jenny Moreno cheer on the Kings!



Vince Diaz of UA Local 345 with Chip Martin/CPMCA.



Harry Bederian and Rick Valdez of ARB enjoy the game.



Russ Wilson with beautiful daughter Lindsey, a hockey player herself.



Michael Black and Mitchell Clement, Beni Monaco of Monaco Mechanical and Dan Kennedy.

Ryan Cavanaugh and Randy Stewart of Pan Pacific might be fans of the Anaheim Ducks.



Armando Pulido of the A & J Training Trust Fund with son, Andrew.



Is it a coincidence that The King (AKA Don Chase) wins a Kings jersey?



Bob Felix expresses his appreciation at every opportunity!



Staples Center packed with die-hard hockey fans.



CPMCA ANNUAL SCHOLARSHIP WINNERS

2015–2016 To be announced this Summer!

2014–2015 John Eichelberger Trevor Escover

2013–2014 Randall Burke Steven Moody Ryan Zimmerman

2012–2013 Joseph DeFlavio

2011–2012 Matthew A. Boncich Evan Shirley

2010–2011 Kevin Callaway

2009–2010 Shawn Mailo Kyle Marrs Capri Moreno

2008–2009 Andy Johnson Kylie Kener

2007–2008 Radell Edwards Zack Von Pertz

2006–2007 Brittany Brubaker Jonathan Gose

2005–2006 Christopher Beck Kevin Gilliland Casey McMackin

2004–2005 Stephen Young

2003–2004 Christopher Deiter

2002–2003 Tyler Bettendorf

2001–2002 Gannon Kennedy

2015 CPMCA Annual Scholarship Applications Now Being Accepted

CUSTOMARILY, RIGHT AROUND ST. Patrick's Day, CPMCA begins accepting applications for the CPMCA Scholarship. The scholarship is intended to recognize and benefit students pursuing careers in the plumbing/mechanical industry. For a clover-holding candidate who meets all criteria, a potential of up to \$16,000 is up for grabs over the course of a 4-year collegiate journey. CPMCA staff alongside the Scholarship Committee review the submissions with the goal of selecting talented industry aspirants. This year's submis-

In Appreciation of Scholarship Help in an Industry that's in My Blood

By Steven Moody, Graduating Senior at Cal State Long Beach

A S I APPROACH MY LAST SEMESTER at California State University Long Beach for Construction Engineering Management, I am excited to see what my future holds. This final semester I will be wrapping up my last 15 units and hoping to graduate with honors. On top of this, I will be starting up a new engineering chapter on campus.

That's not all... I will also be working as an Estimator at Murray Company. I am honored to be a part of such a prestigious company

while obtaining my education at the same time. My goal is to not only gain more knowledge along the way of my career, but to pass it on to my peers. I am very thankful for all the opportunities I have enjoyed, and owe a great thank you to CPMCA for the financial support it has provided

me throughout my journey at California State University, Long Beach. It is an honor to be associated with such a giving organization.

After graduation, I want to continue my path in the construction industry and benefit from my

plumbing and mechanical experience; both field and estimating experience. My father and grandfather were both Pipefitters

cpmca.org.

ored and I am grate



sion deadline was Friday, May 1, 2015. A

recipient(s) will be announced this summer

and featured in the Summer Edition news-

letter. For more information, please contact

Marta Martin at 818-275-2893 or marta@

2013/2014 Scholarship recipient and learn

about Steven's loyalty to his family footprints,

his dedication to the industry and academics,

and his exciting future at Murray Company.

Meanwhile, meet Steven Moody, the

Congratulations, Steven!

Steven Moody

and I am grateful that they passed on to me a love of the industry and the ability to do well in it. As the construction industry continues to grow, I hope to continue to grow with it. I am blessed be part of such a great industry.

> Once again, I would like to thank CPMCA for the generous scholarship which has nearly covered my entire

tuition. I am also appreciative – not just for myself – but for all the other students the organization has helped as well. ■

CPMCA Student Chapter News

A Successful Student Chapter Year in Review

By Antonio Garcia, Cal Poly Pomona Student Chapter President

HE 2014-15 SCHOOL YEAR HAS seen the MCAA Student Chapter at Cal Poly Pomona grow, develop talent, and create continuity. Members of the Student Chapter have participated in many club sponsored events including:

• 2014 MCAA Student Chapter Competition

2015 ASC Reno Competition

Tacos 4 Resumes

The 2014 MCAA Student Chapter Competition kicked off with a Summit hosted by New Jersey and New York MCAA organizations. This year's competition team, known as Team Bronco, was composed of members: Antonio Garcia, James Selfridge, Colin Fowler, Remberto Menjivar, and Dave Friedrich. At the Summit, Team Bronco enjoyed industry presentations, a behind the scenes tour of the Mechanical and Plumbing Systems which support the two Memorial Fountains of the 9/11 Memorial Museum, and a breathtaking dinner cruise around Manhattan.

After the Summit, Team Bronco began work on the competition. This year's project

consisted of a Bid Proposal for construction of the mechanical and plumbing systems of the new Segundo Student Services Center at UC Davis. The project presented unique challenges and opportunities for learning. The scope of work required the demolition and salvage of



Jeremy Busch and Ric Herrera of HL Moe Plumbing attend Tacos for Resumes on February 12, 2015.

existing systems and construction of the new systems, all while maintaining uninterrupted service, throughout the duration of the job, to several residence halls. The HVAC system was a hybrid with VAV's in central zones, Chilled Beam at perimeter zones, and a displaced ventilation system with underground ductwork for the first floor. Prior to submitting



their proposal, Team Bronco visited several contractors to gather feedback on their work. We would like to thank Control Air, Murray Company, and All Area Plumbing for their support.

A few weeks after submitting its written proposal for the MCAA Competition, Team Bronco switched gears in preparation for the 2015 ASC competition. Under the guidance of Harry Bederian, Chairperson of the CPMCA Education/Student Chapter Committee and Project Engineer at ARB, Inc., the team put together a plan to make a good impression in Reno. The team competed in the Open-Mechanical division whose featured project host was Performance Mechanical, Inc. The

principals of the project from PMI as well as representatives from Kinetics and Marelich. The team worked hard for 17 hours straight executing its plan to put together a detailed and comprehensive bid proposal and presentation for the demolition and re-construction of

piping systems at a natural gas extraction plant. The scope of the project included construction of 34 meter runs, work on an elevated platform, and large diameter welding. On Friday afternoon a well-polished Team Bronco delivered its presentation to the judges and audience with confidence and stood tall and strong





throughout the grueling question and answer period. Following the presentation, the team spent it's time getting to know PMI, Kinetics, and Marelich and enjoyed a fantastic job fair.

With competitions in the rearview mirror, the Student Chapter turned its attention to growing its membership base and connecting members to industry. In support of these objectives the first annual Tacos 4 Resumes event took place on February 12th. The event was a great success. Over 35 resumes were collected and hundreds of tacos were eaten. Current members were out promoting the club and the industry that supports it. We reached out to over 200 engineering and business students who now know that there are many opportunities in the plumbing and mechanical contracting industry. The event also created a chance for industry to reach out to students. Richard Herrera and Jeremy Busch from H.L. Moe participated in the event as a featured contractor and had a good time identifying talent and resumes of interest. We hope to see a couple more contractors at next year's event.

Now, the Spring Quarter is here and the Student Chapter remains busy working on its mission of providing members with various opportunities to learn about a thriving industry, obtain professional industry training, network with other students and industry professionals, and last but not least have some fun at Cal Poly Pomona.



California Plumbing and Mechanical Contractors Association 3500 West Olive Avenue, Suite 860 Burbank, CA 91505

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SAVE THE DATES!

CPMCA Annual Retreat July 16-19, 2015

Hotel del Coronado Coronado, CA

CPMCA Annual Development Scholarship Golf Tournament June 22, 2015

Newport Beach Country Club

